

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with a draft of a bill to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the Northern Pacific Railroad.

JANUARY 18, 1882.—Read, 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, with a draft of a bill and accompanying papers, to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the Northern Pacific Railroad, and to make the necessary appropriation for carrying the same into effect.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 18, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 16, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill prepared in the Office of Indian Affairs "to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the Northern Pacific Railroad, and to make the necessary appropriation for carrying out the same," together with the accompanying papers and maps mentioned in the letter of the Commissioner of Indian Affairs, also herewith.

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

I have the honor to be, sir, very respectfully, your obedient servant,
S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

A BILL to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement, made between the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell special agents, duly appointed in that behalf by the Secretary of the Interior, of the one part, and the Crow tribe of Indians resident on the Crow Reservation in the Territory of Montana, acting under the supervision and with the approval of the Secretary of the Interior, of the other part, be, and the same is hereby, ratified and confirmed. Said agreement is executed by a majority of all the adult male Indians of the Crow tribe occupying or interested in the lands therein more particularly described in conformity with the provisions contained in Article XI of the treaty with the Crow Indians, May 7, 1868, and is in the words and figures following, viz:

"Whereas by section one of an act of Congress approved July 2, 1864, entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route' (13th Statutes at Large, page 365), the Northern Pacific Railroad Company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States on a line north of the forty-fifth degree of latitude to some point on Puget Sound; and

"Whereas by section two of said act Congress granted to said company the right of way for the construction of said railroad and telegraph line to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn tables, and water stations; and

"Whereas by said section two Congress provided that the United States should extinguish as rapidly as may be consistent with public policy and the welfare of the Indians the Indian titles to all lands falling under the operation of this act and acquired in the donation to the [road] named in the act; and

"Whereas by treaty between the United States and the Crow Indians, concluded at Fort Laramie, May 7, 1868, and duly ratified and proclaimed (15th Statutes at Large, page 649), a district of country in the Territory of Montana was set apart as a reservation for the absolute and undisturbed use and occupation of said Indians; and

"Whereas there is no provision or stipulation in said treaty authorizing said company or recognizing its right to construct its road through said reservation; and

"Whereas the said company did, on the 25th day of June, 1881, file in the Department of the Interior a map showing the definite location of its line of railroad from the one hundred and seventh degree of longitude west from Greenwich westwardly through said reservation and adjacent territory to the western boundary of the said reserve, as provided by said act of eighteen hundred and sixty-four, the company having first obtained the permission of the Secretary of the Interior to survey its line in said reservation; and

"Whereas the said company desires to construct its line of railroad upon such designated route and claims the right by virtue of said act so to do:

"Now, therefore, in order to fulfil the obligations of the government in the premises, this agreement, made this 22d day of August, A. D. 1881, between the Crow tribe of Indians resident on the Crow reservation, in the Territory of Montana, represented by their chiefs, headmen, and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, the said Indians acting under the supervision and with the approval of the Secretary of the Interior of the United States, of the one part, and the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents duly appointed in this behalf by the Secretary of the Interior, of the other part, witnesseth, that for the consideration hereinafter mentioned the Crow tribe of Indians do hereby surrender and relinquish to the United States all their right, title, and interest in and to all that part of the Crow reservation situate in the Territory of Montana and described as follows, viz:

"A strip of land not exceeding four hundred feet in width—that is to say, two hundred feet on each side of the line laid down on the map of definite location hereinbefore mentioned, wherever said line runs through said reservation between the 107th degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, containing five thousand three hundred and eighty-four acres, more or less. An official copy of said map of definite location was, on this 22d day of August, A. D. 1881, produced before said special agents and the Indians in council, was fully explained to said Indians, and is hereunto attached, marked A, and made a part of this agreement. Also the several parcels of land situate along and ad-

joining the said strip of land hereinbefore mentioned between the 107th degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, as defined and described on a map produced before said special agents and the Indians in council on the day and date above mentioned, and fully explained to and understood by said Indians; said tracts being designated on the aforesaid map by the letters A, B, C, D, E, F, G, H, I, J, and K, and containing, respectively, the following area, that is to say: tract A, 26.23 acres; tract B, 28.54 acres; tract C, 26.23 acres; tract E, 26.23 acres; tract F, 26.23 acres; tract G, 26.23 acres; tract H, 26.23 acres; tract I, 26.23 acres; tract J, 28.32 acres; tract K, 26.23 acres, aggregating two hundred and sixty-six acres, more or less, said map being hereunto attached, marked B, and made a part of this agreement; which last mentioned tracts are intended for the use of said Northern Pacific Railroad Company for station houses, depots, switches, &c. It is further stipulated and agreed that the United States will not permit the said railroad company, its employes or agents, to trespass upon any part of the lands of the Crow Indian Reservation not hereby relinquished, nor permit said company, its employes or agents, to cut any timber, wood, or hay from the lands embraced in said reservation.

"And it is further stipulated and agreed, that the Secretary of the Interior upon such terms as he may see fit to impose, may permit to be constructed, maintained, and used within said Crow Indian Reservation, wagon-roads, not exceeding three in number, in addition to any established wagon-roads which may be now in use therein; the said three roads to connect with the line of said railroad at such points as the Secretary of Interior may designate; all of which wagon-roads shall be under the control of the Government of the United States.

"In consideration for the lands hereby relinquished, amounting in the aggregate to 5,650 acres, more or less, and for the privileges herein granted, the United States stipulates and agrees to pay to the Crow tribe of Indians, the sum of \$25,000, to be deposited in the Treasury of the United States to the credit of the said tribe of Indians upon the ratification of this agreement by Congress, and the necessary appropriation made therefor, the sum aforesaid, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; the same to be in addition to any and all moneys to which the said Indians are entitled under the provisions of the treaty of May 7, 1868, hereinbefore mentioned.

"All provisions of existing treaties with the Crow Indians, not affected by this agreement, are to remain in full force and effect, and this agreement is to be subject to ratification by Congress.

"Executed at Crow Agency, in the Territory of Montana, this 22d day of August, A. D. 1881, as witness the following signatures."

Sec. 2. That for the purpose of carrying the provisions of this act into effect the sum of twenty-five thousand dollars is hereby set aside, out of any moneys in the United States Treasury not otherwise appropriated, to be deposited in the United States Treasury to the credit of the Crow tribe of Indians, and to be expended for the benefit of the said Indians in such manner as the Secretary of the Interior may direct.

Sec. 3. The right of way over the land relinquished by said agreement to the United States for the construction of said Northern Pacific Railroad, and the use of the several parcels of land so relinquished, intended to be used for depots, stations, sidings, &c., for said railroad, are hereby granted to said Northern Pacific Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth; but the land, or any part thereof, relinquished to the United States by said agreement shall not be used for railroad purposes by or for the said Northern Pacific Railroad Company, its successors or assigns, except upon the condition precedent that the said company, its successors and assigns, shall, within — days from the taking effect of this act, pay to the Treasurer of the United States said sum of twenty-five thousand dollars hereby appropriated to be paid by the United States for the lands relinquished to the United States by said agreement, and shall within the same time file with the Secretary of the Interior its written acceptance of the conditions of this section. Nor shall said land, or any part thereof, be continued to be used for railroad purposes by or for said Northern Pacific Railroad Company, its successors or assigns, except upon the further condition that said company, its successors, or assigns, will pay any and all damages which the United States or said Indians, individually or in their tribal capacity, or any other Indians lawfully occupying said reservation may sustain by reason or on account of the act or acts of said company, its successors or assigns, its agents or employes, or on account of fires originating by or in the construction or operation of said railroad, the damages in all cases to be recovered in any court of the Territory of Montana having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That the said United States attorney may accept such sum of money in satisfaction of any such injury or damages as in his discretion may be just; and, if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company, its successors or assigns.

SEC. 4. That all moneys accepted or recovered under the provisions of section three of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians as aforesaid, they shall be placed to the credit of said Indians in their tribal names, to be expended by the Secretary of the Interior for the benefit of said Indians in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount covered into the Treasury shall be expended for his sole benefit.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 17, 1881.

SIR: In compliance with the instructions contained in your letter of the 16th ultimo, I herewith inclose for transmission to Congress the draught (in duplicate) of a bill to accept and ratify the agreement made by the United States with the Crow Indians on the 22d day of August last, for the extinguishment of their title to so much of the lands of their reservation in Montana Territory as are required for the uses and purposes of the Northern Pacific Railroad, as provided for by section 2 of the act of Congress approved July 2, 1864 (13 Stat., 365), entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," which agreement was approved by you on the 16th ultimo; also copies (in duplicate) of the agreement in question, maps, report, and other papers in the case necessary to a full understanding thereof by Congress.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, May 9, 1881.

SIR: The Northern Pacific Railroad Company, by letters of the 15th and 25th instant from W. F. Sanders, esq., its attorney, has applied for permission to make preliminary surveys within the Crow Indian Reservation for the purpose of determining whether or not it will construct its road through a portion of said reservation, and, if it determine so to do, to definitely locate the line thereof.

By the first section of the act of July 2, 1864 (13 Stats., 365), incorporating said company and making a grant of lands thereto, Congress authorized and empowered the company "to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, * * * beginning at a point on Lake Superior in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound."

By the second section of the act, Congress granted to the company the right of way through the public domain to the extent of two hundred feet on each side of said railroad, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn-tables, and water-stations, and also provided that the United States should extinguish as rapidly as might be consistent with public policy and the welfare of the Indians the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the road.

The seventh section authorized and empowered the company to enter upon, take and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding two hundred feet in width on each side of the line thereof, unless a greater width be required for the purpose of excavation or embankment, and other lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station-houses, or other structures required in the construction and working of the road. The section then provides the manner for estimating the value of the premises taken or to be taken for the use of the road in cases in which the owners thereof and the company cannot agree, and then the section further provides, that in case any party shall have a right or claim to any land for "a term of years, or any interest therein, in possession, reversion, or remainder, the value of any such estate, less than a fee simple, shall be estimated and determined in the manner hereinbefore set forth."

