

INDIANS AT FORT BERTHOLD AGENCY, IN NORTH DAKOTA.

FEBRUARY 15, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 664.]

The Committee on Indian Affairs submit the following report on House bill 664, to ratify and confirm an agreement with the Indians in Fort Berthold Agency, in North Dakota.

These Indians at one time occupied a large tract of country, amounting to some 10,000,000 or more acres, lying chiefly to the south and west of the present agency. This country has been encroached upon by the whites and reduced to its present area of about 3,000,000 acres of Indian country.

These Indians have always been friendly with the whites and have been quite susceptible to civilization. They are now in quite an advanced state of improvement and fully ready and anxious to take their lands in severalty. There is no question regarding their being fully qualified for that purpose; and your committee believe it is greatly to their benefit and advantage that said agreement be at once ratified. This will place means within their reach with which to build up and improve homes.

It does not appear that these Indians have ever received any direct compensation for the lands taken from them and opened to settlement, though annual appropriations have been made by the Government of from \$30,000 to \$60,000 towards their support, but not in accordance with any treaty stipulations. The Indians upon this reservation number about 1,325 souls.

There is ceded under this agreement about 1,600,000 acres, and the Indians about 1,300,000, which includes the choicest lands upon the reservation and is ample in amount for their future use.

Your committee further state that under this agreement the Indians receive as compensation for the lands ceded \$800,000, to be paid by eight equal annual installments, besides a sum for the survey of the allotments of said Indians.

Your committee, for information, include the following communication in reference to this matter, which was received by the House in Ex. Doc. No. 107, first session Fiftieth Congress:

TREASURY DEPARTMENT, *January 19, 1888.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 14th instant, and its accompanying papers, in relation to the importance of a speedy ratification of the agreement entered into by and between the commissioners appointed under the act

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of May 15, 1886 (24 Stat., p. 44), and the Arickaree, Gros Ventre, and Mandan tribes of Indians, and submitting an item for insertion in the Indian appropriation bill ratifying and confirming the agreement and making the necessary provision for carrying the same into effect.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1888.

SIR: In pursuance of the provision of section 2 of the act of July 7, 1884 (23 Stat., 254), I have the honor to inclose herewith for transmittal to Congress copy of a letter of 13th instant from the Commissioner of Indian Affairs, presenting copy of a communication received from United States Indian Agent Gifford, of the Fort Berthold Agency, Dak., urging the importance of the speedy ratification of the agreement entered into on the 14th day of December, 1886, between the Northwest Commission and the Indians upon the Fort Berthold Reservation, in said Territory, which agreement was transmitted to Congress by the President January 17, 1887, as will be seen from Senate Ex. Doc. No. 30, Forty-ninth Congress, second session, inclosed herewith.

The Commissioner of Indian Affairs recommends, in order to insure action during the present session of Congress, that a clause in form as presented herewith, in the sum of \$87,500, be inserted in the Indian appropriation bill, as was done in the case of the Moses agreement (23 Stat., p. 79), ratifying and confirming the agreement now under consideration and making the necessary provision for carrying the same into effect.

The amount of the item is for first instalment of \$80,000 for the cession of land made by the Indians aggregating 1,600,000 acres, and also for the sum of \$7,500 for necessary survey of land for allotments to Indians upon the diminished reservation.

The ratification of the agreement referred to was favorably recommended by this Department, as will be seen by executive document above indicated, and the matter, as now presented, has the approval of this Department.

I have the honor to be, very respectfully,

H. L. MULDROW,
Acting Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 13, 1888.

SIR: I have the honor to transmit herewith duplicate copies of a communication, dated December 12, 1887, from United States Indian Agent Abraham J. Gifford, of the Fort Berthold Agency, Dakota Territory, urging the importance of the speedy ratification of the agreement entered into on the 14th day of December, 1886, by and between the commissioners appointed under the act of Congress approved May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (24 Stat., p. 44), and the Arickaree, Gros Ventre, and Mandan tribes; occupying the Fort Berthold Reservation, said Territory.

