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MISSION INDIANS OF CALIFORNIA.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

DRAFT OF A BILL TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF THE MISSION INDIANS IN THE STATE OF CALIFORNIA," TOGETHER WITH COPY OF INDIAN OFFICE REPORT RELATING TO THE SAME.

JANUARY 11, 1898.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1898.

SIR: Under my direction the Commissioner of Indian Affairs has prepared a draft of a bill to amend an act entitled, "An act for the relief of the Mission Indians in the State of California," which is herewith submitted with recommendation for favorable consideration.

This additional legislation is found necessary in order to include in the several Mission reservations certain tracts of land occupied and cultivated by the Indians, as shown by the accompanying copy of Indian Office report of the 1st ultimo.

The Commissioner of the General Land Office, in reporting on this matter, under date of 6th ultimo, states that the records of his office show that of the tracts recommended for additional reservations, all are either vacant or have been reserved for the several bands of Indians, except the NW. ¼ and the NW. ¼ of SW. ¼, sec. 33, T. 1 N., R. 9 E., and sec. 16, T. 7 N., R. 8 E., which have passed to the Southern Pacific Railroad Company and to the State of California.

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 1, 1897.

SIR: By office letter to the Department dated January 30, 1895, it was shown that the late Mission Indian Commission selected certain tracts of land for reservations for the several bands of Mission Indians

in California under the provisions of the act of January 12, 1891 (26 Stat. L., 712), and that patents had been issued, among others, for the following: Campo, La Posta, Manzanita, Cuyapipe or Long Canyon, Laguna, and Inaja; that section 2 of the said act of 1891 made it the duty of said Commission to include in each reservation "the lands and villages which had been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements."

It was further shown that reports had been received from time to time from United States Indian Agent Estudillo and Special Allotting Agent Patton showing that the lands selected for and patented to the Indians belonging on the reservations named above did not include certain tracts occupied and cultivated by the Indians, and it was therefore recommended that if there should be found to exist no legal objection thereto the Commissioner of the General Land Office be requested to issue additional patents for the tracts designated in said communication; or, if it must be decided that this could not be done, that the several tracts then be recommended for reservation by Executive order.

Under date of February 27, 1895, the Department advised this office that as these reservations have been determined as provided by the act of January 12, 1891, and patents issued therefor as required by said act, it may be doubtful if additional lands can, without further action of Congress, be added thereto, but in order that the Indians may be protected in the lands occupied by them, and in their possession, until that question could be fully considered and determined, the Commissioner of the General Land Office was on that date (February 27, 1895,) requested to withhold the tracts mentioned in office letter of January 30 from entry and settlement until further directed.

A letter from the Commissioner of the General Land Office to the Department, dated March 30, 1895, which was referred to this office for report, showed that some of the tracts directed to be withheld were in conflict with entries. In office report thereon, dated April 6, 1895, it was stated that in recommending the reservation of the several tracts mentioned in office letter of January 30 it was not intended to include any to which valid rights had attached, and it was therefore recommended that the Commissioner be requested to withhold from entry those tracts which were free from conflict.

Upon the report of Inspector Lane, dated February 26, 1897, relative to the land and water needs of some of these Indians, recommending that a special agent or inspector be directed to examine the reservations, with authority to employ a surveyor for the purpose of properly locating them, Special Allotting Agent Patton was directed, April 3 last, to proceed, with the deputy surveyor then employed under his supervision, to do the work. Mr. Patton was instructed to make it his first and most important duty to ascertain to a certainty such tracts of land as were in the actual use and occupation of the Indians belonging to the several reservations which were either not selected by the Commission or, having been selected, were not patented for some reason; also, in designating these tracts to report the number of Indians on each, the character of the land and the improvements thereon, and show the practicability of removing the Indians to lands within the limits of their reservations as selected. His report, dated September 27 last, shows that eight of the reservations require additional land. I give below each of the reservations as patented or as selected by the Commission and the additions recommended by Mr. Patton.

CAMPO.

Patented.—SW. ¼ NE. ¼, NW. ¼ SW. ¼, W. ½ and SE. ¼, NW. ¼ of sec. 3, and E. ½ NE. ¼ sec. 4, T. 18 S., R. 5 E. This was recommended by the Commission.

Special Agent Patton recommends that there be added thereto: NE. ¼ NW. ¼ sec. 3, T. 18 S., R. 5 E. He states that the Indians' cemetery, reservoir, a hut, the largest portion of their garden, and a part of their grain land are on said quarter.

INAJA.

Patented.—NE. ¼ and S. ½ of SE. ¼ of sec. 26, and NE. ¼ of sec. 35, T. 13 S., R. 3 E., as recommended by the Commission.

