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Letter from the Secretary of the Interior, in relation to an agreement concluded November 7, 1873, with the Bannack and other Indians in Southern Idaho.

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BANNACK AND OTHER INDIANS IN SOUTHERN IDAHO.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

IN RELATION TO

*An agreement concluded November 7, 1873, with the Bannack and other
Indians in Southern Idaho.*

FEBRUARY 5, 1874.—Referred to the Committee on Indian Affairs.
FEBRUARY 13, 1874.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 3, 1874.

SIR: I have the honor to present herewith for the action of Congress an agreement concluded on the 7th November, 1873, with the Bannack and other Indians in Southern Idaho for the relinquishment of their right to hunt upon the unoccupied lands of the United States, (which right was guaranteed to them by the fourth article of their treaty of 3d July, 1868,) and providing for a change in the boundaries of their reservation under the direction of the President.

A copy of a letter of the 2d instant from the Commissioner of Indian Affairs, with a copy of the report of Messrs. J. P. C. Shanks, Henry W. Reed, and T. W. Bennett, special commissioners appointed to negotiate with the Indians referred to, is also herewith transmitted.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 2, 1874.

SIR: I have the honor to submit herewith a copy of the report of the commission appointed to negotiate with the Bannack and other Indians in Southern Idaho for the relinquishment of their right to hunt upon the unoccupied lands of the United States, which right was guaranteed to them by the fourth article of their treaty concluded July 3, 1868, (Stats. at Large, vol. 15, p. 673,) together with the agreement concluded

with said Indians providing for such relinquishment, and a change in the boundaries of their reservation under direction of the President, &c.

As this agreement is made subject to ratification by Congress, I respectfully recommend that the same be submitted to that body for its action.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

SALT LAKE CITY, UTAH, November 17, 1873.

The Hon. EDW. P. SMITH,
Commissioner of Indian Affairs:

The special commission appointed by you to negotiate with the Indians connected with the Fort Hall reservation touching their permanent settlement and remaining on the reservation, and for the relinquishment of the privilege granted them by the fourth article of the treaty of July 3, 1868, "to hunt on any unoccupied land," has discharged the duty assigned it, and make the following report thereon:

The agreement entered into with said Indians at Fort Hall agency on the seventh day of November, 1873, is herewith returned to your Office, together with a copy of instruction as part of this report.

The commission had much trouble in getting these Indians together in numbers sufficient to render valid, or of any practical effective force, an agreement with them.

A meeting was appointed at Camas Prairie, Idaho, on the twenty-fifth of August, 1873, but few Indians came, and those who did were indisposed to act, and necessarily another meeting was held at Fort Hall agency on the fifth, sixth and seventh of November, 1873. The attendance there was full, and the different bands were represented by their chiefs and head-men, and many others were also present.

There are troublesome white men on and around the Fort Hall reservation who have impressed the Indians on this reservation with a desire to find fault on account of religious and temporal things. There seems to be a purpose to embarrass the agency and the agent. There has been, and are now, encroachments made on the reservation inconsistent with proper and successful management and the opposition to the agent seems to be in the interest of these incroachments.

To meet these, and to utilize the resources of the reservation, the commission inserted in the agreement several articles of importance, which will be explained hereinafter.

There are several bands of roving Indians of the Shoshone and Bannack tribes who should, by next spring at farthest, be put on the reservation at Fort Hall and required to make it their permanent home. These are Eagle Eye's band, on the Weiser River, northwest of Boise City; Winnamucca's band, not far from the Central Pacific Railroad, (said to be Pa-va-ot-sie); Bannock John's band of rovers; John Winnamucca's band of rovers; Anamon's band, in Box-Elder County, Utah—he and another chief of his band signed the agreement, and desire to go to the reservation.

All these will go without any trouble when informed by authority of the necessity of so doing.

There are also other bands of Indians in Utah and Nevada who speak the Shoshone and Bannack languages that desire to go to Fort Hall reservation. We met these at Salt Lake City on the 12th of November.

For full information touching these bands you are respectfully referred to the report of Major Powel and Mr. Ingalls.