The agreement referred to was transmitted to Congress by the President January 17, 1887, and forms the subject-matter of Senate Ex. Doc. No. 30, Forty-ninth Congress, second session.

Presumably through lack of time no final action was taken thereon by the last Congress.

Agent Gifford states that the Indians are looking for the ratification of the agreement with great anxiety and no little impatience, and that he finds it difficult to satisfy them with any explanation as to the cause of the delay. He says they are ready to take their lands in severalty as provided in the agreement, and that it would be an act of great injustice to them to compel them to await the slower process of the general allotment act to obtain the much-needed means to establish themselves in individual homes through the sale of their surplus lands.

The acceptance of the provisions of the agreement was, he observes, the unanimous act of the three tribes, and

"It seems to them [he continues] the dawning of a new era, when they would shake off the yoke of pauperism which, as creatures of circumstance, they have been com-

pelled to wear for so long a time, and become a civilized and useful people. To accomplish this greatly-desired end they were willing to relinquish fully two-thirds of their lands which they, their fathers, and their father's fathers have occupied so long—and for what? Not that they might receive and enjoy personally the coveted money, but that they might enjoy together the provisions of the agreement, all tending to lift them from the depths of their present degradation to a higher sphere of life."

And again he says:

"If it is expected that the reformation which has taken place among these Indians during the past three years is to continue to success, and that the labor already spent in their behalf is to be a lasting one, then I am sure no greater drawback could present itself than to have Congress adjourn its present session without ratifying this agreement."

I concur in the opinion of Agent Gifford that the agreement ought to be ratified with as little delay as possible.

In keeping with the policy of the Government, it provides for the allotment of lands in severalty to the Indians in quantity, and with a similar restriction regarding alienation, as is provided in the severalty act, except that it does not authorize the President to extend the non-alienation period beyond the twenty-five years specified.

In all human probability it would be several years (two or three at least) before the Indians would derive any financial aid from the sale of their surplus lands if the general allotment act were applied in their case, but under the terms of the late agreement the money consideration would be forthcoming at once, and could be expended in assisting them in beginning life on their individual allotments.

This is a very important consideration, especially as the Indians are ripe for the application of the allotment plan, and are impatient to select their lands in accordance with the agreement, and go to work.

Furthermore, by the terms of this agreement a tract of land estimated to contain 1,600,000 acres is made available to white settlement. This also is an important consideration.

As I remarked in my letter of January 8, 1887, forwarding the agreement for transmittal to Congress, I regard the agreement as exceedingly favorable alike to the Government and the Indians, as, if faithfully carried out, it will enable the Indians to become self-supporting, and to be entirely independent of the Government at the expiration of the ten years for which the annual installments are to run.

In order to insure action during the present session of Congress, I have the honor to recommend that a clause be inserted in the Indian appropriation bill, as was done in the case of the Moses agreement (23 Stat., p. 79), ratifying and confirming the agreement now under consideration, and making necessary provision for carrying the same into effect.

As the provisions of the severalty act are being extended to other tribes and bands throughout the country, none of whom can be said to be better prepared or more anxious to accept the new order of things, it would be manifestly unjust to delay action upon the pending agreement with the Fort Berthold Indians; for until the agreement is disposed of, one way or another, no steps can be taken to give them the benefit of the severalty act.

I have prepared and herewith transmit a draught of an item in furtherance of the recommendation herein made.

As there is no provision in the agreement for subdividing the diminished reservation for allotment, the cost of the surveys will have to be borne by the Government; but this is a very small matter, considering the mutual benefits to be derived from the vast cession of lands made to the Government. The item to be inserted in the bill makes provision for the required surveys.

As the agreement is printed in convenient form, for reference, in Senate Ex. Doc. No. 30, Forty-ninth Congress, second session, I inclose herewith two copies thereof, in lieu of written copies which otherwise I should have had prepared in this office.