Special Agent Patton recommends that there be added thereto: NW. ¼ SE. ¼ sec. 26, T. 13, R. 3 E. He states that the NE. ¼ of SE. ¼ of said section 26 is patented to one Jesse Podd, and is not claimed or used by the Indians, but the NW. ¼ of SE. ¼ is in their possession, and should be patented to them.

MANZANITA.

Patented.—Section 26, T. 16 S., R. 6 E., as recommended by the Commission.

Special Agent Patton recommends that there be added thereto: W. ½ NW. ¼ and NW. ¼ SW. ¼ sec. 25: NE. ¼ and E. ½ NW. ¼ sec. 35, T. 16 S., R. 6 E. He states that the NW. ¼ and west ⅔ of the W. ½ of the NE. ¼ of sec. 26, T. 16 S., R. 6 E., which is included in patent to the Indians, is fenced off and in the possession of Peter McCain. His patent calls for section 23, which is worthless, but his (Patton's) surveyor puts him on the reservation. The Indians are in possession of the lands which he recommends be added to the reservation.

LA POSTA.

Patented.—S. ½ SE. ¼ and SE. ¼ SW. ¼ sec. 31, T. 16 S., R. 6 E.; N. ½ NE. ¼ and NE. ¼ NW. ¼ sec. 6, T. 17 S., R. 6 E., as recommended by the Commission.

Special Agent Patton recommends that there be added thereto: S. ½ NE. ¼ and SE. ¼ NW. ¼ sec. 6; S. ½ of N. ½ of sec. 5, T. 17 S., R. 6 E., and S. ½ and NW. ¼ of SE. ¼ sec. 24, and N. ½ NE. ¼ sec. 25, T. 16 S., R. 5 E. He states that the patented land is worthless, that the Indians are not living thereon, and that they are living on and cultivating the tracts which he recommends be added to their reservation.

LAGUNA.

Patented.—NW. ¼ sec. 33, T. 14 S., R. 5 E., as recommended by the commission.

Special Agent Patton recommends that there be added thereto: SW. ¼ SW. ¼ sec. 28, and N. ½ SW. ¼ sec. 33, T. 14 S., R. 5 E.

CUYAPIPE.

Patented.—E. ½ of E. ½ of 19; W. ½ of SE. ¼ and W. ½ of 20; NE. ¼ and W. ½ of NE. ¼; NW. ¼ of SE. ¼ and NW. ¼ of sec. 29, T. 15 S., R. 6 E., as recommended by the commission.

Special Agent Patton recommends that there be added thereto: W. ½ NE ¼ and NW. ¼ of sec. 19, and S. ½ SE. ¼ sec. 29, T. 15 S., R. 6 E. He states that the Indians are now in possession of these lands and need them.

TWENTY-NINE PALMS.

Patented.—NW. ¼ sec. 4, T. 1 S., R. 9. E. The commission also recommended that the SW. ¼ sec. 33, T. 1 N., R. 9 E., for this band of Indians.

Special Agent Patton recommends that there be added thereto: NW. ¼ and N. ½ of SW. ¼ sec. 33, T. 1 N., R. 9 E.

TORROS.

Selected by commission, but not not yet patented: Secs. 2 and 12, T. 7 S., R. 7 E.; 7, 8, 9, 10, 14, 15, 22, 23, 24, 25, 26, 35, and 36, T. 7 S., R. 8 E.; 1, 2, and 12, T. 8 S., R. 8 E.; 6, 7, 8, 18, 19, 20, 29, 30, and 32, W. ½ of 28 and E. ½ of 31, T. 8 S., R. 9 E.; 5, 7, and 8, W. ½ of 4, E. ½ of 6, and W. ½ of 9, T. 9 S., R. 9 E.

Special Agent Patton recommends that there be added thereto sec. 16, T. 7 S., R. 8 E. He states that on this section are located the Government school, an artesian well, two mission buildings and Indian well, and two rancherias. This section passed to the State as school land, and the State has expressed its willingness to relinquish and select other land in lieu thereof.

I inclose copy of Special Agent Patton's report.

It was the purpose of this office, in directing Special Agent Patton, with a surveyor, to make this investigation, to have it thoroughly done and have the whole business treated and settled at one time rather than by piecemeal. I believe that the tracts described above and recommended by Mr. Patton as additions to the several reservations are needed by the Indians and that they should have been selected for reservation by the Mission commission. They should be secured to them now, so far as practicable, in order to carry out the intention of the act of January 12, 1891, which made it the first duty of the commission "to select a reservation for each band or village of the Mission Indians residing within the said State, which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements."

