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Indian Giving: Allotments on the Arizona Navajo Railroad Frontier, 1904–1937¹

KLARA KELLEY AND HARRIS FRANCIS

This article seeks to deepen our understanding of an all-too-recurrent process: Washington, D.C.'s eviction of Indians from lands that the American government itself had previously "secured" for them. The intricacies of this process appear in a little-known story that precedes the Navajo-Hopi land dispute. It is the story of how Navajo families lost lands, which we call the Chambers Checkerboard (see fig. 1), along the railroad in Arizona during the 1930s through the process of allotment.

This story is told through alternating chronicle and hindsight, through statements of both Navajos and non-Indians, thereby acknowledging the patchy underpinnings of any reconstruction of this history. We hope to elucidate how people experienced, analyzed, and tried to cope with or influence the events that ensued.

Similar events unfolded across the state line in New Mexico, where allotted areas stretched north and east to Chaco Canyon and beyond.² Because the Chambers Checkerboard is more compact and more accessible to the railroad than most of the New Mexico allotted areas, however, land-grabbing was more intense and the processes underlying allotment gain and loss more starkly apparent. The documents for the Chambers Checkerboard also give heretofore unpublished details on the logistics of sending non-Indian, nonlocal-government land surveyors among widely dispersed, unschooled, non-English-speaking Navajos to take their written applications for specific half-mile-square parcels of land and mark each square on the ground. The documents further tell how the Navajo families, most of which traded wool, livestock, and weaving at local trading posts for store credit, were induced to pay with hard currency for the surveys and leases on surrounding unallotted railroad lands.

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The Chambers Checkerboard

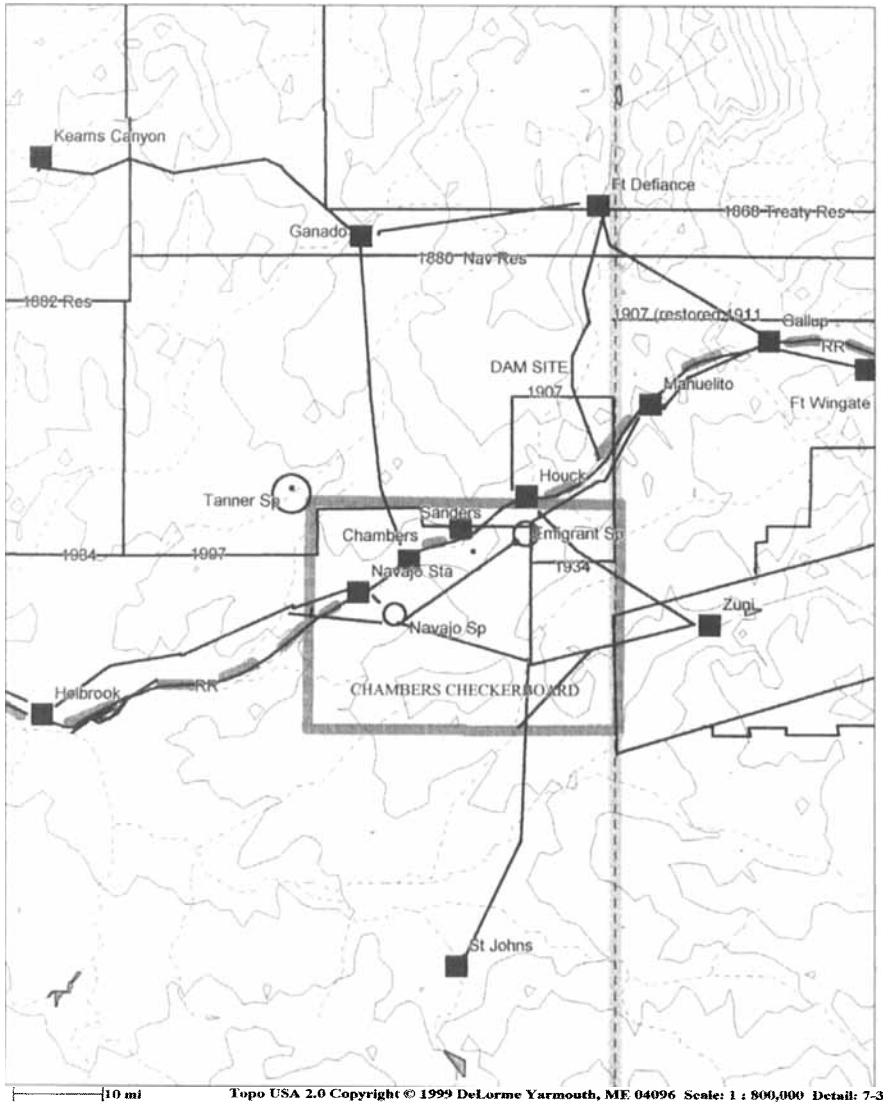


FIGURE 1. National Park Service, Hubbell Trading Post National Historic Site, Interview 51 (HUTR-23115).

Much has been written in the past twenty-five years about the dispute between the Navajo and Hopi, misleadingly called the century-old Navajo-Hopi land dispute. In 1882 J. H. Fleming, federal agent for the Hopi, asked President Chester A. Arthur, through the commissioner of Indian Affairs, to set aside land for a jurisdiction so that the agent could force Hopi children to attend boarding school. The resulting executive order set aside an arbitrarily drawn fifty-five-by-seventy mile rectangle for Hopi Indians “and other such Indians as the Secretary of Interior may see fit to settle thereon.” This boundary balkanized the interpenetrating lands that Navajos and Hopis used.³

In the 1920s and 1930s, federal authorities induced Navajos and Hopis to centralize their governments. Before the 1930s, Navajo-Hopi hostilities had shifted among particular Hopi and Navajo families and communities: some had friendly relations or no relations at all. Only in the 1930s, with the two centralized governments representing entire tribes, did the dispute become intertribal. In 1977, authorized by the 1974 federal Navajo-Hopi Land Settlement Act, a mediator partitioned the 1882 executive-order reservation between the two groups. Between 2,500 and 4,000 Navajo families and a dozen or so Hopi families found themselves on the wrong side of the line and had to move. This law and its 1980 amendments also allowed the Navajo Nation to obtain “new” lands for the relocatees; thus, the Navajo Nation bought a group of ranches south of the Navajo Reservation in Arizona—the Chambers Checkerboard—along the New Mexico state line.⁴

But these lands were not actually new to Navajos. This 1,000-square-mile area has at its core a stretch of the Rio Puerco, an intermittent stream with perennial subflow. The river heads on the Continental Divide east of Gallup, New Mexico, and flows west one hundred miles to the Little Colorado River in Arizona. The Chambers Checkerboard covers the river and surrounding uplands from the Arizona-New Mexico boundary thirty-five miles west to Navajo Springs. At the state line, the river emerges from a broad-bottomed canyon framed by tall yellow and red sandstone cliffs sparsely covered with piñon and juniper. Through the Chambers Checkerboard it flows along wide grassy floodplains that alternate with short stretches of narrow canyon. In the rolling grasslands around Navajo Springs it leaves the Chambers Checkerboard, flowing westward to the badlands of the Petrified Forest and the Little Colorado.

The country is dry, with light snow in winter and patchy summer rain, but water is surprisingly plentiful in the side drainages of the Rio Puerco and in waterholes, including Navajo Spring, strung along a swale south of the Puerco Valley. Along the river run the Atchison, Topeka, and Santa Fe Railroad and arterial roads. In the early twentieth century, Chambers and several other hamlets, each with no more than a few stores, were strung along these arteries at intervals of about ten miles.

Navajos evicted from this land in the 1930s described their own history in two 1936 letters that they presented to a subcommittee of the US Senate Committee on Indian Affairs:

The Navajo Indians have lived on this land, including Sanders, Chambers, and Taylor Springs, Navajo, Squaw Springs, and Navajo Springs, before 1864, when our forefathers were moved to Fort Sumner as prisoners of war. Upon returning from there they came back to live in the same place. They lived here for a good many years and were happy.

Then, over 30 years ago the government began to survey this land and gave it to the Indians in allotments. The Indians were urged to improve this land. They built homes, made corrals, and fenced in their fields, just as the Government had told them to do. Many of the Indians were granted "Pattens" [trust patents to Indian allotments] and land papers on their holdings. Then the first white man rancher settled on the Navajo Reservation at Taylor Springs, he never gave the Indians any trouble, so the Indians left him in peace. Then a nephew of Burr Porter settled in Navajo, Ariz. Later Burr Porter, himself, took possession of this same place.

Clifford Smith came to this country about 14 years ago. He lives at Squaw Springs. About 2 miles south of Squaw Springs another white rancher came to live. About 4 miles north of Chambers, Joe Mullan [Mullen] came to live. Later he sold his ranch to Burke McCarrow [Bert McCarrell]. Then old man Woods took his land near the Santa Fe Railroad, about 3-1/2 miles east of Chambers. That was about 27 years ago, and his children live there yet. His ranch joins that of Frank Davidson and Jene Eagles [Nelson]. Mr. and Mrs. Spencer Balcomb came to live in Chambers. Later they sold their land and trading store to Mrs. Cassidy. Tom Pelton has a ranch next to Frank Woods since a year ago. William Goodman lived in Sanders about 15 years, then he sold his store and land to Spencer Balcomb. He lived there about 9 years now. Most of the white ranchers took land near the Santa Fe Railroad in olden times. Those who came later settled on the Navajo Reservation [among the Indian allotments] and took homesteads. On the St. Johns-Springerville Road, 1 mile from Sanders, Clifford [Carl?] Hill, lived 28 years. Another white rancher has land next to his. We don't know his right name, but his nickname is "Cotten." With many of these white ranchers the Indians never had any trouble.

