

University of Oklahoma College of Law

## University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

12-19-1883

**Message from the President of the United States, transmitting a communication of 3d instant from the Secretary of the Interior, submitting draft of bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian Reservation in California**

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

---

### Recommended Citation

S. Exec. Doc. No. 22, 48th Cong., 1st Sess. (1883)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [Law-LibraryDigitalCommons@ou.edu](mailto:Law-LibraryDigitalCommons@ou.edu).

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication of 3d instant from the Secretary of the Interior, submitting draft of bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian Reservation in California.*

DECEMBER 19, 1883.—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 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian Reservation in the State of California, as appraised under the act approved March 3, 1873.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,  
December 17, 1883.

DEPARTMENT OF THE INTERIOR,  
Washington, December 3, 1883.

SIR: I have the honor to submit herewith a copy of a letter of 20th November, 1883, from the Commissioner of Indian Affairs, with draft of a bill therein noted to provide for the payment for certain improvements made by settlers on the Round Valley Indian Reservation in California, as appraised under the act of March 3, 1873 (17 Stat., 633).

It will be perceived from House Ex. Doc. 205, Forty-seventh Congress, first session, herewith, that this subject has been heretofore presented for legislative action, but failed to become a law.

I respectfully renew the former recommendation of the Department, and respectfully request that the matter may be presented for the favorable action of the Congress.

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

H. M. TELLER,  
*Secretary.*

The PRESIDENT.

## ROUND VALLEY INDIAN RESERVATION.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, November 30, 1883.

SIR: In office report, dated May 13, 1882, it was recommended that Congress be asked to make provision to pay for the improvements made by certain settlers on the Round Valley Indian Reservation, in the State of California, as appraised under the act of Congress approved March 3, 1873 (17 Stat., 633), the sum required for this purpose being \$10,285.41, in addition to the amount of \$594.37 on the books of this office applicable to this object.

A clause to be inserted in one of the appropriation bills was submitted with the report.

On the 18th of May, 1882, you transmitted the report to Congress, through the President, concurring in the recommendation of this office.

The facts in this matter are fully set out in office report, above referred to.

The necessity for this appropriation still exists, the Round Valley Reservation being practically useless for Indian purposes while occupied in great part by the settlers thereon.

These settlers should either be paid for their improvements and compelled to remove, as contemplated by the act of March 3, 1873, or the reservation should be abandoned and the Indians removed to a new location.

I have accordingly prepared a draft of a bill, similar in effect to the clause which Congress was asked to insert in an appropriation bill, and have the honor to recommend that the same be transmitted to Congress with a request for favorable action.

I inclose two copies of this report and of the proposed bill. I also inclose two copies (printed) of House Executive Document No. 205, first session, Forty-seventh Congress, which contains office report of May 13, 1882, and your letter of transmittal, dated May 18, 1882.

Very respectfully, your obedient servant,

H. PRICE,  
Commissioner.

The SECRETARY OF THE INTERIOR.

A BILL to provide for the payment for improvements of certain settlers on the Round Valley Indian Reservation in the State of California.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of ten thousand two hundred and eighty-five dollars and forty-one cents, or so much thereof as may be necessary, to pay for improvements made by certain settlers on the Round Valley Indian Reservation, in the State of California, as appraised under the act of Congress approved March third, eighteen hundred and seventy-three, which amount, in addition to the sum of five hundred and ninety-four dollars and thirty-seven cents, now on the books of the Office of Indian Affairs, applicable to that purpose, aggregates the sum of ten thousand eight hundred and seventy-nine dollars and seventy-eight cents, being the amount necessary to pay to the parties now holding the improvements aforesaid made by and appraised in the name of the following claimants, viz:

Frank Asbell, three hundred and four dollars and seventy-eight cents; Pierce Asbell, five hundred and eighty dollars; David W. Ayers, three hundred dollars; Jacob Bellvil, two hundred dollars; E. S. Gibson, one thousand dollars; Andrew Gray, one thousand seven hundred and ninety-five dollars; Samuel Lewis, one thousand dollars; William Murphy, one thousand and four hundred dollars; Fayette Nuckles, one hundred dollars; William Pollard, six hundred and fifty dollars; school trustees, two hundred dollars; — Steele, two hundred and fifty dollars; Jacob Updegraff, two thousand nine hundred dollars; Frank W. Youree, two hundred dollars.