As there is some variance between the tracts now recommended by Special Agent Patton and those designated in office letter of January 30, 1895, I have the honor to recommend the reference of this communication to the Commissioner of the General Land Office for report as to the present status of the several tracts above described as recommended for reservation by Mr. Patton, and that upon receipt of such report the Department again consider the question raised in its letter to this office dated February 27, 1895, as to how the additional tracts can best be secured to the Indians. If it shall be held that the said tracts can not be patented to the Indians under existing law and that they can not be secured by Executive order, this office will be glad to prepare a draft of bill for Congress, if such action shall accord with the views of the Department.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
IN THE FIELD, MISSION AGENCY,
Shorb, Cal., September 27, 1897.

SIR: I have the honor to present herewith my report of work done under the instructions contained in your letter "Land," 10653–1897.

The commencement of this work was delayed until July, owing to the exhaustion of the appropriation and on telegraphic instructions from your office. I have made a most thorough and careful examination of the reservations mentioned in your letter, with the following result:

CAMPO RESERVATION.

In addition to the lands patented, the Indians are in possession of the following lands: The NE. ¼ of the NW. ¼ of sec. 3, T. 18 S., R. 5 E, S. B. M. On the land is the cemetery, reservoir, a hut, 3 acres of garden, and 1½ acres of grain land. The above tract should be patented to the Indians; even with that it will be difficult for the Indians to eke out their miserable existence. There are only nine Indians here, mostly old, with only a few years of life left to them. (See surveyor's report for area and quality of lands.)

INAJA RESERVATION.

The NE. ¼ of SE. ¼ of sec. 26 is patented to Jesse Podd, and is not claimed or used by the Indians. The NW. ¼ of SE. ¼ of sec. 26 is in possession of the Indians and should be patented to them, while the Podd land should be eliminated from the patent. These Indians have enough land and water to enable them to live with some degree of comfort.

MANZANITA RESERVATION.

The NW. ¼ and W. ½ of the W. ½ of the NE. ¼ of sec. 26, T. 16 S., R. 6 E., is fenced off and in the possession of Peter McCain. His patent calls for sec. 23, which is worthless, but our survey puts him on the reservation. He settled on the place over twenty years ago, and has a house, barn, orchard, and 25 acres of garden, meadow, and pasture land.

There should be added to the land patented to these Indians the W. ½ of NW. ¼ and NW. ¼ of SW. ¼ of sec. 25, and the NE. ¼ and E. ½ of NW. ¼ of sec. 25, T. 16 S., R. 6 E. The Indians are in possession of these lands. This reservation is very close to the Mexican line, and its population is constantly recruited from below the line. There are forty Indians living here.

LA POSTA RESERVATION.

Here the Indians are all living off the lands selected for and patented to them. The patented land is worthless.

The lands on which they live and which should be patented to them are S. ½ of NE. ¼ and SE. ¼ of NW. ¼, sec. 6, T. 17 S., R. 6 E., S. B. M., and S. ½ of NE. ¼ and S. ½ of NW. ¼, sec. 5.

The Indians also farm some land on N. ½ of NE. ¼, sec. 25, and S. ½ of NW. ¼, sec. 24, T. 16 S., R. 5 E., and this should be patented to them although it is not contiguous to the reservation.

There are thirty Indians here, and they have not nearly enough tillable and pasture lands for their needs. Their water supply is ample.

LAGUNA RESERVATION.

Here there is great difficulty. It seems that in 1893 a man named Dr. Harper bought a State school lieu land selection, which covered some of the lands the Indians had occupied for a hundred years past, but which had not been included in their patent. This is SE. ¼ of SE. ¼ sec. 29, and a portion of E. ½ of NE. ¼ sec. 32, T. 14 S., R. 5 E. There should be added to the patented lands of these Indians the SW. ¼ of SW. ¼ of sec. 28, and N. ½ of SW. ¼ of sec. 33.

There are only five Indians living here, but they are as bitter over the loss of their lands as if they numbered a thousand. The Indians were unquestionably in possession of and cultivating these lands when Harper got them in 1893 as lieu lands.

CUYAPIPE RESERVATION.

Here there are 45 Indians living on less than 10 acres of first-quality land and 40 acres of second-rate land.

There is nothing in the quality and extent of their lands to explain why they have

not starved to death long ago. That they have not starved is probably due to the great number of ground squirrels and acorn-bearing trees on and near their reservation. They are herded upon a narrow canyon which it is impossible to penetrate with a wagon.

By adding the following to their patented lands they will receive a few acres of good land, which they are already in possession of: S. ½ of SE. ¼ sec. 29, T. 15 S., R. 6 E., and NW. ¼ and W. ½ of NE. ¼ sec. 19.

As to NW. ¼ of sec. 30, the W. ½ of it, which is all of it that is good, is fenced, cultivated, and claimed by George W. Thing, who filed a declaratory statement on it in 1884. He did not perfect his entry and the land was suspended by Commissioner's letter in 1895.

