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Letter from the Secretary of the Interior, transmitting copy of a communication dated 14th instant, from the Commissioner of Indian Affairs, and accompanying draft of a bill to accept and ratify an agreement with the Crow Indians for sale of western portion of their reservation in Montana Territory

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LETTER  
FROM THE  
SECRETARY OF THE INTERIOR,

TRANSMITTING

*Copy of a communication dated 14th instant, from the Commissioner of Indian Affairs, and accompanying draft of a bill to accept and ratify an agreement with the Crow Indians for sale of western portion of their reservation in Montana Territory.*

DECEMBER 16, 1881.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, December 16, 1881.*

SIR: I transmit herewith copy communication dated 14th instant, from the Commissioner of Indian Affairs, and accompanying draft of a bill to accept and ratify an agreement with the Crow Indians for sale of western portion of their reservation in Montana Territory.

This agreement is identical with that of May 14, 1880, for the ratification of which bills S. 1760 and H. R. 6228 were introduced at second session Forty-sixth Congress, except as to location of the western boundary of the reservation—being a line about ten miles west of the 109th meridian, instead of the meridian—and reducing the cession about 115,200 acres.

This subject is presented for the favorable consideration of Congress, and early action is respectfully requested, as the Crows are impatient, and delay may lead to unpleasant results.

Very respectfully,

S. J. KIRKWOOD,  
*Secretary.*

The PRESIDENT *pro tempore* of the Senate.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, December 14, 1881.*

SIR: I have the honor to submit herewith, for transmission to Congress, a draft (in duplicate) of a bill to accept and ratify the agreement made by the United States with the Crow Indians on the 12th June, 1880, for the sale of the western portion of their reservation in Montana Territory.

It will be remembered that in May, 1880, an agreement was entered

into with certain chiefs of the Crow Indians, then present in Washington (subject to the consent of the adult male members of the tribe), for the cession to the United States of a portion of the Crow Reservation, being a strip along the southern boundary thereof, about eighteen miles wide, between the 109th and 110th meridians, containing in all about 1,668,000 acres.

In anticipation of the confirmation by the Indians of this agreement, bills (S. 1760 and H. R. 6228) to accept and ratify the same, and to make the necessary appropriations, were prepared and introduced in both houses at the second session of the Forty-sixth Congress.

Subsequently, the agreement was submitted by the agent to the Indians in council assembled at the Crow Agency, and was confirmed by a majority of the tribe, with the following modifications, viz: Taking for the western boundary of the lands agreed to be ceded, in place of the 109th meridian, a line about ten miles west of the same, reducing the area of the cession about 115,200 acres. This change of boundaries necessitated the preparation of another agreement, which was duly executed by a majority of all the adult male members of the tribe, in conformity with treaty provisions (Article XI of the treaty with Crows, May 7, 1868, 15 Stat., 649), on the 12th June, 1880. In all other respects this latter agreement is identical with that of May 14, 1880.

The portion of the reservation agreed to be ceded is chiefly valuable for its mineral resources, and its occupation has long been desired by the whites. It is believed that the agreement, as it now stands, will fully answer the requirements of the people of Montana; the strip of land which the Crows refused to sell not being considered of any special advantage to the whites, if indeed it is any particular value to the Indians. The total area of the ceded land is about 1,522,800 acres.

I would respectfully recommend that Congress be requested to take early action in this matter. The Indians cannot understand the delay, and in view of the presence already of many whites upon the lands agreed to be relinquished, are impatient to have the agreement carried into effect. Further delay is only calculated to provoke ill feeling, and may possibly lead to unpleasant results.

I will add that H. R. 6228, before referred to, was favorably reported by the House Committee on Indian Affairs, subject to amendment only upon the question of boundaries. (See H. R. Report 216, Forty-sixth Congress, third session.)

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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A BILL to accept and ratify the agreement submitted by the Crow Indians of Montana, for the sale of a portion of their reservation in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same.

Whereas certain individual Indians and heads of families representing a majority of all the adult male members of the Crow tribe of Indians occupying or interested in the Crow Reservation in the Territory of Montana, have agreed upon, executed, and submitted to the Secretary of the Interior an agreement for the sale to the United States of a portion of their said reservation, and for their settlement upon lands in sev- and for other purposes: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is executed by a majority of all the adult male members of said tribe, in conformity with the provisions of Article XI of the treaty

with the Crow Indians, of May seventh, eighteen hundred and sixty-eight, and is in words and figures as follows, viz:

"We the undersigned individual Indians and heads of families of the Crow tribe of Indians now residing upon the Crow Reservation in the Territory of Montana, do, this twelfth day of June, A. D. eighteen hundred and eighty, hereby agree to dispose of and sell to the Government of the United States, for certain considerations to be hereinafter mentioned, all that part of the present Crow Reservation in the Territory of Montana, described as follows, to wit:

