

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

---

2-27-1884

### Allotment of Certain Indian Lands

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



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

---

#### Recommended Citation

S. Rep. No. 234, 48th Cong., 1st Sess. (1884)

This Senate Report 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).

1884-84

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1884.—Ordered to be printed.

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

REPORT :

[To accompany bill S. 66.]

*The Committee on Indian Affairs, to whom was referred the bill (S. 66) entitled "A bill providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," have had the same under consideration, and report as follows :*

This bill was reported from the Senate Committee on Indian Affairs during last Congress, after very careful consideration, and passed the Senate, and was reported upon favorably by the House Committee on Indian Affairs. The report of the Senate committee of last Congress very fully sets forth all the facts and reasons relating to said subject, and is therefore adopted for convenience as the report of your committee; which report is 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 subsistence 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 1881, 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 one 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 68,000 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.

Wherefore your committee recommend the passage of the bill with the following amendment:

Add the following words after the word "another" at the end of line 38, of section 2: "And if any conveyance of the land set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void."

