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## Lands of the Seneca Indians.

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## LANDS OF THE SENECA INDIANS.

MAY 11, 1886.—Referred to the House Calendar and ordered to be printed.

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

### REPORT:

[To accompany bill H. R. 8746.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 1642) to allot the lands of the Seneca Indians in New York, having had the same under consideration, make the following report:*

The said bill, as amended by the committee, seeks to allot the lands comprising the Cattaraugus and Allegany Reservations, in the State of New York, to the Seneca tribe of Indians occupying the same in severalty.

The first section of the bill declares these Indians to be citizens of the United States. If they are competent to hold their lands in severalty they ought to enjoy all the privileges and perform all the duties of citizenship.

The second section directs the President of the United States to appoint three commissioners to allot and divide the lands of the said reservation among the resident Indians, share and share alike, on the basis of the value of the same, the children and women to share equally with male adults.

By the third section the allotments are to be so made as to include the improvements made by any Indian on his piece of land.

Sections 4 and 5 extend the laws of the State of New York as to rights of property, and as to inheritance of real and personal estate, to the Indians on the reservations; except, however, that the lands allotted to each individual Indian shall remain inalienable for a period of twenty-five years; nor shall such Indian in any way encumber the same during said period of time, and during said term of twenty-five years they shall be exempt from all taxation. And at the end of said twenty-five years the President of the United States may, if he shall deem it for the best interest of the said Indians, continue the exemption of said lands from conveyance, encumbrance, and taxation for twenty-five years more.

Section 6 relates to the duties of the commissioners in preparing the maps of said survey, marking the boundaries, and allotting the lands, the return to be made by them; and for the patent to be issued by the Secretary of the Interior to the several allottees.

Section 7 appropriates the fund of \$233,050 now in the United States Treasury belonging to the said Indians to their use, and properly guards this fund against loss while in the hands of the commissioners for disbursement.

Section 8 provides that the rents due the Seneca Nation on leases of their said lands heretofore made, together with the fund appropriated by the preceding section, shall be expended by the commissioners in the purchase of farm implements, teams, and seeds, and the balance of said money shall be paid to the Indians, &c.

Section 9 simply legalizes certain leases of the lands in said reservation under the act of Congress approved February 19, 1875.

Section 10 provides that within one year after said lands have been allotted any Indian desiring to sell his allotment may do so through the said commissioners on the approval of the Secretary of the Interior. The proceeds of such sale, together with the share to which each Indian on said reservation shall be entitled, shall be paid to the Secretary of the Interior, and by him to be used for the benefit of each of said Indians whose lands have been so sold, and then the Secretary of the Interior shall issue a patent in the usual form to the purchaser.

Section 11 gives to each Indian whose lands have been sold as stated in the preceding section the right to locate on lands in the Indian Territory.

Section 12 provides for an election by the Indians on the question of the allotment of lands in severalty. It requires the assent of a majority of the male Indians twenty-one years of age and upwards, expressed by ballot, after due public and timely notice of such an election. It further provides, in case the Indians on said reservation as a tribe shall decide not to accept their lands in severalty, then any Indian on said reservations, desiring to hold his share of said lands in severalty, shall make application to the Secretary of the Interior, who shall cause the same to be set off and allotted to him in fee, &c.

Section 13 extends the laws, both civil and criminal, of the State of New York, so far as applicable, and not in conflict with the provisions of this act, over said reservations. The last section appropriates the sum of \$20,000 to carry out the provisions of the said act.

The time has come when the United States must adopt a different policy in relation to these Seneca Indians. The welfare of the Senecas and of the surrounding white population alike demand the change. The progress of society and the growth of that section require such alteration of policy. The principles of the bill are in the direction of the best thought on the Indian question. It can now be fairly said that all the departments of the Government favor the idea of granting lands to the Indians in severalty, under restrictions more or less stringent, according to the advancement the Indian has made in civilization.

No tribe of Indians are better fitted for this experiment than the Seneca Indians of Western New York. For more than a century they have been the subjects of educational and religious teachings and influences. At a very early day the Society of Friends commenced their missionary labors among them, and they have continued down to the present time.