When Clifford Smith came to this country he homesteaded on the land belonging to an Indian named Jay Bauldin. The Indian had land papers and a good water hole, therefore Clifford Smith had no business taking his land. The Indian went several times to the Fort Defiance Agency about his land, but nothing was ever done to help him. At first his [Smith's] land was only 1 mile square. From there he has been moving his boundary line every year. Burke McCarrow and Burr Porter are also moving their boundary lines every year. They tell the Indians they own some of the land and they are leasing the rest. Where are they getting the authority to add so much land to their holdings? Clifford Smith has been buying cattle every year from the Navajos of Chin Lee and Black Mountains. He brings these to his

ranch to fatten them until late fall, when he sells them again for better prices. There are only about 20 head of cattle and several horses on his ranch of 12 square miles. The livestock, we believe, he is keeping in partnership with Mr. Hagg. Just recently Clifford Smith moved his boundary line again, employing Indian labor at 60 cents a day.

About a year or two after the Government land allotments the Indians in these parts were forced to pay taxes on their lands, beginning with \$5 to \$40 each, according to the number of livestock they possessed. We are paying taxes on this land, and still we are always asked to move out. They want us to move inside the reservation. Well, we supposed that a person paying taxes could not be forced to move out.

Burke McCarrow's fence is about 6 miles square. Outside of this land he is leasing more land about 4 miles long, 2 miles wide in some place[s], and one-fourth mile in others up to the foothills. Mr. McCarrow has 2,300 sheep, 10 horses, and 50 head of cattle. At first his homestead included 1 square mile. He is adding to it all the time. Burke McCarrow brings his sheep in the Navajo Reservation every year for sheep dipping and shearing. He leaves them there several days both times, using up all the range. He dips his sheep when the Indians dip theirs. His sheep get counted with the Indian sheep. We know that is not right, and we told S. F. Stacher [superintendent of the Eastern Navajo Agency in New Mexico] about this, but he won't do anything about it.

S. F. Stacher was up here about the last of February. He made some wonderful promises to us. He said he was from Crown Point [his agency headquarters in New Mexico] and he came to help the Indians. He said he settled all kinds of land problems for the Indians and he would be willing to extend the same service to us. He said he was letting us take other land for this land we are living on, so that the checkered land problems could be straightened out. . . . They are trying to fit us in where we overcrowd each other. He wanted us to take allotments near Dead River [northwestern Chambers Checkerboard]. It is all right for grazing, but no good at all for farming. Mr. Stacher said he was filing Government records and exchanging these lands for those in Dead River for us.

Well, he carried off all our land papers, which we held for years. Jacob Lewis and several others gave up their papers of their land "patents." We want to know where he put our papers. We want those papers back or copies of same land description. . . . The Indians do not want their land surveyed or exchanged. . . .

Little Silversmith, a Navajo, has a ranch at Jacobs Lake. His ranch was 12 miles long and 6 miles wide until last year, when he lost half of it to a white man. They are also leasing some of the land adjoining theirs. He and his son-in-law [Ben Lynch] are paying taxes on their land. They are cattlemen and sheepmen, and they can afford it. If they are leasing land, then why do they herd their sheep inside the reservation? Now they come and tell us that they are leasing these lands we are

living on. [Once the government turned the land over to the railroad, the railroad leased it to ranchers.] We do not believe this. . . .

By the time Clifford Smith, Burr Porter, and Burke McCarrow included so much land in their fences the Indians have a small district left south of the Gila [Puerco] River. There is only 1 mile of tableland, which is 4 miles long along the foothills. There are about 15 families living here. They have permanent homes. This land is under cultivation and fenced. It is planted in corn at the present time. The land joining ours belongs to the Santa Fe railroad. Clifford Smith fenced half of this land again recently. Where are the Indians going to graze their sheep and livestock? This district south of the Gila [Puerco] River has not enough range for big cattlemen with thousands of sheep and cattle. Little Silversmith and Ben Lynch want the Indians to pay them for grazing their sheep and horses here. Some of the Indians paid land taxes again August 11 this year. If we have to pay Ben Lynch, then we will be paying two times for the same land. . . .

Just come right out here and see this district, the location of it, and all, to understand it good. Just sitting in the White House is a poor way to settle anything. . . .

Please see if this boundary can be fixed 12 miles south of Chambers at Navajo Springs. Have the Senate committee come out and investigate the matter thoroughly. . . . Please give this a good airing and we want no half job.⁵

This letter reviews historical events that occurred in three phases: (1) the 1880s, during which time non-Indian settlers tried to displace Navajos whose land rights were not legally secured; (2) from 1904 to the early 1920s, when allotments temporarily secured Navajo land rights; and (3) the 1930s, when the Navajos lost their allotments. In this article, a brief discussion of the Chambers Checkerboard during the 1880s is presented,⁶ followed by a hindsight summary of the events that occurred between 1904 and the early 1920s, accompanied by a chronicle to show those events unfolding. Finally, we summarize the culminating events of the 1930s and reproduce the recent recollections of people who experienced those events as children. Their stories complement the foregoing letter, which their parents, among many others, signed.

PHASE 1: THE 1880S, IN BRIEF

Congress laid the basis for the 1930s relocations in 1866, when it chartered the Atlantic and Pacific Railroad Company to build a line from Missouri to California. The land that Congress also granted to finance the road ultimately extended fifty miles above this line and fifty miles below it in the New Mexico and Arizona territories, and included all the odd-numbered sections of land. The grant had a checkerboard pattern of square-mile railroad sections alternating with square-mile sections that the US government kept.⁷ The Chambers Checkerboard is inside this grant.

The checkerboard pattern was supposed to encourage the railroad to sell land to small-scale farmer-homesteaders who would also increase the railroad's freight volume by demanding mass-produced consumer goods and transportation to market for their produce. But the arid lands along the railroad in New Mexico and Arizona could only support ranchers, and they needed much larger holdings than the square-mile units of the railroad lands or the quarter sections that federal homestead law then allowed. Ranchers who leased many railroad sections could not necessarily keep other people out of the interspersed government sections. Therefore the checkerboard pattern discouraged leases and sales.⁸

For a few years during and after railroad construction in the early 1880s, the railroad company, now called Atchison, Topeka, and Santa Fe (AT&SF), used its grant in northern Arizona to raise cattle through the Aztec Land and Cattle Company, also called the Hashknife Outfit because of its brand. This syndicate of AT&SF railroad officials, eastern US bankers, and Texas cattlemen brought cattle from Texas to Holbrook, Arizona.⁹ The Hashknife does not seem to have owned any railroad land as far east as Chambers Checkerboard, but it probably crowded other would-be cattle profiteers onto those lands.

North of the railroad grant near the Hopi villages, rancher-trader Thomas Keam was hoping to sell his homestead to the federal government to create a boarding school, then sell beef to it and perhaps other schools planned for Navajo and Hopi children. He backed Agent Fleming in getting the executive order that established the 1882 reservation and resulting school jurisdiction.¹⁰ The partitioning of the 1882 reservation in 1977 indirectly restored the Chambers Checkerboard to Navajos, but not to the families evicted in the 1930s.

With the nationwide financial panic of 1887, cattle prices fell and stayed down until after the turn of the century. The eastern US bankers and English investors who bankrolled most western cattle ranching took their money elsewhere. Meanwhile, the railroad went bankrupt during the financial panic of 1893. By 1904, the railroad reorganized and started trying once again to make money from its land grant.¹¹

PHASE 2: 1904 TO THE 1920S, BACKGROUND

As the chronicle that follows will show, in northeastern Arizona, including the Chambers Checkerboard, the railroad's objective was to get rid of the checkerboard pattern by giving the checkered sections of land—those that federal executive orders of the late 1870s and early 1880s added to the original Navajo Treaty Reservation of 1868—back to the federal government. In exchange, the railroad would get federal lands of equal value ("lieu lands") elsewhere, including federal sections checkered with railroad lands in other townships. This way, the railroad would be able to lease or sell whole townships. When executive orders of 1900, 1901, and 1907 extended the Navajo Reservation's boundary south and west in Arizona and south and east in New Mexico,¹² the railroad was especially eager to relinquish its checkered sections inside the new boundaries.

One reason for these executive-order extensions was to protect Navajos who had been living in those areas from non-Indian cattle ranchers again interested in land near the railroad once twenty years of depression in cattle prices began to lift. The idea was to use the Dawes Act of 1887 to grant each Indian head of household and dependent minor child a 160-acre (quarter section) allotment in the executive-order lands. Once all Indian inhabitants were allotted, the federal government would rescind the executive order and reopen the remaining lands to non-Indian settlement. This is what happened in New Mexico, under pressure from non-Indian ranchers.¹³

But in Arizona, the railroad foresaw difficulty leasing or selling its lands checkerboarded among Indian allotments and argued that the government would be better off taking the railroad lands inside the executive order extensions and placing them in trust for the Navajos, with or without allotments, while the railroad would be better off with consolidated landholdings elsewhere. Therefore allotting in the Chambers Checkerboard became an expedient to hold land for Navajos pending the politically more complicated executive-order withdrawal, which in any case would not cover most of the Chambers Checkerboard.

