

12-19-1883

Message from the President of the United States, transmitting a communication from the Secretary of the Interior of 3d instant submitting draft of a bill "for the relief of the Nez Perce Indians in the Territory of Idaho, and of the allied tribes residing on the Grande Ronde Indian Reservation in the State of Oregon"

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

---

#### Recommended Citation

S. Exec. Doc. No. 21, 48th Cong., 1st Sess. (1883)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication from the Secretary of the Interior of 3d instant submitting draft of a bill "for the relief of the Nez Perce Indians in the Territory of Idaho, and of the allied tribes residing on the Grande Ronde Indian Reservation in the State of Oregon."*

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 3d instant, with accompanying papers, submitting a draft of a bill "for the relief of the Nez Perce Indians in the Territory of Idaho, and of the allied tribes residing on the Grande Ronde Indian Reservation in the State of Oregon."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,  
December 17, 1883.

DEPARTMENT OF THE INTERIOR,  
Washington, December 3, 1883.

SIR: I have the honor to submit herewith for your consideration a draft of a bill prepared in the office of Indian Affairs "for the relief of the Nez Perce Indians in the Territory of Idaho, and of the allied tribes residing upon the Grande Ronde Indian Reservation in the State of Oregon," together with a copy of the letter of the Commissioner of Indian Affairs, transmitting said draft of bill to this Department.

The measure has my approval, and I respectfully request that it may be transmitted for the consideration 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 16, 1883.

SIR: In office report dated December 15, 1883, the attention of the Department was called to the desirability of increasing the quantity of land to be allotted to the

Nez Perce and Willamette Indians from the amount stipulated in the respective treaties to 160 acres to each person entitled to an allotment, and a draft of a bill for that purpose was submitted for transmission to Congress, but no action was taken thereon by that body.

As I deem this a matter of much importance, I have the honor to again call your attention to it.

The third article of the treaty of June 9, 1863, with the Nez Perce Indians (14 Stat., 648), provides that so much of the land reserved by the treaty for the use of the Indians as may "be suitable for cultivation shall be surveyed into lots of twenty acres each, and every male person of the tribe who shall have attained the age of twenty-one years, or is the head of a family, shall have the privilege of locating upon one lot as a permanent home for such person, and the lands so surveyed shall be allotted under such rules and regulations as the President shall prescribe \* \* \* When the assignment as above shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs, or under his direction, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of only to the United States, or to persons then being members of the Nez Perce tribe, and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior or the Commissioner of Indian Affairs shall prescribe," the residue of the reservation to be held in common for pasturage for the sole use and benefit of the Indians.

During the year 1873 a large portion of the reservation was surveyed and subdivided into 20-acre tracts with a view to the allotment of lands in severalty, but no allotments have ever been made.

Late Agent Warner, in his monthly report for April, 1882, states that one-half of the tribe desire allotments, and that many of them have taken up and are fencing 160 acres of land.

Agent Monteith, having been informed by this office that the treaty provided for the allotment of twenty acres only to each male person of the age of twenty-one years, or who is the head of a family, states, in a communication dated July 27, 1882, that "to cut down and take away from such as have exceeded the 20-acre stipulation, and in the future restrict all desiring to enter upon civilized pursuits to 20 acres of land, will without doubt dampen their ardor and have a tendency to check the progress which this tribe has made during the past eight or ten years. I fear the result of enforcing the 20-acre stipulation and confining all who cultivate lands on the reserve to that amount."

On the 18th of August, 1882, Agent Monteith was advised, in view of this condition of things, not to take any action respecting the allotments of lands, and that in the mean time the attention of Congress would be called to this palpable wrong, and authority asked to enable the Department to correct the injustice by assigning larger tracts of land to the Indians.

I am recently in receipt of a letter by Department reference, dated October 28, 1883, from Hon. Norman Buck, associate justice of the supreme court of Idaho, representing that these Indians were in a condition to take farms in severalty, and to be greatly benefited thereby. He urged that action be had to enable them to accomplish this step. In reply he was informed that the treaty appeared to contain the requisite authority, but that no action would be taken in regard to allotments until Congress had again been urged to increase the quantity of land to be assigned each head of a family, or single person over twenty-one years of age.

The Nez Perce Reservation contains 746,000 acres of land, which is occupied by 1,236 Indians. Of this amount of land, 300,000 acres are adapted to raising wheat. It would require about one-fourth of the entire reservation to give every Indian 160 acres, while if those who are entitled to 20 acres under the treaty were allowed 160 acres, it would require less than one-eighteenth of the reservation.

These Indians are reported to be making rapid progress in civilization. Agent Warner, in his annual report for the year 1881, states that they have made unprecedented advancement during the year, and that they evidently realize that it is high time that they should bring themselves up to a point of self-support, and are making such an effort a success, their progress being gradual and permanent. This flattering report of their condition and prospects is sustained by the statements of Judge Buck in his letter before referred to.

