

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter from the Secretary of the Interior respecting the ratification of an agreement with the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, for the sale of a portion of their reservation in Montana Territory.

JANUARY 19, 1883.—Read and 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 confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles 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 the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January 19, 1883.*

DEPARTMENT OF THE INTERIOR,
Washington, January 16, 1883.

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 confederated tribes of Flathead, Kootenay, Upper Pend d'Oreilles 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 the 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, January 13, 1883.

SIR: I have received by department reference, for examination, a report made to you under date of 29th November last by Mr. Joseph K. McCammon, Assistant Attorney-General, special commissioner appointed by you on the 22d July last to treat on behalf of the United States with the confederated tribes of Flathead, Kootenay, and Upper Pond d'Oreilles Indians, inhabiting the Jocko or Flathead Reservation in the Territory of Montana, for the extinguishment of their title to lands of the reservation required for the purposes of the Northern Pacific Railroad, in accordance with the provisions of section 2 of the act of Congress approved July 2, 1864 (13 Stat., 365), setting forth the result of his negotiations in that behalf with said Indians.

With said report are transmitted an agreement entered into with said Indians by Mr. McCammon, on the part of the United States, dated September 2, 1882; a map of definite location of the Northern Pacific Railroad upon and through said reservation, marked A; five descriptive plats of grounds required for station-houses, &c., marked B, C, D, E, and F, respectively; three plats marked plat K, sheet 1, plat K, sheet 2, plat K, sheet 3, showing the line of route on a more extended scale, and a schedule marked K, containing a descriptive list and valuation of improvements of certain individual Indians of said confederated tribes affected by the passage of the road through the reservation. There is also transmitted a copy of a verbatim report of the conference held by the commissioner with the Indians.

By the terms of said agreement the said confederated tribes surrender and relinquish to the United States all their right, title, and interest under the treaty of July 16, 1855 (12 Stat., 975), in and to a strip of land not exceeding 200 feet in width, that is to say, 100 feet on each side of the line as laid down on the map of definite location (A), wherein said line runs through said reservation, entering the same at or near the summit of Corrigan Defile, passing by the valley of Findlay Creek to the Jocko, along the Jocko to the Pend d'Oreilles River, and down the valley of the Pend d'Oreilles, passing out of the reservation at or near the mouth of the Missoula River, said strip of land to be used by the Northern Pacific Railroad Company, its successors or assigns, as a right of way and road-bed, and containing 1,300 acres. Also in and to five certain pieces or parcels of land situate along and adjoining said strip of land, hereinbefore described, as the same are delineated on the plats or maps thereof, marked respectively B, C, D, E, and F, and aggregating 130 acres, the same to be used by said railway company for the purposes of station-houses, depots, sidings, &c.

In consideration of the cession of said lands, amounting in the aggregate to 1,430 acres, the United States agrees to pay to the said confederated tribes the sum of \$16,000, being at the rate of \$11.18 per acre, to be deposited in the Treasury of the United States to the credit of the said confederated tribes, upon ratification of said agreement by Congress and necessary appropriation made therefor, said sum to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

The United States further agrees upon like ratification and appropriation to pay to the individual Indians, members of said confederated tribes, whose names appear on the schedule marked K, annexed to said agreement, the several sums set opposite their respective names, amounting in the aggregate to \$7,625, as full compensation for damages to im-

provements, or fenced or cultivated fields, which they may sustain by reason of the surrender and relinquishment of said lands, or any part thereof as aforesaid, such compensation to be expended for the benefit of such individual Indians, or paid to them in cash, in the proportions to which they may severally be entitled appearing by said schedule, as the Secretary of the Interior may direct.

It is further stipulated in said agreement that all provisions of existing treaties with said confederated tribes, not affected thereby, shall remain in full force and effect, and that said agreement shall be subject to ratification by Congress.

I have carefully examined said agreement with accompanying maps and schedule, and have the honor to return the same herewith, with the recommendation that they severally receive your approval.

I also submit, herewith, for transmission to Congress the draft (in duplicate) of a bill to accept and ratify said agreement with the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, of the 2d September last, also copies (in duplicate) of the agreement in question, maps, reports, and other papers hereunder mentioned, and necessary to a full understanding of the matter by Congress.

Mr. McCammon's report with accompanying papers are herewith returned with the request that when they shall have been approved they again be returned for the files of this office.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

[Inclosures.]

1. July 22, 1882.—Copy letter of Secretary of Interior detailing Mr. McCammon to proceed to Flathead reserve.

2. Same date.—Copy department instructions to Mr. McCammon.

3. November 29, 1882.—Copy report of Mr. McCammon on negotiations with Flathead Indians, with accompanying papers, viz :

(a.) Minutes of conference with the Indians.

(b.) Agreement, dated September 2, 1882, between the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, resident on the Jocko (or Flathead) reserve, Montana, of the one part, and the United States of America, represented by Joseph K. McCammon, Assistant Attorney-General United States, of the other part, for cession of land required for the purposes of the Northern Pacific Railroad.

(c.) Map of definite location of the Northern Pacific Railroad upon the Flathead reserve, marked A.

(d.) Descriptive plat of grounds required for station purposes marked B.

(e.) Descriptive plat of grounds required for station purposes marked C.

(f.) Descriptive plat of grounds required for station purposes marked D.

(g.) Descriptive plat of grounds required for station purposes marked E.

(h.) Descriptive plat of grounds required for station purposes marked F.

(i.) Map of route, extended scale, plat K, sheet 1.

(k.) Map of route, extended scale, plat K, sheet 2.

(l.) Map of route, extended scale, plat K, sheet 3.

(*m.*) Schedule of improvements belonging to individual Indians of said confederated tribes, affected by the passage of the road, marked K.

4. Draft of a bill to accept and ratify said agreement of September, 2, 1882, and to make the necessary appropriation for carrying out the same, for transmission to Congress.

5. January 13, 1883.—Copy report of Commissioner of Indian Affairs to accompany the same.

No. 1.

DEPARTMENT OF THE INTERIOR,
Washington, July 22, 1882.

SIR: You are hereby detailed to proceed to San Francisco, Cal., to superintend the opening of bids, award of contracts, &c., for certain supplies for the Indian service, to furnish which, bids will be opened by you in that city on August 15, 1882.

When the said business at San Francisco shall have been completed, you will proceed thence, via Ogden, to the Flathead Indian Agency in Montana, on the business set forth in detailed instructions this day addressed to you, on the conclusion of which you will return to Washington.

Very respectfully.

H. M. TELLER,
Secretary.

HON. JOSEPH K. McCAMMON,
Assistant Attorney-General, present.

No. 2.

DEPARTMENT OF THE INTERIOR,
Washington, July 22, 1882.

SIR: You having been designated in department letter of this date to proceed to the Flathead (Joeko) Indian reservation in Montana, for the purpose of conferring and arranging on the part of the United States with the Indians on said reservation for the extinguishment of their title to so much of the land of that reservation as is required for the right of way for the Northern Pacific Railroad through it, the following information and instructions are furnished for your guidance in the premises.

By the first section of the act of July 2, 1864 (13 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 the said company the right of way through the public domain for the construction of said railroad and telegraph, to the extent of 200 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 second article of the treaty between the United States and the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, concluded at Hell Gate, in the Bitter Root Valley, July 16, 1855 (12 Stat., 975), duly ratified and proclaimed, a tract of country therein described in the then Territory of Washington, but now included within the boundaries of the Territory of Montana; was set apart by specific boundaries for the use and occupation of the said confederated tribes, and as a general Indian reservation, upon which may be placed other friendly tribes or bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to said treaty under the common designation of the Flathead Nation.

The third article of said treaty provides that, "if necessary for the public conven-

tence, roads may be run through the said reservations, and on the other hand the right of way, with free access from the same to the nearest public highway, is secured to them, as also the right in common with citizens of the United States to travel upon all public highways."

The eighth article of the treaty between the United States and the Flathead Nation and other Indians concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the Territory of Nebraska, October 17, 1855 (11 Stat., 657), duly ratified and confirmed, declares that, "for the purpose of establishing traveling thoroughfares through their country, and the better to enable the President to execute the provisions of their treaty, the aforesaid nations and tribes do hereby consent and agree that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description, establish lines of telegraph and military posts, use materials of every description found in the Indian country, build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States."

The Northern Pacific Railroad Company now desires the extinguishment of the Indian title to so much of the lands of the said reservation, upon and along the line of its road as defined, as indicated in the second section of said act before noted, for the purposes of a right of way and road bed, including all necessary grounds for station-buildings, workshops, 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 the lands in said reservation, required for the purposes aforesaid, which must be done by agreement, duly entered into between the United States and the confederated tribes of Indians occupying or interested in the reservation.

The railroad company has filed a map of its line of route through the reservation, which will be found herewith, marked A, and plats and description of the location and extent of lands required for station-buildings, &c., designated upon the papers, also herewith, marked E, F, G, H, I, J.

In a map of location (on a more extended scale) filed by the company, a copy of which marked B accompanies these instructions, the right of way for about 40 miles through the reservation is laid down on a maximum scale of 400 feet wide, as granted to the company through the public lands, embracing an area of 2,080.39 acres. Station grounds, &c., as designated on plats marked E, F, G, H, I and J, including right of way through the same, embrace an area of 341.98 acres; making the aggregate quantity of land applied for by the company 2,422.37 acres.

The entire distance covered by the certified map (A) of location through the reservation is 53.26 miles, on which six stations, one for about every 8½ miles, are designated, and for which 341.98 acres, including right of way, are alleged to be required, equivalent to about 57 acres for each depot or station, or an average of 34 acres, without right of way.

In the agreement with the Crow Indians in Montana, August 22, 1881, through whose reservation this same railroad runs for a distance of 118 miles, ten stations were allowed, averaging 26 acres each, exclusive of right of way.

The right-of-way act of 1875 (18 Stat., 482) allows "not to exceed in amount 20 acres for each station to the extent of one station for each 10 miles of its road." By the same act, the right of way allowed is limited to "100 feet on each side of the central line of said road," whilst the right of way to the Northern Pacific Railroad (13 Stat., 365) is to the extent of 200 feet in width on each side of said railroad, where it may pass through the public domain, including all necessary ground for station buildings, &c.

By telegram of the first instant, addressed to Hon. Martin Maginnis, and repeated to this department by him, the Northern Pacific Railroad Company signified its willingness to accept a right of way 200 feet wide through the reservation.

It has further been decided to allow only five stations for buildings, &c., within the reservation, to be as near as conveniently may be 10 miles apart, and to be about 26 acres in area, in addition to the right of way.

The president of the railroad company was advised by department letter of July 19, 1882, to have prepared a new map of the line of the road through the reservation showing the right of way 200 feet wide, and the location and area of the five stations for buildings, &c., with plats and full description thereof, to be allowed, all of which to be furnished you at the Flathead (Jocko) reservation, on or before the 22d of August, proximo.

It having been reported to the department through the Indian Office that the projected road passes through or otherwise damages sundry cultivated fields, inclosures, and other valuable improvements belonging to individual Indians, occupants of the reservation, you will, in company with the Indian agent, make a thorough personal

examination of all property which may be so affected or damaged, and from the best disinterested evidence you can procure upon the question of value, make a careful appraisalment thereof (exclusive of the value of the land itself, which is common property), and of the amount of compensation to be paid by the United States to such individual Indian or Indians therefor. You will embody such appraisalment in the form of a tabular statement, to be prepared by you in accordance with the form marked K herewith inclosed, and make the same a part of the agreement hereinafter mentioned.

The Commissioner of Indian Affairs has been directed to instruct Agent Ronan, in charge of the agency, to prepare a list of the adult male Indians of the reservation, and to have everything in readiness for the assembling of the Indians in council at such time as you may designate by letter to him; and that you will reach the agency about the 22d of August, proximo.

