

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

1-30-1874

Letter from the Secretary of the Interior, to the Chairman of the Committee on Indian Affairs, accompanying a letter from the Commissioner of Indian Affairs, and a report of the commission to establish the northern boundary of the Round Valley Indian Reservation in California in relation to said boundary.

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



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

Recommended Citation

S. Misc. Doc. No. 47, 43rd Cong., 1st Sess. (1874)

This Senate Miscellaneous Document 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.

L E T T E R

FROM THE

SECRETARY OF THE INTERIOR,

TO THE

CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,

ACCOMPANYING

A letter from the Commissioner of Indian Affairs, and a report of the commission to establish the northern boundary of the Round Valley Indian reservation in California in relation to said boundary.

FEBRUARY 4, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed, to accompany bill S. 435.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 30, 1874.

SIR: I have the honor to communicate herewith to Congress a copy of a letter dated the 27th instant, from the Commissioner of Indian Affairs, together with a copy of the report and accompanying papers therein referred to, of the commission appointed under the second section of the act of Congress approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation in California to the public lands, and for other purposes." (Statutes at Large, vol. 17, p. 633.)

The commissioners suggest amendments to said act of March 3, 1873, and a draught of a bill to amend said act in the manner indicated in their report is herewith presented for the favorable consideration and action of Congress.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. WM. A. BUCKENHAM,

Chairman Committee Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 27, 1874.

SIR: I have the honor to submit herewith a copy of the report, with copies of the accompanying papers, of the commission appointed under the second section of the act of Congress approved March 3, 1873, entitled, "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," (Statutes at

large, vol. 17, p. 633,) to examine the locality for the establishment of the northern boundary of said reservation, and to make an appraisalment of the improvements of white settlers north of the southern boundary of the said reservation, as established by said act, and of the improvements made by Indians south of said line.

I also submit herewith a draught of a bill which accompanied said report, to amend said act of March 3, 1873, in the manner indicated in the report of said commissioners, and respectfully recommend that the same be transmitted to Congress for the action of that body.

Very respectfully,

E. P. SMITH, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *November 1, 1873.*

SIR: The board of commissioners appointed by the honorable Secretary of the Interior in pursuance of act of Congress entitled "An act to restore a part of the Round Valley Indian reservation in California to the public lands, and for other purposes," passed March 3, 1873, submit the following report:

By your instructions dated May 6, 1873, we were required—

First, to make examination of the country embraced within and adjacent to the proposed Indian reservation;

Secondly, to make an appraisalment of all improvements of white persons north of the southern boundary of the reservation; and

Thirdly, to make an appraisalment of the improvements of all Indians south of the southern boundary of said reservation.

The commission reached the Round Valley Indian agency on the 2d day of June, 1873, all the members present, and at once entered upon the discharge of their duties. A careful reconaissance of the entire reservation was made by the members of the commission, and the mountainous country of the northern portion thoroughly explored to ascertain the most practicable northern boundary.

That portion of the country being unsurveyed, we were anxious to select natural boundaries that could be so well described as to avoid misunderstanding, and prevent encroachment by white settlers and herders.

The boundaries selected are of this character, being cañons and water-courses, strongly defined, some of them practically impassable and well known throughout the entire country. We recommend the following as the boundary of the reservation:

Beginning for the same at a point in section 36 of township 23, range 12 west, Mount Diablo meridian, where the township-line crosses Eel River, being at a point about eighty rods west of the southeast corner of said township and section; thence following the course of Eel River up said stream, in the centre thereof, to a point where the same is intersected by the stream known as William's Creek, or Bland Mountain Creek; thence following up the center of said creek to its extreme northern source on the ridge dividing the waters of said creek from the waters of Hull's Cañon or creek, a tributary of the north fork of Eel River at the foot of Bland Mountain, crossing said dividing-ridge at a point on a line where a small white-oak tree and a cluster of arbor-vitæ trees are branded with the letters U. S. R.; thence in a direct line to the center of said Hull's Cañon or creek; thence following down the center of the same to its intersection with the north fork of Eel River; thence down

the center of said north fork to its intersection with the main fork; thence following up the main fork of the Eel River, in the center thereof, where the township-line between townships 22 and 23 north, range 13 west, would intersect said river if produced; thence east along said township line through ranges 13 and 12, to the place of beginning.

We would also recommend the reservation to the Indians occupying the Round Valley reservation of the right to fish in the middle fork of Eel River and in Eel River up as far as Bland's Cove.

The northern portion of the reservation, if our recommendation as to the boundary meets the approval of the Department, is very mountainous; the highest elevation being probably five thousand feet. This portion is well timbered with pine timber of excellent size and quality for manufacturing into lumber. There is also excellent pasturage for horses, cattle, and sheep, which for several years has been used by squatters, who have no legal rights thereon. The Indians there have experience as herders, being employed by the citizens for that purpose, and it would be well to encourage them to engage in sheep and cattle raising.

The area of mountainous country embraced within the proposed boundaries will afford ample range and excellent pasturage during the entire year for at least thirty thousand head of sheep, besides all the cattle and horses which can be properly managed by the agent. If well stocked and cared for, the agency could be made self-sustaining in a very few years.

We submit herewith a schedule of appraisement of the improvements owned by citizens and located upon the new reservation, marked A.

Some parties have probably acquired rights to lands within the reservation by pre-emption and homestead settlement. If such rights exist, measures should be taken for their extinguishment by payment to the parties of such amounts as their claims may be worth. Still other parties have patents for lands embraced in the reservation, all of whom are willing to sell to the Government.

