3-5-1898

Letter from the Secretary of the Interior, transmitting letters from the Commissioner of the General Land Office and the Commissioner of Indian Affairs in relation to the clause in the Indian appropriation bill (H. R. 6896) which contemplates the allowance of free homes on certain lands acquired from various Indian tribes, etc.

55TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 332.

CERTAIN LANDS ACQUIRED FROM VARIOUS INDIAN TRIBES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

LETTERS FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE AND THE COMMISSIONER OF INDIAN AFFAIRS IN RELATION TO THE CLAUSE IN THE INDIAN APPROPRIATION BILL (H. R. 6896) WHICH CONTEMPLATES THE ALLOWANCE OF FREE HOMES ON CERTAIN LANDS ACQUIRED FROM VARIOUS INDIAN TRIBES, ETC.

MARCH 7, 1898.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, March 5, 1898.

SIR: Your letter of recent date has been received, inclosing copy of a clause in House bill 6896 (Fifty-fifth Congress, second session) making appropriations for the Indian service for the ensuing fiscal year, as passed by the Senate February 11, 1898. The clause in question which contemplates the allowance of "free homes" on certain lands acquired from various Indian tribes is as follows, to wit:

> That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler, and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however*, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States.

You request to be advised as to the specific obligations which would be imposed upon the United States should the clause in question become a law, and, generally, such other information touching the subject-matter as will enable you to give it due and proper consideration.

In response thereto I have the honor to transmit herewith copies of letters from the Commissioner of the General Land Office and the Commissioner of Indian Affairs, respectively, who, at my instance, have submitted carefully prepared reports upon the clause in question. The report of the Commissioner of the General Land Office covers lands acquired by treaty or agreement with the various Indian tribes prior to

the passage of this bill by the Senate. It will be seen therefrom that the clause in question embraces two classes of land, to wit:

First. Lands ceded to the Government by the Indians, to be disposed of for their benefit (in accordance with the laws passed in ratification of agreements), aggregating 14,382,326 acres, from the sales of which $119,740 have been received and paid over to the Indians, leaving an estimated amount yet to be received from receipts of such lands of $12,259,625, for which direct appropriation will have to be made by Congress to reimburse the Indians.

Second. Lands purchased from the Indians by the Government for a specific sum (to be reimbursed to the United States by the payments from settlers upon such lands), aggregating $25,261,937.95, and having an acreage of 15,179,820 acres. Of the latter 7,651,700 acres have been entered by 63,046 settlers, upon which there has been paid $560,433, leaving the estimated amount yet to be received upon final disposal of all the lands $23,600,339. The total loss to the Government by the enactment of the free-homes clause, above mentioned, as a law may be stated to be approximately $35,859,964.

In the first class the Government, as a guardian or trustee for the Indians, sells their lands and accounts to them for the proceeds, and in the second it simply advances the money, or guarantees, in accordance with the terms of the agreement, to pay the Indians stipulated sums for their lands, assuming all risks of reimbursement in requiring settlers to pay for the land at such prices per acre as will approximately cover the outlay.

After the conclusion of the negotiations with the several Indian tribes for the cessions of these lands, which resulted in their being opened to settlement, it was well known to every prospective settler thereon that under the law payment must be made for all lands entered. The policy of the Government being thus well understood, it can not reasonably be contended that it was the intention of Congress, in providing for the disposition of either of the classes of lands indicated, to tax the people generally to furnish free homes to a comparatively small portion of their number.

Attention is directed to the fact that the several public-land States, except California, are allowed by their respective enabling acts 5 per cent of the net proceeds from the sales of the lands of the United States after certain dates named therein. The passage of the clause under discussion would, in a measure, affect the receipts of the States from such source.

Attention is further directed to the fact that there is now pending in the Senate a bill (No. 361) section 2 of which provides for an account of the 5 per cent on all lands theretofore or thereafter so located or disposed of for cash or bounty-land warrants, land scrip, or certificates of any kind, or agricultural-college scrip, and of all lands allotted to Indians in severalty exempt from taxation, all former or existing Indian, military, or other reservations in the States, estimating the value thereof at $1.25 per acre. Section 3 provides for the payment to the States of such 5 per cent by the Secretary of the Treasury upon the certification of said account.