I have the honor to recommend that copies of this report and accompanying papers be transmitted to the Senate and House of Representatives, with request that the item ratifying and confirming said agreement and making the needed appropriation of money, be substituted for my estimate of funds required for the subsistence and civilization of the Arickarees, Gros Ventres, and Mandans for the fiscal year ending June 30, 1889.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

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For the first ten installments, as provided in Article II of the agreement entered into at the Fort Berthold Agency, Dakota, on the 14th day of December, 1886, by and between John V. Wright, Jared W. Daniels and Charles F. Larabee, Commissioners on the part of the United States, and the Arickaree, Gros Ventre, and Mandan tribes of Indians, as authorized by the act of Congress approved May 15, 1886, which agreement is hereby ratified and confirmed	\$80,000
For the survey of lands embraced within the diminished reservation of said Indians, for allotment, as provided in Article III of said agreement.....	7,500
In all	87,500

UNITED STATES INDIAN SERVICE,
Fort Berthold, Dak., December 12, 1887.

SIR: I desire to call your attention particularly to the vital importance, and it seems to me the absolute necessity, of the ratification at no distant day by Congress of the agreement entered into by the Northwest Commission and the Indians of this agency on the 14th of December, twelve months ago, which is now a measure pending before Congress. Knowing as well as I do the desire and inclinations of these Indians in regard to this agreement, which has been to them a subject of deliberation and thought for the past three years, I feel that too much can not be said of the importance of such a step to the Indians as a civilizing influence, and one which can not fail to accomplish all that can be desired of them, and to give them that which they have never had before, an opportunity to consummate their desire to become an independent and self-sustaining people. The acceptance of the provisions of this agreement was by no means that of a few, but it was the unanimous desire of the three tribes, and I fail to remember a single instance of the refusal of any to sign. It seemed to them the dawning of a new era, when they would shake off the yoke of pauperism which, as creatures of circumstance, they have been compelled to wear for so long a time, and become a civilized and useful people. To accomplish this greatly desired end they were willing to relinquish fully two-thirds of their lands, which they, their fathers, and their fathers' fathers have occupied so long, for what? Not that they might receive and enjoy personally the coveted money, but that they might enjoy together the provisions of this agreement—all tending to lift them from the depths of their present degradation to a higher sphere of life.

The general allotment act, were it not for this agreement, would be just what these Indians have been hoping for, and there can be no doubt of its ultimate success, yet I regard the provisions of the agreement far more advantageous as applied to these particular Indians, who are now fully prepared to avail themselves of the provisions of the agreement, and are ready and waiting; and it is with great difficulty that I attempt almost daily to explain to them the delay in its ratification. And now that they are ready, it seems an act of injustice to them to be compelled to wait the slow process of the allotment act, while the agreement provides at once for funds and other benefits. Besides containing all the important features of the allotment act, the agreement goes still further, and provides at once for that which the general allotment act provides after *all* have received allotments, viz, a reduction of the reservations. The amount of money annually appropriated for the support of these Indians (\$35,000) will not be sufficient for them to successfully avail themselves of the provisions of the general allotment act, while on the other hand the agreement provides at once for such assistance as is necessary to place them *all* on individual allotments, furnishing them such articles as are required to start them successfully and effectually on the way to self-maintenance and civilization. After the last annual installment, as provided in Article II of the agreement, has been paid, I am sure that they will be so far advanced in civilized pursuits as to be entirely self-sustaining and entirely independent of assistance from the Government.

In view of all the circumstances attending the execution of this agreement, I can imagine no greater calamity that could befall these Indians, retarding and prolonging their efforts and desires for civilization, than the non-ratification of this agreement. They seem firmly impressed that they have actually sold and relinquished to the Government two-thirds of their entire reservation for the consideration of \$800,000; that the proceeds thus obtained are to be applied to their benefit, establishing them in homes of their own, and making them a civilized and agricultural people, and as evidence of their sincerity in the matter they have performed, to them, the most solemn act of touching the pen.

