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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, submitting a draft of a bill to accept and ratify the agreement by the Shoshones, Bannocks, and Sheepaters, of Fort Hall and Lemhi Reservations, in Idaho

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1883-83

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, of the 4th instant, submitting a draft of a bill to accept and ratify the agreement by the Shoshones, Bannocks, and Sheepeaters, of Fort Hall and Lemhi Reservations, in Idaho.

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 from the Secretary of the Interior, of the 4th instant, submitting, with accompanying papers, draft of a bill "to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same."

The matter 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 for your consideration copy of reports, of the 27th November and December 1, 1883, from the Commissioner of Indian Affairs, with draft of a bill "to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same"; also printed copy of report of the Committee on Indian Affairs of the House of Representatives, No. 658, Forty-seventh Congress, first session, upon the subject, to which attention is respectfully invited.

These papers show that the Indians of the Lemhi Agency, who were parties with the Indians of the Fort Hall Agency to the agreement, afterwards made known their dissatisfaction therewith and their desire to remain on their own reservation.

The report of the Commissioner of December 1, 1883, contains information furnished in a report of a recent inspection of Lemhi Agency, clearly showing the necessity for the transfer of these Indians to another reservation where sufficient land will be found available for their needs, and that their present reservation is not adapted to their advancement in agricultural pursuits, &c.

I respectfully recommend that the matter 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 27, 1883.

SIR: I have the honor to submit herewith, for your consideration, the draft of a bill to accept and ratify an agreement submitted by the Shoshone, Bannock, and Sheep-eater Indians, of the Fort Hall and Lemhi Reservations, in the Territory of Idaho, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same.

The agreement in question is dated May 14, 1880, and was entered into with a delegation of certain of the chiefs and head men of said tribes, then on a visit to this city. It provides—

First. For the surrender of the Lemhi Reservation, and for the removal of the Indians thereof to, and their settlement upon, lands in severalty of the Fort Hall Reservation.

Second. For the cession to the United States of a portion of the southern half of the Fort Hall Reserve, embracing an area of 325,760 acres, and for allotments in severalty of the remaining lands of the reservation to the Indians represented in the agreement, in certain proportions, in manner, and subject to the restrictions in the agreement mentioned; also for the issue of patents in respect of lands so allotted.

The consideration to be paid by the United States for such cessions—to the Lemhi Indians \$4,000 per annum for twenty years, and to the Fort Hall Indians \$6,000 per annum for twenty years, the same to be in addition to any sums to which said Indians are now entitled by treaty, and all provisions of existing treaties, so far as they relate to funds, to remain in full force and effect.

The Fort Hall Reservation was designated by Executive orders of June 14, 1867, and July 30, 1869, as that provided for the Indians of Southern Idaho, including the Bannocks, by the second article of the treaty of July 3, 1868 (15 Stat., 674). It contains an area of 1,202,230 acres, upon which are located about 1,650 Indians, men, women, and children, all told. That portion of the reservation which the Indians are willing to dispose of has never been occupied by the Indians, and includes the whole of Marsh Valley and numerous settlements and improvements of white persons therein, made prior to the issuance of the Executive orders setting aside the reservation.

The Lemhi Reserve was set aside by Executive order dated February 12, 1875, in lieu of a certain tract provided for in the third article of an *unratified* treaty, concluded at Virginia City, Mont., September 24, 1868. It contains about 64,000 acres, with an Indian population of about 800 souls. Only a small portion of it—that through which the Lemhi Valley runs—can ever be made available for farming purposes; and in his annual report for the current year the agent states that at the rate at which encroachments by white settlers are progressing—no official survey having ever been made of the outboundaries—there will very soon be no reservation to define, or at all events, in the event of allotment, such an infinitesimal quantity of land for each individual as will please even the Indians' greatest enemy.

I think it for the best interests of the Government and the Indians that the agreement should be carried into effect with the least possible delay, and respectfully recommend that the papers be transmitted to Congress, with a request for early action thereon.

It is proper I should state that subsequent to the making of the agreement the Lemhi Indians refused to release the Lemhi Reservation and remove to Fort Hall, claiming that their chiefs signed the agreement under a misapprehension. At the first session of the Forty-seventh Congress House Bill No. 3503, amended so as to ratify the agreement in so far only as the Fort Hall Indians are concerned, was favorably reported by the House Committee on Indian Affairs, but was not reached on the

calendar. The views of the committee upon the subject will be found at length in their report (House Report No. 658, Forty-seventh Congress, first session), copies whereof I have the honor to inclose.

For the reasons already stated, and that it will be one step further towards a consolidation of the Indians, and be an ultimate saving of expense to the Government, in that it will make one agency suffice where two are now necessary, I still believe that it will be better that the agreement should be confirmed in its original shape.

