
IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 4, 1890.—Ordered to be printed.

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

REPORT:

[To accompany S. 4297.]

The Committee on Indian Affairs, to whom was referred Senate bill No. 4297, to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases, have had the same under consideration and report as follows:

The following is a history of the subject-matter of this proposed legislation, taken from a report submitted to the House of Representatives at its present session (H. R. Report No. 2786):

The Seneca Nation of New York Indians now occupy the Cattaraugus and Allegany Reservations in western New York.

The Allegany Reservation is 40 miles long, extending from the Pennsylvania line up the Allegany River, in the State of New York, and lying on both banks of the river, and is situate wholly in Cattaraugus County, in the State of New York, being about a mile wide on an average and contains 30,469 acres of land.

The other reservation, called the Cattaraugus Reservation, extends from Lake Erie up the Cattaraugus Creek for the distance of about 12 miles and lies principally in the counties of Erie and Cattaraugus, with a small portion in the county of Chautauqua, and contains about 21,680 acres of land; the present bill has nothing to do with this reservation.

There are about two thousand Indians on both of these reservations, there being about twelve hundred on the Cattaraugus Reservation and eight hundred on the Allegany Reservation. The Indians cultivate not to exceed 3,000 acres on the Allegany Reservation, and not to exceed 4,000 acres on the Cattaraugus Reservation, the rest of the lands being unimproved, grown up to brush and small timber, with occasional patches of pasture interspersed.

The United States never owned these lands, the title thereto with a large tract of other lands in western New York having been in the State of Massachusetts; and the Ogden Land Company (so called) as the grantee of that State now own, or claim to own, the pre-emption right to both of these reservations; that is, said company claim to own the fee of the land subject to the Indian occupancy.

The Indians are governed by a constitution and laws of their own making. The constitution provides for the election annually of a president and sixteen councilors, and a clerk and treasurer; eight of said councilors being chosen from each reservation, and these officers compose the council of the Seneca Nation. The State of New York provides a counselor at law, who is appointed by the governor and confirmed by the senate, who is called the Indian attorney, and is paid by the State; and it is his duty to prosecute all actions in be-

half of the nation, and generally to look after the legal interests of the nation.

The State of New York supports, at its own expense, sixteen Indian common schools, all under the supervision of a competent superintendent. The attendance at all of said schools averages about 600 pupils on both reservations.

The State also supports an orphan asylum, where about 120 orphan children are cared for and educated. The Society of Friends also supports a large school on the Allegany Reservation, and the Indians have made considerable progress in civilization, some of them being quite intelligent.

About the year 1852 the Erie Railway had to pass through a portion of the Allegany Reservation, for the reason that it followed the valley of the Allegany River, leaving that valley where the village of Salamanca is now situated. Afterwards, about the year 1860, the Atlantic and Great Western Railroad was constructed, running from Cincinnati and connecting with the Erie at Salamanca. This road also had to pass up the valley of the Allegany River and through a portion of the Allegany Reservation. At the junction of these roads the two railroad companies erected round-houses, machine-shops, and depots, and of necessity employed a large number of men. These railroads leased the right of way and other necessary lands from the Seneca Nation for a period of ninety-nine years, and settled with the Indians to their satisfaction.

At Salamanca the Indians began to lease lands to white people employed by said railroads for village lots and afterwards to other people until in 1875 a large village had sprung up at that point, where a great deal of business is done, but the village was composed of hastily and cheaply constructed buildings on account of the uncertainty of the tenure and the invalidity of the leases. At that time, 1875, the villages of Vandalia, Carrollton, and Great Valley had sprung up on the reservation at railroad stations on the Erie, and the village of Red House upon the line of the Atlantic and Great Western, and Salamanca and West Salamanca at the junction of the two roads, as before stated.

All these villages are on the banks of the Allegany River, and people doing business with the railroads have to pass over a portion of the reservation to get to the railroad depots at these places. The Indians had, before 1875, leased more or less land to whites at all of these depots. Of course, under the statutes of the State of New York and of the United States all these leases were void, and although the whites and Indians got along fairly well, no one would build substantial structures upon any lease the Indians could give. This led to the passage of the act of Congress approved February 19, 1875 (see Statutes at Large, vol. 18). The act ratified existing leases and provided for their renewal for the period of twelve years and for further renewal.

The commissioners provided for in the act, in pursuance of section 3 thereof, surveyed these six villages, making a map of each village, and locating on the maps each lease respectively. All the villages so surveyed and bounded contain about 1,500 acres. After the passage of the act and the laying out of the villages aforesaid, the Buffalo, Rochester and Pittsburgh Railroad was built, which strikes the reservation at Salamanca and passes up the valley of the Allegany River and through the villages of Great Valley and Carrollton aforesaid, leaving the reservation at the last-mentioned place and passing on to Bradford and other points in Pennsylvania. Since the construction of that railroad the Western New York and Pennsylvania Rail-

road has been built, running along the valley of the Allegany River, through the entire length of the reservation, having a depot at Salamanca and the other villages above named. This railroad is upon the opposite side of the river from the other railroads before mentioned.

Salamanca is now the principal village, having by the last census over 6,000 inhabitants. It has a fine system of water-works costing \$50,000, sewers, natural gas for fuel, and a plant for the manufacture of illuminating gas, substantial churches, a high school with buildings costing \$40,000, a large tannery, saw-mills, lace factory, two national banks, and the usual industries that go to make up an active and enterprising town. Nearly all the business places are of brick, substantially built. The Allegany River has been bridged with two iron bridges costing \$40,000. It is the railroad and business center of a large section of country simply on account of its location and in spite of the draw-backs incident to its land tenure.

