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Agreement with the Crow Indians of Montana.

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AGREEMENT WITH THE CROW INDIANS OF MONTANA.

FEBRUARY 8, 1882.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. AINSLIE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1915.]

The Secretary of the Interior transmits the following correspondence relative to this matter, and urgently recommends the speedy ratification of this pending agreement:

DEPARTMENT OF THE INTERIOR,
Washington, May 14, 1880.

Hon. A. M. SCALES,
*Chairman Committee on Indian Affairs,
House of Representatives:*

SIR: I have the honor to inclose herewith, for the consideration of your committee, letter from the Commissioner of Indian Affairs of this date, submitting "draft of a bill to accept and ratify the agreement by the Crow Indians of Montana for the sale of a portion of their reservation, and for other purposes, and to make the necessary appropriations for carrying out the same."

The department concurs in the views of the Commissioner in the premises, and the favorable action of Congress upon the bill accompanying the Commissioner's letter (also inclosed) is requested.

Very respectfully,

C. SCHURZ,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 14, 1880.

The Honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to inclose herewith two drafts of 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," and to request that the same may be transmitted to Congress for its action, with your favorable recommendation.

The portion of the Crow Reservation which the Indians agree to sell is that which has been represented to be valuable for its mineral wealth, and its occupation by whites has been much desired. It is believed that the enactment of this bill into a law will be highly advantageous to the government and the Indians.

With great respect, your obedient servant,

R. E. TROWBRIDGE,
Commissioner.

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

The Honorable the SECRETARY OF THE INTERIOR:

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 of 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 (subjected 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 18 miles wide, between the 109th and 110th meridian, and also all that portion of the reservation west of the 110th meridian, containing in all about 1,686,000 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 modification, viz, taking for the western boundary of the lands agreed to be ceded, in place of the 109th meridian, a line about 10 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 the treaty provisions (article XI of treaty, Crows, May 7, 1868, 15 Stats., 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 of any particular value to the Indians. The total area of the ceded lands is about 1,552,800 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 No. 216, Forty-sixth Congress, third session).

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

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 SPEAKER,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1881.

SIR: Referring to department letter of 21st ultimo, with inclosure from the Office of Indian Affairs, in relation to Senate bill No. 1760, entitled "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 requesting delay in action upon said bill for reasons stated, I now have the honor to invite your attention to the inclosed copy of a further communication from the Indian Office presenting for the consideration of the committee a draft of a bill which it is believed will be found satisfactory.

The proposed legislation has the approval of the department.

I am, sir, very respectfully,

C. SCHURZ,
Secretary.

Hon. RICHARD COKE,
Chairman Senate Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 28, 1881.

SIR: Referring to my letter of the 20th ultimo, requesting that for reasons assigned therein action be deferred upon S. 1760, Forty-sixth Congress, second session, "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," I inclose herewith the draft of a bill prepared in this office in conformity with the modified agreement with the Crows referred to in said letter, and have the honor to recommend that the same be transmitted to the chairman of the Senate Committee on Indian Affairs as a substitute for S. 1760 above referred to.

I would respectfully urge the necessity for early action by Congress in this matter. A recent letter from Agent Keller, in charge of the Crow Agency, states: "It will be impossible to prevent the miners occupying the mineral lands ceded by the Crows during the present year, and unless the Crows receive fair compensation for the lands described in the inclosed treaty, the occupancy of said lands by the whites will be very apt to occasion ill-feeling on the part of the Indians, and it may possibly lead to unpleasant results.

For the information of the committee, I will state that the area of the ceded lands is about 1,552,800 acres.

I inclose a copy of this letter.

Very respectfully, your obedient servant,

E. M. MARBLE,
Acting Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1882.

SIR: In reply to your telegram of the 12th instant, requesting recommendations of department as to bill to ratify treaty with the Crow Indians for surrender of a portion of their reservation in Montana, &c., I transmit herewith copies of the following letters, which contain the recommendations of the department:

May 14, 1880, addressed to Hon. A. M. Scales, chairman House Committee on Indian Affairs, with inclosed letter from Commissioner Indian Affairs of same date.

December 21, 1880, addressed to Hon. Richard Coke, chairman Senate Committee on Indian Affairs, with inclosed letter from Commissioner of Indian Affairs of December 20, 1880.