I do not know what Thing's rights are in the matter, but he can not enter it while it is under suspension and the Indians can not get it while he is in possession of it. Thing has a house, orchard, garden, and alfalfa patch on the place, and nearly all the W. ½ of the NW. ¼ is good. The Indians have never lived upon or claimed this land and it does not join the reservation, but corners upon S. ½ of SE. ¼ of sec. 29, which I have recommended be patented to the Indians.

I would suggest that steps be taken to determine whether this land shall be patented to the Indians or the suspension be lifted and Thing allowed to perfect his entry.

The SE. ¼ of NE. ¼ and NE. ¼ of SE. ¼ of sec. 29 is patented to one Fowler and it is impossible to add it to the reservation.

There are a great many Indians on the Cuaypipe Reservation and some steps should be taken to alleviate their poverty-stricken condition.

TORRES RESERVATION.

The Indians are in possession of sec. 16, T. 7 S., R. 8 E., which is a State school section. On this section is located the Government school and artesian well. There are also two mission buildings, erected by the Moravians, an Indian well, and two rancherias on this section. The artesian well is not flowing owing to its being choked with sand. It was a good well at first and can be made so again at a cost of several thousand dollars.

I would suggest that steps be taken to secure section 16 from the State of California and patent it to the Indians.

TWENTY-NINE PALMS.

Here the Indians are off the worthless lands patented to them and are occupying an oasis on section 33, which is within the indemnity limits of the grant to the Southern Pacific Railway Company.

They are in possession of the NW. ¼ and N. ½ of SW. ¼, sec. 33, T. 1 N., R. 9 E., excepting a 4-acre tract in the northeast corner of the NE. ¼ of SW. ¼ of sec. 33.

There are about twenty-five Indians here, and they live principally upon "chuckwallas," a desert turtle, and mesquite beans.

The foregoing is a plain statement of the facts as I found them.

I inclose herewith the report and maps of the United States deputy surveyor who accompanied me. The plats show the patented and occupied unpatented lands at the various reservations.

At only one or two of these reservations do the Indians live like human beings, and their condition is most miserable. It is useless, however, to try to persuade them to remove from the neighborhood of the lands they now occupy. I have painted the beauties of Capitan Grande, Mesa Grande, Cohuilla, and other reservations where the lands are plentiful and fertile. I have offered to each family more good land than the whole tribe now has, and I have always been told that they will not move.

They say they were born where they now live, their children were born there and their forefathers are buried there, and when they die they want to lie beside their ancestors. I have never before seen such devotion to home and veneration for kindred ties as exhibited by these poor Indians.

At one reservation the Indians intimated that they would move if I would exhume the bones of their ancestors and reinter them at their new home. They are all anxious for more and better land, but they want it in the immediate neighborhood of their present homes. They can not understand why it is impossible for me to give them the adjacent lands occupied by white men. They know that their forefathers used to own these lands, for not only is it handed down to them by tradition, but many an old Indian now living has pointed out to me a spot in the midst of some fertile valley, now occupied by a white man, and said he was born there. If these Indians could once be brought to understand the justice of taking from them the lands they used to own and driving them back into narrow canyons, they would doubtless be satisfied, but I was not equal to the task of explanation.

These are not bad or troublesome Indians. They are industrious and in the main sober, and under proper conditions would be possessed of some ambition, but their present lot is a hard one.

In my report I have followed your instructions to treat these Indians with the strictest fairness. It would indeed be a hard-hearted man who would treat them otherwise. I only regret that it lies not in my power to recommend some feasible plan to ameliorate their condition.

The only thing that suggests itself is for the Government to purchase some of the good lands adjacent to the reservations. It would require only a few thousands of dollars to acquire enough lands to put these Indians in a position to live comfortably. There are no vacant Government lands to give them. The lands that I have recommended be added to the reservations only contain a few acres of good land to the quarter section.

As to the question of water, there is no necessity for developing a supply at any of these reservations, as they have no land upon which it can be used.

The artesian well at Torres should be repaired, or a new one sunk, as water is badly needed there for stock.

The Indian agent should be instructed to see that the San Diego Flume Company keeps its agreement to supply the Capitan Grande Indians with water.

Very respectfully,

HENRY W. PATTON,
United States Special Allotting Agent.

The COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.*

A BILL to amend an Act entitled "An Act for the relief of the Mission Indians in the State of California."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the Act approved January twelfth, eighteen hundred and ninety-one, entitled "An Act for the relief of the Mission Indians in the State of California," be, and the same hereby is, so amended as to authorize the Secretary of the Interior to cause to be patented to the Mission Indians such tracts of the public land of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the commission as contemplated by section two of the said Act: *Provided*, That no patent shall embrace any tract or tracts to which valid existing rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain.