

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with draft of a bill to ratify an agreement with the Indians at Yakima Reservation.

DECEMBER 21, 1885.—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 of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakima Reservation, in Washington Territory, for the right of way of the Northern Pacific Railroad across said reservation, &c.

The matter is presented for the consideration and action of Congress.
GROVER CLEVELAND.

EXECUTIVE MANSION,
December 21, 1885.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1885.

SIR: I have the honor to submit herewith a report of 12th instant from the Commissioner of Indian Affairs, with accompanying papers, relative to an agreement concluded with the Indians on the Yakima Reservation, in Washington Territory, extinguishing their title to certain lands upon said reservation required for right of way and station purposes for the Northern Pacific Railroad.

A draft of a bill ratifying said agreement is also submitted, and, in accordance with the recommendation of the Commissioner and the provisions of the laws and treaties bearing upon the case, referred to in the papers, I respectfully ask that the matter may be laid before Congress for the early attention and action of that body.

I have the honor to be, very respectfully, your obedient servant,
L. Q. C. LAMAR,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 12, 1885.

SIR: I inclose herewith, in duplicate, the draft of a bill to accept and ratify an agreement, made January 13, 1885, with the confederated tribes and bands of Indians occupying the Yakima Reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, and have the honor to recommend that the same be transmitted to the Congress for its consideration and action.

An abstract of this agreement will be found in office report to the Department of February 14, 1885, printed, with accompanying papers, in Senate Ex. Doc. No. 82, Forty-eighth Congress, second session, duplicate copies of which are also herewith inclosed.

Beyond reference to the respective Committees on Indian Affairs the subject does not appear to have further engaged the attention of the last Congress.

It is understood that the railroad has already been built through the reservation, and as the Indians are continually inquiring of their agent about the compensation moneys awarded them under the agreement, and it is difficult to make them comprehend the reasons for the delay in payment, early action by Congress upon the legislation submitted would appear desirable.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

A BILL to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama Reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement now on file in the office of the Commissioner of Indian Affairs, bearing date the thirteenth day of January, in the year of our Lord eighteen hundred and eighty-five, made between Robert S. Gardner, United States Indian inspector, on the part of the United States, duly appointed by the Secretary of the Interior, in that behalf, of the one part, and the head chief, chiefs, headmen, and delegates of the Yakama and other confederate tribes and bands of Indians, resident on the Yakama Reservation in Washington Territory, of the other part, be, and the same is hereby, ratified and confirmed; said agreement is in the words and figures following, namely:

"Whereas by section 1 of an act of Congress, approved July second, eighteen hundred and sixty-four, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast, by the northern route" (13 Statutes at Large, page 365), the Northern Pacific Railroad Company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: Beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget Sound; and

"Whereas, by section 2 of said act, Congress granted to said company the right of way for the construction of said railroad and telegraph line to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, work shops, depots, machine shops, switches, side-tracks, turn-tables, and water stations; and

"Whereas by said section 2, Congress provided that the United States should extinguish as rapidly as may be consistent with public policy and the welfare of the In-

dians, the Indian titles to all lands falling under the operation of this act and acquired in the donation to the road named in the act; and

"Whereas by treaty between the United States and certain confederate tribes and bands of Indians therein designated as the Yakama nation of Indians, concluded at Camp Stevens, Walla Walla Valley, June 9, 1855, duly ratified and proclaimed (12 Statutes at Large, page 951), a tract of land therein described situate in the Territory of Washington, was reserved from the land thereby ceded, for the use and occupation of said confederate tribes and bands of Indians, as an Indian reservation; and

"Whereas by article 3 of said treaty it is provided that "if necessary for the public convenience roads may be run through said reservation, 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;" and

"Whereas the said Northern Pacific Railroad Company did, on or about the 20th day of October 1884, file in the Department of the Interior, a certified map showing the definite location of its line of railroad through the Yakama Indian Reservation from the presumed southeasterly boundary of said reservation on the right bank of the Yakama River, 8 miles below the mouth of Satass River, to its north boundary near the mouth of the Atah-num River, all being in Washington Territory, as definitely fixed and determined in compliance with the several acts and resolutions of Congress relating to the Northern Pacific Railroad, and as approved by the board of directors of said company by resolution passed June 21, 1883, also three several descriptive plats of grounds required by said railroad company for station purposes, designated as 'Satass,' 'Toppenish,' and 'Simcoe' respectively, and severally containing an area of 20.60 acres, exclusive of a right of way of 125 feet in width on each side of the center line of said railroad; and

"Whereas the said Northern Pacific Railroad Company now desires to construct its line of railroad through the Yakama Reservation, upon the route so designated, and claims the right by virtue of said recited act so to do:

