

IN THE SENATE OF THE UNITED STATES.

MARCH 4, 1884.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs,
submitted the following

REPORT:

[To accompany bill S. 1706.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1706) to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians for the sale of a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, have examined the same and report as follows:

On the 22d of July, 1882, Joseph K. McCammon, Assistant Attorney-General, was directed by the Secretary of the Interior to proceed to the Flathead (Jocko) Indian Reservation, in Montana, for the purpose of conferring and arranging on the part of the United States with the Indians on said reservation for the extinguishment of their title to so much of the land of that reservation as is required for the right of way for the Northern Pacific Railroad through it.

The act of July 2, 1864 (13 Stat., 365), incorporating the Northern Pacific Railway Company, besides granting that company a right of way across the public domain, also provided that the United States should extinguish as rapidly as might be consistent with public policy and the welfare of the Indians, the Indian title to all lands falling under the operation of the act and acquired in the donation to the road.

By the second article of the treaty between the United States and the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, concluded at Hell Gate, in the Bitter Root Valley, July 16, 1855 (12 Stat., 975), duly ratified and proclaimed, it is provided that "if necessary for the public convenience, roads may be run through the said reservations, and on the other hand the right of way, with free access from the same to the nearest public highway, is secured to them, as also the right in common with citizens of the United States to travel upon all public highways."

This provision was extended by a subsequent treaty with the same Indians.

In 1881 the Northern Pacific Railway Company, through its president, requested the Secretary of the Interior to proceed, in accordance with the act of 1864, to extinguish the Indian title to a certain strip of land, designated in plats filed in the Department, running across the Jocko Reservation, which land was required for the road-bed of the company.

Mr. McCammon was thereupon sent out as a commissioner to secure the cession of this land.

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

The bill reported by your committee is approved by the Secretary of the Interior, and provides for the ratification and confirmation of the aforementioned agreement.

The amount of \$7,625 for the payment of damages to individual Indians was paid by the Northern Pacific Railway Company to the Secretary of the Interior, and was by the Secretary's orders disbursed to the Indians referred to by Major Ronan, their agent.

The remaining sum of \$16,000 was paid by the company to the Secretary of the Interior, and by him it was deposited to his official credit in the Treasury of the United States. The bill reported contains a clause ratifying the action of the Secretary of the Interior in disbursing the \$7,625 to individual Indians for damages incurred, and the Commissioner of Indian Affairs is further authorized and directed to deposit the said sum of \$16,000, which now stands on the books of the United States Treasury to his official credit, with the Secretary of the Treasury, to be covered into the Treasury to the credit of the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, to be expended in manner provided for in said agreement.

The agreement was undoubtedly made in strict conformity with the act of July 2, 1864, and was in compliance with all existing treaty obligations. It was duly ratified by the chiefs and headmen and heads of a majority of the families, being a majority of the male members of the tribes interested, and seems to have been drawn with a due regard to the interests of the Indians.

The committee think the agreement should be affirmed, the previous action of the Secretary of the Interior ratified, and the \$16,000 paid by the company placed to the credit of these Indians. They therefore recommend the passage of the bill.

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