Perhaps tempering the railroad's desire to give up the Chambers Checkerboard, however, was a proposal that seems to have triggered the first allotment efforts there: the Black Creek irrigation project. As early as 1907, a group of businessmen in the nearby railroad town of Gallup, New Mexico, proposed a dam on Black Creek north of the Chambers Checkerboard to hold and release water into the Puerco and ditches off the Puerco in the Chambers Checkerboard near Chambers and Sanders. Homesteaders under the expected liberalized homestead law (which Congress passed in 1909) would pay to use this system. These settlers would be the kind of small farmers whose demand for land the checkerboarded railroad grant could accommodate. The proposed Black Creek Project, therefore, gave the railroad a chance to lease or sell land around Chambers and Sanders, probably discouraging the railroad from relinquishing its lands for Indian use.

At the first glimmer of this project, the railroad encouraged Navajos to secure their lands before the non-Indians came in to settle. Navajos would apply for allotments or homesteads on the railroad lands near Sanders, where the Black Creek Project could irrigate. By World War I, the railroad realized that the irrigation project was unlikely, but by that time federal officials seem to have lost their inclination for allotment. The railroad and the government fiddled around with making such exchanges into the 1920s, acting mainly through the Office of Indian Affairs and General Land Office and their respective local representatives, the Fort Defiance Agency superintendent and the register and receiver of the Arizona Land Office in Phoenix.

One may wonder why the railroad showed a sensitivity to Indian land rights uncharacteristic of early-twentieth-century corporations. Possible reasons must be inferred, for they are not explicit in the extant documents. First, non-Indian ranchers may have been using the railroad lands without paying for them.¹⁴ Instead of hiring enforcers on the ground to remove trespassers, the railroad could collect money from Indians who would themselves

enforce the use rights for which they paid. Second, by giving Indians an edge in competing for these lands, the railroad could force the non-Indians to outbid the Indians to regain the advantage.¹⁵ Third, the railroad may have expected Indians to be more stable lessors over time, since they would not come and go with livestock market fluctuations as did commercial ranchers (documents reviewed do not even hint at this last motive, however).

What the railroad correspondence does make clear is that by giving up railroad grant sections for Indian allotments, the railroad could ask the federal government to let the railroad choose “lieu” sections from public lands in other places where the land might be easier to sell or lease. But the Arizona Territory opposed the lieu selections and in 1912 the territory attained statehood along with a grant from federal lands to finance schools. Its government wanted something more than the land the railroad had already picked over. In 1913, Congress therefore acted to limit where the railroad could make lieu selections. These restrictions may be another reason why the townships of the Chambers Checkerboard along the railroad were never proposed for inclusion in an expanded Navajo Reservation: to comply with the new restrictions, the railroad would have to take more of its lieu lands in these townships.

The railroad tried to get the allottees in a township to lease its railroad lands. The railroad often pried the lease money loose by threatening to lease to non-Indians, a tactic that worked well around World War I when cattle prices shot up and demand for ranch land with good transport to markets rose. After the federal government organized the Navajo Tribal Council in 1923 to give legally required Navajo consent to oil leases in New Mexico,¹⁶ the railroad tried to get the council to use some of its oil royalties to pay for the railroad leases, especially now that depressed postwar cattle markets lessened non-Indian demand for range again.

Two people in particular understood how to optimize Navajo needs and those of the railroad within constraints of federal Indian and land law, corporate profit maximization, and the vestiges of nineteenth-century landholding patterns: Franciscan Father Anselm Weber and AT&SF Railroad Land Commissioner Howel Jones. In 1898, with philanthropic assistance from Mother Katherine Drexel of Philadelphia, Weber and other Franciscan fathers built a mission, Saint Michael’s, ten miles south of the Navajo Agency headquarters at Fort Defiance and about thirty miles north of the Chambers Checkerboard’s east end. The mission’s relationship with the railroad came with the territory, since the mission bought its land from the railroad.¹⁷ Saint Michael’s was Father Anselm’s home base, a long day’s ride one way from the closest edge of the Chambers Checkerboard. When Father Anselm died in 1921, Father Emanuel Trockur took his place, offering the following thumbnail sketch of how Father Anselm and Jones worked to protect Navajo land interests:

Allotting started in 1904 or 1905. The allotting agent was Peterson. Father Emanuel didn’t know him. The next one was Simington. Father Anselm was the one who told both the Fort Defiance agent and Apache County Judge Ruiz in Saint John’s about the allotting act.

This Houck area was made a reservation in 1908, but still was checkered with railroad lands. Anselm got the railroad company to lease townships to Indians. They were all the way down below Sanders and Chambers.

Father Anselm died in 1921. He had leases in his own name. He paid the lease fees in advance, then he collected the money and gave it to Fort Defiance Agency Superintendent Peter Paquette. Howel Jones was the railroad land commissioner in Topeka, Kansas.

After Anselm died, nobody took it over. In 1924, Jones wrote Father Emanuel asking if he would help Navajos keep the leases. Father Emanuel wrote back that he didn't know anything. The US Treasury owed the railroad money for leases on behalf of the Navajos. Superintendent Duclos, Paquette's successor, wouldn't authorize paying the railroad. The Navajo Tribe owed \$3,000.

Father Emanuel went to Duclos, who claimed to have no jurisdiction over Navajos off the reservation, but said that the Franciscan fathers could keep doing what Father Anselm had been doing.

So Frank Walker and Father Emanuel had meetings in Sanders, Chambers, Manuelito, and Two Wells—Duclos was also there—to take up collections. They spread the blanket.

Opposition came from Tribal Council Delegate Nelson Gorman at Chinle. "Why should Chinle people help?" Father Emanuel told him, "To keep those people off the Reservation, so they won't crowd you." Then Frank Walker and Father Emanuel raised the whole amount.

Later, Father Emanuel talked to Special Commissioner to Navajos H. J. Hagerman at his Navajo Reservation field quarters in Toadlena, New Mexico. Hagerman brought up the railroad leases at a tribal council meeting at Fort Wingate. Father Emanuel spoke. The Council agreed to take on the railroad leases.¹⁸

CHRONICLE OF PHASE 2

1904–1906

In August 1904, Howel Jones writes to Father Anselm Weber that the railroad wants to lease all its lands to stockmen, and wants to try to consolidate whole townships through land exchanges. From 1904 to 1906, Father Anselm and Jones correspond about two Navajo land users: Chee Dodge, who wants to lease the Navajo Springs township in the western part of the Chambers Checkerboard, and Dodge's partner, Arthur Chester, who wants to lease or buy railroad land around Tanner Spring northwest of the Chambers Checkerboard.¹⁹

Chee Dodge, the son of a Navajo woman and a non-Indian man, has served the Navajo Agency at Fort Defiance since the 1870s in various capacities, including official interpreter; and in partnership with non-Indian Army veteran Stephen Aldrich has operated a trading post at Round Rock, about

sixty miles north of Fort Defiance. He also seems to have had a desert land entry along the railroad on the western edge of the Chambers Checkerboard in 1882.²⁰ In 1904, Jones tells Father Anselm that the township the “half-breed” wants around Navajo Springs is already leased to non-Indian ranchers. A year later, these ranchers have failed to renew the lease, so Jones offers a lease to Dodge. Dodge stalls, however, because the ranchers, primarily John McCarrell and Ed Howell, continue to use the land. A newcomer compared to Chee Dodge, McCarrell had settled by 1893 near Chambers on the land of an earlier homesteader, Charles Hardison, whose widow McCarrell married. Howell arrives in 1905.²¹ Dodge offers to buy the land from the railroad, but the railroad wants to lease, not sell.²²

The only other Navajo attempt to obtain land rights on paper in these years is Charlie Yazhe who filed an October 1904 application for an allotment from the public domain at an important spring, Salt Seeps near Navajo Springs. This is the first allotment application in the Chambers Checkerboard. Father Anselm signs the corroborative affidavit.²³

In 1905, Father Anselm writes to the US Land Office in Prescott about an earlier request for a “topographical tracing” of the township south of Sanders where Father Anselm in later years will push for allotments to Navajos with farms there.²⁴

In 1906, two years after the first Indian allotment application, the wealthy Navajo stockowner Silversmith applies for public domain land at The Crater, another important local spring near Navajo Springs. Father Anselm and Frank Walker, local resident and expert interpreter for Saint Michael’s Mission, sign the corroborative affidavit.²⁵

1907

Father Anselm begins the year by reminding Jones about Navajos south of Sanders who should get allotments in the railroad section (23, T21N, R28E) where they have farms if the railroad would relinquish title. Father Anselm lists five prospective allottees, all of whom have occupied the land for more than five years and therefore can qualify for allotments. “They have their houses, hut and fields on it,” Father Anselm writes.²⁶

In the fall, Fort Defiance Agency Superintendent William H. Harrison takes the first federal steps to get public lands in certain townships withdrawn from public entry until the government can allot them. Harrison asks the commissioner of Indian Affairs (CIA) to tell the railroad not to lease to non-Indians lands south and east of the Fort Defiance Agency. Harrison hopes to get the railroad to relinquish those lands in exchange for public lands elsewhere, and to get the Navajo Reservation boundary extended to take in all public and relinquished railroad lands in these townships. The result is the executive order of November 9, which adds almost all of these townships, including the Tanner Springs township where Arthur Chester has a ranch. All the townships are north or west of the Chambers Checkerboard,²⁷ which is probably excluded because, as Jones writes when he broached the railroad land exchanges with Father Anselm in August

1904, the railroad wants to consolidate its holdings to lease them to stock raisers. The lands along the railroad will be worth the most once the railroad gets control of entire townships.