The present bill proposes to extend the term of these leases from twelve to ninety-nine years—and in that respect only does it change the law of 1875—and it relates only to the lands embraced in the villages as surveyed and located in pursuance of said act of 1875. It is urged to the committee that the growth and prosperity of the town is retarded by the shortness of the term; that manufacturing on any extended scale or involving any considerable outlay is prevented; and that strangers, who would make desirable citizens, are kept away from the place. Your committee have no doubt that all this is true. It seems to your committee that the Indians would receive a great benefit from the growth of these villages, as it would tend to increase the value of their other lands, of which they now hold over 28,500 acres on this reservation alone, and it is to be remembered there are only about eight hundred Indians residing on this reservation.

The act of Congress above referred to is as follows:

[NOT OF GENERAL NATURE—No. 25.]

AN ACT to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all leases of land within the Cattaraugus and Allegany Reservations in the State of New York, heretofore made by or with the authority of the Seneca Nation of New York Indians, to railroad corporations, are hereby ratified and confirmed; and said Seneca Nation may, in accordance with their laws and form of government, lease lands within said reservations for railroad purposes.

SEC. 2. That the President of the United States shall appoint three commissioners, whose duty it shall be, as soon as may be, to survey, locate, and establish proper boundaries and limits of the villages of Vandalia, Carrolton, Great Valley, Salamanca, West Salamanca, and Red House, within said Allegany Reservation, including therein, as far as practicable, all lands now occupied by white settlers and such other lands as, in their opinion, may be reasonably required for the purposes of such villages; and they shall cause a return of their doings in writing, together with maps of such surveys and locations duly certified by them, to be filed in the office of the county clerk of the county of Cattaraugus, in said State, there to be recorded and preserved. The boundaries of said villages so surveyed, located, and established shall be the limits of said villages for all the purposes of this act.

SEC. 3. That all leases of land situate within the limits of said villages when established as hereinbefore provided, except those provided for in the second section of this act, in which Indians or said Seneca Nation, or persons claiming under them are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date; and at the end of said period, or at the expiration of such leases as terminate within that time, said nation through its councillors shall be entitled to the possession of the said lands, and shall have the power to lease the same: *Provided, however,* That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renew-

able for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and such councillors; and in case they can not agree upon the conditions of such leases, or the amount of annual rents to be paid, then the said councillors shall appoint one person, and the other party or parties shall choose one person, as referees to fix and determine the terms of said lease and the amount of annual rent to be paid; and if the two so appointed and chosen can not agree, they shall choose a third person to act with them, the award of whom, or the major part of whom, shall be final and binding upon the parties; and the person or persons owning said improvements shall be entitled to a lease of said land and to occupy and improve the same according to the terms of said award, he or they paying rent and otherwise complying with the said lease or said award, and whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs or assigns, be renewed in the manner hereinbefore provided.

SEC. 4. That said Seneca Nation is hereby authorized, by resolution of its councillors, duly elected according to the laws and system of government of said nation, or in such other manner as said nation in council may determine, to lease lands within said villages, to which, by the laws or customs of said nation, no individual Indian or Indians, or other person claiming under him or them, has or is entitled to the rightful possession.

SEC. 5. That it shall be the further duty of the said commissioners to cause all lands within such villages now leased, as hereinbefore mentioned, to be surveyed and defined as near as may be, and to cause the same to be designated upon the maps of such villages hereinbefore mentioned and provided for. All leases of lands within said villages, whether now existing or hereafter to be made under the provisions of this act, shall be recorded in the office of the clerk of said county of Cattaraugus in the same manner and with like effect as similar instruments relating to lands lying in said county outside of said reservations are recorded by the laws of said State of New York. All leases herein mentioned or provided for shall pass by assignment in writing, will, descent, or otherwise in the manner provided by the laws of said State: *Provided, however,* That the rights of Indians in such leases shall descend as provided by the laws of said Seneca Nation.

SEC. 6. That all moneys arising from rents under the provisions of this act which shall belong to said Seneca Nation shall be paid to and recoverable by the treasurer of said Seneca Nation, and expended in the same manner and for the same purposes as are other revenues or moneys belonging to said Seneca Nation.

SEC. 7. That the courts of the State of New York within and for the county of Cattaraugus, having jurisdiction in real actions, and the circuit and district courts of the United States in and for the northern district of said State, shall have jurisdiction of all actions for the recovery of rents and for the recovery of possession of any real property within the limits of said villages, whether actions of debt, ejectment, or other forms of action, according to the practice in said courts; and actions of forcible entry and detainer, or of unlawful detainer, arising in said villages, may be maintained in any of the courts of said county which have jurisdiction of such actions.

SEC. 8. That all laws of the State of New York now in force concerning the laying out, altering, discontinuing, and repairing highways and bridges shall be in force within said villages, and may, with the consent of said Seneca Nation in council, extend to, and be in force beyond, said villages in said reservations, or in either of them; and all municipal laws and regulations of said State may extend over and be in force within said villages: *Provided, nevertheless,* That nothing in this section shall be construed to authorize the taxation of any Indian, or the property of any Indian not a citizen of the United States.

Approved, February 19, 1875.

The committee recommend the passage of the bill, with two amendments, taking away its compulsory features. It is the opinion of the committee that the Indians themselves should have some voice in the renewal of these leases, and the amendments proposed will secure to them the liberty they are entitled to in the disposition of their rights in their own lands.