The free-homestead clause, hereinbefore referred to, is technically applicable to lands acquired prior to its passage; but it should be borne in mind that if the bill becomes a law with this clause forming a part thereof it establishes a policy of paying for Indian lands to furnish free homes for settlers which can not be ignored in the future, and will inevitably be followed as regards lands in existing Indian reservations.

If the clause in question should become a law, upon what principle

of equity or justice could the United States refuse to refund to the settlers on such lands the sum of $680,173 which they have in good faith already paid into the Treasury; $119,740 thereof having heretofore been turned over to the Indians for lands embraced in the first class, and the balance, $560,433, paid under the second class to the United States by settlers as commutation, etc., to secure early patents for their lands?

From the inclosed letter of the Commissioner of Indian Affairs it will be seen that but two pending agreements would be affected by the proposed legislation—that with the Kiowas, Comanches, and Apaches in Oklahoma, and that with the Indians of the Fort Hall Reservation in Idaho, the former agreeing to cede 2,500,000 acres for the sum of $2,000,000, and the latter to cede 415,000 acres for $600,000, their total representing the obligation which the United States would have to assume in case of ratification of the agreement and the enactment of free-homes legislation. It further appears therefrom, however, that there are in addition nine Indian reservations, having an estimated area of 12,199,617 acres and a total valuation of $15,249,521, which might possibly be opened to homestead settlement, thereby placing the United States under the obligation of appropriating moneys sufficient in amount to pay for the full value thereof.

After careful consideration of the facts set forth, and while having the fullest sympathy with the poor and the homeless in this country, I am constrained to suggest the inexpediency of the enactment of this free homes clause, as in effect it would be the taxing of the entire people of this country for the benefit of a few. I trust, therefore, that the objectionable clause, above referred to, will be eliminated from the Indian appropriation bill before it becomes a law.

Very respectfully,

C. N. BLISS, *Secretary.*

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR.
Washington, March 5, 1898.

SIR: In further reply to your letter of recent date, requesting information as to the obligations which will be imposed upon the Government by the passage of House bill 6896, making appropriations for the Indian service during the ensuing fiscal year, with the free-homes clause therein, I have the honor to invite your attention to the act of Congress approved August 30, 1890, for the more complete endowment of agricultural and mechanical colleges now established, or hereafter to be established, under the act of July 2, 1862.

The act of August 30, 1890 (26 Stat. L., 417), makes an annual appropriation, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, of the sum of $15,000 for the first year, $16,000 the second year, and an annual increase until the annual appropriation reaches the sum of $25,000 to be paid each State and Territory for the maintenance of the agricultural and mechanical colleges therein.

In the Book of Estimates of Appropriations for the service during the fiscal year ending June 30, 1899, page 327, will be found the estimate, prepared by the Secretary of the Treasury, of the amount necessary to provide for the agricultural and mechanical colleges, and on the same page an estimate of the amount required to pay the several States 5, 3,

and 2 per cent of the net proceeds of the sales of public lands. In case the receipts from the sales of the public lands should be less than the amounts required to pay this indefinite appropriation for the more complete endowment of the agricultural and mechanical colleges, would not Congress be compelled to make up the difference by specific appropriations? In case of the reduction of the public lands from which a revenue could be received, by the passage of this free-home clause, would not there be a corresponding decrease in the income of the land States from their percentage on the sales of public lands?

Very respectfully,

C. N. BLISS, *Secretary.*

Hon. JAMES S. SHERMAN,
Chairman, Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 26, 1898.

SIR: I have the honor to acknowledge the receipt of a letter from the honorable First Assistant Secretary, dated February 18, 1898, requesting to be advised as to the specific obligations which would be imposed upon the United States should the clause in H. R. 6896, Fifty-fifth Congress, second session, relative to certain lands acquired from various Indian tribes become a law, which reads as follows:

> That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided,* That the right to commute any such entry and pay for said land, in the option of any such settler, and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however,* That all sums of money so released which, if not released, would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

It is also requested that the information sought be given in tabular form, showing the reservations which would be affected, the areas ceded, exclusive of allotments and reserved lands, the price to be paid by settlers, the amount that will be received from settlers under existing law, the amount paid by settlers, and the amount to be paid the Indians should the clause become a law.

