

Nez Perce

Commissioner of Indian affairs, 1874

Nez Perce "agency"-The Nez Perce numbering 2,807 have maintained an unbroken peace with the government. They have two reservations sixty miles apart, one in Northwest Idaho called the Lapwai reserve, and the other in Northeast Oregon known as Kamiah.

These contain 1,925 square miles of which only a small portion is suited for agriculture; about 1,550 Nez Perce are located on the reserves, about 350 have small farms of from 3 to 10 acres off the reservation which they are unwilling to sell and about 900 are vagrants in the Wallowa Valley and on the Snake and Salmon Rivers where they have roamed for generations. These latter have never come into any treaty relations with and will accept nothing from the government; are bitterly opposed to the treaty Indians and are a constant annoyance to settlers with whom they have frequent quarrels.

A portion of those on the reserve are non-treaty Indians who plant in the spring, but often neglect their farms and roam off to the root grounds, or wherever inclination prompts. The influence of all these "non-treaties" in their continued and often unsuccessful attempts to induce the more civilized Indians to abandon their farms for hunting is a very serious obstacle to progress among the Nez Percés. Their head chief and his subordinates are elected annually by the treaty Indians, the non-treaties refusing to take any part in the matter. The influence of the present chief, elected in July last, is all on the right side.

Eighteen hundred acres have been cultivated this season, an increase of 500 acres in two years from which they will be realized 12,000 bushels of wheat, 23,000 bushels of corn, 5,000 bushels of oats and 2,500 bushels of potatoes most of which has been raised in Kamiah. The Lapwai Indians have lost almost their entire crop by drought and crickets. Last year the sale of the surplus wheat raised by the Nez Perce

formed quite a large source of revenue for them.

They have cut and sold 300 cords of wood at \$1 in coin per cord and put 300 saw logs into the boom. Ten houses have been built making a total of 43. Five hundred wear citizen's dress; one hundred can read and quite an interest is shown in education. The two boarding schools and one day school have an attendance of ninety pupils. All the Nez Perces raise stock. They own 12,000 horses, 50 mules, 7,000 cattle; a natural increase of 2,000 in the last year and 500 hogs.

The peace and prosperity of this agency has been disturbed for some tyears past by what is known as the "Langford claim."

This is the claim of William G. Langford to ~~6640~~ 640 acres of land within the Nez Perce Indian reservation in Idaho Territory. Langford makes this claim as assignee of the American board of commissioners for Foreign Missions, a religious corporation established under the laws of the state of Massachusetts and having its principal office in Boston.

The Nez Perce reservation is a tract of land set apart for the Nez Perce Indians by the provisions of the treaty of June 9, 1863 U.S. Stats. Vol 14, p 647, from the large tract previously claimed by them and which by treaty of June 11, 1865, U.S. Stats vol 12 p. 957, was reserved for them from a still larger tract, the remainder of which they ceded at that time to the United States.

This reservation, as established by the treaty of 1863 is recognized as belonging to these Indians and is guaranteed to them both by the treaties of 1855 and 1863 and the existence of Indian title theretorunning back to the first knowledge of the country, is as clear in this case as it can be in any. The missionary board abovementioned sent missionaries to this reserve in 1836 who settled upon the land in question. There is evidence of a continued residence and cultivation

of the soil, erection of a mill, school house and other buildings down to 1847 when on account of an Indian outbreak the place was abandoned.

Over six months after this station had been abandoned, namely August 14, 1848, Congress passed an act providing for a territorial government in Oregon, U.S. Stats at Large Vol 9, p 323, in the first section of which is the following language:

And provided also that the title to the land not exceeding six hundred and forty acres now occupied as missionary stations among the Indian tribes in said territory together with the improvements thereon be confirmed and established in the several religious societies in which said missionary stations respectively belong.

The tract of land ^{was} ~~is~~ within the limits of Washington territory when established. The first section of the act of congress of March 2, 1853, establishing the territorial government of Washington, U.S. Stats vol 10 p 172, contains the following provision;

Provided further; That the title to the land not exceeding six hundred and forty acres now occupied as missionary stations among the Indian tribes in said territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, together with the improvements thereon, be and is hereby confirmed and established to the several religious societies to which said missionary stations respectively belong.

The reservation is now within the limits of Idaho Territory the organic act of which dated March 3, 1863, U.S. Stats at Large Vol 12 p 809 contains no provisions on the subject of the mission claims. The first evidence that can be found in the files of this office of the claim of the said board of missionaries being asserted to said land after the abandonment is contained in their notice to Agent

Hutchins at Nez Perce agency under date of May 2, 1862.

The following month Agent Hutchins reported to this office the fact that said claim having been made to the board and that is covered the ground on which the agency was situated. It does not appear from the records of this office that any definite action was taken in reference to the claim of the American board until 1867 when the United States district attorney was requested to defend the suit. On the 23rd of July 1869 J.W. Huston esq U.S. attorney for the district of Idaho reported that it would be necessary for him to be in attendance at other courts when this case was to be tried and by office letter of the 11th of August 1869 was requested to reply to Judge Kelley the presiding judge for the appointment of John Cummings of Boise City, Idaho Territory to defend the suit.

On the 25th of October, 1869 District Attorney Huston inclosed a letter from Judge Kelley stating that Mr. Cummins had failed to put in an appearance and inasmuch as the case had been on the docket for three terms without any defense the motion of the plaintiffs for judgment was granted by the court. The U.S. district attorney was distinctly instructed to ask a reopening of the case to which the government was fully entitled or to take an appeal to the supreme court of the United States within the time prescribed by the statutes of Idaho Territory but it does not appear that any action was taken by this officer in the premises.

The above facts having been submitted on the 13th of December 1869 to the Department the secretary of interior, under date of January 19, 1870, instructed this office, that "the land claimed by the mission board being within the diminished reserve of the Nez Perce Indians and ~~no~~ never having been relinquished by said Indians will be retained for their agency purposes."

Acting under these instructions of the department this office has held this tract for

agency purposes until recently. And it appears from the books of this office that the following sums have been appropriated and placed in the hands of the agent of the Nez Perce Indians since 1860 for improvements on the lands occupied by the agency and it is presumed have been expended for such purposes, viz: schools and church, \$24,700; blacksmith shop, \$5,500; saw and flouring mill \$19,000; hospital building, \$2,400; buildings for employes \$6,500; buildings for chiefs \$24,000..total \$92,000

In addition to the foregoing the sum of \$4,600 is appropriated annually for keeping said buildings in repairs etc. There are also embraced within the 640 acres occupied by the agency fifteen Indian farms improved and cultivated for the use of the Indians of the agency.

It was evidently the intention of congress to insure permanency to these missionaries who had gone as pioneers into this country to labor among the Indians and to insure them a title to the lands which they had improved and upon which their buildings were situated; but unfortunately this claim was apparently abandoned by the missionaries and after large improvements had been made thereon was conveyed to Mr. Langford who has procured from the courts what it seems must now be recognized as a valid title.

In view of the facts this office has disliked to see any recognition given to the claim but in view of the facts as above stated a recommendation for an appropriation by congress to purchase the tract of Mr. Langford has been made at the last two sessions and last winter a compromise was agreed upon with Langford by agreeing to take in full consideration of his claim the sum of \$15,000; but congress failed to make appropriation of this amount and Mr. Langford is now in possession of the tract which includes all agency buildings as is evidenced by a telegram from J.B. Monteith U.S. agent for the Nez Perce Indians dated Lapwai Idaho November 16, 1874 in which

he states that the sheriff has placed Langford in possession of the agency.

It is now necessary that provision be made to satisfy Langford to relinquish his claim to the U.S. as except by his permission the United States will be deprived of the use of the agency buildings which include mills, school houses, etc. and many of the Indians will be deprived of the use of their farms and the agent has written that he anticipated trouble from the Indians who threatened to burn the buildings if Langford took possession. To the present date no demonstrations of this kind have been reported. T, and the agent reports that he hopes to keep the Indian quiet. He has been directed to call upon the military to protect the property if necessary and the general of the army has given orders to the proper military officer to cooperate with the agent.

Commissioner of Indian Affairs, 1877

Wallowa Valley reserve. Joseph. Indian Land.

It is hereby ordered that the order dated June 16, 1873 withdrawing from sale and settlement and setting apart the Wallowa Valley in Oregon, described as follows:

Commencing at the right bank of the mouth of Grand Ronde River, thence ~~up~~ Snake River to a point due east of the southeast corner of township No. 1, south of the base-line of the surveys in Oregon in range No. 46, east of the Willamette meridian; thence from said point due west to the West Fork of the Wallowa river; thence down said West Fork to its junction with the Wallowa river; thence down ~~and~~ said river to its confluence with the Grand Ronde River; thence down the last named river to the place of beginning as an Indian reservation, is hereby revoked and annulled and the said described tract of country is hereby restored to the public domain. Executive Mansion, June 10, 1876. U.S. Grant.