[House Ex. Doc. No. 205, Forty-seventh Congress, first session.]

*Message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to an appropriation for the payment for improvements made by certain settlers on the Round Valley Indian Reservation, in California.*

MAY 23, 1882.—Referred to the Committee on Appropriations and ordered to be printed.

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of the Interior of the 18th instant, with accompanying papers, submitting the draft of a proposed clause for insertion in one of the pending appropriation bills to provide for the payment for improve-

ments made by certain settlers on the Round Valley Indian Reservation, in California, as appraised under the act approved March 3, 1873.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,  
May 22, 1882.

DEPARTMENT OF THE INTERIOR,  
Washington, May 18, 1882.

SIR: I have the honor to submit herewith copy of a communication from the Commissioner of Indian Affairs of the 13th instant, in relation to payment for improvements made by certain settlers on the Round Valley Indian Reservation, in California, as appraised under the act of Congress approved March 3, 1873.

The sum of \$594.37 is now on the books of the Indian Office, applicable to the payment for said improvements.

The further sum of \$10,285.41 is required for that purpose, and a draft of a proposed clause for insertion in one of the appropriation bills now pending in Congress, to provide the amount necessary for the purpose named, is also herewith inclosed.

I concur in the recommendation of the Commissioner that the matter be presented for the favorable action of Congress.

Very respectfully, your obedient servant,

H. M. TELLER,  
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, May 13, 1882.

SIR: The act of Congress approved March 3, 1873 (17 Stat., 633), provides for the restoration to the public domain of all that portion of the Indian reservation in Round Valley, California, which lies south of the township line running east and west between townships 22 and 23 north, of ranges 12 and 13 west of the Mount Diablo meridian, and directs the Secretary of the Interior to cause the same to be surveyed and offered for sale in legal subdivisions at not less than \$1.25 per acre, with the proviso that the improvements owned by persons on the lands restored before the passage of the act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding 320 acres of land in adjacent quarter sections containing and adjoining said improvements, the proceeds of the sale of the lands restored to be used to pay for the improvements and claims of settlers residing within the limits of the new reservation created by the act, and for improvements of Indians on land restored to the public domain after the appraisalment of such improvements, as provided by said act.

The second section of the act directs the Secretary of the Interior to appoint three commissioners to examine the country with a view to establishing the northern boundary line of the reservation, and to appraise the improvements referred to in the first section of the act. This section also authorizes the Secretary of the Interior to pay for these improvements out of the money reserved for that purpose by the first section of the act.

By reference to the report of the commission appointed to appraise these improvements (see Ex. Doc. 118, Forty-third Congress, first session), it will be seen that the following appraisalment was made of the improvements of settlers within the limits of the reservation as created by said act, viz:

Asbell, Frank .....	\$304 78	Lewis, Samuel .....	\$1,000 00
Asbell, Pierce .....	730 00	Murphy, Samuel .....	1,400 00
Ayers, David W .....	300 00	Nuckles, Fayette .....	100 00
Bellvil, Jacob .....	200 00	Pollard, William .....	650 00
Bourne, C. H. ....	5,130 00	Pricing, G. J. ....	960 00
Brown, W. J. ....	300 00	School trustees .....	200 00
Dunlap, James L. ....	450 00	Steele .....	250 00
Eberlee, C. H. ....	2,925 00	Thompson, David .....	1,940 00
Gibson, E. S. ....	1,000 00	Updegraff, Jacob .....	2,900 00
Gray, Andrew .....	1,795 00	Vannader, Wm. P .....	4,500 00
Kelley, Bernard .....	100 00	Wiltsee, J. O. ....	1,000 00
Laycock, Dryden .....	3,360 00	Youree, Frank W. ....	200 00
Leasure, Antonio .....	975 00		
		Total .....	32,669 78

Less \$150, the appraised value of Pierce Asbell's fence, which he agreed to remove, leaving \$32,519.78.

