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## RATIFICATION OF AGREEMENT WITH INDIANS OF FORT HALL RESERVATION.

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JUNE 4, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT.

[To accompany S. 4073.]

The Committee on Indian Affairs, to whom was referred Senate bill No. 4073, beg leave to report the same with sundry amendments and a recommendation that the same do pass.

Strike out all of the first paragraph of Article II of the treaty, on page 3, and insert instead thereof the following:

As fast as the lands opened for settlement under this act are sold, the money received from such sales shall be covered into the Treasury and placed to the credit of the said Bannock and Shoshone tribes of Indians on the Fort Hall Indian Reservation.

Strike out all of page 4 down to and including the word "direct," in line 29, and insert the following:

The remaining money from the sale of the lands granted and relinquished as aforesaid shall be paid to said Bannock and Shoshone tribes of Indians in yearly payments and in compliance with such regulations as the Secretary of the Interior may prescribe.

On page 8, line 4, after "confirmed," insert "as amended."

On page 8, line 5 of section 2, strike out all after the word "That," and also all of line 6, and all of line 7 to and including the word "and;" and in line 10 of same section strike out the words "not otherwise appropriated" and insert instead thereof the following words: "received from the sale of the lands herein provided for."

On page 8, line 8, section 2, strike out the words "the same article" and insert the words "article two of the foregoing agreement."

Strike out section 3, on page 8.

On page 10, strike out all after the word "section," in line 1, down to and including line 11, and insert the following:

And the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town site, stone and timber, and mining laws of the United States only, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all claimants for lands

lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid.

The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.

Also, renumber the sections after section 2.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, April 7, 1898.*

SIR: Replying to your informal communication of this date requesting certain information relative to the Fort Hall Indian Reservation, in Idaho, and the treaty (agreement) ceding a portion thereof to the United States, I have to submit the following:

The area of the Fort Hall Indian Reservation as it exists at present is estimated to be about 864,000 acres.

The area of the tract ceded by the agreement concluded with the Indians on February 5 last is estimated by the commission which negotiated the same to be about 416,000 acres.

As to the number of acres of agricultural, grazing, and mining lands, respectively, I would state that the office is without information, excepting that furnished by said commission in its report submitting the agreement, which is somewhat indefinite. They state that of the 416,000 acres ceded, about 45,000 acres, lying in bodies of considerable extent, are susceptible of irrigation and cultivation, and that the balance is mountain land, a large amount of which is excellent for grazing, with a small portion capable of cultivation, while it also contains some timber and has good prospects for mineral.

From the annual report of the acting Indian agent for said agency for the year 1897 it appears that the number of Indians on the Fort Hall Reservation, all told, is 1,508.

In connection with the subject I deem it proper to state, however, that it had been the purpose of the office when the contract was made with the Idaho Canal Company for the water supply on the Fort Hall Reservation to have the system cover more land than was needed by the Indians for irrigation, with a view to negotiating an agreement with the Indians for such surplus, the same to be appraised and sold to the highest bidder for the benefit of the Indians. While the office is without definite information as to the exact area of the lands that may be irrigated by the said canal contained within the tract ceded by the terms of the aforesaid agreement, it was estimated in office report submitting the same to the Department for transmission to Congress that probably 25,000 acres could be thus irrigated, the same lying in townships 5 and 6 south, ranges 34 and 35 west. Under the contract with said company water is to be supplied on the lands referred to at the original charge of \$5 per acre, and 75 cents per acre per annum thereafter. These terms are regarded as exceedingly liberal, and competent judges have expressed the opinion that the lands affected are worth at least \$10 per acre.

As was suggested in office report to the Secretary of the Interior, under date of March 16, 1898, it would seem that provision should be made for the disposition of said lands in such manner as will insure some return to the Government for their real value and for the money which has been expended therefor. I think, however, as above stated, that the preparation of the necessary legislation is a matter coming under the jurisdiction of the Department and the General Land Office.

I inclose herewith a blue print map showing the location of the Idaho Canal Company's canal, and also a blue print map of the reservation showing the tract ceded by the terms of the aforesaid agreement. The office has no map showing both of these points, and the preparation of such a map would require considerable time.

Very respectfully,

W. A. JONES, *Commissioner.*

Hon. JAMES GUNN,  
*House of Representatives.*  
(Through the Secretary of the Interior.)

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., May 27, 1898.

SIR: I have the honor to acknowledge receipt, for report, of Senate bill No. 4073, Fifty-fifth Congress, second session, entitled "An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect," which was transmitted to you by the chairman of the House Committee on Indian Affairs for your views in the premises, said bill having passed the Senate April 25, 1898.

