

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

*In answer to Senate resolution of February 27, 1884, a report of the Commissioner of Indian Affairs relative to the leasing of lands upon the Crow Indian Reservation in Montana.*

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MARCH 26, 1884.—Referred to the Committee on Indian Affairs and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, March 25, 1884.*

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of the 27th ultimo, of which the following is a copy:

That the Secretary of the Interior be directed to inform the Senate if any lease or leases of any part of the Crow Indian Reservation in Montana have been made to any person, partnership, or association of persons, and, if so, the extent of said lease or leases, to whom made, for what length of time, and upon what terms, and under what authority of law such action has been had by his Department.

That he also inform the Senate whether any permit has been given to any person, partnership, or association of persons to graze cattle upon said reservation, and, if so, the name of such person, partnership, or association, and by what authority of law such permit was given.

In reply I have the honor to transmit herewith copy of report of the Commissioner of Indian Affairs, dated the 24th instant, with copies of the papers therein referred to.

Answers in detail to the several inquiries for information contained in said resolutions are fully set out in said report and accompanying papers.

Very respectfully,

H. M. TELLER,  
*Secretary.*

The PRESIDENT PRO TEMPORE OF THE SENATE.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, March 24, 1884.*

SIR: I have the honor to acknowledge the receipt, by Department reference, for report, of a resolution of the Senate dated the 27th ultimo, directing the Secretary of the Interior—

To inform the Senate if any lease or leases of any part of the Crow Indian Reservation in Montana have been made to any person, partnership, or association of persons,

and if so, the extent of said lease or leases, to whom made, for what length of time, and upon what terms and under what authority of law such action has been had by his Department.

That he also inform the Senate whether any permit has been given to any person, partnership, or association of persons to graze cattle upon said reservation, and if so, the name of such person, partnership, or association, and by what authority of law such permit was given.

Premising that the delay on the part of this office in replying has been occasioned by the necessity and importance of having a full report from the agent at the Crow agency, so as to embrace the date of the resolution, I have the honor to state:

First. That no lease or leases of any part of the Crow Reservation in Montana have been made by or with the knowledge or concurrence of this Department to any person, partnership, or association of persons, for any purposes whatsoever.

Upon examination of the files of this office, and of the Department files proper, I am unable to find any applications for leases of lands of said reservation, save in one instance—that of J. C. Wilson, of Topeka, Kans. A copy of said application and of the correspondence had thereon by the Department will be found in the papers accompanying this report.

Neither does it appear that the Crow Indians themselves have entered into any lease of the lands in question, or that overtures looking to that end have been made to them by any persons. In proof of this I refer to the report of Agent Armstrong, dated 12th instant (copy herewith), wherein he says:

No lease has been made by the Crows with any party or parties, nor have any parties consulted with my Indians upon this business at any time.

Second. In regard to the issuance of permits to graze cattle upon the Crow Reservation: Agent Armstrong in his report states that but two such permits have been issued—one to the Briggs and Ellis Cattle Company, composed of R. B. Briggs, W. D. Ellis, and George A. Ellis, to graze their herd upon the western part of the Crow Reservation from the beginning to the close of the present fiscal year, for which privilege they have paid the sum of \$250, the same being taken up on the agent's quarterly accounts for the third quarter of 1883; the other to George L. Ash, of Billings, Mont., to graze a small herd of 75 cattle temporarily upon the reservation, just opposite his ranch, for which privilege he also has paid the sum of \$37.50, which has been taken up by the agent on his quarterly accounts for the 4th quarter of 1883.

In explanation of this last mentioned permit, Agent Armstrong states:

A battalion of the Second Cavalry, under command of Major Merrill, had been stationed on this reservation opposite the town of Billings during the entire summer of 1882, and Mr. Ash claimed to have been authorized by the commanding officer to bring his cattle over to the south side of the Yellowstone in order that he might supply the military with milk and butter. By doing so his cattle became accustomed to the range, and it was difficult for Mr. Ash to keep them off.

They were removed once by the agency herder, but returned. Late in the fall (1883) Mr. Ash came to me here and begged so hard that I gave him permission to allow his small herd to remain for a limited time on the range, they being already on the south side of the river, as I understand.

The facts in connection with the Briggs permit, so far as the action of this Department is concerned, are as follows:

May 9, 1883, Agent Armstrong reported to this office that Thomas Kent, a white man lawfully married to a Crow Indian woman, and for some years prior resident on the reservation, had recently found a purchaser for his cattle, and had entered into an agreement for the delivery

of the herd (about 1,100 head) to the purchaser immediately after the approaching round-up. The Agent stated that in view of the provisions of section 2138, Revised Statutes, prohibiting, except by order of the Secretary of War, the removal of stock from the Indian country for the purposes of trade or commerce, he felt unwilling to allow the cattle to be removed until this office had been informed of the transaction, and had passed upon the question of Kent's right to dispose of the cattle and remove them from the reservation.

May 22, 1883, this office reported the facts to the Department, and, referring to the statutes bearing upon and the particular features of the case, submitted whether a substantial compliance with the statutes might not be had by authority being given to the agent to permit Kent, upon due proof of ownership, and under his (the agent's) supervision, to sell and remove his cattle from the reservation.

May 24, 1883, the Department concurred in the views of this office, and directed that the agent's permit for the sale and removal of the cattle should be given, provided the ownership of Kent was satisfactorily shown.

May 29, 1883, Agent Armstrong was so advised by this office.

June 19, 1883, R. B. Briggs, of Billings, Mont. (through Agent Armstrong), applied to this office for permission for a herd of about 750 head of cattle, lately bought by him of Thomas Kent, to remain on their present range, the extreme western portion of the Crow Reservation, assigning the following reasons for his request:

This bunch of cattle was born and raised where they now range by Mr. Kent (he having married with the Crow Indian people), and he will yet have the management of them on the range for me. They feed almost entirely by themselves, being entirely apart from any stock owned by Indians or the Government, and in the event of my being compelled to remove them, they would in spite of every effort I could make to prevent them, naturally largely drift back to their old feeding grounds again.

In view of the fact that the Crow Agency will so soon be removed to Fort Custer, and, as I understand, the strong probability of all of this western portion of the Crow Reservation being thrown open to the public, I entertain hopes that it may not be inconsistent with the interests of your Department to grant my request.

In transmitting this application, Agent Armstrong, under date of June 25, 1883, after confirming Mr. Briggs's statement as to his purchase of the cattle from Kent, wrote this office as follows:

Mr. Briggs intended in the first place to have removed his cattle as soon as they were delivered to him, but was unfortunate in having a partner who had possession of their ranche in Wyoming, and with whom he had some difficulty just at the time the cattle were turned over to him, so that he had no place to take his cattle to. If the agency were to remain here in the place it now is, I should be very much opposed to allowing the cattle to graze on the reservation, because it has been demonstrated in too many instances that Indians and white people cannot raise stock in the same country, but as we shall probably get removed to the lower end of the reservation before many months, it is possible that this herd may be allowed to remain without detriment to the service or my Indians.

July 7, 1883, this office instructed the agent that under the circumstances stated, it saw no objections to Mr. Briggs's herd being *temporarily* permitted to remain on the reservation, provided the Indians consented, and such compensation as might be prescribed by the agent with the approval of the Department was paid by Mr. Briggs for the privilege.

October 24, 1883, Agent Armstrong reported to this office that he had in accordance with said instructions, issued to R. B. Briggs a permit to graze his herd of cattle (1,000) on the Crow Reservation during the fiscal year ending June 30, 1884, for the sum of \$250, which would appear in his (the agent's) account for the third quarter of 1883.

