

ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS.

APRIL 29, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany S. 3043.]

The Committee on Indian Affairs, to whom was referred the bill (S. 3043), an act to amend and to further extend the benefits of an act entitled "An act to provide for allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," having considered the same, direct that the same shall be reported to the House with the recommendation that all after the enacting clause shall be stricken out and the following inserted:

That section one of the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions: *Provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: *Provided further*, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February eighth, eighteen hundred and eighty-seven, or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians expressed in such manner as the President, in his discretion, may require: *And provided further*, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities."

SEC. 2. That section four of said act of February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local

land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior."

SEC. 3. That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February eighth, eighteen hundred and eighty-seven, and the quantity of land in such reservation is sufficient to give each member of the tribe eighty acres, such allotments shall be revised and equalized under the provision of this act: *Provided*, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.

SEC. 4. That whenever it shall be made to appear to the agent in charge of any reservation Indians that, by reason of age or any other sufficient cause, any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, for a term not exceeding five years for farming or grazing, or ten years for mining purposes: *Provided*, That where Indian lands are not needed for allotment purposes, and where they are not suitable for agricultural or farming purposes, and will not sell to the advantage of the Indians the same may be leased for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of said reservation may recommend, subject to the approval of the Secretary of the Interior.

SEC. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, all children born of cohabitation or marriage according to the custom and manner of Indian life shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the parties so living together, and every Indian child otherwise illegitimate shall, for such purpose, be taken and deemed to be the legitimate issue of the parents of such child: *Provided*, That the provisions of this act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet:" *And provided further*, That no allotment of lands shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January first, eighteen hundred and ninety, until further action by Congress.

Passed the Senate April 23, 1890.

Attest:

ANSON G. MCCOOK,
Secretary.

The substitute or language recommended by the committee to be inserted is found in House bill 8905 of the present session, and the report of the committee (Report 1700) in support of such bill is referred to and the attention of the House is invited thereto.

The committee also recommend that the title of the Senate bill be amended so as to add "and for other purposes."