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CERTAIN LEASES MADE BY SENECA INDIANS.

DECEMBER 15, 1896.—Referred to the Committee on Indian Affairs and ordered to be printed.

The PRESIDENT PRO TEMPORE presented the following

LETTER FROM THE SECRETARY OF THE INTERIOR, IN RESPONSE TO PROVISION OF THE INDIAN APPROPRIATION ACT, APPROVED JUNE 10, 1896, AND INCLOSING A COMMUNICATION FROM THE COMMISSIONER OF INDIAN AFFAIRS RELATIVE TO LEASES MADE AND ENTERED INTO BY THE SENECA NATION OF INDIANS WITH ALL PERSONS OR CORPORATIONS OF ALL LANDS IN THE ALLEGANY INDIAN RESERVATION IN THE STATE OF NEW YORK.

DEPARTMENT OF THE INTERIOR,
Washington, December 12, 1896.

SIR: The Indian appropriation act approved June 10, 1896 (29 Stat. L., 340), contains the following provision:

That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of all lands in the Allegany Indian Reservation, in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease and amount or amounts due on each lease.

In response thereto, I have the honor to transmit herewith copy of a communication of 10th instant from the Commissioner of Indian Affairs and its inclosures, showing the action taken by the Indian Office and the Department to comply with the requirements of the law.

The Commissioner states that while he does not feel that the information called for by Congress is furnished in as satisfactory manner as it should be, it appears to be the best that can be given under the circumstances.

The report of the agent of the New York agency shows the number of leases made, but does not furnish the itemized statement of each and every lease now in existence or force, with the date and terms of each lease and amount or amounts due on each lease. To do this, on account of the condition of the records of the Seneca Nation, the agent states that it will require the services of two persons for at least six months, and he estimates the cost of such labor at \$1,500.

As no moneys have been appropriated for this work, and no funds under the control of the Department are available for the purpose, I have the honor to recommend that if the information furnished by the Commissioner is not deemed sufficient, that an appropriation of \$1,500, or so much thereof as may be necessary, may be made for the purpose.

Very respectfully,

DAVID R. FRANCIS, *Secretary.*

The PRESIDENT OF THE SENATE.

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

SIR: By letter dated June 24, 1896, this office invited the attention of the Department to an item in the Indian appropriation act for the current fiscal year as follows:

That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of all lands in the Allegany Indian Reservation, in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease and amount or amounts due on each lease. (29 Stat. L., 340.)

It was stated in said communication that it was believed that a proper performance of the work would require several months' time at the county seat at Cattaraugus County, and on the Allegany Reservation, and that as there was no appropriation made therefor it was suggested that the work be done by the United States Indian agent, New York agency, unless the Department had other views as to how it should be done.

June 27 the Department approved the foregoing suggestion, and directed the preparation of the necessary instructions for the guidance of the New York Indian agent.

July 3, Agent Jewell, New York agency, was directed to carry out the directions of the act above quoted at as early a date as practicable, and was told that a proper compliance with the requirements of the law would necessitate an examination of the records in the county clerk's office and of the records of the Seneca Nation.

July 6, Agent Jewell reported that it would be impracticable for him to make the examination and report called for during the then current quarter, as it was the busiest of the year; that it would be impracticable anyway to properly comply with instructions without expending a considerable portion of his salary, but that he could make a perfunctory report of the records as they appear for it.

In reply, Agent Jewell was directed by letter of July 15, to carry out the instructions contained in said office letter of July 3. He was also informed that if his official duties precluded the taking up of this work at once, it might be delayed for a reasonable time, but it was expected that he would complete it and submit his report thereon before the convening of Congress, December 7, and that his actual and necessary expenses for transportation and subsistence would be paid upon presentation of proper vouchers.

In a letter of October 6, Agent Jewell convinced this office that it would be impracticable for him to make a thorough investigation and report in detail of the business without neglecting other important duties, and he was therefore informed, October 10, that the instructions contained in office letter of July 3 last, were so far modified as to direct that he proceed to the county seat of Cattaraugus County, and to the clerk's office of the Seneca Nation, and make such investigation as would enable him to submit a report showing the aggregate number of leases, the average terms for which they are made, the estimated area of land covered by all, the aggregate annual rent, and the aggregate amount remaining due and unpaid, as nearly as could be ascertained in the time allowed. The agent was also directed to submit, with his report, an estimate of the cost of preparing a report in detail on said leases in compliance with the letter of the law.