1908

In the spring, Agent Harrison sends a policeman to locate the prospective allottees in the Sanders farming area and bring them to Fort Defiance Agency headquarters (about fifty miles north), where Harrison helps them apply for allotments and sends the paperwork to the General Land Office (GLO) in Phoenix.²⁸ What probably galvanizes Harrison into action is that the Southwestern Development Company wants to buy this land from the railroad. In the fall, Jones reminds Father Anselm that to preserve the Navajo farmlands, the GLO commissioner must ask the railroad to give up the land. Jones wants Father Anselm to nudge the commissioner, while Jones stalls the Southwestern Development Company. The railroad's humanism is self-centered:

I think there are other sections in a similar condition, and I wish you would take such steps towards perfecting the rights of the Indians to these sections occupied by them, of railroad lands, in order that the Commissioner will request us to relinquish to the United States. . . . [W]e would like to help the Indians to get their homesteads, providing the commissioner of the General Land Office requested us to make relinquishment so we can get other lands in lieu thereof.²⁹

1909

By the spring, Father Anselm has learned that the GLO will not ask the railroad to relinquish its land in the Sanders farming area until the Navajos there apply for homesteads. Father Anselm wants the GLO to consider allotments rather than homesteads, because the Navajos can apply at the Fort Defiance Agency through the superintendent instead of going to the land office in the railroad town of Holbrook, a less culturally sensitive milieu.

Responding to Navajo complaints, Father Anselm also writes "cease and desist" letters to Carl Hill from a neighboring homestead. Hill is encroaching on this section, has thrown bones from a nearby pre-Columbian ruin into Navajo wells, has threatened to throw the bones into the Navajo reservoir, and has waved guns at Navajos as well as papers that he claims prove he owns the section.³⁰

The GLO insists that the Navajos can only get the railroad lands by homesteading, and applicants will have to give evidence that they "have severed their tribal relations and are living the lives of civilized persons."³¹

Since early 1908 the CIA has deployed special allotting agents to speed up the allotment process in New Mexico before political pressure could force Congress to recall the reservation extensions there and reopen the land to non-Navajo ranchers. In the summer of 1909, one agent, W. M. Peterson, starts working in the Chambers Checkerboard.

Each special agent hires an interpreter at \$50 a month and a rodman (surveyor's assistant) at \$2.50 a day. The rodman supplies his own horse and feed. Interpreter and rodman pay their own board, \$12 to \$15 a month each. The special allotting agent fills out the allotment application and accompanying affidavits for signatures or thumbprints by applicant and witnesses. The special allotting agent is also supposed to submit to the agency superintendent the following documents: a schedule of allotment applications taken; plats for all allotment applications; and possibly allottee family history and age, sex, and number of adults and children in each family (a census of allotment applicant families). The agency superintendent is to certify the accuracy of the allotment schedules. Apparently, Peterson, rather than the agency superintendent, is to file most of the applications directly with the GLO register and receiver. The agency superintendent can also take applications directly from prospective allottees who appear in the agency office with witnesses.³²

The agency superintendent (or the special allotting agent) is supposed to file applications at the local land office (register and receiver). The superintendent should report these filings to the CIA so he can track their progress with GLO. The secretary of Interior approves the allotments. The agency superintendent also asks the land office to send patents to applicants in care of the superintendent, who then gets word out to the applicant to come to the office and sign a receipt for the patent.³³

In the Chambers Checkerboard and perhaps elsewhere on the Navajo-railroad frontier, the special allotting agents also ask allotment applicants if they want to lease the railroad sections in the township(s) around their allotments. Ideally, groups of allottees will pool money to pay the annual lease fee for the railroad sections that alternate with the sections in which their allotments are located, for the railroad's policy is to lease land by the township, not in smaller units. Father Anselm alerts the allotting agents to report to Howel Jones which townships allottees want to lease. The special allotting agents have no authority to arrange these leases, however, which Jones must arrange either directly with the would-be lessors or with someone representing them, like the agency superintendent or Father Anselm.³⁴ Jones also asks Peterson to take allotment applications on railroad lands as well as on government lands, since "the railroad company was not only willing but was anxious to relinquish all of the lands in these reservations [1907 extensions] to the United States, so we could give the Indian a chance."³⁵

In the summer, talk of the Black Creek irrigation project is also heating up. Jones tells Father Anselm, "There is a large irrigation scheme on foot to conserve the waters of Black Creek in Arizona."³⁶ Fort Defiance Agency Superintendent Peter Paquette writes to the CIA that the Southwestern Development Company has applied for a right-of-way for a reservoir north of the Chambers Checkerboard in the 1907 extension. Paquette and Special Allotting Agent Peterson have found fourteen families living and farming at the reservoir site, with buildings, fences, and other improvements that would be razed. Also, Navajos in the Sanders farming area and more a few miles northeast at Houck now irrigate from Black Creek below the proposed dam. The project might endanger future water sources for Navajo "industrial"

development. If the company receives the right-of-way, Navajos who must relinquish their lands for the reservoir site should be reimbursed for the value of improvements there and be "given lands of equal area and quality under the ditch of the proposed reservoir with perpetual water rights without cost to them or their successors" and should not be forced to move until the dam is complete and ready for filling. If the company fails, the people should be able to resettle the land they gave up. Also, Navajo farmers below the dam site should receive a free and perpetual water right.³⁷ The would-be developer, the Southwest Development Company, evidently consists of Gallup businessmen.³⁸

From late summer of 1909 to January 1910, Peterson takes applications for most allotments in the Chambers Checkerboard. He and his field team find the section corner markers of the original 1882 GLO survey of the railroad grant lands. Saint Michael's interpreter Frank Walker, a native of Sanders, evidently helps late in the fall. They take applications for quarter sections from Navajos scattered over the range and in the "crowded farming areas" south of Sanders and at Houck. The applications in the railroad section south of Sanders are for homesteads. Peterson gives his paperwork to the applicants to take to Fort Defiance, where the agency clerk will help them fill out application forms and take affidavits from witnesses.³⁹

In December, Father Anselm reports to GLO Commissioner R. G. Valentine:

I beg to remind you of the fact that Mr. W. M. Peterson, to some extent in consequence of my representations to you, desisted from allotting the Navajos on the Reservation and is now allotting them off the Reservation in *Arizona*. His doing so protected the Navajos under the projected Blackcreek Irrigation System and against encroachments and settled disputes between them and white settlers. . . .

The same gentlemen who are securing the project Blackcreek Irrigation System, will secure, at the same time, the projected Defiance Station Irrigation System in New Mexico, and the Navajos living under that ought to be protected as well by an early allotment of their lands.⁴⁰

Congress passes the Enlarged Homestead Act, which allows homesteads of 320 acres. Homestead entries in the Chambers Checkerboard this year shoot up to fourteen, more than twice the total number of entries for the preceding twenty years. All but one new entry are around Chambers and Sanders, where the Southwest Development Company ditches are supposed to go. Several of these homesteaders have ties to communities elsewhere in the region or work for the railroad, a hint that the Southwest Development Company might have started to advertise regionally.⁴¹

The expected influx of homesteaders may explain the first documented evidence since 1905 of non-Indian ranchers leasing railroad land in the Chambers Checkerboard. The land consists of two townships in the western Chambers Checkerboard around Navajo Springs and Chambers. The Navajo Springs township is the one that Chee Dodge wanted to lease in 1904–1906

but did not because John McCarrell and others were using it. McCarrell and possibly others probably kept using it all along.⁴²

1910

Early in 1910, bunking at Houck Trading Post on days when the temperature never rises above freezing, Peterson finishes surveying allotments in the Chambers Checkerboard. The CIA plans to reassign him to New Mexico.⁴³ However, Peterson also expects to survey a grid of ten-acre plots in a section north of Navajo Springs. Since the section has just been withdrawn from public entry “for Indian purposes,” the tracts most likely are intended for Navajos displaced by the proposed Black Creek Project dam. Apparently the CIA asks Agent Paquette about a connection with the Southwest Development Company, because Paquette huffs back that “the consent of the Indians [for the Black Creek Project right-of-way] was in no wise obtained under pressure.”⁴⁴

By midsummer, the GLO has approved the Navajo homestead applications on the railroad section in the farmland south of Sanders. In November, railroad lawyers are asking the GLO to let the railroad relinquish the section for the four Navajos whose applications have been approved. In another three months, the railroad will have formally relinquished the section to the United States.⁴⁵

1911

In April, the Southwest Development Company gets a right-of-way for a diversion canal north of the land withdrawn a year ago near Navajo Springs “for Indian purposes.” Of the five homestead entries in this year, only two are near this right-of-way.⁴⁶

