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UMATILLA INDIAN LANDS IN OREGON.

FEBRUARY 20, 1884.—Referred to the House Calendar and ordered to be printed.

Mr. STEVENS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1290.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1290) providing for allotment in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and for other purposes, respectfully report as follows:

They have had the same under careful consideration, and beg to report the same back with the following amendments:

In section 1 of printed bill, between the lines 44 and 45, insert the following; "by said Secretary of the Interior"; in same section, line 50, strike out the word "patents," and insert in lieu thereof the word "certificates"; and in line 66, after the word "reservation," insert these words: "hereafter provided for them"; and in section 2 strike out of lines 4, 5, and 6 these words: "or if the stakes and monuments if surveyed have become so obliterated that the lines cannot be ascertained"; and in lines 12 and 13 of said section strike out the words "or in other improvements upon his allotment as shall be determined by the Department"; and in section 3, line 10, strike out the word "four," and insert the word "three" in lieu thereof; and in section 4 strike out of line 2 the word "forty," and insert in lieu thereof the word "thirty"; and in section 5, line 5, after the word "reservation," insert these words: "and of their chiefs in council assembled for that purpose." And with these amendments your committee recommend the passage of the bill.

For further information concerning the bill we quote the substance of a report made on substantially a similar bill, in the Senate of the Forty-seventh Congress, by Senator Dawes, which reads as follows:

The Umatilla Reservation was created by treaty with the Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians, occupying lands partly in Washington Territory and partly in Oregon, which treaty was promulgated April 11, 1859. The reservation contains 268,800 acres of land, of which 150,000 is tillable; the residue is pasture and timber lands.

The Indians upon this reservation have for the most part, since their location on the same, been peaceable and friendly toward the whites; have made some progress toward civilization; cultivated in 1881, as shown by the agent's report, 4,000 acres, broke during the year 2,000 acres new land, produced 10,000 bushels of wheat, 2,000 bushels of corn, 6,000 bushels of oats and barley, 6,000 bushels of vegetables, cut 900 tons of hay, 75,000 feet of lumber, 1,000 cords of wood, and built 10,000 rods of fence. They have 10,000 head of horses, 50 head of mules, 400 head of cattle, 5 head of swine, and 3,000 head of sheep. They earn by labor in civilized pursuits 65 per cent. of their sub-

sistence and support, procure 12 per cent. by hunting and fishing, and receive in rations from the Government 23 per cent.

The number of Indians on this reservation, as shown by the report of the agent for 1861, is 751. Males, 330; females, 421. Of the whole number 504 are wholly clad in citizen's dress, and 123 partly. Two hundred and fifty-two families are reported as engaged in agriculture, and 162 male Indians undertake manual labor in civilized pursuits.

These Indians for some years have in various ways manifested their desire to take lands in severalty, and secure titles to homes for themselves and children. In April, 1879, several of the chiefs and head men visited Washington to confer with the Indian Office in respect to making a permanent settlement on their reservation, or, in lieu of such settlement, to remove to some other locality. The matter was to be left to the Indians upon their return to their reservation, which was determined by them the following November in favor of remaining upon their present reservation and taking lands in severalty.

The agent, in his annual report for 1880, referring to this matter, says:

"In November, 1879, I visited the different lodges of the Indians in regard to the agreement entered into with the chiefs at Washington in April, 1879, concerning their future settlement. Five hundred and thirty-nine Indians have decided to take land, thirty-six are still undecided, and nine wish to remove." (List forwarded December 8, 1879, with report.)

The agent further reports that "on the 15th of January, 1880, a council was held for the purpose of taking into consideration any propositions compatible with the agreement entered into by the chiefs (April, 1879) that would have a tendency to improve the condition of Indians taking lands in severalty here," at which council the following among other things were agreed upon to be requested in their behalf:

"That the laws of inheritance of the United States be extended over all Indians taking lands in severalty on this reservation. Their reason for making the request is to secure to the rightful heirs the real estate and personal property of deceased Indians, so as to prevent the Indian custom of dividing the property among friends of the deceased.

"That each person entitled to 160 acres of land be allowed, in addition, 40 acres of timber land, if they choose to take it. Their reason for making this request is that some of the best agricultural land on the reservation is devoid of timber; that many are anxious to take this land, but are unable to purchase the timber necessary for building, fencing, and firewood.