This office is now in receipt of a letter dated December 5, from Agent

Jewell, in which he states that on November 23 he proceeded to Little Valley, the county seat of Cattaraugus County, and made a cursory examination of the records, when he discovered that he would have no time to perform the duties required in the examination of said records; that he therefore employed the county clerk to make such examination, whose report he incloses—the clerk being employed at his expense; that he was obliged to employ the clerk of the Seneca Nation to make an examination of the records of the nation, and report to him, which was done; that from said report it appears that there are recorded in a book, commencing with March 22, 1881, 76 leases; that from the year 1892 there are 5 libers containing the records of 1,443 leases for the term of ninety-nine years; that the same records show a large number of “subleases” recorded, the original leases having been of large tracts which were subsequently subdivided and subleased; that the number of acres covered by these leases is approximately 5,490, but the description of the lands in a great many leases is so imperfect that it would be impossible to give the quantity of land from any data contained in the descriptions.

The agent further reports that probably a large percentage of the leases recorded in the books of the Seneca Nation are also recorded in the office of the clerk of Cattaraugus County, but the records of the nation are in such condition that it would take a long time to compare the brief or abstract of the leases recorded in both places, and select those which are not recorded in the county clerk's office and make an abstract of them.

The report of the county clerk of Cattaraugus County shows the total number of Seneca leases recorded in his office to be 3,111; total number made prior to 1892 was 2,031, the average term of which was for twelve years, and the same were renewed every twelve years under the act of February 19, 1875 (18 Stat. L., 330); number of leases renewed in 1892 which have been recorded is 1,080, the same being for ninety-nine years under the said act of 1875 and the act of September 30, 1890 (26 Stat. L., 558); that prior to 1880 the greater portion of these lands were leased in large tracts and afterwards divided up into smaller parcels and subleased; that the average amount of rental (as stated in the leases) received by the Indians per annum prior to 1892, was \$10 per lease; that the average rental per annum since 1892 is \$5 per lease, and that the character of the descriptions is such in nearly all the leases that it will be impossible to determine the quantity of land contained therein without a survey of the same.

The clerk adds that it would be a difficult matter for him to make an estimate of what would be the cost of making an abstract of all leases and renewals, showing all that is required until after the work is completed, but he would estimate that the probable cost would be from \$600 to \$800.

Agent Jewell reports that it is impossible for him to state the number of persons it would require or the length of time it would take to comply with the strict letter of the law; that surveys might have to be made, but how many and the time it would take he is unable to state; that the rate of compensation would be somewhere from \$3 to \$5 per day, and that in his opinion it would take two persons about six months to make the investigation and abstract, and that the cost would be about \$1,500.

I have the honor to submit the forgoing report with two copies of Agents Jewell's letter and inclosures, and with the remark that, while I do not feel that the information called for by Congress is furnished in

as satisfactory manner as it should be, it appears to be the best that can be given under the circumstances.

It is true that Agent Jewell's time was so occupied by the duties connected with the New York agency that he could not make the full investigation and report called for. Even if he had been able to give all of his time to this work, from the passage of the act to date, it would probably have been a physical impossibility for him to have completed it unassisted. This office is not advised as to the object or purpose of Congress in directing that the information called for by the act be furnished, and I am therefore unable to determine whether the information herein given will answer that purpose. If it shall be found, however, that this information falls short of the requirements of Congress, and that more is desired, it is thought that the advisability of making an appropriation therefor should be considered.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Olean, N. Y., December 5, 1896.

SIR: In compliance with your instructions contained in office letter above referred to, dated October 10, 1896, I have the honor to state that I have had no time at my disposal in which to personally examine the records in the office of the clerk of Cattaraugus County, or in the office of the clerk of the Seneca Nation of Indians, having other business to perform which I had been instructed to perform. I also have the honor to state that on the 23d day of November, I proceeded to Little Valley, the county seat of this county, and made a cursory examination of the records. I discovered that I would have no time at my disposal to perform the duties required in the examination of said records. I therefore employed the county clerk to make such examination and report to me. I attach a copy of that report hereto.