Under these circumstances it is apparent to me that to substitute for this agreement the enforcement of the provisions of the general allotment act would be a matter attended with some considerable and perhaps serious difficulty, as it would be in their

minds a breach of faith. If it is expected that the reformation which has taken place among these Indians during the past three years is to continue to success, and that the labor already spent in their behalf is to be a lasting one, then I am sure no greater drawback could present itself than to have Congress adjourn its present session without ratifying this agreement. I trust, with these facts in view, that you too will see the necessity of taking such steps in the matter as will lead to the accomplishment of this end.

Very respectfully, your obedient servant,

ABRAM J. GIFFORD,
U. S. Indian Agent.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington.

[Senate Ex. Doc. No. 30, Forty-ninth Congress, second session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to the Indians at Fort Berthold Reservation.

To the Senate and House of Representatives:

I transmit herewith a communication of 11th instant from the Secretary of the Interior, submitting, with accompanying papers, a copy of an agreement duly made under the provisions of the act of May 15, 1886 (24 Stat., p. 44), with the Indians residing upon the Fort Berthold Reservation, in Dakota, for the cession of a portion of their reservation in said Territory, and for other purposes.

The agreement, together with the recommendations of the Department, is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 17, 1887.

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1887.

I have the honor to submit herewith a copy of an agreement entered into at the Fort Berthold Indian Agency, in Dakota, under date of 14th December, 1886, with the Arickaree, Gros Ventre, and Mandan Indians residing upon the Fort Berthold Reservation, in said Territory, by the commissioners on behalf of the Government of the United States, duly appointed under the provisions of the act of May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (24 Stat., 44). A copy of the letter of the commissioners, transmitting the said agreement to the Commissioner of Indian Affairs, and of the letter of the Commissioner of Indian Affairs forwarding the papers to the Department, are also submitted.

By the terms of the agreement the Indians in question cede to the United States over 1,600,000 acres of their reservation for the sum of \$800,000, payable in ten yearly installments of \$80,000 each, which sum is to be expended in the civilization and education of the Indians, and in establishing them in comfortable homes as an agricultural people. It also provides for the survey of their diminished reserve, and for the allotment of lands in severalty, and for the issue of patent therefor, with restrictions as to alienation.

In forwarding the papers to this Department, the Commissioner of Indian Affairs reviews at some length the provisions of the agreement, which he regards as exceedingly favorable to the Government, as well as to the Indians, though he expresses the opinion that it would have been much better if it had provided for the sale of the unallotted residue of the diminished reservation after the expiration of the twenty-five years, instead of its conveyance by patent to the tribe in common. He thinks the agreement should be ratified without delay, and he adds:

"As the time is short in which to secure the passage of a separate bill during the present session, the insertion of a clause in the Indian appropriation bill now before the Senate (similar to that ratifying the 'Moses agreement' contained in the act of July 4, 1884, 23 Stat., 79), in lieu of the provision for the subsistence and civilization of Arickarees, Gros Ventres, and Mandans, as contained in the bill passed by the House of Representatives, is believed to be the most feasible method of accomplishing that result."

For this purpose he has caused to be prepared an item (copy herewith) which he recommends may be incorporated in the said bill in lieu of the provision relating to said Indians.

The Commissioner observes that the agreement makes no provision for the cost of survey of the diminished reserve of the Indians upon which the allotments in severalty to them are to be made, and he recommends that the amount of the item in the Indian appropriation bill for the survey and subdivision of Indian reservations and of lands to be allotted to Indians be increased from \$25,000 to \$40,000, to provide for that purpose.

The views and recommendations of the Commissioner of Indian Affairs, as set forth in his letter, have the concurrence of this Department, and I respectfully recommend that the papers may be laid before Congress for the early attention and action of that body.

I have the honor to be, very respectfully, your obedient servant,

H. L. MULDROW,
Acting Secretary.

The PRESIDENT.

For the first of ten installments for the purpose of carrying into effect the agreement entered into at the Fort Berthold Agency, Dakota, on the 14th day of December, 1886, between the Commissioners appointed under the act of Congress approved May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories, and the Arickaree, Gros Ventre, and Mandan tribes of Indians, occupying the Fort Berthold Reservation in Dakota, which agreement is hereby accepted, ratified, and confirmed, \$80,000.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 8, 1887.

