

## SALE OF LANDS OF FLATHEAD INDIANS.

MAY 22, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT:

[To accompany bill H. R. 7777.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead Band of Indians in Montana, and for other purposes, have fully considered the same:*

We find that much of the most desirable and productive agricultural land in the Bitter Root Valley has been filed upon by the Indian claimants, who have since removed therefrom, left their land, and removed their tribal relations by joining the Flathead tribe on the Jocko Reservation, thus leaving large bodies of fine agricultural land without an occupant, and to which title can not be obtained by any qualified claimant, nor lawfully occupied by any one.

Many of the Indian inhabitants of the Bitter Root Valley who now occupy land do not use the same for any good purpose, but, on the contrary, allow the same to remain uncultured and unimproved.

Such Indians as are so situated would prefer to sell the lands and remove to the Jocko Reservation, and would be more content and prosperous there than they are now, while brought into such close competition with their white neighbors.

There is a desire on the part of many such Indians to go to such reservation, but they are prevented by the hope that some legislation will be passed which will enable them to sell their present holding of land.

The Indian lands herein mentioned are situated in the midst of a rapidly growing, thriving, and prosperous farming community, and are in separate tracts of 160 acres.

A railroad is now built, running through said valley, and your committee believe it would add to the present prosperity of a large community, as well as to the material welfare of the Indians, to have such a law passed as would enable them to sell their lands.

By section 3 of an act approved June 5, 1872, all of said Indian lands were made inalienable, but experience shows such a law to be a hardship upon the Indians, and of doubtful use to anybody.

By a removal to the said Jocko Reservation the said Indians will be taken away from the temptations now surrounding them, and they will have the advantages of the excellent schools already established at St. Ignatius mission, on the Jocko Reservation.

The following communications from the honorable the Commissioner of Indian Affairs and the honorable Secretary of the Interior, respectively, present in detail the views of the Interior Department upon the proposed legislation :

DEPARTMENT OF THE INTERIOR,  
Washington, March 24, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, inclosing, for opinion of the Department thereon, H. R. 7777, "to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes."

In response thereto I transmit herewith copy of a report dated 23d instant from the Commissioner of Indian Affairs, to whom the matter was referred, wherein he states that the fifty-one Indians to whom patents were issued for the land referred to in the bill belong to Charlot's band of Flatheads; he gives a history of repeated efforts made to secure their consent to remove to the Jocko Reservation, also the number removed, died, and the number remaining in the Bitter Root Valley, and the number of those willing to remove as soon as they are guaranteed the same assistance as has been furnished to those already removed. He suggests certain amendments to the bill, which are fully recited in his report.

I suggest that the bill be further amended by inserting after the word "purchase," in line 6 of section 2, the following: "except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres"; and after the word "cash," in line 7 of the same section, the following: "Provided, That no portion of such land shall be sold at less than the appraised value thereof."

It is also suggested for the consideration of the committee and of Congress whether some proper provision should not be made in the bill restricting the sales of these lands to actual bona-fide settlers.

Very respectfully,

WM. F. VILAS,  
Secretary.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
House of Representatives.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 23, 1888.

SIR: I have the honor to acknowledge the receipt, by your reference March 2, 1888, of a letter from the Committee on Indian Affairs of the House of Representatives, of the 29th ultimo, inclosing H. R. 7777, "A bill to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes," upon which an expression of opinion by this Department is desired.

The first section of the bill provides for the appraisement and sale, with the consent of the Indians, of certain tracts of land in the Bitter Root Valley, assigned and patented to Indians under the provisions of the act (sec. 3) of June 5, 1872 (17 Stat., 227), the improvements thereon to be appraised separately.

The second section prescribes the manner in which said lands shall be sold. After the appraisement and due notice the Secretary of the Interior is authorized to offer the lands through the proper land office, in tracts not exceeding 160 acres, to the highest bidder for cash; or he may dispose of them for one-third cash, one-third in one year, and one-third in two years from date of sale, with 5 per cent. interest on deferred payment, with forfeiture of land and any payments made in case of default in any payment for a period of sixty days.

Section 3 provides that the net proceeds of the sale shall be placed in the Treasury to the credit of the Indians severally entitled thereto, and paid to them in cash or expended by the Secretary of the Interior for their benefit.

Section 4 provides that when a purchaser shall have paid in full for a tract of land and for the improvements thereon patent shall issue to him therefor.

Section 5 appropriates the sum of \$500 for carrying out the provisions of the act, the money to be re-imbursed out of the sale of the lands.

Section 6 provides that when the lands shall have been sold, the Indians are to be removed to the Jocko Reservation; and

Section 7 repeals all laws in conflict therewith.

For the information of the committee I will state that the whole number of patents issued to Indians for lands in the Bitter Root Valley, under the act of June 5, 1872, was 51, embracing in the aggregate a little upwards of 6,000 acres.

It is to these 51 patents that the present bill relates.

The Indians to whom these patents were issued belong to Charlot's band of Flatheads.

