

Unsold lands subject to private entry. 1882, ch. 390, ante p. 209.

Sale of lands isolated by disposal of surrounding lands. R. S., sec. 2455. 28 Stat., 687.

proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

SEC. 2. That any such tracts or parcels of land that may become isolated or disconnected by the disposal of surrounding lands, after the offering provided for in the preceding section of this Act, shall be subject to disposal under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States as amended by the Act of February twenty-sixth, eighteen hundred and ninety-five, except that it shall not be necessary that said lands shall have been subject to homestead entry for three years prior to such sale.

Approved, June 6, 1900.

June 6, 1900.

31 Stat., 672.

CHAP. 813.—An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Agreement with Shoshoni and Bannock Indians of the Fort Hall Reservation, Idaho.

Preamble. See note to 1889, c. 208, ante, p. 314.

Commissioners. See note to 1874, ch. 2, ante, p. 158. Proclamation, post, p. 1016.

29 Stat., 341.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for the United States, did, on the fifth day of February, anno Domini eighteen hundred and ninety-eight, make and conclude the following agreement with the Shoshone and Bannock Indians of the Fort Hall Reservation, in Idaho; and

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed and acting commissioners on behalf of the United States for such purposes, have concluded an agreement with the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians upon the Fort Hall Indian Reservation, in the State of Idaho, which said agreement is as follows:

Whereas the aforesaid commissioners were appointed by the Secretary of the Interior, under and by virtue of an act of Congress, approved June the tenth, eighteen hundred and ninety-six (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June the thirtieth, eighteen hundred and ninety-seven, and for other purposes," and by said act were authorized to negotiate with the Bannock and Shoshone Indians, in the State of Idaho, for the cession of part of their surplus lands; and

Whereas the Indians of the Fort Hall Reservation are willing to dispose of part of their surplus lands in the State of Idaho, reserved as a home for them by a treaty concluded at Fort Bridger July the third, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine, and also by Executive order:

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America, and by the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians, located on the Fort Hall Indian Reservation, in the State of Idaho. Witnesseth:

#### ARTICLE I.

Cession of lands.

That the said Indians of the Fort Hall Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they have to the following-described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine:

All that portion of the said reservation embraced within and lying east and south of the following-described lines: Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded.

—boundaries.

[31 Stat., 673.]

## ARTICLE II.

That in consideration of the lands ceded, granted, and relinquished, as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation, six hundred thousand dollars (\$600,000) in the following manner, to wit:

Consideration.

Seventy-five thousand dollars (\$75,000), or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection of a modern school plant for the Indians of the Fort Hall Reservation at a point near the present agency, said point or site to be selected by the Secretary of the Interior, and the surplus remaining, if any, of the above seventy-five thousand dollars (\$75,000) may be expended by the Secretary of the Interior for the educational needs of said Indians.

One hundred thousand dollars (\$100,000) shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to and actually residing on said reservation, within three months after the ratification of this treaty by the Congress of the United States. The remainder of said sum total shall be paid pro rata in like manner, as follows:

Fifty thousand dollars (\$50,000) one year after the first payment.  
 Fifty thousand dollars (\$50,000) two years after the first payment.  
 Fifty thousand dollars (\$50,000) three years after the first payment.  
 Fifty thousand dollars (\$50,000) four years after the first payment.  
 Fifty thousand dollars (\$50,000) five years after the first payment.  
 Fifty thousand dollars (\$50,000) six years after the first payment.  
 Fifty thousand dollars (\$50,000) seven years after the first payment.  
 Fifty thousand dollars (\$50,000) eight years after the first payment.  
 Twenty-five thousand dollars (\$25,000) nine years after the first payment.

The deferred payments shall bear interest at the rate of four (4) per centum per annum, said interest to be placed annually to the credit of said Indians, and shall be expended for their benefit by the Secretary of the Interior at such times and in such manner as he may direct.

*Provided*, That none of the money due to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

Proviso.  
 Depredation claims  
 not to affect pay-  
 ments.

## ARTICLE III.

Where any Indians have taken lands and made homes on the reservation and are now occupying and cultivating the same, under the sixth section of the Fort Bridger treaty hereinbefore referred to, they shall not be removed therefrom without their consent, and they may receive

Heads of families  
 who have settled not  
 to be moved without  
 consent.  
 Vol. 2, p. 1020.

allotments on the land they now occupy; but in case they prefer to remove they may select land elsewhere on that portion of said reservation not hereby ceded, granted, and relinquished and not occupied by any other Indians; and should they decide not to move their improvements, then the same shall be appraised under direction of the Secretary of the Interior and sold for their benefit, at a sum not less than such appraisal, and the cash proceeds of such sale shall be paid to the Indian or Indians whose improvements shall be so sold.