The commission call attention to the want of an Indian chief or head-man at Fort Hall, of capacity to control and direct the several bands of Indians there. It would be of inestimable value to the agent to have a superior Indian chief to mold these Indians to the wishes of the Government.

The commission express in this matter the greatest solicitude. There are some small chiefs who are not capable of being greater ones. These are permitting themselves to be manipulated by bad white men, to the great detriment of the reservation.

The commission met Tin-a-dore, chief of the mixed Shoshones, Bannacks, and Sheep-Eaters, now on Salmon River, in the Lemhi Valley, Idaho Territory, but without a reservation.

We believe Tin-a-dore to be one of the noblest Indians in America.

Tin-a-dore's father, Bonapart, was a Shoshone, his mother was a Bannock. So by blood he is entitled to be chief of both tribes, as his father was chief of both. Tin-a-

dore is thoroughly imbued with a desire to mental and moral improvement. His inquiries concerning civilization are pressed in a way both interesting and valuable. He is the recognized and devoted friend of the white people and their progress.

He is one of the finest-looking men in the country. He talks business as a business man, yet he does not desire to go to Fort Hall, for the reason that he may be made responsible for the action of bad Indians, and lose his character as a true man, and because he took active measures to arrest some Indians last summer who murdered some white drovers in Idaho, the same who were shot at Fort Hall weeks since in an attempt to escape from the guards, and for which there is some feeling among the bad Indians there.

Tin-a-dore's band at Lemhi Valley, on the Salmon River, asks that a reservation be set off for them in that valley.

They number about five hundred. Mr. Fuller is their agent. The white people there desire them to remain, and testify to the good character of the band and the superior character of Tin-a-dore. But the commission recommend the following as the best for the Indians and for the whites, namely: Make Tin-a-dore chief of all the Indians at Fort Hall agency, including his own band, and such others as may be removed there hereafter.

This will do more to enable the agent to control those Indians, and to lead them on in farming pursuits, than any other plan that could be adopted.

Tin-a-dore is a man of strict integrity, great bravery and firmness, and worthy of the confidence of the Government. In the opinion of the commission there should not be a reservation set off in Lemhi Valley for the mixed Shoshones, Bannacks and Sheep-Eaters.

The commission is persuaded that Tin-a-dore will remove with his band to the reservation at Fort Hall, if he is assured the President desires that he should do so, and that the Government intrusts him with authority as chief over the Indians at that agency. It will be perceived that this arrangement will supersede the necessity of the Lemhi agency, which the record of the testimony of Tin-a-dore shows to have been badly and fraudulently managed; which record is made a part of this report.

Article two was inserted for these reasons.

The second article of the treaty of July 3, 1868, provides that there shall be no public road through the reservation, and as there is one through, it was necessary to give it some legal basis or remove it.

The act organizing Idaho Territory withholds Indian reservations from territorial authority; hence the location of roads there by the legislative power of Idaho was legal, and persons on it are, in law, trespassers.

The tolls charged on the Corinne and Helena road, by a Mr. Harkness, are complained of as heavy and unjust, and, being collected under the territorial authority, are wrong.

The charging of heavy tolls is making enemies to the reservation and profits to Harkness.

If a road through the reservation is to bring tolls, they should sustain it, and not be taken by men who trespass on it, cut hay and wood, and have pastures and tolls and building materials, without any benefit to the reservation or cost to them.

Article 3d was necessary for these reasons.

There is a number of persons located adjacent to the reservation evidently for the purpose of pasturing their stock on it.

Large amounts of stock have been pastured on the reservation by various persons, without any reward whatever.

All sources of revenue legally within the reach of the Indian Department should be utilized.

The reservation should be made self-sustaining as soon as possible.

The stage companies pasture their stock at the six several stations in the reservation, without making any payment therefor.

The licensed traders pasture large numbers of stock on the reservation without pay.

The toll-road company pastures stock on the reservation without pay.

Article 4th was inserted for this reason.

