

NEZ PERCÉ INDIANS IN IDAHO AND TRIBES ON GRAND
RAPIDS RESERVATION, OREGON.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication from the Secretary of the Interior relative to Nez Percé
Indians in Idaho and the allied tribes upon the Grand Rapids Reserva-
tion in Oregon.*

DECEMBER 21, 1882.—Referred to the Committee on Indian Affairs and ordered to be
printed.

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior of the 18th instant, with accompanying papers, submitting a draft of a bill "for the relief of the Nez Percé Indians in the Territory of Idaho, and of the allied tribes residing upon the Grande Ronde Indian Reservation in the State of Oregon."

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 21, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, December 18, 1882.

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

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,
H. M. TELLER,

Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 15, 1882.

SIR: The third article of the treaty of June 9, 1863, with the Nez Percé Indians (14 Stat., 648) provides that so much of the land reserved by the treaty for the use of the Indians as may—

be suitable for cultivation shall be surveyed into lots of twenty acres each, and every male person of the tribe who shall have attained the age of twenty-one years, or is the head of a family, shall have the privilege of locating upon one lot as a permanent home for such person, and the lands so surveyed shall be allotted under such rules and regulations as the President shall prescribe. * * * When the assignments as above shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs, or under his direction, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs—

the residue of the reservation to be held in common for pasturage for the sole use and benefit of the Indians.

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

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

Agent Monteith, having been informed by this office that the treaty provided for the allotment of 20 acres only to each male person of the age of twenty-one years, or is the head of a family, states, in a communication dated July 27, 1882, that—

to cut down and take away from such as have exceeded the 20-acre stipulation, and in the future restrict all desiring to enter upon civilized pursuits to 20 acres of land, will, without doubt, dampen their ardor and have a tendency to check the progress which this tribe has made during the past eight or ten years. I fear the result of enforcing the 20-acre stipulation and confining all who cultivate lands on the reserve to that amount.

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

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

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

In view of the abundance of agricultural land upon the reservation, the industrious habits and steady improvement of the Indians, and the fact that with but one or two exceptions much larger quantities of land have been allotted in severalty to the several Indian tribes who have received allotments, I am strongly of the opinion that the allotments should be increased to 160 acres. I also think that the title to lands allotted in severalty should be evidenced by patent containing a clause restricting the right of alienation.

The fourth article of the treaty with the Willamette Indians, concluded January 22, 1855 (10 Stats., 1143), provides that the President may, from time to time, cause the whole, or such portion as he may think proper, of the tract that may be set apart as a reservation for these Indians to be surveyed into lots, and assign them to such Indians as may wish to enjoy the privilege and locate thereon permanently, as follows:

To a single person over twenty-one years of age, 20 acres; to a family of two persons, 40 acres; to a family of three, and not exceeding five persons, 50 acres; to a family of six persons, and not exceeding ten, 80 acres; and to each family over ten in number, 20 acres for each additional three members.

It also provides that the President—

may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer time than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions: *Provided, however,* That no State legislature shall remove the restrictions herein provided for without the consent of Congress.

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

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

These Indians are said to be further advanced in civilization and habits of industry than any others upon the Pacific coast.

The allotments made to these Indians some years ago have never been approved.

The Grande Ronde Reservation contains 61,440 acres; the number of Indians residing on the reservation is stated at 786. It would, therefore, require about one-half of the reservation to give each single person over twenty-one years of age and each head of family 160 acres.

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

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

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

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the allotments of lands in severalty authorized to be made to the Nez Percé Indians by the third article of the treaty between the United States and the said Indians, concluded June 9, 1863, there shall be allotted to each male person of the tribe who may have attained the age of twenty-one years, or is the head of a family, 160 acres of land, the allotments to be made in the manner and subject to the provisions and conditions prescribed in said treaty.

SEC. 2. That in lieu of the allotment of lands in severalty authorized to be made to the Willamette Indians by the fourth article of the treaty between the United States and said Indians, concluded January 22, 1855, there shall be allotted to each single person of said Indians who may have attained the age of twenty-one years, or is the head of a family, 160 acres of land, the allotment to be made in the manner and subject to the provisions and conditions prescribed in said treaty.

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

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