1912

The Black Creek irrigation project right-of-way is greatly enlarged in January to encompass the reservoir site north of the Chambers Checkerboard and ditches around Sanders and Chambers. Homestead applications have been concentrated in these areas since 1909, and will continue. But only a handful of homestead applications trickle in each year after 1909.⁴⁷ In the two townships around Chambers and Navajo Springs, where the GLO has approved the irrigation project right-of-way, railroad land for grazing has gone unleased since mid-1911. Jones writes Father Anselm and Father Berard Haile to invite Navajo leases, probably a gesture toward Chee Dodge.⁴⁸ Dodge evidently does not bite, probably for the same reason that he did not bite in 1906: because John McCarrell and other non-Indian ranchers are still using the land. In contrast, the railroad is starting to get many requests from non-Indians to lease lands in the Lava Buttes country northwest of the Chambers Checkerboard and the 1907 extension as livestock prices rise.⁴⁹

1913

In March, Congress passes a law to let the railroad relinquish lands for Indian use and select other lieu lands of equal value from public domain, all to be accomplished before the act expires in 1916. This will let more Navajos apply for allotments on railroad lands in the Chambers Checkerboard.⁵⁰

1914

As for allotments on public domain, assistant CIA Abbott has ruled that Navajos must pay for the surveys, submit the surveyor's description to Agent Paquette in Fort Defiance, make out their own allotment applications, and send them to the nearest state land office. In response, the Navajos raise \$1,545 to pay A. W. Simington, Peterson's successor, to conduct the surveys, and he begins in January at Sanders. Evidently Peterson's records of allotment and homestead locations and field notes are in the storeroom at the Albuquerque Indian School, and evidently some of the corresponding applications have yet to be completed. Frank Walker is interpreter and field assistant.⁵¹

As the national livestock market heats up and non-Indian stock raisers demand more land, Navajos start leasing the railroad lands in certain townships of the Chambers Checkerboard to keep non-Indians at bay. Simington (or Walker) works with Father Anselm to identify townships that particular groups of families want to lease. Walker also collects railroad lease money and turns it over to Father Anselm, who presumably will then pay the railroad. Railroad leases seem confined to the uplands southwest of Sanders and east of Navajo Springs, the domain of the extended family of Silversmith, who in 1906 applied for the second allotment in the Chambers Checkerboard.⁵²

1915

In the summer, the railroad asks the GLO for permission to give up sections where Simington took allotment applications in 1914 in exchange for federal lands elsewhere. These are presumably among the twenty allotment applications that Agent Paquette reports having processed by the end of July.⁵³

But since 1913, a year after statehood, the State of Arizona has challenged the proposed railroad land exchanges. Arizona objects that the railroad has privileged access to lands that the state might like to select. The clock is ticking—the exchanges must occur before 1916—so the GLO and CIA recommend letting the railroad exchange its lands in the 1880 and 1907 executive order extensions of the Navajo Reservation in Arizona. But these lands are all outside the Chambers Checkerboard to the north and west. In the Chambers Checkerboard, Father Anselm complains to the GLO in Washington, D.C., that the Phoenix GLO is holding up allotments on railroad lands, and also essentially refuses to process the Navajo applications for allotments on the public domain. Meanwhile, special GLO agents start inspecting some allotments pending on railroad lands in the Chambers Checkerboard, presumably to see if applicants really use the land and have made improvements there.⁵⁴

1916

While the railroad continues its 1914 leases to the Silversmith extended family, it also starts leasing lands in the Navajo Springs and Chambers townships to non-Indian rancher Burr Porter, who presumably shares the range with John McCarrell. These lands seem to have gone unleased since 1911.⁵⁵

The act of 1913 authorizing railroad land exchanges, set to expire this year, is extended through 1918 by Congress. Jones tells Father Anselm that the GLO seems to require Indians to reapply for all allotments on railroad land.⁵⁶

1917

Despite the largest number of new homestead applications since 1909—eleven, located mostly around Sanders,⁵⁷ the Black Creek irrigation project is looking more and more like a dud to Howel Jones, who writes Father Anselm:

The Black Creek Irrigation scheme has been dragging along for ten years. Mr. C. M. Sabin of Gallup figured in that scheme at one time. . . .

I have about concluded that the Black Creek Irrigation scheme was not commercially feasible. Do you know anything about it? If the Indians want to buy township 18 North, Range 28 East [edge of Silversmith extended family area], and they will make us an offer, we will be pleased to give it consideration.⁵⁸

Father Anselm tells Paquette how Navajos are squeezed between the irrigation project and non-Indian ranchers:

[The bearer of this letter] had a nice farm . . . on the reservoir site of the Black Creek Irrigation Project. On account of that project he abandoned that place, and he does not care to go back to it, since, if that project ever materializes, he would have to move again. It is true, land under that project has been reserved for those Indians who vacated the reservoir site; but that land is on the Navajo Springs township, and since Porter has leased the railroad lands, Charly Yazhe [in 1904, the first allottee in the Chambers Checkerboard] abandoned his place and no other Indian is willing to move there.⁵⁹

In August, Jones sends Father Anselm a list of townships that the railroad has avoided leasing and selling to non-Indians, expecting them to be made a part of the reservation. These lands are all north and west of the Chambers Checkerboard. The implication is that the railroad is still pushing the federal government to take these railroad lands by threatening to sell or lease them to non-Indians.⁶⁰ The Chambers Checkerboard itself, however, will never be part of a railroad land exchange:

Even if the reservation were extended over the [Lava] Buttes Country and the Pueblo Bonito Agency [New Mexico], there would still

remain under the Fort Defiance Agency on the public domain 480 families, 2132 persons. . . .

The vast majority of these Indians live south of the railroad track. I am quite certain no reservation will ever be made for them, but they, some of them I am afraid, will, eventually, be forced back on the reservation, though the reservation is over stocked and over-grazed.⁶¹

Father Emanuel describes arranging railroad leases with Navajos in September:

We had the Indians council Saturday a week ago at Manuelito, about 200 Indians, living off the Reservation, attending, and Chee Dodge interpreting, when Mr. Paquette and myself spoke to them mainly about leasing railroad lands, the necessity of such leases, of paying promptly when due, etc.

I think all in New Mexico will renew their leases and are collecting the money now. . . . The townships in Arizona . . . were not represented at that council.⁶²

1918

Chee Dodge writes to the CIA in March supporting exchange of railroad lands in a block of townships that include the Chambers Checkerboard.⁶³ Congress again extends the act of 1913 authorizing railroad land exchanges.⁶⁴

1919

The GLO in Phoenix is now processing the Navajo allotment applications on both public domain and railroad sections. Simington has been appointed to oversee allotment paperwork for the Fort Defiance Agency. Many allotments are patented this year.⁶⁵

The railroad continues to renew the Silversmith extended family leases. But, as Father Anselm tells a member of the Board of Indian Commissioners, in the last few years the railroad has doubled or tripled the lease fees and Navajos "who live off the Reservation have been living there all their lives, and would be only too glad to move on the Reservation to avoid paying taxes on their stock and other property, to avoid paying lease money, and to partake of the many other advantages." But other Navajo families on the reservation are already using all the land, of course. This letter seems to be a pitch to the Office of Indian Affairs to start paying for the railroad leases that Navajos up until now have been paying for themselves.⁶⁶

1920

The dormant Black Creek irrigation project revives with a new right-of-way to extend canals beyond the 1912 right-of-way.⁶⁷ Meanwhile, the Office of Indian

Affairs seems to start paying the railroad to lease certain townships on behalf of Navajos, including not only townships north of the Chambers Checkerboard but also the two in the Chambers Checkerboard leased by the Silversmith extended family.⁶⁸

1921

Father Anselm dies.

1922–1925

In 1922, the brief federal subsidy of railroad land-grazing leases for the Silversmith extended family and other Navajos outside the Chambers Checkerboard is in jeopardy. Navajos may have to go back to paying the leases themselves. The federal subsidy during these years seems to vary. Things come to a head in 1925, when correspondence among Jones, the Franciscans, and new Fort Defiance Agency Superintendent August Duclos shows that former Superintendent Paquette evidently did not collect money from Navajos for the 1925 railroad leases, but that the agency may be able to pay something. The correspondence also indicates that the Indian Office and Congress are aiming to make Navajo tribal oil and natural gas royalties available for future lease. The arrangement before 1925 was evidently that the agency would pay half, while the Navajos would pay the other half. Simington by this time is a special allotting agent working with Duclos.⁶⁹

Perhaps for the first time (and perhaps reflecting lower demand from non-Indian ranchers because of a depressed livestock market), other Navajos besides the Silversmith extended family lease land from the railroad. Silversmith considers taking over the former Houck Trading Company lease on the southern edge of the Chambers Checkerboard, but instead adds another township adjoining the ones his extended family has been leasing since 1914. Navajo John Morgan is interested in two townships east of the Silversmith group but will take only one because J. M. Williams, a trader at Zuni, already has the other.⁷⁰

In 1925, the Black Creek irrigation project relinquishes its 1920 right-of-way.⁷¹

PHASE 3: THE 1930s

In 1932, the Black Creek irrigation project relinquishes the rest of its right-of-way, and that's the end of that.⁷²

Finally, in 1934, Congress ends this cumbersome, constantly shifting system of checkerboard land tenure by passing the Arizona Navajo Boundary Act. The act formalizes the boundary set by the 1900, 1901, and 1907 executive-order extensions and adds two blocks of townships. One new block is northwest of the Chambers Checkerboard in the Lava Buttes area south of the 1882 executive-order reservation, which encompasses the Hopi villages and surrounding Navajo communities. The other new block is northeast of the