## ARTICLE IV.

[31 Stat., 674.]  
Use of ceded land  
by Indian continuing  
to live thereon.

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

## ARTICLE V.

Surveys.

That for the purpose of segregating the ceded lands from the diminished reservation, the new boundary lines described in article one of this agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

## ARTICLE VI.

Prior treaties con-  
tinued in force.

The existing provisions of all former treaties with the Indians of the Fort Hall Reservation, not inconsistent with the provisions of this agreement, are hereby continued in force and effect; and all provisions thereof inconsistent herewith are hereby repealed.

## ARTICLE VII.

Certain roads de-  
clared public high-  
ways.

The existing main traveled roads leading from McCammon to Blackfoot and from McCammon to American Falls are declared public highways, and the proper use of such is hereby granted to the general public.

## ARTICLE VIII.

Irrigation.

The water from streams on that portion of the reservation now sold which is necessary for irrigating on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live.

## ARTICLE IX.

Signatures.

This agreement shall take effect and be in force when signed by the commissioners and by a majority of the male Indians of the Fort Hall Reservation over eighteen years of age, and ratified by the Congress of the United States.

Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Bannock and Shoshone tribes, residing and having rights on the Fort Hall Indian Reservation.

BENJAMIN F. BARGE, Commissioner.  
JAMES H. MCNEELY, Commissioner.  
CHARLES G. HOYT, Commissioner.

FORT HALL INDIAN AGENCY,

Ross Fork, Idaho, February 5, 1898.

(1) Jim Ballard (x); witness, Mary W. Fisher. (2) Pocatello Tom (x); witness Chas. M. Robinson. (3) Kunecke Johnson (x); witness, Mary W. Fisher. (And 247 others..)

\* \* \* \* \*

We certify that we interpreted the foregoing agreement with the Bannock and Shoshone Indians and that they thoroughly understood the entire matter; that we truly interpreted for the commissioners and the Indians at all the councils held to discuss the subject, and to individual Indians.

[31 Stat., 675.]

J. J. LEWIS,  
KENNEKE (his x mark) JOHNSON,  
Interpreters.

Witness:

CHAS. M. ROBINSON.  
J. H. BEAN.  
ALBERT W. FISHER.

ROSS FORK, IDAHO, February 5, 1898.

FORT HALL AGENCY, IDAHO, February 5, 1898.

I hereby certify that two hundred and twenty-seven (227) Indians constitute a majority of male adult Indians on or belonging on the Fort Hall Indian Reservation, Idaho.

F. G. LEWIN, Jr.,  
First Lieutenant, Second Cavalry, Acting Indian Agent.

Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Ratification.

SEC. 2. That for the purpose of making the first cash payment stipulated for in article two of the foregoing agreement, and for the purpose of a new school plant, as provided in the same article, the sum of one hundred and seventy-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation for first cash payment, etc.

SEC. 3. That for the purpose of surveying, establishing, and properly marking the western and northern boundaries of the tract ceded by the foregoing agreement, as required by article five thereof, and for field examination and necessary office work in connection therewith, the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

—for surveys, etc.

SEC. 4. That before any of the lands by this agreement ceded are opened to settlement or entry, the Commissioner of Indian Affairs shall cause allotments to be made of such said lands as are occupied and cultivated by any Indians, as set forth in article three of said agreement, who may desire to have the same allotted to them; and in cases where such Indian occupants prefer to remove to lands within the limits of the reduced reservation, he shall cause to be prepared a schedule of the lands to be abandoned, with a description of the improvements thereon, and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

Heads of families settled thereon to have allotments prior to opening of ceded lands to entry, etc.

—electing to remove, schedule of lands, etc., abandoned.

Before entry shall be allowed, as hereinafter provided, of any tract of land occupied and cultivated as above and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder. No sale

—appraisal and sale of improvements.

- of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this Act, of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.
- Proviso.**  
—disposition of proceeds of sale.
- Removal of improvements.**  
[31 Stat., 676.]
- Lands opened to settlement.**
- Proviso.**  
Price of Idaho canal lands.  
—other lands.
- limit of purchase.
- Soldiers' and sailors' homesteads.**  
R. S., 2304, 2305, p. 422.
- Classification of agricultural and grazing lands.**
- Indemnity to State of Idaho for certain school lands.**
- Provisos.**  
—price under town-site laws.  
—lands near Pocatello.
- mineral lands.
- Agreement with Comanche, Kiowa, and Apache Indians of Oklahoma.**
- Proclamation, post, pp. 1009, 1017.**
- Any Indian electing to abandon the land occupied by him as aforesaid shall have reasonable time, in the discretion of the Secretary of the Interior, within which to remove the improvements situated upon the land occupied by him.
- SEC. 5.** That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.
- The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.
- No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre instead of the price fixed by the said mineral land laws.
- SEC. 6.** Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed Commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:
- Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.