A large amount of hay is annually cut on and used on or removed from the reservation, by private persons and by stage and toll-road companies, and by persons who furnish hay to these companies.

This article will secure large resources for the benefit of the Indians on the reservation.

There should have been an article relative to the cutting and use of building material and fire-wood by individuals, stage companies, and licensed traders; and by toll-road companies for building bridges, &c.

As timber is scarce on the reservation, it should not be used by others than the Indians, those connected with the agency, and military forces without compensation.

Article 5th was inserted for these reasons.

The line as surveyed included on the south (within a large curve) some fifty-two families, nearly all of whom are quiet, well-behaved people, and who bring no bad

influences upon the border of the reservation, and who generally settled where they now are prior to the location of the reservation, and south of where Governor Ballard, of Idaho, and others connected with the Indian service, informed them that the line would run when surveyed.

It would require large appropriations to compensate these settlers for improvements.

It takes in on the north more land for cultivation, and only includes some seventeen improvements. These are generally stock-ranches, with slight improvements, and liquor-sellers, who have located at the points nearest the agency buildings.

It also makes the Snake River (a difficult stream to pass) the boundary.

The land lying on the Blackfoot and Snake Rivers attached by this contract is reached from the agency buildings in from twelve to twenty miles, while those released are from forty-three to fifty-five miles distant.

The lands to be included are in the vicinity of Fort Hall, military post, while the others are remote from it, and hence these are more valuable as an Indian reservation.

There are numerous small bands of Indians in Idaho, and adjacent territories, who speak the Shoshone and Pannack languages, who should be, and many of them are, willing to be located on this reservation.

This reservation is well selected, both as to land and water, for irrigation.

The Port Neuff, Bannack, Ross Fork, and Blackfoot, besides springs and smaller streams, afford means to irrigate the soil with comparatively little expense.

These are also good tracts for pasturage.

This reservation could, with the present mills and machinery located on it, be made to sustain a large number of Indians, without cost to the Government.

Article 7th was inserted for these reasons.

There are some white men who have married or associated with Indian women, some of whom are proving troublesome to the agency; they marry or cohabit with these women for the purpose of receiving such benefits as are provided for Indians, and become insolvent and troublesome like gentlemen paupers elsewhere.

Also the licensed traders permit to stay about them numbers of white men not proper persons to be among Indians.

These traders are also in partnership with stock men located at different points on the borders of the reservation.

These men, with their employes and stock, often become intruders on the reservation.

The store of the licensed traders thus becomes the headquarters of these intruders.

Stage and toll-road companies also have numbers of white men employed on the reservation, some of whom are unfit to be associated with the Indians.

For these reasons it is necessary that the agent should have power to control the movements of all persons on the reservation.

Article 8th. The only expenditure made necessary in procuring the relinquishment, by the Indians on the Fort Hall reservation, of the right of hunting on the unoccupied public lands, a privilege that had been secured to them by the 4th article of the treaty of July 3, 1868, are the provisions as set forth by the 8th article of the agreement of November 7, 1873, herewith filed, by which it is agreed that, in addition to the provisions of the treaty of 1868, any head of a family or lodge who shall commence farming on the reservation in accordance with the provisions of the 6th and 8th articles of the treaty of 1868 shall have, at the expense of the Government, a house constructed on the land set off for his or her use, and shall also be furnished one milch cow.

These expenditures are intended to secure the object contemplated by the location of the Indians on the reservation, and are a small pecuniary consideration to them for the privileges which they have surrendered, by the agreement herewith filed.

The commission ask the attention of the Department to the fact that Congress has granted a right of way to certain parties (and who are in the interest of the Union Pacific Railroad Company) to construct a railroad from Corinne, Utah, to Montana, the route of which runs through the Fort Hall reservation.

The fact that this route was through the reservation was not known to the commission at the time the agreement of the 7th of November, 1873, was made, but that it will not be a detriment to the reservation is fully believed, and certainly not so injurious as the present wagon-road, with its countless number of teamsters camping and pasturing their stock on the reservation, which will be avoided by the railroad.

All of which is respectfully submitted.