You will fully explain to the Indians assembled in council the nature and object of the agreement which it is proposed to make between them and the United States, the objective points of the road, and the line of route which it will follow through the reservation, as shown by the map furnished by the railroad company, and the location and extent of land required for station buildings, &c.

You will advise the Indians to agree upon a fair and reasonable compensation to be paid by the government for the quantity of land required by the railroad company, impressing upon them the opinion held by the department that the construction of the road will advance their welfare, be beneficial to the Indian service, and subserve a general public interest in the vicinity through which it will pass.

The whole subject having been fully explained to and understood by the Indians, the amount of compensation to be paid by the United States to the confederated tribes for the lands to be surrendered, agreed upon, and also compensation to individual Indians for damages, &c., as hereinbefore provided, and all other necessary preliminaries having been arranged, you will reduce the terms of the agreement to writing substantially in form inclosed herewith.

It is proposed that the amount of money to be paid by the United States for the lands surrendered shall, upon ratification of the agreement by Congress and necessary appropriation therefor, be deposited in the Treasury of the United States to the credit of the confederated tribes, and be expended for their benefit in such manner as the Secretary of the Interior may direct, and that under like conditions the amount of compensation awarded to individual Indians for damages shall be expended for their benefit or paid to them in cash, in the proportions to which they may be severally entitled thereto, in the discretion of the Secretary. All this you will cause to be fully explained to the Indians, as also the fact that, except as to the quantity of lands the title to which may be extinguished by said agreement, all the stipulations of existing treaties, so far as the same are unfulfilled, will remain in force.

The agreement should be executed and signed by at least a majority of all the adult male Indians occupying or interested in the reservation lands, 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 charter act of July 2, 1864, hereinbefore referred to, of the privileges of which act the company can then avail itself.

You are authorized to disregard so much of the foregoing instructions as you may deem the best interests of the United States and the Indians require.

The following books and papers are furnished for your use in the prosecution of the duties to which you are assigned:

- Copy of Indian Office report to the department of February 6, 1882, with inclosures.
- Department letter to President Villard, February 11, 1882.
- President Villard's reply, February 16, 1882.
- Letter from President Villard to department, June 14, 1882.
- Indian Office report to department of June 22, 1882.
- Department letter to Indian Office, July 1, 1882.
- Telegram from Hon. Martin Maginnis, July 1, 1882.
- Letter from President Villard to the department, July 3, 1882.
- Certified map of definite location of Northern Pacific Railroad through Flathead Reservation, A.
- Map of definite location (extended), B.
- Descriptive plats of station grounds, &c., marked E, F, G, H, I, and J.
- Form of proposed agreement certificates, &c.
- Form of tabular statement of individual damages.
- Report of Commissioner of Railroads, 1881, containing legislation for Northern Pacific Railroad, pp. 136, &c.
- Printed copy of treaty with Flathead, &c., Indians of July 16, 1855.
- Extract from treaty of October 17, 1855, relative to construction of railroads on reservation.

Copy of General Land Office regulations respecting right of-way railroads, forms for verifications of maps, &c.

The return of the inclosures above noted is respectfully requested with your report.

You will please acknowledge the receipt of this letter of instructions and transmit the agreement, when finally completed, with your report to this department.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. JOS. K. MCCAMMON,
Assistant Attorney-General,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, November 29, 1882.

SIR: I have the honor to inform you that in accordance with your letters of July 22, last, after having completed the business which you directed me to undertake, I proceeded from San Francisco via Ogden, Utah, and Butte City and Deer Lodge, Mont., to the Jocko or Flathead Reservation in the northwestern corner of the Territory of Montana, arriving there on the 30th of August. A large number of Indians, estimated to be between six and seven hundred men, women, and children, had been assembled by the agent. I found that white men living on the border of the reservation had, with the aid of whisky, somewhat inflamed a portion of the Indians, chiefly the young men, against the object of my visit, and during the whole period of my visit I had to contend with this feeling, as will more fully appear by the minutes of the council which I inclose in this communication.

Notwithstanding these influences, the Indians consented to sign the agreement, which is transmitted herewith, together with map A, descriptive plats B, C, D, E, and F, also plat K 1, 2, 3, and a schedule marked K, which contains a descriptive list of improvements affected by the right of way of the Northern Pacific Railroad.

The terms of the agreement made with the confederated tribes of the Flathead, Kootenais, and Upper Pend d'Oreilles Indians resident on the Jocko or Flathead Reservation in Montana, are briefly stated, that a strip of land not exceeding 200 feet in width, aggregating about 1,300 acres, together with about 130 acres for station purposes are ceded to the United States, the consideration being \$16,000, which is at the rate of \$11.18 per acre. And further, the United States agrees to pay to individual Indians \$7,625 as compensation for damages to improvements of fenced or cultivated fields, which may be sustained by reason of the surrender and relinquishment of the lands above described. The right of way projected through the reservation extends about fifty-three miles in a northwesterly and westerly direction.

In conformity with my instructions, I made a personal examination of most of the improvements injured or destroyed by the right of way, in company with several competent persons whose opinion I sought before determining the sum to which I thought the owner in each case to be entitled. Having fixed a standard, I requested Mr. Ronan, the agent, to continue the appraisalment which I have adopted, having had each particular farm not visited by me described by several persons who were familiar with the improvements, their general value, &c. I should state that the acreage in each particular farm interfered with furnishes little test of the amount of damage done, inasmuch as the questions of tillage, style of fence, or the character of the dwelling-house and out-buildings, or whether the right of way ran directly through the middle of the farm or only touched its border, were the vital matters to be considered.

I will submit in a few days a report with special reference to the desire of the Indians on the Flathead Reservation to have their lands extended from the present northern line up to the international line between the United States and the Dominion of Canada.

I am under obligations to Maj. William H. Jordan, Third Infantry, U. S. A., commanding at Fort Missoula, Mont., who was at the agency during the negotiations, for valuable assistance. His presence undoubtedly contributed largely to the restoration and continuance of good order. Agent Ronan and other employes at the agency did all in their power to further the object of my visit.

I am, very respectfully, your obedient servant,

JOSEPH K. MCCAMMON,
Assistant Attorney-General.

Hon. HENRY M. TELLER,
Secretary of the Interior.

[Indorsement.]

DEPARTMENT OF THE INTERIOR, December 5, 1882.

Respectfully referred to the Commissioner of Indian Affairs for examination, with instructions that if the matter meets the approval of the Commissioner the papers shall be returned to the department with draft of bill, as in similar cases, to be submitted to Congress for proper legislative action.

H. M. TELLER,
Secretary.

Council held by Hon. Joseph K. McCammon, Assistant Attorney-General, appointed by the Secretary of the Interior to negotiate an agreement with the Indians on the Flathead Reservation for right of way for the Northern Pacific Railroad through the reservation.

AUGUST 31, 1882—3 p. m.

Present: Arlee, Adolphe, Eneas, and Michelle, with headmen and Indians of the Flathead, Pend d'Oreilles, and Kootenais tribes.

Agent RONAN said: Mr. McCammon is here from Washington, representing the United States Government, to meet the Indians in council; and it is desired to have them listen attentively. He is here with the voice of the Great Father, and brings his words to the Indians. I have no further words of introduction.

Commissioner McCAMMON. My friends of the Flathead, Pend d'Oreilles, Kootenais, and other tribes living on the Jocko Reservation: I have been sent by the Great Father at Washington a great many miles to see you and talk with you. He knows how well you have treated the white people these many years; that you have been peaceful and happy, and have taken care of yourselves; that you have always been his friends and the friends of his people. Knowing these things he does not wish to take from you your lands. He knows, however, that a railroad is to be built on the borders of your reservation. Twenty-seven years ago you and your fathers made a treaty with the whites. That treaty which you and the others made provided for a country here in which you and your fathers should live. In that treaty you and your fathers agreed "if necessary for the public convenience roads may be run through the said reservation." By another treaty, made the same year at the treaty grounds, near the mouth of the Judith River, in Nebraska, which treaty was signed by the Flathead Nation and other Indians, it was provided that "for the purpose of establishing traveling thoroughfares through the country, and better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description, establish lines of telegraph," &c. The Great Father and the Great council in 1864 gave the Northern Pacific Railroad Company the right to build a railroad through this country. The railroad company now say to the Great Father, "We want to build a railroad through the Jocko Reservation a few miles." The Great Father says, "The Indians on the Jocko Reservation gave me consent, years ago, to have roads of every description built through their land." He understands that a wagon road has been built and used for some time. That is one kind of road. Another kind of road is a railroad. It is a better and quicker way of traveling. It is a kind of road that other Indians all over the country have allowed to be built. But the Great Father says that he thinks the Indians should be paid for the little land that will be used by the railroad. He says he thinks the railroad will be good for the Indians as well as for the whites. The building of the road may bring white men on the reservation in order to grade the road, lay ties, &c., but when the road is built, no white men will remain except at stations, and there only so many as are necessary. I will now show you a map of your reservation (shows map). The railroad is to come up here from the Missoula, entering the reservation by the Jocko River, and then going along the Jocko and Pend d'Oreille Rivers to the west line of the reservation. Now, as all the lands on the reservation belong to the Indians the United States wants to pay, and thinks it right to pay, for 100 feet of road on each side of the track, for a distance of 53.26 miles on this narrow line; and also for five squares of ground alongside, to be used as stations, being about 130 acres in addition, fully described on the map. These stations are where cars will stop to take on passengers, Indians and others, and Indian wheat and grain, if you want it carried off to sell; and where goods will be sent or received. This will cover a very small part of the reservation—like a spider web or fly track across the reservation (illustrating). Your reservation contains about 3,000,000 acres; the railroad will occupy 1,500 acres, just about as much as an ordinary wagon road. Now the Great Father asks me to inquire of these Indians what will be a fair price for this small tract. He says you ought to be paid a fair, reasonable price, just as much as he would pay a white man, no more and no less. Where the railroad runs through the farms of Indians, those Indians will be paid for their fences,

farms, houses, and crops, if interfered with, the money to be paid to each Indian, or to the agent to be used for them. I am appointed to find out how much this will damage each Indian farm. This refers only to houses, fences, crops, &c., that belong to individual Indians.

MICHELLE. You don't know how much individual Indians will get, do you?

COMMISSIONER. No; that we will determine hereafter. I went last year to Fort Hall Reservation. The Indians there allowed a road to be built, and no white men have come on the reservation because of the road. That is on the same plan as this. Hundreds of miles of road are built through the Indian Territory, and yet white men are kept out, except the agents of the railroads. The Northern Pacific Railroad has stopped at the line of your reservation, and wishing well to the Indians, does not want to interfere with them, except by some arrangement so that the Indians may be paid. So the Great Father sends me to ask you what you want to be paid for this land which the railroad company needs. I want you to consider this matter and ask questions. I don't want any one to misunderstand. I want to be just to the Indians. I want to protect their rights. I want them to talk. I am ready to hear from Arlee, Michelle, Adolphe, Eneas, or the headmen who know what they want to say.

ENEAS. I presume you will not ask us to answer now. There are some men here who have wild ideas, and we want to adjourn and talk the matter over.

MICHELLE. We don't want to detain you for a lot of humbug. Of course you and the Great Father claim that we ought to be paid for the land taken; we are not to be cheated; we are to be treated just the same as whites.

COMMISSIONER. The Crows last year sold land to this company just the same as you are asked to do. Whatever time you wish will be granted.