The sixth section of the act provided for the surveying of the granted lands by the government after the general route of the road was fixed. The general route through

the Territory of Montana having been indicated by the company by the filing of a map thereof in the General Land Office, a withdrawal was accordingly made by letter of the Commissioner of the General Land Office under date of April 22, 1872. The said map indicates a line from the 107th meridian on the east to Yellowstone Ferry on the west, running along the north bank of the Yellowstone just outside of said reservation, but about four-fifths of the Crow Indian Reservation is included within the limits of the withdrawal.

Now, as the company may change the line indicated as above, relocate a different general route, and have a new withdrawal made accordingly (see decision of this department of June 11, 1879, upon relocation of general route of branch line of said company in Washington Territory), and as, even if the company should adopt the line now indicated by said map as the line of definite location provided for by the third section of said act, it might, in constructing the road, defect therefrom within the limit of the withdrawal, in order to avoid the engineering obstacles or to remedy defects in the location, provided the identity of the road is maintained, it would seem that the company may construct its road through said reservation should it deem such route the most eligible, provided no lawful reason exists to prevent the entering of the reservation for that purpose.

(Opinion of Attorney-General of November 29, 1879, in case of Southern Minnesota Railway Extension Company, concurred in by this department December 5, 1879; decision of the department April 9, 1880, in case of Chicago, Milwaukee and Saint Paul Railway Company, in which opinion of Attorney-General Devens of February 2, 1880, was concurred in; decision of the department of April 13, 1880, in the case of the Hastings and Dakota Railroad Company; and decision of the department of June 10, 1880, in the case of the Saint Paul, Minneapolis and Manitoba Railway Company. For above opinions and decisions see G. L. O. Report for 1880, pages 116 to 126 inclusive.)

But if there is any law in existence to prevent the building of the road through said reservation it must be found outside of the act above referred to, and to effect a repeal of most of the provisions thereof above mentioned; for in authorizing and empowering the company to lay out, construct, and maintain a continuous domain, and in authorizing and empowering the company to enter upon, purchase, take, and hold lands and premises necessary for the right of way and other privileges granted, no exception is made of Indian reservations, and it would appear that none was intended, for the act provides for the extinguishment of the Indian titles by the United States for such right of way and other privileges.

It may be as well to remark here, that the question of the company's right to any odd sections within said reservation, should the latter hereafter be relinquished and surveyed as public land, is in no manner raised in this case, and nothing said herein is intended to affect that question one way or another. Only the question of the right of the company to make preliminary surveys to definitely locate its line, and to construct its road through said reservation, is now considered.

It will be observed that the manner of estimating the value of lands taken, provided for by the 7th section of said act, where the estate is less than a fee simple, does not include the manner of purchasing Indian titles. Such titles can only be purchased by the United States, or by some party duly authorized by Congress to negotiate with the Indians therefor. (*Johnson and Graham's lessee v. McIntosh*, 8 Wheat., 543; *Cherokee Nation v. Georgia*, 5 Peters, 1; *Fellows v. Blacksmith*, 6 *Ibid.*, 366; *Mitchell et al. v. United States*, 9 *Ibid.*, 711; *United States v. Heirs of Rilleux*, 14 How., 189; *Holden v. Joy*, Wall., 244, and section 2116, Revised Statutes.)

Congress not having authorized the company to negotiate with said Indians for any portion of their reservation, but having enacted that the United States should extinguish the Indian titles, if the company should decide to construct its road through said reservation, the government would have to extinguish the Indian claim or title to so much of the land as might be found necessary, in the usual manner, and in accordance with treaty stipulations with said Indians.

By article 3 of the treaty concluded May 7, 1868, between the United States and said Crow Indians, duly ratified and confirmed (15 Stats., 649), said reservation was set apart by specific boundaries for the absolute and undisturbed use and occupation of the Indians therein named; and by the same article the United States solemnly agreed that no persons, except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of their duties enjoined by law, should be permitted to pass over, settle upon, or reside in the territory described in said article.

The question for immediate determination is whether, in view of the unqualified authority and power granted by Congress to said company to lay out a continuous railroad line by the most eligible route, "as shall be determined by said company," the granting of the right of way to said company through the public domain, the agreement to extinguish the Indian titles for the purposes of said right of way, the authority granted by Congress to the company to enter upon "any lands or premises,"

and the exception in said article, the company is authorized to make the preliminary surveys above mentioned. I think the question must be determined in the affirmative. In a case in which much less authority was granted a railroad company, my predecessor construed an act of Congress as authorizing the surveying and construction of a road through an Indian reservation. (Matter of survey and construction of Utah and Northern Railroad through Fort Hall Reservation under act of June 20, 1878, 20 Stats., 241.)

It seems to me that the treaty was not intended to repeal any portion of said act of Congress. The treaty-making power is presumed to have known of the existence of that act, and to have made such exceptions as would permit of its due execution. At all events, only by implication can the treaty be held to repeal the act or any portion thereof, and so long as by proper construction of the treaty the act may be executed, it will not be held to be in any respect repealed by the treaty.

I think the company may be deemed as a party "authorized" to enter said reservation within the meaning of the act, and it would not be, perhaps, too great a stretch of the rules of interpretation, as the act and the treaty must be so construed, if possible, that both may stand, to hold that parties surveying in said reservation for the purpose of definitely locating the line of road, should be deemed for that purpose "agents" of the government. The company is authorized to determine the most eligible route, and to construct its road accordingly; and in order to properly determine the question, preliminary or experimental surveys are undoubtedly necessary.

While I hold that the privileges and powers conferred by Congress upon said company have not been revoked, nor taken away, so far as the same relate to the subject under consideration, and that no unnecessary opposition or restrictions to the contemplated surveys should be interposed by the department; yet, in order to avoid any hostile acts or unfriendly feelings on the part of said Indians towards the agents or employes of said company, I deem it necessary that the Indian agent at the Crow Agency, Montana, should make known to said Indians by the best means at his command, the purpose for which said surveys are to be made, the wishes and views of the department respecting the same, and give assurance to said Indians that the lands necessary for the right of way granted by Congress, will not be taken until after agreement therefor has been duly entered into between the Indians and the United States, and the Indians fairly compensated for the same.

You will take measures to carry the views herein expressed into operation with as little delay as the nature of the case will admit of, and afford the employes of the company such protection as may be necessary in the due prosecution of said surveys.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., May 28, 1881.

SIR: I have the honor to submit herewith report of council held with the Crow Indians, by virtue of letter of your office, dated May 11th, held on the 26th. While all of the chiefs of the Crows were not present, many of them having gone with their bands on their summer hunt, yet a large majority of those most prominent were present, and all had notice. It is most gratifying to state that they responded with great alacrity, many of them halting their camps en route to Buffalo and crossing the mad, swollen, unfordable streams to respond to the agent's notice to return. The decision of the honorable Secretary of the Interior as well as the letter of the honorable Commissioner, with regard to the Northern Pacific Railroad, was fully explained to them, and while the more cautious of them desired time to think of the matter, most of them expressed themselves as being satisfied, while some of them even seemed anxious for the railroad. I took especial pains to explain to them that the preliminary survey must be permitted to proceed forthwith, and that they must not interfere with it, but that nothing more would be done until a satisfactory arrangement was made with them, which can be done whenever the necessary legislation has been taken. As is usual in such councils, the Indian must talk of everything that interests him, and so in this case, after they had talked about the railroad, they diverged to everything else upon which they felt a lively interest. I inclose herewith a true and correct report of their speeches, for the purpose of acquainting you with their feelings and sentiments generally. I call especial attention to their demand for houses, and their willingness to begin farming, as strongly corroborating my recent letter to you on that subject. The reference of Chief Spotted-Horse to the President was in consequence of the non-ratification of the treaty made at Washington last May, and ratified by the tribe in June following. Although it was fully explained to them at the time, that it was not binding until ratified by the "white man's council," yet they felt that they had sold the land, took no further interest in it, and expected the government to act upon it a

promptly as they had, and its part of the conditions complied with. The remarks of the young chief, Medicine Crow, are especially commended. He was one of the delegation visiting Washington last summer; is a young man and has considerable influence. At the time he was speaking both hands bore the scars of numerous blisters earned in preparing the ground and planting a crop. He had the courage to exhibit them as honorable scars and challenge the ridicule of their hereditary prejudice. With such conduct the barriers to civilization are melting like the snows under a July sun. Never has a council with these Indians adjourned under more friendly or favorable auspices.

Very respectfully, your obedient servant,

A. R. KELLER,
U. S. Indian Agent.

Hon. HIRAM PRICE,
Commissioner Indian Affairs, Washington, D. C.

Report of a council held with the chiefs and headmen of the Crow Indians, at Crow Agency, Montana Territory, May 26th, 1881, for the purpose of ascertaining their views relative to the crossing of the reservation by the Northern Pacific Railroad, and the making of a preliminary survey by officers of said company, in accordance with letters of instruction from the Hon. Secretary of the Interior, dated May 9, 1881, and the Hon. Commissioner of Indian Affairs, dated May 11th, 1881.

About forty chiefs and headmen were assembled. Among the number were Iron-Bull, Old-Onion, Takes-Wrinkle, Long-Hair, Spotted-Horse, Bear-Wolf, Pretty-Eagle, Old-Guts, Stiff-Penis, Bear-in-the-Water, Black-Hawk, Medicine-Crow, The Fringe, Old-Dog, Crazy's-Sister-in-Law, Bull-all-the-Time, Bad-Snow, Crane-in-the-Sky, Good-Hearted-Old-Woman, &c.