Chambers Checkerboard in the lower Black Creek Valley. The railroad is to give up all its checkered sections in these areas. In partial exchange, it gets all lands under federal jurisdiction in the townships to the south, including those of the Chambers Checkerboard. These lands include the Navajo allotments, which the government forces the allottees to give up. The 1934 act states:

Section 2. The Secretary of the Interior is hereby authorized in his discretion . . . to accept relinquishments and reconveyances to the United States of such privately owned lands, as in his opinion are desirable for and should be reserved for the use and benefit of the Navajo Tribe of Indians, including patented and nonpatented Indian allotments and selections, within the counties of Apache, Navajo, and Coconino, Arizona; and any Indian so relinquishing his or her right shall be entitled to make lieu selections within the areas consolidated for Indian purposes by this Act. Upon conveyance to the United States of a good and sufficient title to any such privately owned land, except Indian allotments and selections, the owners thereof, or their assigns, are hereby authorized, under regulations of the Secretary of the Interior, to select from the unappropriated, unreserved, and nonmineral public lands of the United States within said counties in the State of Arizona lands approximately equal in value to the lands thus conveyed. . . . Any privately owned lands relinquished to the United States under Section 2 of this Act shall be held in trust for the Navajo Tribe of Indians; and relinquishments in Navajo County, Arizona, excluding Indian allotments and selections, shall not extend south of the township line between townships 20 and 21 north [north edge of Chambers Checkerboard].⁷³

Section 3 appropriates \$481,879.38 to buy privately owned lands and improvements (to be reimbursed with Navajo tribal funds).

What the act does not say is that most unallotted private lands to be given up for "Indian purposes" are railroad lands in the Lava Buttes area and the lower Black Creek Valley northwest and north of the Chambers Checkerboard, inside the area that the act defines as the Navajo Reservation in Arizona. But most allotments to be given up belong to Navajos outside the reservation as defined by the act. Since it must choose lands in the same counties as the lands it gives up, the railroad gets these allotments outside the reservation in exchange for some of the land it relinquishes inside.⁷⁴

The relinquishment process seems to work as follows. Hoskie Cronemeyer, a bilingual local trader, child of a Navajo mother and a non-Indian father, visits the allottees, evidently sometimes with Simington and sometimes with Samuel Stacher, whose Eastern Navajo Agency in New Mexico is subject to the same type of land exchanges. Allottees go to Fort Defiance, where they sign or thumbprint forms consenting to relinquish their allotments. A list of about half the allotments ultimately relinquished in the Chambers Checkerboard shows that the government ultimately compensates slightly more than half the allottees for the improvements they are giving up, with compensation ranging

from \$100 to \$1,000. A sample of sixteen files on relinquished allotments specifies lieu allotments for half the allottees. These people have relatives north of the Chambers Checkerboard amid the lands the railroad is giving up to the Navajo Reservation. Of the 145 allotments in the Chambers Checkerboard townships, fifty-six are cancelled or relinquished. Most allotments of the wealthy Silversmith extended family remain intact. Though many of the allottees were children when the allotment applications were first taken (primarily in 1909), a generation has passed and the allottees are adults. Therefore the fifty-six relinquishments and cancellations represent about that many households, an estimated 250 to 300 people.⁷⁵

PHASE 4: ORAL TRADITION

Former residents of the Chambers Checkerboard described the relinquishments to us in 1998. The following are condensations of their statements.

Consultant 1 (in English)

My mom was born in 1904. When she was about age six, she and her sister went to school at Saint Michael's. They were raised by their grandmother [father's mother]. And the [Franciscan] Father came down here, and my mom said a whole group of people were following him around, asking for allotments. So my great-grandmother [who received an allotment] asked for land for my mom and her sister. But the guy who was interpreting for Father [not Frank Walker] refused my great-grandmother's request, because [of his relationship with this particular family]. So I blame him for why my mom did not get an allotment. And also, I blame her father; he was working on the railroad at the time, he could have requested land. He had two wives, and he liked the other wife better than my mom's mother. So he pushed my mom and her sister aside.

Before our family was driven off, one man came around to collect the papers—those were the papers with the Teddy Roosevelt signature and the eagle—he said, for copying, then they would be returned. But my [great] grandma refused to give up the paper. One time at a chapter [community] meeting [probably 1960s], Little Silversmith spoke there, something about getting land for himself. And my mom got up and accused him of not helping when we were all chased off. She said that white people were driving Little Silversmith out now [he was evidently in debt and was selling to a non-Indian rancher], but where was he when white people were driving us out?

My mom told me that we left our chickens, our wagons. She went back with my grandfather to our home to get our things, and saw our things dumped like trash. Men formed a posse in Springerville. They went through Saint John's, camped someplace between Saint Johns and Sanders. Early in the morning they attacked Navajo families around [spring near great grandmother's allotment], drove them out at gunpoint.

Then, the site where we moved after we were driven out: My dad dug a hole, and we lived there through the winter. Then he built a hogan. It's north of Sanders. First we went across the river and tried to settle there, then were told to keep moving north, because that was allotted land, go farther north past where the allotments are. So we kept going and we went on land claimed by [certain relatives].

Consultant 2 (in Navajo, translated by Harris Francis)

We had many sheep, horses, and cattle. We'd plow the fields and plant a lot, too. We grew a lot of beans. We put them in gunny sacks. Someone, I don't know if they were whites, would buy it from us. We also used to live at another place over the hill. My maternal grandparents used to live there. There were several lakes where the livestock were watered. We lived in several places. . . .

We would hear people say that we pay for the land [taxes or railroad lease payments]. And one day we were told to move out [north] toward the railroad. They had been saying this to us for a few years now. There was a man named Big Schoolboy [Hoskie Cronemeyer] who went around with the whites and told everyone to move out. He said that if we didn't move, they would take us back to Fort Sumner. They all carried guns. We were afraid that they might shoot us all.

This was two years after my mother died that they [Cronemeyer and the whites] told us to move. My father had to take care of us children then. So we moved out. We put only a sewing machine and other little things in a wagon and left. We left with our sheep. We had a lot of horses, too, but we left them there. We left the rams, too, near the mountain. The cows also. We just left with our clothes. We went to a place called Graywater [about ten miles away]. The horses were tired out by this time. But there was no grass, only a pond.

When we got the horses back [after 1936 eviction], they were still alive, but barely. They were starving. There was sand sage, silvery sage, wormwood there. We only got twenty horses back. The others died. The cattle, we didn't know what became of them. They all disappeared. We took some with us when we left, but we left a lot there. The sheep we took, but we lost a lot of them too, some to thirst and starvation. We survived on the sheep but our horses died, even the one we used for the wagons. We barely got water. We had to use bottles. We had a very hard time. Then my maternal grandfather became ill. His kidneys wouldn't work, so they had to carry him around a lot. I don't know how many years it was, but he passed away too.

[Daughter reminds her to tell about the burned hogan.] When we left our home, my little sister and I would go back to pick up some of our belongings now and then. We noticed that they [the whites] had pushed our wagons off a cliff and they were all smashed up at the

bottom. We had a small wagon, a big wagon, different types. We also had a well down there [windmill]. They shot it up, too. We don't know where they took or what they did with our personal belongings and our clothes. They were all gone. The sheep we left were all gone. We wanted to drive the horses and cattle down but we didn't know where they had gone to. They all disappeared, even the rams.

We barely bought this [current homesite] from a lady [a tract bordering father's lieu selection, which interviewee did not mention]. They used to live over there at the railroad. We got a wagon too that we used to get water with. She gave us some horses that we traded some sheep for. That's what we used to get water.

So we came out here. My grandmother was herding them at Graywater [about eight miles away]. We'd run out of water, our only water source was at [a spring away from the homesite]. We'd get water at night, fill the barrel and bring it back. Me, I'd cut logs at Graywater and I'd bring them back here. That's how we built a house.

We had no water, but there used to be whites that lived around here. They moved out. They used to have windmills here and there. So we asked one to take one out for us. I traded some sheep for it. So they came here and installed a windmill. We settled here permanently after that. But it [windmill] blew over one time. We managed to make it over here. We had to herd rams for people and they would give us a few sheep for it, but we managed to fill our corral again.

CONCLUSIONS

Through its details, the story of allotment in the Chambers Checkerboard shows how political-economic institutions (railroad and federal and state governments) produced a framework within which those institutions and individuals (Navajos, homesteaders) interacted. When regional and national economic conditions made livestock raising relatively unprofitable and bankrupted the railroad, the railroad's agent prodded the federal government as Indian trustee to give the railroad more profitable land outside the Chambers Checkerboard, cloaking the prod behind the respectable goal of securing Navajo land rights on the Chambers Checkerboard railroad lands. This arrangement stymied the financial interests of the state of Arizona, which, because the federal GLO was embedded in the state bureaucracy, was able to hold up the deal. The railroad's agent saw piecemeal Indian allotments as a compromise that would advance its agenda with the federal government until exchanges of larger tracts became politically feasible. The allotments then helped the Navajos withstand the homesteader tide as irrigation briefly became more profitable and the railroad's need for the Indian cloak diminished. Ultimately the large-scale federal-railroad land exchange prevailed, the Navajo allotments outside the exchanged tracts became an obstacle to the railroad's plans to sell or lease those lands to ranchers, and the federal government therefore abrogated the allotments.