ARLEE. I am going to talk not about what you are talking about. The Great Chief don't pity me. I am crowded on both sides. White men go up and down the reservation with cattle. I lose cattle in plenty. I want you to get the whites off the land at the head of Flathead Lake. I am old. I will soon die. There are a lot of young ones. I would like to have them live happy. But they will always be in trouble with white men if they remain so near us. It may be true that the railroad would help the Indians, but I would like to get the whites off the Flathead Lake.

COMMISSIONER. Cattle are driven through the reservation because the treaty provided for it. White men who steal are bad men. There are bad white men and bad Indians. White men punish bad white men when they can find them. Fewer cattle will go through the reservation after the building of the railroad, for then many cattle will go through on cars. I will report your wishes to the Great Father. The Great Father did not know them.

ARLEE. The country we gave to the government is very valuable. Lots of white men have made independent fortunes in my country. Since twenty-seven years ago, when my forefathers made the treaty and gave you the country east and south of this, you have been digging gold there; that country is very valuable. You must not think there are so few here. Lots of others think of coming over here and living on this reservation. Be sure to tell the Great Father my wishes.

MICHELLE. I and Eneas think as does Arlee.

COMMISSIONER. Tell him I (not the Great Father) think if they want that country up north they should have it. I will tell the Great Father. They got the price they asked for their land; they sold it to the white man. Gold was not yet discovered there. They yet have fine lands, noble rivers, and majestic mountains.

RONAN. In my talks I feel as if I knew what Arlee wished to say. On the north side of the Flathead reservation there is a narrow tract of United States land. Arlee fears that strip will be settled by whites, and Arlee feels if the Great Father will let the Indians have that then they will not be surrounded by whites.

SEPTEMBER 1, 1882—1.40 p. m.

Commissioner McCAMMON. My friends, I am glad to see you to-day, and hope your hearts are good towards the Great Father. I will be pleased to hear what the chiefs have to say. If there is anything they don't understand in the talk of yesterday I will try to make it clear. I am ready to hear from them now.

ENEAS. I am the chief and you see me now. I have not doubt you are sent to see us by the Great Father. I am the chief and this is my country. I am not joking in telling you I would like to get the Flathead Lake country back. There are things that the government promised me in that treaty that I have never seen. The government promised me everything we needed. The government told me it would send a blacksmith, and build school-houses, and furnish teachers at the agencies to instruct Indians, and a head farmer, and build houses for us. The government wished us to be like white men, and these were to instruct us. It promised me a tinner, a wagon-maker, a plow-maker, a hospital, and a doctor to look after the sick; and that is the reason we signed the treaty. I was glad to think we were to have these things. We had a big country, and under those conditions we signed the treaty. Seven years after that we learned that the line of the reservation ran across the middle of Flat-

head Lake. We didn't know that when we signed the treaty. That is the reason we want that country back. Besides, we did not get one-half of the annuities that belonged to us. It was divided among yourselves. You told us that after a while we would be intelligent and rich and like white men. We are poor now. We try to have whites to assist us, and they won't because we are Indians. That is the reason we want to have the whites kept out of that Flathead Lake country.

COMMISSIONER. I am glad to hear Eneas. I know what a good man he is. Major Ronan has told me what wrong has been done years ago; he can now trust Major Ronan; what he gets he gives the Indians. One reason why the Great Father forgot the Flatheads is that they have been so far from Washington; but now when the railroad is built they will be within four or five days from Washington; and the Great Father and his people will see and pity the Indians. That is one thing the Great Father means when he says the Indians will be benefited by the railroad. I will tell the Great Father about Eneas's desires, and do all I can to carry out his wishes.

ARLEE. What is the reason you are not able to treat with the Indians about that country? You have full power.

COMMISSIONER. Arlee is mistaken; I have not power to treat about everything. As I said yesterday, the Great Father did not know what your wishes were about that strip of land. He only knew about the railroad, and he told me to agree to pay for the land to be used by the railroad. The land is not taken by the railroad, but is taken by the Great Father, who lets the railroad use it. Possibly you will understand my power by an example. You are a chief of your tribe; you send one of your young men to fish, but he goes off to visit his friends miles away; you are waiting for your fish all the time; the young man had no right to visit his friends until he got his fish. So I have no right to do more than the Great Father told me, but must return to him. Do you understand?

ARLEE. I understand.

COMMISSIONER. That is my position.

ARLEE. Is it true the Great Father don't know of the men north of the Flathead Lake?

COMMISSIONER. The country there belongs to the Great Father, so whites have a right to go there; but I will tell the Great Father all you say. It is all written down.

ARLEE. We will now quit talking about the head of Flathead Lake.

COMMISSIONER. Now, I will be glad to hear about the money to be paid for the use of the land for the railroad.

ENEAS. You know what I said, that the government did not give half it agreed about annuities; and I think I don't wish the road to pass through this reservation. The Great Father is a good man, and when the Great Father tells me a thing I do it. I wish the Great Father to do me a favor and consult my wishes, and not let the road go through this reservation. There is a good way down the Missouri to Horse Prairie. You are a great people, and when you want to do a thing you can do it. What makes you think the railroad can't go down there? This reservation is a small country, and yet you want five depots upon it. These are the best spots on the reservation. What is the reason I should be encouraged when you take the best part of my country? My country was like a flower and I gave you its best part. What I gave I don't look for back, and I never have asked for it back. The Great Father gave it to us for three tribes, Flathead, Upper Pend d'Oreilles, and Kootenais. What are we going to do when you build the road? We have no place to go. That is why it is my wish that you should go down the Missoula River. I am not telling you that you are mean, but this is a small country, and we are hanging on to it like a child on to a piece of candy.

COMMISSIONER. The line selected by the railroad company was selected ten years ago, because it was the best route, and because down the Missoula River would not be a good route. The men who selected it then and continued to prefer it are able men, and know the best route; and they say this is the only route that is good. The Great Father believes these men, and he sent me to represent him, not them, in this council. He thinks it is the best route, and the Indians won't be injured, the amount of land to be taken is so small. The Great Father has respect for the wishes of the Indians, but he thinks he knows what is best for them, and feeling that way he wants to know what money they want for the land. The Great Father will take care that bad white men do not sell whisky to Indians. He thinks he can do that better with a railroad through your reservation than with one down the Missoula. He wants it here. He says, "You have told me I can build roads through your reservation;" but he also says you shall be paid, he having pity on you. The Indians should remember they got no pay for the wagon road built through their reservation, but he thinks they should be paid for the land used by the railroad. The amount of land that will be taken by the government is very small. Only a few pieces of land owned and improved by Indians will be taken. There is plenty of good land in this and other valleys and reservations, and all that have to move will be paid; they will have the money to pay them for moving, or to do what they please with. I am now talking about improvements. The land belongs to all the Indians, but the improvements to

individuals. All the Indians will be paid by the Great Council at Washington for all the land taken, when an appropriation is made, and this money will be used for the benefit of all the Indians; but the money for the fences, houses, and other improvements will be paid to the individual Indians whose improvements are taken. The Great Father has this matter much at heart.

ENEAS. Who established the lines of this reservation? It was the Great Father that got these lines established. Why does he want to break the lines? If we had no lines I would say no word. Lines are just like a fence. He told us so. No white man is allowed to live and work on the reservation. You know it is so in the treaty. That is the reason I say you had better go the other way. Why do you wish us to go away? It is a small country; it is valuable to us; we support ourselves by it; there is no end to these lands supporting us; they will do it for generations. If you say you will give us money for our lands, I doubt if we get it, because we didn't before.

COMMISSIONER. Eneas and the rest do not understand what I said yesterday. The two treaties signed by your chiefs provide for roads of all kinds through your reservation. The Great Father is not asking for leave to build roads through your reservation; that was given twenty-seven years ago. The Great Father is not treated with great respect when I am told you will not get the money. The matter will be submitted to the Great Council, and the Indians will get the money; and whatever has been done in the past about these matters, you can rely upon the good faith of those who now have control of the government. I do not understand why this opposition comes, when the Indians gave their faith years ago to the Great Father that this road might be built. I am sorry to hear what has been said. I come here as an honest man to talk to honest men, and I want you to consider well the words of the Great Father.

(An Indian in the audience says, "Railroads are not mentioned.")

The commissioner read from the treaties of July and October, 1855, about roads, and continued: You can read it in the paper Arlee has. As I have told you, railroads run through nearly all the reservations in the country. There are a few they do not run through; but where they go Indians see less of whites than they did before, because the whites traveled by railroads. This very railroad runs through the Crow Reservation on the Yellowstone. A railroad runs through the country of the Shoshones in Idaho, and this same railroad through the Umatilla Reservation. None of those Indians object to it. They are wise Indians; they have received their money. The Crows and the Bannocks and the Shoshones have received theirs. The Great Father expends the money for the benefit of those Indians. The Great Father will be sorry when he hears that the Indians do not believe in his good faith. Shall I go back and say to the Great Father that these Indians do not believe he is treating them right? He has but one object, and that is your good; and if I go back without your having named a price for the lands, he will say they are not the good Indians and faithful friends I thought.

MICHELLE. I am going to speak to Indians and no word to white men. I told the agent it was useless for us to oppose giving the white men this strip of land. We don't know the plans of the white man; there is no use of us thinking. Just now he has something to compel. You spoke yesterday of the land at the head of Flathead Lake. I agree with you. That is my wish. You were here yesterday. No word he mentioned was bad. I think it was all good. When you get a gentle horse if you beat him he is bound to get mean; and you are to blame when you beat a dumb brute. He spoke to us gentlemanly; he used no hard words; and we ought to be glad. We are all Americans. The British line is north, and beyond that are the British Indians. If the President thinks it best for a railroad to run through this land, I am quite willing. It is true this country has been reserved for us. When Garfield came here he told us this was our country; our agent and another big chief from Washington told us the same. Our agent is acting friendly with us. I do not think this gentleman has said a wrong word to us yesterday or to-day. He only wants a little strip of land; he might take it without asking, but he is going to ask us first, and then leave it to the chiefs. It is a thing that is bound to go through anyhow; and so you must not blame your chiefs.

COMMISSIONER. The whole country is not taken from you; just a little narrow strip is used for railroads; you can use it, except the narrow strip for a track and depot grounds. I remember last year, the Great Father, General Garfield, sent me to the Bannocks and Shoshones on this business. You all knew that great and good man, and he knew you and loved the Indians. I have heard that he thought much of you. What he said to me last year about the Shoshones and Bannocks, the Great Father said of you this year. Consider well his words and be men. I want to ask Arlee and Michelle if the wagon road has taken the country from them? If not, then a railroad will not. It is only a road with rail ties and locomotives to go through.

ARLEE. We don't think anything bad, but we don't want the railroad to go through the reservation here, because these white men are bad people. At Camas Prairie they sell whiskey; they go there and get whiskey, and our boys bother us about whiskey.

This is why we don't want the railroad to go through our reservation, because when the white men come in to work there will be trouble; that is all.

COMMISSIONER. About the man who sold liquor, we had him arrested and taken to jail. The same thing will be done by your agent; when he finds white men selling liquor he will arrest them. While the road is being built white men will have to come and build it; but after it is built there will be no white men to sell liquor. On the Crow and Shoshone reservations no liquor was sold to Indians while the road was being built. It won't be as bad as Arlee thinks; I hope not bad at all for the Indians. No liquor will be sold on the reservation at the depots.

ARLEE. It was our old people that were good; we had good chiefs; I don't know how many years it is since the white people came, and we have never had fights between us and the whites; nor have we ever killed you at all; and that is why I want to remain in my country quiet and undisturbed. I hear every few days that other tribes of Indians are fighting with the whites; then you win their country. You did not win my country from me at all; the big chief made our lines and told us to stay here all the time, and a few years ago Garfield sent me here to stay. But you don't mind what he said at all. Garfield said "Take it easy, don't be uneasy." It was nine years ago that Garfield said "Don't think we will thrust you from that country; that land belongs to you." Last winter I was at home lying down, when they told me men were surveying the place. Some said it did not amount to anything, but I said it would cut our reservation in two; and now to-day I see you here trying to get our land from us for the railroad. But I do not want any railroad here, for this is my country.

