

1884-2

MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,
TRANSMITTING

A communication from the Secretary of the Interior of 19th instant, submitting draft of bill providing for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian Reservation, Dakota.

JANUARY 8, 1884.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 19th instant, submitting with accompanying papers a draft of a bill providing for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian Reservation in Dakota, and the granting of patents therefor, and for other purposes.

The matter is presented for the action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January 7, 1884.*

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1883.

SIR: I have the honor to submit herewith, for your consideration, a draft of a bill prepared in the Office of Indian Affairs, providing for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian Reservation in Dakota, and the granting of patents therefor, and for other purposes; also copy of report of 8th instant, with accompanying papers from the Commissioner of Indian Affairs, explaining the necessity of the proposed legislation, and a map showing the changes in the area of their lands under the treaties and Executive orders referred to in said report.

I respectfully recommend that the measure may be presented for the action of the Congress.

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

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 8, 1883.

SIR: By the treaty of Fort Laramie, concluded September 17, 1851 (Revision of Indian Treaties, 1047), the territory of the Gros Ventre, Mandan, and Arickaree Nations was defined as follows:

Commencing at the mouth of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River, in a southerly direction, to the headwaters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning.

This treaty was not ratified by the Senate, but is referred to in appropriations and in other treaties.

A subsequent treaty was concluded with these Indians at Fort Berthold, July 27, 1866. This makes no provision in regard to a reservation, but they ceded to the United States their right and title to a small tract of land on the northeast side of the Missouri River. This treaty was never ratified, but appropriations have been made by Congress in accordance with its stipulations. (See office report dated April 13, 1870.)

By an Executive order dated April 12, 1870, a reservation was set apart for these Indians, embracing a part of the country belonging to the Arickaree, Gros Ventre, and Mandan Indians, according to the treaty of Laramie, with the addition of a strip of land east of the Missouri River.

By an Executive order dated July 13, 1880, the reservation was reduced and a portion added, so that the boundaries as at present established are as follows: Beginning on the most easterly point of the Fort Berthold Indian Reservation, as established by Executive order of April 12, 1870 (on the Missouri River); thence north to the township line between townships 158 and 159 north; thence west along said township line to its intersection with the White Earth River; thence down the said White Earth River to its junction with the Missouri River; thence along the boundary of the Fort Berthold Reservation, as established by said Executive order, and the left bank of the Missouri River to the mouth of the Little Knife River; thence southeasterly in a direct line to the point of beginning.

All that portion of the Arickaree, Gros Ventre, and Mandan, or Fort Berthold Reservation south and west of the Missouri River is therefore unceded Indian lands, while a large portion of the territory recognized by the treaty of Laramie as belonging to these Indians has been added to the public domain by Executive order.

In view of the action heretofore taken, the title to this reservation would seem to be more unsatisfactory than in most cases. The Indians themselves are reported to desire titles in severalty.

Agent Kauffman, in his annual report for the present year (Annual Report Commissioner Indian Affairs, page 32), refers to this matter at length, his statement of the case being so complete and his recommendations so worthy of approval that I quote in full:

In former reports I have given my views upon the question of having portions of land surveyed on this reservation to be given Indians for permanent settlement, and urged the importance of this measure; I am convinced that if this were done, many families of this agency would gladly avail themselves of this means of possessing lands really and actually their own. This desire to possess homes in their own name and right is frequently expressed by them. This would also serve in a great degree to dissipate their desire for going in large parties on hunting and visiting expeditions, as the love of home and its duties would fully occupy their time. These Indians have

for many years been congregated in one compact village with no facilities for raising or caring for stock, no incentive for making comfortable homes or permanent improvements. As no white man would improve lands for which he had no assurance of title, so these Indians will not leave their village, around which is the accumulation of filth and garbage of many years, until some provision is made for giving them homes of their own. If lands were given them in severalty, being assured that they could hold them, they would be stimulated and encouraged with the knowledge of real ownership. In my judgment, this measure, more than any other, would tend to speed them on the way to civilization and self-support. I trust you will present this matter with your recommendation for prompt action to Congress, in the early part of the approaching session, and also that an appropriation of \$10,000 be made for the purpose of aiding in the improvement of lands thus given them. I deem it important that to each family making settlement should be issued one yoke of oxen and such farm implements as are indispensably necessary for the cultivation of said lands. As I feel deeply the importance of this measure, I cannot too strongly urge your favorable consideration upon this subject.