SIR: I have the honor to transmit herewith duplicate copies of an agreement entered into on the 14th day of December, 1886, by and between the commissioners appointed under the act of Congress approved May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (24 Stats., 44), and the Arickaree, Gros Ventre, and Mandan tribes of Indians occupying the Fort Berthold Reservation in Dakota, and of the report of the Commission, dated December 18, 1886, forwarding said agreement.

By the terms of the agreement the said Indians cede and relinquish to the United States nearly two-thirds of their reservation, reserving only that portion lying south of the forty-eighth parallel of north latitude, and east of a line drawn from north to south 6 miles west from the most westerly point in the big bend of the Missouri River.

The compensation agreed upon is the sum of \$80,000, to be paid annually for the period of ten years, which sum is to be expended in the civilization and education of the Indians, and in establishing them in comfortable homes as an agricultural people.

It is further agreed that the Secretary of the Interior shall cause the lands embraced within the diminished reservation, or such portions thereof as may be necessary, to be surveyed, and, through the agent or such other person as he may designate, to allot the same in severalty to the Indians in quantity as follows: To each head of a family 160 acres; to each single person over eighteen years of age and each orphan child under eighteen years of age, 80 acres, and to each other person under eighteen years of age, 40 acres.

Upon the approval of the allotments patents are to issue therefor in the name of the allottee, which patents are to be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust, and at the expiration of said period will convey the same by patent in fee discharged of the trust and free of all charge or incumbrance.

Upon the completion of the allotments and the patenting of the lands, each and every member of the tribes to whom allotments have been made are to have the benefit of, and be subject to, the laws of the Territory of Dakota in all offenses the penalty for which is death or imprisonment in the penitentiary.

The Territory is prohibited from passing or enforcing any law denying such Indian the equal protection of the law.

The residue of the lands within the diminished reservation, after all allotments have been made, are to be held by the United States for the period of twenty-five years in trust, for the sole use and benefit of said tribes of Indians, and at the expiration of said period are to be conveyed by patent to said tribes in common, in fee; provided, that from said residue allotments shall be made and patented to each child of said tribes who may be born prior to the expiration of the time during which the lands are to be held in trust by the United States.

It is further agreed that the sum of \$12,000, or so much thereof as may be necessary, of the first installment of \$80,000, shall be expended in the removal of the

agency buildings and property to a more suitable locality, if, in the opinion of the Secretary of the Interior, such removal is desirable.

The out boundaries of the diminished reserve are to be surveyed and marked in a plain and substantial manner, the cost thereof to be paid out of the first annual installment.

The balance of said installment, and each subsequent annual installment, is to be expended in the purchase of goods, provisions, implements, in the education of the children, procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans, and to promote their civilization, comfort, and improvement.

It is also provided that each family and each male Indian over eighteen years of age, when he shall in good faith commence the cultivation of his individual allotment, shall be assisted in the erection of a comfortable house, and provided with certain utensils, stock, and implements.

Whenever, in the opinion of the President, the annual installment of \$80,000 shall be in excess of the amount required to be expended in any one year, the excess may be placed in the Treasury, to the credit of the Indians, to be expended in continuing the benefits when the annual installments shall have expired.

It is further provided that thereafter no subsistence shall be furnished any adult male Indian (the aged, sick, and infirm excepted) who does not endeavor by honest labor to support himself, nor to children between the ages of eight and fifteen years (the sick and infirm excepted), unless such children shall regularly attend school.

On the 17th of September, 1851, a treaty was concluded at Fort Laramie with certain Indian tribes (see Compilation of Laws) relating to Indian Affairs, page 317), including the Arickarees, Gros Ventres, and Mandans, in which a large tract of land was defined as the territory of these Indians.

This treaty was ratified by the Senate, with an amendment which was not agreed to by certain of the tribes, parties thereto, and hence failed of final ratification. Appropriations have been made by Congress, however, in accordance with its stipulations.

