

KLAMATH RIVER RESERVATION.

FEBRUARY 5, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 38.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 38) to provide for the disposition and sale of lands known as the Klamath River Reservation, respectfully report as follows:

The land referred to in the bill under consideration was set apart as an Indian reservation by an Executive order dated November 16, 1855. It has not, in fact, been used by the Government as a reservation since the winter of 1861-'62.

After this four reservations were set apart in California, as directed by the act of April 8, 1864. (13 U. S. Stat., pp. 39, 40.)

And no portion of the Klamath River Reservation being included within the limits of either of the four reservations so set apart, this reservation, under the provisions of the act of Congress just referred to, became abandoned in law, as it has been in fact, since the winter of 1861-'62, and thereafter its territory became subject to sale in the mode prescribed by section 3 of said act.

This has been so decided by the United States district court of California, in an elaborate opinion, reported in 35 Federal Reporter, pp. 403 to 407, and also by the United States circuit court for the same State on appeal. (See 38 Federal Reporter, p. 400.)

As this land does not constitute an Indian reservation, and has not been used as such for about twenty-eight years, there does not appear to be any reasonable objection to the passage of the present bill, the only object and effect of which will be to prescribe a mode for its disposition and sale different from that fixed by act of April 8, 1864.

Instead of having the land surveyed into lots of suitable size and appraised at their cash value, and then offered for sale at public outcry, as directed by section 3 of the act before cited, this bill simply proposes that the land formerly set apart as a reservation, but now abandoned as above stated, shall be disposed of, as are other lands of the same class or quality, under the general laws of the United States, giving to those who have settled upon them in good faith the prior right to enter that portion upon which settlement has been made.

The few Indians now on this tract, variously estimated to be from fifty to one hundred in number, occupy small villages at or near the mouth of Klamath River. They are semicivilized, disinclined to labor, and have no conception of land values or desire to cultivate the soil. If it should be thought wise to allot land in severalty to Indians in such a stage of civilization, still this tract is of a character which ought

not to be devoted to such a purpose. It would be entirely useless to them, being alone valuable for lumbering, for mining, and stock-raising, by far the greater part being heavily timbered, mountainous, and broken, as shown by the field notes of the survey of said land.

In addition to this, the Hoopa Valley Reservation is only about 20 miles east of the eastern boundary of this tract. If it should be deemed advisable to hereafter provide for these Klamath Indians by the Government in the way of allotting to them land, this reservation in size and productiveness of soil will be found sufficient and better adapted for such purpose.

These Indians have not, since the abandonment of this reservation, been in any manner cared for, aided, or instructed in the ways of civilization by the Government. This duty the Government may hereafter desire to perform, and to this end, and as a matter of justice to these Indians and their children, we think the proceeds to be derived from the sale of these lands should constitute a fund to be used for their removal, maintenance, and education, when in the judgment of the Secretary of the Interior their interests require an expenditure for such purpose.

We recommend that the bill be amended by striking out the word "and" after the word "removal" on line 40, page 3, and inserting the word "or," and, as so amended, we recommend the passage of the bill.