

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

6-6-1896

Mixed-blood Indians.

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



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

Recommended Citation

H.R. Rep. No. 2276, 54th Cong., 1st Sess. (1896)

This House 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.

MIXED-BLOOD INDIANS.

JUNE 6, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 8584.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8584) entitled "A bill confirming the title of mixed-blood Indians to their lands, and allowing the same to be alienated under certain circumstances," have had the same under consideration and respectfully recommend that the same do pass with the following amendment:

Insert the words "or purchasers" after the word "entries," in line 3 of page 1.

The committee believes the proposed legislation is a step in the right direction and ought to pass. The objections made by the Interior Department are herewith submitted and are made a part of this report. The objections urged by the Department to the passage of the bill have not the force they had against the original measure (H. R. 5173). That bill applied to Indians of the half-blood. This bill applies to those of the quarter-blood.

It is the opinion of the committee that Indians having only one-quarter of Indian blood ought to be able to assume the responsibility of citizenship and bear some of its burdens equally with their white neighbors. The bill proposes to allow such Indians to sell and dispose of their lands and encumber the same. It also proposes to subject the lands of such Indians to taxation. They receive the full benefits of local government and there is no good reason why they should not assist in meeting the responsibilities for such purposes. Their white neighbors should not be compelled to assume the whole burden for an indefinite period and provide local government as well as all local improvements.

The committee believes that Indians having so small a fraction of Indian blood, with the great assistance and help the Government has rendered to them, should assume all the obligations incumbent to the citizen. The bill further authorizes Indians possessing a higher fraction of Indian blood to sell or encumber their lands after making a showing satisfactory to a judge of a district or circuit court of the State or Territory in which such Indian resides. The committee believes such a provision should be enacted, for the reason that many of the Indians are fully competent to manage their own affairs, and should be allowed to do so under such restrictions as are provided in this bill.

MIXED-BLOOD INDIANS.

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1896.

SIR: I have the honor to transmit herewith copy of a communication of 10th instant, from the Commissioner of Indian Affairs, in response to your letter, addressed to him on 9th instant, requesting a report upon H. R. 5173, "A bill confirming the title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances."

The answer of the Bureau of Indian Affairs was passed through this office for its information only, and is forwarded to you without any expression of opinion on the subject by the Department, as its views were not requested.

Very respectfully,

JNO. M. REYNOLDS,
Acting Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, (OFFICE OF INDIAN AFFAIRS,
Washington, April 10, 1896.

SIR: I am in receipt of a communication from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, dated April 9, 1896, in which, by direction of the committee, he refers H. R. 5173, "Confirming title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances," to this office with a request for a report thereon.

The bill provides that all entries of land or allotments of land in severalty heretofore made to any mixed-blood Indians, of whatever degree, by virtue of any of the laws of the United States, are hereby ratified and confirmed; also, that all mixed-blood Indians who are one-half or less than one-half of Indian blood who have heretofore taken or may hereafter take allotments of land in severalty shall, upon taking said allotment of land, receive from the United States a patent for the same in fee, and shall thereupon have the right to sell, convey, or encumber said lands, and the same shall be subject to taxation the same as the lands of any other citizen of the United States.

To the first part of this bill I do not see any particular objection, although I do not think that any necessity exists for its passage. Where title has vested in any Indian, whole or mixed blood, I do not know of any way in which he can be divested of such title except by the judgment or decree of a court having competent jurisdiction upon a suit instituted by the United States, except under the act of January 26, 1895 (28 Stat. L., 641), which authorizes the Secretary of the Interior to cancel any patent which has been erroneously and wrongfully issued. I do not see any necessity for ratifying and confirming that which is already valid.

To the second part of the bill, allowing mixed-blood Indians to sell and convey their lands and providing for a fee-simple patent, I have very serious objections. While there are some mixed-blood as well as full-blood Indians who are capable of managing their affairs discreetly and to whom the issuance of fee-simple patents might be advisable, yet there are many others, mixed bloods as well as full bloods, to whom the issuance of such patents would be extremely unwise, and who would receive no permanent benefit from the land thus allotted them.

I consider the provision of the general allotment and other similar acts retaining the title in the allotments in the United States for the period of twenty-five years as a most important safeguard, without which the allotment policy would be a great detriment rather than a benefit to the Indians.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.