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Message from the President of the United States, transmitting a communication from the Secretary of the Interior of the 4th instant, with draft of bill to accept and ratify an agreement made with Chief Moses and other Indians for the relinquishment of certain lands in Washington Territory

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior of the 4th instant, with draft of bill to accept and ratify an agreement made with Chief Moses and other Indians for the relinquishment of certain lands in Washington Territory.

DECEMBER 19, 1883.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication of the 4th instant from the Secretary of the Interior, with draft of a bill to accept and ratify an agreement made with Chief Moses and other Indians for the relinquishment of certain lands in Washington Territory, and to make the necessary appropriations for carrying the same into effect, with accompanying papers.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 17, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 4, 1883.

SIR: I have the honor to submit herewith a copy of a report of 6th November last, from the Commissioner of Indian Affairs, presenting, with accompanying papers, a draft of a bill to accept and ratify an agreement made by the Secretary of the Interior and the Commissioner of Indian Affairs, on behalf of the United States, with Chief Moses and other Indians upon the Columbia and Colville Reservations in Washington Territory, for the relinquishment of certain lands in said Territory, and for making the necessary appropriations to carry the same into effect.

I respectfully recommend that the subject may be presented for the consideration and action of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,

Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 6, 1883.

SIR: In the spring of 1879, Chief Moses, who during the preceding summer had been under arrest at Yakima City, Wash., for alleged complicity in the murder of a white family, and who had been taken in charge by Agent Wilbur, came to this city.

Several conferences were held with him by Secretary Schurz, as the result of which Moses signed an agreement on the 18th of April, 1879, to the effect that in consideration of a reservation therein described, to be set apart for the permanent use and occupation of himself and his people, and such other friendly Indians as might elect to settle with his consent thereon, he thereby relinquished to the United States all right, title, or interest, possessory or otherwise, in and to any and all lands then or theretofore claimed by himself or people in Washington Territory.

He further agreed that he and his people would immediately remove to the reservation described and settle upon the same, and that they would not leave said reservation without the consent of the Commissioner of Indian Affairs.

By an Executive order, dated April 19, 1879, a tract of country was withdrawn from sale and set apart as a reservation for the permanent use and occupation of Chief Moses and his people, and such other friendly Indians as might elect to settle thereon with his consent, and that of the Secretary of the Interior. The boundaries were the same as those described in the agreement above mentioned, and are as follows, namely:

"Commencing at the intersection of the forty-mile limits of the branch line of the Northern Pacific Railroad with the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west on said boundary line to the forty-fourth degree of longitude west from Washington; thence south on said degree of longitude to its intersection with the forty-mile limits of the branch line of the Northern Pacific Railroad; and thence with the line of said forty-mile limits to the place of beginning."

It is stated in the Annual Report of the Commissioner of Indian Affairs for the year 1879 (page XVI) that it was deemed expedient to accede to the earnest desire of Moses to have a new reservation set apart for his occupancy, because of the hardship and unjust treatment to which he had been subjected and in acknowledgment of his valuable services in controlling the disaffected and in preserving the peace during the excitement occasioned by the hostilities of the Bannocks. By this arrangement an expensive war was undoubtedly avoided. It having been the desire of Chief Moses that all that part of Washington Territory lying between the Columbia and Okinakane Rivers on the east, and the forty-fourth degree of longitude west from Washington, on the west, the boundary line between the United States and the British Possessions on the north, and so far south as to include Lake Chelan, should be included in the reservation, and the line of the branch of the Northern Pacific Railroad having been so amended as to permit it, an Executive order was issued March 6, 1880, adding to the reservation that portion of the country above described which had theretofore fallen within the forty-mile limits of said railroad. The boundaries of this addition are described as follows:

"Commencing at a point where the south boundary line of the reservation created for Chief Moses and his people by Executive order, dated April 19, 1879, intersects the Okinakane River; thence down said river to its confluence with the Columbia River; thence across and down the east bank of said Columbia River to a point opposite the river forming the outlet to Lake Chelan; thence across said Columbia River and along the south shore of said outlet to Lake Chelan; thence following the meanderings of south bank of said lake to the mouth of the Shehe-kin Creek; thence up and along the south bank of said creek to its source; thence due west to the forty-fourth degree of longitude west from Washington; thence north along said degree to the south boundary of the reservation created by Executive order of April 19, 1879; thence along the south boundary of said reservation to the place of beginning."

The area of the reservation as enlarged was estimated at 2,992,240 acres.

Soon after the Executive order of April 19, 1879, was issued, representations began to be made that the northern portion of the reservation contained valuable mines which had been discovered and worked previous to that date, in consequence of which the Department, on October 11, 1882, directed Inspector Gardner to investigate the matter, and also the location and requirements of the Indians.