COMMISSIONER. This is your country; there is no doubt about that. The Great Father did not send me to ask for your country; he sent me to say he was going to build a railroad across your country, and he wanted to pay you for it. All this country is still yours and will remain yours. He wants you to feel good and remember his kindness. There is no intention to take the country away from you. A railroad is like the wagon road. The wagon road did not take your country from you and the railroad won't. How long has the wagon road been here? Your fathers were good men; they knew the treaty allowed a wagon road, and the same treaty will allow a railroad. The railroad will help you more than the wagon road. It will keep white people out of your reservation. You can ship grain and all other goods by it. I want you to let me go to Washington and tell the Great Father you believe in his word. I will tell him what faithful children you are, how kind, and full of peace and happiness you are. I will tell him of the great sight I saw yesterday; how well you treated me because he sent me. My heart was glad, and I said the Indians will listen to what the Great Father has to say and obey his words. I will again ask you if you can name what money you want for this right of way. If you cannot, I will name a sum for you. When the railroad is built, the Great Father will probably come out himself to see his country and you. It is too far from the railroad now.

ADOLPHE. It is true that you only want a small strip of my country; it is true that there will be no white men in our country. All will be glad if you only take a small strip of our country. Look at my hand (uplifted); this is what they do in Washington. I lift my hand; the President does the same thing. It is true that what you say is in the treaty in regard to roads. In the treaty at Hell Gate in 1855 the Indians said the white men could have railroads through here. Governor Stevens said to Victor, "You are the head chief of three tribes here, and of the whites here too"; and they said we will talk about this land here by and by; and we are having that talk now. Some time ago I did not know about talking, nor what it was to sign my name; now I know. If the whites are good I am good. When there is blood on my hands, they are not wet with white people's blood. If what you have told me to-day is true, I will be glad. In this country you see no blood; other countries are stained with blood. The line of my country extends from earth up to heaven.

COMMISSIONER. I want to talk again about this road going through your reservation. I want to explain to you that the Great Father sells land near and adjoining your reservation for \$2.50 per acre. The railroad sells its land for \$2.50 per acre near your reservation. It has land down towards the Missoula. I wish to be liberal. The Great Father told me to propose a fair price, and I think that \$10 per acre is a fair price for the 1,500 acres. That is four times as much as the Great Father gets for his land. This would make altogether for the land \$15,000. The Crows got only about five thousand, and the Shoshones seven thousand, or nearly eight. In addition, each Indian will be paid for his fences and barns where this railroad interferes with him. The \$15,000 will be for the benefit of the whole tribe.

ARLEE. I object to depots.

COMMISSIONER. Arlee never having seen railroads, don't know the amount of land required. Here is a glass with a few drops of water in it (illustrating). The whole tumbler represents the reservation, the water the amount of land wanted for the railroad. The railroad wanted six stations; the Great Father said five would be enough. They wanted these for water for the engines. The railroad wanted a strip

400 feet wide; the Great Father said, "No, 200"; the railroad wanted larger and more stations; the Great Father said, "No, five stations, and these must be small ones." The Great Father was thinking of the wishes and the interest of the Indians.

ARLEE. I won't say more now about stations. The railroad down below is not done. The Indian don't know, but the Great Father knows and the engineers know how much is required. The railroad don't want the Indian lands, nor does the Great Father, but he cares for your interests.

(After a delay.)

COMMISSIONER. Have you anything to say?

ARLEE. I want to know about the depots; what are they?

COMMISSIONER. Every railroad in this country has stations once in 10 miles for water, at the side of the track. If the railroad at Spokane has not stations every 10 miles it is because it is not yet finished. I have here the law of the great council, and it says the right of way through the lands of the United States is given for 100 feet each side, and stations for depots, &c., every 10 miles of its road. Let any young Indian read it if you want to hear it.

ARLEE. It is so.

COMMISSIONER. These stations are to accommodate you. We are not trifling with you. Arlee ought to be satisfied.

ARLEE. I want \$1,000,000 for it.

COMMISSIONER. The whole reservation would not be worth that.

ARLEE. I thought you were here to help us.

COMMISSIONER. I am. I represent the Great Father, as well as the Indians. I offer for the land four times what the government sells its land near here for—\$2.50 per acre. And \$10 would be eight times what the government usually sells its land for. Michelle, Eneas, and Arlee, are you ready to come to an agreement with the government.

Eneas. There is one thing I don't understand. How big are these stations?

COMMISSIONER. Eight hundred yards long and ninety yards wide, for small ones; and all others about four times as large, right along the road (shows a sketch and also a map). I hope Eneas' mind is happy and that he understands.

Eneas. I understand it now.

COMMISSIONER. I will read to Michelle the agreement drawn by direction of the Great Father.

MICHELLE. When I heard you the first time I was glad; but now when I hear what you offer, I do not feel so well, because now you say that all the reservation is not worth \$1,000,000. Now I do not agree with you.

COMMISSIONER. I am sorry if Michelle misunderstands me. I do not mean that the land is not worth \$1,000,000 to the Indians, but that the same kind of land would bring no more among the whites. I only referred to that, as they all refused four times what was the selling price of such land among the whites.

MICHELLE. When a railroad runs through the railroad company will get the money back in one day. They will run through my ranch and take my timber to build it with. I would not take \$15,000. I do not mean we will make trouble; I only say we will not take \$15,000. If you want to go through, go; but we won't take \$15,000. I don't speak now, any more, because you offer only \$15,000.

COMMISSIONER. Michelle should understand that what I offer is four times as much as the government sells the same kind of land for to white men. Don't let him say that \$1,000,000 is a fair price; I say I offer what is reasonable. I do not represent the railroad, nor have I anything to do with the railroad; I represent the Great Father.

ARLEE. We have said.

COMMISSIONER. We will not talk any more about the million dollars; the Great Father will not allow us to talk of that.

ARLEE. All right; then go by the Missoula. If the railroad don't want to give the money, let it go by Frenchtown.

COMMISSIONER. The Great Father says the railroad is to go here. The railroad, according to the agreement, does not pay the money to the Indians, the United States pays it.

ARLEE. Why do you want to pass here? You have to make a big bend to come here; why not go by the Missoula? The treaty only talked about a trail, not about a railroad.

COMMISSIONER. Why, Governor Stevens was here to survey this country for a line of railroad. There is no attempt to take the country from you. You know that we are not proposing to take the country from you at all, and yet you speak as if we were.

ARLEE. Governor Stevens said in twenty years another treaty would end this.

COMMISSIONER. Arlee is mistaken. Of course this treaty is in force. Governor Stevens may have said that he or others would come back in twenty years, but not that the treaty would expire in that time. Do you want me to return to the Great Father and tell him that the good Indians, whom he always thought his friends, re-

fused to sell a little land for ten dollars per acre, when not even the bad Indians of the country have asked that for their lands?

MICHELLE. How would it be if you had a good horse and I offered you a price that you did not think was right; if I took the horse wouldn't you complain? When we made the treaty we did not say railroads could pass through our country, only common roads.

COMMISSIONER. They said roads of every description. Suppose I were to give Michelle a loaf of bread every day, and then were to ask him to return me a very small slice, would he not be a very bad Indian if he did not give me the slice when I needed it? Especially if I had paid him the money for it? So the Great Father says, "You can have this country, but I want a small slice or strip for a road," and afterwards offers to pay for it.

MICHELLE. If you wanted a small piece of bread, I would say, "Here is a piece." If you say it is too small, I would say, "Take what you want."

COMMISSIONER. Michelle does not understand; he never saw a million dollars; he don't know what it is. It is nearly seventy times \$15,000. The Great Father could not afford to pay \$10 an acre for the Indian lands in the United States. He could not afford to pay the price now offered you, and would not have offered this if these Indians had not always been friends and good. We are not trying to make a hard bargain; we want to be liberal to the Indians. That is all. Do you want me to go home and tell the Great Father, or do you want me to stay till to-morrow?

MICHELLE. Do as you wish.

COMMISSIONER. What do you wish?

MICHELLE. I do not understand. You know it is not done; the agreement is not made.

COMMISSIONER. Then I will stay. Ask them to meet me earlier to-morrow.

SEPTEMBER 2—1.30 p. m.

Commissioner McCAMMON. My friends, I am glad to see you; I hope you did not think I had unkind thoughts yesterday. I had none but kind thoughts in my mind. I desire to hear from you or to answer any questions you wish to ask. I talked long yesterday, but I wanted to make everything as plain as possible. I did not want any one to misunderstand what I said. I am sincerely your friend. I have had much to do with Indians, and I believe they all consider me their friend. The Great Father wishes to make a present to good Indians, and although the Indians had agreed, in the treaties of 1855, to let roads be built through this reservation without pay, he thought none the less they should be paid. The Great Father had the right to build the road without pay, but he thinks you should be paid; he thought you ought to receive some money from him as a present. I would like to hear from any of the chiefs what is in your minds this morning.

ARLEE. I don't wish to change our calculations. When we heard that you were coming we made up our minds what to say to you. Yes, we are all good Indians, and we have a nice country, and I don't wish the Great Father should bother us by a big railroad through the reservation. When we heard of your coming we made up our minds what to say to you, and I said it to you yesterday. You seem to like your money, and we like our country; it is like our parents. I have the same feeling I had yesterday, and I am not the only one. I told you about the money, what we ask; and you said it was an exorbitant price. We do not wish to change our ideas; we told you yesterday about our wishes.

COMMISSIONER. In the treaty of 1855, made by Governor Stevens, the Indian tribes now represented here sold to the Great Father the country which was then claimed by them. That country was great; it extended from the British line to Big Hole River, and was very broad east and west. The Indians were then satisfied with the treaty, and have never been dissatisfied since. The money paid to your tribes was the sum of \$120,000. That was only about one-ninth of what you now claim for a little strip of country through your reservation. You ask about nine times more for this little strip than what you received for all that vast amount of land. So you see you are mistaken as to the value of this little strip of country. I want you to think of this; that the \$15,000 I offered yesterday is very much more per acre than the money you received under the treaty of 1855. As I have been fair and reasonable, I have a right to ask that you should be, and that you should trust me. I am afraid some bad white men have been misleading you about the price. No man is your friend who tells you that you should receive \$1,000,000 from the government.

ARLEE. We are not any way dissatisfied or hostile towards you or the government. We only want a fair bargain; fair play on both sides. My forefathers, our chiefs, the head chiefs of the tribe, were like men with veils over their heads; they could not see at all; they were like blind men; and when Governor Stevens arrived and he began talking about this part of the country, they had no idea of their country; they were stupid. They signed the treaty. This reservation was offered by the man who

made the treaty, and we are holding on to it. Our forefathers are all dead, and we are the chiefs nowadays, and are hanging on it.

COMMISSIONER. You are quite right in holding on to your reservation. As your friend, I say hold on to it; it is your land. I would be willing to give you the land you want up north; but the little line that the railroad wants won't interfere with your land; it will give the Great Father a better chance to protect you. There are many white men in the East who look after your interest more than you do yourselves; they would not allow a wrong to be done to you; they would, I know, approve of what I have told you. If I have not told you what the little strip is worth, I would not dare to go back among those people. You can ask any of your friends here and they will tell you that those white people know more about your wants than you do yourselves. Their hearts are always good towards you. These friends will watch me, and if I have not a good heart towards you they would blame me; but I know you think I have a good heart for you.