"Now, therefore, in order to fulfill the obligations of the Government in the premises—

This agreement made at the Yakama Agency, Washington Territory, this 13th day of January, in the year of our Lord, 1885, by and between Robert S. Gardner, United States Indian inspector, on the part of the United States, and the undersigned head chiefs, chiefs, headmen, and delegates of the Yakama and other confederate tribes and bands of Indians resident on the Yakama Reservation in Washington Territory, and interested in the lands hereinafter described, witnesseth:

"That for the considerations hereinafter mentioned the said confederate tribes and bands of Indians do hereby surrender and relinquish to the United States all the estate, right, title, and interest which they now have under and by virtue of the aforesaid treaty of June 9, 1855, in and to all that part of the Yakama Reservation situate in the Territory of Washington, described as follows, viz:

"A strip of land not exceeding 250 feet in width; that is to say, 125 feet on each side of the line laid down on the map of definite location of the route of the Northern Pacific Railroad wherever said line runs through said reservation, entering the same at the presumed southeasterly boundary thereof on the right bank of the Yakama River, 8 miles below the mouth of Satass River, thence following through said reservation to the north boundary thereof at or near the mouth of the Atah-num River, said strip of land being intended to be used by the said Northern Pacific Railroad Company, its successors or assigns, as a right of way and road-bed, and containing 1,000 acres or thereabouts. A copy of said map of definite location was on the day of the date hereof produced and shown to said Indians in council assembled, and is hereto annexed, marked with the letter D, and made a part of this agreement.

"Also in and to the three several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described, as the same are respectively delineated on the three several copies of plats or maps thereof, also now produced and shown to said Indians and hereto attached and made a part of this agreement, marked respectively with the letters A, B, and C, and containing respectively the following areas, that is to say: Tract A ('Satass'), 20.60 acres; tract B ('Toppenish'), 20.60 acres; and tract C ('Simcoe'), 20.60 acres; the same being intended to be used by the said Northern Pacific Railroad Company for the purposes of depots, station-houses, sidings, &c.

"In consideration of such surrender and relinquishment of lands as aforesaid, amounting in the aggregate to 1,061.80 acres, the United States agrees to pay to the said confederated tribes and bands of Indians the sum of \$5,309, being at the rate of \$5 per acre, to be deposited in the Treasury of the United States to the credit of the said confederated tribes and bands of Yakama Indians upon ratification of this agreement by Congress and necessary appropriations therefor, the aforesaid sum to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

"And for the considerations aforesaid the United States further agrees, upon ratifica-

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tion of this agreement by Congress and necessary appropriations therefor, to pay to the individual members of said confederate tribes and bands, parties hereto, whose names appear in the schedule hereto annexed marked with the letter 'E,' the reasonable value of all improvements, whether of buildings, fences, crops, cultivated fields, or otherwise, falling within the limits of the lands hereby agreed to be surrendered, as the same shall be appraised and determined by a board of arbitrators to be composed of the said Robert S. Gardner, party hereto on behalf of the United States, the agent for the time being on behalf of said Indians, and such other person as they two shall mutually agree upon, the amount of compensation so determined upon and hereby agreed to be paid to be expended for the benefit of such individual Indians, or paid to them in cash in the proportions to which they may be severally entitled appearing by said schedule, as the Secretary of the Interior may direct.

"All provisions of existing treaties with the said confederated tribes and bands not affected by this agreement to remain in full force and effect, and this agreement to be subject to ratification by Congress.

"In testimony whereof, the said Robert S. Gardner, United States Indian Inspector, and the undersigned head chief, chiefs, headmen, and delegates of the aforesaid confederated tribes and bands of Indians have hereunto set their hands and seals, at the place and on the day and year aforesaid.

"ROBERT S. GARDNER, United States Indian Inspector; JOE STUIRE, his x mark; ENEAS, his x mark; CHET-A-MAU-MENE, his x mark; WEALLEPT, his x mark; GEORGE LOCEA, his x mark; JOSEPH EYSNUCKSA, his x mark; COCEA, his x mark; SNETUPS COLULA, his x mark; WACHAUCA, his x mark; THOMAS PEARN; WILLI-PI-PI, his x mark; WILLIE SHUESTER, his x mark; WILLIAM WANTO, his x mark; THOMAS SIMPSON, his x mark; THOMAS CREE, his x mark; GEORGE WATERS; TECUMSEH TAKOTOWIT, his x mark; WE-HI-POO, his x mark.

"Signed and sealed in presence of—

"VIRGIL G. BOGUE, HENRY D. COCK, WALTER J. MILROY, CHARLEY OLNEY.

"YAKAMA AGENCY, WASHINGTON TERRITORY,

"January 13, 1885.

