

IN THE SENATE OF THE UNITED STATES.

MAY 16, 1872.—Ordered to be printed.

Mr. FRELINGHUYSEN made the following

REPORT:

[To accompany bill S. 744.]

The Committee on Indian Affairs, to whom was referred Senate bill 744, for the relief of William G. Langford, respectfully report:

That the claim of Langford, as assignee of the commissioners of the American Board of Foreign Missions, to the tract of land which forms the subject-matter of this bill, is based upon the act of August 14, 1848, entitled "An act to establish the territorial government of Oregon," (Stat. at Large, vol. 9, p. 323,) and upon a provision of the act of March 2, 1853, entitled "An act to establish the territorial government of Washington," (Stat. at Large, vol. 10, p. 173.) The first-named act provides "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong." From a statement made by the Commissioner of Indian Affairs, the missionaries of the said board of missions abandoned the tract in question on the 4th December, 1847, and between that date and 2d of May, 1862, made no demonstration of returning to occupy the same, but were in the intermediate period engaged elsewhere, the tract remaining, during the first eight years of that period, unoccupied and unclaimed except under the general Indian title to that section of the country. As the act of August 14, 1848, required present occupation for missionary purposes as a condition to the grant, the board, having left the tract prior to that date, would appear to have no claim to the land under that act. The act of March 2, 1853, however, provides "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary stations respectively belong." While it is not probable that Congress intended, by this act, to convey to any religious society lands once held by them as a missionary station, but which had been abandoned by them over

five-years before, it would appear that a technical title is conveyed by the provision quoted.

It is stated by the Commissioner of Indian Affairs that, on the 2d of May, 1862, the American Board of Commissioners for Foreign Missions notified Agent Hutchins, of the Lapwai Indian agency, that the board claimed, under the foregoing provisions of law, the tract of land described in Senate bill 744, being the land upon which said agency was then *and is now located*, and which is now claimed by Langford as the assignee of said board. In February, 1868, Langdon S. Ward, treasurer of said board, executed a deed of conveyance of the said tract of land to the said Langford, for a consideration named of \$500. Suit was commenced by the said Langford, in the district court of Idaho, against the Indian agent, for the possession of the property, and judgment by default was entered in his favor October 9, 1869. These facts having been submitted to the Secretary of the Interior, that official instructed the Indian Bureau that "the land claimed by the mission board, being within the diminished reserve of the Nez Perce Indians, and never having been relinquished by said Indians, will be retained for their agency purposes." Langford applies to Congress for relief. If the treaty of June 11, 1855, with the Nez Perce Indians, by inadvertence wrested from the mission board, or its assignee, rights vested in it by the act of 1853, the claimant, if the legal assignee of the mission board, is entitled to relief, but not to the extent of the sum named in Senate bill 744. The consideration actually paid by him to the mission board for the assignment of their claim would seem to afford an equitable measure for the degree of relief to be afforded, and in accordance with this view the committee recommend the passage of the accompanying substitute for the bill.