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Indian appropriation bill.

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INDIAN APPROPRIATION BILL.

FEBRUARY 18, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 6249.]

The bill making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, now presented by the Committee on Indian Affairs for consideration, appropriates considerably less than the aggregate amount estimated for, and also less than the aggregate amount appropriated for the fiscal year 1896.

The estimates upon which the accompanying bill is based will be found on pages 147 to 165, inclusive, of the Book of Estimates (Document No. 12, Fifty-fourth Congress, first session), and aggregate.. \$8, 750, 458. 17
The appropriations recommended in the bill aggregate..... 8, 630, 995. 17

Which is less than the estimate..... 119, 463. 00
The amounts appropriated for the Indian Service for the fiscal year 1896 aggregate..... 8, 763, 751. 24
The amounts appropriated for the Indian Service for the fiscal year 1897 by the accompanying bill aggregate..... 8, 630, 995. 17

Excess of 1896 over 1897..... 132, 762. 07

The following is an analysis, according to the several divisions of the bill, of the estimates submitted for 1897, the appropriations for 1896, and the amounts recommended in the bill for 1897:

Object.	Appropriation for 1896.	Estimate for 1897.	Recommended for 1897.
Current expenses, salaries, etc.....	\$727, 640. 00	\$812, 040. 00	\$738, 040. 00
Fulfilling treaty stipulations.....	4, 642, 147. 19	4, 633, 378. 17	4, 593, 378. 17
Miscellaneous supports, gratuities.....	695, 625. 00	708, 625. 00	611, 725. 00
Incidental expenses.....	82, 050. 00	98, 500. 00	84, 000. 00
Miscellaneous.....	549, 903. 63	134, 500. 00	388, 487. 00
Support of schools.....	2, 056, 515. 00	2, 363, 415. 00	2, 165, 365. 00
Trust fund interest.....	9, 870. 42		
Total.....	8, 763, 751. 24	8, 750, 450. 17	8, 630, 995. 17

The bill embraces the following items not included in the estimates, and which are not properly chargeable to the current appropriation:

To pay balance due Commission appointed under act of March 2, 1889....	\$4, 437
To purchase title to Ogden Land Company (estimated)	250, 000
To negotiate with Takoma Indians.....	6, 000
For artesian well, Yankton Agency.....	5, 000
Payment to George Wright.....	550
	265, 987
For erection of school at Chamberlain, S. Dak	25, 000
For erection of school at Rapid City, S. Dak.....	25, 000

In addition to these the following items, which were estimated for, are also not properly chargeable to the current expenses of the Service:

Second installment, due March 4, 1896, for the purchase of the Cherokee Outlet	1,660,000
Capitalization of certain perpetual annuities due Pottawatomies of Indiana and Michigan	41,626
Expense of preparation, digest of opinions relating to Indian affairs.....	3,000
Negotiating with Indian tribes.....	5,000
Total.....	2,025,063

Deducting this amount from the \$8,622,645.17 recommended by the bill and there remains \$6,597,582.17, which represents the actual amount recommended by the committee for the current expenses of the Indian Service for 1897.

Of the amount recommended in the bill \$215,000 is reimbursable to the United States.

The total amount recommended to be appropriated for the support of the Indian schools from other than treaty funds is \$2,165,365, and is divided as follows:

Support of day and industrial schools not otherwise provided for.....	\$1,135,000
Construction and repairs of school buildings.....	40,000
Stock and cattle for Indian schools.....	15,000
Nonreservation schools (20) specifically provided for.....	836,925
Hampton Normal and Agricultural Institute (contract).....	20,040
Lincoln Institution, Pennsylvania (contract).....	33,400
Establishment of school, Chamberlain, S. Dak	25,000
Transportation of Indian pupils.....	35,000
Total.....	2,165,365

It will be noticed that while a very considerable reduction from the estimates has been made in every division of the bill except one, the heaviest reduction has been in the appropriations for schools. This reduction, however, will not impair the efficiency of the schools, as everything has been provided for in this bill that has been provided heretofore. In the estimate presented a number of items were asked for for additions to some of the new reservation schools and for electric light and steam heating plants, involving a large expenditure, which the committee, considering the present state of the finances of the country, are unwilling to recommend at the present time. For that reason appropriations for these items have not been included in the bill. However, the committee is fully convinced that the improvements in question are in the interest of economy, safety, and a better administration of the Service, and should be made at the earliest practicable day. Otherwise the appropriations for schools have not been reduced, but rather increased. In fact, the appropriation recommended is \$108,850 greater than the amount appropriated last year.

In continuation of the policy heretofore established by Congress, the bill provides for a reduction of pupils to be educated in contract schools. The matter was first acted upon by the Fifty-third Congress, the first regular session, which, by the act of August 15, 1894 (28 Stat. L., 311), directed—

That the Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of Indian children; and that he submit to Congress at its next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.

In compliance with the provision the Secretary of the Interior, on December 13, 1894, submitted a report on the subject, submitting also a report of the Commissioner of Indian Affairs, dated November 19, 1894, which will be found in House Executive Document No. 107, Fifty-third Congress, third session. The Secretary says:

My views upon this subject are set forth in my annual report to the President of the United States, from which I quote as follows:

"The contract schools are now the subject of general discussion. I agree fully with those who oppose the use of public money for the support of sectarian schools. But this question should be considered practically. The schools have grown up. Money has been invested in their construction at a time when they were recognized as wise instrumentalities for the accomplishment of good. I do not think it proper to allow the intense feeling of opposition to sectarian education, which is showing itself all over the land, to induce the Department to disregard existing conditions. We need the schools now or else we need a large appropriation to build schools to take their place.