Within this framework of larger political-economic institutions and forces, many individual actors worked creatively toward their own goals. The various railroad and government agents were constrained by the institutions they worked for, but could act out humanitarian impulses when a free agent like Anselm Weber showed them how to square limited humanitarianism with the agendas of their institutions. The other actors, the Navajos and homesteaders, acted on their own or in small groups and therefore could advance their interests mainly when aligned with larger institutions. Father Anselm could be the most creative actor because he represented an institution, the Franciscans, which advocated humanitarianism, thereby letting him work relatively unfettered and also providing money and other resources from philanthropists.

In contrast to the 1880s, when Navajos met cowboy violence with armed resistance, much of the Navajo action in this later period may seem passive (with the notable exception of the 1930s letters to Congress demanding justice). One reason for this impression is that people with the best access to the corridors of power create most of the documentation and thereby present their own "agency" most directly, and most of these people are not Indians. But even the remembrances of the Navajo people themselves seem to deemphasize their acts of self-help. The main strategy of self-help was "passive resistance," an undramatized digging in based on the principle that "possession is nine-tenths of the law." Upon this fundamental strategy, Navajos also sought allotments and railroad leases for themselves and their families, but only when offered by non-Indians. Here again, apparent passivity may reflect a justified skepticism about whether papers were as effective as simply digging in and waiting for the non-Indians to go broke and move.

In the middle run, digging in did not work very well in the Chambers Checkerboard. It may have worked at least as well as any other strategy, however, in a system that favors protecting the investor's house of cards. Range and farmland competition is almost a contest between subsistent land users and profiteers who try to dislodge them before they go broke. Thus, in the long run, after the railroad had the allottees removed, the ranchers who bought the land from the railroad sold it again to the Navajos when ranching became unprofitable.

Even so, allottee descendants who dug in around the edges of the Chambers Checkerboard have not seen their patience rewarded. Washington, D.C. appropriated the repurchase money to resettle other Navajos removed from lands partitioned to the Hopis. The repurchased land by law is reserved to ease their suffering.

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NOTES

1. This research was done under contract with the Navajo Nation Historic Preservation Department, Permit No. C98240E, Contract C98257. The primary-document source for this article is the Saint Michael's Franciscan Mission Collection, Special Collection AZ500, University of Arizona Library, Tucson, hereafter referred to as *Franciscans*. Other abbreviations used in citations include: BLM-GLO surveys (General Land Office survey plats and tract books, microfiche, US Bureau of Land Management, Phoenix, Arizona); BLM-HI (Historical Index and homestead entry microfiche, US Bureau of Land Management, Phoenix, Arizona); Correll-AD (Archive Document file of the Correll Collection, Navajo Nation Museum and Library, Window Rock, Arizona); Correll-NOH (Navajo Oral History Statements, Correll Collection, Navajo Nation Museum and Library); Hubbell (Oral History Interviews, Hubbell Trading Post National Historic Site, Ganado, Arizona); NA homestead and Indian allotment files (Record Group 49, National Archives, Suitland, Maryland); and R&R (Register and Receiver, US Land Office, Phoenix). All land records pertain to Arizona T18-21N, R26-31E. We also rely on interviews with seventy-five local Navajo and non-Navajo residents that we and Navajo Nation Historic Preservation Department staff members conducted between 1994 and 1998.

2. For details of land competition in the Chaco region of New Mexico, see David M. Brugge, *A History of the Chaco Navajos* (Santa Fe: National Park Service, 1980); and Klara Kelley, *The Chaco Canyon Ranch: Ethnohistory and Ethnoarchaeology*, Papers in Anthropology 8 (Window Rock, AZ: Navajo Nation Cultural Resource Management Program, 1982). For details on the area between Gallup and Fort Defiance see Klara Kelley, *Navajo Land Use: An Ethnoarchaeological Study* (Orlando: Academic Press, 1986).

3. Correll-AD, Fleming to CIA, September 9, December 4, and December 26, 1882; Sullivan to CIA, September 15, 1882; Executive Order of December 16, 1882, reproduced in J. Lee Correll and Alfred Dehiya, *Anatomy of the Navajo Reservation: How It Grew* (Window Rock: Navajo Times Publishing Co., 1978), 12–14. Indian Law Resource Center, Report to the *Hopi Kikmongwis and Other Traditional Hopi Leaders on Docket 196 and the Continuing Threat to Hopi Land and Sovereignty* (Washington, DC: Indian Law Resource Center, 1979), 12; Laura Graves, *Thomas Varker Keam, Indian Trader* (Norman: University of Oklahoma Press, 1998), 175–200.

4. David M. Brugge, *The Navajo-Hopi Land Dispute: An American Tragedy* (Albuquerque: University of New Mexico Press, 1994); Jerry Kammer, *The Second Long Walk* (Albuquerque: University of New Mexico Press, 1980); Jon Norstog, "Nahat'a Dziil and the Retaking of Dine Bikeya: Two Planning Paradigms and the Recovery of Lost Indian Land" (paper presented at Thirtieth Annual Conference of the Western Social Sciences Association, Denver, April 27–30, 1988); John Redhouse, *Geopolitics of the Navajo-Hopi Land Dispute* (Albuquerque: Redhouse/Wright Productions, 1985).

5. Letter of Sanders Navajos to J. C. Morgan, August 13, 1936; see also letter of the Navajos of Chambers and Sanders to Senate Committee on Indian Affairs, September 7, 1936. Both letters reproduced in US Senate, Indian Affairs Committee, *Survey of Conditions of Indians in the United States*, Part 34 (Washington, DC: Government Printing Office, 1937), 17965–17969.

6. Klara Kelley and Harris Francis, "Violence on the 1880s Arizona Navajo-Railroad Frontier," manuscript, copy on file with authors.

7. Laurance C. Kelly, *The Navajo Indians and Federal Indian Policy, 1900–1935* (Tucson: University of Arizona Press, 1968), 20–21; Robert L. Wilkin, *Anselm Weber, O.F.M.: Missionary to the Navaho, 1898–1921* (Milwaukee: Bruce Publishing Company, 1955), 201.
8. Richard White, *“It’s Your Misfortune and None of My Own”: A New History of the American West* (Norman: University of Oklahoma Press, 1991), 146–147.
9. D. W. Meinig, *Southwest: Three Peoples in Geographical Change, 1600–1970* (New York: Oxford University Press, 1971), 45.
10. Laura Graves, *Thomas Varker Keam*, 180–200.
11. White, *“It’s Your Misfortune and None of My Own,”* 225–262; David F. Myrick, *New Mexico’s Railroads, An Historical Survey* (Golden: Colorado Railroad Museum, 1970), 34.
12. Executive orders of 1900, 1901, and 1907, reproduced in Correll and Dehiya, *Anatomy of the Navajo Indian Reservation*, 18–25.
13. Kelley, *The Chaco Canyon Ranch, Ethnohistory and Ethnoarchaeology*; Correll and Dehiya, *Anatomy of the Navajo Indian Reservation*, 25–27. In New Mexico, as in Arizona, the railroad subsequently pressured the federal government into land exchanges to consolidate its holdings, so many New Mexico Navajos also relinquished allotments.
14. Franciscans, box 26, Dodge to Jones, January 15, 1906.
15. Franciscans, box 29, Peterson to Weber, May 22, 1908.
16. Kelly, *Navajo Indians and Federal Indian Policy*, 62.
17. Wilkin, *Anselm Weber, O.F.M.*, 25–48. The Franciscan mission at Houck (north-eastern Chambers Checkerboard) dates from 1927, after Father Anselm died (Franciscans, box 19, “Tegakwitha Mission”).
18. Hubbell Interview 51, summary (not direct quote) of transcript, 21–25.
19. Franciscans, box 26, 1904–1907 correspondence, especially Jones to Weber, August 23, 1904. Arthur Chester filed for a homestead at Tanner Springs on March 5, 1907 (BLM-HI, homestead application record 03632). He relinquished it in 1915, presumably because the land was part of several hundred square miles that had been placed in trust for the Navajo Tribe by Executive Order of November 9, 1907.
20. Francis Borgman, “Henry Chee Dodge, The Last Chief of the Navaho Indians,” *New Mexico Historical Review* 23, no. 2 (1948); Frank McNitt, *The Indian Traders* (Norman: University of Oklahoma Press, 1962), 247; Richard F. Van Valkenburgh, *Navajo Country, Dine Bikeyah* (Mancos, CO: Time Traveller Maps, 1999), 90, 127; GLO tract book 336, Arizona T19N, R26E.
21. BLM-HI and NA, homestead application records 03753 and 042816, pats. 311135 and 989477; applications P-223, P-723 (McCarrell homesteads); BLM-HI and NA, homestead application record 019906, pat. 209505 (Howel); see also BLM-HI and NA homestead application record 013602, pat. 539160; National Archives, proof file: pat. 539160, for Charles Clark.
22. Franciscans, box 26, Jones to Weber, August 23, 1904; September 19, 1904; October 9, 1905; October 23, 1905; November 21, 1905; and January 29, 1906; Weber to Jones, November 1, 1905; Jones to Dodge, December 6, 1905, January 10, 1906; Weber to Wakefield Brothers, December 21, 1905; Dodge to Jones, January 15, 1906; Jones to Dodge January 23, 1906.
23. NA, Prescott Indian Allotment No. 61.
24. Franciscans box 27, Weber to Hildreth, August 6, 1905.