ARLEE. Now won't you try to raise it a little more?

COMMISSIONER. I will consider for a moment. (After a pause.) I will tell the Great Father I gave you \$16,000. I will tell him that you are good Indians, as he knows, and I thought you were entitled to \$16,000.

ADOLPHE. How many years will this \$16,000 last? (They consult.)

ARLEE. We want the money. The reason we did not get the money before was because we took it in annuities. We prefer the cash.

COMMISSIONER. The Great Father knows more about you than they did years ago; and whatever wrong was done you then, will not be repeated now. This very railroad will bring the Great Father nearer to you. The money will be expended for the benefit of the Indians in the manner the Great Father thinks best. If he thinks, after hearing from you, that it is better to let you have the money, he will pay the money. You must depend upon his judgment as to how the money will be paid. The Great Father will never forget you. He gives you money from year to year; he has many whites and many Indians to look after, and he gives you what he can. Something has been said about your timber; no timber will be cut from your lands, except on the right of way through. Your forests will remain, except as they cut trees out in building a road. They may have to cut so the trees won't fall on the road; that is all the trees that will be cut.

ARLEE. Yes, that is so. The timber is my property, and we demand some money for my property. There is timber cut on the reservation. I am sure you don't know; it is off the road entirely; it is on the creek near Pig Pen. I went up there and saw it.

COMMISSIONER. The white men had no right to cut it, and they will be very careful not to repeat it.

ARLEE. Yes, this council don't amount to much, because cunning white men cut it on the sly.

COMMISSIONER. But the railroad cannot afford to allow white men to cut timber on your land.

ARLEE. I am sure I saw it with my own eyes.

COMMISSIONER. It may have been a mistake. The railroad people have been very careful in not coming on the reservation.

ARLEE. It is tie timber.

COMMISSIONER. Arlee should remember that there may have been a mistake as to the line, and if within the reservation line they did not cut the timber intentionally. We will have that line surveyed, and see if timber has been cut inside of the reservation.

ARLEE. It came to my mind and I wanted it explained.

COMMISSIONER. I introduced the matter of timber to you because I do not wish any misunderstanding about it.

ARLEE. Yes, that is right.

COMMISSIONER. Arlee and the rest are wise to protect their people.

ARLEE. I am glad for one thing to-day. I am happy about that strip of country north. Do you think we will get it back?

COMMISSIONER. I hope so.

ARLEE. I am your friend. I hold your hand a long time.

MICHELLE. Now, my friend, I am glad about this strip of country north. We want that strip of country. I don't wish to be bothered by men on the other side. I want a road clear to the line where the other Kootenais are. If we get it we want to get the few settlers away who are there. We have lost many cattle in the reservation by men going up and down and driving them away; and these Indians are glad when you said you would increase the land. The railroad line goes right through my land; I am not uneasy about it; I am glad I am going to get money for it.

COMMISSIONER. I will report to the Great Father what you say about the strip of country north.

MICHELLE. It won't take long, and you have got a telegraph.

COMMISSIONER. The Great Father is not now in Washington, and it will take longer than you think. I shall have to go back and explain to him by word of mouth, the same as I do to you here.

MICHELLE. I had five head of horses on the road lately, and the whites stole them. I am afoot now. I am very happy to-day. At first you said you would increase our land, but now you say you will report to the Great Father. I don't quite understand.

COMMISSIONER. I said I was willing, but it is the Great Father's land, and if he thinks best he will give it to you. As to the strip north, the Great Father did not know what was in your minds, but when he does he will do what is best for you.

MICHELLE. The way we understood it in 1855 was that the land north belonged to us, but the man who ran the line got lazy and did not go north far enough.

COMMISSIONER. I now ask interpreter to read the agreement to the Indians.

MICHELLE. I don't consider this a *bona fide* bargain; it is borrowing this strip of land.

COMMISSIONER. It is the use of it.

MICHELLE. I don't want you, after you get away, to let the white people suppose you have bought the reservation, and let the white people squat on it. That is the way I think. It is like the railroad borrowing the strip of land.

COMMISSIONER. It is just buying the use of the strip of land.

MICHELLE. When I buy a horse I pay for it. You told us the country was ours. I considered the matter, and let you have it for public travel on the road. You have told me there won't be any white men on the reservation; that is the way I consider the matter.

COMMISSIONER. Michelle is quite right; he understands it. The railroad will only use the little strip, just like the wagon road. Michelle and the rest understand it perfectly. I suppose this by their approving what Michelle says.

MICHELLE. If you fulfill your promise I will be enjoying the reservation. Now, I understand you to say that when we go visiting we can jump on the railroad wagons and ride without paying expenses. I don't wish to pay a cent when I visit your country. Tell that to the Great Father.

COMMISSIONER. Michelle is right; the Indians always ride without paying whenever they want to visit their friends or the white people; but the white people will not be allowed to go on the reservation. I will come every year or two, as often as I can, to see him, so he will see that my promises have been kept.

MICHELLE. I wish that you would come once in a while, so that I can complain of not being treated right by the white men. You say you are our friend and will come. I will be glad to see you. I want you to know my heart. I despise liquor, cards, a liar, and a thief. I don't want to see such people here. Tell that to the Great Father. A lot of Indians of this tribe are below; if they want to come here they can do so; and if other tribes want to stop here we will let them stop if they behave.

COMMISSIONER. I promise for the Great Father and myself to help put gamblers and liquor sellers off the reservation, and all other bad men; and also to let such Indians as you want come on here and live. You must let the Great Father know when you want these Indians to come here.

MICHELLE. And I trust that the commanding officer over at the camp at Cold Springs will fix the bad white men and Indians. I am taken care of by white men, and my own Indian agent tells me Major Jordan will get after the bad whites and Indians. Of course if any of my Indians should spill blood, you can do with them as you please; I have nothing to say about it. Also I have nothing to say if you put in jail my drunken Indians. You need not ask my permission. Do the best you can to keep peace and the white men from our country. Try and keep the white men from selling whisky to my Indians. We are uneasy about whisky matters, for fear of getting into hostilities and losing our lands. I am glad to hear that the man on Camas Prairie is arrested, and I hope you will punish him severely. You saw how it was the day you came here.

COMMISSIONER. Major Jordan, your agent, and the United States marshal will see that men who sell liquor to Indians are punished. They hate whisky; that is, they hate to have it sold to Indians, and they will do all in their power to prevent your young men from getting into trouble. You see what your agent did the other day in having that man on Camas Prairie put in prison. It is bad for Indians to drink whisky, but worse to sell it to them.

MICHELLE. My agent told me when that big gang of men came here from below, "I will be the man to watch and keep them from selling whisky to the Indians." I wish white men to come no nearer than Horse Prairie with liquor. My agent says we will be bothered while the road is being built, and I understand what he tells me. I wish you would do the best you can to keep bad men from doing damage. I suppose we will be bothered while the new road is being built, and I want Major Jordan to be ready any day to take my part. I will let the agent know first, and he will say to Major Jordan—and this big chief is listening.

COMMISSIONER. Michelle understands it perfectly, and the rest.

ARLEE. I don't want white men to bring stock here any more. There will be lots of people here when the railroad is finished. The officers can clear off white men.

COMMISSIONER. While the road is being built some stock will be used by the white

men. When an agent wants the commanding officer at Fort Missoula, he sends for him. I want you to understand that while the road is being built much stock will be here. If your agent wants troops he will send for them to protect you.

AFTERNOON SESSION, 3 P. M.

COMMISSIONER. My friends, I am about through with our talk. From my heart I say you have done well. When you see me another year I hope you will say you have done well. You will not regret one thing that has been done. You have done the best that could be done for yourselves and for the white man. I will go down the river and put a value on the individual improvements on the ranches used by the railroads. I want you to ask Arlee, Adolphe, Eneas, Big Sam, Pattie, and all the rest, to come and sign this paper to-day, or go to the agency, so that all of their names will be on this paper. Then this will be the last time I will see my good friends of these tribes. To-morrow I will leave, and will go and see the Great Father, and will tell him all your wishes, particularly about your wanting that strip of land to the north. The Great Father wants to do the best for all his people, and he will listen to me and do what he thinks best about that and all other things. I am through.

MICHELLE. You told us you were going to have a fair understanding. You told us that you would be glad to have the amount of the land increased. I was glad when you mentioned that; I jumped up from my chair and shook hands with you, and then you said it was not in your power, but you would mention it to the Great Father. It was that that made me let go of the million dollars. I don't quite understand why you say now you have no authority to treat for that strip, but will mention it to the Great Father. I would like to have a copy of the treaty, and have men who can read explain it to me.

COMMISSIONER. Michelle is right; the land is not to be sold to the railroad company. He shall have a copy of the agreement. Michelle is mistaken if he thought I told him I had authority to treat now for the strip of land at the head of the lake. I said all along, yesterday and to-day, that I could only report to the Great Father what they wished, and he will likely send some one out here to see them about this land. I don't want to have Michelle make a mistake.

ARLEE. I don't consider we are mistaken; that is the reason we jumped up and shook hands.

COMMISSIONER. I explained it to Arlee, as I had done before. You must trust the Great Father, and trust that I will tell him. Now, I would like to go with the agent and see the farms. I would like to have you ask the agent whether I said I would treat about that north land to-day. I didn't understand Michelle's remark to be that he would sign this agreement on account of that strip of land. I said I would give you \$16,000. I said we would stop talking about the north land.

ARLEE. You were talking about that to Michelle. That money is a small sum. Donald says so. So far as I am concerned I agree with you. You said that personally you would be glad to have them have the land.

COMMISSIONER. I told them from the first I had no authority to treat regarding that north land. I illustrated it to him yesterday when I spoke about his sending a man for fish.

MICHELLE. If we could get the strip of country north, we would not ask anything for the right of way.

COMMISSIONER. I repeat what I before said, that I have no right to give the strip of land north; but I said I would tell the Great Father. Suppose Michelle, Arlee, and Eneas wanted to sell the reservation, and came to me for that purpose, you would say, "They have not consulted our people and have no right to sell our reservation." Unless they consult their people they could not bind them. That is what I said. I could not bind the Great Father until I told him about it. Your chiefs can do nothing without consulting their people. I can do nothing except by the orders of the Great Father. He has given me no orders about this strip.

ARLEE. I knew you would not give that million of dollars. My people don't want the railroad through here, and that's why I asked a million dollars.

COMMISSIONER. All I said is written down, and you can have a copy of what I said. I have told you the Great Father said the road was to be built, not for the benefit of the white man only, but also for the Indian.

ARLEE. I don't know how the road would benefit the Indians.

COMMISSIONER. That is because Arlee never saw a railroad. The Indians will be nearer the Great Father, and he will be better able to protect you. I told you also that if you followed the Great Father's wishes in this matter, he would do what was best for you and might give it to you.

ARLEE. Yes, the only benefit I see is if you give us that strip of land north, when I die it will benefit my children. The papers you have do not say that we have sold the country.

MICHELLE. A great many have clear ideas; others are stupid, and cannot understand it; so we want a copy.

COMMISSIONER. The white men think I have been very kind to the Indians, and have tried to explain everything as plainly as possible. The agent and commanding officer will say so. Agent Ronan and I will have to leave now. I want the men to sign the agreement.

MICHELE. I am not bothering my head about the railroad going through my field. I know that is right. If we can get back that country north we don't care about the railroad going through; it may go through free. Don't have hard feelings toward us for saying this. We are all one. My skin is dark. We are one nation. The international line is far north, but we are under one flag. You treat me as one of your people, and I want to do the same. The agent told me himself that he had instructions to see that the Indians get their rights.

COMMISSIONER. I will promise to use my influence to get that strip of land for you, and I want you in return to get signatures for this agreement. I feel kind to all the chiefs and to the rest of you. We all belong to one nation. We were all born in the United States.