By an Executive order dated April 12, 1870, a tract of land, being part of the country belonging to the Arickarees, Gros Ventres, and Mandans, according to the treaty of Fort Laramie, with the addition of a small strip, was set apart as a reservation for these Indians.

By an Executive order of July 13, 1880, the lines of the reservation were modified, and the present reservation established.

It contains an estimated area of 2,912,000 acres, a much smaller tract than was recognized by the treaty.

Of this amount the Indians cede, according to the report of the Commission, about 1,600,000 acres, retaining about 1,300,000 acres.

From an examination of the map, however, it appears that the Indians cede about two-thirds of the reservation, or 1,950,000 acres, if the estimate of the entire reservation is correct.

The total amount of compensation for the relinquishment of the right of occupancy to this large tract of land is apparently \$800,000, or 50 cents an acre at the highest estimate.

Congress has annually for many years appropriated from \$33,000 to \$60,000 for the support of these Indians, and the Indian appropriation bill, as passed by the House of Representatives, contains an appropriation of \$30,000 for their support during the next fiscal year.

As the proposed installments of \$80,000 each are to be in lieu of all other appropriations for their support, the actual cost to the Government of fulfilling the stipulations of the agreement is much less than the apparent cost.

I regard the agreement as exceedingly favorable to the Government, as well as to the Indians, as it will, if faithfully carried out, enable them to become self-supporting and to be entirely independent of the Government at the expiration of the ten years.

The diminished reservation will contain an ample quantity of grazing land as well as of agricultural lands.

The number of Indians belonging to the reservation is reported as 1,322.

I must say, however, that, in my opinion, it would have been much better if the agreement had provided for the sale of the unallotted residue of the diminished reservation after the expiration of the twenty-five years, the money arising therefrom, or the income thereof, to be used for the civilization and education of the Indians, instead of the provision for patenting to the tribe the said residue at the expiration of that time.

The agreement as it now stands tends to perpetuate tribal relations, and after the expiration of the twenty-five-year limit creates, in a manner at least, a kind of landed aristocracy, both of which are antagonistic to the policy of the Government and, as I believe, the best interests of the Indians.

But since the agreement must be either accepted or rejected as a whole, except by consent of the Indians, and since its provisions are in the main wise and satisfactory, I have no hesitation in recommending that it be ratified, and hope that Congress will take such action without delay.

As the time is short in which to secure the passage of a separate bill during the present session, the insertion of a clause in the Indian appropriation bill now before the Senate, similar to that ratifying the Moses agreement, contained in the act of Congress approved July 4, 1884 (23 Stats., 79), in lieu of the provision for the subsistence and civilization of Arickarees, Gros Ventres, and Mandans, as contained in the bill passed by the House, is believed to be the most feasible method of accomplishing that result.

I therefore have the honor to recommend that copies of the report and agreement be transmitted to the Senate Committee on Indian Affairs, with the request that the bill be amended by striking out the provision relating to these Indians and inserting the accompanying item in lieu thereof.

As the agreement makes no provision for the costs of surveying the diminished reserve, this will have to be borne by the United States.

I therefore have the honor to recommend that the appropriation for survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty contained in said bill, be increased from \$25,000 to \$40,000.

It is also recommended that a copy of this report and of the other papers be transmitted to the House Committee on Indian Affairs for their information.

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

NORTHWEST INDIAN COMMISSION,
Bismarck, Dak., December 18, 1886.

SIR: The Commission appointed under authority of the act of Congress approved May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (Indian appropriation act), have the honor to transmit herewith an agreement concluded on the 14th of the present month with the Arickaree, Gros Ventre, and Mandan tribes, occupying the Fort Berthold Reservation in Dakota.

Upon completion of the work in Minnesota Henry B. Whipple resigned his office as a member of the Commission, and Jared W. Daniels, of Minnesota, was appointed in his stead.

