
IN THE SENATE OF THE UNITED STATES.

MAY 12, 1892.—Ordered to be printed.

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

REPORT:

[To accompany H. R. 7557.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7557) "to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, with certain modifications, and to make appropriations for the carrying into effect of the same," having carefully considered the same, make the following report:

In the spring of 1872, it being called to the attention of the Commissioner of Indian Affairs that certain roving bands of Indians in the eastern part of the Territory of Washington, with whom the United States had no treaty relations, should, for the convenience of the Government in dealing with them, be placed upon a reservation, and the region lying immediately eastward of the Columbia River and adjacent to the British Columbia boundary line, extending easterly to Lake Pend d'Oreille, being designated as suitable for the purpose, that official invited the attention of the Secretary of the Interior to the necessity of setting apart this tract of country by an Executive order as a reservation for these Indians. The recommendation was approved by the acting Secretary in a communication to the President of the United States.

Upon April 9, 1872, an Executive order was issued by the President setting apart this body of land for the bands of Indians in Washington Territory named in the communication of the Commissioner and for such other Indians as the Department of the Interior might see fit to locate thereon. By information shortly afterward brought to the President's attention, it was made apparent a mistake had been made in locating the reservation to the eastward of the Columbia River, because it embraced that portion of northeastern Washington Territory occupied by white settlers. The order was set aside and a new reservation created by the following Executive order:

EXECUTIVE MANSION,
Washington, July 2, 1872.

It is hereby ordered that the tract of country referred to in the within letter of the Commissioner of Indian Affairs as having been set apart for the Indians therein named by executive order of April 9, 1872, be restored to the public domain, and that in lieu thereof the country bounded on the east and south by the Columbia

River, on the west by the Okanagon River, and on the north by the British possessions be, and the same is hereby, set apart as a reservation for said Indians, and for such other Indians as the Department of the Interior may see fit to locate thereon.
U. S. GRANT.

This executive order defines the Colville Reservation as it now exists, and is the sole basis upon which the right of occupancy of these Indians rests. Under this order the Indians were given a license to occupy the lands described in it so long only as it was the pleasure of the Government they should do so, and no right, title, or claim to such lands has vested in the Indians by virtue of this occupancy. So that in the opinion of the committee Congress is entirely free to legislate concerning the lands embraced in this reservation, and make such disposition of them as it deems proper. An erroneous idea seems to have grown up, that the Indian allotment act and its amendments have given additional sanctions to executive reservations, and operated to confer titles upon the Indians occupying them they did not before possess. The language of that act is simply an authorization to the President, and is as follows:

In all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, either by treaty stipulation, or by virtue of an act of Congress, or executive order setting apart the same for their use, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause such reservations or any part thereof to be surveyed, or resurveyed if necessary, and to allot the lands in such reservation in severalty to any Indian located thereon, in quantities as follows:

At the time of the enactment of this statute there were fifty-six executive reservations, embracing perhaps from 75,000,000 to 100,000,000 acres of the public lands, in which the Indians had no right or claim of title and which could be extinguished by act of the President. It would be preposterous to place such a construction upon the language of this act as would divest the United States of its title to these lands. It extended no further than a legislative recognition of executive reservations. No part of the Colville Reservation has been surveyed. No allotments have been made upon it. No selections for allotments have been had, and in fact no basis of selections by individual Indians for allotment purposes yet exists.

Individual Indians have occupied and improved holdings in the faith that hereafter they would be permitted to obtain the same by allotment, and this expectation should not be disappointed. The Colville Reservation is in the form of an irregular square, bounded on the east and south by the Columbia River, west by the Okanagon River, and on the north by the forty-ninth parallel or international boundary line. It contains about 3,000,000 acres.

The bill as it passed the House proposes, with certain modifications, the ratification, confirmation, and carrying into effect of an agreement of cession and relinquishment entered into between the Indians occupying this reservation and three Commissioners appointed by the President for the purpose, in pursuance of a provision contained in the last Indian appropriation act.

The House bill, as your committee has shown, rests upon an entirely erroneous basis, and would not only commit the Government to relinquish its complete title in the land proposed to be ceded, but compel it to pay such a purchase price therefor as the Indians having no claim to it might exact, and also commit the Government to an acknowledgment of Indian title to the remainder of the reservation. The Colville agent in his last report submits a carefully prepared census, taken by

himself and employés, of the Indians under his charge, including those on this reservation.

Name of tribe.	Males above 18 years.	Females above 14 years.	Children between 6 and 16 years.	Persons not otherwise enumerated.	Total.
Lake	117	112	74	45	348
Colville	109	91	62	41	303
Okanagon	120	152	102	63	437
Columbias	144	152	67	43	406
Joseph's band of Nez Percés	40	62	11	16	129
Nespilem	19	22	12	6	59
San Puell *	185	165	300
Total	684	756	328	214	1,982

* Estimated.

This substantially agrees with the enumeration made by said commission, which placed the number of male Indians above the age of 18 years, rightfully on the reservation, at 685. Many of the Lake and Colville Indians are industrious and have made encouraging progress in civilization. They reside along the upper Columbia River, on the northern part of the reservation. They cultivate the soil, are self-supporting, and desirous of educating their children and acquiring in severalty the lands they occupy. They are largely on the land proposed to be vacated as a reservation and opened up to settlement. A number of the Okanagons and some of the Moses Indians are on this portion of the reservation. The latter have made commendable progress, though not so far advanced in civilization as the Lakes and Colvilles.

