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Message from the President of the United States,
transmitting a communication from the Secretary
of the Interior with draft of bill providing for the
improvement of the condition of Indians
occupying reservations

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior with draft of bill providing for the improvement of the condition of Indians occupying reservations.

JANUARY 18, 1882.—Read, 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, with draft of bill and accompanying papers providing for the improvement of the condition of Indians occupying reservations, and for other purposes.

The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 18, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill for the improvement of the condition of Indians occupying reservations, and for other purposes, together with a copy of a letter from the Commissioner of Indian Affairs of this date recommending the measure to favorable consideration.

I concur in the views of the Commissioner, and respectfully suggest that if the measures presented meet your approval they may be commended to the consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,
S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 10, 1882.

SIR: By the terms of the Sioux, Shoshone, Crow, Kiowa, and other Indian treaties, it is stipulated that the President may at any time order a survey of their respective reservations, and when so surveyed Congress may fix the character of title held by

each tribe. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. In consideration of the foregoing, and with a view to facilitate action on the part of the government in its efforts to advance the civilization and self-support of the Indians under its care, I have the honor to submit herewith a draft of a bill for the improvement of the condition of Indians occupying reservations, and for other purposes, with the suggestion that another section be added to said bill, if the same meet your approval, viz:

"SEC. 6. The provisions of the first section of this act shall apply alike to all reservations, whether the same are created by treaty, act of Congress, or Executive order," and that said bill be laid before Congress for appropriate action.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

A BILL to provide for the improvement of the condition of uncivilized Indians, the reduction of their reservations to proper limits, the making of the same permanent, and the allotment thereof, and the granting of patents therefor in severalty,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall nominate and, by and with the consent of the Senate, appoint three persons well versed in the laws, treaties, and regulations of the government relative to Indians and Indian affairs, who shall be vested with the powers and perform the duties hereinafter conferred and prescribed; each of whom shall receive for his services the compensation of ten dollars per day, and his actual and necessary expenses for the time during which he shall be actually employed in the performance thereof.

SEC. 2. That said persons, when duly appointed, commissioned, and qualified, shall constitute a commission, to be known as "the commission on Indian civilization," the chairman of which shall be designated by the Secretary of the Interior. The commission shall appoint a person, not of its own members, to act as secretary, who shall also act as disbursing agent of the government for the payment of the salaries and expenses of the members, officers, and employes of the commission, and shall give bond as such agent, as is required by general law and regulations. Said secretary and agent shall be subject to removal at the pleasure of the commission, and shall perform such proper and consistent duties as the commission shall require and as the law directs, and shall receive as compensation therefor six dollars per day, and his actual and necessary expenses for the time during which he shall be actually employed in the performance thereof. The commission shall be authorized to employ such skilled interpreters, not to exceed two at any one time, as the proper discharge of its duties may require; and the disbursing agent shall pay such interpreters, upon the written order of the chairman of the commission, such compensation for their services as the commission shall deem just and shall order to be paid.

SEC. 3. That the commission, under the direction of the Secretary of the Interior, shall visit, at their respective reservations or places of abode, such tribes or bands of Indians, except the five civilized tribes in the Indian Territory, as the President may designate; shall ascertain the actual number of Indians belonging to each designated tribe or band, the number of acres of land, as near as practicable, included in the reservation occupied or claimed by such tribe or band, and, approximately, the proportion of arable, pasture, grazing, and waste lands composing the same, and their quality and relative situation; and, after having gained such information as may be obtainable concerning the present habits, disposition, and condition of each tribe or band, the prospect of their becoming self-supporting by farming, stock-raising, or other pursuits of civilized life adapted to the country occupied by them, and such other information as may enlighten the judgment and understanding of the commission in the premises, if a majority of the members of the commission shall be of opinion that the present area of any of said reservations is larger than is necessary for the well-being of the tribes or bands thereon, the commission shall, with the free consent of the tribes or bands of Indians occupying such reservation, or claiming such lands, enter into an agreement on behalf of the United States with such tribes or bands for the reduction of such reservation to the proper limits; and in cases of lands found to belong to Indians, but not set apart for reservations, for the cession of the same to the United States: *Provided*, That the lands which shall compose the reduced reservation shall be set off in compact form, and shall be such as, in the opinion of the commission, are best adapted to the needs of the Indians.

SEC. 4. That such agreement shall contain, among other things, the following:

First. As full and clear a description as practicable of the boundaries of the reduced

reservation, by reference to natural objects, government stakes or monuments, or meridians of longitude or parallels of latitude.