"Beginning in the mid-channel of the Yellowstone River, at a point opposite the mouth of Boulder Creek; thence up the mid-channel of said river to the point where it crosses the southern boundary of Montana T., being the forty-fifth degree of north latitude; thence east along said parallel of latitude to a point where said parallel crosses Clarke's Fork, thence north to a point six miles south of the first standard parallel, being on the township line between townships six and seven south; thence west on said township line to the one hundred and tenth meridian of longitude; thence north along said meridian to a point either west or east of the source of the eastern branch of Boulder Creek; thence down said eastern branch to Boulder Creek; thence down Boulder Creek, to the place of beginning, for the following considerations:

"First. That the Government of the United States cause the agricultural lands remaining in our reservation to be properly surveyed and divided among us, in severalty, in the proportions hereinafter mentioned, and to issue patents to us, respectively, therefor, so soon as the necessary laws are passed by Congress. Allotments, in severalty, of said surveyed lands shall be made as follows:

"To each head of a family not more than one quarter-section, with an additional quantity of grazing land not exceeding one quarter-section.

"To each single person over eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

"To each orphan child, under eighteen years of age, not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and

"To each other person under eighteen years, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

"All allotments to be made with the advice of our agent, or such other person as the Secretary of the Interior may designate for that purpose upon our selection, heads of families selecting for their minor children, and the agent making the allotment for each orphan child. The title to be acquired by us and by all members of the Crow tribe of Indians, shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, nor subject to taxation of any character, but shall be and remain inalienable, and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in each patent.

"Second. That in consideration of the cession of territory to be made by us as individual Indians and heads of families of the Crow tribe to the Government of the United States, said government of the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, hereby agrees to appropriate annually, for twenty-five years, the sum of thirty thousand dollars, to be expended under the direction of the President, for our benefit, in assisting us to erect houses, to procure seeds, farming implements, and stock, or in cash, as the President may direct.

"Third. That if at any time hereafter we, as a tribe, shall consent to permit cattle to be driven across our reservation or grazed thereon, the Secretary of the Interior shall fix the amount to be paid by parties so desiring to drive or graze cattle; all moneys arising from this source to be paid to us under such rules and regulations as the Secretary of the Interior may prescribe.

"Fourth. That all the existing provisions of May seventh, eighteen hundred and sixty-eight, shall continue in force.

"Done at Crow Agency, Montana T., this twelfth day of June, A. D. eighteen hundred and eighty."

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed a sufficient quantity of land on the Crow Reservation to secure the settlement in severalty of said Indians as provided in said agreement, and upon the completion of said survey he shall cause allotments of land to be made to each and all of the Indians of said Crow tribe in quantity and character as mentioned and set forth in the agreement above named, and upon the approval of said allotments by the Secretary of the Interior, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same considerations, restrictions, and limitations mentioned therein as are provided in said agreement.

SEC. 3. That for the purpose of carrying the provisions of this act into effect the

following sums, or so much thereof as may be necessary, be, and they are hereby, set aside out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

For the expense of the survey of the lands as provided in the second section of this act, the sum of fifteen thousand dollars.

For the first of twenty-five installments, as provided in said agreement, to be used by the Secretary of the Interior in such manner as the President may direct, the sum of thirty thousand dollars.

DEPARTMENT OF THE INTERIOR,  
*Washington, December 16, 1881.*

SIR: I return herewith the letter of Hon. John Sherman and accompanying communication from L. S. Wilson and others, of Bozeman, Mont., relative to restoration to the public domain of a portion of the Crow reservation, received by your reference on the 6th instant.

In reply, you are respectfully informed that this day a draft of a bill to ratify an agreement with the Crow Indians for the sale of a portion of their reserve has been presented to Congress for early and favorable consideration, and your attention is invited to that portion of the report of the Commissioner of Indian Affairs, accompanying said bill, urging early action, as the Crows are impatient and delay may lead to unpleasant results.

A copy of the letter from the Commissioner of Indian Affairs, of the 14th instant, returning the papers referred by you, is herewith transmitted.

Very respectfully,

S. J. KIRKWOOD,  
*Secretary.*

Hon. H. L. DAWES,  
*United States Senatè.*

SENATE LIBRARY COMMITTEE,  
*Washington, December 3, 1881.*

MY DEAR SIR: While in Montana I was visited by several respectable citizens of Bozeman, who urged the confirmation of a treaty which they said was pending in the Senate in respect to the Crow Reservation. I told them that if they would state the facts in writing I would see that they would be considered by the appropriate committee. I inclose the paper sent me and trust it will have full consideration. It appeared to me from the information I had that their request ought to be complied with.