"I certify that the foregoing agreement was read and explained by me, and was fully understood by all the above-named Indians of the confederated tribes and bands constituting what are known as the Yakama Indians, before signing, and that the same was signed by said Indians in my presence.

"ANDREW RIDDLE, his x mark,

"Official Interpreter.

"Witnesses:

"JAMES McNAUGHT.

"R. H. MILROY,

"United States Indian Agent."

SEC. 2. That for the purpose of carrying the provisions of this act into effect, the sum of \$8,295.80 is hereby set aside out of any moneys in the United States Treasury not otherwise appropriated, \$5,309 whereof shall be deposited in the United States Treasury to the credit of the confederated tribes and bands of Yakama Indians, and be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; and the balance, or sum of \$2,986.80, shall be deposited in the United States Treasury to the credit of the individual Indians, members of the said confederated tribes, whose names appear on the Schedule E, referred to in said recited agreement, to be expended for the benefit of such individual Indians, or paid to them in cash, in the proportions to which they may severally be entitled appearing by said schedule, as the Secretary of the Interior may direct.

SEC. 3. That the right of way over the land relinquished by said agreement to the United States for the construction of the said Northern Pacific Railroad and the use of the several parcels of land so relinquished intended to be used for depots, stations, sidings, &c., for said railroad, are hereby granted to the said Northern Pacific Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth: *Provided*, That the said Northern Pacific Railroad Company, its successors or assigns, shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States said sum of \$8,295.80 hereby appropriated to be paid by the United States for the lands and improvements so, as aforesaid, relinquished to the United States by said agreement, and shall within the same time file with the Secretary of the Interior its written acceptance of the conditions of this section: *And provided further*, That the said Northern Pacific Railroad Company, its successors and assigns, do and shall pay any and all damages which

the United States or said Indians, individually or in their tribal capacity, or any other Indians lawfully occupying said reservation, may sustain by reason or on account of the act or acts of the said railroad company, its successors or assigns, agents or employes, or on account of fires originating by or in the construction or operation of said railroad, the damages in all cases to be recovered in any court of the Territory of Washington having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided further*, That the said United States attorney may accept such sum of money in satisfaction of any such injury or damages, as in his discretion may be just, and if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company, its successors or assigns.

SEC. 4. That all moneys accepted or recovered under the provisions of section 3 of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians in their tribal capacity they shall be placed to the credit of said Indians in their tribal names, to be expended by the Secretary of the Interior for the benefit of said Indians in such manner as he may deem for their best interest, and in the case of an individual Indian the amount covered into the Treasury shall be expended for his sole benefit, or paid to him in cash, in the discretion of the Secretary of the Interior.

E.

Description and valuation of improvements of individual Indians on lands in the Yakama Reserve, Washington Territory, referred to in the agreement entered into between the United States and the confederated tribes and bands constituting the Yakama Indians, this 13th day of January, 1885.

Description.	Nature of improvements, and by whom made.	Town.	Range.	No. of acres.	Value per acre.	Value of improvements.	Total value.
Rich rye-grass arable land, inclosed with substantial fence.	Fenced, tilled, and cultivated, and meadow land; improvement made by Frank Wacise.	9 N.	21 E.	9.30	\$20	\$114 00	\$300 00
Do.....	Fenced, tilled, and 10 acres wheat-field to be abandoned; improvement made by Mose Strong.	9 N.	21 E.	15.10	20	48 00	350 00
Do.....	Fenced and tilled, and 20 acres wheat-field to be abandoned; improvement made by Jasen Lee.	9 N.	21 E.	12.10	20	58 00	300 00
Rich rye-grass arable land, inclosed by fence and ditch.	Lands tilled and hay meadow, one oat-field and wheat-field; improvement made by Louis Shuster.	9 N.	21 E.	25.80	20	77 40	593 40
Do.....	Hay land, tilled, wheat-field, and pasture; improvement made by Satass Shuster.	9 N. 10 N.	21 E. 21 E.	25.80	20	77 40	593 40
Rich rye-grass land, uninclosed.	Meadow land, unfenced; improvement made by William Wanto.	10 N.	21 E.	4.00	20	20 00	100 00
Rye-grass arable land, cultivated, inclosed with wire fence.	Well cultivated and substantially fenced; improvement made by Tecumseh Yakotowit.	10 N.	20 E.	4.20	20	116 00	200 00
Sage-brush land, cleared and cultivated, accessibility to water cut off by railroad.	Fenced, cultivated in wheat, 29 apple trees destroyed; improvement made by Cotiatin, Old John, and Billy.	12 N.	19 E.	16.60	20	218 00	550 00
							2,986 80

YAKAMA AGENCY, WASH., January 15, 1885.

