

Band of Cherokee Indians was authorized to institute a suit in the Court of Claims against the United States—

To determine the rights of the said band in and to the moneys, stocks, and bonds held by the United States in trust for the Cherokee Indians, arising out of the sales of lands lying west of the Mississippi River, and also in a certain other fund, commonly called the permanent annuity fund, to which suit the Cherokee Nation, commonly called the Cherokee Nation west, should be made a party defendant.

The case is now pending in the Court of Claims.

UMATILLA RESERVATION.

Bills were introduced in the last Congress (S. 1434, H. R. 2579) providing for the allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in Northeastern Oregon, for the granting of patents therefor, and for the sale of the remainder of the reservation in excess of 120,000 acres, the proceeds to be used for the benefit of the Indians, in assisting them to establish themselves upon their several allotments, and in the establishment and support of an industrial farm and school for the training and education of the children in the arts and methods of civilized life. Although the bill introduced in the Senate passed that body on April 24, 1882,* it failed to become a law.

A large majority of these Indians have expressed a strong desire to take lands in severalty; they have more land than they need for that purpose, or for their wants in their present situation, so that the sale of a portion of their reservation would furnish them the means necessary to a fair start upon their several allotments. It is to be hoped, therefore, that the effort to secure legislation looking to that end will be renewed at the next session of Congress.

The reservation, which was established by treaty of June 9, 1855 (12 Stat., 945), contains 263,800 acres, or 420 square miles, 150,000 acres of which is tillable. The number of Indians residing upon the reservation, as shown by the report of the agent for the present year, is 897; males, 398; females, 499.

TOWN OF PENDLETON, OREG.

By section 5 of the act of August 5, 1882 (22 Stat., 297), Congress appropriated \$1,500 to enable the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian Reservation, in order to afford said town proper and needful extension and growth. By act of March 3, 1883 (*Ib.*, p. 590), Congress appropriated an additional sum of \$2,000 for the survey and appraisement of said lands, making a total of \$3,500 appropriated for that purpose. Directions were given by the General Land Office, in the latter part of March last, for the execution of the necessary surveys, and a commission, composed of Messrs. N. A. Cor-

* See Cong. Rec. vol. 13, part 1, pp. 3210, 3212, 3248.

noyer, J. H. Koontz, and J. H. Kenzie, of Umatilla County, Oregon, appointed by the Department, were instructed by this office to make the required appraisement. So far no report has been received of the progress of the work. Upon the return of the survey and appraisement, if the same shall be approved by the Department, the lands are to be sold at public auction at the door of the court-house in the town of Pendleton, aforesaid, after thirty days' public notice thereof. Only 640 acres can be sold under the provisions of the act aforesaid.

The funds arising from the sale of the lands, after deducting the expenses of the survey, appraisement, and sale, are to be placed to the credit of the Indians, bearing interest at the rate of 5 per centum per annum, and the Secretary of the Interior is authorized to expend from time to time so much of the principal and accrued interest as he may see fit in the support of an industrial school for the Indians of the Umatilla Reservation.

MALHEUR RESERVATION.

Under date of May 17 last, I submitted to the Department the question of restoring the remainder of the Malheur Indian Reservation, in the State of Oregon, to the mass of the public domain. It was stated that the reservation was no longer needed for purposes of Indian occupation; that it was an expense to the Government, in that it had been found necessary to keep a person constantly employed in the protection of the Government buildings there, and that it was very doubtful if Congress would grant authority for the sale of any portion of the reservation for the benefit of the Indians, who have persistently refused to settle thereon. As the result of this step, the remainder of the reservation (except 320 acres, upon which the buildings belonging to the Old Camp Harney Military Reserve are situated) was restored to the public domain by Executive order, dated May 21, 1883. Under the provision of law contained in sections 2122 and 2123 of the Revised Statutes, on May 23 following the General Land Office was directed to sell the agency buildings, together with two sections of land upon which the same are situated, and this office is advised that the proper steps have been taken to effect the sale as directed.

There have been no Indians upon the Malheur Reservation since the outbreak of the Bannack war in June, 1878. All the Indians then belonging to the agency left the reservation, and at the close of said war those who had taken part in the hostilities, together with many other Indians who belonged at Malheur, were removed, with their women and children, to the Yakama agency, in Washington Territory, where they are permanently settled. Those who did not go to the Yakama are living in the vicinity of Camps McDermott, in Nevada, and Bidwell, in California, near the Oregon line, and the town of Winnemucca, in Nevada, where they procure a livelihood by cultivating the soil or laboring among the whites.

UTES.

By a clause in the Indian appropriation act approved March 1, 1883 (22 Stat., 449), the Ute Commission, appointed under the act of June 15, 1880 (21 Stat., 200), was abolished, to take effect March 15, 1883. At the same time, however, provision was made for continuing the work heretofore performed by said Commission, and a special agent of the Department is now engaged thereat, having taken up the work where the Commission left off. A large irrigating ditch has been in process of construction during the summer on the Uncompahgre Reservation, and the surveys necessary to the allotment of lands in severalty, as provided in the agreement, have also been in progress, and are now very nearly completed. The surveys for the Southern Utes have been made and returned in full to the General Land Office, and paid for by this office.