The AGENT requested prayer from the Rev. Vanorsdale, who complied by making an appropriate prayer.

The AGENT then said that he was sorry that they had left the agency before he had received the word from the Great Father for them to assemble in council, but that it was his duty to obey his instructions, and he had called them back. What he had to say to them was from the Great Father at Washington, and they must listen to his words. The communications from the Hon. Secretary, of May 9th, and from the Hon. Commissioner, of May 11th, were then read to the Indians, and carefully interpreted. The Indians apparently understood the meaning of both communications. The agent then said that he wanted all the Crows to talk freely; to speak just as they felt, and he would send their words to the Great Father; that he did not wish to influence them one way or the other.

OLD-ONION said: When we hear anything like this, it is good for us to get together and talk it over. Nothing can make me angry with the people at the agency. There are a great many more whites outside of the agency. I would like to wait until fall, when we are all here, then we can study it over.

The AGENT said: Open your ears and listen. If there is anything about this subject you don't understand, I will explain it to you. The Great Father only wants to know whether you are willing the company should look over your land to see whether it would be good for them to build a track for the cars to run on. I have always been your friend and am still. I don't want you to listen to all the white men; some of them are bad, and may give you wrong advice.

BEAR-WOLF said (to the Crows): Now is the time for you to talk; don't wait until you get back to camp.

WHITE-FOREHEAD said: Speak your minds. The agent does what the Great Father tells him to do, and he wants to know just what you think about the railroad.

IRON-BULL said: We know that last year the agent put these people (the Northern Pacific survey party) off of our land. When we get together and talk this matter over, we will know what to say. We all ought to talk it over, one with another first. The Great Father wants us all to live in houses; some of us are doing so now, and more will do so before long. If we say anything to-day, the rest of the camp may not like it. I want to ask another thing. Cannot the Great Father stop the bad white men from selling whisky to our young men? The chiefs do not like to have their men drink whisky. When the camp is away, if you think they may do wrong or get into trouble, you must send for them and they will come back.

THE AGENT said: My heart was never better towards the Crows than it is now. The remedy for preventing the whisky traffic is in your hands. If any two of you will tell me that you have bought whisky of any white man I will very soon stop *that man* from selling whisky. But if you will not tell me who the guilty parties are I cannot help you. The men who sell you whisky sell you poison, and they will rob you of your property. Look at the tribes that drink plenty of whisky. They are poor. You are rich. If you drink whisky it will be only a short time before you will be poor.

You should not complain to me about the whites selling whisky if your young men refuse to tell me who the whites are.

BEAR-WOLF said: I have not much to say. We do not want to say or do anything that we can't stand by.

SPOTTED-HORSE said to the agent: Do you tell us any lies? Did you ever know the Great Father to lie to us?

AGENT: I have never known him to do so.

SPOTTED-HORSE: I will try to get the young men to tell you where they get their whisky. Will you stop it if they tell you?

AGENT: I will most certainly.

SPOTTED-HORSE: Buckskin Williams has sold us whisky.

AGENT: Bring me two men who will admit that they have bought whisky of him.

GOOD-HEARTED-OLD-WOMAN told Spotted-Horse to stop talking.

SPOTTED-HORSE: "We all know that white men have surveyed on this side of the Yellowstone; we did not hurt them, and we don't intend ever to hurt them." Then turning to the Crows he continued: "When you are told to go after buffalo you all hear it. You talk about the people on the river liking you. I can't see that they like you; they only want to get what you have got. Bull-Goes-Hunting says that something is wrong, and they (the whites) ain't going to tell you what it is. I want my children to come to the agency, where they can be taken care of; where they can't get into trouble."

THE AGENT said: If there was any danger I would tell you. You need not be alarmed. I am telling you the whole truth and keep nothing from you. I want you to think about this matter and to act for yourselves, and to listen to no one.

MEDICINE-CROW said: If we want anything from the States and there is a railroad near we can get what we want in a few days. The steamboat is too slow. I know what a railroad is. If we say yes, the whites will bring the railroad across our land and it will be good. If we say no, the whites will bring it just the same. We had better say yes. All chiefs talk in a crowd. This is the place for me to talk. The Great Father wants us to go to work; a good many of us are now working. I am at work. I live in a house, and I want a house of my own soon. Some Crows have laughed when we talked about work. You had better laugh at me. You say it ain't time to build houses. It won't be long before plenty of Crows will be living in houses, and you will all want to. I am going to stay at the agency and have a home near it.

TAKES-WRINKLE said: All the whites don't know me. I am a chief. I want a house as soon as I can get it. I want a piece of ground to myself and want a fence around it. I am willing to work. When I was a young man I was a fool and did not want the white man's food, now I know something and want to live with the white man and do as he does.

BEAR-IN-THE-WATER said to the Indians: I want to talk from one end of you to the other. Ever since I was a boy the whites have tried to get me to farm. Now I have commenced and am like the white man. Why ain't you all like me? Why don't you talk? You are the men that run the camp. There are as many and as great chiefs in this room as there are in camp. When you were young we all had plenty of good lodges; now we must work and get plenty of good houses. I ain't a horse, but I work hard like a white man and I get tired.

The Crows can't say anything against the railroad crossing our land. We can ride on it and won't have to pay anything for it.

OLD DOG said: Bring the railroad along right by us; then when we want anything we can send and get it very soon. We may want to ride in the cars sometimes, and it will be good to have the railroad near us. We are all talking about houses. We all want houses. I want one now.

SPOTTED-HORSE said: Medicine-Crow and Pretty-Eagle talked with the Great Father last year. I wanted to say this last year and will say it now. I think the Great Father lies sometimes.* He said last year that he would send us men to show us how to farm; that we should have cattle and stores and everything to work with; that we should have houses built for all the Crows. It makes me feel bad to see the Crows work when they don't know how.

The AGENT explained the above-mentioned matter to the satisfaction of Spotted Horse, and continued: I, too, feel bad at not being able to give the Crows more assistance; but I am doing the best I can to help you. My men are working very hard, and they can do no more than they are doing. If you sell your land that the Great Father wanted to buy last year—and I think the great white Council will buy it when they meet in the winter—you will probably have the help which the Great Father promised the crows last year when they saw him in Washington.

SPOTTED HORSE said: I want a good house and I want plenty of things to work with. Only a part of us are building houses. What do we want to run all over the

* Spotted-Horse referred to the failure of Congress to ratify the treaty signed by the Crows last June.

prairie for? We want to go to work and live like white men. Send the railroad here as soon as you can, but have them let the Crows ride without paying for it. The Great Father can then send us blankets and sugar and all our things in a few days.

The AGENT told them to be very careful that their young men did not trouble any horses owned by white men; that it would be very bad if they did so; that they would be apt to get killed; that the whites killed three Piegans on Sweet Grass who were trying to steal horses.

CRANE-IN-THE-SKY said: I want you to write this down and send it to the Great Father. I am not poor, but I want to go to work and build a house. There are Indians here who don't talk much, but they want houses and farms. I will tell you who they are: Old-Guts, Black-Hawk, Two-Bears, Scrapes-a-Robe, Man-that-Lives-in-a-Cloud, and Throws-an-Enemy's-Lodge-Open. All these are my friends, and they all want to go to work. It will be good for the Great Father to help us, and we will work too.

BIG-FOREHEAD said: My children, I am old and I am poor. When my children go to farming it will make my heart glad, and I will know where to go and live. About the railroad coming on our land, the Crows have about all talked one way. They say let it come; it will be good.

In response to a request from the agent Rev. Vanorsdale offered a very earnest prayer, after which the council adjourned.

C. H. BARSTOW.

DEPARTMENT OF THE INTERIOR,
Washington, July 15, 1881.

SIR: Referring to my letter of the 9th of May last, in relation to the right of the Northern Pacific Railroad Company to make preliminary survey within the limits of the Crow Indian Reservation in Montana for the purpose of definitely locating its line of road, I have to state that the company has recently filed in this department a map, in pursuance of the act of Congress approved July 2, 1864 (13 Stats., 365), showing the definite location of the line of the Northern Pacific Railroad from the eastern boundary of the Crow Reservation, at longitude 107 degrees west from the meridian of Greenwich westerly across said reserve and adjacent territory to the western boundary of said Crow reservation; which map was approved by the executive committee of the board of directors of said company by resolution passed on the 21st day of June, 1861.

The company now desires the extinguishment of the Indian title to so much of the land of said reservation along the line thus definitely located, as it is entitled to under the second section of said act, for the purposes of right of way, including all necessary ground for station buildings, workshops, machine shops, switches, side tracks, turn tables, and water stations.

By virtue of the provisions of said act it becomes the duty of the government to extinguish the Indian title to land in said reservation for the purpose aforesaid, which must be done by agreement duly entered into between the United States and the Indians occupying or interested in said reservation, as per the eleventh article of the treaty of May 7, 1863, with the Crow tribe of Indians, to be submitted to Congress for ratification (15 Stats., 649); and you will therefore direct the agent at said reservation to assemble the Indians in council to meet commissioners on the part of the United States on the 22d proximo, for the purpose of negotiating with them for the relinquishment of all the land required by said company, under the second section of the act of 1864, and direct the agent to explain fully to the Indians the object for which the council is to be held.

The company has not as yet filed a right-of-way map showing the location and quantity of ground that it desires for station buildings, workshops, &c., but it is understood that the company will have such map ready to present at the council, so that the land required may be accurately described and the number of acres calculated.

I have not as yet determined whom to name as commissioners to negotiate this agreement, but will do so shortly and advise your office accordingly, after which you can prepare the necessary instructions to the parties designated.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, August 5, 1881.