In reply, I have to state that the clause refers to two classes of lands acquired from Indians prior to the passage of the proposed law, to wit, (1) lands ceded to the Government by the Indians to be disposed of for their benefit in accordance with the laws passed in ratification of articles of agreement, (2) lands purchased from the Indians and opened to settlement and entry upon condition of payment therefor by the entrymen to reimburse the Government for the amounts paid, or to be paid, to extinguish the Indian titles, and proposes to relieve homesteaders on such lands who make their proofs under 2291 or 2305, Revised Statutes, from making the payments for the lands now required by law.

In the first class, the United States assuming the obligations now imposed on entrymen, specific appropriations would have to be made to pay the Indians for disposals of their lands.

In the second class, the satisfaction of the Indian claims having been

otherwise provided for by law, the Government would simply lose the amounts payable by the entrymen under existing laws.

The following table shows, so far as possible without exhaustive researches, the lands which would be affected should the clause become a law, the areas ceded, exclusive of allotments and reservations, the price paid or to be paid by entrymen, the amount received from disposals to December 31, 1897, and the amount to be received from settlers should the lands be disposed of as homesteads under existing laws.

The last column of the table represents estimates of losses to the United States, in event the clause becomes a law, which are based upon the assumption that all the lands have been or will be entered as homesteads and the titles thereto perfected under sections 2291 or 2305, Revised Statutes.

In the disposal of some of the lands the laws require settlers to pay interest in addition to the payments for the lands. This would be an additional loss, the amount of which can not be estimated.

With regard to some of the lands, the privilege of commutation is permitted, and wherever exercised the amount of loss will be reduced to the extent of the amount paid in commuting.

The amount of loss will also be reduced wherever lands are entered under other than the homestead law. In most cases nearly all of the lands will undoubtedly be disposed of under the homestead law.

As no separate account has been kept with reference to disposals of lands of the several reservations in Oklahoma, the lump sum of the amounts received from disposals is given.

Name of reservation.	Estimated number of acres ceded, opened, or to be opened to entry.	Price per acre paid or to be paid by entrymen.	Number original homestead entries to Dec. 31, 1897.	Area in acres covered by entries.	Approximate amount received to Dec. 31, 1897.	Estimated amount yet to be received from settlers should all land be disposed of as homesteads under existing laws.
First-class.						
Great Sioux, North and South Dakota, and Ponca, Nebraska.	8,550,938	$1.25 .75 .50	6,844	960,000	$119,740	$4,616,140
Colville, Washington	1,417,000	1.50	(Not yet opened to entry.)			2,125,500
Chippewa, Minnesota	3,323,000	1.25	1,800	250,000	None.	4,153,750
Wichita, Oklahoma	491,388	1.25	(Not yet opened to entry.)			614,235
Southern Ute, Colorado	600,000	1.25	(Not yet opened to entry.)			750,000
Total first-class	14,382,326		8,644	1,210,000	119,740	12,259,625
Second class.						
Lake Traverse, North and South Dakota	574,000	2.50	4,481	530,000	35,000	1,400,000
Yankton Sioux, South Dakota	151,692	3.75	848	112,000	68,545	500,300
Fort Berthold, North Dakota	1,838,720	1.50	(Not yet opened to entry.)			2,758,080
Cœur d'Alene, Idaho	174,690	1.50	438	57,000	None.	262,035
Nez Perces, Idaho	550,556	3.75	1,766	195,000	None.	1,877,085
Siletz, Oregon	177,000	1.50	37	4,000	4,048	261,452
Crow, Montana	1,700,000	1.50	244	31,700	840	2,549,160
Cherokee, Pawnee, and Tonkawa, Oklahoma	5,599,140	1.00 1.50 2.50				
Sac and Fox, Oklahoma	364,536	1.25				
Iowa, Oklahoma	207,028	1.25				
Absentee Shawnee and Pottawatomie, Oklahoma	256,896	1.50	55,232	6,622,000	452,000	13,992,227
Cheyenne and Arapahoe, Oklahoma	3,500,562	1.50				
Kickapoo, Oklahoma	85,000	1.50				
Total second class	15,179,820		63,046	7,551,700	560,433	23,600,339
Total both classes	29,562,146		71,690	8,761,700	680,173	35,859,964

Amounts paid, or agreed to be paid, to the Indians in consideration of cessions of lands of the second class.