"It would scarcely be just to abolish them entirely—to abandon instantly a policy so long recognized. My own suggestion is that they should be decreased at the rate of not less than 20 per cent a year. Thus, in a few years more, they would cease to exist. During this time the Bureau would gradually be prepared to do without them, while they might gather strength to continue without Government aid. This is the policy which is now controlling the Department, and unless it is changed by legislation it will be continued. The decrease in appropriation for the present fiscal year is 20 per cent."

It is possible that the plan of annual reduction can not be carried out to the full extent proposed, namely, 20 per cent each year. But in any event, within a few years, unless unforeseen obstacles arise, the substitution of Government for contract schools should take place.

The Commissioner says:

By following this plan and gradually reducing the contracts year by year, and placing the pupils in Government schools, or, better still, in public schools, the contract schools can be entirely done away with in the course of five or six years, and this without doing any great injury to the parties who have their money invested in these contract schools, and at the same time provide adequate school facilities for the Indian pupils.

To discontinue all contract schools in the near future, and provide Government schools in their stead, the total cost to the Government in erecting suitable buildings, such as are now being erected by this office and furnishing the same complete, ready for occupancy, to say nothing of subsistence and clothing, would be, approximately, \$1,203,060. This, however, is based upon the supposition that all buildings erected would be on agencies where there would be no cost for the land.

In pursuance of the plan here outlined the last Congress enacted—

That the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June thirtieth, eighteen hundred and ninety-six, to an extent not exceeding eighty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five, and the Government shall, as early as possible, make provisions for the education of Indian children in Government schools: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county or city, or to schools herein or heretofore specifically provided for.

The present bill contains the same provision, limiting the extent to which the Secretary of the Interior is permitted to contract to not exceeding 60 per cent of the amount so used for the fiscal year 1895.

All the reductions from the estimates have been made after the most careful scrutiny, and in no case was a reduction made where the Commissioner of Indian Affairs objected that it would be to the detriment of the Service.

The history of the item providing for the purchase of the title of the Ogden Land Company is as follows:

The Indian appropriation bill passed August 15, 1894 (28 Stat. L., 301), provided—

That the Secretary of the Interior be, and he hereby is, authorized to make a thorough investigation of the facts touching the so-called Ogden Land Company,

and the original history of the alleged claim of said company to any of the lands of the Seneca Nation of Indians in the State of New York, and any and all evidences of title, and to make to Congress a full report, with such suggestion and recommendations as he may deem proper in view of all the facts ascertained.

The Secretary made his report under such authority February 1, 1895. (Senate Ex. Doc. No. 52, third session Fifty-third Congress.) The Secretary transmits as a part of his report the report made to him by the Commissioner of Indian Affairs. The Secretary says:

The Commissioner is of opinion that the Ogden Land Company has a valid existing right and interest in the Allegany and Cattaraugus and in a portion of the Tuscarora reservations, and he says: The extent or quantity of this interest seems to be fully recognized by the courts and by the legislature of the State of New York.

He further says:

The first and most essential thing to be done in the solution of the Indian problem is the extinguishment of the claim of the Ogden Land Company.

The Secretary says that the claim has been—

a most serious hindrance to the prosperity and advancement of the Indians and an endless amount of trouble and annoyance to the Department. In order to carry out the policy of the Government to allot lands in severalty to these Indians, with a view of their eventual absorption into the body politic, it is absolutely necessary to extinguish the claim of said company to the land in question, and, in my opinion, that should be done at once.

The suggestion was made in the report that the Secretary be given authority to negotiate with said company for the relinquishment of its right at not to exceed \$10 per acre, which price is stated to be "not an exorbitant one."

The appropriation bill of 1895 provided:

That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the Ogden Land Company for the purchase of the interests said company may possess, if any, in the Cattaraugus Indian reservations in the State of New York.

Such negotiations were had as developed the fact that the release of this claim or title to the United States could be procured at \$5 per acre. The Secretary of the Interior submitted the question of title to the Department of Justice. At the time of writing this report, a report thereon has not been received. It is expected, however, within a few days, and before the bill is acted on in the House. The same title to the lands of the Tonawanda Indians was purchased by the Government of said company in 1857, at \$20 per acre. The lands were not more valuable than those in question.

The provisions of the bill, carrying no appropriation, which are new, are as follows:

That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property and annuities of the tribe to which the mother belongs, by blood, as any other member of the tribe; and no prior act of Congress shall be so construed as to debar such child of such right: *Provided*, That nothing herein shall conflict with the provisions of existing treaties.

And

Provided, That on and after the first day of December, 1898, next, the act or acts of the legislature of the State of Washington relative to the removal of the restrictions as to the sale of the allotted lands of the Puyallup Indians shall be, so far as the Congress and Government of the United States are concerned, in full force and effect.

And

That the adult allottees of section 21 and 28, in township 27 north, of range 24 east, in the Wyandotte Reservation, Indian Territory, may sell and convey the land allotted to them in said sections: *Provided*, That the land so conveyed shall not exceed one half of the land owned by each of them within the limits of the Quapaw Agency, subject to the approval of the Secretary of the Interior.