SIR: Referring to my letter of the 15th ultimo, relative to assembling in council the Indians upon the Crow Indian Reservation in Montana Territory for the purpose of negotiating with them for the relinquishment to the United States of the title to so

much of their reservation as the Northern Pacific Railroad Company is entitled to have, and as it may require for right of way, including necessary ground for station buildings, &c., by virtue of the provisions of the act of July 2, 1864 (13 Stats., 365), I have now to advise you that I have detailed Llewellyn A. Luce, of the Assistant Attorney-General's Office in this department, Charles A. Maxwell, of the office of Indian Affairs, and William H. Walker, of the General Land Office, as special agents to negotiate in behalf of the government an agreement with said Indians for such relinquishment of title, hereby directing and authorizing them, and each of them, to act in such behalf for the purpose above mentioned.

Mr. Luce will act as chairman, Mr. Maxwell as disbursing agent, and Mr. Walker as secretary, in the discharge of the duties which they have been detailed to perform.

I desire that you cause to be prepared and submit for my examination and approval such specific instructions in the premises as may be deemed necessary or advisable.

You will also forward for my approval a form of agreement, to be delivered by you to the said secretary, for the guidance of said special agents in reducing the proposed agreement to writing.

There should be a preamble to the agreement setting forth so much of section 1 of the said act of 1864 as grants authority and power to the company to lay out, construct, and maintain its line of road, and so much of section 2 of said act as grants the right of way to the company and as makes it obligatory upon the government to extinguish the Indian title, and referring to the fact that the treaty of 1868 (15 Stats., 649) with said Indians contains no stipulation authorizing the road to be built or recognizing the right of the company to construct it through the reservation, and also referring to the fact that the company has filed in this department its map of definite location from the 107th degree of west longitude westwardly through said reservation and adjacent territory to the western boundary of the reserve, and claims the right to construct its road accordingly, thus showing the necessity for the negotiation and completion of the agreement.

You are instructed to furnish the said secretary the following-named books and papers, viz: Vols. 13 and 15 of the United States Statutes at Large; one volume of the U. S. Revised Statutes; copies of letters of this department to your office, relative to the matter of the right of way of said company through the Crow Indian Reservation, dated respectively May 9 and July 15, 1881; a copy of this letter; a traced copy of the map filed in this department by the Northern Pacific Railroad Company June 15, 1881, showing the line of definite location of the company's road; from the 107th degree of longitude west of Greenwich, westwardly through said reservation and adjoining territory, to the western boundary of the reserve; and such other books, papers, and documents as you may think will be of use to the officers, or as the said chairman may reasonably request of you, all of which the said secretary will return to your office.

You will also furnish the said disbursing agent with funds sufficient to defray the necessary expenses of the said special agents negotiating said agreement, upon his filing the necessary bond therefor, the balance, if any, after paying such expenses, to be accounted for and returned to the credit of the proper appropriation by said disbursing agent, and also furnish him orders for transportation of said detailed officers under the 2d section of the act of March 3, 1873 (17 Stats., 508), in accordance with department circular of October 28, 1879.

It will be necessary for the officers above named to leave Washington at such date as will afford them ample time to reach the agency on said reservation by the 21st instant, in order to meet the council of Indians called for the 22d. They will, therefore, be expected to leave this city as soon as you shall have completed the foregoing requirements.

Messrs. Luce and Walker have been appointed upon a commission to appraise certain government lands at Fort Dalles in the State of Oregon. They will, after fulfilling their mission at the Crow Agency, proceed to Oregon to discharge their duties upon their commission at Fort Dalles. Therefore, after leaving the Crow Reservation, their expenses will be paid out of funds appropriated for the purpose of appraising and bringing said lands into market.

Very respectfully,

A. BELL,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 8, 1881.

GENTLEMEN: By the first section of the act of July 2, 1864 (19 Stat., 365), incorporating the Northern Pacific Railroad Company and making a grant of lands thereto, Congress authorized and empowered the said company to lay out, locate, construct-

furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as should be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound.

By the second section of said act Congress granted to the said company the right of way through the public domain for the construction of said railroad and telegraph to the extent of two hundred feet in width on each side of said railroad, including all necessary grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations, and also provided that the United States should extinguish as rapidly as might be consistent with public policy and the welfare of the Indians, the Indian title to all lands falling under the operation of the act and acquired in the donation to the road.

By the third article of the treaty between the United States and the Crow Indians, concluded May 7, 1868 (15 Stat., 649), the tract of country forming the present reservation in the Territory of Montana was set apart by specific boundaries for the absolute and undisturbed use and occupation of said Indians. No provision was, however, made in said treaty in reference to the right of way for public roads or the construction thereof upon the reservation, and the rights of the Northern Pacific Railroad Company, under the act of Congress before referred to, were not reserved or excepted therein.

Under authority of the department dated 9th May last, and by consent of the Indians, the Northern Pacific Railroad Company was permitted to make a preliminary survey through the Crow Reservation for the purpose of determining whether or not it would construct its road through a portion of said reservation, and, if so determined, to definitely locate the line thereof.

The preliminary survey has now been completed, and the company, in compliance with the provisions of the act of Congress referred to, has recently filed in this department a map showing the definite location of its road from the eastern boundary of the Crow Reservation, at longitude 107 degrees west from the meridian of Greenwich westerly across said reservation and adjacent territory to the western boundary of the Crow Reservation, which map was approved by the executive committee of the board of directors of said company by resolution passed June 21, 1881.

The company now desires the extinguishment of the Indian title to so much of the land of said reservation along the line thus definitely located as it is entitled to under the second section of the said act for the purposes of right of way, including all necessary ground for station buildings, work-shops, machine-shops, switches, side-tracks, turn-tables, and water stations.

By virtue of the provisions of said act it becomes the duty of the government to extinguish the Indian title to land in said reservation required for the purposes aforesaid, which must be done by agreement duly entered into between the United States and the Indians occupying or interested in said reservation, in accordance with the eleventh article of the said treaty, such agreement to be submitted to Congress for ratification.

By letter of the honorable Secretary of the Interior, addressed to this office, and dated the 6th instant, you have been jointly and severally designated and detailed special agents on behalf of the United States to negotiate an agreement with the Crow Indians for the relinquishment to the United States of their title to so much of the lands of their reservation as the Northern Pacific Railroad Company is entitled to have, and as it may require for right of way, including necessary ground for station buildings, &c., under the provisions of the act aforesaid.

Upon receipt of this communication, therefore, you will prepare to leave Washington for the Crow Agency, Montana, timing your departure so as to admit of ample time to reach the agency not later than the 21st instant, in order to meet the council of Indians called by the agent, under the direction of this department, for the 22d instant.

The Indians being assembled in council on the day appointed, you will, after explaining to them fully the objects of the agreement which it is proposed to make between them and the United States, as defined in the honorable Secretary's letter of the 15th ultimo; the objective points of the road, and the line of route which it will follow through the reservation as shown upon the map of definite location; also the location of lands required by the company for station buildings, &c., as designated upon plats thereof to be produced by the company's representative at the council, proceed to negotiate with the Indians as to the price to be paid per acre for the aggregate quantity of land required by the railroad company, and all other matters necessary to be agreed upon, and reduce the agreement to writing substantially in form inclosed.

You will take special pains that the line of route is made fully intelligible to the Indians; also that the location of the stations, &c., is plainly defined and understood by them.

You will advise the Indians to agree upon a fair and reasonable compensation, and endeavoring to impress upon them the opinion held by this department that the contemplated railroad will advance their welfare, be beneficial to the Indian service, and subservise a general public interest in the vicinity through which it is to be constructed.

The agreement must, in conformity with the 11th article of the treaty, be executed and signed by at least a majority of all the adult male Indians, occupying or interested in the reservation, and must be certified and attested in form transmitted herewith.

Upon the ratification of the agreement by Congress the lands mentioned therein will become a part of the public domain of the United States and subject to the provisions of the act of Congress of July 2, 1864, hereinbefore mentioned, of the privileges of which act the company can then avail itself.

You will take care to assure the Indians that except as to the quantity of land, the title to which may be extinguished by said agreement, all the stipulations of existing treaties will remain in force.

Your organization will be in the form prescribed in the Hon. Secretary's letter of the 6th instant, viz: Mr. Luce will act as chairman, Mr. Maxwell as disbursing agent, and Mr. Walker as secretary.

Funds will be furnished the disbursing agent sufficient to defray the necessary expenses of your mission, he having filed the necessary bond therefor, the balance, if any, after paying such expenses, to be accounted for and returned to the credit of the proper appropriation by said disbursing agent. Orders for transportation will also be furnished to you under the 2d section of the act of March 3, 1873 (17 Stat., 508), in accordance with department circular of October 28, 1879.

In compliance with the instructions of the Hon. Secretary, I herewith transmit for your use, in the prosecution of the duties to which you are assigned, the following-named books and papers, viz: United States Statutes at Large, vol. 13; United States Statutes at Large, vol. 15; United States Revised Statutes; copy department letter to this office May 9, 1881; copy department letter to this office July 15, 1881; copy department letter to this office August 6, 1881; copy map of definite location of the road, filed by the Northern Pacific Railroad Company June 25, 1881; circular instructions relating to adjustment of railroad grants, containing forms for verification of plats of survey, &c. (G. L. O.) 1879.

The secretary will acknowledge receipt of this letter of instructions; due notification will be made to this office of your arrival at the agency, and you will report at such stages of the proceedings as you may deem necessary.

Very respectfully,

H. PRICE,
Commissioner.

Messrs. LLEWELLYN A. LUCE, WILLIAM H. WALKER,
AND CHARLES A. MAXWELL,
Washington, D. C.

Approved:

A. BELL,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
August 8, 1881.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 10, 1881.