December 24, 1883, United States Indian Inspector Ward was, in consequence of certain representations made to this office by the governor of Montana Territory, directed by the Department to inspect the Crow agency. In the discharge of these duties he made a full investigation of the Briggs case, which, indeed, appears to have been the principal cause of complaint. A copy of so much of his report made to the Department under date of the 7th ultimo, as relates to this case will be found in the accompanying papers.

Upon application to the Northern Pacific Railroad Company, the Department, under date of August 16, 1883, granted permission for all cattle destined for shipment on said railroad to be driven through the Crow Reservation upon the accustomed trails and for the remainder of the then present season only at the uniform rate of ten (10) cents per head, the time of crossing to be limited to ten days, with an additional payment of one cent per head for each day consumed in excess of ten days.

In answer to the inquiry contained in the resolution as to the authority of law for granting grazing permits on Indian reservations, I have to say that I know of no law which expressly authorizes the granting of such permits, neither do I know of any law which prohibits it. While the Department recognizes the right of Indians to allow grazing privileges under the provisions of section 2117 of the Revised Statutes, it does not recognize their right to lease the lands or create any incumbrance thereon or in any manner give to parties rights that will exist after the lands cease to be a part of the Indian reservation. (Department letter to Senator Logan on this subject, in connection with the Crow Reservation, March 6, 1884.)

Copies of all papers and correspondence on file and of record in this Department referred to in this report, as also on the subject-matter of the resolution, are herewith submitted, and the resolution, with a copy of this report, is herewith inclosed.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

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UNITED STATES INDIAN SERVICE,  
*Crow Agency, Montana T., May 9, 1883.*

SIR: I have the honor to report that when I came to this agency I found several white men residing on this reservation who are legally married to Indian women, and who each have herds of cattle. One of these men, Thomas Kent, who has the largest herd (about 1,100), has lately found a purchaser for his cattle, and entered into an agreement to deliver them to the other party immediately after our round-up which begins next week. I consider it my duty to report the affair in order that the honorable Commissioner may be advised of the transaction in case there be any question as to whether Mr. Kent has the right to dispose of these cattle, and remove them from the reservation. Section 2138 Rev. Stat. prescribes penalties and punishments for removing stock from the Indian country for the purposes of trade or commerce, but it may be that this law does not apply to such a case. I felt unwilling to allow the cattle to be removed until the honorable Commissioner had been informed of the transaction. It is my opinion that Mr. Kent has committed no dishonest act in the management of his herd since my arrival. As to whether or not any wrong was perpetrated by him during the terms of office of my predecessors, I have no information.

Very respectfully, your obedient servant,

H. J. ARMSTRONG,  
*United States Indian Agent.*

Hon. H. PRICE,  
*Commissioner Indian Affairs, Washington, D. C.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, May 22, 1883.

SIR: I have the honor to inclose herewith a copy of a letter received from Agent Armstrong, Crow Agency, dated the 9th instant, in which he states that Thomas Kent, a white man, lawfully married to an Indian woman on the Crow Reservation, and owning a large herd of about 1,100 cattle, has lately found a purchaser therefor, and has entered into an agreement to deliver them to the purchaser immediately after the annual round-up, commencing the following week. The agent submits the question, whether, in view of section 2138 Revised Statutes, prescribing a penalty for removing cattle from the Indian country, Mr. Kent has the right to dispose of said cattle and remove them from the reservation?

Kent's status upon the Crow Reserve has before been reported to the Department, and some four years ago the then Indian agent (Keller) made some general statements in regard to squaw men which appeared to implicate Kent in some questionable transactions regarding cattle, but it does not appear that anything was ever distinctly proved against him, and it was afterwards understood that he had removed to another part of the reservation, and had given no further cause for complaint.

Section 2127 of the Revised Statutes provides—

"The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any cattle, horses, or other live stock belonging to the Indians and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops."

Section 2138 of the Revised Statutes reads—

"Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purposes of trade or commerce, shall be punishable by imprisonment for not more than three years or by a fine of not more than five thousand dollars, or both."

The current of legal opinion appears to be that no citizen of the United States can obtain exemption from the laws of the United States which regulate intercourse with Indians by entering their territory within our limits and incorporating himself with them by whatever form. (Sec. 2, Opins. Atty. General, 402-7, Id. 183.)

From the wording of section 2127 Revised Statutes it would seem that the cattle in question can only be sold by the agent under direction of the Department, but considering the peculiar features of the case I submit for your consideration whether a substantial compliance with the statutes may not be had by authority being given to the agent to permit Kent, upon due proof of ownership and under his (the agent's) supervision, to sell and remove his cattle from the reservation.

Very respectfully, your obedient servant,

E. L. STEVENS,  
*Acting Commissioner.*

The HON. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
Washington, May 24, 1883.

SIR: I have considered your report of the 22d instant, in the case of one Thomas Kent, a white man married to an Indian woman on the Crow Reservation in Montana, who is the owner of a herd of about 1,100 cattle, the sale and removal of which from the reservation is contemplated by him.

In view of the facts as reported in this case and in order to a compliance with the provisions of sections 2127 and 2138 Revised Statutes, on the subject, I concur in your recommendation that the agent's permit for the sale and removal of the cattle, if ownership is satisfactorily shown, should be given.

Very respectfully,

H. M. TELLER,  
*Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, May 29, 1883.

SIR: Replying to your letter of the 9th instant, inquiring as to the right of Thomas Kent, a white man lawfully married to an Indian woman living on the Crow Reservation, to sell and remove a herd of 1,100 cattle owned and held by him on the re-

serve, I have to say that in order to a substantial compliance with the provisions of sections 2127 and 2138 Revised Statutes United States, bearing on the subject, the honorable Secretary concurs in the recommendation of this office that Mr. Kent be permitted, upon due proof of ownership and under your supervision, to sell and remove his cattle from the reserve.

Very respectfully,

H. PRICE,  
*Commissioner.*

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency Montana.*

UNITED STATES INDIAN SERVICE,  
*Crow Agency, June 25, 1883.*

SIR: I have the honor to forward herewith the application of Mr. R. R. Briggs, for permit to graze cattle on this reservation. This is the same party I wrote about to the honorable Commissioner in my communication dated May 9, as having purchased the herd of cattle belonging to Thomas Kent, a white man married to a Crow Indian woman, and living on this reservation. Mr. Briggs intended, in the first place, to have removed his cattle as soon as they were delivered to him, but was unfortunate in having a partner who had possession of their ranch in Wyoming, and with whom he had some difficulty just at the time the cattle were turned over to him, so that he had no place to take his cattle to. If the agency was to remain here in the place it now is, I should be very much opposed to allowing the cattle to graze on the reservation, because it has been demonstrated in too many instances that Indians and white people cannot raise stock in the same country, but as we shall probably get removed to the lower end of the reservation before many months, it is possible that this herd may be allowed to remain without detriment to the service or to my Indians.

Even under such circumstances I prefer not to issue permit to graze unless specially directed to do so by the honorable Commissioner, and write now for instructions in the matter.

Very respectfully, &c.,

H. J. ARMSTRONG,  
*United States Indian Agent.*

Hon. H. PRICE,  
*Commissioner of Indian Affairs, Washington, D. C.*

[Inclosure.]

UNITED STATES INDIAN SERVICE,  
*Crow Indian Agency, June 19, 1883.*

DEAR SIR: Agreeable to instructions from Major Armstrong, I write you to obtain your permission to allow to remain upon their present range, the extreme western portion of the Crow Indian Reservation lands, a herd of about 750 head of cattle I have lately bought of Thomas Kent. This bunch of cattle was born and raised where they now range by Mr. Kent (he having married with the Crow Indian people), and he will yet have the management of them on the range for me. They feed almost entirely by themselves, being entirely apart from any stock owned by Indians or the Government, and in the event of my being compelled to remove them, they would, in spite of every effort I could make to prevent them, naturally largely drift back to their old feeding grounds again.

