

KLAMATH INDIAN RESERVATION, IN CALIFORNIA.

APRIL 28, 1882.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 60.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 60) for the restoration of the Klamath Indian Reservation, in the State of California, to the public domain, respectfully report :

The facts, as found by your committee, appear in the accompanying letters of the Commissioner of Indian Affairs, and of Lieut. Gordon Winslow, Eighth United States Infantry, acting Indian agent.

It is recommended that the bill be amended, as suggested by the Commissioner, and as so amended be passed.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 24, 1882.

SIR: I have the honor to acknowledge receipt (March 1), by informal reference from Hon. O. L. Spaulding, of the House of Representatives, of House bill No. 60, present session, "A bill for the restoration of the Klamath Indian Reservation, in the State of California, to the public domain," upon which an expression of opinion is requested.

In reply, I have the honor to state that the bill is an exact copy of House bill No. 3454, Forty-sixth Congress, second session, introduced by Mr. Berry January 12, 1880, regarding which this office, being called upon for report thereon, declined to give its approval, for the reason that the bill entirely ignored the Indians, who were at the time, and are now, residing upon the reservation to which the same related.

These Indians (numbering, from the best information obtainable, about 212 souls) are entirely self-supporting, relying for subsistence mainly upon the salmon which abound in the Klamath River, and are, in the view of this office, pre-eminently entitled to consideration and protection at the hands of the government. They have resided upon the reservation since 1855—more than a quarter of a century.

The Klamath River Reservation was set apart for Indian purposes by Executive order of November 16, 1855, in pursuance of the act of March 3, 1855, providing for the collecting, removing, and subsisting of the Indians of California on two additional military reservations, which were not to exceed 25,000 acres each.

By letter of this office, dated November 10, 1855, the attention of the honorable Secretary of the Interior was called to a report of Superintendent Thomas J. Henley, stating that he had selected under orders from this office, as an appropriate location for one of said reservations, "a strip of territory one mile in width on each side of the Klamath River for a distance of 20 miles from the mouth," and it was suggested in case the honorable Secretary was of opinion that the selection at the *mouth of the Klamath* was a judicious one, that it be laid before the President for his approval, but with the provision, however, that, upon a survey of the tract selected, a sufficient quantity be cut off from the upper end of the proposed reserve, to bring it within the limitation of 25,000 acres authorized by the act of March 3, 1855.

The initiatory point and boundaries of the reservation were defined in the letter of

the Hon. R. McClelland, Secretary of the Interior, to the President, dated November 12, 1855, as follows: "Commencing at the coast of the Pacific Ocean and extending one mile in width on each side of the Klamath River," &c., in terms as laid down in office letter of November 10, 1855, asking that the reservation be set aside; and under date of November 16, 1855, the President directed that the "reservation be made as proposed."

In the year 1861, nearly all of the arable land was destroyed by a freshet, rendering the reservation almost worthless; in view of which a new reservation was established adjacent thereto, by order of the Secretary of the Interior, dated May 3, 1862. This reservation was known as the Smith River Reservation. It was discontinued by a clause in the Indian appropriation act approved July 27, 1868 (15 Stats., p. 221), whereupon the Indians were removed to the Hoopa Valley Reservation.

The Klamath River Reservation has not been made use of for Indian purposes since the freshet referred to, save that some of the Indians who refused to remove to Smith River in 1862 have continued to reside there. Over such, however, this office has exercised no jurisdiction whatsoever since the removal of the agency to Smith River.

Conflicting reports have been made by the civil and military authorities, at various times, as to the number of Indians residing at the present time upon the reservation. A recent census has been taken, however, under military supervision, and it is believed to be the most reliable yet had.

I inclose herewith a copy of a letter from Lieut. Gordon Winslow, of the Army, acting United States Indian agent at Hoopa Valley Agency, dated September 26, 1881, reporting the result of said census, by which it will be seen that the Indian population of the reservation is 212.

To return to the consideration of the bill: The lands embraced within the said reservation are not needed (as a reservation) for Indian purposes, but that the Indians residing thereon should be protected in the peaceful occupancy and enjoyment of their homes, to which they have become much attached, and where they have gained a livelihood unaided by the government for more than a quarter of a century, is certainly beyond dispute.

In order to effect this, I have to recommend that a further provision be added to the bill, at the end thereof, in substance as follows:

"That before any of the foregoing provisions except that authorizing and directing the Secretary of the Interior to have the lands embraced in said reservation surveyed, shall be held and deemed to be in effect, there shall be selected and allotted to each Indian belonging to and residing upon said reservation, lands within the limits of said reservation as follows:

"To each head of family one quarter-section.

"To each single person over eighteen years of age, one-eighth of a section.

"To each person under eighteen years of age, one-sixteenth of a section.

"Such selections and allotments to be made under the supervision of competent commissioners, not exceeding three in number, to be appointed by the Secretary of the Interior; the title to the lands so selected and allotted to be confirmed to the allottees by patents, which the Secretary of the Interior shall cause to issue therefor; the title to all lands acquired by any Indian by virtue of this act to be inalienable and not subject to taxation, lien, or incumbrance for a period of twenty-five years from date of patent and until such time thereafter as the President may see fit to remove the restriction, which said restriction shall be incorporated in the patents when issued."

With the amendment above proposed, I see no objection to the passage of the bill. It is suggested, however, that provision should be made for an appropriation to meet the expense of survey and of the commission to be appointed as proposed.

A copy of this report is inclosed.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

HOOPA VALLEY AGENCY, CALIFORNIA,
September 26, 1881.

SIR: I have the honor to refer you to my letter of April 8, 1881, wherein it is stated that there are not more than one hundred and fifteen Indians upon the Klamath River Reservation, which extends 20 miles up the Klamath River from the ocean, and one mile in width upon each side of the river. The information which led to these figures, was gleaned principally from civilians, who are, I believe, somewhat inclined to lessen the number, thinking doubtlessly that the smaller the number the greater the likelihood of its being thrown open to settlers.

There has just been a census taken of this reservation, under military auspices,

and under very favorable circumstances, rendering the result as nearly accurate as it can well be.

Sergeant Blake, who has been upon detached service on this reservation for some ten months, assisted in this census, the result is as follows:

Ranch. *	No. of dwellings.	No. of males.	No. of females.	No. of children.	Total.
Regua.....	19	30	28	6	64
Wirks-wah.....	4	10	8	1	19
Hop-pa.....	8	13	8	1	22
Wakel.....	1	1	2	1	4
Too-rup.....	3	8	6	1	15
Sah-sil.....	5	7	8	3	18
Ai-yolch.....	6	16	11	5	32
Sur-ter.....	5	14	15	10	39
Total.....	51	99	86	28	213

The reason for such a discrepancy is attributable to the nomadic habits of these Indians, a portion of them absenting themselves from the reservation for months.

At the time the census was taken these facts could not be ascertained in their entirety, as the enumerators were ignorant of their habits, and it is a matter of impossibility to glean any useful information from the Indians.

The result as shown above shows the advantage of procuring the services of one who has lived in their vicinity.

Very respectfully,

GORDON WINSLOW,

First Lieutenant Eighth United States Infantry, Acting Indian Agent.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.