Second. A stipulation on the part of the United States that at an early day the boundaries of the reduced reservation shall be distinctly defined and marked by actual survey in the field, under the supervision of the United States surveyor-general for the State or Territory in which the reservation is situated.

Third. A stipulation on the part of the United States that all the arable lands of the reduced reservation shall, at the earliest practicable day, be surveyed in accordance with the general system of the public surveys.

Fourth. A stipulation on the part of such tribes or bands for a cession to the United States for all the lands outside the limits of the diminished reservation.

Fifth. A stipulation on the part of the United States that the public surveys shall be extended over the lands thus ceded to the United States.

Sixth. A stipulation on the part of the United States that, immediately upon the ratification of the agreement by Congress, the lands thus ceded shall be subject to disposal under such laws of the United States only as provide for the sale of public lands for cash.

Seventh. A general stipulation to the effect that these surveys hereinbefore mentioned shall be paid for by the United States at the rates fixed by law for surveys of public lands; that the United States shall pay, in the usual manner, the expenses attending the sales of ceded lands; that the United States shall be reimbursed the expenses of the surveys and sales above mentioned out of the proceeds of such sales, and that the balance of the proceeds of such sale shall be deposited in the Treasury of the United States to the credit of such tribes or bands, to be expended for such Indians under the direction of the Secretary of the Interior, in the erection of houses, the purchase of wagons, harness, cattle, horses, agricultural implements, clothing, and subsistence, and in the erection of school buildings, the employment of teachers, the purchase of school books and school supplies, the subsistence of school children, and for such other purposes as he may deem best for the advancement and civilization of such tribes or bands.

Eighth. A stipulation on the part of the United States that, upon the completion of the boundary survey of the reduced reservation, patent shall issue to the tribes or bands, conveying the fee-simple of the land included in such survey, upon condition, however, that the tribes or bands shall not sell the same except to the United States, and upon the further condition that any member of such tribes or bands, being the head of a family, or a single person above the age of twenty-one years, may select and hold in severalty a parcel of such reduced reservation, surveyed as aforesaid, not exceeding three hundred and twenty acres if the head of a family, or one hundred and sixty acres if a single person above the age of twenty-one years, for which he shall receive a patent from the United States, vesting in him the fee-simple to such parcel of land, but containing provision against alienation or incumbrance for a period of twenty-one years from the date of the patent, and for descent to heirs in accordance with the law of the State or Territory in which the land is situated, except that in the Indian Territory the rule of descent shall be in accordance with the law of the State of Kansas: *Provided*, That before such patent shall issue, satisfactory proof shall be furnished to the Commissioner of Indian Affairs, under such regulations as he may prescribe, that the Indian is qualified to select and hold under the terms of the agreement, and that he has actually cultivated and improved at least ten acres of such tract, and has raised a crop thereon.

Ninth. A stipulation on the part of the United States that, upon the evidence being furnished as provided in the last preceding stipulation, the Secretary of the Interior shall cause to be expended, out of the money in the Treasury arising from the sales above mentioned, subject to expenditure by the Secretary of the Interior for such Indians, the sum of one hundred dollars, to aid the Indian in building a house on his selected tract, and in furnishing him with kitchen furniture and farming implements for his sole use and enjoyment, the same to be in addition to any expenditures under the general stipulation in paragraph eight: *Provided always*, That if such Indian shall die before the issuance of patent and the expenditure of the one hundred dollars, the patent shall issue to, and the one hundred dollars shall be expended for, the person or persons entitled to inherit the land, as hereinbefore mentioned: *Provided further*, That in case there be no such money in the Treasury, then the one hundred dollars shall be taken from any money in the Treasury due and payable to such tribes or bands; but if there shall be no money in the Treasury due and payable to such tribes or bands, then such sum of one hundred dollars shall be paid by the United States whenever Congress shall make appropriation therefor.

Tenth. A further stipulation that in case, by existing treaty stipulations or agreement with such tribes or bands of Indians, a trust fund has been created for their benefit, and the period has elapsed or may hereafter elapse after which, by the terms of such treaty or agreement, the United States may cease to pay interest on such funds, and may pay the principal thereof to such tribes or bands, it shall be lawful

for the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior and the consent of the President, after one year's notice to the agent of said Indians of his intention to do so, to pay said tribes or bands, either in one sum or in annual payments not exceeding five in number, said principal, such payment or payments to be distributed to the members of such tribes or bands according to the terms of such existing treaty or agreement, and the unpaid portion of such principal shall continue to draw interest until paid.