In view of the fact that the Crow Agency will so soon be removed to Fort Custer, and as I understand the strong probability of all of this western portion of the Crow Reservation being thrown open to the public, I entertain hopes that it may not be inconvenient with the interests of your Department to grant my request.

Yours, very respectfully,

R. B. BRIGGS,  
*Billings, Mont.*

Hon. HIRAM PRICE.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, July 7, 1883.*

SIR: I have received your letter of the 25th ultimo, inclosing application of R. B. Briggs, of Billings, Mont., for permission to graze a herd of about 750 head of cattle, recently purchased from Thomas Kent, upon the Crow Reservation.

Mr. Briggs states that this herd was born and raised where they now range on the reserve by Mr. Kent, who will yet have the management of them; that they feed almost entirely by themselves, being apart from any stock owned by Indians or the Government; and, in the event of his being compelled to remove them, they would, in spite of any effort he could make to prevent it, naturally drift back to their old feeding grounds again.

Under the circumstances, I see no objection to Mr. Briggs's herd being temporarily permitted to remain on the reserve, provided the Indians consent, and such compensation, say so much per head per annum, as may be prescribed by you, with approval of this Department, be paid by Mr. Briggs for the privilege. (See section 269, Instructions to Indian Agents.)

By the deficiency act approved March 3, 1883, the proceeds of all pasturage on any Indian Reservation, except those of the five civilized tribes, are directed to be covered into the Treasury for the benefit of the tribe under such regulations as the Secretary of the Interior may prescribe.

In the event of Mr. Briggs continuing to hold his cattle upon the reserve, you will take up the proceeds upon your periodical cash account and hold the amount until such regulations shall have been announced and communicated to you.

Very respectfully,

H. PRICE,  
*Commissioner.*

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency, Mont.*

UNITED STATES INDIAN SERVICE,  
*Crow Agency, October 24, 1883.*

SIR: I have the honor to report for approval that, in compliance with instructions contained in letter from the Hon. Commissioner ("L" No. 11793, dated July 7, 1883), I have issued to R. B. Briggs a permit to graze his herd of cattle (1,000) on the Crow Reservation during the fiscal year ending June 30, 1884, for the sum of \$250, which will appear in my account for the third quarter, 1883.

Very respectfully,

H. J. ARMSTRONG,  
*United States Indian Agent.*

Hon. H. PRICE,  
*Commissioner Indian Affairs, Washington, D. C.*

[Inclosure.]

CROW AGENCY, MONTANA, *September 29, 1883.*

I certify on honor that I have this day paid to H. J. Armstrong, United States Indian agent at the Crow Agency, Montana, the sum of \$250, and no more, payment in full for permit to graze my herd of cattle upon the Crow Reservation from July 31, 1883, to June 30, 1884. Permit issued in accordance with instructions contained in letter from the honorable Commissioner of Indian Affairs, dated July 7, 1883.

R. B. BRIGGS.

[Northern Pacific Railroad Company. H. Villard, president.]

PRESIDENT'S OFFICE,  
*New York, May 19, 1883.*

DEAR SIR: I am informed there are large herds of cattle tributary to this company's railroad in Montana which now go to the Union Pacific Railroad, on account of the Crow Indian Reservation lying between the ranges and our road. It is very important that this company should obtain from the Commissioner of Indian Affairs authority for the cattle to be driven across the reservation. Will you kindly call upon Commissioner Price and see what can be done in the premises?

Yours, truly,

H. VILLARD,  
*President.*

Hon. J. H. MITCHELL,  
*"The Ebbitt," Washington, D. C.*

[Indorsement.]

EBBITT HOUSE, WASHINGTON, D. C., *May 21, 1883.*

The inclosed letter from H. Villard, president of the Northern Pacific Railroad Company, is respectfully referred to the Hon. H. Price, Commissioner of Indian Affairs, who will oblige me by advising me of his action on the application.

JOHN H. MITCHELL.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, May 25, 1883.

SIR: I am in receipt by your reference of a letter from the president of the Northern Pacific Railroad Company, dated 19th instant, in which he states that he is informed there are large herds of cattle tributary to said company's railroad in Montana, which now go to the Union Pacific Railroad, on account of the Crow Indian Reservation lying between the ranges and the first-mentioned road, and urging the importance of authority being obtained from this Department to drive cattle across the reservation.

As is usual in all such applications, the matter has been referred to the local United States Indian agent for particulars, which will enable this office to make an intelligent recommendation to the Department in the premises.

Very respectfully,

H. PRICE,  
Commissioner.

Hon. JOHN H. MITCHELL, *Ebbitt House, City.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, May 29, 1883.

SIR: By reference of Hon. J. H. Mitchell I have received a letter from the president of the Northern Pacific Railroad Company, dated the 19th instant, in which he states that he is informed that there are large herds of cattle tributary to said railroad, which now go to the Union Pacific Railroad on account of the Crow Reserve lying between the ranges and their road, and asking that authority be granted to the Northern Pacific Railroad Company for the driving of cattle across the reserve.

In order to intelligent action by the Department in this matter, you are directed to forthwith ascertain and report to this office—

(1) The most feasible route or routes for driving cattle across the reserve in the direction of the Northern Pacific Railroad, so as to cause the least interference with the Indians.

(2) The probable length of time to be consumed in the transit over such route or routes.

(3) The amount of tax per head that should be imposed on owners of stock so driven across the reserve.

(4) Any other suggestions that you may deem of importance.

Very respectfully,

H. PRICE,  
Commissioner.

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency, Montana.*

UNITED STATES INDIAN SERVICE,  
*Crow Agency, Montana, June 12, 1883.*

SIR: I have the honor to make the following reply to the questions contained in your "L" 9332, dated May 29, 1883, relating to the driving of cattle through this reservation.

(1) The only points on the Northern Pacific Railway for shipping cattle that will be reached by parties in Wyoming are Billing and Custer Station (on this reservation). To reach the former the route will be down Clark's Fork, a distance of about 65 miles, which will take six or seven days to drive across. This drive will do the Indians no harm.

To reach Custer Station the route will be down the Little Horn, a distance of 100 miles.

The drive down the Little Horn can be made this season without interfering with the Indians, but after we have removed the agency to that part of the reservation it will be a great annoyance to have large herds of cattle pass down through our settlements.

It will endanger the cattle belonging to the agency as well as those which it is expected the Indians will have issued to them as soon as they begin to locate on their separate homes. It will keep my herder and perhaps another employé busy during the driving season guarding against these possible losses, and will virtually take possession of that portion of the reservation in the vicinity of Custer Station.



I really do not see why the cattle-men who are located in Wyoming, just south of the southeastern part of this reservation, cannot drive down Tongue River or the Rosebud, and ship from Miles City or some other place east of this reservation, as to ship from Custer Station. I wish to refer the honorable Commissioner to my letter on this subject, written from Fort Custer on the 23d or 24th of May.

(2) The time occupied on the drive down Little Horn will be about 10 days.

(3) It has been the custom of my predecessor to issue permits to drive across this reservation at  $33\frac{1}{2}$  cents a head, which rate I reduced to 25 cents, which is low enough for the route down the Little Horn, and probably for any other route, but a rate of  $16\frac{1}{2}$  cents per head might be established for the route down Clark's Fork, if the honorable Commissioner deems it best.

Very respectfully,

H. J. ARMSTRONG,  
*United States Indian Agent.*

Hon. H. PRICE,  
*Commissioner of Indian Affairs,*  
*Washington, D. C.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*August 10, 1883.*

SIR: I have the honor to inclose herewith a letter referred to this office by Hon. J. H. Mitchell, from the president of the Northern Pacific Railroad Company, dated May 19, last, stating that there are large herds of cattle tributary to the company's railroad in Montana which now go to the Union Pacific Railroad on account of the Crow Indian Reservation lying between the ranges and said railroad, and asking that authority be obtained from the Department for such cattle to be driven across the reservation.

On the 29th of May last the subject was referred to the United States Indian agent at the Crow Agency for report. By letter of the 12th June last (herewith inclosed), Agent Armstrong reports as follows:

That the only points on the reservation that will be reached by parties in Wyoming shipping cattle are Billings and Custer Stations; to reach the former the route will be down Clark's Fork a distance of about 65 miles, occupying six or seven days to drive across. This drive will, it is said, do the Indians no harm.

To reach Custer the route will be down the Little Horn, a distance of about 100 miles.

The drive down Little Horn, occupying about 10 days, can be made this season without interfering with the Indians, but after the agency is removed it will seriously endanger the agency herd, and the Indians' cattle which it is expected they will have issued to them when they locate on their separate homes. It will keep agency employes busy guarding against possible losses, and will virtually take possession of that portion of the reservation in the vicinity of Custer Station.

It further appears from the agent's letter that it has been customary to issue permits to drive cattle across the reservation at  $33\frac{1}{2}$  cents per head, which he has since reduced to 25 cents for the route down the Little Horn, and that a rate of  $16\frac{1}{2}$  cents per head might be established for the route down Clark's Fork, subject to the approval of this Department.

In view of the fact that the removal of the Crow Agency is not likely to take place for some little time yet, I have the honor to recommend that authority be given the Northern Pacific Railroad Company to have cattle destined for its road driven through the reservation upon the accustomed trails, and for the remainder of the present season only, at an average rate of 15 cents per head, no delay to be made in crossing. The return of the papers herewith inclosed to the files of this office is respectfully requested.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
*Washington, August 10, 1883.*

SIR: I return herewith the inclosures which accompanied your letter of this date in relation to the tax on cattle driven across a portion of the Crow Indian Reservation, en route for shipment by the Northern Pacific Railroad Company.

Agreeably to your recommendation, authority is hereby granted to the said railroad company to have cattle destined for its road driven through the said reservation upon the accustomed trails and for the remainder of the present season only, at the rate of 15 cents per head, no delay to be made in crossing.

Very respectfully,

The COMMISSIONER OF INDIAN AFFAIRS.

M. L. JOSLYN,  
*Acting Secretary.*

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

*August 11, 1883.*

SIR: Referring to office report of the 10th instant, and to Department letter in reply thereto, of the same date, granting authority to the Northern Pacific Railroad Company to have cattle destined for its road, driven through the Crow Indian Reservation, in Montana, upon the accustomed trails and for the remainder of the present season only, at the rate of 15 cents per head, no delay to be made in crossing, I have the honor to inclose herewith a copy of a telegram, dated the 10th instant, addressed by T. F. Oakes to Hon. J. H. Mitchell, and referred to this office by the latter, in which Mr. Oakes says that "15 cents per head is excessive. The charge through the Indian Territory has never exceeded 10 cents per head, and in many cases, has not exceeded 5 cents per head."

The Creek law provides that "drovers and movers shall be allowed to pass through the Muskogee Nation free of tax, provided that not more than twenty-five days are consumed in making the journey; but where more than twenty-five days are consumed in passing through the nation the owner or person in charge of the stock shall pay a tax of 5 cents per head for each day so consumed over the twenty-five days, providing such delay is not caused by high water or other providential hindrance." (Laws Muskogee Nation, 1880, page 62.)

The Cherokee law provides that persons, except citizens of the Cherokee Nation, may drive stock through the nation by paying, "for beef, work, and stock cattle, except sucking calves, 5 cents each," &c. (Laws of Cherokee Nation, 1881, page 246.)

By Department letter of November 4, 1881, a tax of 10 cents per head was authorized for each head of stock crossing the Uintah Reservation, the time of crossing to be limited to ten days, and an additional tax of 1 cent per head for each day exceeding ten.

The tax fixed for crossing the Uintah Reservation seems to be fair and reasonable, and after due consideration, I am of the opinion that it should be adopted in respect to cattle crossing the Crow Reservation, and so recommend.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,

*Washington, August 16, 1883.*

SIR: Agreeably to the recommendation of your letter of 11th instant, Department authority of 10th instant, granting the Northern Pacific Railroad Company permission to drive cattle destined for its road through the Crow Indian Reservation, in Montana, upon the accustomed trails and for the remainder of the present season only at the rate of 15 cents per head, no delay to be made in crossing, is hereby modified; the payment to be 10 cents per head and the time of crossing to be limited to ten days, with an additional payment of 1 cent per head for each day exceeding ten.

Very respectfully

M. S. JOSLYN,  
*Acting Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

*August 18, 1883.*

SIR: Referring to the telegram from T. F. Oakes, esq., of the 10th instant, referred to this office by you, in reference to driving cattle through the Crow Indian Reservation in Montana Territory, I inclose herewith a copy of Department communication

of the 16th instant, fixing the rate at which cattle may be driven across said reservation at 10 cents per head; the time of crossing to be limited to ten days, with an additional payment of 1 cent per head for each day in excess of ten.

This is a modification to the extent above indicated of Department letter of the 10th instant, granting authority to the Northern Pacific Railroad Company to have cattle, destined for its road, driven through the Crow Indian Reservation, upon the accustomed trails, and for the remainder of the present season only at the rate of 15 cents per head, no delay to be made in crossing.

I also inclose a copy of office report of the 11th instant, to which Department letter of the 16th instant is a reply.

Very respectfully,

H. PRICE,  
*Commissioner.*

Hon. JOHN H. MITCHELL,  
*Ebbitt House, Washington, D. C.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*August 23, 1883.*

SIR: Referring to office letter to you of May 29 last, relative to the application of the Northern Pacific Railroad Company to have cattle, destined for its road, driven across the Crow Reservation, and to your reply thereto of June 12 last, you are now advised that, under date of the 16th instant, authority has been granted by the Department for cattle so destined to be driven through the reservation *upon the accustomed trails and for the remainder of the present season only*, at the uniform rate of 10 cents per head, the time of crossing to be limited to ten days with an additional payment of 1 cent per head for each day consumed in excess of ten days. You will be governed accordingly.

Very respectfully,

H. PRICE,  
*Commissioner.*

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency, Montana Territory.*

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TOPEKA, KANS., *August 1, 1883.*

SIR: Myself and business associates desire to herd some cattle on the Crow Indian Reservation in Montana, and for that purpose would like to lease some land from that tribe, but the agent is in some doubt regarding the views of the Department touching such matters.

Will you be kind enough to request the Department to advise the agent, and also myself, whether a lease of such as the Indians cannot use, upon terms entirely satisfactory to the Indians, the agent, and the Department, would be objectionable to the Department.

Truly yours,

J. C. WILSON.

Hon. THOS. RYAN,  
*Washington, D. C.*

[Indorsement.]

Respectfully referred to the honorable Secretary of the Interior with the request that he grant the writer's request.

THOS. RYAN.

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DEPARTMENT OF THE INTERIOR,  
*Washington, August 11, 1883.*

SIR: In reply to your communication of August 1, 1883, in regard to leasing Crow Indian lands, I see no objection to allowing the Indians to grant permission to parties desiring to do so on fair and reasonable terms, subject to such supervision as the Department may consider proper to prevent the Indians from being imposed upon.