The feeling of insecurity expressed by these Indians in the possession of their lands, unless held by actual title, is intensified from the fact that in April, 1880, that portion of this reservation which was required to fulfill the grant made by Congress to the Northern Pacific Railroad Company, to complete the "forty-mile limit," was taken from the south part to the extent of more than half the territory of their entire reservation. This they state was arbitrarily done without their knowledge or consent. This act of bad faith on the part of the Government has on many occasions been made the subject of severe complaint, and it does not avail to satisfy their injured feelings toward the Government that a portion of territory to compensate in part for the amount taken was given them on the north. They assert the amount added is less than half the number of acres taken; that the land is rough and undesirable, and, moreover, they had not been consulted and would not have consented to such transaction.

This question is agitated at present because their ponies are frequently found in possession of white settlers near the line, who refuse to surrender them unless payment be made for alleged damage done their crops. These Indians are also aware that the right-of-way for railroads through other Indian reservations was secured by treaty and purchase, from which other tribes now receive money annuities and much larger quantities of commissary supplies than are given Fort Berthold Indians. It is difficult to reconcile them, as they fully believe that because they are weak the Government has taken advantage of them and dealt unjustly with them. They often assert that the white man's Government would not dare to treat the more powerful and warlike Sioux in such a manner. * * * I am constrained to confess that I am unable to answer these complainings, which seem to be well taken, in a satisfactory manner to myself or to the Indians.

The reservation contains 2,912,000 acres, the population being 1,352, which is undoubtedly a larger quantity of land than will be required for allotments to these Indians. After their wants shall have been satisfied and the surrounding country opened up to settlement, a large portion of the reservation should unquestionably be disposed of, due regard being had for the rights and interests of the Indians.

Being fully convinced that the Indians should be secured in their titles, and that lands in severalty should be given them where they indicate a desire for such a disposition of their lands, I have prepared the draft of a bill for that purpose.

The lands being wholly unsurveyed, an appropriation sufficient to provide for the survey of a part of the reservation is required.

For this purpose it is probable that the sum of \$10,000 will be necessary.

The recommendation of Agent Kauffman that an appropriation of \$10,000 be asked for to assist the Indians in improving their lands and to supply them with oxen and agricultural implements is concurred in; it is believed that money so spent will in the end result in a large annual saving to the Government.

I have the honor to recommend that the bill be transmitted to Congress with a request for favorable action.

I inclose two copies of this report and the proposed bill, and also

of the Executive orders of April 12, 1870 (and correspondence relating thereto), and July 13, 1880.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

Fort Berthold Reserve.

HEADQUARTERS, FORT STEVENSON,
September 25, 1869.

SIR: I have the honor to report that I have consulted the best guides and obtained all available information in addition to my own examination, as far as it was practicable, in regard to a reservation for the Arickaree, Gros Ventre, and Mandan Indians.

