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### Commission to make allotments of lands to certain Indians.

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H.R. Rep. No. 1172, 55th Cong., 2nd Sess. (1898)

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## COMMISSION TO MAKE ALLOTMENTS OF LANDS TO CERTAIN INDIANS.

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APRIL 25, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT.

[To accompany S. 1883.]

The Committee on Indian Affairs, to whom was referred Senate bill 1883 and House bill 7760, each being identical in terms, and each entitled "A bill for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted," beg leave to report the former to the House with the recommendation that it do pass with the following amendments:

In line 4, page 1, after the word "commission," strike out the word "of" and insert "consisting of not more than."

Strike out lines 12 and 13 on page 2, section 2.

Strike out the word "twenty," in line 7, page 3.

The committee has given careful consideration to this bill and the subject-matter to which it refers. The Uintah Reservation contains more than 2,000,000 acres of land, much of which by irrigation can be made productive and valuable for agricultural purposes, it being estimated by the surveyor-general of Utah that 60 per cent thereof is suitable for agriculture. Numerous streams of water traverse the reservation, which, at considerable expense, by means of dams and canals and ditches, can be diverted from their natural channels and appropriated upon the lands contiguous thereto. The greater portion of the reservation is unoccupied and is not required by the Indians residing thereon, but without legislation it can not be occupied and must remain sterile and unproductive.

The Uintah Indians, more frequently called Utes, reside in the extreme eastern portion of the reservation. They are less than 800 in number, and, notwithstanding the generous treatment of the Government accorded them, are rapidly diminishing. In recent years the United States has allotted lands in severalty to a portion of them with gratifying results. Those to whom allotments have not been made reside at the same place with those who have received lands. All are desirous of taking lands in severalty. So far as known, the Indians are impressed with the advantages that will result from an abandonment of their tribal relations and entering upon an industrial growth founded upon landed ownership.

The policy of the Government in dealing with the Indians is to allot lands in severalty to them and encourage the building of homes and agricultural and industrial development. It is believed this policy is best for the Indians and will conduce to their preservation as well as civilization. Without legislation there is no authority in the Government or its officials to allot lands upon the reservation to the Indians. The Interior Department as well as the Indian Bureau approve this measure with the amendments reported, believing that by its passage not only this result so desirable will be accomplished, but a large area of territory released and made available for disposition by the Government. Notwithstanding the very liberal provisions made in the bill for the Indians, there will be a large area for cession to the United States. In other words, though the bill provides that each head of a family shall receive 160 acres of farming land and the same amount for grazing purposes, nearly 2,000,000 acres will be added to the public domain, if, pursuant to this measure, a treaty with the Indians is negotiated and ratified.

The bill merely provides for the appointment of a commission, consisting of not more than three persons, to allot lands to the Indians and obtain by a treaty a cession from them to the Government of the residue of the land upon the reservation. If the Indians refuse to take allotments or to cede any portion of the reservation, then this measure becomes inoperative. On the other hand, if the Indians receive the commissioners, accept the allotments in severalty, and join in a treaty of cession to the Government, then, when the commission reports such treaty, Congress will determine whether the terms are such as will be approved. If the treaty fails of ratification the passage of this bill will have been in vain; if approved the Indians will be benefited, and the title (whether inchoate or indefeasible it is not necessary to determine) held by the Indians will be extinguished, and the lands not occupied by them will become a portion of the public domain of the United States.

Mr. Hall, the Assistant Attorney-General, in his report to the Secretary of the Interior, dated October 23, 1893, finds that the Indians are the owners of the lands within this reservation, because under the act of Congress of May 5, 1864 (13 Stat., p. 64), it was provided that the lands within the Uintah Reservation should be "set apart for the permanent settlement and exclusive occupation of the Indians." In order, therefore, to make available for settlement any portion of these lands it is necessary to obtain consent of the Indians by treaty or otherwise. The usual method employed by the Government in similar cases is to appoint a commission, as provided in this bill. The bill as it passed the Senate provided for three commissioners. The Secretary of the Interior suggests that under some circumstances one commissioner can discharge the duties as well as three; accordingly an amendment is proposed by which, if the President deems it advisable, a less number than three may be appointed.

In view of the fact that a commission is now at work allotting lands to the Uncompahgre Indians upon a reservation adjoining the Uintah Reservation, and these commissioners are daily associated with the Uintah Indians, it is thought that the work contemplated by this bill can be speedily accomplished and that the amount provided in the bill as it passed the Senate to cover the expenses of the commission is excessive. Accordingly your committee recommend an amendment by which \$5,000 is appropriated instead of \$25,000.