January 31, 1881, addressed to Hon. Richard Coke, with inclosed letter of Commissioner Indian Affairs of January 28, 1881; and

December 16, 1881, addressed to the Speaker, with inclosed letter of Commissioner Indian Affairs of December 14, 1881.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

Hon. GEORGE AINSLIE,
House of Representatives.

The treaty whereby the present reservation for the Crow Indians was set apart was made in 1868. The Indians were given certain annuities and supplies for a term of years; and the vast tract of country comprised within the boundaries of said reservation was reserved to the Indians for hunting purposes. In defining and setting apart said reservation, the western portion of it was extended over mineral lands, which had been occupied by the whites for a number of years, notably Emigrant and Bear gulches, where placer gold mining operations had been carried on for four or five years, in fact since 1863. The Crows never occupied, nor did they even hunt in, that section so occupied by the miners; and it seems that by a mutual understanding, or by common consent, the whites occupying that region have not been molested. As the settlements were made, and mines located under the law before the reservation was made or set apart, either by treaty or executive order, and while such lands were open to occupancy and settlement, and to mineral exploration, the government would have been compelled to reimburse the miners and settlers for their improvement on such lands, if they were removed therefrom.

It seems that the Crows sought the eastern portion of the reservation and remained there, except when driven in by the hostile Sioux. Mr. Brunot at one time made a treaty with these Indians, whereby they agreed to remove to the Judith Basin, but such treaty was not ratified. The Indians had a new agency established in a less exposed position than where they were formerly; and it was deemed wise to keep the tribe at its old home, as they gave warning of the approach of hostile Sioux. The buffalo now becoming scarce, if not nearly extinct, in that section of country, the Crows are anxious to change their mode of life, and wish to settle down, each upon his own piece of land, and engage in farming and raising cattle and horses. Congress has been voting an annual gratuity of about \$75,000, to provide for the support of these Indians. New mines are being discovered upon the western portion of said reservation; and the history of our frontier settlements and new mining camps is but being repeated there, as it has been elsewhere of late; but owing to the obstacles thrown in the way, by reason of its being within the boundaries, of an Indian reservation, no quartz mills or permanent reduction works have been erected.

The Crows are anxious to sell the western portion of said reservation in order to avoid conflicts, and to secure an annuity, not dependent on the whim or caprice of Congress. The amount of the annuity appropriated by this bill is \$30,000, while the amount voted them at the second session of the Forty-sixth Congress was \$65,000, and the amount appropriated for them during the present fiscal year is \$65,000.

By a ratification of the treaty, and the passage of this bill, the government will obtain a large tract of about two millions of acres, much of it of rich mining land, already occupied in part by settlers who were legally on the land before the reservation was declared, and who would be entitled to payment for their improvements if this western section should remain embraced in the reservation. All experience in our frontier settlements teaches us that wherever the precious metals are found, or even where there is a probability of their being found, the prospectors and miners will enter the country and explore it regardless of consequences.

It is to the interest of all parties, the government, the Indians, and the settlers, that this treaty should be carried out by the passage of this bill. The right of way for roads for cattle driving and post-routes across the reservation ought to be made absolute. It seems unreasonable, if not

monstrous, that the commercial facilities necessary to a large and important section of our country should be so hampered and blocked up; but while the Indians did not seem willing to concede all that was desired, it is perhaps better to accept their agreements without amendment.

The treaty or agreement which this bill was intended to carry into effect was signed on the 14th day of May, A. D. 1880. Since that time another conference has been held with the chiefs and headmen of the said Crow tribe, which culminated in another treaty, signed by a majority of said Crow Indians or chiefs, and heads of families representing a majority of the adult members of the Crow tribe, and which subsequent treaty bears date the 12th day of June, A. D. 1880. By the terms of the latter treaty or agreement it appears that no material change was made in the agreement of May 14, 1880, other than a change in the boundaries of that portion of the reservation proposed to be sold to the government.

The heads of families and adult members of the Crow tribe have signed and approved this agreement twice. The Indians find it difficult to understand the delays in carrying out an agreement submitted by the government itself. The House and Senate committees of the last Congress both reported in favor of the ratification of this agreement, but the calendars of both Houses were so crowded that the bill was never reached.

For these and other reasons the committee recommend the speedy passage of the bill.

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