Lake Traverse, North and South Dakota	$2,203,000.00
Yankton Sioux, South Dakota	610,000.00
Fort Berthold, North Dakota	800,000.00
Cœur d'Alene, Idaho	650,000.00
Nez Perces, Idaho	1,668,622.00
Siletz, Oregon	142,600.00
Crow, Montana	946,000.00
Cherokee, Oklahoma	9,324,125.00
Pawnee, Oklahoma	263,065.79
Tonkawa, Oklahoma	30,600.00
Sac and Fox, Oklahoma	950,278.00
Iowa, Oklahoma	305,565.46
Absentee Shawnee and Pottawatomie, Oklahoma	773,000.31
Cheyenne and Arapahoe, Oklahoma	5,400,646.87
Kickapoo, Oklahoma	264,922.02
Total	24,332,425.45
To which should be added the amount paid the Choctaws and Chickasaws for relinquishment of their claim to the Wichita lands (first class)	929,512.50
Grand total	25,261,937.95

The great Sioux and Ponca lands are subject to disposal for homesteads and town sites under the act of March 2, 1889 (25 Stat., 888), the lands to be paid for by settlers at the price per acre as provided by section 21 of the act, and the money to be deposited, as provided by section 22, in the United States Treasury, to be applied to reimburse the Government for necessary actual expenditures provided for by the act, and to create a permanent fund for the Indians. The privilege of commutation under section 2301, Revised Statutes, was denied settlers on these lands by said section 21, but by section 6 of the act of March 3, 1891 (26 Stat., 1095), and the act of November 1, 1893 (28 Stat., 4), such privilege was, respectively, extended to settlers on the portions in South Dakota and Nebraska, with the proviso that they shall not be relieved from any payments required by law.

The Colville lands, when opened to entry, are made subject to disposal under the general land laws applicable to the State of Washington by the act of July 1, 1892 (27 Stat., 62), which requires homesteaders to pay, before receiving final certificates, $1.50 per acre for the lands taken by them. The proceeds arising from disposals of these lands are to be set apart in the United States Treasury, subject to future disposition by Congress. Homestead entries may be commuted under section 2301, Revised Statutes.

The Chippewa lands are subject to disposal as homesteads only, under section 6, act of January 14, 1889 (25 Stat., 642), the homesteaders to pay $1.25 per acre in five equal annual installments, the money to be deposited in the United States Treasury for the benefit of the Indians as recompense for the cession. The commutation provision of the homestead law (2301, Rev. Stat.) is not applicable to these lands.

The Wichita lands, when opened to settlement, will be subject to homestead, town site, and mineral entries under the act of March 2, 1895 (28 Stat., 897), which requires each homesteader, when he submits his final proof, to pay $1.25 per acre for the land taken by him. The proceeds from disposals of these lands are to be deposited in the Treasury subject to the judgment of the Court of Claims, in a suit authorized to be brought by the Indians against the United States to determine the amount, if any, which they may be entitled to receive for relinquishing

their lands. Homesteaders can commute their entries upon making proof of fourteen months' residence and improvements and the payments required by the act. $929,512.50 paid Choctaws and Chickasaws for relinquishment of their claim to these lands.

The Southern Ute lands, when opened, will be subject to homestead, desert-land, town-site, mineral, and timber and stone entries under the act of February 20, 1895 (28 Stat., 677), which provides that no homestead settler shall receive a title to any portion of said lands for less than $1.25 per acre. Homestead entries may be commuted under section 2301, Revised Statutes. A portion of the proceeds from disposals of these lands is to be paid to the Indians, and the balance, after deducting expenses of survey and sales, is to be deposited in the United States Treasury for their sole use and benefit.

The Lake Traverse lands (Sisseton and Wahpeton Indians) were made subject to homestead and town-site entries by the act of March 3, 1891 (26 Stat., 1038), the settlers being required to pay therefor, prior to issue of patents, at the rate of $2.50 per acre. Homestead entries may be commuted under section 2301, Revised Statutes.

