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RIGHTS OF CERTAIN INDIANS TO HUNT ON UNOCCUPIED PUBLIC DOMAIN.

JANUARY 31, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 4444.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4444) providing for commissioners to treat with certain Indians for the surrender or modification of any rights claimed by them to hunt on the unoccupied public domain of the United States, having had the same under consideration report as follows:

This bill was referred by Mr. Mondell, by whom it was introduced, to the Commissioner of Indian Affairs, who reported thereon to the Secretary of the Interior as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 21, 1896.

SIR: I am in receipt, by the hand of Hon. Frank W. Mondell, House of Representatives, of a copy of a bill, which I understand has been introduced in the House of Representatives (H. R. 4444), as follows:

"A BILL providing for commissioners to treat with certain Indians for the surrender or modification of any rights claimed by them to hunt on the unoccupied public domain of the United States.

"*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized to appoint commissioners to treat with the Shoshone and Arapahoe Indians now located on the Shoshone Reservation, in Fremont County, Wyoming, and with the Shoshone and Bannock Indians located on the Fort Hall Reservation, in Idaho, for the surrender or modification of any rights which they may claim under the treaty signed July third, eighteen hundred and sixty-eight, to hunt on the unoccupied public domain of the United States. The commissioners so appointed may treat with the said Indians either for the complete surrender of all rights claimed by them to hunt on the unoccupied lands of the United States, off of their respective reservations, or for the modification of the rights claimed by them to such an extent that they shall be amenable to State game laws and regulations.

"SEC. 2. That to carry out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary."

Mr. Mondell desires my views as to the wisdom and propriety of having such legislation enacted.

Agreeably with his request I would state that I am fully in accord with the plan proposed in this bill for negotiating with the Indians therein referred to and as therein set forth.

Upon this subject Agent Thomas B. Teter, of the Fort Hall Agency, in a recent communication, said: "In my opinion it is necessary to adopt measures which will settle the question of the hunting privileges of the Indians on unoccupied Government lands in order to prevent a recurrence, in the year 1896, of the Jacksons Hole troubles of the past July." He recommended the appointment of a commission to negotiate with the Indians as proposed in the bill under consideration.

It is especially important that negotiations should be had with the Shoshones and Arapahoës of the Wind River Reservation, in Wyoming.

The Indians of both agencies well understand the recent decision of the United States circuit court in their favor, and they are not likely to surrender any of their rights except through negotiations with the Government, and I am convinced that it is altogether desirable in the interest of peace and for the future welfare of the Indians that such negotiations should be had.

It is suggested that wherever the word "treat" occurs in the bill the word "negotiate" should be substituted therefor.

If you concur in my views as herein expressed, I would respectfully recommend that a copy of this report (herewith inclosed) be transmitted to the House Committee on Indian Affairs with such remarks as you may be pleased to make thereon.

The copy of H. R. 4444, submitted by Mr. Mondell, is herewith inclosed.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The Secretary of the Interior then addressed the following communication, favorable to the passage of the bill, to the chairman of the Committee on Indian Affairs:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 22, 1896.

SIR: I transmit herewith, in accordance with the recommendation of the Commissioner of Indian Affairs, copy of his report of 21st instant, on H. R. 4444, "A bill providing for commissioners to treat with certain Indians for the surrender or modification of any rights claimed by them to hunt on the unoccupied public domain of the United States," which was received by him from Hon. F. W. Mondell, House of Representatives.

I concur in the views of the Commissioner that it is desirable in the interests of peace and for the future welfare of the Indians that such negotiations should be had.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

Briefly stated, the conditions now existing as regards the Shoshone Indians located on the Shoshone Reservation in Fremont County, Wyo., and the Bannock and Shoshone Indians located upon the Fort Hall Reservation in Idaho, are as follows:

On the 3d day of July, 1868, a treaty was signed by commissioners acting for the United States and these Indians, whereby the Indians were given the right to hunt upon the unoccupied lands of the United States as long as there should be peace between the Indians and the whites. As the country in the vicinity of these two reservations became settled, first Territorial and later State governments were established both in Idaho and Wyoming. First the Territorial and afterwards the State authorities of these States passed game laws providing manner and times in which game could be pursued and killed. As these Indians claimed the right to hunt within the aforesaid States, regardless of any State law or regulation, and continued so to do, there came to be a considerable amount of friction and ill feeling between the Indians and the local authorities. This culminated in the disturbances of July, 1895, in Jacksons Hole, Wyoming. Since that occurrence the United States district court, held at Cheyenne, Wyo., has decided that these Indians have the right to hunt on the unoccupied lands of the United States, regardless of any State laws or regulations. This condition of affairs can not long exist in that region without causing further trouble and disturbance, as the local authorities will undoubtedly find it difficult to enforce State game regulations in the case of white residents of the State, while the Indians from adjoining reservations are privileged, under Government treaties, to slaughter and kill game at all seasons of the year free from all local restraint.

The Indians themselves, conscious of being upheld in their claimed rights by the Federal district court, will naturally be arrogant and insolent in their intercourse with the settlers.

From the standpoint of those who take an interest in the development of the Indian in the art of peace and the discontinuance of those pastimes and occupations which tend to retard the acquirement by the Indian of habits of industry, the time has arrived when steps should be taken to have the Indian give up the privilege of hunting off of his reservation, either wholly or to such an extent that he shall have no further rights and privileges than those vouchsafed to citizens.

On the 7th day of November, 1873, a commission acting for the United States concluded an agreement with the Indians on the Fort Hall Reservation in Idaho for the surrender of their rights to hunt on the unoccupied lands of the United States, but this treaty was not ratified by Congress. The fact of its having been signed by the Indians clearly indicates that no great difficulty will arise with them in the negotiations for the surrender of their right to hunt as now claimed by them.

In view of these facts and of the further fact that in order to prevent the probable recurrence of the misunderstanding between the whites and Indians of the past summer, and the possibility of even much more serious complications, the Committee recommends that the bill be passed and that said bill be amended by inserting the word "negotiate" in lieu of the word "treat" wherever the same occurs in the bill.