The act referred to authorizes negotiations with said Indians either for a reduction of their reservation or removal therefrom to some other reservation.

In the special instructions issued for our guidance (dated July 27, 1886) we were advised that the Indians had but recently expressed a desire to dispose of all that portion of their reservation lying north of the 48th parallel of north latitude and east of the Missouri and White Earth rivers, and instructed that it should be our aim to effect an agreement with said Indians for such reduction of their reservation as should be found desirable, after a thorough investigation, and upon just and equitable terms as to compensation.

The Fort Berthold Reservation embraces an area of 2,900,000 acres, or 4,550 square miles, and is occupied by 1,322 Indians of the Arickaree, Gros Ventre, and Mandan tribes. The adult male population (over eighteen years of age) is 360, and the number of families 337.

The reservation contains some excellent farming lands on both sides of the Missouri River and on the tributary streams, but for the most part it is suitable for only grazing purposes, in which respect it is said to equal any in this far-famed stock-raising region.

By the terms of the agreement entered into the Indians cede to the United States nearly two-thirds of their reservation, reserving only that portion lying south of the 48th parallel of north latitude, and east of a line drawn from north to south 6 miles west from the most westerly point in the big bend of the Missouri River, the ceded lands being estimated to contain about 1,600,000 acres.

The portion reserved by the Indians will give them all the farming lands they need, and a large area of grazing land as well.

The compensation agreed upon is \$80,000 annually for the period of ten years, which sum is to be expended in their civilization, education, and in establishing them in comfortable homes as an agricultural people.

We believe the terms offered entirely fair and just to the Indians and also to the Government.

We found these Indians sufficiently far advanced to take lands in severalty, and therefore made necessary provisions to that end. Already a majority of families are cultivating small patches, and many of them good-sized tracts set apart for them by their

agent. A few of the older men, among the Gros Ventres and Mandans especially, made some objections to the allotment plan, but when shown the positive advantage of individual ownership, they all consented to the proposal.

The great body of the land that will be taken up in making the allotments lies from 15 to 30 miles west from the present site of the agency; on the east side of the river, and it will probably be found necessary to remove the agency to a point farther up the river, not only for the greater convenience of the service, but for the accommodation of the Indians.

We have, therefore, made provision for the removal, leaving the question as to the advisability of the change to the discretion of the Secretary of the Interior.

Your Commissioners reached the railroad at 4 o'clock this afternoon, and have hurriedly prepared this report in order to transmit the agreement to the seat of Government on the train leaving at 5 o'clock.

Very respectfully, your obedient servants,

JOHN V. WRIGHT,
J. W. DANIELS,
C. A. LARRABEE,
United States Commissioners.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

In the judgment of your committee the sixth article of said agreement is objectionable, in this, that it provides for conveying to said Indians, in common, the diminished reservation and to be held by the tribes in common. This manner of holding lands is exceedingly objectionable, and would prove prejudicial to the interests of the Indians. No one Indian could secure at any future time title to any portion of said diminished reservation, and it would furnish an opportunity for the strong to control it against the right of the weak. And your committee recommend that said article 6 be modified and changed so as to permit said Indians to hold the residue of said reservation, as a reservation, and such modification be re-submitted to said Indians for ratification, which fact, when ratified and accepted by them, shall be made known by proclamation by the President.

Your committee recommend the confirmation and ratification of the agreement with the following modifications, and the passage of the bill with the following amendment to be added to section 1 thereof:

"Except as to article 6 thereof, which is modified and changed on the part of the United States so as to read as follows:

"That the residue of lands within the said diminished reservation, after all allotments have been made as provided in article 3 of this agreement, shall be held by the said tribes of Indians as a reservation, and as so modified said agreement is accepted and confirmed: *Provided*, That said act shall take effect only upon the acceptance of the modifications as made by the United States as to article 6 of the said agreement by the said tribes of Indians in manner and form as said agreement was assented to, together with said acceptance; and consent shall be made known by proclamation by the President of the United States upon the satisfactory proof presented to him that the same has been obtained in such manner and form."