A portion of these claims has been settled, amounting in the aggregate to \$21,640, of which \$17,340 was paid from the amount received from the sale of the lands as provided in the act; Vannader's mill, appraised at \$4,000, being settled from funds set apart for the incidental expenses of the Indian service, and the appraisement in favor of W. J. Brown, of \$300, being relinquished; leaving a balance yet unpaid of \$10,879.78 due the following claimants, viz:

Asbell, Frank .....	\$304 78	Nuckles, Fayette .....	\$100 00
Asbell, Pierce .....	580 00	Pollard, William .....	650 00
Ayers, David W. ....	300 00	School trustees .....	200 00
Bellvil, Jacob .....	200 00	Steele .....	250 00
Gibson, E. S. ....	1,000 00	Updegraff, Jacob .....	2,900 00
Gray, Andrew .....	1,795 00	Yoree, Frank W .....	200 00
Lewis, Samuel .....	1,000 00		
Murphy, William .....	1,400 00	Total .....	10,879 78

It appears that the entire area subject to the operation of said act of March 3, 1873, was 15,418.83 acres, and that of this area, 14,311.50 acres were entered by parties claiming a priority of right to purchase on satisfactory proof being adduced, leaving 1,107.33 acres still vacant. The sales as they appear on the books of the Land Office are as follows:

Third quarter, 1873, 7,059.29 acres .....	\$8,869 11
Fourth quarter, 1873, 5,640.98 acres .....	7,051 22
July 7, 1874, to August 31, 1875, 1,131.23 acres .....	1,414 04
To January 31, 1876, 80 acres .....	100 00
To December 31, 1876, 320 acres .....	400 00
To February 28, 1877, 80 acres .....	100 00
Total, 14,311.50 acres .....	17,934 37

There is now a balance on the books of this office of \$594.37, proceeds of the sale of lands authorized by the first section of the act of 1873, which is applicable to the payment of the balance of the appraised improvements hereinbefore mentioned.

It does not appear that any additional sales have been made since February, 1877, and were the entire balance of 1,107.33 acres subject to the operations of the act sold at the rate provided for (\$1.25 per acre), it would realize the sum of \$1,384.16, which, added to the balance now credited to the same fund on the books of this office of \$594.37, would make a total of \$1,978.53. There is, however, no reasonable prospect of any additional sales being made under the provisions of the act of 1873.

And therefore the only amount which can be relied on for use in this connection is the \$594.37—the balance remaining on the books of this office.

The difference between this last-mentioned sum and the amount of the appraised value of the unpaid improvements is \$10,285.41.

The fact that the aforesaid claimants have never been paid for their improvements has caused an endless amount of trouble and confusion upon the reservation. They refuse to move; and from time to time have increased the boundaries of their alleged claims, and at the present time, almost the whole of the best lands of the reserve are claimed by or through them, and by others who claim land through the State, under the swamp act of September 28, 1850.

These parties have many thousand head of stock upon these lands, and in fact the reservation is under their control to such an extent as to be practicably of little use to the Indians. Should an appropriation be made, these parties could be paid for their improvements, or a tender made of the appraised value thereof, in which event the Government would be in a position to proceed against them under the provisions of sections 2117 and 2118 of the Revised Statutes.

In view of the facts, I have the honor to recommend that Congress be requested to make an appropriation of \$10,285.41, to be disbursed under the direction of this office to the various unpaid claimants under the act of March 3, 1873, as hereinbefore specified.

I submit herewith, for the purpose indicated, a clause to be inserted in one of the appropriation bills now pending in Congress, with the hope that favorable action will be taken in the matter at the present session.

Very respectfully, your obedient servant,

E. L. STEVENS,  
Acting Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

*Proposed clause.*

For this amount, or so much thereof as may be necessary to pay for improvements made by certain settlers on the Round Valley Indian Reservation, in the State of California, as appraised under the act of Congress approved March 3, 1873, \$10,285.41, which amount, in addition to the sum of \$594.37, now on the books of the Office of Indian Affairs, applicable to that purpose, aggregates the sum of \$10,879.78, being the amount necessary to pay the following-named claimants, viz:

Frank Asbell, \$304.78; Pierce Asbell, \$580; David W. Ayers, \$300; Jacob Bellvil, \$200; E. S. Gibson, \$1,000; Andrew Gray, \$1,795; Samuel Lewis, \$1,000; William Murphy, \$1,400; Fayette Nuckles, \$100; William Pollard, \$650; school trustees, \$200; Steele, \$250; Jacob Updegraff, \$2,900; Frank W. Youree, \$200.

S. Ex. 22—2

○