We certify on honor that the foregoing schedule, marked with the letter "E," contains a true description of improvements made by individual Indians of the Yakama and other confederated tribes and bands upon lands of the Yakama Reservation, in the Territory of Washington, falling within the limits of lands surrendered by the said confederated tribes and bands to the United States for the purposes of the Northern

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Pacific Railroad by agreement bearing even date herewith, and that the said improvements have been carefully examined by us, and the valuations thereof are appraised by us at the sums set opposite the respective names of the Indians, owners, or occupants thereof. We further certify that the several amounts so appraised are, in our judgment, a fair and just compensation for the damages sustained in each case.

ROBERT S. GARDNER,
United States Indian Inspector.
R. H. MILROY,
United States Indian Agent.
HENRY D. COCK.

[Senate Executive Document No. 82, Forty-eighth Congress, second session.]

Message from the President of the United States, transmitting a communication of the Secretary of the Interior, with accompanying papers, with reference to legislation to carry out a certain agreement with Indians in Washington Territory.

FEBRUARY 19, 1885.—Read and referred to the Committee on Indian Affairs and ordered to be printed, omitting maps.

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to "accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yakama Reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriation for carrying out the same."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 19, 1885.*

DEPARTMENT OF THE INTERIOR,
Washington, February 16, 1885.

SIR: I have the honor to submit herewith copy of letter of 14th instant from the Commissioner of Indian Affairs, submitting a draft of a bill "to accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yakama Reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same," together with the inclosures (maps and other papers) noted therein.

Concurring in the object of the proposed legislation, I respectfully recommend that the matter may be presented to the Congress for the early and favorable consideration and action of that body.

Very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 14, 1885.

SIR: I am in receipt, by Department reference, of a letter dated the 17th ultimo, from United States Indian Inspector Gardner, who was specially detailed by you on the 17th November last to negotiate, on behalf of the Government, with the confederated tribes and bands of Yakama Indians, occupying the Yakama Reservation in Washington Territory, for the extinguishment of their title to lands of the reservation required for the purposes of the Northern Pacific Railroad, in accordance with the provisions of section 2 of the act of Congress approved July 2, 1864 (13 Stat., 365), transmitting as the result of his negotiations an agreement (with accompanying papers) entered into by him on behalf of the United States with said confederated tribes and bands, represented by their chiefs, headmen, and delegates, on the 13th January, 1885.

By the terms of this agreement the confederated tribes and bands of Yakama Indians surrender and relinquish to the United States all the estate, right, title, and interest which they now have under and by virtue of the treaty made with the United States June 9, 1855 (12 Stat. at L., page 951), in and to all that part of the Yakama Reservation situate in the Territory of Washington, described as follows, viz:

1. A strip of land not exceeding 250 feet in width; that is to say, 125 feet on each side of the line laid down on the map of definite location of the route of the Northern Pacific Railroad, as filed in this Department, wherever said line runs through said reservation, entering the same at the presumed southeasterly boundary thereof, on the right bank of the Yakama River, 8 miles below the mouth of Satass River, thence following through said reservation to the north boundary thereof at or near the mouth of the Atahnum River, said strip of land being intended to be used by the said Northern Pacific Railroad Company, its successors or assigns, as a right of way and road-bed, and containing 1,000 acres or thereabouts.

Also in and to three several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described, as the same are respectively delineated on the three several plats or maps thereof filed in this Department, containing, respectively, the following areas, that is to say: Tract A ("Satass"), 20.60 acres; Tract B ("Toppenish"), 20.60 acres; and Tract C ("Simcoe"), 20.60 acres; the same being intended to be used by the said Northern Pacific Railroad Company for the purposes of depots, station-houses, sidings, &c.

In consideration of such surrender and relinquishment of lands, amounting in the aggregate to 1,061.80 acres, the United States agrees to pay to said confederated tribes and bands of Indians the sum of \$5,309, being at the rate of \$5 per acre, to be deposited in the Treasury of the United States to the credit of the said confederated tribes and bands of Yakama Indians upon ratification of said agreement by Congress and necessary appropriations therefor, said sum to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

The United States further agrees, upon ratification of the said agreement by Congress, and necessary appropriations therefor, to pay to the individual members of said confederated tribes and bands, parties thereto, whose names appear in the schedule thereto annexed, marked E, the reasonable value of all improvements, whether of buildings, fences, crops, cultivated fields, or otherwise, falling within the limits of the lands thereby agreed to be surrendered, as the same shall be appraised and determined by a board of arbitrators, to be composed of Inspector Gardner, on behalf of the Government, the agent for the time being, on behalf of the Indians, and such other persons as they two shall mutually agree upon, the amount of compensation so determined upon, and thereby agreed to be paid, to be expended for the benefit of such individual Indians, or paid to them in cash in the proportions to which they may be severally entitled appearing by said schedule, as the Secretary of the Interior may direct.