The Columbias and Nez Percés were placed upon this reservation subsequent to its creation and by virtue of that provision in the executive order authorizing the Secretary to locate such other Indians thereon as he saw fit.

The Secretary of the Interior entered into an agreement with Moses and certain of his Indians, by which, among other things, it was agreed they might go upon this reservation to be dealt with as those already occupying it, and also agreeing to build what is known as the Tonasket schoolhouse, a saw and grist mill on "Bonaparte Creek," in the northwestern part of the reservation. As shown both by the commission and the Indian agent these improvements were unfortunately and badly located. Upon this subject the agent in his last annual report says:

The Tonasket school has an unfortunate location. It is located about 140 miles from the agency, on Bonaparte Creek, and near the Okanagon River. Bonaparte Creek is supplied with water from a lake which is strongly impregnated with alkali, thereby causing the water to be almost totally unfit for man or beast at certain seasons of the year.

The land in the vicinity of the school building is of a very poor quality, not being capable of producing any kind of vegetation without an abundance of water. The mosquitoes are so numerous that they are almost unbearable during the spring and summer months. Wood has to be hauled a distance of about 12 miles. It would appear that the party who selected the present site of the school had no conception whatever as to the needs of a school.

In a country where an abundance of good wood and the very best of water could be had within easy access, and then to erect the school buildings many miles from wood, and near water which is certainly not intended for civilized people to use, would certainly lead one to conclude that the party who made the selection was laboring under a fit of insanity. It is to be hoped that the Department will order the removal of the school building to a more suitable location, which can be had within a distance of about 15 miles from the present site.

The development of the State of Washington during the last decade has been marvelous. Its population has increased from 75,000 to 350,000. Enterprising settlers are pressing into every portion of it. A line of railroad has been constructed from Spokane 90 miles northward to the Columbia River near the British line. In addition to large areas of agricultural, grazing, and timber lands embraced within the north half of this reservation, mineral discoveries of great richness, extent, and variety have been made, while a vast mineral region lies to the immediate westward of the reservation and can only be reached for transportation purposes by the construction of railroads across it. Such construction can not be afforded unless the traffic resources along the routes across the reservation can be developed, and this can only take place by opening the lands to white settlement and ownership.

The following extract, taken from the report of the commission before referred to (Ex. Doc. No. 15, Fifty-second Congress, second session), fairly describes the entire reservation:

Of that portion of the territory ceded it is estimated that about 300,000 acres are suitable for agricultural purposes. The remainder is very valuable for grazing purposes and for the timber thereon. Much of the territory ceded is mountainous and abounds in rich mineral deposits. The southern portion of said reservation, it being the portion thereof not ceded, contains the largest proportion of agricultural lands, and the grazing lands upon this portion are for the most part fine. The supply of timber here is quite ample. From the best information the commission has been able to obtain, it is believed that there is upon the portion of said reservation not ceded an acreage of land suitable for agricultural purposes very largely in excess of 160,000 acres (the limitations indicated in Department instructions of date October 21, 1891).

The commission did not deem it advisable to negotiate with the Indians for the purchase of any greater area of territory than that ceded, and are satisfied that the portion of said reservation not ceded contains ample territory for the comfort, security, support, and maintenance of all the Indians upon said reservation in their various avocations of life. From the best information the commission could obtain without incurring the expense of a survey (and this was not practicable, owing to scarcity of funds), there remains of the portion of the Colville Reservation not ceded nearly 1,300,000 acres.

The retention of a reservation much larger than Rhode Island or Delaware, and but a trifle less than the State of Connecticut, is of no advantage to the Indians, and operates to the serious injury of the whites, and unwarrantably retards the development of the State of Washington. The existing order of things can not much longer continue without exciting antagonism and friction between the races. In fact, impatient prospectors, miners, and settlers are threatening to enter upon these lands, many of which bear no trace of human occupancy. The fact, also, of this reservation presenting a frontage of over 60 miles on the international line makes it difficult to exclude intruders, and renders it an easy rendezvous for a lawless character of men whose association with the Indians is of the worst kind.

Your committee believe that all Indians who have established homes and improved lands on the northern half of the reservation proposed to be opened and have identified themselves with that locality should, if they desire, be permitted to select and retain allotments thereon.

The committee are also of the opinion that the Indians should be secured in their schoolhouse, sawmill, and gristmill, on Bonaparte Creek, unless they desire to select better locations for these institutions. While unwilling to make payment to the Indians for these lands not used for allotment purposes, the committee recognize a moral obligation on the part of the Government to aid them in their endeavors to attain a higher civilization and ultimate fitness for citizenship, and therefore advise that the proceeds arising from the sale of the

parts of the reservation disposed of under the land laws of the United States be deposited in the Treasury to the credit of these Indians, subject, principal and interest, to expenditure in the discretion of the Secretary of the Interior for certain enumerated purposes in promotion of their welfare, but with the unexpended balance at all times subject to the disposition of Congress.

And therefore your committee recommend striking out the preamble and all of the House bill after the enacting clause, and in lieu thereof, and by way of amendment, inserting the bill herein reported; and that, as so amended, the bill do pass.

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