Our instructions were silent in reference to lands claimed in the new reservation, and also as to the lands south of the southern boundary of the reservation; but we, nevertheless, respectfully submit some suggestions relative to the latter class, based upon our actual examination of them.

That portion of the lands south of the reservation which lies within the valley is, for the most part, of the very best quality of farming-lands, upon a great portion of which excellent crops were growing at the time of our visit. They are fully equal to the average quality of the valley farming-lands of California, and are for the most part claimed by settlers.

The settlers have not entered upon them upon any homestead or pre-emption claims, but simply have laid claim to all the land they wanted for farms in the valley. These claims range in extent from forty-five acres up to eight hundred and eighty acres; the last amount being the largest claimed by any single individual. A firm of two brothers, one of whom resides in the State of Nevada, claim 1,680 acres, while a number of persons claim 640 acres each.

The possessory title to these claims is recognized as property by the State of California, and the same are listed for taxation.

We procured from the assessor of Mendocino County the official appraisement of the property in Round Valley, a copy of which is herewith submitted, marked B. It will be observed that the greater portion of these lands are appraised by the county assessor at \$10 per acre for the

possessory title simply. This would not be an excessive appraisalment if the parties held the fee-simple of the land; and, in fact, few of the settlers thereon would sell their claim at the price named, some of them asking \$20 per acre to our personal knowledge. Again, while settlers are restricted to 80 and 160 acres of land under the pre-emption and homestead laws, we found parties there claiming to hold 640 and even 880 acres, and threatening all persons who attempted to settle upon any portion of their claims. The schedule will show the names of all parties whose claims are above the amounts allowed to be entered.

In fact, this class of settlers have no more legal right to the property they claim (and even had the valley been open to settlement, they would only have been allowed to enter 160 acres each) than the settlers upon the lands in the present reservation. But under the law the latter class of settlers must leave the lands upon which they have been living, receiving pay only for the improvements, and must remove from the valley entirely, unless some arrangement can be made for them to enter upon the excess of land improperly claimed by the former class. Under the existing law it is not at the discretion of any officer to make any discrimination, but it is respectfully suggested, if practicable, that the attention of Congress be invited to the subject, in order that the settlers who will be ousted from the lands in the reservation may be afforded the opportunity to purchase lands in the valley, without the boundaries of the reservation, before any of said lands are offered for sale to persons who were not actual residents of the valley at the date of the passage of the act of March 3, 1873.

The area of good land in the valley is ample to furnish farms to all the residents, and we deem it but equitable that some arrangement as we suggest be made. As we have before said, the lands are as good as the average of valley farming-lands in the State of California. The law puts the minimum price for such lands at \$1.25 per acre, below which they cannot be sold. Does that limitation imply the right of the Secretary of the Interior to name a higher price for these lands? We think not. We have shown that they are worth from four to eight times as much, and that they cannot be bought from the present claimants at a much higher figure. Some of this value has been created by the occupants, and consists in improvements of houses, fences, and tilled fields. For this appreciation of the property the Government does not expect to be remunerated. Deducting, however, the proper percentage, say from one-half to three-fourths, would reduce the lands to \$5 and \$2.50 per acre.

Upon this basis, and after carefully examining the quality of the land, we take the liberty to submit for your consideration the following appraisalment:

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, of township 22 north, range 12 west, 8,960 acres, at \$5, \$44,800; east half of section 12, east half of section 13, east half of section 24, township 23 north, range 13 west, 1,600 acres at \$5, \$8,600; west half of section 13; west half of section 24, township 23 north, range 13 west, 640 acres, at \$2.50, \$1,600—amounting in all to 11,200 acres, \$54,400.

This makes an aggregate of \$54,400 of the value of the lands in the valley without the reservation, but embraced within the boundary of the old reservation. By reference to the schedule of the appraisalment of improvements upon the present reservation, it will be seen that the aggregate value thereof is \$32,669.78. In addition to this, certain claims by pre-emption, homestead, and purchase will have to be ex-

tinguished, which will require at least \$20,000 more, which will absorb the amount realized if the above appraisement should be authorized.

If our scaling of the lands to be sold should be adopted, the amount received from that source will be sufficient to pay for all improvements appraised, and for the claims heretofore alluded to of homestead, pre-emption settlers, and purchasers, and for the expenses of the commission. Unless authority is given to appraise these lands at something near their true value, the proceeds of their sale will not be sufficient to pay for the improvements we have appraised, and the appropriation of at least \$30,000 will be needed in addition to the proceeds of sales to carry out the provisions of the present act.

We, therefore, respectfully suggest that Congress be requested to so amend the act of March 3, 1873, as to authorize the Secretary of the Interior to cause the lands south of the southern boundary of the reservation as established by said act to be appraised, and offered for sale, giving preference to the settlers thereon at the date of the passage of said act, and allowing them a reasonable time in which to make proof and payment for their lands. With regard to the lands not so taken by present settlers, preference should be given to those who occupy lands within the boundary of the said reservation, who should also be allowed a reasonable time to make entry and payment before the residue of the lands are thrown open to general sale. We also suggest that all persons, whether settlers or not, purchasing any of said lands shall be restricted to 160 acres.

We respectfully submit a project of a law embodying the suggestions made above.

The State of California has sold a certain portion of the lands within the new reservation as swamp-lands, and the purchasers are claiming under certificates from the State land-offices. Those lands, however, have not been confirmed to the State by the United States Government as swamp-lands, and we respectfully represent that they are not in any sense of the term swamp-lands, and should not therefore be confirmed to the State as such. The references above to claims upon lands in the reservations do not allude to these swamp-lands.

JOHN P. C. SHANKS.
B. R. COWEN.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.

S. Mis. 47—2