It is further provided by said agreement that all provisions of existing treaties with said confederated tribes and bands not affected thereby shall remain in full force and effect, and that said agreement is made subject to ratification by Congress.

Accompanying said agreement is a descriptive schedule and valuation (marked E) of improvements made by individual Indians of said confederated tribes and bands within the limits of the lands so surrendered and relinquished, as made by the appraisers whose certificate is thereto appended, amounting to the sum of \$2,986.80.

I have caused said agreement to be carefully examined, and have the honor to submit herewith, in duplicate, the draft of a bill to accept and ratify the same, and for the granting of a right of way and grounds for station purposes on the Yakama Reservation to the Northern Pacific Railroad Company upon the terms and conditions therein mentioned, which I respectfully recommend be transmitted to Congress for its action.

I also inclose duplicate copies of the agreement, maps, schedule of appraisement, and other papers referred to in this report.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 17, 1884.

SIR: By the first section of the act of July 2, 1864 (13 Stat., 365), incorporating the Northern Pacific Railroad Company and making a grant of lands thereto, Congress authorized and empowered the said company to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, be-

ginning at a point on Lake Superior, in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as should be determined by said company within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound.

By the second section of said act Congress granted the said company the right of way through the public domain for the construction of said railroad and telegraph, to the extent of 200 feet in width on each side of said railroad, including all necessary grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations; and 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 certain confederate tribes and bands of Indians therein designated as the Yakama Nation of Indians, concluded at Camp Stevens, Walla Walla Valley, June 9, 1855, duly ratified and proclaimed (12 Stat., 950), printed copy herewith inclosed, a tract of land therein described, situate in the Territory of Washington, was reserved from the lands thereby ceded for the use and occupation of said confederate tribes and bands of Indians, as an Indian reservation.

The third article of said treaty provides 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."

The Northern Pacific Railroad Company now desires the extinguishment of the Indian title to so much of the lands of the said reservation, upon and along the line of its road as defined, as indicated in the second section of said act before noted, for the purposes of a right of way and road-bed, including all necessary grounds for station buildings, workshops, switches, side-tracks, turn-tables, and water-stations.

By virtue of the provisions of said act, it becomes the duty of the Government to extinguish the Indian title to the lands in said reservation required for the purposes aforesaid, which must be done by agreement, duly entered into between the United States and the confederated tribes of Indians occupying or interested in the reservation.

To this end you have been selected on behalf of the Government to confer with the Indians and make all necessary arrangements with them in the premises.

Upon receipt of this communication, therefore, you will at once proceed to the Yakama Agency, and as soon as conveniently may be after your arrival assemble the Indians in council, taking care to insure as full a representation as is possible of the tribes and bands interested. You will fully explain to the council the nature and object of the agreement which it is proposed to make with the United States, the objective point of the road, and the line of route which it will follow through the reservation, as shown by the copy of the map of definite location filed by the railroad company herewith transmitted, marked D, also the location and extent of the lands required by the company for station buildings, &c., as indicated on the copies of plats also herewith transmitted, marked respectively A, B, and C.

You will advise the Indians to agree upon a fair and reasonable compensation to be paid by the Government for the quantity of land required by the railroad company, impressing upon them the opinion held by the Department that the construction of the road will advance their welfare, be beneficial to the Indian service, and subserve a general public interest in the vicinity through which it will pass.

The whole subject having been fully explained to and understood by the Indians, the amount of compensation to be paid by the United States to the confederated tribes for the lands to be surrendered agreed upon, and also compensation to individual Indians for damages, &c., as hereinafter referred to, and all other necessary preliminaries having been arranged, you will reduce the terms of the agreement to writing substantially in form inclosed herewith.

It is proposed that the amount of money to be paid by the United States for the lands surrendered shall, upon ratification of the agreement by Congress and necessary appropriation therefor, be deposited in the Treasury of the United States to the credit of the confederated tribes, and be expended for their benefit in such manner as the Secretary of the Interior may direct, and that under like conditions the amount of compensation awarded to individual Indians for damages shall be expended for their benefit, or paid to them in cash, in the proportions to which they may be severally entitled thereto, in the discretion of the Secretary. All this you will cause to be fully explained to the Indians, as, also, the fact that except as to the quantity of lands the title to which may be extinguished by said agreement, all the stipulations of existing treaties, so far as the same are unfulfilled, will remain in force.