SIR: I have the honor to transmit herewith the report, dated 23d August last, of Messrs. Luce, Walker, and Maxwell, the special agents detailed by you to negotiate with the Crow Indians for the extinguishment of their title to so much of their reservation lands as are required by the Northern Pacific Railroad Company for right of way and other purposes, by virtue of the act of July 2, 1864 (13 Stat., 365), together with a report of the council held with the Indians on the 22d August last, the agreement for cession of the lands required, bearing date the same day, and the several maps therein referred to.

By the terms of the agreement, which is executed by a majority of all the adult male Indians occupying or interested in the reservation, in conformity with the 11th article of the treaty with the Crows of May 7, 1868 (15 Stat., 652), the said Indians, acting under the supervision and with the approval of the Secretary of the Interior, surrender and relinquish to the United States all their right, title, and interest in and to all that part of the Crow Reservation situate in the Territory of Montana, and described in said agreement as follows, viz:

"A strip of land not exceeding four hundred feet in width; that is to say, two hundred feet on each side of the line laid down on the map of definite location hereinbe-

fore mentioned, whenever said line runs through said reservation, between the 107th degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, containing five thousand three hundred and eighty-four acres, more or less. An official copy of said map of definite location was on this 22d day of August, A. D. 1881, produced before said special agents and the Indians in council, was fully explained to said Indians, and is hereunto attached, marked A, and made a part of this agreement.

"Also the several parcels of land situate along and adjoining the said strip of land hereinbefore mentioned between the 107th degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, as defined and described on a map produced before said special agents and the Indians in council on the day and date above mentioned and fully explained to and understood by said Indians, said tract being designated on the aforesaid map by the letters A, B, C, E, F, G, H, I, J, and K, and containing, respectively, the following area; that is to say: Tract A, 26.23 acres; tract B, 28.54 acres; tract C, 26.23 acres; tract E, 26.23 acres; tract F, 26.23 acres; tract G, 26.23 acres; tract H, 26.23 acres; tract I, 26.23 acres; tract J, 28.32 acres; tract K, 26.23 acres; aggregating 266 acres, more or less, said map being hereunto attached, marked B, and made a part of this agreement; which last-mentioned tracts are intended for the use of said Northern Pacific Railroad Company, for station-houses, depots, switches, &c."

In consideration of the lands thereby relinquished, amounting in the aggregate to five thousand six hundred and fifty (5,650) acres, more or less, and for the privileges granted by said agreement, the United States agrees to pay to the Crow tribe of Indians the sum of twenty-five thousand dollars (\$25,000) to be deposited in the Treasury of the United States to the credit of the said tribe of Indians, upon the ratification of said agreement by Congress, and the necessary appropriation made therefor, the sum aforesaid to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; the same to be in addition to any and all moneys to which said Indians are entitled under the provisions of the treaty of May 7, 1868.

And by said agreement it is further stipulated and agreed that the United States will not permit said railroad company, its employes or agents, to trespass upon any part of the lands of the Crow Reservation, not thereby relinquished, nor permit said company, its employes or agents, to cut any timber, wood, or hay from the lands embraced in said reservation.

It is further agreed that the Secretary of the Interior, upon such terms as he may see fit to impose, may permit to be constructed, maintained, and used within said Crow Indian Reservation, wagon-roads, not exceeding three in number, in addition to any established wagon-roads which may now be in use therein; the said three roads to connect with the line of said railroad at such points as the Secretary of the Interior may designate, all of which wagon-roads shall be under the control of the Government of the United States.

All provisions of existing treaties with the Crow Indians not affected by the agreement are to remain in full force and effect, and the agreement is subject to ratification by Congress.

In reference to the price agreed to be paid for the lands surrendered, the report states that it was based upon consultation with parties familiar with the value of the lands, and on personal observation thereof, and that it is deemed fair and equitable.

The report further states:

"It will be observed that the land purchased extends no farther west than the middle channel of the Boulder River. This is accounted for by the fact that an agreement was entered into between the United States and the Crow Indians, ratified by the Indians June 12, 1880, whereby all the land in said reserve, through which the railroad is located, west of the Boulder, was relinquished to the United States. It is, therefore, not only unnecessary to make further agreement for relinquishment west of the Boulder, but manifestly improper, otherwise the government would purchase the land twice. Moreover, the counsel and agents for the railroad company, Messrs. J. H. Pierce and W. F. Sanders, attorneys for the company, J. T. Dodge, engineer in charge of surveys in this vicinity, and F. D. Pease, right-of-way agent, representing the company * * * expressed themselves as content to rely upon the agreement of 1880 for the right of way west of the Boulder, and that no agreement as to land within the limits of the relinquishment of 1880 ought to be made."

In this connection, I should state that at the 3d session of the 46th Congress, House bill No. 6228, "to accept and ratify the agreement submitted by the Crow Indians of Montana for the sale of a portion of their reservation in said Territory, and for other purposes, and to provide the necessary appropriations for carrying out the same," was favorably reported by the House Committee on Indian Affairs, with certain amendments as to the boundaries of the lands agreed to be ceded, but no further action was taken by Congress on the bill. The attention of Congress will be called to the subject when the bill to ratify the agreement now under consideration is transmitted.

I have the honor to recommend that the agreement with the Crow Indians of August

22, 1881, with accompanying maps, and the report of the special agents, severally transmitted herewith, be approved by you, and that the same be returned to this office in order that the necessary bills for ratification of the agreement may be prepared for submission to Congress at its coming session.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
CROW AGENCY, MONTANA,
August 23, 1881.

SIR: Referring to your instructions of the 8th instant, the undersigned special agents, detailed by the Hon. Secretary of the Interior to negotiate with the Crow Indians of Montana for the relinquishment of their title to so much of their reservation as is required by the Northern Pacific Railroad Company for right of way and other purposes, and as the said company is entitled to have by virtue of the act of July 2, 1864 (13 Stat., 365), respectfully report that we arrived at the agency upon the Crow Indian Reservation in Montana on the 21st instant, and prepared to meet the said Indians in council on the following day.

On the 22d instant, one council was held with the Indians in the forenoon, at which the object and purposes of the proposed agreement, and what was desired by the government of the Indians relative thereto, were explained and made known to the Indians by Mr. Luce, through Thomas Stuart, interpreter.

The council was then adjourned, to meet again at two o'clock p. m. of the same day, in order to give the Indians an opportunity to consider the matters presented to them. It is proper here to state that the Indians were advised of the object of the council by Agent Keller at the time runners were sent out to notify them to assemble, and that therefore they were as well prepared to enter intelligently into the proposed negotiations as it is possible for untutored Indians to be. Upon the reassembling of the council the map of the line of the Northern Pacific Railroad was suspended upon the wall of the building in which the council was held, in full view of the Indians, and was fully explained to them, the points at which the line entered and left the reservation being shown them.

They were made to understand, at the first assembling of the council, as nearly as possible, by Thomas Stuart, who acted as interpreter throughout the negotiations, the quantity of land that was being negotiated for. They were also told that it might be necessary in the future to have two or three wagon-roads constructed in the reservation to connect with the railroad.

After being fully advised, and after speeches by Chiefs Crazy Head, Two Belly, Enemy Hunter, Plenty Coos, and Takes Wrinkle, none others desiring then to be heard, the undersigned asked the Indians what compensation they deemed just for the relinquishment of title and for the privileges desired. The answer was to the effect that the government should have the land, let the railroad be built, and pay them what might be deemed reasonable.

We had understood that influences had been at work to induce the Indians to demand a very high price for their lands.

After consulting Agent Keller, Mr. Dodge, engineer of the railroad company, who was in charge of the survey through the reservation, Horace Countryman, a rancher living on the north bank of the Yellowstone, near the Crow Agency, and others acquainted with the country through which the route of the railroad is located, and from what we saw of the country in traveling from Benson's Landing to the agency, in the valley of the Yellowstone, we concluded that somewhere from \$4 to \$5 per acre would be a fair price for the land.

The total amount of land desired by the railroad company being 5,650.70 acres, the Indians were asked by the undersigned if they would be satisfied with \$20,000. It soon became manifest that the sum named was much less than they expected. One chief, Enemy Hunter, representing about fifteen lodges of the River Crows, expressed the opinion that the government should pay each lodge \$400. We understood, before going into council, that through the advice of squaw-men, and other whites not resident upon the reserve, the Crows generally had been made to believe that they should be paid the price demanded by Enemy Hunter, who was evidently speaking for that party. As there are something over 400 lodges, it will be readily seen that the price demanded was simply ridiculous.

After a consultation among the chiefs, and after considering a proposition to pay them four dollars per acre, Plenty Coos proposed \$30,000.

The undersigned, after advising with Agent Keller and others, offered \$25,000, which was accepted.

It may here be remarked that the line of the railroad through this reservation is near the south bank of the Yellowstone, over valley land, the most valuable for agriculture of any in the reservation. The railroad cuts off a strip between it and the river that will be practically valueless to the Indians.

Every intelligent white man who knows the country, with whom we have conversed upon the subject, expresses the opinion that the sum agreed upon is as low as the government could in justice demand. It will be observed that the land purchased extends no further west than the middle channel of the Boulder River. This is accounted for from the fact that an agreement was entered into between the United States and said Indians, ratified by the Indians June 12, 1880, whereby all the land in said reserve through which the railroad is located west of the Boulder was relinquished to the United States. It is, therefore, not only unnecessary to make further agreement for relinquishment west of the Boulder, but manifestly improper, otherwise the government would purchase the land twice. Moreover the counsel and agents of the railroad company, Messrs. I. H. Pierce and W. F. Sanders, attorneys for the company, J. T. Dodge, engineer in charge of surveys in this vicinity, and F. D. Pease, right-of-way agent, representing the company before the undersigned, expressed themselves as content to rely upon the agreement of 1880 for the right of way west of the Boulder, and that no agreement as to land within the limits of the relinquishment of 1880 ought to be made.