Such privileges can only be recognized when granted by the proper authority of the tribe, and the benefits must be participated in by all the tribe, not by a favored few only. It is not desirable that a large number of white herders should be allowed to go into the Indian Territory, as their presence will be of doubtful advantage to the Indians. A few responsible men can easily oversee Indian herders, who it is be-

lieved can be employed advantageously to the cattle owners as well as to the Indians. The Indians so employed will so become skillful herders, familiar with cattle raising, and may avail themselves of the knowledge thus acquired and become stock-raisers themselves.

The Department will see to it that under such agreements, however, no permanent improvements are erected, and that no disreputable persons are allowed to remain on the reservation.

All persons entering under the authority of such agreement, either as owners or employés, will be required to conform strictly to the statutes and rules of the Department with respect to the introduction of liquors, fire-arms, ammunition, &c., in the Indian country. With reference to the mode and manner of payment, such payments should as far as practicable be made in cattle to be owned by the tribe, and should be preserved as the nucleus of a herd that in a few years shall take the place of the herds now occupying the reservation and in which the Indians have no interest.

While the Department will not recognize the agreement or lease you mention, nor any other of like character, to the extent of approving the same, nor to the extent of assuming to settle controversies that may arise between the different parties holding such agreements, yet the Department will endeavor to see that parties having no agreement with the Indians are not allowed to interfere with those who have. Whenever there shall be any just cause for dissatisfaction on the part of the Indians, or when it shall appear that improper persons, under cover of such lease or agreement, are allowed on the reservation by parties holding such agreement, or for any reason the Department shall consider it desirable for the public interest to do so, it will exercise its right of supervision to the extent of removing all occupants from the reservation without reference to such lease or agreement, on such notice as shall be right and proper under the circumstances under which the parties have entered such reservation, and have complied with the terms of the agreement and instructions of the Department.

All parties accepting such agreement shall accept the same subject to all the conditions herein, and subject to any future action of Congress and the Department as herein stated in relation to occupants of such Territory.

Instructions will be issued to the agents in accordance with this letter.

Very respectfully,

M. L. JOSLYN,  
*Acting Secretary.*

Mr. J. C. WILSON,  
*Topeka, Kansas.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, August 11, 1883.*

SIR: Having received a letter from Mr. J. C. Wilson, of Topeka, Kans., inquiring about leasing Crow Indian lands, I have written him a letter substantially as follows, which will govern you in your action in the matter:

I see no objection to allowing the Indians to grant permission to parties desiring to do so on fair and reasonable terms, subject to such supervision as the Department may consider proper to prevent the Indians from being imposed upon; no lands to be leased which in your judgment are needed for the use of the Indians.

Such privileges can only be recognized when granted by the proper authority of the tribe; and the benefits must be participated in by all of the tribe, not by a favored few only. It is not desirable that a large number of white herders should be allowed to go into the Indian Territory, as their presence will be of doubtful advantage to the Indians. A few responsible men can easily oversee Indian herders, who, it is believed, can be employed advantageously to the cattle owners as well as to the Indians. The Indians so employed will soon become skilled herders familiar with cattle raising, and may avail themselves of the knowledge thus acquired and become stockraisers themselves.

The Department will see to it that under such agreement, however, no permanent improvements are erected, and that no disreputable persons are allowed to remain on the reservation.

All persons entering under the authority of such agreements, either as owners or employés, will be required to conform strictly to the statutes and rules of the Department, with respect to the introduction of liquors, fire-arms, ammunition, &c., in the Indian country. With reference to the mode and manner of payment, such payments should, as far as practicable, be made in cattle, to be owned by the tribe, and should be preserved as the nucleus of a herd that in a few years shall take the place of the herds now occupying the reservation, and in which the Indians have no interest.

While the Department will not recognize the agreement or lease you mention nor any other of like character, to the extent of approving the same, nor to the extent of

assuming to settle controversies that may arise between the different parties holding such agreements, yet the Department will endeavor to see that parties having no agreements with the Indians are not allowed to interfere with those who have. Whenever there shall be any just cause for dissatisfaction on the part of the Indians, or when it shall appear that improper persons under cover of such lease or agreement are allowed on the reservation by parties holding such agreements, or, for any reason, the Department shall consider it desirable for the public interest to do so, it will exercise its right of supervision to the extent of removing all occupants from the reservation without reference to such lease or agreements, on such notice as shall be right and proper under the circumstances under which the parties have entered such reservation, and have complied with the terms of the agreement and instructions of the Department.

All parties accepting such agreements should accept the same subject to all the conditions herein and subject to any future action of Congress and the Department as herein stated, in relation to occupants of such territory.

Very respectfully,

M. L. JOSLYN,  
*Acting Secretary.*

HENRY J. ARMSTRONG,  
*Indian Agent, Crow Agency, Montana.*

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WESTERN UNION TELEGRAPH COMPANY,  
*Helena, Mont., December 23, 1883.*

COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C. :*

The interests of your Department and citizens of Montana demand the immediate presence here of a special agent thoroughly reliable. By conferring with me on arrival he will be placed in possession of important information. Confidential.

JOHN SCHUYLER CROSBY,  
*Governor.*

[Indorsement.]

Respectfully referred to Hon. Secretary of the Interior.

H. PRICE,  
*Commissioner.*

DECEMBER 24, 1883.

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[Telegram.]

DEPARTMENT OF THE INTERIOR,  
*December 24, 1883.*

TO HENRY WARD,  
*Indian Inspector, Yakima, Wash. :*

Proceed at once to the inspection of agencies in Montana. Go first to Helena and see the governor. Acknowledge receipt.

H. M. TELLER,  
*Secretary.*

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HELENA, MONT., *February 7, 1884.*

DEAR SIR: I have the honor to report my proceedings under Department orders of December 24, 1883, as follows:

I received the mail copy of the order at Warm Springs Agency, Oregon, January 6, 1884. I proceeded as soon and as expeditiously as practicable to this city and consulted with Governor Crosby. I found that he had complaints to make concerning the condition of affairs at the Crow Agency, in this Territory. The complaints were somewhat vague and indefinite. They amounted to a charge that the agent, Maj. H. J. Armstrong, was allowing one R. B. Briggs, of Kansas, or of New York, or of both places, to keep a herd of cattle on the reservation, said herd having been purchased of one Thomas Kent, a white man, married to a Crow woman who has lived many years upon the reservation. There was also an intimation that Mr. Briggs was constantly adding to his herd by purchases of parties living on the reservation, and also by purchases from the outside. Insinuations were also made that S. B. Roberts, foreman in charge of Mr. Briggs's herd, was inclined to sharp practices as against other cattle owners. The governor made an imputation upon Major Armstrong's personal integrity. He said it had been reported to him that while the sale of the herd

of cattle by Kent to Briggs was pending, the agent interfered and threatened to stop the sale unless Kent would secure \$5,000 of the purchase price to his wife; that Kent consented, and that afterwards Major Armstrong caused the \$5,000 to be deposited in bank to his (Armstrong's) personal credit. The intimation was clearly made that Agent Armstrong intended to in some way personally profit by this arrangement. I proceeded in due time to the agency, and sent for Kent and Roberts; they were some time getting in; were delayed perhaps by the severe weather and the hard traveling. After they appeared I took their affidavits, which I herewith inclose. Kent's marked Exhibit A, Roberts's Exhibit B. It will be noticed that the two affidavits agree in all essential particulars, and as one of the affiants represents the accusers and the other the accused, I think it may be fairly assumed that the two documents present the facts about as they are. It appears from these affidavits that Thomas Kent last May sold to R. B. Briggs, of New York, as representative of the Briggs-Ellis Company, Limited, 1,034 head of cattle; that said cattle have since remained upon their old range upon the reservation; that Mr. Briggs has sold from said herd about 200 beef cattle and dry heifers that have been driven off; that he has purchased 250 head of cattle from outside parties and driven them upon the reservation, adding them to his herd, and that he has increased his herd by some 20 or 30 head of cattle purchased of parties living upon the reservation. Kent and Roberts differ somewhat in their estimates of the number of beef cattle and dry heifers sold and driven off, the former making it 180, and the latter 240. As Roberts has the best means of knowing the exact number, I think his estimate is likely the most nearly correct, but the discrepancy is not material.