It appearing to this Department that the projected road passes through or otherwise damages sundry cultivated fields, inclosures, and other valuable improvements belonging to individual Indians, occupants of the reservation, you will, in company with the Indian agent, and such third person as you shall mutually agree upon, as provided in the agreement, make a thorough examination of all property which may be so affected or damaged, and, from the best disinterested evidence you can procure upon the question of value, make a careful appraisalment thereof, and of the amount of compensation to be paid by the United States to such individual Indian or Indians therefor.

You will embody such appraisalment in the form of a schedule to be prepared in accordance with Form **M**, herewith inclosed, which you will jointly certify and annex to the agreement. A duplicate of the schedule should also be prepared and certified in like manner.

Judging from the map of definite location (D), it is estimated that the railroad traverses the reservation a distance of about 32 miles or thereabouts, which, on an average width of 250 feet, would yield for right of way about 969 acres, and for station purposes 61 acres, making in the whole about 1,030 acres, to which the Indians will be required to relinquish their right. As these figures are, however, only approximate, I would suggest, for greater certainty in the agreement, that you get the company's engineer to make a computation, and officially certify to the exact quantity of land included in the right of way upon the basis stated. The descriptive plats of station grounds speak for themselves in this respect.

There is no objection to the agent of the railroad company being present at the council, but he should take no active part in the proceedings beyond affording such explanation as may be necessary for the more intelligent comprehension of the line of route, location of stations, &c., by the Indians.

The population of the Yakama Indians is estimated at about 3,200. As it would be a work of great labor to obtain the signatures of a majority of all the male adult members of the tribe, as has been usual in similar cases, and in the absence of any treaty provisions with the Yakama Indians to the contrary, the agreement has been prepared for execution by the head chief, chiefs, headmen, and delegates, whose signatures, it is deemed, will be sufficient. It is, however, desirable that you should obtain as many signatures of the leading men as possible, taking care to ascertain that they reflect the view and wishes of the Indians generally. You will take care to supply all blanks in the agreement before the signatures are affixed; also, that it is properly attested and certified in form shown.

In the execution of this business you are authorized to disregard so much of the foregoing instructions, and also to modify or alter the agreement in such manner as you may deem the best interests of the United States and the Indians may require, bearing in mind, however, that the agreement is between the Government and the Indians, and has simply reference to the extinguishment of the Indian title to the lands in question, and not further or beyond it.

The Commissioner of Indian Affairs has been directed to instruct Agent Milroy, in charge of the Yakama Agency, to have everything in readiness for the assembling of the Indians in council at such time as you may designate by letter to him.

You will acknowledge the receipt of this letter of instructions, and transmit the agreement, when finally completed, with your report and all inclosures sent herewith, to this Department.

Very respectfully,

ROBERT S. GARDNER,
*United States Indian Inspector,
Western Shoshone Agency, Nevada.*

H. M. TELLER,
Secretary.

UNITED STATES INDIAN SERVICE,
Yakima City, January 17, 1885.

SIR: I have the honor to transmit herewith articles of agreement of the Yakama Indians for the surrender of a strip of land to the United States, to be used as a road-bed or right of way to the Northern Pacific Railroad Company; also an appraisalment (in duplicate) of damages sustained by individual Indians by reason of the construction of said railroad.

The original papers are herewith returned.

Very respectfully, &c.,

ROBERT S. GARDNER,
United States Indian Inspector.

The SECRETARY OF THE INTERIOR.
S. Ex. 21—2

Whereas by section 1 of an act of Congress approved July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast, by the northern route" (13th Statutes at Large, page 365), the Northern Pacific Railroad Company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with appurtenances, namely: Beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the 45° of latitude to some point on Puget Sound; and

Whereas by section 2 of said act Congress granted to said company the right of way for the construction of said railroad and telegraph line, to the extent of 200 feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations; and

Whereas by said section 2 Congress provided that the United States should extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, the Indian titles to all lands falling under the operation of this act and acquired in the donation to the road named in the act; and

Whereas by treaty between the United States and certain confederated tribes and bands of Indians therein designated as the Yakama nation of Indians, concluded at Camp Stevens, Walla Walla Valley, June 9, 1855, duly ratified and proclaimed (12th Statutes at Large, page 951), a tract of land therein described, situate in the Territory of Washington, was reserved from the land thereby ceded, for the use and occupation of said confederated tribes and bands of Indians, as an Indian reservation; and

Whereas by article 3 of said treaty it is provided that "if necessary for the public convenience roads may be run through said reservation, 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"; and