It may be added that there was a large assemblage of the Indians at the council. All the principal chiefs, except Old Crow, who was sick, and all of the headmen of the tribe, were present.

The agreement of the 22d instant, between the government and the Crow Indians, will accompany this report, which we trust will meet your approval, and also that of the Hon. Secretary of the Interior.

There being no stenographic reporter present, Mr. Barstow, clerk at the agency, took notes of the proceedings of the council, which notes are herewith inclosed.

Very respectfully,

LLEWELLYN A. LUCE,
WILLIAM H. WALKER,
CHAS. A. MAXWELL,
Special Agents.

Hon. HIRAM PRICE,
Commissioner of Indian Affairs, Washington, D. C.

Report of council held at Crow Agency, Mont., on the 22d day of August, 1881, for the purpose of settling the question of right of way for the Northern Pacific Railroad Company, and the amount to be paid to the Crow tribe of Indians by the United States for the extinguishment of the title of the Crow Indians to the land necessary for said right of way.

There were present Judge L. A. Luce, of the Solicitor's Office, W. H. Walker, of Land Office, and C. A. Maxwell, of Indian Office, all of Washington, D. C., representing the United States; W. F. Sanders, I. H. Pierce, J. T. Dodge, and F. D. Pease, representing the Northern Pacific Railroad Company; and A. R. Keller, agent for Crows, and Crow chiefs and headmen and heads of families of Crow tribe, representing the Indians. The Indians had been instructed regarding the subject-matter to be discussed, and were fully competent to give their opinions thereon.

THE AGENT opened the council by saying to the Indians, The Great Father wishes you called together in council to talk about a question of great importance. I am glad to see you all here. You have listened to the words sent to you. The Great Father's heart and the hearts of all the white men present are the same as your own. We are all brothers, and none of us would do you harm.

I will now read to you what the Great Father says about a railroad crossing your land. (Letters from the Hon. Commissioner Indian Affairs dated May 11, 1881, and July 18, 1881, were then explained to the Indians through the interpreter, Thomas Stuart, and the Indians, when asked if they understood the matter thoroughly, all gave assent.)

The Great Father has sent three gentlemen (introducing the commissioners) to talk with you and to tell you what he is willing to pay for the right of way. You should listen to them, for they will only tell you what is best for your own good. The Great Father does not judge all the Indians by a few bad ones, and the Crows must not judge the white people by the conduct of a few bad men. Mr. Luce will now talk to you.

Judge L. A. LUCE. We come from the Great Father, who is a great way off; and we bear only words of good feeling from him to the Crows. He is pleased to hear that the Crows have good hearts, and are always friendly with the whites. We have often heard of you, and we came here with confidence, knowing that when we crossed the reserve boundaries we were among friends. The Great Father thinks that if the railroad crosses your land it will be a benefit to you as well as to the whites. Before you came here (in 1864) the government granted a right of way to the railroad to run wherever it was best. When the treaty of 1868 was made with the Crows the line of the railroad was not then marked out, and consequently nothing was said in the treaty about the road. Now, notwithstanding the fact that no mention was made of this matter in your treaty, the Great Father is willing to pay you for all the land the railroad company may require for right of way, and the Great Father has sent us to maintain your rights. The railroad enters your reservation near the Rosebud east, and will extend to the Boulder west, for what distance the road will require a tract of land 400 feet wide, and at certain distances an amount of land sufficient for all their people to live on and for side-tracks, workshops, stations, &c. The road or company will be confined to the tract of country just mentioned. In June, 1880, you signed a treaty to sell a part of your land. You have considered it strange that you have not received any payment for that land. The Great Father cannot pay you until the Great White Council meets and ratifies what you have done. Then the money will undoubtedly be paid. You have, however, a right to occupy the land until the treaty is ratified. We want to carry word to the Great Father that you are willing to sign this treaty for right of way, and then to decide upon some amount of money to be paid to you. We will put all this on paper, and it will always be open to you. It may be necessary to make-wagon roads from the north to the railroad and the stations. These roads will not run south of the railroad on your land. I believe the railroad company want to be very friendly with you, and I hope you will be friendly with the company. Railroads have been built on Indian reservations in the South, and the Indians like them; they can ride from station to station. With the exception of land taken by the railroad, your country will not be disturbed. I thank all the Crows for having listened to me so attentively.

Maj. W. H. WALKER. Mr. Maxwell and I have come from the Indian Office. We always try to protect the Indians. The railroad will only take white men through your lands; it will not leave them thereon. When you want to go anywhere, you can travel much faster than by any other mode. Judge Luce has stated the object of our meeting you here, and I only wish to say that any treaty you may sign will be respected.

Agent KELLER invited Major Maxwell to address the Indians, but he declined doing so, stating that Judge Luce and Major Walker had already explained the nature of the commissioners' visit.

Agent Keller then told the Indians that they could partake of a feast prepared for them by direction of gentleman present, and that the council would adjourn until after dinner.

At about 2 o'clock p. m. the council again met, all parties being present.

Agent KELLER stated to the Indians that the purposes and desires of the commissioners had already been explained; that he would endeavor to obtain for the Crows all that their land was worth, and also to have payment therefor made in any manner desired by the Crows, either in money, cattle, or houses; that he would put up a large map in front of them, so that they could see just where the road would run; that he hoped the Crows would so conduct themselves that the commissioners could tell the Great Father that all the Crows had good sense. The Crows always have their headmen talk for them. I ask for Iron Bull to talk.

ENEMY-HUNTER pulled Crazy-Head and Two-Belly upon the floor, stating that he wanted them to talk for the Crows.

CRAZY-HEAD, addressing the commission and Agent Keller, said: We all belong to the whites. You are trying to do something for us; to help us all you can. Crows and whites are all one people. Bring along the railroad. See that I get something to eat. Don't cut any timber. I want Pease; I remember him well. I want Stuart. I want to eat till I die, and after that to have all my children eat plenty. This is all I have to say.

TWO-BELLY. (To agent.) You talked before about this matter. This talk is the big one. You (pointing to the commissioners) claim to stand up for the Crows. You have come a long way to ask me some questions. I say, let the railroad come. Give us good pay for the land it runs on; don't cut timber. After I'm dead and gone I hope my children will have plenty to eat. I don't know much about railroads, but I want plenty of pay for this right of way. I want Stuart to stay here, and not go away anywhere.

Agent KELLER asked the Indians if what Crazy-Head and Two-Belly had said was agreeable to them all, and the Indians gave their unanimous assent to what the above-mentioned chiefs had said.

Agent Keller, at the suggestion of the commission, asked the Indians if \$22,000 would satisfy them, the money to be paid as the Secretary of the Interior might direct, and stated that this fund, with that to be paid for segregation of western portion of reserve, would make the Crows wealthy.

THIN-BELLY. There is no tribe with only two chiefs. We all want to say something about this matter. We are studying over it, and want some one to say something that will help us. We don't want to say anything foolish.

OLD DOG. Let them bring the railroad, and then give us more rations and annuities.

Judge LUCE stated that any arrangement the Crows made regarding the railroads would not affect the present amount of supplies or annuities; that the treaty would be taken to the Great Father, and the money to be paid will be expended as he may direct. The money will probably be paid during next winter. The government is rich, and will pay whatever is promised. Are the Crows all satisfied with the proposal of the commissioners.

ENEMY-HUNTER. I am just asking this now. Give us \$400 to each lodge. You can all laugh if you want to.

Judge LUCE. We have agreed to give you \$2,000 more than we usually pay for the same amount of land. Your agent asked us to do this. We think he knows what is right, and we are willing to do as he says.

TAKES WRINKLE walked over to Agent Keller, and, shaking hands, said: I have not forgotten you; I like you, and want you to stay with the Crows; don't go away; I want Stuart to stay with you.

PLENTY-COOS said to the commissioners and agent, I will touch the pen and sign for all the Crows if you will pay us \$30,000.

Judge LUCE, after discussing the question with the other commissioners, offered to pay \$25,000.

CRAZY-HEAD said, that is good.

SPOTTED-HORSE drew his knife, and wanted the commissioners and agent to swear that no timber should be cut.

The Commission told him that his agent would take care of such matters.

SPOTTED-HORSE asked why the whites came on the land to cut hay?

Agent KELLER replied that he would explain that to him hereafter.

BEAR-IN-THE-WATER. When the last council was held I was among the first to speak. I said then let the railroad come, and I say the same now. The Crows on the prairie want money. I have not yet asked for anything, but I think it would be good to give us cattle and houses. You (the agent) want me to act white, and I will. I hope the Great Father will give us clothes for a long time yet. Let us have plenty of beef and flour. Look at the Crows; we have never done any harm. I live in a house, and I want all my people to have houses. You must sign my name to the treaty.

The remarks of "Bear-in-the-Water" terminated the council, after which the Indians signed the treaty.

Capt. G. K. Sanderson, Eleventh Infantry, was present at the council, at the agent's solicitation, but declined to participate in the proceedings, although cordially invited to present his views on the subject to the Indians.

C. H. BARSTOW,
Clerk.

DEPARTMENT OF THE INTERIOR,
Washington, November 16, 1881.

SIR: I have this day approved and return herewith the agreement between the special agents of this department, Messrs. Luce, Walker, and Maxwell, on the part of the United States Government, and the Indians of the Crow Reservation in Montana, under date of August 23, 1881; also the two maps of location, and stations, &c., mentioned in and made a part of said agreement.

You are hereby instructed to prepare copies of the agreement, report, maps, and other papers necessary for presentation to Congress at its approaching session, in order that the proper action of that body may be taken in the premises. (See all papers returned herewith.)