The Seneca Indians on the Allegany Reservation occupy a strip of land lying on each side of the Allegany River, averaging about half a mile in width, and extending more than 40 miles, and containing 30,469 acres. The bottom land is good in quality, though liable to overflow, some of which is under cultivation; the land lying back from the river is mostly timber, and is inferior in fertility. According to a census report for 1865, the wealth of this band is \$60,000; they have 54 frame, 30 log, and 62 plank dwellings. The land cultivated is put down at 2,436 acres, and the products are stated to be 174 bushels of wheat, 6,260 bushels of corn, 329 bushels of rye, 4,779 bushels of potatoes, 47 bushels of turnips,

434 tons of hay, 635 pounds of maple sugar. Their stock numbers 84 horses, 377 cattle, 289 swine, and 55 sheep.

The population for a number of years has been gradually increasing, and at the last census there were 949, of whom 426 were children; of these, 356 were between 4 and 21 years of age. The number of families is about 180. There are six schools on this reservation, under the care of the State superintendent of public schools, and are supported from State funds. Besides there is a Friends' boarding school on their farm, adjoining the reservation, for the benefit of these Indians.

The Senecas on the Cattaraugus Reservation occupy lands along the Cattaraugus Creek, in Erie, Cattaraugus, and Chautauqua Counties, New York. The soil is fertile and well adapted to farming; a large part of it is cleared and fenced, and some of the farms are well cultivated. There are 21,680 acres, with a population of 1,512, one-half of whom are children, and over 500 are of school age. They have 43 frame, 103 log, and 103 plank dwellings, and 15 shanties. The wealth of this band is put down at \$85,000. There are represented to be 4,962 acres under cultivation, and yielding 3,082 bushels of wheat, 12,363 of corn, 82 of barley, 11,104 of potatoes, and 759 tons of hay. They make 972 pounds of sugar, and have 285 horses, 907 cattle, 424 swine, and 24 sheep.

On this reservation and at Allegany there are places of worship comfortably furnished, occupied by Presbyterians, Methodists, and Baptists.

The principal of the annuity funds held by the United States and belonging to the Indians on those reservations is \$233,050, the annual interest of which is \$11,902.50, and is annually paid to them through the Seneca agent. This annual payment when divided among these Indians gives a per capita sum of \$3.90; the lands if equally divided would give to each individual Indian 20 acres. This small sum annually doled out by Government is of little benefit to the industrious Indian, and to the one who is thrifless it is really a curse, only serving him for a few days' debauch. Such is the information the committee have received from those who know the facts. These lazy, shiftless Indians are obstacles to the progress of the industrious and frugal. The United States, which have assumed the guardianship of these people, have no right to tie down this better class to this worse class by the fetters of tribal relations. Let such Indian willing to become a citizen of the United States, and desiring to hold his share of the common property in severalty, have the right to do so. In no other way is it possible to make them self-supporting and self-respecting. The status of these Indians amply warrants this undertaking. They are not like their red brethren in the West, surrounded by hostile tribes or unfriendly whites, but are on all sides surrounded by a highly civilized and Christian population, who are friendly and kindly disposed.

These reservations are now impediments to the natural and healthy growth of that section of the State of New York. Railroads have been constructed through these lands. The Atlantic and Great Western Railway runs over them through the city of Salamanca and the village of Red House for a distance of 16 miles; the New York and Erie Railway runs through them for a distance of about 15 miles; a third railway, from Pittsburgh, runs through the entire length of the reservation, which is about 40 miles. Along the lines of these railways a large number of towns and villages has grown up within the last ten or fifteen years. So pressing did the necessity become for some method to accommodate this growth that in 1875 Congress authorized

the Indians to execute leases for lands along portions of these roads and ratified the leases theretofore made by the Indians of these same lands. By the terms of the act these leases are practically perpetual, for the lessee has the right to have the same renewed every twelve years *ad infinitum*.

The bill recommended by the committee goes only one step further in removing restrictions upon the alienation of these lands, but does it with less indirection than Congress did in 1875.

Men will not improve on leased lands as they will on lands which they own in fee simple. All improvements on such leased lands will be less permanent and costly than where the improver knows that he will certainly reap, unmolested, the fruits of his labor.

The committee report the accompanying bill as a substitute for said House bill 1642, and recommend that it do pass.