JOHN P. C. SHANKS,
T. W. BENNETT,
HENRY W. REED,
Commissioners.

Whereas the Government of the United States did, on the third day of July, 1868, make a treaty with the Shoshones and Bannacks, which is now in full force between said parties; and

Whereas a reservation was laid off and surveyed for the Bannack Indians, and those associated with them under such treaty, and known as the Fort Hall reservation;

And whereas, owing to the increase in the country of the white population, and the scarcity of game for the support of the Indians, it has, in the judgment of the United States Government, become important and necessary that the provision of Article 4. of said treaty of July 3, 1868, shall become the subject of a new agreement between said parties.

ARTICLE 1. It is hereby agreed upon the part of all the Indians interested in said Fort Hall reservation, under the provisions of said treaty of 1868, that a portion of said fourth article of said treaty shall, upon the conditions hereinafter stated, be amended as follows:

The "right," as secured to said Indians by said fourth article of said treaty of 1868, "to hunt on the unoccupied lands of the United States," shall be relinquished, and hereafter the privilege of said Indians to hunt off of the reservation shall be under the written permission of the agent.

ARTICLE 2. It is agreed further that no public highway shall pass through or continue in said reservation without the consent of the Secretary of the Interior; that the Secretary of the Interior shall regulate the rates and amount of tolls to be charged on that portion of any toll-road or bridge situated in or running through or into said reservation, and not less than one-fourth of such toll shall be paid over and expended under the order of the Secretary of the Interior to aid said Indians in the pursuits of agriculture.

ARTICLE 3. No person whomsoever other than the Indians entitled to homes on the Fort Hall reservation shall be permitted to pasture, herd, or keep on said reservation any cattle, horses, sheep, mules, or other stock whatever, except the stock necessary for the management of the agency, and such as the Government and officers of the military need; nor shall any hay or grass be cut on or removed from said reservation other than for the use or benefit of said Indians, agency, or military.

ARTICLE 4. It is, however, further agreed that the agent may, by agreement in writing, sell grass, hay, or pasture on said reservation, but without detriment to the Indians. Said written agreement, and an itemized statement of the proceeds of such sales and expenditures thereof, which shall be for the benefit of said Indians, shall be reported to the Indian Department.

ARTICLE 5. It is further agreed that the boundaries of the Fort Hall reservation as now surveyed may, by order of the President, be changed as follows: Beginning at a point on the south line of said reservation due west of a point five miles south of a point where the stage-road from Corinne, Utah, to Helena, Mont., now crosses the main branch of the Port Neuf, (near the toll-gate;) thence due east past said point until it intersects the south or east line of said reservation; thence following the line of the present survey, and continuing the east line of said reservation due north to the center of Snake River; thence down the center of Snake River to the mouth of the Port Neuf; thence with the line of said survey to the place of beginning.

ARTICLE 6. The provisions of the treaty of 1868 not herein altered or amended shall remain valid.

ARTICLE 7. It is hereby especially agreed that no white person shall be permitted to reside on or remain upon said reservation other than those under the employ and pay of the United States, and the families of such persons, except such other white persons as may be permitted in writing by the agent to remain thereon, all of which shall be binding when confirmed by Congress.

ARTICLE 8. When any head of family or lodge shall have set apart to him, and commenced farming under the provisions of articles 6 and 8 of the treaty of 1868, they shall then be entitled to have built upon their land so set apart for them a house under the direction of the Commissioner of Indian Affairs, and have furnished for him on her a milch cow.

Concluded and signed at Indian agency on Fort Hall reservation November 7, 1873.

JOHN P. C. SHANKS,
HENRY W. REED,
T. W. BENNETT,
Special Commissioners.