MICHELE. This reservation is only large enough for three depots.

COMMISSIONER. The depots will be as small as possible. You will see what the railroad does. If you find reason to complain, your objections must be made to the Great Father. Everything possible will be done to make the Indians contented and happy. There will be only five stations, and if the Indians are good and sober, the railroad will probably employ them.

MICHELE. That is all I have to say.

ADOLPHE. I am one of the Flatheads. I am going to speak to you. This and Bitter Root is my country. You told us once we should respect the Great Father, and I think you should respect what I have said; for this reason I have great faith in the Great Father and you, and therefore talk of this strip of land. I guess we will be happy on this reservation. Look at the blood the white man has spilled. Where is the blood we have spilled? Just for this I respect and honor the Great Father and you, for I know he is a good-hearted man. Our God is a good kind God. Our chiefs have been directed from above to treat your people well.

The council then adjourned.

No. 3 b.

Whereas, by section one of an act of Congress, approved July second, eighteen hundred and sixty-four, 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" (thirteenth Statutes at Large, page three hundred and sixty-five), 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 confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians concluded at Hell Gate in the Bitter Root Valley, July sixteenth, eighteen hundred and fifty-five, and duly ratified and proclaimed (twelfth Statutes at Large, page nine hundred and seventy-five), a district of country therein described, situate in the then Territory of Washington, but now included within the boundaries of the Territory of Montana, was set apart for the use and occupation of said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington, who may agree to be consolidated with the tribes parties to said treaty, under the common designation of the Flathead Nation; and

Whereas by article three of said treaty it is provided that "if necessary for the public convenience roads may be run through the said reservation, and on the other hand the right of way with free access from the same to the nearest public highway, is secured to them, as also the right in common with citizens of the United States to travel upon all public highways"; and

Whereas by treaty between the United States and said Flathead Nation of Indians and others, concluded at the council ground on the Upper Missouri, near the mouth

of the Judith River, in the Territory of Nebraska, October seventeenth, eighteen hundred and fifty-five, duly ratified and confirmed (eleventh Statutes at Large, page six hundred and fifty-seven), it is provided (in the eighth article thereof), that "for the purpose of establishing traveling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description, establish lines of telegraph, and military posts; use materials of every description found in the Indian country, build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel, and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States"; and

Whereas the said company did on the fifth day of July, eighteen hundred and eighty-two, file in the Department of the Interior a map showing the definite location of its line of railroad from the southern boundary of the reserve for the Flathead Indians, thence northwesterly across the southwestern part of said reserve to the western boundary thereof, all lying and being within the Territory of Montana, as definitely fixed and determined in compliance with said act of Congress, and as approved by the board of directors of said company by resolution passed May ninth, eighteen hundred and eighty-two; 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 2nd day of September, in the year of our Lord eighteen hundred and eighty-two, between the confederated tribes of the Flathead, Kootenay and Upper Pend d'Oreille Indians, resident on the Jocko (or Flathead) 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 Joseph Kay McCammon, Assistant Attorney-General of the United States, duly appointed in this behalf by the Secretary of the Interior, of the other part, witnesseth:

That for the consideration hereinafter mentioned, the said confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians, do hereby surrender and relinquish to the United States all the right, title, and interest which they now have under and by virtue of the aforesaid treaty of July sixteenth, eighteen hundred and fifty-five, in and to all that part of the Jocko (or Flathead) Reservation, situate in the Territory of Montana, and described as follows, namely:

A strip of land not exceeding two hundred feet in width, that is to say, one 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, entering the same at or near the summit of Coriagan Defile, passing by the Valley of Finlay Creek to the Jocko, along the Jocko to the Pend d'Oreille River, and down the valley of the Pend d'Oreille, passing out of the reservation at or near the mouth of the Missoula River, said strip of land being intended to be used by the said Northern Pacific Railroad Company, its successors or assigns, as a right of way and road-bed, and containing 1,300 acres. An official copy of said map of definite location was, on the day of the date hereof, produced and shown to said Indians in council assembled, was fully explained to them, and is herewith attached marked with the letter A, and made a part of this agreement.

Also the several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described as the same are delineated on the five several plats or maps thereof also now produced and shown to said Indians and hereto attached and marked respectively with the letters B, C, D, E, F, and containing respectively the following areas, that is to say: Tract B, seventy acres; tract C, fifteen acres; tract D, fifteen acres; tract E, fifteen acres; tract F, fifteen acres; aggregating (exclusive of the strip of land hereinbefore mentioned) one hundred and thirty acres, the same being intended to be used by the said Northern Pacific Railroad Company for the purposes of station-houses, depots, sidings, &c.

In consideration of such surrender and relinquishment of lands as aforesaid, amounting in the aggregate to fourteen hundred and thirty acres, the United States stipulates and agrees to pay to the said confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians, the sum of sixteen thousand (\$16,000) dollars, being at the rate of eleven $\frac{1}{3}$ dollars per acre, to be deposited in the Treasury of the United States to the credit of the said confederated tribes upon ratification of this agreement by Congress, and necessary appropriations 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.

And for the considerations aforesaid, the United States further stipulates and agrees, upon ratification of this agreement by Congress, and necessary appropriation therefor, to pay to the individual Indians, members of said confederated tribes, whose names appear on the schedule hereto annexed, marked with the letter K, the several sums set opposite their respective names and amounting in the aggregate to the sum of seven thousand six hundred and twenty-five dollars, as full compensation for any damages to improvements, or fenced or cultivated fields, which they may sustain by reason of the surrender and relinquishment of said lands or any part thereof as aforesaid, such compensation to be expended for the benefit of such individual Indians, or paid to them in cash, in the proportions to which they may be severally entitled thereto, appearing by said schedule, as the Secretary of the Interior may direct.

All provisions of existing treaties with the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians not affected by this agreement, to remain in full force and effect, and this agreement to be subject to ratification by Congress.

Executed at the Flathead Agency, in the Territory of Montana, this 2nd day of September, anno Domini eighteen hundred and eighty-two.

JOSEPH KAY McCAMMON,
Assistant Attorney-General.

The foregoing articles of agreement having been fully explained to us in open council, we the undersigned chiefs and headmen, and heads of a majority of families, being a majority of all the adult male Indians of the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians, respectively occupying or interested in the lands of the Jocko (or Flathead) Reservation, in the Territory of Montana, do hereby consent and agree to all the provisions and stipulations therein contained.

Witness our hands at the Flathead Agency, Mont., the day and year last aforesaid :

- | | |
|--|---|
| 1. Michelle, his x mark. | 45. Eneas Francois, his x mark. |
| 2. Arlee, his x mark. | 46. Peter Finlay, his x mark. |
| 3. Eneas, his x mark. | 47. David Finlay, his x mark. |
| 4. Pattee (Shtas), his x mark. | 48. August Finlay, his x mark. |
| 5. Big Sam, his x mark. | 49. Bonaparte, his x mark. |
| 6. Dandy Jim, his x mark. | 50. D. McDonald, his x mark. |
| 7. Red Mountain Stchaw, his x mark. | 51. Nicholas Finlay, his x mark. |
| 8. Jim Finlay, his x mark. | 52. Basile Little, his x mark. |
| 9. Alexander Matte, his x mark. | 53. Vital Rivais, his x mark. |
| 10. Michelle Rivais, his x mark. | 54. Louis Penetze, his x mark. |
| 11. Upee-moxim, his x mark. | 55. Chettlee, his x mark. |
| 12. Umapine, his x mark. | 56. Use-tah, his x mark. |
| 13. Leo. Settee, his x mark. | 57. Do-peh, his x mark. |
| 14. Joseph Qui-qui-oo, his x mark. | 58. Baptiste Matte, his x mark. |
| 15. Francois Eneas, his x mark. | 59. Frank Camille, his x mark. |
| 16. Thomas McDonald, his x mark. | 60. Eneas Paul, his x mark. |
| 17. Antoine Til-til-cant-coot, his x mark. | 61. Inty-lanny, his x mark. |
| 18. Octave Rivais, his x mark. | 62. Consagne Matte, his x mark. |
| 19. Matthias Kootanie, his x mark. | 63. Isaac Sal-hal, his x mark. |
| 20. Baptiste Eneas, his x mark. | 64. Pierre Paul, his x mark. |
| 21. Alex. Poirrier, his x mark. | 65. Deaf Louis Saxsa, his x mark. |
| 22. Louis Vallee, his x mark. | 66. Michelle, Techi-moi-a-kaw, his x mark. |
| 23. See-peh, his x mark. | 67. Michelle Wheh-pult, his x mark. |
| 24. F. Nicholas, his x mark. | 68. Malta Chis-sis-soo, his x mark. |
| 25. Iadore Laderootte, his x mark. | 69. Isaac Skulsch, his x mark. |
| 26. Alex. Morrezieu, his x mark. | 70. Basile Arlee, his x mark. |
| 27. Modeste, his x mark. | 71. Francois In-che-eh, his x mark. |
| 28. Adol Smeh-o-lah, his x mark. | 72. Qnanneh, his x mark. |
| 29. Basile Finlay, his x mark. | 73. An-tel-leh, his x mark. |
| 30. Illy-mehum, his x mark. | 74. Johnny In-chi-as-ka. |
| 31. Abram Friday Kis-na, his x mark. | 75. Red Horn, his x mark. |
| 32. Asel-skomy, his x mark. | 76. Louis Qui-qui-oo, his x mark. |
| 33. Lassa Seelim-lah, his x mark. | 77. Joseph Les Smauk-klat-sut-kanch,
his x mark. |
| 34. Joseph Schute-skeh, his x mark. | 78. Pattee Sough-can-soot, his x mark. |
| 35. Tomah, his x mark. | 79. Tawa Aslin, his x mark. |
| 36. Louis Canoe, his x mark. | 80. Isaac Conpee-yout, his x mark. |
| 37. Isaac Agat, his x mark. | 81. Pierre Paul Conpee-yout, his x mark. |
| 38. Malta Charloain, his x mark. | 82. Peter Sta-qua, his x mark. |
| 39. Antoine Spattle, his x mark. | 83. Piel Tcht-housee, his x mark. |
| 40. Samuel Whistch Sin-che-leh, his x
mark. | 84. Alex. Bonaparte, his x mark. |
| 41. Pee-arlee, his x mark. | 85. Joseph Plante, his x mark. |
| 42. Francois Stumle-caw, his x mark. | 86. Charles Plante, his x mark. |
| 43. John Red Skunk, his x mark. | 87. Little Francois, his x mark. |
| 44. Michael Skoo-teel-pah, his x mark. | 88. Baptiste Finlay, his x mark. |