Whereas the said Northern Pacific Railroad Company did, on or about the 20th day of October, 1884, file in the Department of the Interior a certified map showing the definite location of its line of railroad through the Yakama Indian Reservation, from the presumed southeasterly boundary of said reservation, on the bank of the Yakama River, 8 miles below the mouth of Satass River, to its north boundary near the mouth of Atahnum River, all being in Washington Territory, as definitely fixed and determined in compliance with the several acts and resolutions of Congress relating to the Northern Pacific Railroad, and as approved by the board of directors of said company, by resolution passed June 21, 1883; also three several descriptive plats of ground, required by said railroad company for station purposes, designated as "Satass," "Toppenish," and "Simcoe," respectively, and severally containing an area of 20.60 acres, exclusive of the right of way of 125 feet in width on each side of the center line of said railroad; and

Whereas the said Northern Pacific Railroad Company now desires to construct its line of railroad through the Yakama Reservation, upon the route so designated, and claims the right by virtue of said recited act so to do:

Now, therefore, in order to fulfill the obligations of the Government in the premises, this agreement, made at the Yakama Agency, Washington Territory, this 13th day of January, in the year of our Lord, 1885, by and between Robert S. Gardner, United States Indian inspector, on the part of the United States, and the undersigned head chief, chiefs, headmen, and delegates of the Yakama and other confederated tribes and bands of Indians resident on the Yakama Reservation in Washington Territory, and interested in the lands hereinafter described, witnesseth:

That for the considerations hereinafter mentioned, the said confederate tribes and bands of Indians do hereby surrender and relinquish to the United States all the estate, right, title, and interest which they now have under and by virtue of the aforesaid treaty of June 9, 1855, in and to all that part of the Yakama Reservation situate in the Territory of Washington, described as follows, viz:

A strip of land not exceeding 250 feet in width, that is to say, 125 feet on each side of the line laid down on the map of definite location of the route of the Northern Pacific Railroad wherever said line runs through said reservation, entering the same at the presumed southeasterly boundary thereof on the right bank of the Yakama River, 8 miles below the mouth of Satass River, thence following through said reservation to the north boundary thereof at or near the mouth of the Atahnum River, said strip of land being intended to be used by the said Northern Pacific Railroad Company, its successors or assigns, as a right of way and road-bed, and containing 1,000 acres or thereabouts. A copy of said map of definite location was, on the day of the date hereof, produced and shown to said Indians in council assembled, and is hereto annexed, marked with the letter "D" and made a part of this agreement.

Also, in and to the three several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described, as the same are respectively delineated on the three several copies of plats or maps thereof, also now produced and shown to said Indians and hereto attached and made a part of this agreement, marked respectively with the letters A, B, and C, and containing respectively the following areas; that is to say, tract A (Satass), 20.60 acres; tract B (Toppenish), 20.60 acres; and tract C (Simcoe), 20.60 acres; the same being intended to be used by the Northern Pacific Railroad Company for the purposes of depots, station-houses, sidings, &c.

In consideration of such surrender and relinquishment of lands as aforesaid, amounting in the aggregate to 1,061.80 acres, the United States agree to pay to the said confederated tribes and bands of Indians the sum of \$5,309, being at the rate of \$5 per acre, to be deposited in the Treasury of the United States to the credit of the said confederate tribes and bands of Yakama Indians upon ratification of this agreement by Congress and necessary appropriations therefor; the aforesaid sum to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

And for the considerations aforesaid the United States further agree, upon ratification of this agreement by Congress and necessary appropriations therefor, to pay to the individual members of said confederate tribes and bands, parties hereto, whose names appear in the schedule hereto annexed marked with the letter E, the reasonable value of all improvements, whether of buildings, fences, crops, cultivated fields, or otherwise falling within the limits of the lands hereby agreed to be surrendered, as the same shall be appraised and determined by a board of arbitrators to be composed of the said Robert S. Gardner, party hereto on behalf of the United States, the agent for the time being on behalf of said Indians, and such other person as they two shall mutually agree upon, the amount of compensation so determined upon and hereby agreed to be paid to be expended for the benefit of such individual Indians, or paid to them in cash in the proportions to which they may be severally entitled appearing by said schedule, as the Secretary of the Interior may direct.

All provisions of existing treaties with the said confederated tribes and bands not affected by this agreement to remain in full force and effect, and this agreement to be subject to ratification by Congress.

In testimony whereof, the said Robert S. Gardner, United States Indian inspector, and the undersigned head chief, chiefs, headmen, and delegates of the aforesaid confederated tribes and bands of Indians have hereunto set their hands and seals, at the place and on the day and year aforesaid.