Witnesses:

MILTON SHOEMAKER, M. D.
J. D. BESIER, *U. S. Indian Inspector.*

Captain Jim, his x mark, Shoshone chief.	Moshaw, his x mark, Shoshone head-man.
Otter Bear, his x mark, Bannack chief.	Anamon, his x mark, Shoshone head-man.
Pagwite, his x mark, Bannack chief.	Louis Leclair, his x mark, interpreter.
Tyee, his x mark, Bannack chief.	M. R. Magee, witness.
Bocatellah, his x mark, Shoshone chief.	William O'Neal, witness.
Pocatellah John, his x mark, "	S. G. Fisher, witness.
Major George, his x mark, "	John Watson, witness.
Gibson Jack, his x mark, "	

- Bronco Jim, his x mark, laborer.
 Parawasan, his x mark.
 Tommy, his x mark, laborer.
 Toshanabo, his x mark.
 Pabaro, his x mark.
 Fort Hall Jim, his x mark.
 Towitse, his x mark.
 Joe Henny, his x mark.
 Lem, his x mark, laborer.
 Patseagan, his x mark.
 Monap, his x mark.
 Ingotiva, his x mark.
 Pensecant, his x mark.
 Penigan, his x mark.
 Jim Hard, his x mark.
 Sitawatse, his x mark.
 Yope Ive, his x mark, laborer.
 Tegatse, his mark.
 Mosogot, his x mark.
 Nanijse, his x mark.
 Tovmôtse, his x mark.
 Iteesamany, his x mark.
 Na-o-wat, his x mark.
 Pant-wat-see, his x mark.
 Sim, his x mark.
 Kashimatse, his x mark.
 Pie-shon, his x mark.
 Jerry, his x mark, laborer.
 Padsee, his x mark.
 Johnny, his x mark.
 Patt, his x mark.
 Jimmy, his x mark.
 Peowanza, his x mark.
 Tanna, his x mark.
 Tebap, his x mark.
 Goughah, his x mark.
 Teetam, his x mark.
 Wigearogue, his x mark.
 Sapway, his x mark.
 Peamo, his x mark.
 Icups Endeme, his x mark.
 Bishop, his x mark.
 Toomnset, his x mark.
 Teeozan, his x mark.
 John, his x mark.
 Nanami, his x mark.
 Neshaw, his x mark.
 Mayan, his x mark.
 Tipityezo, his x mark.
 Pahoweza, his x mark.
 Maquah, his x mark.
 Ahyea, his x mark.
 Nonog, his x mark.
 Waitch, his x mark.
 Soowite, his x mark.
 Pashewaho, his x mark.
 Boise Dick, his x mark.
 Sick Jim, his x mark.
 Pishemah, his x mark.
 Chen-e-eye, his x mark.
 Dick, his x mark, laborer.
 Tee-ways, his x mark.
 Inkepotta, his x mark.
 Ugish, his x mark.
 Tom, his x mark, laborer.
 Piship, his x mark.
 K. Name, his x mark.
 Moke, his x mark, laborer.
 Mine, his x mark, laborer.
 John, his x mark.
 K-name, his x mark.
 Boise John, his x mark.
 Irish Jim, his x mark.
 Captain John, his x mark.
 Pete, his x mark, laborer.
 Jim, his x mark.
 Bishop, his x mark.
 Pomboa, his x mark.
 Peasop, his x mark.
 Peawa, his x mark.
 Shehabanari, his x mark.
 Jackson, his x mark, laborer.
 Old John, his x mark.
 Pa Pa, his x mark, laborer.
 Boise John, his x mark, laborer.
 Washington, his x mark, laborer.
 Hickman, his x mark, laborer.
 Tomish, his x mark.
 Sinatsee, his x mark.
 Bishop Jim, his x mark.
 Jim, his x mark.
 Parotwish, his x mark.
 Frank, his x mark.
 Snipe, his x mark, laborer.
 Jim, his x mark.
 Mky, his x mark, laborer.
 Wanup, his x mark.
 Edward Laclear, interpreter.
 Pamo, his x mark.
 Pagoshie, his x mark.
 Tooemitshie, his x mark.
 Ossasume, his x mark.
 Tamah, his x mark.
 Jack, his x mark.
 Crowfoot Jim, his x mark.
 Badzie, his x mark.
 Thomas, his x mark.
 Upsharago, his x mark.
 Mochumut, his x mark.
 Kish, his x mark.
 Nanya, his x mark.
 Toghria, his x mark.
 Persegut, his x mark.
 Ottowish, his x mark.
 Palmo, his x mark.
 Haytuff, his x mark.
 Penoya, his x mark.
 John, his x mark.
 Mornacca, his x mark.
 Jim, his x mark.
 Nadzeah, his x mark.
 Wadsise, his x mark.
 John, his x mark.
 John, his x mark.
 Apponea, his x mark.
 Ugus, his x mark.
 Sargent Jim, his x mark.
 John, his x mark, laborer.
 Dried-up-water, his x mark.
 Persekin, his x mark.
 Charley Gibson, his x mark, laborer.
 Joe, his x mark, laborer.
 Tom Danilson, his x mark, laborer.
 Charley Teatoba, his x mark, laborer.
 Nan-a-shin-an-e, his x mark, laborer.
 Sandy, his x mark, laborer.
 Ben, his x mark, laborer.
 Shan-a-kan, his x mark.

