

THE CROW INDIAN TREATY.

FEBRUARY 14, 1881.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 6228.]

The Committee on Indian Affairs, to whom was referred the foregoing bill, beg leave to report as follows:

The treaty whereby the present reservation for the Crow Indians was set apart was made in 1868. The Indians were given certain annuities and supplies for a term of years; and the vast tract of country comprised within the boundaries of said reservation was reserved to the Indians for hunting purposes. In defining and setting apart said reservation, the western portion of it was extended over mineral lands, which had been occupied by the whites for a number of years, notably Emigrant and Bear gulches, where placer gold mining operations had been carried on for four or five years, in fact since 1863. The Crows never occupied, nor did they even hunt in, that section so occupied by the miners; and it seems that by a mutual understanding, or by common consent, the whites occupying that region have not been molested. As the settlements were made, and mines located under the law before the reservation was made or set apart, either by treaty or executive order, and while such lands were open to occupancy and settlement, and to mineral exploration, the government would have been compelled to reimburse the miners and settlers for their improvements on such lands, if they were removed therefrom.

It seems that the Crows sought the eastern portion of the reservation and remained there, except when driven in by the hostile Sioux. Mr. Brunot at one time made a treaty with these Indians, whereby they agreed to remove to the Judith Basin, but such treaty was not ratified. The Indians had a new agency established in a less exposed position than where they were formerly; and it was deemed wise to keep the tribe at its old home, as they gave warning of the approach of hostile Sioux. The buffalo now becoming scarce, if not nearly extinct, in that section of country, the Crows are anxious to change their mode of life, and wish to settle down, each upon his own piece of land, and engage in farming and raising cattle and horses. Congress has been voting an annual gratuity of about \$75,000, to provide for the support of these Indians. New mines are being discovered upon the western portion of said reservation; and the history of our frontier settlements, and new mining camps, is but being repeated there, as it has been elsewhere of late; but owing to the obstacles thrown in the way, by reason of its being within the boundaries of an Indian reservation, no quartz mills or permanent reduction works have been erected.

The Crows are anxious to sell the western portion of said reservation in order to avoid conflicts, and to secure an annuity, not dependent on the whim or caprice of Congress. The amount of the annuity appropriated by this bill is \$30,000, while the amount voted them at the second session of this Congress was \$65,000, and the amount appropriated for them during the ensuing fiscal year is \$65,000.

By a ratification of the treaty, and the passage of this bill, the government will obtain a large tract of about two millions of acres, much of it of rich mining land, already occupied in part by settlers who were legally on the land before the reservation was declared, and who would be entitled to payment for their improvements if this western section should remain embraced in the reservation. All experience in our frontier settlements teaches us that wherever the precious metals are found, or even where there is a probability of their being found, the prospectors and miners will enter the country and explore it regardless of consequences.

It is to the interest of all parties, the government, the Indians, and the settlers, that this treaty should be carried out by the passage of this bill. The right of way for roads for cattle-driving and post-routes across the reservation ought to be made absolute. It seems unreasonable, if not monstrous, that the commercial facilities necessary to a large and important section of our country should be so hampered and blocked up; but while the Indians did not seem willing to concede all that was desired, it is perhaps better to accept their agreements without amendment.

The treaty or agreement which this bill was intended to carry into effect was signed on the 14th day of May, A. D. 1880. Since that time another conference has been held with the chiefs and headmen of the said Crow tribe, which culminated in another treaty, signed by a majority of said Crow Indians or chiefs, and heads of families representing a majority of the adult members of the Crow tribe, and which subsequent treaty bears date the 12th day of June, A. D. 1880. By the terms of the latter treaty or agreement it appears that no material change was made in the agreement of May 14, 1880, other than a change in the boundaries of that portion of the reservation proposed to be sold to the government. By the terms of the treaty or agreement made June 12, 1880, the portion of the reservation proposed to be sold to the government, and to be covered by this bill, is described with more particularity.

Your committee would therefore recommend that the bill be amended by striking out all that portion of it commencing with the word "beginning" in line 16 of page 2, down to and including the word "beginning" in line 31 of page 2, and by inserting in lieu thereof the following: "Beginning in the mid-channel of the Yellowstone River, at a point opposite the mouth of Boulder Creek; thence up the mid-channel of said river to a point where it crosses the southern boundary of Montana, being the forty fifth degree of north latitude; thence east along said parallel of latitude to a point where said parallel crosses Clark's Fork; thence north to a point six miles south of the first standard parallel, being on the township line between townships six and seven south; thence west on said township line to the one hundred and tenth meridian of longitude; thence north along said meridian to a point either west or east of the source of the eastern branch of Boulder Creek; thence down said eastern branch of Boulder Creek; thence down Boulder Creek to the place of beginning." And with this amendment your committee would recommend that the bill do pass.