ROBERT S. GARDNER, *United States Indian Inspector.* [SEAL.]
 JOE STUIRE, his x mark; ENEAS, his x mark; CHET-A-MAN-NENE, his x mark;
 WEALLEPT, his x mark; GEORGE LOCCA, his x mark; JOSEPH EYSNUCKEA,
 his x mark; COCEA, his x mark; SNETAPS COLULA, his x mark; WACHAUCA,
 his x mark; THOMAS PEARNE, his x mark; WILLI-PI-PI, his x mark; WILLIE
 SHUSTER, his x mark; WILLIAM WANTO, his x mark; THOMAS SIMPSON,
 his x mark; THOMAS CREE, his x mark; GEO. WATERS, his x mark; TECUM-
 SEH TAKOTOWIK, his x mark; WE-HI-POO, his x mark.

Signed and sealed in presence of—
 VIRGIL G. BOGUE; HENRY D. COCK; WALTER J. MILROY; CHARLEY OLNEY.

YAKAMA AGENCY, WASHINGTON TERRITORY,
 January 13, 1885.

I certify that the foregoing agreement was read and explained by me, and was fully understood by all the above named Indians of the confederated tribes and bands constituting what are known as the Yakama Indians, before signing, and that the same was signed by said Indians in my presence.

ANDREW + RIDDLE,
 his
 mark.
Official Interpreter.

Witnesses:
 JAMES MCNAUGHT,
 R. M. MILROY,
United States Indian Agent.

Description of Plat A of station at Satass, showing the location and extent of depot grounds.

Commencing at a station numbered 3,167 on the center line of the located survey of the Northern Pacific Railroad, in the valley of the Yakama River, about 2 miles south-east of the crossing of Satass Creek by said railroad; thence N. 44° E. at right angles to

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the center line of said railroad 325 feet to a point; thence N. 46° W. parallel with and 325 feet from the center line of said railroad 2,640 feet to a point 325 feet from and at right angles to the center line of said railroad station 3,193 by 40; thence S. 44° W. at right angles to and crossing said railroad center line at station 3,193 by 40, 590 feet to a point; thence S. 46° E. parallel with and 265 feet from the center line of said railroad 2,640 feet to a point at right angles to and 265 feet from station 3,167; thence N. 44° at right angles to and intersecting said center line of said railroad at station 3,167 265 feet to the place of beginning; containing 20.60 acres, more or less, exclusive of the right of way of 125 feet in width on each side of the center line of said railroad.

Description of Plat B, of station at Toppenish, showing the location and extent of depot grounds.

Commencing at a station numbered 3,720 on the center line of the located survey of the Northern Pacific Railroad in the valley of Yakima River, about one mile northwest of the crossing of said railroad by the wagon road from Dalles to Yakima City; thence N. 44° E. at right angles to the center line of said railroad 265 feet to a point; thence N. 46° W. parallel with and 265 feet from the center line of said railroad 2,640 feet to a point 265 feet from and at right angles to said center line of said railroad at station 3,746 by 40; thence S. 44° W. at right angles to and crossing said railroad center line at station 3,746 by 40, 590 feet to a point; thence S. 46° E. parallel with and 325 feet from the center line of said railroad 2,640 feet to a point at right angles to and 325 feet from station 3,720; thence N. 44° E. at right angles to and intersecting said center line of said railroad at station 3,720, 265 feet to the place of beginning; containing 20.60 acres, more or less, exclusive of the right of way of 125 feet on each side of the center line of said railroad.

Description of Plat C, of station at Simcoe, showing the location and extent of depot grounds.

Commencing at a station numbered 4,105 on the center line of the located survey of the Northern Pacific Railroad, in the valley of Yakima River, about 7 miles southeast of the crossing of Atahnum River by said railroad; thence N. 44° E. at right angles to the center line of said railroad 265 feet to a point; thence N. 46° W. parallel with and 265 feet from the center line of said railroad 2,640 feet to a point 265 feet from and at right angles to said center line of said railroad at station 4,131 by 40; thence S. 44° W. at right angles to and crossing said railroad center line at station 4,131 by 40, 590 feet to a point; thence S. 46° E. parallel with and 325 feet from the center line of said railroad 2,640 feet to a point at right angles to and 325 feet from station 4,105; thence N. 44° E. at right angles to and intersecting said center line of said railroad at station 4,105, 325 feet to the place of beginning; containing 20.60 acres, more or less, exclusive of the right of way of 125 feet in width on each side of the center line of said railroad.

TERRITORY OF WASHINGTON,
County of Yakima, ss:

I, V. G. Bogue, principal assistant engineer of the Northern Pacific Railroad Company, do hereby certify that the number of acres contained in the 250 feet right of way, and the station grounds at Simcoe, Toppenish, and Satass of the Northern Pacific Railroad Company on the Yakama Indian Reservation is 1,061.80 acres.

Witness my hand at Yakama Reservation this 13th day of January, 1885.

V. G. BOGUE,
Principal Assistant Engineer.