25. NA, Phoenix Indian Allotment No. 1.
26. Franciscans, box 26, Weber to Jones January 6, 1907; see also Correll-AD, CIA to Secretary of Interior, January 30, 1907, and CIA to Fort Defiance Agency Superintendent December 21, 1907. One of the prospective allottees, Man the Dog Bit, had served as a local “scout” (agency policeman) during the 1880s local troubles (see Kelley and Francis, “On the 1880s Arizona Navajo-Railroad Frontier”).
27. Franciscans, box 27, Anselm to Harrison September 5, 1907; Correll-AD, Harrison to CIA September 14, 1907, and CIA to Secretary of Interior November 6, 1907.
28. Correll-AD, Harrison to CIA, May 7, 1908; Harrison to R&R, Phoenix land office, June 8, 1908.
29. Franciscans, box 26, Jones to Weber, May 13, 1908. This letter mentions previous correspondence about the irrigation project, a hint that Father Anselm could have heard something about it as early as 1905, when he first asked the Arizona GLO for a map of the township south of Sanders.
30. Franciscans, box 27, Weber to Lusk, April 17, 1909; Weber to Hill, April 9 and June 19, 1909; box 29, Peterson to Weber, September 28, 1909.
31. Franciscans, box 27, Lusk to Weber, May 4, 1909
32. Franciscans, box 29, Kent to Weber, November 9, 1908; Correll-AD, Stacher to CIA September 7, 1909, Paquette to CIA April 11, 1910.
33. Correll-AD, Harrison to CIA, February 15, 1908; Paquette to Register and Receiver, Santa Fe, January 2, 1909; Paquette to Peterson, February 10, 1909; Stacher to US Land Office, Santa Fe, June 26, 1911.
34. Franciscans, box 29, Peterson to Weber July 12, 1908; Weber to Kent February 7, 1909; Peterson to Jones, February 15, 1909.
35. Franciscans, box 26, Jones to Weber, June 14, 1909.
36. *Ibid.*
37. Correll-AD, Paquette to CIA, July 1 and September 7, 1909; Franciscans, box 29, Paquette to Peterson, August 13, 1909. The irrigation project will apply for right-of-way under the Act of March 3, 1891 (26 Stat. L., 1095) (Paquette to CIA, July 1, 1909).
38. The secretary of the Southwest Development Company was C. M. Sabin of Gallup (Franciscans, box 26, Jones to Weber, July 28, 1917).
39. Franciscans, box 29, Peterson correspondence file, especially Peterson to Weber September 19, September 28, and January 21, 1909.
40. Franciscans, box 27, Weber to GLO Commissioner, December 8, 1909; see also box 27, CIA to Weber December 17, 1909 and box 29, Peterson to Weber December 23, 1909.
41. White, “*It’s Your Misfortune and None of My Own*,” 436; BLM-HI, entries between 1888 and 1908 number 3 in 1908, 2 in 1906, and 1 in 1891; there were nine between 1882 and 1887 (counts include additional homesteads of previous homesteaders but not re filings because of initial filling error or re filings by heirs of entrypersons who failed to prove up). These and all other statistics for the Chambers Checkerboard cover Arizona Townships 18-21N, R26-31E.
42. Franciscans, box 26, Jones to Weber, April 16, 1909. Lessee is R. R. Pollack for one year starting March 20, 1909. The 1936 letters by Chambers and Sanders Navajos quoted in the introduction of this article and our own 1998 interviews point to John

McCarrell as the most likely user. Pollack is unidentified, possibly a lawyer or other professional advisor to McCarrell.

43. Franciscans, box 27, CIA to Weber, December 17, 1909, January 10, 1910; box 29, Peterson to Weber December 23, 1909, January 8, 1910, January 30, 1910.

44. BLM-HI, Section 20, T20N, R27E (withdrawal 1909); Franciscans, box 29, Peterson to Weber January 30, 1910; see also box 27, Weber to Paquette, undated letter, which mentions land in the "Navajo Springs township" reserved for Navajos displaced by the Black Creek Irrigation Project; Correll-AD, Paquette to CIA February 2, 1910.

45. Franciscans, box 29, Peterson to Weber July 7, 1910; box 26, Jones to Weber, November 11, 1910, January 14, 1911, September 19, 1912; box 27, R&R Phoenix to Weber, November 22 and December 19, 1910.

46. Old Plat Book (c.1919–1930 plats), Apache County, Arizona, Clerk; BLM-HI, T20N, R26-27E.

47. BLM-HI, including right-of-way 01391 (January 19, 1912), Arizona T20N, R25-28E, and T21N, R27-29E.

48. Franciscans, box 26, Jones to Haile, May 16, 1911; Jones to Weber, November 29, 1912. The most recent lessee was Julius Wetzler, a local Holbrook or Winslow businessman who owned the Bidahochee trading post in the Lava Buttes country northwest of the Chambers Checkerboard, 1888–1892 (Granger, *Will C. Barnes' Arizona Place Names*, 235). Presumably he sublet to John McCarrell.

49. Franciscans, box 26, Jones to Weber April 25, May 11, June 17, 1912; Correll-AD, Paquette to CIA June 22, 1912.

50. Franciscans, box 26, Peterson to Weber April 26, 1913; Act of March 4, 1913.

51. Franciscans, box 27, Weber to Hauke September 4, 1915, box 29, Simington to Weber, January 7, 1914.

52. Franciscans, box 27, Simington to Weber, January 7, January 14, February 15, 1914; see also box 26, Jones to Weber June 19, 1915, March 8, 1916, February 28, 1919; Trockur to Jones March 8, 1925; Jones to CIA June 11, 1925.

53. Franciscans, box 26, Jones to Weber May 8, May 22, July 20, 1915; box 27, Paquette to Weber, July 29, 1915, listing allotments mainly on odd-numbered sections, which would be railroad lands.

54. Franciscans, box 27, Tallman, Commissioner of GLO, to Secretary of Interior, August 27, 1915 (endorsed on September 17, 1915 by CIA); Weber to Hauke, September 4, 1915; box 26, Weber to Jones August 3, 1916; see also NA, Indian allotment, pat. no. 743464, GLO inspector report, October 16, 1916.

55. Franciscans, box 27, Weber to Paquette, undated letter; see also NA, Indian allotment, pat. 743464, GLO Inspector report, October 16, 1916.

56. Franciscans box 27, Assistant CIA to Weber, September 6, 1918; box 26, Jones to Weber, October 26 and 30, 1916.

57. BLM-HI, 1917, Arizona T18-21N, R26-31E.

58. Franciscans, box 26, Jones to Weber, July 28, 1917; see also Jones to Weber, August 9, 1917.

59. Franciscans, box 27, Weber to Paquette, undated but probably around 1917 or 1918.

60. Franciscans, box 26, Jones to Weber, August 30, 1917; see also box 26, Jones to CIA February 29, 1918; box 27, Paquette to CIA January 7, 1918.

61. Franciscans, box 27, Weber to Vaux, September 11, 1917
62. Franciscans, box 26, Trockur to Jones, September 4, 1917.
63. Franciscans, box 27, Dodge to CIA, March 7, 1918.
64. Franciscans, box 27, Assistant CIA to Weber, September 6, 1918.
65. Franciscans, box 29, Simington to Weber, February 28, 1919; box 27, Pepper to Weber March 18, 1919; see also Delgado to GLO Commissioner July 16, 1919; BLM-HI, Arizona T18-21N, R26-31E.
66. Franciscans, box 26, Jones to Weber February 28, 1919; box 29, Weber to McDowell, May 31, 1919.
67. BLM-HI, right-of-way 013948, Arizona T19N, R26-27E, T20-21N, R27-28E, approved April 24, 1920; see also NA, Record Group 45, proof file for pat. 1026011.
68. Franciscans, box 27, Paquette to CIA, July 17, 1920. Paquette recommends leasing railroad lands, mostly in New Mexico, and also T22-23N, R29-31E, and T19-20N, R28E. These (except T19 and 20N, R28E) are among the railroad lands added to the Navajo Reservation in 1934. Franciscans, box 27, Paquette to Troester, March 21, 1922, indicates that the Indian Office actually did pay for such leases.
69. Franciscans, box 27, Paquette to Troester, March 21, 1922; box 26, Jones to Haile January 23, February 26, 1925; Trockur to Jones March 8, 1925; Duclos to Jones June 10, 1925. In 1924, railroad lands in the Silversmith family townships were leased in the name of Peter Paquette, for about \$280 each (Franciscans, box 26, Jones to CIA June 11, 1925).
70. Franciscans, box 26, Trockur to Jones March 8, 1925, August 31 and September 30, 1925; leasing continued to 1933 by Ft. Defiance Agency.
71. BLM-HI, right-of-way 013948, Arizona T19N, R26-27E, T20-21N, R27-28E.
72. BLM-HI, right-of-way 01391, Arizona T20N, R25-28E, and T21N, R27-29E.
73. Correll and Dehiya, *Anatomy of the Navajo Indian Reservation*, 45.
74. Plat books, 1937 base plats, Arizona T18-21N, R26-31E, Navajo Area Office, US Bureau of Indian Affairs.
75. BLM-HI, Arizona T18-21N, R26-31E; NA, Indian allotment files (sixteen selected from all parts of the Chambers Checkerboard, representing main groups of extended families). See especially list of October 26, 1937, CIA to Secretary of Interior in NA, Indian allotment, pat. 743464.