I will state that it has long been felt that the best interests of the Indians of the Bitter Root Valley, patentees and others, demand their removal to the Jocko Reservation, and repeated effort has been made to secure their consent and peaceable removal thither. Some of those to whom the patents in question were issued have removed and settled on said reservation and others are dead. From a schedule prepared by the agent in 1885 it appears that up to that time 17 of the patentees had died and 8 had removed to the reservation.

From his annual report for 1887 it would appear that there are still remaining in the Bitter Root Valley 278 Indians, including the remaining patentees, all of Charlot's band.

A subcommittee of a special committee of the Senate, appointed to visit the Indian tribes in northern Montana, visited these Indians in the fall of 1883, and a succinct history of their case may be found in the report submitted by them to the chairman of the committee (pp. XIII to XXIV, Senate Report No. 283, Forty-eighth Congress, first session).

I quote the following from their report, as showing the desirability, as viewed by them at that time, of removing Charlot's band from the Bitter Root Valley :

"In any event, deeply as we sympathize with these Indians and deplore the manner in which Charlot has been treated, we are satisfied that the welfare of both the whites and Indians in the Bitter Root Valley absolutely demands the removal of the latter to the Jocko Reservation. Their presence in the Bitter Root Valley is a continual source of danger and disquiet. The titles to land are unsettled, and improvement is stopped by reason of the uncertainty existing in regard to the ultimate decision of the questions growing out of the present state of affairs. The Bitter Root Valley is no place for them. Their condition is becoming more desperate every year, and the few who have accumulated property are daily becoming poorer from their established usage of never refusing to feed those who are hungry. If the necessity should at last come for removing them by force, it should be done firmly but gently, and as Charlot and his band have received nothing out of the \$50,000 paid to Arlee and those who went with him, Congress should appropriate such an amount as will provide them on the reservation with houses, grain, and cattle, as stipulated in the treaty of 1855 and the Garfield agreement."

In his annual report for 1887, Agent Ronan, of the Flathead Agency (Jocko Reservation), referring to Charlot's band, says:

"The original families of Bitter Root Flatheads of this band who removed to this reservation, and who were furnished with fenced fields, seed, houses, cows, and agricultural implements, provisions, etc., may now be said to be self-supporting. Could they be induced or forced to give up their drinking or gambling habits they would soon be in comfortable circumstances. As the census shows, several other families of this band removed from the Bitter Root Valley and are living here, but have not been provided with houses, fenced fields, etc., as were the other families who previously removed. It is certain that nearly every family of Bitter Root Flatheads would remove to the reservation if they were offered the encouragement of the first families who preceded them to the reservation and the privilege of selling their land there. Those who choose to remain should be made to understand that they need look no further for Government aid; that they are amenable to the laws of the country and to taxation in common with their white neighbors who are struggling around them to acquire homes and independence."

In a more recent special report he states that thirty-two families have removed from the valley and settled on the reservation, and that other families have signified their willingness to remove as soon as they shall be guaranteed the same assistance that has been furnished those already removed. Report to this office dated January 23, 1888.

I will add that it is my intention to instruct the agent that he may promise assistance to all those who will remove and take up their residence on the reservation to such extent as the funds estimated for the coming fiscal year for the support, etc., of Charlot's band will allow. This will be done on the strength of my estimate, which I have no doubt will be appropriated.

I think it desirable that all of Charlot's band should go to the Flathead reservation, and it is believed that in time all will finally find their way there.

No new authority is required for their removal, except possibly in the case of the Indians to whom the patents were issued under the act of June 3, 1872, and the bill under consideration authorizes their removal upon the sale of their lands (sec. 6).

Inasmuch as some of the original patentees are dead, the first section of the bill should be amended as follows :

"In line 10, after the last syllable of the word 'Montana,' and before the word 'be,' insert the words 'or the heirs at law of such Indians.'"

And as some of the deceased patentees are reported to have left no heirs, there should be added at the end of the first section the following:

*"Provided further,* That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged."

Section 3 should then be amended as follows:

In line 6, after the word 'such' and before the word 'or,' insert 'or to the tribe in common as provided in the first section of this act.'"

With the foregoing amendments I see no objection to the passage of the bill.

I return the chairman's letter and inclosure, and inclose a copy of this report.

Very respectfully, your obedient servant,

J. D. C. ATKINS,  
*Commissioner.*

THE SECRETARY OF THE INTERIOR.

Your committee agree with the views expressed in the foregoing, and accordingly recommend the passage of the bill, with the following amendments:

Amend in line 10, section 1, after the last syllable of the word "Montana" and before the word "be," by inserting the words "or the heirs at law of such Indians."

Also amend by adding the following to section 1:

*Provided further,* That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner, for the common benefit of the tribe to which said patentee belonged.

Also amend section 2 by adding, after the word "purchaser," in line 6 of section 2, the following: "except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres," and after the word "cash" in line 7 of the same section, the following:

*Provided,* That no portion of said lands shall be sold at less than the appraised value thereof.