I had an interview with the chiefs of the three tribes, and read the communication from the Commissioner of Indian Affairs, forwarded to me from the commanding general of the department, with which they seemed much pleased. I proposed to them the following reservation, with which they were satisfied: From a point on the Missouri River four miles below the Indian village (Berthold), in a northeast direction three miles (so as to include the wood and grazing around the village); from this point a line running so as to strike the Missouri River at the junction of Little Knife River with it; thence along the left bank of the Missouri River to the mouth of the Yellowstone River, along the south bank of the Yellowstone River to the Powder River, up the Powder River to where the Little Powder River unites with it; thence in a direct line across to the starting point four miles below Berthold. The Indians desired that the reservation should extend to the Mouse River, but in view of a railroad passing over that country I did not accede to their wish. They seemed to comprehend my reason for not doing so, and were satisfied. I have endeavored in this proposed reservation to give them land enough to cultivate and for hunting and grazing purposes. I inclose a sketch of the proposed reservation.

Very respectfully, sir,

S. A. WAINWRIGHT,
Captain Twenty-second Infantry, Commanding Post.

Bvt. Brig. Gen. O. D. GREENE,
Adj. Gen. Dept. of Dakota, Saint Paul, Minn.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 2, 1870.

SIR: I have the honor to transmit herewith a letter of Capt. S. A. Wainwright, Twenty-second United States Infantry, commanding post at Fort Stevenson, Dak., dated September 25 last, indorsed respectively by the commanding officer of the Department of Dakota and by the assistant adjutant-general of the Military Division of the Missouri, and forwarded by the Adjutant-General of the United States Army to this office, relative to setting apart of a reservation for the Arickaree, Gros Ventre, and Mandan Indians.

This has been the subject of correspondence before between Maj. Gen. Winfield S. Hancock, commanding Department of Dakota, and this office.

General Hancock, in a letter dated near Fort Rice, Dak., July 21, 1869, addressed to Bvt. Maj. Gen. George L. Hartsuff, assistant adjutant-general, Military Division of the Missouri (copy of which has been furnished by direction of Lieutenant-General Sheridan to this office), states that the Arickaree, Gros Ventre, and Mandan Indians, among others, complain "that whites come on their land at Berthold and cut wood for sale to steamboats. They want this stopped. They are willing that boats should go and cut all they want, but do not want strangers to come and sell their wood while they are starving; they want to cut and sell it themselves."

General Hancock further states, in the letter above referred to, that he did not know whether those Indians had a reservation or not, and that he has instructed the commanding officer at Fort Stevenson to examine the country about Berthold and to recommend what portions should be set off for them.

By letter dated August 16 last General Hancock was informed by this office that by the treaty concluded at Fort Laramie October 17, 1-51, which was not ratified, but

was amended by the Senate, and the stipulations as amended fulfilled by the Government, the following are given as the boundaries of a reservation for the Gros Ventres, Arickarees, and Mandans, viz: Commencing at the mouth of Heart River; thence up the Missouri to the mouth of Yellowstone River; thence up the Yellowstone to the mouth of Powder River; thence southeast to the headwaters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and down said river to the place of beginning.

A subsequent treaty was concluded with these Indians at Fort Berthold July 27, 1866. This makes no provision in regard to a reservation. The Indians, parties to the same, grant to the United States the right to lay out and construct roads, highways, and telegraphs through their country, and they cede to the United States "their right and title to the following lands situated on the northeast side of the Missouri River, to wit: Beginning on the Missouri River, at the mouth of Snake River, about 30 miles below Fort Berthold; thence up Snake River in a northeast direction 25 miles; thence southwardly, parallel to the Missouri River to a point opposite and 25 miles east of old Fort Clarke; thence west to a point on the Missouri River opposite the old Fort Clarke; thence up the Missouri River to the place of beginning."

This treaty has never been ratified, but appropriations have been made by Congress in accordance with its provisions. There are no treaty stipulations with these Indians relative to a reservation for them which have been ratified.

It is proper here to state that the reservation as proposed by Captain Wainwright is a part of the country belonging to the Arickaree, Gros Ventre, and Mandan Indians, according to the agreement of Fort Laramie, with the addition of a strip of land east of the Missouri River from Fort Berthold Indian village to the mouth of Little Knife River, as shown by the inclosed diagram; and I therefore respectfully recommend that an order of the Executive may be invoked, directing the setting apart of a reservation for said Indians as proposed.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 12, 1870.