89. Is-toe-quis, his x mark.
90. Skie-meh (Eagle), his x mark.
91. Use-tah Pake-stan, his x mark.
92. To-peh Pake-stan, his x mark.
93. Timseh, his x mark.
94. Robert Irvine, his x mark.
95. M. Ignace, his x mark.
96. Louis Charloaine, his x mark.
97. Tama Skultemooska, his x mark.
98. Charloaine, his x mark.
99. Joseph Sardape, his x mark.
100. Joseph Soap-se-na, his x mark.
101. Co-quist Kun-ah-een-whan, his x mark.
102. Pattee Koos-tum-ane, his x mark.
103. Eneas Pe-ell, his x mark.
104. Sy-bas-ta-way (jr.), his x mark.
105. Peetah Che-es-ty, his x mark.
106. Sy-bas-ta-way (sr.), or Unco-loco, his x mark.
107. Louis La Rose, his x mark.
108. Joseph Chusil-soo-soo, his x mark.
109. Whe-whe-yool, his x mark.
110. Peter Irvine.
111. Joseph Touse, his x mark.
112. Joseph Sumach-hey, his x mark.
113. Xavier La Rose, his x mark.
114. Joe. Pattee, his x mark.
115. Pierrish Pol-lot-kan, his x mark.
116. Alexander Serpent, his x mark.
117. Francois Stemoo, his x mark.
118. Illymoo Skie-mee, his x mark.
119. Kooty Sum-he, his x mark.
120. Artemus Tolman, his x mark.
121. Pee-ell Moulman, his x mark.
122. Pattee Seel-ach, his x mark.
123. Phillip Tis-sak-chan, his x mark.
124. Pee-ell Joseph, his x mark.
125. Eneas Il-cheh, his x mark.
126. Charle Holoqua Sum-hei, his x mark.
127. Melly Kesset, his x mark.
128. Charle Moulman, his x mark.
129. Eneas Snake, his x mark.
130. Michel Pablo, his x mark.
131. Antoine La Rose, his x mark.
132. Coosta (Eneas' son), his x mark.
133. Michelle Cha-wo, his x mark.
134. Andre Mukwokan, his x mark.
135. Paul Cha-chat-lo-ma, his x mark.
136. William Cum-moosa, his x mark.
137. Py-lissian, his x mark.
138. Sanny, his x mark.
139. Blind Py-keh, his x mark.
140. Ta-weel David, his x mark.
141. La-moo Duncan, his x mark.
142. Dominic Ko-wit-la, his x mark.
143. Andre Kanic, his x mark.
144. Alick Cu-ka-kin, his x mark.
145. San Paul Ku-la-ko, his x mark.
146. Culsy-papa, his x mark.
147. Gideon Te-nom, his x mark.
148. Baptiste Lote-la, his x mark.
149. Anteese, his x mark.
150. Isaac Bonaparte, his x mark.
151. Pe-ell Loco, his x mark.
152. Phillip Ki-ak-chau, his x mark.
153. Felix Dominick, his x mark.
154. Michelle Grand Michelle, his x mark.
155. James Michelle, his x mark.
156. Abram Finlay, his x mark.
157. Jeremiah Abram, his x mark.
158. Pascal Toooh-too, his x mark.
159. Joseph Aslin, his x mark.
160. John Little, his x mark.
161. Pascal Kun-ak-at-look-tly, his x mark.
162. George Kul-kunnle, his x mark.
163. Angus Okanagan, his x mark.
164. Archie McDonald, his x mark.
165. Lorette Pablo, his x mark.
166. Squatkis-annin, his x mark.
167. Laurens, his x mark.
168. Jomat, his x mark.
169. Joseph Morrezeu, his x mark.
170. Francis-Langto, his x mark.
171. Alick De-moo, his x mark.
172. Michelle Colville, his x mark.
173. Andre Spoon, his x mark.
174. Joseph Loyola, his x mark.
175. Lomain Joseph, his x mark.
176. Pe-ell Quinny-mah, his x mark.
177. Saccap-E-wanch, his x mark.
178. Sta-lassinah, his x mark.
179. Pee-ell In-a-me-op, his x mark.
180. Cammell, his x mark.
181. Isaac Que-peh, his x mark.
182. Isaac Olo-lims-spo, his x mark.
183. Joseph Sin-chi-lep, his x mark.
184. Samuel Whistem^s Sum-hei, his x mark.
185. Nicola In-soppenoos-stoolach, his x mark.
186. Pete-Pierro, his x mark.
187. Anselm Finlay, his x mark.
188. Antoine Cos-cos, his x mark.
189. Antoine Plante, his x mark.
190. Joseph Sil-lepy, his x mark.
191. Joseph Tsoot-shen, his x mark.
192. Big Semoo Sinteh, his x mark.
193. Pierre Paul Ste-te-mas-keh, his x mark.
194. Louis Quil-quil-sum hei, his x mark.
195. Pierre Shil-chum-tee, his x mark.
196. Francois (brother of Petai), his x mark.
197. Maxime Ka-u-soo, his x mark.
198. Dominick En-teh, his x mark.
199. Isadore Quil-quil ta-me, his x mark.
200. Lo Tip-sky-mee, his x mark.
201. Mark Yah-cun-tee, his x mark.
202. Luke Wait-see, his x mark.
203. Joseph Finlay, his x mark.
204. Pascal May-al, his x mark.
205. Pierre Chit-housee, his x mark.
206. Baptiste Penetsee, his x mark.
207. Moses Penetsee, his x mark.
208. San Pe-ell In-shal-a-can, his x mark.
209. Malta Sin-pin-aw, his x mark.
210. Max Couture, his x mark.
211. Louis Ky-muek-tee, his x mark.
212. Nicola Kais-quil-ki-ha, his x mark.
213. Philip (one-eyed), his x mark.
214. Andre Peirrish, his x mark.
215. Tallo Aslin, his x mark.
216. Intimeet-chin-shin, his x mark.
217. Bessong Ilkuk-ka-shee, his x mark.
218. Louison Quil-quil-snee-na his x mark.
219. Spokane Jim, his x mark.

FLATHEAD AGENCY, MONTANA,
September 2, 1882.

I certify that the foregoing agreement was read and explained by me, and was fully understood by all the above-named Indians of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians, respectively, before signing, and that the same was executed by said Indians at the Flathead Agency, Montana, on this second day of September, 1882.

his
MICHAEL X RIVAIS,
mark.
Official Interpreter.

Witnesses:
ROBERT MCGREGOR BAIRD.
LUDGER TWOTT.

FLATHEAD AGENCY, MONTANA,
September 2, 1882.

I certify on honor that I have witnessed each and every signature to the foregoing agreement, and that the same was carefully explained to and appeared to be fully understood by said Indians before signing, and that the signatures thereto numbered from 1 to 219, inclusive, represent a majority of all the adult male members of the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians, respectively, occupying or interested in the lands of the Joco (or Flathead) Reservation.

PETER RONAN,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
January 16, 1883.

Approved.

H. M. TELLER,
Secretary.

No. 3 d.

Description of Plat B, showing the location and extent of depot grounds.

Commencing at a station numbered 5384, on the center line of the located survey of the Northern Pacific Railroad, in the valley of Finlay Creek, at Battiste Matts Ranch; thence N. $55^{\circ} 37'$ E. at right angles to the center line of said railroad 816.3 feet to a point; thence N. $34^{\circ} 23'$ W. parallel with and 816.3 feet from the center line of said railroad 3,000 feet, to a point 816.3 feet from and at right angles to said center line of said railroad at station 5414; thence S. $55^{\circ} 37'$ W. at right angles to and crossing said railroad center line at station 5414, 1,216.3 feet to a point; thence S. $34^{\circ} 23'$ east, parallel with and 400 feet from the center line of said railroad 3,000 feet, to a point at right angles to and 400 feet from station 5384; thence N. $55^{\circ} 37'$ E. at right angles to and intersecting said center line of said railroad at station 5384, 400 feet, to the place of beginning, containing eighty-three and seventy-eight hundredths ($83\frac{78}{100}$) acres, more or less, or, exclusive of the right of way, seventy (70) acres, more or less.

This station is located in the valley of Finlay Creek, near Bazile Finlay's Ranch, and where the road to the Flathead Agency on the east side of the Jocko River leaves the road to Missoula, and about one and one-half miles above and east of the first crossing of the railroad line of the Jocko River at the mouth of Finlay Creek.

No. 3 e.

Description of Plat C, showing the location and extent of depot grounds.

Commencing at a station numbered 5898, on the center line of the located survey of the Northern Pacific Railroad, on a curve to the left of a radius of 2,865 feet on the right bank of the Jocko River, about eight miles below the mouth of Finlay Creek; thence in a northeasterly direction at right angles to the curved center line of said railroad 371 feet to a point; thence in a northwesterly direction parallel with and 371 feet from said curved center line 2,517 feet to a point at right angles to and 371 feet from the point of tangent at the end of the center line of said curve at station 5920

+ 27.5; thence S. $13^{\circ} 51'$ E., at right angles to and crossing said railroad center line at station 5920 + 27.5, 471 feet to a point at right angles to and 100 feet from said station 5920 + 27.5; thence in a southeasterly direction parallel with and 100 feet from said curved center line 2,150 feet to a point at right angles to and 100 feet from station 5898; thence in a northeasterly direction, at right angles to and intersecting said center line of said railroad at station 5898, 100 feet to the place of beginning, containing twenty-five and twenty-three hundredths (25.23) acres, more or less, or, exclusive of the right of way, fifteen (15) acres, more or less.

This station is in the valley of the Jocko River, where the wagon road to Saint Ignatius Mission leaves the Jocko Valley.

No. 3 f.

Description of Plat D, showing the location and extent of depot grounds.

Commencing at station numbered 6270 on the center line of the located survey of the Northern Pacific Railroad, on the south bank of the Pend d'Oreille River, near where said railroad line first enters the valley of said river after leaving the valley of the Jocko River; thence N. $11^{\circ} 30'$ E. at right angles to said railroad line, 236.25 feet to a point; thence N. $78^{\circ} 30'$ W., parallel to the center line of said railroad, 2,400 feet to a point at right angles to and 236.25 feet from station 6294; thence S. $11^{\circ} 30'$ W. at right angles to and crossing said railroad center line at station 6294, 472.25 feet to a point at right angles to and 236 feet from said station 6294; thence S. $78^{\circ} 30'$ E., parallel with and 236 feet from said center line, 2,400 feet to a point at right angles to and 236 feet from station 6270; thence N. $11^{\circ} 30'$ east, at right angles to and intersecting said center line of said railroad at station 6270, 236 feet to the place of beginning, containing twenty-six and two hundredths (26.02) acres, more or less, or, exclusive of the right of way, fifteen (15) acres.

This station is located on the left bank of the Pend d'Oreille River and about one thousand feet below the mouth of the Jocko River.

No. 3 g.

Description of Plat E, showing the location and extent of depot grounds.

Commencing at a station numbered 6631 on the center line of the located survey of the Northern Pacific Railroad on the south bank of the Pend d'Oreille River; thence N. $22^{\circ} 18'$ E. at right angles to the center line of said railroad 272.25 feet to a point; thence N. $67^{\circ} 42'$ W. parallel to the center line of said railroad, 2,400 feet to a point at right angles to and 272.25 feet from station 6655; thence S. $22^{\circ} 18'$ W. at right angles to and crossing said center line of said railroad at station 6655, 472.25 feet to a point at right angles to and 200 feet from said station 6655; thence S., $67^{\circ} 42'$ E., parallel and 200 feet from said center line 2,400 feet to a point at right angles to and 200 feet from station 6631; thence N. $22^{\circ} 18'$ E. at right angles to and intersecting said center line of said railroad at station 6631, 200 feet to the place of beginning, containing twenty-six and two hundredths (26.02) acres, more or less, or, exclusive of right of way, fifteen (15) acres, more or less.

This station is located on the left bank of the Pend d'Oreille River, about one mile above Maxime's Village, and about one-half mile above Lee's Ranch.

No. 3 h.

Description of Plat F, showing the location and extent of depot grounds.

Commencing at a station numbered 7000, on the Northern Pacific Railroad, on the south bank of the Pend d'Oreille River; thence N. $17^{\circ} 38'$ W., at right angles to the center line of said railroad 372.25 feet, to a point; thence S. $72^{\circ} 22'$ W., parallel to the center line of said railroad 2,400 feet, to a point at right angles to and 372.25 feet from station 7024; thence S. $17^{\circ} 38'$ E. at right angles to and crossing said railroad line at station 7024, 472.25 feet, to a point at right angles to and 100 feet from station 7024; thence N. $72^{\circ} 22'$ E., parallel with and 100 feet from the center line of

said railroad 2,400 feet, to a point at right angles to and 100 feet from station 7000; thence N. 17° 38' W., at right angles to and intersecting said center line of said railroad at station 7000, 100 feet to the place of beginning, containing twenty-six and two hundredths (26.02) acres, more or less, or, exclusive of the right of way, fifteen (15) acres, more or less.