The authority under which Agent Armstrong has acted in allowing Mr. Briggs to range his herd of cattle upon the reservation is contained in a letter from the Commissioner of Indian Affairs, dated July 7, 1883, a copy of which is inclosed marked Exhibit C. It will be noticed that Mr. Briggs estimated his herd at 750. He evidently reported the number that remained after the sale of beef cattle and dry heifers. Agent Armstrong told me that the understanding between him and Mr. Briggs was that Briggs should be allowed to range on the reservation the number of cattle originally purchased by him of Kent, about 1,000, and that he was therefore allowed to bring in the 250 to make up for the number of beef cattle and dry heifers sold off. The compensation to be paid by Briggs to the Crow tribe was estimated upon the basis of 1,000 cattle herded; the rate being a quarter of a dollar a piece. The amount due on this basis has been paid. See Briggs' certificate of payment, Exhibit D, and Armstrong's receipt, Exhibit E. Whether in this matter Agent Armstrong has exceeded his authority is of course a question for the Department to decide. And whether he is in any degree culpable for not preventing Mr. Briggs from slightly enlarging his herd by purchases from residents of the reservation is also a question for the Department to determine. Last spring's calves, of course, have remained with the herd; none of them were counted in the sale of Kent to Briggs; those that had then appeared went with the herd. The total number of these calves, that are now of course almost yearlings, is estimated at from 400 to 500. Briggs has therefore upon the reservation a herd of from 1,500 to 1,600 head of cattle. The calf increase, however, is legitimate. Mr. Kent's affidavit, it will be noted, completely exonerates Agent Armstrong from any imputation of unworthy motive or purpose in the five-thousand-dollar matter; the agent simply sought the good and the security of Kent's Indian wife. He never desired that the money should be deposited to his personal credit. The money as a matter of fact was never deposited at all. Mr. Briggs drew a check of \$5,000 to Kent's wife, to be paid when indorsed by her and the United States Indian Agent, not Major Armstrong, but the agent whoever he might be; the check remained about a month with Kent, and was then sent to the agent. A little over two months later, or about the 20th of September, the check was indorsed by Mrs. Kent and the agent, and delivered to Mr. Kent. He drew the money upon it and invested the same with the rest of his means. Agent Armstrong says he consented to abandon his original design of having the money invested in United States bonds for the benefit of Mrs. Kent, and to allow Mr. Kent to take the money only upon satisfactory assurances that he (Kent) intended to do right by his family. The agent while indorsing Mr. Kent's statement of the transaction as substantially correct, says he is mistaken in one statement.

Mr. Kent says that about a month after the check was drawn the agent sent to him for it and that he sent it to the agency. Major Armstrong says that he did not send after the check; that he never wanted the check in his possession. He did send word to Kent to bring his wife to the agency with the check that it might be indorsed and the proceeds invested in Government bonds. But as the message was a verbal one there might have very easily been a mistake made in its delivery. Mr. Kent resented the agent's interference in this matter as too much of an intermeddling with his (Kent's) family affairs. But Major Armstrong says that several white men who have married Crow women and made considerable money through the advantages which the marriages gave them, have, after realizing upon their property, deserted their wives. He

had reason to believe that Kent proposed doing the same thing, and did not propose that he should leave his Indian family destitute.

At Stillwater I saw several men to whom the Governor had referred me as able to furnish material information concerning the iniquitous operations of Mr. Briggs and his man Roberts. But they were not able to inform me of anything beyond what is detailed in Kent's and Roberts' affidavits; they knew of no instance in which Roberts had sought to brand calves on the reservation belonging to residents thereon. They were not aware that Mr. Briggs had ever attempted to take any undue advantage of any one. One individual, Alex. Huntly, the husband of a Crow wife, did have a long complaint to make against Roberts on his own account, but it was entirely a personal matter and in no wise involving Major Armstrong.

I am satisfied that the complaints in this matter all originated in the jealousy and excessive nervousness of the old residents and stockmen of Montana. They were afraid that Mr. Briggs would obtain some authority of some sort through his privilege of ranging cattle upon the reservation. It is the common expectation in this Territory that the western portion of the Crow Reservation will soon be ceded by the Indians and thrown open to settlement or occupancy by the whites, and I suppose it was feared that Mr. Briggs might continue ranging his cattle upon the reservation until the time for throwing open should come, and would then by virtue of being in possession have some immense advantage over the old timers. And it was exclaimed, "No foreigners to be allowed to come in here and get possession of the best cattle-ranges to the exclusion of those who have made the Territory what it is." This conundrum sums up completely Governor Crosby's representations and reasonings on the subject. The Governor assumed that R. B. Briggs was one of a number of Kansas gentlemen of that name who constituted a heavy cattle firm. But at Stillwater and at the agency I was informed that he was of New York and had no connection with the Kansas Briggs. The latter was at the reservation last summer for the purpose of negotiating a lease or making some arrangement for grazing and herding cattle upon the reservation, but did nothing.

\* \* \* \* \*

Very respectfully, your obedient servant,

HENRY WARD,  
*United States Indian Inspector.*

HON. H. M. TELLER,  
*Secretary of the Interior, Washington, D. C.*

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### EXHIBIT A.

TERRITORY OF MONTANA,  
*Crow Indian Agency :*

THOMAS KENT, being duly sworn, deposes and says :

I live on Bridger Creek, near Gray Cliff Railroad station, on the Crow Indian Reservation. I am a farmer and stock-raiser, and have been engaged as such on the Crow Reservation for about ten years. During the month of May, 1883, I sold to the Briggs & Ellis Company, limited, 1034 head of cattle. All my negotiations were with R. B. Briggs, representative of said company, and all the business was transacted directly with him. I delivered the said herd of cattle to the said Briggs during the spring round-up on the reservation, from the 1st of June to about the 10th of July. As I delivered the cattle to Mr. Briggs he delivered the beef cattle of the herd, and some dry heifers, to William Wright, a butcher, of Livingston, Mont., in pursuance, I suppose, of a contract of sale previously made. The number of beef cattle and heifers then delivered to Mr. Wright, I think, from general observation, was about 180. I have not the means of knowing the exact numbers. Since my delivery of the aforementioned cattle to Mr. Briggs he has continued to keep them upon the Crow Reservation, upon the same range upon which I had always herded them. Some time last summer, in August, I think, Mr. Briggs brought in about 250 more cattle, and added them to the herd purchased of me. He had purchased said cattle, I understood, of Billings, and they had been brought into the Territory from Minnesota. Since his purchase from me, Mr. Briggs has bought some cattle from other parties living on the reservation, and added them to his herd ranging on the reservation. The number so purchased is, I think, about 30. Mr. Briggs has always been fair and honorable in his dealings with me, and, as far as I know or have heard, has

always dealt honorably with other parties, never attempting to take any undue advantage.