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

Whereas, by section one of an act of Congress approved July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound on the Pacific coast, by the northern route" (13th

Statutes at Large, page 365), the Northern Pacific Railroad Company was "authorized and empowered to lay out, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget's Sound"; and whereas, by section two of said act, Congress granted to said company the right of way for the construction of said railroad and telegraph line, "to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations"; and whereas, by said section two, Congress provided that the United States should extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, "the Indian titles to all lands falling under the operations of this act, and acquired in the donation to the (road) named" in the act; and whereas, by treaty between the United States and the Crow Indians concluded at Fort Laramie, May 7, 1868, and duly ratified and proclaimed (15th Statutes at Large, page 649) a district of country in the Territory of Montana was set apart as a reservation for the absolute and undisturbed use and occupation of said Indians; and whereas there is no provision or stipulation in said treaty authorizing said company, or recognizing its right to construct its road through said reservation; and whereas the said company did, on the 25th day of June, 1881, file in the Department of the Interior a map showing the definite location of its line of railroad from the 107th degree of longitude west from Greenwich, westwardly through said reservation and adjacent territory to the western boundary of the said reserve, as provided by said act of 1864, the company having first obtained the permission of the Secretary of the Interior to survey its line in said reservation; and whereas the said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of said act so to do:

Now, therefore, in order to fulfill the obligations of the government in the premises, this agreement, made this 22d day of August, A. D. 1881, between the Crow tribe of Indians resident on the Crow Reservation in the Territory of Montana, represented by their chiefs, headmen, and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, the said Indians, acting under the supervision and with the approval of the Secretary of the Interior of the United States, of the one part, and the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents appointed in this behalf by the Secretary of the Interior, of the other part: Witnesseth, that for the consideration hereinafter mentioned the Crow tribe of Indians do hereby surrender and relinquish to the United States all their right, title, and interest in and to all that part of the Crow Reservation situate in the Territory of Montana, and described as follows, viz:

A strip of land not exceeding four hundred feet in width; that is to say; two hundred feet on each side of the line laid down on the map of definite location hereinbefore mentioned, wherever said line runs through said reservation, between the 107th degree of longitude west of Greenwich on the east, and the mid-channel of the Big Boulder River on the west, containing five thousand five hundred and eighty-four acres, more or less.

An official copy of said map of definite location was, on this 22d day of August, A. D. 1881, produced before said special agents and the Indians in council; was fully explained to said Indians, and is hereunto attached, marked "A," and made a part of this agreement.

Also the several parcels of land situate along and adjoining the said strip of land hereinbefore mentioned, between the 107th degree of longitude west of Greenwich on the east, and the mid-channel of the Big Boulder River on the west, as defined and described on a map produced before said special agents and the Indians in council, on the day and date above mentioned, and fully explained to and understood by said Indians, said tracts being designated on the aforesaid map by the letters A, B, C, E, F, G, H, I, J and K, and containing respectively the following area; that is to say:

Tract A, 26.23 acres; tract B, 28.54 acres; tract C, 26.23 acres; tract E, 26.23 acres; tract F, 26.23 acres; tract G, 26.23 acres; tract H, 26.23 acres; tract I, 26.23 acres; tract J, 28.32 acres; tract K, 26.23 acres; aggregating two hundred and sixty-six acres, more or less; said map being hereto attached, marked "B," and made a part of this agreement; which last-mentioned tracts are intended for the use of said Northern Pacific Railroad Company for station-houses, depots, switches, &c.

It is further stipulated and agreed that the United States will not permit the said railroad company, its employes or agents, to trespass upon any part of the land of the Crow Indian Reservation, not hereby relinquished, nor permit said company, its employes or agents, to cut any timber, wood, or hay from the lands embraced in said reservation.

And it is further stipulated and agreed that the Secretary of the Interior, upon

such terms as he may see fit to impose, may permit to be constructed, maintained, and used within said Crow Indian Reservation, wagon-roads, not exceeding three in number, in addition to any established wagon-roads which may be now in use therein; the said three roads to connect with the line of said railroad at such points as the Secretary of the Interior may designate; all of which wagon-roads shall be under the control of the Government of the United States.

In consideration for the lands hereby relinquished, amounting in the aggregate to five thousand six hundred and fifty acres, more or less, and for the privileges herein granted, the United States stipulates and agrees to pay to the Crow tribe of Indians the sum of twenty-five thousand dollars, to be deposited in the Treasury of the United States to the credit of the said tribe of Indians, upon the ratification of this agreement by Congress, and the necessary appropriation made therefor; the sum aforesaid to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; the same to be in addition to any and all moneys to which the said Indians are entitled under the provisions of the treaty of May 7, 1868, hereinbefore mentioned.

All provisions of existing treaties with the Crow Indians not affected by this agreement are to remain in full force and effect, and this agreement is to be subject to ratification by Congress.

Executed at Crow Agency, in the Territory of Montana, this 22d day of August, A. D. one thousand eight hundred and eighty-one, as witness the following signatures:

- | | |
|-------------------------------|--------------------------------------|
| 1. Plenty Coos, his x mark. | 8. Old Dog, his x mark. |
| 2. Thin Belly, his x mark. | 9. Bell Rock, his x mark. |
| 3. Crazy Head, his x mark. | 10. Bob-tailed Forehead, his x mark. |
| 4. Long Elk, his x mark. | 11. Big Ox, his x mark. |
| 5. Deaf Bull, his x mark. | 12. Bear's Head, his x mark. |
| 7. Spotted Horse, his x mark. | |

CROW AGENCY, M. T., August 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 1 to No. 12, inclusive.

C. H. BARSTOW,
WM. B. JUDD.

- | | |
|--------------------------------------|---|
| 13. Sharp Horn, his x mark. | 28. Good-hearted Old Woman, his x mark. |
| 14. Cook Lodges, his x mark. | 29. Shot in the Jaw, his x mark. |
| 15. Old Sugar, his x mark. | 30. Dancing Woman, his x mark. |
| 16. Old Nest, his x mark. | 31. Look, his x mark. |
| 17. Old Onion, his x mark. | 32. Gone, his x mark. |
| 18. Bull Nose, his x mark. | 33. Pretty Eagle, his x mark. |
| 19. Two Belly, his x mark. | 34. Goes to War, his x mark. |
| 20. Medicine Crow, his x mark. | 35. Big Leg, his x mark. |
| 21. Bull Goes Hunting, his x mark. | 36. Black Bull, his x mark. |
| 22. Puts on his Legging, his x mark. | 37. Yellow Horse, his x mark. |
| 23. Scrapes up a Robe, his x mark. | 38. Old Alligator, his x mark. |
| 24. Crane in the Sky, his x mark. | 39. On top of the Cloud, his x mark. |
| 25. Got Plenty, his x mark. | 40. Poor Elk, his x mark. |
| 26. White Forehead, his x mark. | 41. Calf in the Mouth, his x mark. |
| 27. Wolf Sinew, his x mark. | |

CROW AGENCY, M. T., August 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page, from No. 13 to No. 41, inclusive.