This station is located on the left bank of the Pend d'Oreille River, about three-fourths of a mile below Antoine's Ferry, where the Weeksville road crosses the Pend d'Oreille River.

No. 3 m.

K.—Description and valuation of improvements of individual Indians on lands in Jocko (Flathead Reserve), referred to in the agreement entered into between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians this 2d day of September, A. D. 1882.

No. of acres.		Nature of improvements.	Value of improvements.	By whom the improvements were made.
Acres.	Hdths.			
6	75	Cultivated land	\$250	Besson Finlay.
15	47	do	325	Chief Michelle.
13	.....	do	250	Alexander Matte.
10	28	do	225	Baptiste Matte.
45	.....	Cultivated land and house	600	Maxime Couture.
35	17	Cultivated land and 4 houses	700	Basile Finlay.
13	.....	Partly cultivated land	175	Isadore Ladervier.
8	86	Cultivated land	200	Alexander Poirrier.
10	71	do	250	Antoine Plante.
.....	.....	Corral	25	Joseph Finlay.
.....	.....	Cabin	25	Madelaine.
13	77	Cultivated land, house, and barn	1,000	Alexander Morrejiur.
15	.....	Garden, house, and fence	250	Mrs. Lewis Brown.
17	22	Fence and partly cultivated land	125	Eneas Cool-ta-la.
5	51	Cultivated land	100	Peter Matt.
5	28	do	100	Ky-meeu.
5	50	do	100	Gregoire.
18	71	do	250	Baptiste Eneas.
8	96	do	150	Hcham-a ham.
1	84	Cultivated land and corral	100	Selaw.
4	59	Cultivated land	125	Stanislaus and Mary.
16	.....	do	250	Antoine Rivais.
2	.....	do	50	Isaac Guã-o-coot.
.....	.....	Fencing	100	Leo and Pierre.
16	53	Garden and house	300	Maxime.
20	64	Cultivated land	250	Dominick.
11	.....	Cultivated land and house	200	Petal.
.....	.....	Damage to ferry	200	Antoine Rivais.
35	.....	Cultivated land	800	Duncan McDonald.
.....	.....	House and fence	150	Louis and Use-tah.
			7,625	

FLATHEAD AGENCY, MONTANA,
September 2, 1882.

I certify on honor that the foregoing schedule, marked with the letter K, contains a true description of improvements made by individual Indians of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes upon lands of the Jocko (Flathead) Indian Reservation in the Territory of Montana, falling within the limits of lands surrendered by the confederated tribes of said Indians to the United States for the purposes of the Northern Pacific Railroad, by agreement bearing even date herewith, and that the same have been carefully examined by me, or under my direction, and the valuations thereof appraised at the sums set opposite the respective names of the Indians owners or occupants thereof. I further certify that the several amounts so appraised are, in my judgment, a fair and just compensation for the damages sustained in each case.

JOSEPH K. McCAMMON,
Assistant Attorney-General.
DEPARTMENT OF THE INTERIOR,
January 16, 1883.

Approved.

H. M. TELLER,
Secretary.

No. 4.

A BILL to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles 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, bearing date the second day of September, in the year of our Lord eighteen hundred and eighty-two, made between the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians resident on the Jocko (or Flathead) Reservation in the Territory of Montana, 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 Joseph Kay McCammon, Assistant Attorney-General of the United States, duly appointed in this behalf by 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 members of the said confederated tribes occupying or interested in the lands of said reservation, and is in the words and figures following, namely:

"Whereas by section one of an act of Congress approved July second, eighteen hundred and sixty-four, 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' (thirteenth Statutes at Large, page three hundred and sixty-five), 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 westwardly 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, work-shops, 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 confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians, concluded at Hell Gate, in the Bitter Root Valley, July sixteenth, eighteen hundred and fifty-five, and duly ratified and proclaimed (twelfth Statutes at Large, page nine hundred and seventy-five), a district of country therein described, situate in the then Territory of Washington, but now included within the boundaries of the Territory of Montana, was set apart for the use and occupation of said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington, who may agree to be consolidated with the tribes parties to said treaty, under the common designation of the Flathead Nation; and

"Whereas by article three of said treaty it is provided that if necessary for the public convenience roads may be run through the said reservation, and on the other hand the right of way with free access from the same to the nearest public highway is secured to them, as also the right in common with citizens of the United States to travel upon all public highways; and

"Whereas by treaty between the United States and said Flathead Nation of Indians and others, concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the Territory of Nebraska, October seventeenth, eighteen hundred and fifty-five, duly ratified and confirmed (eleventh Statutes at Large, page six hundred and fifty-seven), it is provided (in the eighth article thereof) that 'for the purpose of establishing traveling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description, establish lines of telegraph and military posts, use materials of every description found in the Indian country, build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States'; and

"Whereas the said company did, on the fifth day of July, eighteen hundred and

eighty-two, file in the Department of the Interior a map showing the definite location of its line of railroad from the southern boundary of the reserve for the Flathead Indians; thence northwesterly across the southwestern part of said reserve to the western boundary thereof, all lying and being within the Territory of Montana, as definitely fixed and determined in compliance with said act of Congress, and as approved by the board of directors of said company by resolution passed May ninth, eighteen hundred and eighty-two; 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 2nd day of September, in the year of our Lord eighteen hundred and eighty-two, between the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians, resident on the Jocko (or Flathead) 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 Joseph Kay McCammon, Assistant Attorney-General of the United States, duly appointed in this behalf by the Secretary of the Interior, of the other part, witnesseth:

"That for the consideration hereinafter mentioned, the said confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians do hereby surrender and relinquish to the United States all the right, title, and interest which they now have under and by virtue of the aforesaid treaty of July sixteenth, eighteen hundred and fifty-five, in and to all that part of the Jocko (or Flathead) Reservation situated in the Territory of Montana, and described as follows, namely:

"A strip of land not exceeding two hundred feet in width, that is to say, one 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, entering the same at or near the summit of Coriagan Defile, passing by the valley of Finlay Creek to the Jocko, along the Jocko to the Pend d'Oreille River, and down the valley of the Pend d'Oreille, passing out of the reservation at or near the mouth of the Missoula River, said strip of land being intended to be used by the said Northern Pacific Railroad Company, its successors or assigns, as a right of way and road bed, and containing thirteen hundred acres. An official copy of said map of definite location was, on the day of the date hereof, produced and shown to said Indians in council assembled, was fully explained to them, and is herewith attached marked with the letter A and made a part of this agreement.

"Also the several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described as the same are delineated on the five several plats or maps thereof, also now produced and shown to said Indians and hereto attached, and marked respectively with the letters B, C, D, E, F, and containing respectively the following areas, that is to say, tract B, seventy acres; tract C, fifteen acres; tract D, fifteen acres; tract E, fifteen acres; tract F, fifteen acres; aggregating (exclusive of the strip of land hereinbefore mentioned) one hundred and thirty acres, the same being intended to be used by the said Northern Pacific Railroad Company for the purposes of station-houses, depots, sidings, &c.

"In consideration of such surrender and relinquishment of lands as aforesaid, amounting in the aggregate to fourteen hundred and thirty acres, the United States stipulates and agrees to pay to the said confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreille Indians the sum of sixteen thousand (\$16,000) dollars, being at the rate of eleven 18-100 dollars per acre, to be deposited in the Treasury of the United States to the credit of the said confederated tribes upon ratification of this agreement by Congress, and necessary appropriations 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.

"And for the consideration aforesaid, the United States further stipulates and agrees, upon ratification of this agreement by Congress and necessary appropriation therefor, to pay to the individual Indians, members of said confederated tribes, whose names appear on the schedule hereto annexed, marked with the letter K, the several sums set opposite their respective names, and amounting in the aggregate to the sum of seven thousand six hundred and twenty-five dollars, as full compensation for any damages to improvements, or fenced or cultivated fields, which they may sustain by reason of the surrender and relinquishment of said lands or any part thereof as aforesaid, such compensation to be expended for the benefit of such individual Indians, or paid to them in cash, in the proportion to which they may be severally entitled thereto appearing by said schedule, as the Secretary of the Interior may direct.

"All provisions of existing treaties with the confederated tribes of Flathead, Koot-

enay, and Upper Pend d'Oreille Indians not affected by this agreement to remain in full force and effect, and this agreement to be subject to ratification by Congress.

"Executed at the Flathead Agency, in the Territory of Montana, this 2nd day of September, anno Domini eighteen hundred and eighty-two.

SEC. 2. That for the purpose of carrying the provisions of this act into effect the sum of twenty-three thousand six hundred and twenty-five dollars is hereby set aside out of any moneys in the United States Treasury not otherwise appropriated, sixteen thousand dollars whereof shall be deposited in the United States Treasury to the credit of the corporated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians and be expended for the benefit of the said Indians in such manner as the Secretary of the Interior may direct; and the balance, or sum of seven thousand six hundred and twenty-five dollars, shall be deposited in the United States Treasury to the credit of the individual Indians, members of the said confederated tribes, whose names appear on the schedule referred to in said recited agreement, marked with the letter K, a copy whereof is hereto annexed, to be expended for the benefit of such individual Indians, or paid to them in cash, in the proportions to which they may be severally entitled appearing by said schedule, as the Secretary of the Interior may direct.

SEC. 3. That 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, and so forth, 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 or assigns, shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States said sum of twenty-three thousand six hundred and twenty-five dollars, hereby appropriated to be paid by the United States for the lands and improvements 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.

SCHEDULE K.—Description and valuation of improvements of individual Indians on lands in Jocko (Flathead) Reserve, referred to in the agreement entered into between the United States and the Flathead, Kootenay, and Upper Pend d'Oreille Indians this 2d day of September, A. D. 1882.

Acres.	Nature of improvements.	Value of improvements.	By whom the improvements were made.
6.75	Cultivated land	\$250	Besson Finlay.
15.47	do	325	Chief Michelle.
13.00	do	250	Alexander Matte.
16.23	do	255	Baptiste Matte.
45.00	Cultivated land and house	600	Maxime Couture.
35.17	do	700	Basile Finlay.
13.00	Partly cultivated land	175	Isadore Laderoute.
8.86	Cultivated land	200	Alexander Poirrier.
10.71	do	250	Antoine Plante.
	Corral	25	Joseph Finlay.
	Cabin	25	Madelaine.
13.77	Cultivated land, house, and barn	1,000	Alex Morrejeiu.
15.00	Garden, house, and fence	250	Mrs. Louis Brown.
17.23	Fence and partly cultivated land	125	Eneas Cool-ta-la.
5.51	Cultivated land	100	Peter Matt.
5.28	do	100	Ky-meen.
5.50	do	100	Gregoire.
18.71	do	250	Baptiste Eneas.
8.96	do	150	Hcham-a-ham.
1.84	Cultivated land and corral	100	Selaw.
4.59	Cultivated land	125	Stanislaw & Mary.
16.00	do	250	Antoine Rivals.
2.00	do	50	Issac Qua-a-coot.
	Fencing	100	Leo and Pierre.
16.53	Garden and house	300	Maxime.
20.64	Cultivated land	250	Dominick.
11.00	Cultivated land and house	200	Petal.
	Damage to ferry	200	Antoine Rivals.
33.00	Cultivated land	800	Duncan McDonald.
	House and fence	150	Louis and Use-tah.
		7,625	