

IN THE SENATE OF THE UNITED STATES.

MAY 3, 1888.—Ordered to be printed

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 7936.]

The Committee on Indian Affairs of the House, during this Congress, made a report upon this bill in which the material facts seem to be fairly stated, and we adopt the same.

Your committee recommend that the bill pass after amending it, in line 3 of section 2 of said bill, by inserting after the word "Interior" the words "and upon his order," and in line 6, same section, strike out the word "entries."

[House Report No. 791, Fiftieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred "a bill to restore to the public domain a part of the Uintah Valley Indian Reservation, in the Territory of Utah, and for other purposes" (H. R. 1984), report as follows:

There was established, by proclamation of President Lincoln, in Utah Territory on the 3d day of October, 1861, an Indian reservation known as the Uintah Valley (see Executive orders relating to Indian reservations, extract Commissioner's report 1866, pages 358 and 359), described in the general terms as the Valley of the Uintah River, in said Territory.

By act of Congress approved May 5, 1864 (13 Stats. at Large, page 63), other Indian reservations in said Territory were discontinued, directed to be sold in 80-acre tracts to the highest bidder, and by section 2 the Uintah Valley was set apart for the use of the Indians, and an appropriation made for the purpose of making agricultural improvements on the same for the benefit of the Indians.

Another act was passed June 18, 1878 (20 Stats. at Large, page 165), repealing the clause of the act of May 5 directing the discontinued reservations to be sold to the highest bidder, and directing the Secretary of the Interior to restore them to the public domain to be disposed of under the public-land laws.

The Interior Department had the Uintah Valley Reservation surveyed; the eastern boundary line was run by one Dubois, and is known as the Dubois line.

In 1885 this line, as well as the township lines bordering on the reservation, were, through lapse of time and other natural causes, completely lost, so that the citizens living in the neighborhood, the military officers at Fort Duchesne, and the surveyor-general of the Territory, by his deputies, were unable to know or find its exact location. No marks, corners, or stations were left to indicate where they were.

About this time certain citizens of the Territory, in prospecting for mines, found veins of "Gelsonite," which is the mineral from which "asphaltum" is deduced or manufactured, and the total supply for which in this country is brought from abroad in the vicinity of the Dead Sea, and, in good faith, believing their discovery upon the public domain, applied to the proper officers of the Government to locate the same, as provided for in the mining laws of the United States and said Territory.

The surveyor-general sent his deputy upon the ground, and, ignorant of the fact that the veins were on the reservation, he surveyed the same, and the parties proceeded with their steps to get title and to open their mines. They were in about 3

miles of Fort Duchesne, and were not molested by the military in charge, whose duty it was to put them off the reservation; nor by the Indian agents in charge, because every one believed, as they did, that they were upon the public domain.

They opened up their property, and spent between \$25,000 and \$30,000 upon it and in opening a road across the reservation to the railroad to carry their product to market.

In 1887 Congress authorized the Utah and Midland Railroad to cross the reservation, and in making the survey for the same some of the corners of the Dubois and neighboring township lines had to be found, and a rumor was put afloat that these deposits were probably inside the Indian reservation, which rumors reached the locators, and they immediately employed the most skillful surveyor to rerun and mark the necessary lines, which was done with the utmost difficulty and expense and after months of hard labor, but, when completed, revealed the fact that the veins were about 1,000 feet inside the reservation.

Inasmuch as these deposits are the only known deposits of this mineral in the United States, and a new industry was developed by their discovery, it is deemed advisable to restore to the public domain a small portion of the reservation on which the veins are located. This action has been recommended by the present governor of the Territory in the interest of the general public as promoting the general welfare. His views are concurred in by other prominent citizens of the Territory.

From a letter of the Commissioner of Indian Affairs, transmitted by the Secretary of the Interior, we find that the whole number of Indians on said reservation is about 900, and of this number the male adults are, of Uintah Utes, 123; White River Utes, 110, or 233 in all; that the number of acres of said reservation is 2,039,040, which would give 8,708 acres to each male adult over eighteen years of age; that the amount asked to be restored to the public domain, and which is situated in a corner of the reservation adjoining the public domain, is 7,040, a very small and insignificant part of this great reservation; that the part asked to be restored is a sandstone desert, uninhabited, unfit for agricultural or grazing purposes, and unused by the Indians for any purpose. The affidavits of the five military officers at Fort Duchesne show also that it is utterly worthless for any purpose to the tribes.

In speaking of the propriety of restoring it, the Commissioner of Indian Affairs says:

"As to the propriety of passing such a bill, I would say that if the Indians do not make any use of the lands and are not likely to for any purpose, and are perfectly willing for it to be cut off and opened to the use, occupancy, and benefit otherwise of the whites, I do not know there would be any serious objection to the segregation of the tract in question."

While the Commissioner does not recommend it, he sees no objection if the conditions he states exist, and in his views the Secretary concurs. We find they do exist, and see no reason why it should not be restored, as it is of no value to and is not used by the Indians, and will add greatly to the wealth and prosperity of the Territory and of the country.

The location is peculiarly favorable to restoration, as the Indians live upon the rich and fertile valleys of the Uintah River and its tributaries, and seldom, if ever, cross this small corner. Fort Duchesne lies between them and the deposits, and we believe, as the Commissioner says, that the liability to controversy with the whites will not be increased by its restoration.

The policy of the Government from its earliest days has been to restore Indian reservations or portions thereof to the public domain as the exigencies of advancing population required it. In doing so it has equitably cared for the Indians, who held a quasi title to the land, and for such settlers who in good faith had improved and were occupying any portion thereof, believing it to be the public domain. We append the letter of Hon. S. M. Stockslager, Acting Commissioner of the General Land Office, and refer to it for further information on this subject.

The roads built by these parties across the reservation and the furnishing of mineral as return freight to the railroad will enable the Government to get its army and Indian supplies upon the reservation at greatly reduced costs.

Believing, therefore, that it is to the best interests of the Government, the Territory, and the Indians that this small tract of land, valuable alone for the mineral deposit, should be restored, we report a bill for that purpose. Believing that the parties who discovered these deposits and attempted to locate acted in good faith, they should be given, as is customary in the restoration of all reserved lands, priority for their claims. We have so provided in the bill. We also have provided that whatever is realized from the disposition of the lands shall be paid into the trust fund established for the Indians, so they will be more than equitably compensated for their loss. As there were some errors in the bills submitted, we report the accompanying bill upon the subject, and recommend its passage.