C. H. BARSTOW,
WM. B. JUDD.

- | | |
|---|---|
| 42. Puts on Antelope Net, his x mark. | 57. He is Afraid, his x mark. |
| 43. Man that sees all over World, his x mark. | 58. Old Blinkey, his x mark. |
| 44. Stiff Renis, his x mark. | 59. The Fringe, his x mark. |
| 45. Sleeps with Anything, his x mark. | 60. The Coyote, his x mark. |
| 46. One Feather, his x mark. | 61. His Medicine lays Down, his x mark. |
| 47. Little Mountain, his x mark. | 62. Red Fox No. 2, his x mark. |
| 48. Shoots, his x mark. | 63. Little Antelope, his x mark. |
| 49. Bull on the Mountain, his x mark. | 64. Boy that Grabs, his x mark. |
| 50. Cayotes Water, his x mark. | 65. The Prigan, his x mark. |
| 51. Wolf Poison, his x mark. | 66. Sits in the middle of his Land, his x mark. |
| 52. Bull's Tongue, his x mark. | 67. Hides, his x mark. |
| 53. Little Whetstone, his x mark. | 68. Red Fish, his x mark. |
| 54. Bull Chief, his x mark. | 69. Bird on top of Ground, his x mark. |
| 55. Other Lodge, his x mark. | 70. Big Wolf, his x mark. |
| 56. Left Hand, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 42 to No. 70, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|------------------------------------|-------------------------------------|
| 71. Bird Fish, his x mark. | 86. Gripe, his x mark. |
| 72. Wolf Drinks Water, his x mark. | 87. Left Hand, his x mark. |
| 73. Bear all the Time, his x mark. | 88. Looks at Buffalo, his x mark. |
| 74. Cuts off Short, his x mark. | 89. Sitting Bull, his x mark. |
| 75. Crazy Crane, his x mark. | 90. White Mouth, his x mark. |
| 76. Takes a Man, his x mark. | 91. White Bull, his x mark. |
| 77. Cross Bear, his x mark. | 92. Knife in the Mouth, his x mark. |
| 78. Rock, his x mark. | 93. Mouth is Dead, his x mark. |
| 79. The Dreamer, his x mark. | 94. The Fog, his x mark. |
| 80. Not a Mustache, his x mark. | 95. Lion's Seat, his x mark. |
| 81. Bad Boy, his x mark. | 96. Takes Medicine, his x mark. |
| 82. Bear's Tooth, his x mark. | 97. Fire Fish, his x mark. |
| 83. Yellow Hair, his x mark. | 98. Medicine Family, his x mark. |
| 84. Shows his Face, his x mark. | 99. Fire Bear, his x mark. |
| 85. River, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 71 to No. 99, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|---------------------------------------|-------------------------------------|
| 100. Blind, his x mark. | 115. Above, his x mark. |
| 101. Big Nose, his x mark. | 116. Jim, his x mark. |
| 102. Chief's Child, his x mark. | 117. George Washington, his x mark. |
| 103. Old Woman, his x mark. | 118. Dick Wallace, his x mark. |
| 104. Knows where he Goes, his x mark. | 119. John Wesley, his x mark. |
| 105. Buffalo Calf, his x mark. | 120. Thief in Camp, his x mark. |
| 106. Straight Eyes, his x mark. | 121. Charles Foster, his x mark. |
| 107. Bob-tailed Wolf, his x mark. | 122. George Thomas, his x mark. |
| 108. Bear in the Water, his x mark. | 123. Jack, his x mark. |
| 109. Long Hair, his x mark. | 124. Bear Wolf, his x mark. |
| 110. Takes Wrinkle, his x mark. | 125. White Man, his x mark. |
| 111. Bear's Tail, his x mark. | 126. Dummy, his x mark. |
| 112. Old Coat, his x mark. | 127. Sits in a Boat, his x mark. |
| 113. No Tail, his x mark. | 128. Cheyenne Woman, his x mark. |
| 114. The Iron, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 100 to No. 128, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|---|---|
| 129. Bear in the Middle, his x mark. | 144. His Bow Takes, his x mark. |
| 130. Takes two Guns, his x mark. | 145. On the Look-Out, his x mark. |
| 131. Small Boat, his x mark. | 146. Snake Woman No. 2, his x mark. |
| 132. Wants to ease himself Bad, his x mark. | 147. Two White Birds, his x mark. |
| 133. Kills, his x mark. | 148. Crow Shows Itself, his x mark. |
| 134. No Fingers, his x mark. | 149. Strikes Two Dead Men, his x mark. |
| 135. Falls down on his Face, his x mark. | 150. Weazel in the Middle, his x mark. |
| 136. Sees Fire, his x mark. | 151. The Twins, his x mark. |
| 137. The Boy, his x mark. | 152. Big Dress, his x mark. |
| 138. White Hair, his x mark. | 153. Big Lip, his x mark. |
| 139. The Crane has Wings, his x mark. | 154. Likes to Strike a Chief, his x mark. |
| 140. Goes Out First, his x mark. | 155. Small Calf, his x mark. |
| 141. Lance on Top of Lodge, his x mark. | 156. Does Fine Work, his x mark. |
| 142. Hardy Bear, his x mark. | 157. Gray Muskrat While, his x mark. |
| 143. Smells very Good, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 129 to No. 157, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|--|--------------------------------------|
| 158. Big Maggie, his x mark. | 173. Fish in the Bay, his x mark. |
| 159. Woman Otter, his x mark. | 174. Small Waist, his x mark. |
| 160. Strikes to Kill, his x mark. | 175. Five People, his x mark. |
| 161. Bird Off the Ground, his x mark. | 176. Shows a Red Plume, his x mark. |
| 162. Sweet Grass, his x mark. | 177. Beaver that Swims, his x mark. |
| 163. Pounded Meat, his x mark. | 178. Killed at the Door, his x mark. |
| 164. The other Calf, his x mark. | 179. Kills, No. 2, his x mark. |
| 165. Small Horse, his x mark. | 180. Small Chickens, his x mark. |
| 166. White Otter Woman, his x mark. | 181. Small Sheep, his x mark. |
| 167. Got Killed First, his x mark. | 182. Little Sun, his x mark. |
| 168. Got Horse all the Time, his x mark. | 183. Medicine Found, his x mark. |
| 169. Blind Bear, his x mark. | 184. Shot in the Face, his x mark. |
| 170. Medicine Buffalo, his x mark. | 185. Standing Bear, his x mark. |
| 171. Traveling Buffalo, his x mark. | 186. Asks for Grub, his x mark. |
| 172. Goes in the Boat, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 158 to No. 186, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|---|---|
| 187. Lucky, his x mark. | 202. At the River, his x mark. |
| 188. Takes Pretty Things, his x mark. | 203. The End of his Nose, his x mark. |
| 189. Small Gun, his x mark. | 204. Three Irons, his x mark. |
| 190. Puts on a Hat, his x mark. | 205. Arapahoe, his x mark. |
| 191. Small Porcupine, his x mark. | 206. Got White Dirt on Head, his x mark. |
| 192. Has a Medicine Horse, his x mark. | 207. The Old Pipe, his x mark. |
| 193. Pole Cat that Walks, his x mark. | 208. Catch a Wolf, his x mark. |
| 194. Paints Herself, his x mark. | 209. Big Rock, his x mark. |
| 195. Takes Hold of the Enemy, his x mark. | 210. Marries His Wife, his x mark. |
| 196. Shot in the Arm, his x mark. | 211. Old Bird, his x mark. |
| 197. Black Left Hand, No. 2, his x mark. | 212. The Otter that Runs, his x mark. |
| 198. A Robe Sits Down, his x mark. | 213. Dummy River, his x mark. |
| 199. Big Bear Child, his x mark. | 214. Long Otter, his x mark. |
| 200. Mountain Pocket, his x mark. | 215. Kills White Man's Child, his x mark. |
| 201. Hairy Moccasin, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify of honor that we witnessed the signature of each and every Indian named on this page from No. 187 to No. 215, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|--|--|
| 216. Side of the Camp, his x mark. | 231. Medicine Head, his x mark. |
| 217. Shoots a Man, his x mark. | 232. Strike and Kills, his x mark. |
| 218. Kills on the Trail, his x mark. | 233. The New Lodge, his x mark. |
| 219. Poor Assinaboine, his x mark. | 234. The Bear that Gets Up, his x mark. |
| 220. Yellow Top, his x mark. | 235. Pretty Beader, his x mark. |
| 221. The Old Antelope, his x mark. | 236. Strikes a Red Plume, his x mark. |
| 222. Hunts an Otter, his x mark. | 237. Got a Hat, his x mark. |
| 223. Medicine Saddle, his x mark. | 238. It Hit Close to Camp, his x mark. |
| 224. The Runner, his x mark. | 239. Two Whistles, his x mark. |
| 225. Falls down on his Face, his x mark. | 240. Man Ran by a White Man, his x mark. |
| 226. The Elk, his x mark. | 241. The Back, his x mark. |
| 227. Touch a Knife, his x mark. | 242. Round Rock, his x mark. |
| 228. Sings Plenty, his x mark. | 243. The Wolf that Shoes Itself, his x mark. |
| 229. The Other Otter, his x mark. | 244. She Sits Far Off, his x mark. |
| 230. Black Tail, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signature of each and every Indian named on this page from No. 216 to No. 244, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|---------------------------------------|---|
| 245. Little Old Man, his x mark. | 260. Plenty of Wind, his x mark. |
| 246. The Chaser, his x mark. | 261. Strikes the Ice, his x mark. |
| 247. Big Hat, his x mark. | 262. Bob Tailed Horse, his x mark. |
| 248. Mad Wolf, his x mark. | 263. The Woman, his x mark. |
| 249. Back of the Neck, his x mark. | 264. The Split Gun, his x mark. |
| 250. Knee, his x mark. | 265. The White Shirt, his x mark. |
| 251. Takes a Child Breed, his x mark. | 266. Pretty Lodge, his x mark. |
| 252. Bad Snow, his x mark. | 267. Goose Head, his x mark. |
| 253. Medicine Pipe, his x mark. | 268. Shoulder Blade, his x mark. |
| 254. Long Bird, his x mark. | 269. Red Fox, a River Crow, his x mark. |
| 255. Strikes a Lance, his x mark. | 270. Three Wolves, his x mark. |
| 256. Catches Pretty, his x mark. | 271. Flathead Woman, his x mark. |
| 257. Kills a Pretty Man, his x mark. | 272. Catch a Woman, his x mark. |
| 258. Sees Everything, his x mark. | 273. Stamp the Ground, his x mark. |
| 259. Raises Camp Plenty, his x mark. | |

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signatures of each and every Indian named on this page from No. 245 to No. 273, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

- | | |
|---------------------------------------|---------------------------------------|
| 274. Long Elk, his x mark. | 278. Strikes a Man No. 2, his x mark. |
| 275. Old Dog, his x mark. | 279. Bad Bird, his x mark. |
| 276. Sit on the Mountain, his x mark. | 280. Stands very High, his x mark. |
| 277. Puts on Plume, his x mark. | |

Chiefs, headmen, heads of families, and adult males of the Crow tribe of Indians

CROW AGENCY, M. T., Aug. 22, 1881.

I certify on honor that I have explained the nature of the above agreement to all the Indians who have signed their names thereto, and that they fully understand all the conditions therein contained. And that I have witnessed each and every signature thereto from No. 1 to No. 280, inclusive, on pages from No. 8 to No. 18, inclusive, and that the Indians whose signatures herein appear constitute a majority of all the adult males of the Crow tribe.

THOMAS STUART, his x mark,
Interpreter.

Witnesses:
C. H. BARSTOW.
J. A. BAILEY.

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we witnessed the signatures of each and every Indian named on this page from No. 274 to No. 280, inclusive.

C. H. BARSTOW.
WM. B. JUDD.

CROW AGENCY, M. T., Aug. 22, 1881.

I certify on honor that I have witnessed each and every Indian signature to the above agreement between the United States and the Crow Indians, and that the nature of said agreement has been fully explained to said Crow Indians, and that they understand all the provisions therein contained, and that the signatures thereto, numbered from 1 to 280, constitute a majority of the adult males of the Crow tribe.

A. R. KELLER,
U. S. Indian Agent.

LLEWELLYN A. LUCE,
WILLIAM H. WALKER,
CHAS. A. MAXWELL,

Special Agents on behalf of the United States.

CROW AGENCY, M. T., Aug. 22, 1881.

We certify on honor that we have this day witnessed the signatures of Llewellyn A. Luce, William H. Walker, and Chas. A. Maxwell, which appear on this page.

C. H. BARSTOW.
J. A. BAILEY.