Copies of this report are also inclosed.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 1, 1883.

SIR: Supplemental to my report of the 27th ultimo, with draft of a bill for the ratification of the agreement entered into with the Shoshone, Bannock, and Sheepstealer Indians, of Fort Hall and Lemhi Reservations, in Idaho, May 14, 1880, I have the honor to submit herewith an extract from a recent report of United States Indian Inspector Benedict, on the Lemhi Agency, dated 10th ultimo, in which he strongly recommends the removal of those Indians to the Fort Hall Reservation, as follows:

"Considering that there are only about 500 Indians at this agency, the issue vouchers only showing an average during the year ending October 1, 1883, of 521, and the fact that their reservation is almost entirely covered with mountains, there being no arable land except a few patches along the Lemhi River, I believe it would be for the best interest of both Government and Indians to have them consent to a removal to the Fort Hall Reservation, which contains a large amount of good land, at a thousand feet less elevation, where wheat can be raised, and water for irrigation abundant. To maintain a separate agency for 500 Indians of same tribe, all related, and without doubt many on rolls of both agencies at present time, is useless.

"There is nothing desirable about their present location but the salmon fishing, from which they derive some revenue. They are constantly coming and going from one place to the other, and as the probabilities of their becoming self-sustaining are so much greater if located at Fort Hall than among the mountains at Lemhi, I believe the Department should take steps to accomplish their removal."

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

A BILL to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepstealers of the Fort Hall and Lemhi Reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same.

Whereas certain of the chiefs of the Shoshones, Bannock, and Sheepstealer tribes of Indians have agreed upon and submitted to the Secretary of the Interior an agreement for the sale of a portion of their lands in the Territory of Idaho, their settlement upon lands in severalty, 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 Indians of the Shoshone and Bannock tribes occupying or interested in the lands of the Fort Hall Reservation, in conformity with the eleventh article of the treaty with the Shoshones and Bannocks of July third, eighteen hundred and sixty-eight (fifteenth Statutes at Large, page six hundred and seventy-six), and is in words and figures as follows, namely:

"First. The chiefs and headmen of the Shoshones, Bannocks, and Sheepstealers of the Lemhi Agency hereby agree to surrender their reservation at Lemhi, and to remove to and settle upon the Fort Hall Reservation, in Idaho, and to take up lands in severalty on that reservation as hereinafter provided.

"Second. The chiefs and headmen of the Shoshones and Bannocks of Fort Hall hereby agree to the settlement of the Lemhi Indians upon the Fort Hall Reservation, in Idaho; and they also agree to cede to the United States the following territory, namely: Beginning where the north line of township nine south intersects with the eastern line of their reservation; thence west with the extension of said line to the

Port Neuf River; thence down and with the Port Neuf River to where said township line crosses the same; thence west with said line to Marsh Creek; thence up Marsh Creek to where the north line of township number ten south intersects with the same; thence west with said line to the western boundary of said reservation; thence south and with the boundaries of said reservation to the place of beginning; including also such quantity of land on the north side of Port Neuf River as H. O. Harkness may be entitled to enter under existing law, the same to be conformed to the public surveys so as to include the improvements of said Harkness.

"Third. In view of the cessions contained in the above articles, the United States agrees to pay to the Lemhi Indians the sum of four thousand dollars per annum for twenty years, and to the Fort Hall Indians the sum of six thousand dollars per annum for twenty years, the same to be in addition to any sums to which the above-named Indians are now entitled by treaty; and all provisions of existing treaties, so far as they relate to funds, to remain in full force and effect.

"Fourth. Allotments in severalty of the remaining lands on the Fort Hall Reservation shall be made as follows:

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

"To each single person over eighteen years of age, and to each other person under eighteen years now living or who may be born prior to said allotments, not more than one eighth of a section, with an additional quantity of grazing lands not exceeding one-eighth of a section. All allotments to be made with the advice of the agent for said Indians, or such other person as the Secretary of the Interior may designate for that purpose, upon the selections of the Indians, heads of families selecting for their minor children, and the agent making the allotment for each orphan child.

"Fifth. The Government of the United States shall cause the lands of the Fort Hall Reservation above named to be properly surveyed, and to be divided among the said Indians in severalty in the proportions hereinbefore mentioned, and shall issue patents to them respectively therefor so soon as the necessary laws are passed by Congress.

"The title to be acquired thereto by the 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, or 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 the patent."

"Done at the city of Washington, this fourteenth day of May, anno Domini eighteer hundred and eighty.

"TEN DOY, his X mark.

"TISIDIMIT, his X mark.

"GROUSE PETE, his X mark.