In view of the abundance of agricultural land upon the reservation, the industrious habits and steady improvement of these Indians, and the fact that with but one or two exceptions much larger quantities of land have been allotted in severalty to the several Indian tribes who have received allotments, I am strongly of the opinion that the allotments should be increased to 160 acres to each head of a family, and 80 acres to each single male person over twenty-one years of age.

It may also be remarked that the portion of the reservation remaining after the allotments shall have been made is secured to the Indians in common, so that the proposed increase will take no land from the United States, and does not affect its interests in any way. It will only reduce the amount of land to be held in common and divide it among individual allottees. I also think that the title to lands allotted in severalty should be evidenced by patent containing a clause restricting the right of alienation, as is provided in the treaty.

The fourth article of the treaty with the Willamette Indians, concluded January 22, 1855 (10 Stat., 1143), provides that the President may, from time to time, cause the whole or such portion as he may think proper of the tract that may be set apart as a reservation for these Indians, to be surveyed into lots, and assign them to such Indians as may wish to enjoy the privilege and locate thereon permanently, as follows: "To a single person over twenty-one years of age, twenty acres, to a family of two persons, forty acres; to a family of three, and not exceeding five persons, fifty acres; to a family of six persons and not exceeding ten, eighty acres; and to each family over ten in number, twenty acres for each additional three members." It also provides that the President "may at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions, *provided, however*, that no State legislature shall remove the restrictions herein provided for without the consent of Congress."

Agent Sinnott, in his annual report for 1880, states that the Indians upon the Grande Ronde Reservation (set apart by Executive order of June 30, 1857, for the use of the Indians, parties to the treaty of January 22, 1855), are, as a rule, industriously engaged in agricultural pursuits, and under the circumstances are making remarkable progress. He states that one great difficulty in the way of their producing good crops of grain is the foul condition of their land, caused by a constant seeding with the same kind of grain; that he experiences great difficulty in his endeavors to induce them to summer fallow their land, their excuse (which is a good one) being that they are too poor to lose the use of their land for a year, and their farms are so small they have not sufficient land to cultivate portions and leave a remainder sufficiently large to produce the necessary year's subsistence.

In his report for September, 1882, Agent Sinnott states that the Indians are anxious to have their allotments of land increased to 160 acres for each family, and justly complain that the present allotments are too small for successful farming operations, and that he is in hopes that the next Congress may see fit to pass a law allowing them that amount, so that they may be able to summer fallow a portion of their land and also to raise more cattle and horses. These Indians are said to be further advanced in civilization and habits of industry than any others upon the Pacific coast.

The allotments to these Indians some years ago have never been approved. The Grande Ronde Reservation contains 61,440 acres; the number of Indians residing thereon is stated at 786. It would therefore require about one-half of the reservation to give each single person over twenty-one years of age and each head of a family 160 acres. I am of the opinion, however, that allotments should be made of 80 acres to single persons over twenty-one years of age, and 160 acres to heads of families.

The reasons given by Agent Sinnott, explaining why the allotments authorized by the treaty are too small, appear to me to be valid, and I know of no reason why they should not be increased to the usual amount.

Although the Grande Ronde is an Executive order reservation, it was set aside as a permanent home for these Indians in pursuance of treaty stipulations.

In accordance with the views herein expressed I have prepared a bill for the relief of the Nez Perce tribe and of the allied tribes upon the Grande Ronde Reservation, which I respectfully recommend be laid before Congress with a request for favorable and early action.

I inclose two copies of this report and three copies of the proposed bill.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

---

A BILL for the relief of the Nez Perce Indians in the Territory of Idaho, and of the allied tribes residing upon the Grande Ronde Indian Reservation, in the State of Oregon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That in lieu of the allotments of lands in severalty authorized to be made to the Nez Perce Indians by the third article of the treaty between the

United States and the said Indians, concluded June 9th, 1883, there shall be allotted to each male person of the tribe who may have attained the age of twenty-one years, eighty acres and to each head of a family, one hundred and sixty acres of land, the allotments to be made in the manner and subject to the provisions and condition prescribed in said treaty.

SEC. 2. That in lieu of the allotment of lands in severalty authorized to be made to the Willamette Indians by the fourth article of the treaty between the United States and said Indians, concluded January twenty-second, one thousand eight hundred and fifty-five, there shall be allotted to each single person of said Indians who may have attained the age of twenty-one years, eighty acres and to each head of a family, one hundred and sixty acres of land, the allotment to be made in the manner and subject to the provisions and conditions prescribed in said treaty.

SEC. 3. That the President may at any time, in his discretion, after any person entitled to an allotment under the provisions of sections one and two of this act, has made location on the land assigned as a permanent home, issue a patent to such person, for such assigned land, the title to the land so patented to be subject to the conditions and restrictions imposed by the respective treaties.