While I was negotiating the sale of my herd of cattle to Mr. Briggs, H. J. Armstrong, United States Indian agent for the Crows, who was out in the vicinity of my residence looking after the round-up, came to my house and told me he would stop the pending sale, unless I would consent to make some provision out of the proceeds of said sale for my wife, a member of the Crow tribe. He suggested that \$5,000 should be secured to her. His proposition was, that Mr. Briggs should draw a check to her for that amount on the Billings Bank, Stebbins, Munn & Co., bankers, with the proviso that it should be paid only when indorsed by her, and by the United States Indian agent for the Crow tribe. I consented to the proposition. The check was drawn as proposed, and left at my house. About a month afterwards, Agent Armstrong sent me for the check, and I sent it to him at the agency. About two weeks later, while I was at the agency, on some business, Agent Armstrong requested me to bring my wife down to the agency, that she might indorse the check. He said that the indorsement by her and by him should be made in the presence of two witnesses. He then proposed that the proceeds should be invested in United States bonds, for the benefit of my wife. Nothing, however, was done about this; but about the 20th of September, at the time of the issues of the fall annuities, my wife and I were at the agency, and as I wanted money for the purchase of sheep, we went to see Agent Armstrong about the matter of the check. My wife told the agent that she was perfectly willing that the proceeds of said check should come into my hands. He consented that it should be so. My wife and the agent indorsed the check, and it was delivered to me. I soon afterwards presented it for payment, and received and invested the proceeds. I never had any idea or suspicion that in this business Agent Armstrong was actuated by any interested, selfish, or corrupt motives.

THOMAS KENT.

Subscribed and sworn to before me this 29th day of January, 1883.

HENRY WARD,  
United States Indian Inspector.

### EXHIBIT B.

CROW AGENCY,  
*Territory of Montana, ss:*

S. B. ROBERTS, being duly sworn, deposes and says:

I am a resident of Melville, Gallatin County, Montana; I am in the employ of the firm known as Briggs & Ellis Company, limited. I am foreman in charge of their herd of cattleranging on the Crow Reservation. R. B. Briggs, treasurer and business manager of said company, and as their representative, last May, that is, in May 1883, bought of Thomas Kent, who lives on the Crow Reservation, near the confluence of Bridger Creek and the Yellowstone River, a herd of cattle, chiefly stock cattle, but some beef cattle. Said herd numbered about 1,000 head, 1,030, I think. Said herd of cattle were delivered by Thomas Kent to R. B. Briggs during the spring round-up, which commenced about the 20th of May, 1883, and lasted some two or three weeks. Said cattle have since, with the exception of such as have been sold, remained upon the Crow Reservation, upon the same range upon which the said Kent had always kept them. During the month of May 1883, the said Briggs sold from the herd a quantity of beef cattle, I think about 240, and delivered them to the purchasers the last of May or first of June, and they were taken from the reservation. I understand the herd remained on the reservation under permission granted by H. J. Armstrong, Indian agent, and issued in accordance with instructions from the Commissioner of Indian Affairs. The last of July or first August, 1883, the said R. B. Briggs bought at Billings, from the Willard Cattle Company, 250 head of cattle and drove them to the range on the Crow Reservation, occupied by the herd purchased by him of the said Thomas Kent, and added them to said herd, and they have since remained with said herd. The said Briggs has also purchased of various parties on the Crow Reservation, some 20 or 30 head of cattle and added them to herd ranging on said Crow Reservation. I have never known or heard of any complaints made against the said R. B. Briggs or any of his employes for branding cattle or calves belonging to other persons.

S. B. ROBERTS.

Subscribed and sworn to before me this 28th day of January, 1884.

HENRY WARD,  
United States Indian Inspector.



## EXHIBIT C.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, July 7, 1883.

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency, Montana :*

SIR: I have received your letter of the 25th ultimo, enclosing application of R. B. Briggs, of Billings, Mont., for permission to graze a herd of about 750 head of cattle, recently purchased from Thomas Kent, upon the Crow Reservation.

Mr. Briggs states that this herd was born and raised where they now range on the reserve by Mr. Kent, who will yet have the management of them; that they feed almost entirely by themselves, being apart from any stock owned by Indians or the Government, and in the event of his being compelled to remove them they would, in spite of any effort he could make to prevent it, naturally drift back to their old feeding grounds again.

Under the circumstances I see no objection to Mr Briggs' herd being temporarily permitted to remain on the reserve, provided the Indians consent, and such compensation, say so much per head per annum, as may be prescribed by you with approval of this Department, be paid by Mr. Briggs for the privilege (see section 263, Instructions to Indian Agents).

By the deficiency act approved March 3, 1883, the proceeds of all pasturage on any Indian reservation, except those of the five civilized tribes, is directed to be covered into the Treasury for the benefit of the tribe under such regulations as the Secretary of the Interior may prescribe.

In the event of Mr. Briggs continuing to hold his cattle upon the reserve you will take up the proceeds upon your periodical cash account, and hold the amount until such regulations shall have been announced and communicated to you.

Very respectfully,

H. PRICE,  
*Commissioner.*

## EXHIBIT D.

CROW AGENCY, M. T.,  
*September 29, 1883.*

I certify on honor that I have this day paid to H. J. Armstrong, United States Indian agent at Crow Agency, Montana, the some of two hundred and fifty (\$250) dollars and no more, being payment in full for permit to graze my herd of cattle upon the Crow Reservation from July 31, 1883, to June 30, 1884. Permit issued in accordance with instructions contained in letter from honorable Commissioner of Indian Affairs dated July 7, 1883.

R. B. BRIGGS.

## EXHIBIT E.

CROW AGENCY, M. T.,  
*September 29, 1883.*

Received of R. B. Briggs the sum of two hundred and fifty (\$250) dollars, being payment in full for grazing herd of cattle upon the Crow Reservation from July 1, 1883, to June 30, 1884, as authorized by letter of honorable Commissioner of Indian Affairs, dated July 7, same year as above.

H. J. ARMSTRONG,  
*Agent.*

STILLWATER, MONT., *February 15, 1884.*

DEAR SIR: You will pardon me for trespassing again upon your time and patience, I am sure, in thus calling your attention to a public grievance the people of this country are subjected to by certain Government officials connected with the Indian Department.

You are familiar with the Crow Reservation in this Territory, the agent of which is one Armstrong. The western portion of this reservation, it is confidently hoped and expected, will soon be re-ceded to the United States and be thrown open to settlement. In this part of the reservation is some of the best farming and grazing land in the Northwest, as well as valuable mineral lands. This land is presumed to be set apart

for the exclusive benefit of the Crow Indians; but through the complicity of certain parties in the Department (of whom I cannot name) these lands are being occupied, under pretended leases, by white men in such a way that when they are thrown open to settlement, instead of inuring to the benefit of the actual settler, will be entirely monopolized by a few large cattle companies to the exclusion of all others; they will build their corrals upon and occupy all the water rights and valley lands that can be made useful by the settler, and will thus monopolize large amounts of Government lands for their herds for which the Government gets nothing, besides excluding poor men who desire to build themselves homes. There is now a company (Briggs & Ellis) who have a contract with the "Commissioner of Indian Affairs" to graze 700 head of cattle for \$250 per year. Under this contract they have, as I am informed and believe, over 1,500 head of cattle on the reservation, besides a large amount of capital to purchase all the stock they can find that is for sale, which is in violation of their lease, and contrary to the spirit of the treaty with the Indians. This is only the beginning of what may be expected, if this valuable property is thrown open to settlement.

It is believed here that the present agent is in complicity with the scheme, which will deprive the settlers of the privileges of using this land and placing it in the hands of monopoly, equally if not more detrimental to the public welfare than the population of it by the Indians.

