

WHITE MOUNTAIN APACHE INDIAN RESERVATION.

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JULY 13, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 9527.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 2780) entitled "A bill to change the west boundary line of the White Mountain Apache Indian Reservation, Arizona," submit the following report:

The White Mountain Apache Indian Reservation was originally established by Executive order dated November 9, 1871, pursuant to a recommendation emanating from the Engineer's office, Headquarters Military Division of the Pacific, approved by the Secretary of the Interior. (See report of the Commissioner of Indian Affairs, 1886, page 298.)

By Executive order of December 14, 1872, the reservation was enlarged by the addition on the south of a strip of land 15 miles wide and the western boundary line was described therein as running from a point on the "southern edge of the Black Mesa due north of Sombrero or Plumoso Butte; thence due south to said Sombrero or Plumoso Butte; thence in the direction of the Picache Colorado to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek to the top of the Pinal Mountains; thence due south to a point 15 miles south of the Gila River."

No other orders purporting to enlarge the area of said reservation have ever been issued.

By Executive order of April 27, 1876, the reservation was reduced in area as follows:

It is hereby ordered that all that portion of the White Mountain Indian Reservation in Arizona Territory lying west of the following-described line, viz: Commencing at the northwest corner of the present reserve, a point at the southern edge of the Black Mesa, due north of Sombrero or Plumoso Butte; thence southeastwardly to Chromo Peak; thence in a southerly direction to the mouth of the San Pedro River; thence due south to the southern boundary of the reservation, be, and the same hereby is, restored to the public domain.

The description of the west boundary line in this order differs materially from that contained in either of the prior orders establishing the same, in that a line running from Sombrero Butte to Chromo Butte is substituted for the lines running from Sombrero Butte, "in the direction of the Picache Colorado, to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek," etc.

In passing upon the various orders relating to this reservation, the Interior Department has construed the order of 1876 purporting to restore lands to the public domain as in fact enlarging the reservation by adding thereto a triangular section of country lying between the lines connecting Sombrero or Plumoso Butte, "the Picache Colorado to the crest of the Apache Mountains," and Chromo Butte, containing about 60 square miles of land.

Prior to May 16, 1890, the said western boundary line had never

been established in the field by an accurate survey, and its exact position was involved in much doubt.

In 1875 rich mineral deposits were discovered in the immediate vicinity of the triangular tract of land above referred to, and many miners and others in good faith located the same under the mineral laws of the United States, it being generally understood at that time that the lands so located were outside of the reservation. Acting under this impression the local land officers at Florence, Ariz., allowed various entries to be made, and received the purchase price tendered therefor. Upon at least two of the entries so allowed the Commissioner of the General Land Office issued patents.

The town of McMillen was also established, and soon became a flourishing mining camp containing upward of 3,000 inhabitants.

Under the general impression that the town of McMillen was outside of the reservation limits, the Indians who desired to visit there for purposes of barter and trade, it is said, were first required to obtain a pass authorizing them to leave the reservation. A post-office was established at McMillen, mines were opened, shafts sunk, quartz mills and other necessary buildings erected, all at enormous expense.

In 1878, at the suggestion of the Indian agent, further action looking towards the disposition of said lands was suspended until it could be determined by an accurate survey in the field whether they were in fact outside of the reservation, as established by the various Executive orders above referred to.

By act of Congress of March 2, 1889 (25 Stats., p. 959), \$5,000 or so much thereof as should be found necessary was appropriated for the survey of said west line, and on May 16, 1890, a contract for the survey was let to United States Deputy Surveyor John C. Smith, who was instructed to survey the line according to the description contained in the order of April 27, 1876, which he did.

According to this survey the town of McMillen together with its mines and mills, is shown to be within the reservation limits, about three-fourths of a mile distant from the said western line.

In view of the crude method originally used in defining the boundaries of this reservation and the good faith in which the improvements referred to were made, it is conceded that the inhabitants of the said town of McMillen and others claiming to have acquired rights in the immediate neighborhood are entitled to relief.

In a report dated May 10, 1892, referred to your committee by the Secretary of the Interior, the acting Commissioner of Indian Affairs, referring to House bill 2780 as originally introduced, stated that—

This office would interpose no objections to the passage of the bill if it made provision for obtaining the consent of the Indians and for payment to them of a reasonable compensation therefor, to be determined by the Secretary of the Interior, and I believe the Indians would readily give their consent to the segregation upon such terms.

The substitute bill reported herewith eliminates the objectionable features of the original bill and secures to the Indians the benefits arising from the sale of the lands to be restored thereby.

The amount of land restored by this bill approximates 32,000 acres. It is not used or occupied in any way by the Indians, not even for grazing purposes. Being rough and mountainous, it is unfit for agricultural purposes and is not in any way a source of income to them.

Your committee therefore report the accompanying bill as a substitute, with the recommendation that it do pass and with a motion that the original bill be laid on the table.