Pang-a-hoba, his x mark.
 Pang-a-hoba, sen., his x mark.
 Cochimby, his x mark.
 White Hat, his x mark.
 John, his x mark, laborer.
 Ruff, his x mark.
 Joe, his x mark.
 Tom, his x mark, laborer.
 Grant, his x mark, laborer.
 John Logan, his x mark, laborer.
 Harney, his x mark, laborer.
 Pete, his x mark, laborer.
 Bill, his x mark, laborer.
 Burt, his x mark, laborer.
 Demijohn, his x mark.
 Nate, his x mark.
 B. G. Brown, his x mark.
 Tonyona, his x mark.
 Jim, his x mark.
 Sammy, his x mark.
 Pishama, his x mark.
 White Hat, his x mark.
 Sawup, his x mark.
 Patt, his x mark.
 Bannack Pete, his x mark.
 Tom, his x mark.
 Pyatt, his x mark.
 Sowup, his x mark.
 Timpa, his x mark.
 Black Bear, his x mark.
 Toosi, his x mark.
 Nanawat, his x mark.
 Tooshap, his x mark.
 Nowadya, his x mark.
 Panyago, his x mark.
 Morat, his x mark.
 Kirassa, his x mark.
 Sinah, his x mark.
 Mosai, his x mark.
 Mioat, his x mark.
 Charley Rainey.
 Buckskin, his x mark, laborer.
 Jim, his x mark.
 Kshimbama, his x mark.
 Anagant, his x mark.
 Medicine-man, his x mark.
 Oliver Phillips, his x mark, laborer.
 Sheepskin, his x mark.
 Mack, his x mark.
 Madison, his x mark.
 Cush-o-yo-go, his x mark.
 Sho-ho-be, his x mark.
 Ta-bo, his x mark.
 Pusa, his x mark.
 Toomussa, his x mark.
 Tweebitsee, his x mark.
 High Yah, his x mark.
 Yogish, his x mark.
 Sozehah, his x mark.
 Jim, his x mark.
 John, his x mark.
 John, his x mark.
 John, his x mark.
 John, his x mark.
 Mcky, jr., his x mark.
 Joe, his x mark.
 Cottmse, his x mark.
 Ohnit, his x mark.
 Mark Leclare, his x mark.
 Kishman, his x mark.
 Nanan, his x mark.
 Pahasuck, his x mark.
 Tehoyenah, his x mark.
 Toomuseta, his x mark.
 Toobetse, his x mark.
 Horn, his x mark.
 Humpy, his x mark.
 Suysepet, his x mark.
 Topa Jack, his x mark, laborer.
 Dave, his x mark, laborer.
 Captain John, his x mark.
 Sam, his x mark.
 Fort Hall John, his x mark.
 Medicine, his x mark.
 Toometse, his x mark.
 Cotsee, his x mark.
 Dixee, his x mark.
 Jack, his x mark.
 Mack, his x mark.
 Old Dick, his x mark.
 Motsewee, his x mark.
 John, his x mark.
 Tomas, his x mark.