Inspector Gardner, under date of November 29, 1882, reported that Moses was living upon the Colville Reservation, in accordance with permission granted him by Department telegram of May 17, 1879; that his total adherents numbered two hundred and twenty people, of whom 144 resided upon the Columbia or Moses Reservation; that the mining district was located in the northern portion of the reservation, the mines being considered very valuable both in gold and silver; that prior to the Executive

order of April 19, 1879, white men had settled upon, discovered, claimed according to law, and worked their claims; and that it would appear that, as an act of justice, the prior rights of these parties should be respected and protected.

Inspector Gardner recommended that the entire reservation be restored to the public domain, Chief Moses and his people to be located on the southern portion of the Colville Reservation, and as the Columbia Reservation was given to him and his people in good faith, that they should be compensated for the restoration of this tract of country. As compensation for the relinquishment of the reservation, he recommended that there be allotted to Moses and to each male adult or head of a family belonging to Moses' band, 320 acres of agricultural land, which should be inalienable and free from taxation for twenty-five years, at the expiration of which time a patent should issue; that \$20,000 be appropriated to be expended for their benefit, to make provision for their support, and in the purchase of agricultural implements, wagons, harness, and tools; and that the sum of \$10,000 be appropriated thereafter annually for the period of eight years, to be expended for the sole use and benefit of said Indians, as the President might direct.

In view of this report it was decided to restore to the public domain that portion of the reservation upon which the mines were located, leaving the question of the restoration of the remaining portion of the reservation and of compensation for future consideration.

Accordingly, on the 23d of February, 1883, an executive order was issued restoring to the public domain the following-described tract of country, viz:

"Commencing at the intersection of the forty-fourth degree of longitude west from Washington with the boundary line between the United States and British Columbia; thence due south fifteen miles; thence due east to the Okinakane River, thence up said river to the boundary line between the United States and British Columbia; thence west along said boundary line to the place of beginning."

It is estimated that the tract restored contains 749,200 acres, leaving an area of 2,243,040 acres, at present included within the reservation.

In April last the commanding general of the Department of the Columbia represented that the action of this Department in restoring the fifteen-mile strip above described had occasioned much excitement among the Moses Indians, whose disposition was much more hostile than friendly, and requested authority to send Chief Moses, with one officer and an interpreter, to Washington, in order that such action might be taken as would restore peaceful relations between all concerned.

The Department, on the recommendation of this office, declined to grant the authority, but subsequently (May 1, 1883) recommended that the War Department bring Moses and two or three other prominent Indians of the band to Washington if it had the necessary funds at its disposal, for the purpose of conference regarding the pending difficulties.

Accordingly, Chief Moses and Sarsarpkin, of the Columbia Reservation, and Tonasket and Lot, of the Colville Reservation, under the charge of Capt. F. D. Baldwin, Fifth United States Infantry, visited Washington in July last, and entered into an agreement, a memorandum of which was signed by Moses, Sarsarpkin, and Tonasket, and by the Secretary of the Interior and the Commissioner of Indian Affairs, on the 7th of July last. (Copy inclosed.)

This agreement, if ratified by Congress, will restore to the public domain, some 2,243,040 acres in addition to the 749,300 acres restored by the Executive order of February 23, 1883, in case the Indians elect to remove to the Colville Reservation, while if they decide to remain, some 22,000 acres only will be required to allot the quantity of land stipulated in the agreement.

The terms upon which the Indians agree to relinquish their claims to this vast tract of country are regarded as favorable to the Government, the amount of money required to carry the agreement into effect being comparatively small, while the proposed disposition of the funds is such as will promote the education and civilization of the Indians, and eventually render them self-supporting.

It is not considered desirable that this large reservation should be long held for the few Indians who live upon it. It is clear, however, that they are entitled to some compensation for its relinquishment, as it was given them by the officers of the Government in whose assurances they must have had confidence.

I have therefore prepared the draft of a bill providing for the ratification of the agreement and the necessary appropriation for carrying it into effect. From the nature of the stipulation, it appears to be impossible to submit a detailed estimate of the funds required. I have named a sum, \$85,000, which it is believed will be sufficient for the purposes required.

As the agreement leaves the question of the removal of certain of the Indians to the Colville Reservation optional with them, I have inserted a section requiring them to decide within one year from the passage of the bill whether they will remain or move.

I respectfully recommend that this draft be submitted to Congress with a request for favorable action.