It seems to me that the authority of Congress should be invoked, and a remedy found. I cannot offer one particular suggestion, rather trusting to your familiarity with the situation and your well-known sympathy with the settler to devise a means of protecting them in their rights, and remedying any wrongs that may be perpetrated by those in authority. This matter was recently brought to the notice of Governor Crosby, who caused a commissioner or inspector to be sent out from Washington to examine and report; this man (Ward is his name) came here, and instead of applying to disinterested citizens for information, went to the agency, and called to his counsel the agent, post traders, and other Government employes. The result, as I am informed and believe, was to make a report in the interests of the parties I have mentioned, and to screen them from blame. It is believed by all who know anything about this agent that there will be no hopes of making a treaty looking to the re-cession of any part of that enormous reservation so long as he is in his present position. And his removal would facilitate that end, and meet the approval of all persons in this Territory who understand the situation.

If you desire it, I can furnish you with reliable evidence in the shape of affidavits to substantiate all that is written in this letter, as the Secretary of the Interior may get a wrong impression of the state of affairs from other sources of information.

I have the honor to remain, as ever, your obedient servant,

HORACE COUNTRYMAN.

Hon. JOHN A. LOGAN,

*United States Senate Chamber, Washington, D. C.*

[First indorsement.]

Respectfully referred to Hon. H. M. Teller. Please return answer to—

JOHN A. LOGAN.

[Second indorsement.]

Referred to the Commissioner of Indian Affairs.

H. M. TELLER.

Senator Logan has been informed that the Department has no information that leases have been made by the Indians, and none that have been made by the Department.

H. M. TELLER,  
*Secretary.*

DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY,  
*March 6, 1884.*

SIR: I have the letter of Mr. Horace Countryman, submitted by you. The Interior Department is not in possession of any evidence that parties are attempting to lease the Crow Reservation or any part thereof. Mr. Countryman appears to think such leases will be, if made, an incumbrance on the lands if thrown open to settlement by an agreement with the Indians. While the Department recognizes the right of Indians to allow grazing privileges under the provisions of section 2117 of the Revised Statutes, it does not recognize their rights to lease the lands or create any incumbrance thereon, or in any manner give to parties rights that will exist after the lands cease to be a part of the Indian reservation. Mr. Countryman is in error when

he says that parties have a contract with the Commissioner of Indian Affairs concerning the grazing of cattle on the reservation. Mr. Countryman appears to be ignorant of the facts as well as the law. I have no doubt that parties may have cattle on the reservation, but as long as the Indians are satisfied, it is not considered advisable to interfere and drive them off. No complaint has been made by the Indians.

Very respectfully,

H. M. TELLER,  
*Secretary.*

Hon. JOHN A. LOGAN,  
*United States Senate.*

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*March 5, 1884.*

SIR: I inclose herewith a copy of Senate resolution of the 27th ultimo, calling for information as to any leases made, or grazing permits issued in respect of the Crow Reservation, as to which you are directed to make full report to this office without delay.

Very respectfully,

H. PRICE,  
*Commissioner.*

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency, Mont.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*March 10, 1884.*

SIR: Referring to office letter of the 5th instant, inclosing copy of Senate resolution of the 27th ultimo, in relation to leases, &c., on Crow Reserve, you are directed to accompany the report called for by this office with copies of all leases, agreements, or grazing permits in respect of said reservation lands, if any such have been made.

Very respectfully,

H. PRICE,  
*Commissioner.*

H. J. ARMSTRONG, Esq.,  
*United States Indian Agent, Crow Agency, Mont.*

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UNITED STATES INDIAN SERVICE,  
*Crow Agency, Mont., March 12, 1884.*

SIR: I have the honor to reply to your communication "L," No. 4166, dated March 5 instant, and to Senate resolution of February 27, calling for information as to any and all leases or grazing permits issued from this office to any parties to graze cattle upon the Crow Reservation.

No lease has been made by the Crows with any party or parties, nor have any parties consulted with any Indians upon this business at any time.

A permit has been issued to the Briggs and Ellis Cattle Company, composed of the following named gentlemen, R. B. Briggs, W. D. Ellis, and George A. Ellis, to graze their herd upon the western part of this reservation from the beginning to the close of the present fiscal year. The permit was issued under the following circumstances and upon the letter of authority from the honorable Commissioner of Indian Affairs, hereto attached.

The cattle were born and raised upon the range, having been purchased by Briggs and Ellis from Thomas Kent, a white man, who is married to a Crow Indian woman, and who has lived on this reservation for more than twelve years. At the time of the purchase Briggs and Ellis intended to remove the cattle to a ranch they thought they had just south from this agency in Wyoming, but they were unfortunate in having a partner with whom they had some difficulty and who retained possession of the ranch, so that they had no place to take their cattle. They then came to me and asked permission to keep the cattle upon this reservation, which I refused to grant, not having authority to do so.

They then applied to the honorable Commissioner of Indian Affairs and received in reply the letter attached to this communication, under which they were allowed to

remain, for which privilege they have paid the sum of \$250, the same being taken up in my accounts for third quarter, 1883.

Under section 269, Instructions to Indian Agents, dated October, 1880, and also supposing from the contents of the attached letter from the honorable Commissioner, that there would be no objections, I issued a permit to George L. Ash, of Billings, Mont., to graze a small herd of 75 cattle upon this reservation temporarily, just opposite his ranch, for which I have received the sum of \$37.50, taken up in my accounts for fourth quarter, 1883.

A battalion of the Second Cavalry, under command of Major Merrill, had been stationed on this reservation opposite the town of Billings during the entire summer of 1882, and Mr. Ash claimed to have been authorized by the commanding officer to bring his cattle over to the south side the Yellowstone, in order that he might supply the military with milk and butter. By doing so, his cattle became accustomed to the range, and it was difficult for Mr. Ash to keep them off.

They were removed once by the agency herder, but returned. Late in the fall (1883) Mr. Ash came to me here and begged so hard that I gave him permission to allow his small herd to remain for a limited time on the range, they being already on the south side of the river, as I understand.

No other permits to graze have been issued.

Very respectfully, your obedient servant,

H. J. ARMSTRONG,  
*United States Indian Agent.*

Hon. H. PRICE,  
*Commissioner of Indian Affairs, Washington, D. C.*

[Inclosure.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., July 7, 1884.*

SIR: I have received your letter of the 25th ultimo, inclosing application of R. B. Briggs, of Billings, Mont., for permission to graze a herd of about 750 head of cattle, recently purchased from Thomas Kent, upon the Crow Reservation.

Mr. Briggs states that this herd was born and raised where they now range on the reserve by Mr. Kent, who will yet have the management of them; that they feed almost entirely by themselves, being apart from any stock owned by Indians or the Government, and in the event of his being compelled to remove them, they would, in spite of any effort he could make to prevent it, naturally drift back to their old feeding grounds again.

Under the circumstances, I see no objection to Mr. Briggs's herd being temporarily permitted to remain on the reserve, provided the Indians consent and such compensation, say, so much per head per annum, as may be prescribed by you with approval of this Department, be paid by Mr. Briggs for the privilege. (See section 269, Instructions to Indian Agents.)

By the deficiency act, approved March 3, 1883, the proceeds of all pasturage on any Indian reservation, except those of the five civilized tribes, is directed to be covered into the Treasury for the benefit of the tribe, under such regulations as the Secretary of the Interior may prescribe.

In the event of Mr. Briggs continuing to hold his cattle upon the reserve, you will take up the proceeds upon your periodical cash account and hold the amount until such regulations shall have been announced and communicated to you.

Very respectfully

H. PRICE,  
*Commissioner.*

H. J. ARMSTRONG,  
*United States Indian Agent, Crow Agency, Mont.*

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