

[Enclosure, 11 Jul 1893]

(35825-1891)

(Copy)

UNITED STATES INDIAN SERVICE,

The Dalles Ore. Sept. 24th 1891.

Land
19362-1891.

Hon. Commissioner of Indian Affairs,

Washington, D.C.

Sir:

I submit this my report in accordance with your letter of the 7th ult., marked as above, in regard to allotting land to non-reservation Indians, and ascertain the condition of the odd sections in these Three Townships 2 R. 13-14 15 E. Willamette M. I find the description given by the late Special Agent Gordon, as to location and condition of soil (extracts of which you gave in my letter) correct, "mostly a Rocky, Mountainous Bluff". I find several Indians calling this their home, and several have homesteads; most of the Indians are absent from their homes this month, picking hops for settlers in other parts of the State. At my first visit, after getting these instructions, I found none desiring an allotment of land, stating that there was none vacant desirable, but later Three told me if I could find any vacant of any value, near the River, I could use my own judgment together with their headman "Joe". After going carefully over the ground and finding

no spot vacant upon which an Indian (except as a camping ground during the fishing season) could use to advantage, I came to this conclusion, and "Joe" the Head man is of the same opinion, and that is, to have the vacant land in sections bordering on the Fishery Tracts, left vacant for the use of the Indians for grazing and camping purposes; the water front of the River along by these Fisheries, has, as far as possible been bought up, years ago by settlers with an eye to the fishing interests of the future, thus the purchase by the Indians of the right of fishing (the contract of which I sent you some weeks ago). I had thought for some days that I had found a corner of Sec. 30, T. 2 R. 14 not patented, but I find that also patented. Now, aside from the fishing and grazing rights, there is not any attractions to the Indians, outside of the few whose Fathers were buried here, and they want to be buried here also; There are a few who have, or are on the eve of giving up their claims and seeking better lands and homes with their people on the Simcoe Reserve, but want to hold their fishing and camping rights, and after going over the ground several times carefully and owing to much feeling in this case among the whites, pro and con, I found it difficult to find an unprejudiced person to show me the lines, corners, etc.; but I found one at last with a clear head and one that could talk unbiased upon the subject. I find

that the whites got titles to these various tracts bordering on the River subsequent to the Treaty with these and Yakima Indians, but prior to the R.R. Land Grant, that is the time that the mistake was made. I understand that the U.S. Court has ruled in this case that the Treaty right is paramount to the later title given, as far as the right of way is concerned to the Fisheries.

I would suggest that all the land remaining not patented, be reserved for Indians as long as they want, in Sec. 19, T 2 R. 14 E Willamette M. All not Pat in Sec 25, T 2 R 13 E W. all vacant in Sec 17, T 2, R 14 E., all that is vacant in Sec 14 & 13, T 2, R 14 and Sec. 18 T 2 R 15.

By doing this I think it will give the Indian a chance to get to the River, and as these strips or tracts marked as irregular lots are between the River and High Bluffs of Rocks in many places, except Sec. 19-25, T 2 R 13 & 14, and after mature deliberation, I came to this conclusion i e.; to have the above tracts retained for the general use for the Indians and the embargo removed from the balance, and have the present rule enforced as to protecting Indian claims, and in so doing I think justice, as far as can be, would be done the Indian and as little injustice done the whites, as could be under any plan, as the land is mostly fenced by a few, so only a few would be inconvenienced. This matter has caused me much study by night and by day, to try and arrive at some

plan at all feasible to suggest, and this has come to me as one that would be the nearest just and fair under the existing circumstances.

Hoping that this or some better plan can be reached is my earnest wish.

Enclosed find Map of the Townships described.

Yours respectfully,

Geo.P.Litchfield,

U.S.Special Ind.Agent.