I inclose two copies of this report, three copies of the proposed bill, and two copies of the agreements of April 18, 1879, and July 7, 1883.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

A BILL to accept and ratify an agreement between the Secretary of the Interior and the Commissioner of Indian Affairs, and Chief Moses and other Indians of the Columbia and Colville Reservations in Washington Territory, and to make the necessary appropriations for carrying the same into effect.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the agreement entered into in the city of Washington on the seventh day of July, eighteen hundred and eighty-three, between the Secretary of the Interior and the Commissioner of Indian Affairs, and Chief Moses and other Indians of the Columbia and Colville Reservations in Washington Territory, be, and the same is hereby, accepted, ratified, and confirmed.

Said agreement is in words and figures as follows, namely:

"In the conference with Chief Moses and Sarsarpkin of the Columbia Reservation, and Tonasket and Lot of the Colville Reservation, had this day, the following was substantially what was asked for by the Indians:

"Tonasket asked for a saw and grist mill, a boarding-school to be established at Buonaparte Creek to accommodate one hundred pupils, and a physician to reside with them, and one hundred dollars to himself each year.

"Sarsarpkin asked to be allowed to remain on the Columbia Reservation with his people where they now live, and to be protected in their rights as settlers, and in addition to the ground they now have under cultivation within the limit of the fifteen-mile strip cut off from the northern portion of the Columbia Reservation to be allowed to select enough more unoccupied land in severalty, to make a total to Sarsarpkin of four square miles, being twenty-five hundred and sixty acres of land, and each head of a family or male adult one square mile; or to move on to the Colville Reservation, if they so desire; and in case they so remove and relinquish all their claims on the Columbia Reservation, he is to receive one hundred head of cows for himself and people, and such farming implements as may be necessary.

"All of which the Secretary agrees they should have, and that he will ask Congress to make an appropriation to enable him to perform.

"The Secretary also agrees to ask Congress to make an appropriation to enable him to purchase for Chief Moses a sufficient number of cows to furnish each one of his band with two cows; also to give Moses one thousand dollars, for the purpose of erecting a dwelling house for himself; also to erect a building and maintain a school therein; also to construct a saw-mill and grist-mill as soon as the same shall be required for use; also that each head of a family or male adult person shall be furnished with one wagon, one double set of harness, one grain cradle, one plow, one harrow, one scythe, one hoe, and such other agricultural implements as may be necessary.

"And on condition that Chief Moses and his people keep this agreement faithfully, he is to be paid in cash, in addition to all of the above, one thousand dollars per annum during his life.

"All this on condition that Chief Moses shall remove to the Colville Reservation and relinquish all claim upon the Government for any land situate elsewhere.

"Further that the Government will secure to Chief Moses and his people, as well as to all other Indians who may go on to the Colville Reservation, and engage in farming, equal rights and protection alike with all other Indians now on the Colville Reservation, and will afford him any assistance necessary to enable him to carry out the terms of this agreement on the part of himself and his people. That until he and his people are located permanently on the Colville Reservation, his status shall remain as now, and the police over his people shall be vested in the military, and all money or other articles to be furnished him and his people, shall be sent to some point in the locality of his people, there to be distributed as provided. All other Indians now living on the Columbia Reservation shall be entitled to six hundred and forty acres, or one square mile, of land to each head of family or male adult, in the possession and ownership of which they shall be guaranteed and protected. Or, should they move on to the Colville Reservation within two years, they will be provided with such farming implements as may be required, provided they surrender all rights to the Columbia Reservation."

All of the foregoing is upon the condition that Congress will make an appropriation of funds necessary to accomplish the foregoing, and confirm this agreement; and also with the understanding that Chief Moses, or any of the Indians heretofore mentioned, shall not be required to remove to the Colville Reservation until Congress does make such appropriation, &c.

H. M. TELLER,
Secretary of the Interior.
H. PRICE,
Commissioner of Indian Affairs.
MOSES, his + mark.
TONASKET, his + mark.
SARSARPKIN, his + mark.

GEORGE HEREING, his + mark,
Interpreter for the Indians.

J. F. SHERWOOD,
Interpreter for the Government.

FRANK D. BALDWIN,
Captain, Fifth Infantry.

SEC. 2. That Sarsarpkin and the Indians now residing on the Columbia Reservation be, and they are hereby, required to elect, within one year from the date of the passage of this act whether they will remain upon the Columbia Reservation upon the terms named in the foregoing agreement, or whether they will remove to the Colville Reservation. In case they shall elect to remain, it shall be the duty of the Secretary of the Interior to cause the quantity of land allowed by the agreement to be selected, in as compact a form as possible, which land, when so selected, shall be held for the exclusive use and occupation of the said Indians. When such selection shall be approved by the Secretary of the Interior, the remaining portion of said reservation shall thereupon be restored to the public domain.