I had the honor to recommend, in report to the Department dated January 5 last, that the Ute removal and settlement fund of \$350,000 (section 9, act June 15, 1880) be reimbursed certain sums of money taken therefrom to pay the cost of the surveys made on Grand River, in Colorado, and to pay for the value of improvements of white settlers found within the present Uncompahgre Reservation in Utah. The facts in the case are substantially as follows:

By the agreement made with the Confederated Bands of Utes, accepted and ratified by the act of June 15, 1880 (21 Stat., 199), it was agreed that the Uncompahgres should remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land could be found there; if not, then upon such other unoccupied agricultural lands as might be found in that vicinity and in the Territory of Utah.

It was supposed at the time that the country in the neighborhood of the confluence of the Grand and Gunnison Rivers would afford a sufficient quantity of agricultural lands for the settlement of the Uncompahgres in accordance with the terms of the agreement, and as a necessary step to their removal and settlement there, a contract was entered into for surveying the agricultural lands in that locality. Surveys had been made amounting to \$21,575.35, when it was ascertained that a sufficient quantity of agricultural lands could not be found there; whereupon the surveys were discontinued, and instead of settling the Indians there, they were removed to Utah Territory, as provided in the agreement. The Indians were in no wise benefited by these surveys, and they ought not to bear the expense incurred in making them. Had they been settled there, the cost of the necessary surveys would very properly come out of the removal fund, and it was of course in anticipation of their being settled there that the contract for the survey was entered into. As it is, the Indians derived no benefit from the work done, and yet the cost has been paid out of their removal and settlement fund.

Again, under the agreement it was incumbent upon the Government, in selecting lands *in Utah* (having failed to find suitable lands in Colorado), to find "unoccupied" agricultural lands for the settlement of the Uncompahgres. Within the territory finally selected and set apart for them in Utah some white settlers were found, having improvements of considerable value. In settlement of the claims of these settlers the Ute Commission appraised the value of their improvements and allowed the sum of \$10,338.25, which has been set aside and ordered to be paid out of the removal and settlement fund. Manifestly, the Indians should bear no part of this expense, as the Government was bound to provide for them unoccupied lands. Their funds should, therefore, be reimbursed in that amount.

I earnestly recommend, in view of the foregoing, that Congress be asked, at its next session, to appropriate \$31,913.60 in reimbursement of the amount thus taken from the removal and settlement fund of \$350,000.

I would add that the surveys in Colorado of which I have spoken, although of no benefit to the Indians, will undoubtedly be useful to the Government, as just that much of the public lands has been surveyed, and the work will not, it is presumed, have to be done over again.

By the act of March 1, above quoted, the Secretary of the Interior is authorized, with the consent of the Indians, to pay in stock and such other property as he and the Indians may agree upon, instead of cash, the annual \$50,000 per capita payment provided by the agreement incorporated in act of June 15, 1880.

MOSES.

In consequence of numerous representations having been made that the northern portion of the Columbia Reservation in Washington Territory contained valuable mines, which had been discovered and worked previous to the issuance of the Executive order of April 19, 1879, setting apart that reserve, the Department, on October 11, 1882, directed Inspector Gardner to investigate the matter, and also the location and requirements of the Indians for whose benefit the reservation was created. As the result of this investigation an Executive order was issued February 23, 1883, restoring to the public domain a strip of country 15 miles in width along the entire northern portion of the reservation.

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

Accordingly Moses and Sar-sarp-kin, 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, the following memorandum of which was signed by them and by the Secretary of the Interior and Commissioner of Indian Affairs on the 7th of July last :

In the conference with Chief Moses and Sar-sarp-kin, 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 (100) pupils, and a physician to reside with them, and one hundred (\$100) dollars to himself each year.

Sar-sarp-kin 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 Sar-sarp-kin 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 one hundred (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 one thousand (\$1,000) 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 (\$1,000) 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 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.

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS. LXXI

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.

his
GEORGE X HEREING, *Interpreter for the Indians.*
mark

H. PRICE,
Commissioner Indian Affairs.

MOSES, his X mark.
TONASKET, his X mark.
SAR-SARP-KIN, his X mark.

J. F. SHERWOOD,
Interpreter for the Government.
FRANK D. BALDWIN,
Captain Fifth Infantry.

This agreement, if ratified by Congress, will restore to the public domain some 2,243,040 acres, in addition to the 749,200 acres restored by the Executive order of February 23, 1883, upon terms favorable to the Government, and for the best interests of the Indians themselves.

ENOCH SILIQUOWYA AND THE NORTHERN PACIFIC RAILWAY COMPANY.

This Indian, with others of the Spokanes, settled upon and improved lands in Washington Territory outside of any reservation, which were found to be within the grant to the Northern Pacific Railway Company. The company, desiring these lands, offered to pay Enoch the sum of \$1,000 for his improvements, notwithstanding the fact that he had no valid title. Although this sum was probably the full value of the improvements, I urged upon the company the propriety and good policy of paying him a sum which would fully compensate him for the loss of the land as well as the improvements. The company, in compliance with this request, thereupon paid him the sum of \$2,000, and then permitted him to remove such improvements as he desired. This instance of just and liberal dealing with the Indians on the part of this corporation I deem worthy of note, and commend it as an example to other corporations and individuals.

I have the honor to be, sir, very respectfully, your obedient servant,
H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.