The Yankton Sioux lands were made subject to homestead and town-site entries only under the act of August 15, 1894 (28 Stat., 319), the homesteaders being required to pay $3.75 per acre for the lands before issuance of certificates of final entry. Homestead entries may be commuted under section 2301, Revised Statutes.

Fort Berthold lands are made subject to homestead entry under section 25 of the act of March 3, 1891 (26 Stat., 1035), which requires settlers to pay $1.50 per acre for the lands before receiving certificates of entry. The privilege of commutation under section 2301, Revised Statutes, is denied settlers by the act.

Cœur d'Alene lands are made subject to homestead entry under section 22 of the act of March 3, 1891 (26 Stat., 1031), which requires each settler to pay for his land within five years from date of original entry, at the rate of $1.50 per acre. The privilege of commutation under section 2301, Revised Statutes, is denied to settlers.

Nez Percé lands are subject to homestead, town-site, timber, and stone and mineral entries under the act of August 15, 1894 (28 Stat., 326–332), which provides that each settler shall pay the United States, before receiving a certificate of entry, $3.75 per acre for the land taken by him. Entries may be commuted under section 2301, Revised Statutes.

Siletz lands are subject to homestead, town-site, and mineral entries under section 15, act of August 15, 1894 (28 Stat., 323–326), which requires each settler to pay 50 cents per acre for his land at the time of original entry and $1 per acre upon making final proof. Entries may be commuted under section 2301, Revised Statutes.

Crow lands are subject to homestead and mineral entries under section 34 of the act of March 3, 1891 (26 Stat., 1043), which requires each settler, before receiving a patent, to pay $1.50 per acre for his land; privilege of commutation under section 2301, Revised Statutes, denied by the act.

Cherokee lands are subject to homestead and town-site entries under section 10 of the act of March 3, 1893 (27 Stat., 640), which requires each settler, before receiving a patent, to pay $2.50 per acre for lands east of 97½° west longitude, $1.50 per acre for those between 97½° and 98½ west longitude, and $1 per acre for those west of 98½° west longitude, and also interest upon the amount to be so paid at 4 per cent per annum, counting from date of his original entry to date of final payment. Entries of these lands can be commuted under section 19 of the act of August 15, 1894 (28 Stat., 336).

Pawnee and Tonkawa lands are subject to homestead and town-site entries under section 13 of the act of March 3, 1893 (27 Stat., 644), which requires each settler to pay $2.50 per acre for the land taken by him, and also interest upon the amount to be so paid at 4 per cent per annum, counting from date of his original entry to date of final payment. The entries may be commuted under section 19 of the act of August 15, 1894 (28 Stat., 336).

The Sac and Fox and Iowa lands are subject to homestead and town-site entries under section 7 of the act of February 13, 1891 (26 Stat., 759), which requires each settler to pay, before receiving a patent, $1.25 per acre for the land taken by him. The law permits commutations of homestead entries at expiration of twelve months from date of settlement.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands are subject to homestead and town-site entries under section 16 of the act of March 3, 1891 (26 Stat., 1026), which provides that each homesteader shall pay $1.50 per acre for the land taken by him. Homestead entries may be commuted under the act of October 20, 1893 (28 Stat., 3).

Kickapoo lands are subject to homestead and town-site entries under section 3, act of March 3, 1893 (27 Stat., 563), which requires each homesteader, before receiving a certificate of final entry, to pay the United States $1.50 per acre for land taken by him. Privilege of commutation denied by the law.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

ADDENDA.

The reason of the smallness of the sums reported in the column "Approximate amount received to December 31, 1897," is that the payments are not due, the time within which the settlers are allowed to make final proof and payments having not yet expired with regard to any of the lands. General extensions with regard to payments were granted by the acts of July 26, 1894 (28 Stat., 123), June 10, 1896 (29 Stat., 321), and June 7, 1897 (30 Stat., 87). Special extensions with reference to first payments for certain lands in Oklahoma have also been granted.

The greater part of the amounts reported in this column represents voluntary commutations authorized under the various acts, except with regard to Yankton-Sioux and Siletz lands, where they represent principally the 50 cents per acre required of settlers upon making original entry.

Some of the reservations—Colville, Wichita, Southern Ute, and the greater part of the Chippewa—have not yet been opened to entry.

The Uncompahgre Reservation, Utah.