Under date of March 2, 1898, this office submitted a draft of sections 4 and 5 of a proposed bill for the ratification of the said agreement, sections 1, 2, and 3 having been prepared by the Commissioner of Indian Affairs. The bill as submitted practically agrees with the draft prepared in this office, except that a provision authorizing the sale of said lands under the timber and stone laws has been incorporated, and a proviso that each settler on said lands shall, before receiving title, pay \$2.50 per acre for said lands, and that lands entered under the town site and mineral laws shall be paid for at the rate of \$5 per acre, has been stricken out. (See Senate Ex. Doc. No. 169, Fifty-fifth Congress, second session.)

In his report on this bill, dated May 20, 1898, the Commissioner of Indian Affairs calls attention to his report on the same bill when it was pending in the Senate, wherein he adverted to the fact that probably 25,000 acres of the ceded land is under the Idaho Canal Company's canal; that by a contract with said company water is to be supplied on the lands referred to at an original charge of \$5 per acre, and 75 cents per acre per annum thereafter; that these terms are exceedingly liberal, and competent judges have expressed the opinion that the lands affected are worth at least \$10 an acre.

He, therefore, suggested that the bill should provide some means for the disposal of the lands under said canal that would insure some return for their real value.

It appears, however, that with this report before it, the Senate has seen fit to pass the bill without any provision as to payment for said lands.

As payment is to be made to the Indians of the Fort Hall Reservation, at the rate of nearly \$1.50 per acre for the lands ceded, this office deemed it proper that the parties who secured said lands should pay enough therefor to at least cover the amount provided for in the cession.

I am still of the opinion that a proviso as to payment of at least \$1.25 per acre by homestead claimants for lands not situated under the canal of the Idaho Company should be inserted in the bill.

This office has no knowledge of the terms of the contract of the Idaho Canal Company with the Government, but it appears from the statement of the Commissioner of Indian Affairs that certain moneys have been expended in having the ceded lands which are under the canal of said company "covered by water, thereby greatly enhancing them in value."

I would, therefore, concur in the suggestion of the Commissioner of Indian Affairs that these lands "should be so disposed of as to insure some return for their real value."

The papers transmitted are herewith returned.

Very respectfully,

BINGER HERMANN,  
Commissioner.

The SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, May 20, 1898.

SIR: I am in receipt, by your reference of this date, for immediate report, in duplicate, with return of the papers, of a communication dated May 19, 1898, from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, inclosing copy of Senate bill 4073, and requesting to be furnished with a report thereon, including the views of the Department as to the necessity for its modification.

In reply I have the honor to state that under date of March 16, 1898, this office submitted a report upon said Senate bill No. 4073, in compliance with the request of Senator George L. Shoup therefor. Sections 1, 2, and 3 of the proposed bill were prepared by this office and submitted with its report dated February 21, 1898, upon the said agreement with the Indians of the Fort Hall Reservation, and no changes appear to have been made as originally drawn by the office.

Sections 4 and 5 were presumably prepared in the General Land Office, and as the matters covered thereby come under the jurisdiction of the Department and the General Land Office, this office does not deem it necessary to submit any remarks thereon.

In said report of March 16, 1898, attention was invited to the fact that no provision was made for the disposition of the lands proposed to be ceded by said agreement coming under the Idaho Canal Company's canal, otherwise than under the public land laws. The following language was used in said report:

"I deem it proper, however, to invite attention to my report of February 21, 1898, submitting the agreement for transmission to Congress, in which it was observed that a considerable body of land embraced in the cession, probably 95,000 acres, situated in townships 5 and 6 south, ranges 34 and 35 west, comes under the Idaho Canal Company's canal, and is thereby greatly enhanced in value. Under the contract with said company, water is to be supplied on the lands referred to at an original charge of \$5 per acre and 75 cents per annum thereafter. These terms are regarded as exceedingly liberal, and competent judges have expressed the opinion that the lands affected are worth at least \$10 an acre.

"It had been the purpose of the office when said contract was entered into to provide in any agreement made for the appraisal and sale of said lands to the highest bidder for the benefit of the Indians, but the agreement concluded makes no provision therefor. It is respectfully suggested that the bill should provide for the disposition of said lands in some manner other than under the homestead or other public-land laws, as proposed in the fifth section of said bill as it now stands. It would seem that they should be so disposed of as to insure some return for their real value, which, as indicated, has been greatly enhanced by virtue of said contract."

While, as above indicated, the disposition of said lands is a matter for determination of the Department and the General Land Office, it would seem that inasmuch as the agreement makes no provision for a special disposition of said lands, as was originally contemplated when the contract with the Idaho Canal Company was made, some measures should now be adopted whereby the Government would receive some return for the moneys expended in having said lands covered by water, thereby greatly enhancing them in value.

I inclose herewith a copy of this report.

Mr. Sherman's letter, with the inclosed bill, is inclosed herewith.

By direction of Commissioner W. A. Jones.

C. F. LARRABEE, *Chief of Division.*

THE SECRETARY OF THE INTERIOR.

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