"That an agent be retained to distribute the money accruing from the sale of land, and to guard their interests against the surrounding whites. They (the Indians) are afraid that the whites surrounding the reservation would be continually interfering and meddling in their affairs if left without an agent.

"That a sufficient amount of money accruing from the sale of land be appropriated to erect and furnish a manual-labor and boarding school for their children, and to board them; also, to employ two teachers and a matron, and to furnish the necessary books and stationery.

"To receive in cash all payments made them in money accruing from the sale of the land. They (the Indians) claim to be able to buy and sell judiciously, and prefer to receive money instead of goods.

"To have the reservation surveyed as soon as possible, so as to enable them to locate during the coming summer."

It will be seen that these requests have each and all received proper provisions in the bill now presented. In regard to timber, the bill provides in section 1 that, in addition to the agricultural lands to be allotted in severalty, pasture and timber land shall also be set apart for these Indians to be used in common, and it is believed that this will better subserve the interests of the Indians than to give additional timber land in severalty, as it will give each and all an equal chance for timber for building, fencing, and fuel.

The amount of agricultural lands required for allotments, upon the most liberal calculations under the provisions of the bill, cannot exceed 65,000 or 70,000 acres. An additional amount of pasture and timber land, to be used in common, is also to be set apart, the whole for all purposes not to exceed 120,000 acres. If there be any fault in the provisions of the bill in this respect, it cannot be urged that too little land is allowed, but rather that too much is given.

It is believed to be wise, however, to make ample provision for pastoral purposes, in which direction these Indians now have considerable interest. The maximum of the diminished reservation will, after all allotments are made, furnish not less than 50,000 acres of timber and pasture lands; and the timber lands upon this reservation are also valuable for pasturage. Besides, it cannot be expected that for many years the agricultural lands to be allotted will be reduced to tillage, or inclosed even so that the pasturage furnished in the diminished reservation will be ample for all the requirements of these Indians.

The control of the reservation, with an agent to look after the interests of the Indians, will remain as heretofore, and as requested by the Indians themselves.

The establishment of an industrial farm and labor school for the benefit of these Indians commends itself to every well-wisher of the Indian race, and the conditions for the experiment on this reservation are most favorable and encouraging.

The lands belonging to this reservation, over and above the requirements of the several provisions of the bill, will, when sold, secure an ample fund to establish such a farm and school, and, it is confidently believed, leave a considerable sum, from the income of which it may derive continued support.

The mode of disposing of the surplus lands of the reservation is believed to be the best under all the circumstances, and will secure to the Indians a just, fair, and reasonable price for their lands, and will prevent moneyed men from purchasing large bodies of it, while men in moderate circumstances will be furnished a fair opportunity of securing a home for themselves and families.

The bill has been very fully and carefully considered by your committee, has been submitted to the Indian Department, and by that Department carefully considered, and in general recommended as in accordance with its views and policy, with certain suggestions respecting the detail of its provisions, which suggestions, with one exception, have been embodied in amendments herewith proposed, and with these amendments your committee recommend that the bill be passed.

The same bill substantially was favorably reported in the House from the Committee on Indian Affairs by Mr. Ainslie, of Idaho.

Notwithstanding former approvals by the Secretary of the Interior, and the Indian Bureau, your committee have referred this bill to the present heads of the Department for their opinion, and attach hereto the letters from the same, approving of the passage of this bill.

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1884.

SIR: I have the honor to acknowledge the receipt by your reference, on 7th instant, for the opinion of this Department thereon, of H. R. 1290, entitled "A bill providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and for other purposes."

In reply your attention is respectfully invited to the inclosed copy of report of this date from the Commissioner of Indian Affairs, to whom the subject was referred, who recommends the early passage of the bill.

As the bill provides for the consent of the Indians before any action can be had under its provisions, I can, from such examination as I have been able to make, see no objection to its passage.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. M. C. GEORGE,
Of Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 23, 1884.

SIR: I have the honor to acknowledge the receipt, by your reference of the 7th instant, of House bill No. 1290, present session, entitled "A bill providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and for other purposes."

The bill is referred to the Department by Hon. M. C. George, of the House Committee on Indian Affairs, for an expression of opinion thereon.

I would respectfully state as regards this bill that it is precisely the same in all respects save two as Senate bill No. 1434, Forty-seventh Congress, which passed the Senate April 24, 1882, the differences being as follows: (1) In the Senate bill referred to there was a provision (section 2) granting to persons who had settled upon or acquired title under the pre-emption or homestead laws to fractional subdivisions adjoining the reservation the right to purchase at the appraised value a quantity of land sufficient, with the fractional subdivisions already settled upon, to make in the aggregate 160 acres. That provision is stricken out in the present bill. I doubt the wisdom of the provision, and I think it is well that it has been left out in the present bill. A stream of water bounds the reservation in part on the north. Now, if persons

who have settled on the north side of this stream be permitted to purchase, without entering into competition, the lands adjacent to their farms on the opposite side of the stream, they would certainly have an unfair advantage over other purchasers. In a stock-raising country, convenient water is of inestimable value, and I doubt the propriety of allowing those who have a water front on one side to secure at a minimum price the other side, to the exclusion of others.

2d. There is a provision in the present bill, page 6, not found in the former bill. It confirms to W. S. Byers & Co., successors to George A. La Dow, Lot Livermore, and other citizens of Pendleton, the water right across a portion of the said Umatilla Reservation granted by the Department July 7, 1870. I see no objection to this measure.

The records of this office show that under date of April 23, 1870, the superintendent of Indian affairs for Oregon, Col. A. B. Meacham, transmitted a petition signed by Geo. A. La Dow, F. Coats, Lot Livermore, O. F. Thompson, and Geo. W. Bailey, citizens of Pendleton, Oregon, praying for permission to construct a water ditch across a portion of said reservation to the town of Pendleton, for irrigating, manufacturing, and milling purposes. Colonel Meacham recommended the granting of the petition, and accordingly, by letter, dated May 16, 1870, he was authorized by this office to grant the privilege asked for, if it could be done without injury or detriment to the Indians or their property, and upon the express condition that no permanent right should attach or become vested, and that any ditch or canal dug or constructed, and the use of the same, should be subject to the control of and to be discontinued at the pleasure of the Department.

In pursuance of this authority, Agent Boyle, the then agent at the Umatilla Agency, gave written permission to the parties to construct a ditch. His letter, a copy of which is on file in this office, is dated July 7, 1870. It recites the conditions imposed by this office as follows:

"In granting this permission to construct the said water ditch, it is upon the express condition that no permanent rights shall attach or become vested, but that any ditch or canal dug or constructed, and the use of the same, shall be subject to the control of and to be discontinued at the pleasure of the Department."

On the strength of the authority thus given, a very large sum of money has been expended by Byers & Co., in the construction of a flour and grist mill and the purchase of machinery therefor. The ditch has been in constant use since its construction, and the privilege has been of untold benefit to the people of Pendleton and surrounding country, and of no little service to the Indians themselves.

I believe the right should be confirmed to Byers & Co., and I accordingly so recommend. No damage can result to the Indians thereby.

I would state in this connection that a bill introduced in the Senate on the 7th January (instant), having this same object in view (Senate bill 938), was referred to this office by your indorsement January 14th, instant. If the present bill should become a law the purposes of the Senate bill will have been accomplished.

As regards the other and more important features of the bill, I have to say that the allotment of lands in severalty to the Indians, with permanent title, is believed by this office to be the true policy, and it was a matter of regret that the bill which passed the Senate during the last Congress did not become a law.

The Umatilla Reservation contains an area of 268,800 acres, or 420 square miles. The number of Indians occupying it is, according to the agent's last report, 897. This gives 300 acres to every man, woman, and child. The area which it is proposed to retain for all purposes is 120,000 acres. This will be ample to give to all the quantity of land specified in the bill, and leave a large surplus after the allotments have been made. The reservation is a treaty reservation, established July 9, 1855. (Stat. 12, p. 945.)

It is believed that a large majority of the Indians desire to take lands in severalty. There is no doubt that they have more land in their reservation than they need, and the sale of a part of it, as proposed in the bill, would furnish the means to enable them to get a good start upon their individual tracts.

The bill provides (section 5) that the consent of the Indians shall be obtained before it be executed in any part. It is believed that such consent can be had, and I recommend the early passage of this bill.

A copy of this report is herewith inclosed and the bill returned.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.