The county clerk was employed at my expense. I tried to examine personally the records of the Seneca Nation of Indians, but I found that the books of record were in a safe on the Allegany Reservation and the key to the safe on the Cattaraugus Reservation. I therefore employed the clerk of the Seneca Nation to make an examination of the same and report to me, which he has done. The books of the Seneca Nation of Indians are in a bad condition. They are not indexed, and the leases are recorded in the general books kept by the nation, and the record of the leases is interspersed all through these books, which books are a record of their general business. From the report of the clerk of the Seneca Nation of Indians made to me, there are recorded in a book commencing with March 22, 1881, 76 leases.

From the year 1892 there are five libers containing the records of leases. These leases are for a term of ninety-nine years and the whole number of leases recorded therein is 1,443, as reported to me by the clerk. Of the whole number of leases recorded prior to 1892, and under the act of Congress of the year 1875, relating to the villages upon the Allegany Reservation, there are 72 leases recorded, being contained in six different libers. The clerk reports to me that there are a large number of what are known as "subleases" recorded in the books of the Seneca Nation of Indians. The leases originally given were for quite large tracts of land and they have been divided up and subleased from time to time. The number of acres covered by these leases is approximately 5,490. The description of the lands in a great many of the leases is so imperfect that it would be impossible to give the quantity of land from any data contained in the descriptions, and to obtain the quantity would require a measurement or survey.

Many of the leases recorded in the books of the Seneca Nation of Indians, and probably a large percentage of them are recorded in the office of the clerk of Cattaraugus County, but the records of the Seneca Nation of Indians are in such a condition that it would take a long time to compare the brief or abstract of the leases recorded in the office of the clerk of Cattaraugus County with the leases recorded in the books of the Seneca Nation, and select those which are not recorded in the county clerk's office and make an abstract of the same.

It is impossible for me to state the number of persons it would require or the length of time it would take to comply with the strict letter of the law. Surveys

and measurements might have to be made, and how many, and the time it would take, I am unable to state. The class of persons to be employed should be careful, competent persons, upon whose accuracy and reliability confidence can be placed. The rate of compensation would probably be somewhere from \$3 to \$5 per day.

In my opinion it would require the services of two persons for about six months to make this investigation and abstract and comply with the strict letter of the law. The labor could be performed by two persons, in my opinion, more advantageously than by one. In my opinion there should be a sum of \$1,500 available for the purpose of complying with the law.

Very respectfully,

J. R. JEWELL,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

Report of H. S. Merrill, county clerk of Cattaraugus County, N. Y., made to J. R. Jewell, United States Indian agent, concerning the number, average term, rent reserved, etc., of the leases granted by the Seneca Nation of Indians upon the Allegany Indian Reservation in New York under the act of Congress passed in 1875 and the act amendatory thereof.

First. The whole number of leases from the Seneca Nation of Indians to different persons which have been recorded in this office are 3,111. The number of libers occupied by said leases is 8. The number of pages in each liber is 600.

Second. The whole number of leases prior to 1892 was 2,031.

The average term of said leases was for twelve years, and the same were renewed prior to 1892 every twelve years, according to an act of Congress, entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases," approved February 19, 1875.

Third. The whole number of leases renewed in 1892 which have been recorded is 1,080, the same being for ninety-nine years under two acts of Congress, entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases," one approved February, 1875, and the other approved September 30, 1890.

Fourth. Prior to 1880 a greater portion of the lands in question were leased in large tracts and afterwards divided up into smaller parcels, being village lots, etc.

Fifth. The average amount of rental (as stated in the leases) received by the Indians per annum prior to 1892 was \$10 per lease.

Sixth. The average amount of rental per annum since 1892 due the Indians, as recited in the leases recorded, is \$5 per lease.

Seventh. The character of the descriptions are such in nearly all of the leases that it will be impossible to determine the amount of land contained therein without a survey of the same.

Eighth. It is a difficult thing for me to make an estimate of what the cost would be of making an abstract or brief of all leases and renewals, showing all that is required, until after the work is completed and I know the amount of time taken in making the same; but I would estimate that the probable expense would be from \$600 to \$800.

Ninth. The number of men required to do the work would depend largely upon the amount of time given to complete the work. The class of men would necessarily be those familiar with office work, having had experience with running typewriters, etc.

Dated at Little Valley, N. Y., November 16, 1896.

Yours truly,

H. S. MERRILL, *County Clerk.*

J. R. JEWELL, Esq.,
Indian Agent, Olean, N. Y.