SIR: I have the honor herewith to lay before you a communication dated the 2d instant, from the Commissioner of Indian Affairs, together with the accompanying papers, reporting the selection by Captain Wainwright, Twenty-second Infantry, of a reservation for the Arickaree, Gros Ventre, and Mandan Indians, and respectfully recommend that the lands included within the boundary lines of said reserve be set apart for those Indians by Executive order, as indicated in the inclosed diagram of the same.

I have the honor to be, sir, your obedient servant,

J. D. COX, *Secretary*

The PRESIDENT.

WASHINGTON, D. C., *April 12, 1870.*

Let the lands indicated in the accompanying diagram be set apart as a reservation for the Arickaree, Gros Ventre, and Mandan Indians, as recommended in the letter of Secretary of the Interior of the 12th instant.

U. S. GRANT.

EXECUTIVE MANSION, *July 13, 1880.*

It is hereby ordered that all that portion of the Arickaree, Gros Ventre, and Mandan reservations set aside by Executive order dated April 12, 1870, and known as the Fort Berthold Reservation, and situated in the Territories of Dakota and Montana, respectively, lying within the following boundaries, viz, beginning at a point where the northern forty-mile limit of the grant to the Northern Pacific Railroad intersects the present southeast boundary of the Fort Berthold Indian Reservation; thence westerly with the line of said forty-mile limit to its intersection with range line, between ranges 92 and 93 west of the fifth principal meridian; thence north along said range line to its intersection with the south bank of the Little Missouri River; thence northwesterly along and up the south bank of said Little Missouri River, with the meanders thereof to its intersection with the range line between ranges 96 and 97 west of the fifth principal meridian; thence westerly in a straight line to the southeast corner of the Fort Buford Military Reservation; thence west along the south boundary of said military reservation to the south bank of the Yellowstone River, the present northwest boundary of the Fort Berthold Indian Reservation; thence along the pres-

ent boundary of said reservation and the south bank of the Yellowstone River to the Powder River; thence up the Powder River to where the Little Powder River unites with it; thence northeasterly in a direct line to the point of beginning, be, and the same hereby is, restored to the public domain.

And it is further ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz, beginning on the most easterly point of the present Fort Berthold Indian Reservation (on the Missouri River); thence north to the township line between townships 158 and 159 north; thence west along said township line to its intersection with the White Earth River; thence down the said White Earth River to its junction with the Missouri River; thence along the present boundary of the Fort Berthold Indian Reservation and the left bank of the Missouri River to the mouth of the Little Knife River; thence southeasterly in a direct line to the point of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the Arickaree, Gros Ventre, and Mandan Indians, as an addition to the present reservation in said Territory.

R. B. HAYES.

A BILL to provide for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian Reservation in Dakota, and granting patents therefor; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to cause lands to be allotted to the Arickaree, Gros Ventre, and Mandan Indians residing upon the Fort Berthold Indian Reservation in the Territory of Dakota, as follows:

To each head of a family, one hundred and sixty acres; to each single person over the age of twenty-one years, eighty acres; said allotments to be selected by the Indians under the direction of their Agent, in as compact a form as possible, due regard being had to the adaptability of the land for agricultural purposes.

SEC. 2. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall 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 for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs, and that at the expiration of said period, or as soon thereafter as the Secretary of the Interior may deem expedient, the United States will convey the same by patent to said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and no contract by any such Indian allottee creating charge or incumbrance thereon, or liability of said land for payment thereof shall be valid.

SEC. 3. That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to cause to be surveyed a sufficient quantity of land on the Fort Berthold Reservation to provide for allotments in severalty as authorized in this act.

SEC. 4. That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior for the improvement of lands allotted in severalty, and for the purchase of oxen and agricultural implements for Indian allottees under the provisions of this act.