SEC. 3. That for the purpose of carrying the provisions of this act into effect, the sum of eighty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior for the objects mentioned in the foregoing agreement.

Memorandum of an agreement made and entered into at Washington, District of Columbia, this the eighteenth day of April, A. D. 1879, by Chief Moses, acting for and in behalf of himself and his people, witnesseth—

That for and in consideration of the following described reservation in Washington Territory, which is set apart for the permanent use and occupancy of said Chief Moses and his people and such other friendly Indians as may elect to settle with his consent thereon, viz, commencing at the intersection of the forty-mile limits of the branch line of the Northern Pacific Railroad with the Okinakaue River; thence up said river to the boundary line between the United States and British Columbia; thence west on said boundary line to the forty-fourth degree of longitude west from Washington; thence south on said degree of longitude to its intersection with the forty-mile limits of the branch line of the Northern Pacific Railroad; thence with the line of said forty-mile limits to the place of beginning—does hereby relinquish to the United States all right, title, or interest, possessory or otherwise, in and to any and all lands now or heretofore claimed by himself or people in Washington Territory.

And the said Chief Moses does hereby agree that he and his people will immediately remove to the reservation above described, and settle upon the same; that they will not leave said reservation without the consent of the Commissioner of Indian Affairs, and they will never hereafter engage in hostilities against the United States or without the consent of the United States against any Indian tribe, but will forever remain at peace with the United States and the various Indian tribes.

CHIEF MOSES, his + mark.

Witnessed by—

ABE LINCOLN,
E. P. HANNA.

Result of conference held July 7, 1883, with Chief Moses and other Indians of the Columbia and Colville Reservations.

In the conference with Chief Moses and Sarsarpkin of the Columbia Reservation, and Tonasket and Lot of the Colville Reservation, had this day, the following was substantially what was asked for by the Indians.

Tonasket asked for a saw and grist mill, a boarding school to be established at

Buonaparte Creek to accommodate 100 pupils, and a physician to reside with them, and \$100 to himself each year.

Sarsarpkin asked to be allowed to remain on the Columbia Reservation with his people where they now live, and to be protected in their rights as settlers, and in addition to the ground they now have under cultivation within the limit of the fifteen-mile strip cut off from the northern portion of the Columbia Reservation to be allowed to select enough more unoccupied land in severalty to make a total to Sarsarpkin of four square miles, being 2,560 acres of land, and each head of a family or male adult one square mile, or to move on to the Colville Reservation, if they so desire; and in case they so remove and relinquish all their claims on the Columbia Reservation, he is to receive 100 head of cows for himself and people, and such farming implements as may be necessary.

All of which the Secretary agrees they should have, and that he will ask Congress to make an appropriation to enable him to perform.

The Secretary also agrees to ask Congress to make an appropriation to enable him to purchase for Chief Moses a sufficient number of cows to furnish each one of his band with two cows; also to give Moses \$1,000 for the purpose of erecting a dwelling house for himself; also to erect a building and maintain a school therein; also to construct a saw-mill and grist-mill as soon as the same shall be required for use; also that each head of a family or male adult person shall be furnished with one wagon, one double set of harness, one grain cradle, one plow, one harrow, one scythe, one hoe, and such other agricultural implements as may be necessary.

And on condition that Chief Moses and his people keep this agreement faithfully, he is to be paid in cash, in addition to all of the above, \$1,000 per annum during his life.

All this on condition that Chief Moses shall remove to the Colville Reservation and relinquish all claim upon the Government for any land situate elsewhere.

Further that the Government will secure to Chief Moses and his people, as well as to all other Indians who may go on to the Colville Reservation and engage in farming, equal rights and protection alike with all other Indians now on the Colville Reservation, and will afford him any assistance necessary to enable him to carry out the terms of this agreement on the part of himself and his people. That until he and his people are located permanently on the Colville Reservation, his status shall remain as now, and the police over his people shall be vested in the military, and all money or other articles to be furnished him and his people shall be sent to some point in the locality of his people, there to be distributed as provided. All other Indians now living on the Columbia Reservation shall be entitled to 640 acres, or one square mile of land to each head of family or male adult, in the possession and ownership of which they shall be guaranteed and protected. Or, should they move on to the Colville Reservation within two years, they will be provided with such farming implements as may be required, provided they surrender all rights to the Columbia Reservation.

All of the foregoing is upon the condition that Congress will make an appropriation of funds necessary to accomplish the foregoing, and confirm this agreement; and also with the understanding that Chief Moses or any of the Indians heretofore mentioned, shall not be required to remove to the Colville Reservation until Congress does make such appropriation, &c.

H. M. TELLER,
Secretary of the Interior.
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