Very truly yours,

JOHN SHERMAN.

Hon. HENRY L. DAWES,  
*Chairman of the Committee on Indian Affairs.*

Respectfully referred to the honorable Secretary of the Interior for information and advice.

H. L. DAWES.

BOZEMAN, MONT., *November 1, 1881.*

DEAR SIR: The undersigned, by your request, would most respectfully submit the following statement to you and other Senators in relation to the restoration of that portion of the Crow Reservation now embraced within the provision of the treaty now pending, and would say that within the scope of country so sought to be restored is located a number of mining districts.

First in importance so far, and first in location is Emigrant Gulch, discovered in the year 1864, since which time the mines there and in the vicinity have been continuously worked by *bona fide* settlers in good faith. During periods of excitement since its discovery, there have been as many as 300 inhabitants there engaged in working the placers and prospecting in the immediate vicinity. Now we do not think there are more than 100 persons so engaged, yet these are all *bona fide* settlers, and many of them made location prior to the time that said portion of country was set apart as an Indian Reservation. The mines have never been thoroughly and systematically worked for the reason that not having any title to the land and no hope of obtaining it (by reason of its being a reservation) they were deterred from making any substantial improvements, or invest in the necessary machinery to successfully carry on these mining operations.

In addition to the placer mines, there has been discovered numerous quartz lodes that are believed to be rich in both gold and silver, but are undeveloped for reasons

above stated. Many of the miners have their families with them, and their children are deprived of the benefits of public schools, and are unable to send them away for that purpose; yet for this they are not to blame, having settled there and made their little homes prior to the treaty with the Crow Indians. This country, as you know from personal observation, is for the most part a rugged and mountainous country, and can not be made of any value except for the precious metals it contains; that it is not of any value to the Crow tribe of Indians as a reservation; that they never visit it, nor is it suitable for the game upon which the Indians subsist; that no opposition is made by the Crows for the cession of that portion of their reservation, while the demand upon the part of the citizens is urgent and the reasons cogent. We deem it but an act of simple justice that the treaty should be ratified. We could acquire titles to valuable mines; we could pay our taxes; we could build up prosperous communities, could educate our children, and be a source of revenue both to the Territorial and general government. The next mines in importance and date of location are Bear and Crevice Gulches, discovered in 1865 or 1866, and have been mined and worked since discovery by actual settlers. The same reasons for lack of development and successful working have operated in these places as in Emigrant Gulch, yet these are as deserving as the former, and like them only occupy the country and hold what they claim by sufferance of the government; so they too, so long as the Crows are willing and no one injured thereby, want the bill passed now pending in the Lower House to ratify the treaty already made with the Crow tribe of Indians to restore said portion of their reservation to the public domain. These mentioned are only a portion of the mines discovered in this section. There are the Clark's Fork mines and the Boulder mines, but it would be only a repetition, as they all come under the same conditions.

In conclusion we would desire to say that we presume the bill for an act upon this subject is in accordance with a series of resolutions sent to our Delegate in Congress, as also to the Interior Department. If so it only includes the mines spoken of, and is all we seek; and in seeking its ratification we feel conscious of these facts: that the Crows care nothing for this part of their reservation; they never visit it for any purpose, whatever; that (as your own knowledge of the country leads you to believe) it is a rugged and mountainous country; that game is scarce therein, and, as a consequence, of no value to an Indian; hence we cannot see why the passage of this bill should be delayed.

In view of all these facts you will confer a great favor upon many friends here, by giving this matter your favorable and earnest consideration.

Very respectfully, your obedient servants,

LESTER S. WILSON.  
GEORGE HUSTON.  
T. B. SACKET.  
J. V. BOGERT.

Hon. JOHN SHERMAN,  
*Washington, D. C.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, December 14, 1881.*

SIR: I am in receipt, by department reference, for Report, of a letter from Hon. John Sherman, addressed to Hon. H. L. Dawes, chairman of the Senate Committee on Indian Affairs, dated the 3d instant, inclosing a communication from Lester S. Wilson and others, citizens of Bozeman, Mont., dated the 1st ultimo, urging the speedy confirmation by Congress of the agreement entered into by the United States with the Crow Indians on the 12th June, 1880, for the sale of the western portion of their reservation in Montana Territory.

In reply thereto, I have the honor to invite your attention to my report of this date, transmitting for submission to Congress the draught of a bill to accept and ratify said agreement.

Owing to the pressure of other business, the bills for this purpose which were introduced at the last session were not acted upon, other than by the House Committee, who reported favorably (see H. R. Report No. 216, Forty-sixth Congress, third session).

It is to be hoped that Congress will now take early action in the matter.

The letter of Senator Sherman, with its inclosure, is herewith returned, and a copy of this report is inclosed.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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