APPROPRIATION FOR ADDITIONS TO THE SANTA ISABEL INDIAN RESERVATION

MARCH 20, 1926.—Ordered to be printed

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

REPORT

[To accompany H. R. 8186]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8186) authorizing the Secretary of the Interior to purchase certain lands in California to be added to the Santa Isabel Indian Reservation and authorizing an appropriation of funds therefor, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

At the end of the bill add two new sections to be numbered section 2 and section 3 to read as follows:

SEC. 2. That the Secretary of the Interior is authorized and directed to set aside and administer as a trust fund for the benefit of the enrolled members of the Kiowa, Comanche, and Apache Tribes of Indians and their unallotted children in Oklahoma that part of any moneys received or to be received under Public Act, No. 500, Sixty-seventh Congress, and any act thereby adopted or made applicable, derived from the south half of Red River in Oklahoma which inures to the Federal Government by virtue of the decision of the Supreme Court of the United States in the suit of the State of Oklahoma v. the State of Texas, which decision was rendered May 1, 1922, being the entire amount received from this source, except such part as may have been awarded to successful claimants under said Public Act, No. 500, and except 37½ per cent of the royalties derived from such source, which shall be paid to the State of Oklahoma in lieu of all State and local taxes and shall be expended by the State in the same manner as if received under section 35 of Public Act, No. 146, Sixty-sixth Congress, said moneys being derived from that portion of the south half of Red River in Oklahoma which was included or intended to be included in the reservation set apart for the Kiowas and Comanches under a treaty between the United States and the said tribes on October 18, 1865, and which was through inadvertence or otherwise left out of the reservation set apart for said Kiowas, Comanche, and Apache Tribes, entered into on October 21, 1867, and which has since been adjudged to be the property of the United States by the Supreme Court of the United States.

SEC. 3. The Secretary of the Interior is authorized to administer and disburse the moneys which are hereby appropriated subject to the requirements of existing
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law, and to prescribe needful rules and regulations for carrying into effect the provisions of this act.

House Report No. 276, Sixty-ninth Congress, first session, is attached hereto and made a part of this report.

[House Report No. 276, Sixty-ninth Congress, first session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor, having considered the same, report thereon with a recommendation that it do pass without amendment.

Your committee has given this measure very careful consideration and find that the land in question has been a subject of controversy for the past 25 years. There seems to be no question regarding the ownership of the lands which the Indians have been using for some time, and the owners, the Santa Ysabel Ranch Co., are now very anxious to have the trespass stopped and have reluctantly consented to sell the portion of their ranch now overrun by the Indians. The Department of the Interior many years ago saw the gravity of the situation and secured an option on this tract, but the appeal for an appropriation to purchase same have never been granted. The ranch company, seeing no relief, in sight and the Indians from year to year further encroaching on the property, have started civil action in the courts to dispossess the Indians. The Indians are now appealing to Congress, to the Department of the Interior, and to the public generally for assistance in securing for them the tract of land in question. If the Indians are forced to leave this land it will work serious hardships on a number who have homes and barns on the section referred to and it will be a great loss to the whole tribe in that they will lose a very large part of the land they have been using for grazing their cattle, which is a very important part of their livelihood. In view of the above situation your committee unanimously recommends that the Congress authorize an appropriation for this relief.

The report of the Secretary of the Interior recommending this bill is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1926.

Hon. Scott Leavitt,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Attention is invited to a long-standing controversy between the Indians of the Santa Ysabel Reservation in California and the Santa Ysabel Ranch Co., which has recently come to a definite issue through the building of a fence by the ranch company inclosing their premises and by their demand that the Indians be removed and excluded therefrom.

As of date of February 10, 1893, a trust patent, containing a 25-year trust period, was issued to the Santa Ysabel Indians as a band, including, with lands in other townships, certain areas in townships 11 and 12 south, range 3 east of San Bernardino meridian, the description of the lands in the trust patent being based upon plats of surveys approved on May 9, 1871, and March 25, 1886.

That portion of the Indian reservation situated in these two townships borders the Santa Ysabel ranch along the entire south and west boundary, which boundary takes an irregular diagonal course (NW.-SE.) through the said townships. It appears that the Indians have for many years been occupying and using land along this boundary line outside the limits of their reservation, and to that extent they are trespassers upon the Santa Ysabel ranch. The ranch company is now demanding the removal of the Indians from its premises and the Indians are appealing to the Indian Bureau and to the public generally for assistance. One of the Indian homes is wholly within the ranch; another has its garden and some of the buildings inside the ranch. In numerous instances the homes are in close proximity to the line and the lands from which the support of the families are derived are within the ranch. As a matter of fact, there is very little agricultural
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land in the reservation between the boundary and the precipitous sides of the mountains.

The Indians have, through sufferance, been using the unfenced ranch land for many years, although it does not belong to the reservation. The necessity for the purchase of additional valley land for them is therefore evident, and the matter has been under consideration for 10 years or more. The ranch company has consented to sell to the Government a tract of land containing approximately 573 acres for a consideration of approximately $25,000, including the area on which the Indians are trespassing. If this purchase can be made and the land added to the Santa Ysabel Indian Reservation it would, it is believed, be the best possible adjustment of the controversy and would also supply the Indians with the much-needed valley land not now available within their reservation. There is inclosed herewith a draft of a proposed bill to authorize the Secretary of the Interior to purchase this land and also authorizing an appropriation therefor, which matter is respectfully recommended to the favorable consideration of your committee and the Congress. The Bureau of the Budget reported on January 5, 1926, that the proposed legislation will not be in conflict with the financial program of the President.

Very truly yours,

Hubert Work.