"JACK GIBSON, his X mark.

"TI HEE, his X mark.

"CAPTAIN JIM, his X mark.

"JACK TEN DOY, his X mark.

"Witnesses:

"J. F. STOEK.

"JOS. T. BENDER.

"A. F. GENTES.

"CHARLES RAINEY,

Acting Interpreter.

"JOHN A. WRIGHT,

United States Indian Agent."

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 Fort Hall Reservation to secure the settlement in severalty to said Indians, as provided in said agreement. Upon the completion of said survey he shall cause allotments of land to be made to each and all of said Indians in quantity and character as set forth in the agreement above mentioned; 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 conditions, 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:

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

For the first of twenty installments as provided in said agreement, to be used by

the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct: For the Lemhi Indians, four thousand dollars, and for the Fort Hall Indians, six thousand dollars.

For the expense of removing the Lemhi Indians to the Fort Hall Reservation, five thousand dollars.

[House of Representatives, Report No. 658, Forty-seventh Congress, first session.]

FORT HALL AND LEMHI RESERVATIONS, IN IDAHO.

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

Mr. DEERING, from the Committee on Indian Affairs, submitted the following report to accompany bill H. R. 3503:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3503) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations, in Idaho, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same, beg leave respectfully to report:

This is a bill submitted by the Department of the Interior during the Forty-sixth Congress, at the second session, but too late to insure action thereon.

It is intended to ratify a treaty and agreement made with the Shoshones, Bannocks, and Sheepeaters, of Idaho Territory, on the 14th day of May, A. D. 1880, by the terms of which said Indians stipulate to cede to the United States a certain portion of their reservation aggregating in area somewhere near three hundred and forty thousand acres, for a consideration which will amount to not exceeding \$120,000 as the cost price thereof. The area of the Fort Hall Reservation, as estimated by the Commissioner of Indian Affairs, is about a million and a quarter of acres; and the total number of Indians—Shoshones, Bannocks, Sheepeaters, and all others—at any time congregated thereon does not exceed sixteen or seventeen hundred—men, women, and children.

This reservation, although based on the treaty of July 3, 1868, which did not specify any particular quantity of land to be set apart as a reservation, was so set apart as a reservation for the Shoshones and Bannocks by two Executive orders, one of date June 14, 1867, and the other of date July 30, 1869. Prior to the time of the issuance of the Executive orders setting apart these lands as such reservation, quite a number of settlers had squatted on such lands and improved farms, which subsequently proved, by surveys made, to be within the limits of the lands embraced in said reservation so set apart and withheld from entry by such Executive orders.

According to the report of the Commissioner of Indian Affairs for 1881, he estimates the number of "whites" unlawfully on the reservation at 200.

The settlement of whites has been on the southern portion of said reservation, a section that has never been occupied by the Indians, and is in the mountain regions, which embrace quite a number of fertile valleys that the Indians will not attempt to cultivate, but which the whites are anxious to occupy and make productive. This is the portion of their reservation which, by the treaty made May 14, 1880, the said Indians are willing to dispose of; and from all the facts brought before the committee it is to the best interest of the Government that the treaty or agreement so made should be ratified, and carried into effect at the earliest day possible. Nearly two years have elapsed since said agreement was made; the Indians cannot understand the reason of the delay on the part of the Government in carrying out the same. One railroad, the Utah and Northern, now traverses said reservation north and south; another, "The Oregon Short Line," is now being constructed across the same, east and west. The Indians have not been backward in granting, for a fair consideration, the right of way, and have done so with an unanimity as unexpected as heretofore unexampled on the part of the Indian tribes.

After a careful examination of the bill your committee would recommend that the same be amended as follows:

Insert after the word "agreement," in line 3 of page 1, in the enacting clause, the following: So far as the same relates to the Shoshones, Bannocks, and Sheepeaters of the Fort Hall Reservation.

Insert after the word "Indians," in line 4 of section 2, on page 5, the following words: "Except the Lemhi Indians."

Strike out in lines 12 and 13 of section 3, on page 6, all after the word "direct," in line 12, up to and including the word "and" in line 13.

Strike out all of said bill after the word "dollars" in line 13—being *lines 14 and 15*. These amendments are suggested by the Commissioner of Indian Affairs, as also by the Secretary of the Interior, by reason of the fact that the Lemhi Indians since the making of said agreement have refused to release the Lemhi Reservation and remove to the Fort Hall Reservation. The Lemhi Indians are peaceable and well disposed toward the whites. Their chief claims that they signed the treaty or agreement under a misapprehension, and insist that the Lemhis do not wish to leave their old homes, and will not go to the Fort Hall Reservation unless forced to do so. With these amendments your committee recommend the passage of the bill.

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