The act of June 15, 1880 (21 Stat., 199) provided for the disposal of certain lands of the confederated bands of Utes in Colorado, the Uncompahgre Utes agreeing to remove to certain unoccupied agricultural lands in Utah, and the Uncompahgre Reserve, embracing approximately 1,900,000 acres, was created by Executive order of January 5, 1882.

By section 21 of the act of August 15, 1894 (23 Stat., 337), a commission was authorized to make allotments to the Uncompahgre Utes in said reserve, providing, however, that each allottee shall pay (from the funds in the Treasury, proceeds of the sales of their lands in Colorado) $1.25 per acre for the land allotted to him. Section 21 of the act provided that upon approval of the allotments by the Secretary of the Interior the remainder of the reservation shall be opened to entry under homestead and mineral laws with certain limitations, and provided that each settler shall pay $1.50 per acre for the land taken by him.

The act of June 7, 1897 (30 Pamph. Stat.. 87), directs the Secretary of the Interior to allot in severalty to the Uncompahgres agricultural lands in their reservation and the Uintah Reservation, or elsewhere in Utah, and provides that the lands of the Uncompahgre Reservation not allotted on April 1, 1898, shall, with the exception of lands containing gilsonite, asphalt, etc., be on that day and thereafter, open to entry under all the land laws of the United States.

As these lands have not been turned over to the General Land Office for disposal, the question as to payment therefor by settlers has not been considered. Should the "Free homestead bill" become a law, it would probably be construed so as to relieve the settlers of payment, if payment for the land is required by existing laws, and the Government would lose $1.50 per acre for the lands actually disposed of under the homestead law.

The honorable Assistant Attorney-General Vandevanter, in his opinion of November 17, 1897 (25 L. D., 408), held that the cession by these Indians of their land in Colorado was a consideration for the reservation of the lands in Utah. Still, because the money to be derived from their sale is not a trust fund for the benefit of the Indians, but goes to the general Treasury of the United States, and because the United States seem to have paid nothing to the Indians for their Utah lands as a basis for the act of August 15, 1894, above, and loses nothing on account of such a payment, and as the Indians themselves are required to pay for any lands to be allotted to them, the land of these Uncompahgre Utes in Utah were not included in the tables contained in letter of February 26, 1898.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 23, 1898.

SIR: I have the honor to acknowledge the receipt of a communication from Hon. Thomas Ryan, First Assistant Secretary, dated February 18, 1898, in which he asks to be advised, at the earliest practicable date, as to the specific obligations which would be imposed upon the United States should the clause in the Indian appropriation bill (H. R. 6896) providing for "Free homesteads" (Senate Amendment No. 58) become a law.

He also desires a tabular statement showing the reservations affected by this clause, the area ceded exclusive of allotted and reserved lands, the price to be paid by settlers, the amount that will be received from settlers under the existing laws, the amount paid by settlers, and the amount to be paid the Indian tribe for such lands under the clause indicated, and similar information regarding those reservations in which negotiations with Indians are now in progress, or may have been authorized, for the sale or cession of their lands embraced therein.

I do not know of but two pending agreements that would be affected by the proposed legislation—that with the Kiowas, Comanches, and Apaches in Oklahoma, and that with the Indians of the Fort Hall Reservation, in Idaho. By the former agreement the Indians cede, exclusive of allotments, etc., about 2,500,000 acres, for the sum of $2,000,000. In case the agreement should be ratified and the proposed legislation enacted, the obligation which the United States would have to assume would be that sum.

By the agreement with the Fort Hall Indians they cede 415,000 acres for $600,000, which in similar contingencies would be the amount of the Government's obligation to them.

Yakimas in Washington.
Uintahs in Utah.
Flatheads in Montana.
Crows in Montana.
Northern Cheyennes in Montana.
Sioux, Standing Rock Reservation, North Dakota and South Dakota.
Sioux, Cheyenne River Reservation, S. Dak.
Sioux, Rosebud Reservation, S. Dak.
Sioux, Lower Brule Reservation, S. Dak.

As this office has no information and no means of determining at this time as to the quantity of land that may be ceded, the price that may be paid, or the manner in which the lands will be disposed of, I can only give the merest estimate of the amount that would be received by the Government in case all the surplus lands should be ceded and disposed of under the homestead laws at, say, $1.25 per acre.