SEC. 5. That in case said commission shall be of opinion that any reservation examined ought not to be reduced, then and in that event said commission shall, with the free consent of the Indians, enter into an agreement on behalf of the United States with the tribes or bands occupying said reservation, in which agreement all the hereinbefore mentioned stipulations except those relating to ceded lands shall be inserted, and shall further appropriately stipulate on the part of the United States that there shall be expended, under the direction of the Secretary of the Interior, in the manner and for the purposes hereinbefore mentioned for the expenditure of moneys arising from the sale of ceded lands, such sum of money as the commission shall deem proper, the sum to be expressed in the agreement.

SEC. 6. That in case the commission shall be of opinion that any reservation ought to be abandoned, and the Indians thereon removed to some other existing reservation and consolidated with the tribes or bands thereon, then and in that event the commission shall, with the free consent of the Indians occupying the respective reservations, enter into appropriate agreements to this end, having in view the purposes of this act and the stipulations hereinbefore mentioned.

SEC. 7. That in case said commission shall find, upon full investigation, that any tribe or band of Indians occupying reservations have title to lands not embraced in any reservation, the commission shall, with free consent of the Indians owning such title, enter into an agreement on behalf of the United States for the cession of such lands, with like stipulations regarding their survey and sale and the expenditure of the money arising therefrom, as in cases of lands ceded in the reduction of reservations.

SEC. 8. That all agreements entered into by said commission on behalf of the United States shall be subject to ratification by Congress; and the commission shall report from time to time to the Secretary of the Interior, in accordance with such regulations as he may establish.

SEC. 9. That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary, to defray the expenses of said commission.

SEC. 10. That the Commissioner of Indian Affairs may, with the approval of the Secretary of the Interior, and the consent of the President, give notice to the agent of any tribe of Indians for whose support appropriations are annually made by Congress outside of treaty stipulations, that he will recommend to Congress at its session next succeeding the giving of such notice, a reduction of the amount to be appropriated for the support of such tribe for the next ensuing fiscal year. Such notice shall be given during the month of July, and shall specify the amount of the reduction to be recommended, which shall be for the next ensuing fiscal year. The Commissioner shall, at the regular session of Congress next ensuing the giving of such notice, communicate the fact to Congress, with his recommendation for the reduction, and his reasons therefor. Such notice and recommendation may be made from year to year, until, if Congress approve the same, the appropriation for such tribe shall entirely cease; but the reduction so recommended shall be so made that the appropriation shall not wholly cease until the expiration of five years from the close of the fiscal year for which the first reduced appropriation was made.

SEC. 11. That whenever any Indian belonging to a tribe of Indians lawfully occupying lands of any reservation not granted in fee by treaty or law of Congress, nor conveyed by patent of the United States to such tribe, shall, by virtue of any existing treaty or agreement between the United States and such tribe of Indians, or the provisions of any existing law of Congress, select for himself a parcel of land in severalty not exceeding in quantity the amount allowed by such treaty, agreement, or law of Congress, and shall be entitled to a patent therefor, and shall bring under cultivation not less than ten acres thereof, and raise a crop thereon, the Commissioner of Indian Affairs shall, upon proof of such cultivation and raising of crop being certified to him by the agent of the tribe of which such Indian is a member, cause to issue to such Indian a patent for such parcel of land, in case none has theretofore been issued, with provision against alienation and incumbrance as provided in such treaty, agreement, or law, and shall, out of the one hundred thousand dollars hereinafter appropriated, pay to the agent of the tribe of which such Indian is a member, the sum of one hundred dollars, to be expended by said agent in aiding such Indian, or, in case of his or her death, in aiding the Indian or Indians entitled to the patent, as hereinafter provided, to build a house on said parcel of land, and in furnishing said Indian or Indians with kitchen furniture and farming implements, the same to be for his or their sole

use, enjoyment, and property: *Provided*, That in case such Indian shall die before the issuance of such patent, then and in that event the same shall issue to the person or persons entitled thereto by virtue of the stipulations or provisions of such treaty, agreement, or law of Congress; but if such treaty, agreement, or law of Congress does not designate, specify, nor describe the person or persons to whom patent shall issue in such event, then the same shall issue to and for the benefit of the person or persons who would be entitled to inherit the estate of the deceased Indians under the laws of descent and distribution of the State or Territory in which said parcel of land is situated, were such laws extended to Indians: *Provided further*, That in case the land is situated in the Indian Territory, the rule of inheritance, so far as designating to whom or for whose benefit patents shall issue, shall be that of the laws of the State of Kansas.

SEC. 12. That there be, and is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated the sum of one hundred thousand dollars, as a permanent appropriation, to be expended from time to time by the Commissioner of Indian Affairs for the purpose and as provided in section eleven of this act.

S. Ex. 54—2