The Yakima Reservation, in Washington, contains 800,000 acres; Indians on reservation, about 2,000; nonreservation Indians entitled to allotments on reservation (estimated), 1,000. Deduct allotments and sections 16 and 36 (28,500 acres), and there will be a surplus of about 489,500 acres which might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre it would amount to $611,875.

The Uintah Reservation, in Utah, contains 2,039,040 acres; Indians on reservation and entitled to allotments, 1,720. Deduct allotments (estimated 150 acres each) and sections 16 and 36 (98,000 acres), and there will be a surplus of about 1,683,040 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre it would amount to $2,103,800.

The Flathead Reservation, in Montana, contains 1,433,800 acres; Indians on reservation and entitled to allotments, 2,000. Deduct allotments (estimated 160 acres each) and sections 16 and 36 (61,250 acres), and there will be a surplus of about 1,052,350 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre it would amount to $1,315,440.

The Crow Reservation in Montana contains 3,504,000 acres. Indians on reservation entitled to allotments, 2,140. Deduct allotments (estimated 150 acres each) and sections 16 and 36 (175,065 acres) and there will be a surplus of about 3,007,935 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre, it would amount to $3,759,919.

The Northern Cheyenne Reservation in Montana contains 371,200

acres. Indians on reservation and entitled to allotments, 1,330. Deduct allotments (estimated 100 acres each) and sections 16 and 36 (13,101 acres) and there will be a surplus of about 225,099 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre, it would amount to $281,373.

The Standing Rock Reservation, in North Dakota and South Dakota, contains 2,672,640 acres. Indians on reservation, 3,720. Deduct estimated quantity of land required for allotment (1,000,000 acres) and sections 16 and 36 (estimated 91,995 acres) and there will be a surplus of about 1,580,645 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre, it would amount to $1,975,806.

The Cheyenne River Reservation, in South Dakota, contains 2,867,840 acres. Indians on reservation, 2,550. Deduct estimated quantity of land required for allotment (702,000 acres) and sections 16 and 36 (estimated 119,121 acres) and there will be a surplus of about 2,046,719 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre, it would amount to $2,558,398.

The Rosebud Reservation contains 3,228,160 acres; Indians on reservation (not including Lower Brulés, who for the purposes of this report are included in the Lower Brulé statement), 4,381. Deduct estimated quantity of land required for allotment (1,204,775 acres) and sections 16 and 36 (estimate, 111,286 acres) and there will be a surplus of about 1,912,099 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre it would amount to $2,390,123.

The Lower Brulé Reservation, in South Dakota, contains 472,550 acres; Indians on reservation (including those at Rosebud as above stated), 940. Deduct estimated quantity of land required for allotment (250,550 acres) and sections 16 and 36 (estimate, 11,770 acres) and there will be a surplus of about 202,230 acres, which, if it were all agricultural land, might be opened to settlement under the homestead laws if ceded to the United States by the Indians. Valued at $1.25 per acre it would amount to $252,787.

Summary of lands that might be opened to homestead settlement as the result of pending or authorized negotiations with Indian tribes, as above set forth, showing the area of such lands and their value at $1.25 per acre.

Reservation.	Estimated area of lands that may possibly be opened.	Value of same at $1.25 per acre.
Yakima	489,500	$611,875
Uintah	1,683,040	2,103,800
Flathead	1,052,350	1,315,440
Crow	3,007,935	3,759,919
Northern Cheyenne	225,099	281,373
Standing Rock	1,580,645	1,975,806
Cheyenne River	2,046,719	2,558,398
Rosebud	1,912,099	2,390,123
Lower Brulé	202,230	252,787
Total	12,199,617	15,249,521

It will be observed that the foregoing figures embrace all the estimated surplus lands in the several reservations named. It is proper to remark that considerable portions of some of them are mountainous and otherwise not adapted to homestead settlement, and are not likely ever to be entered under the homestead laws. Moreover, while the value of these lands is given at $1.25 per acre, it should be remembered that nearly 8,000,000 acres of other Sioux lands in North and South Dakota have been opened to settlement at 50 cents per acre, as shown in the tabular statement accompanying this report.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

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