

A. D. FISHER.

DECEMBER 13, 1878.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 1187.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1187) for the relief of A. D. Fisher, of Washington Territory, submit the following report:

In January, 1862, Mr. A. D. Fisher was notified by the United States Indian agent in charge at the Skokomish Indian reservation, Washington Territory, that his donation claim to 320 acres of land in said Territory, held and owned by him under the provisions of the act of Congress approved September 27, 1850, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," was required by the government for an addition to the Skokomish reservation, and soon thereafter he delivered the possession of his land and improvements to the Indian agent for that purpose, and delivered him the keys of the house. On the 27th day of December, 1862, a board of appraisers were appointed, consisting of S. D. Reinhart, named by the government, and William O. McFarland, named by the claimant. These gentlemen appraised the land and improvements at \$2,618. This valuation was approved by the then Indian superintendent, Mr. Hale, by the Commissioner of Indian Affairs, and the Secretary of the Interior.

An application was made to Congress by the Secretary of the Interior for an appropriation for this and similar claims in Washington Territory, and, on February 23, 1865, an appropriation was made for that purpose. In the mean time the government, although it continued in the use and occupation of all of Fisher's land and all the improvements thereon, concluded it might need but 40 acres of the same, and hence, in 1866, another board of appraisers was appointed, and another valuation of lands and improvements made. This time the government appointed C. C. Hewett, the chief justice of the Territory, and Hon. William McLane, many years a member of the legislature and president of the council, and they associated with them the Hon. S. S. Ford.

This board appraised the 40 acres which the government had absolutely determined to annex to the reservation, with the improvements thereon, at \$250, and they appraised the balance of the tract of land, which the government had not fully determined whether or not it would annex to the reservation, amounting to 280 acres, at \$131, and the improvements thereon at \$1,390, amounting to a total of \$1,521. This ap-

praisement was duly approved by the superintendent of Indian affairs for Washington Territory, the Commissioner of Indian Affairs, and the Secretary of the Interior, and on the 5th day of July, 1866, the appraised value of the 40 acres and the improvements thereon was paid. On December 18, 1867, the then superintendent of Indian affairs for Washington Territory, George McKenney, again recommended the enlargement of the reservation by taking the 280 acres left of the Fisher claim. The enlargement not having been made, the Indian Department, in 1869, abandoned the land, and notified Mr. Fisher that his land-claim, namely, the 280 acres, was not wanted by the government. In the mean time, while the property was in the possession of the government, and occupancy of the Indians, the improvements, consisting of a dwelling-house, barn, smoke-house, henery, orchard, fences, and meadow-land, had been destroyed, and the uncleared land had also been stripped of its valuable timber.

On the 8th day of December, 1878, Acting Superintendent Marshall Blinn again recommended the enlargement of the Skokomish Reservation, so as to include the 280 acres, and urged the payment of its appraised value, as but an act of justice to a poor and humble citizen. In the mean time Mr. Fisher, as certified by the register of the Olympia land-office, in Washington Territory, had made "final proof" on his donation claim, as required by the act of Congress of September 27, 1850. On February 25, 1874, by executive order, the 280 acres were added to and made part of the reservation, and so remains. It might be urged that Mr. Fisher should have remained on the property when notified by the Indian agent in charge that his land was required for a reservation for the Indians; but, in view of the fact that such orders are usually enforced by military power called to the assistance of the agent, shows that the citizen refuses to obey at his peril. The statement of Indian Agent Eells, at the Skokomish Agency, made December 18, 1875, shows that the government, from January 1, 1862, until that time, had continuously had possession of the property. After a review of all the facts as they appear from the files and records in the Interior Department, Edward P. Smith, late Commissioner of Indian Affairs, on the 21st day of February, 1874, in a communication addressed to the Hon. O. B. McFadden, at that time Delegate in Congress from Washington Territory, recommended the payment of the last appraised value of the claim and improvements, viz, \$1,521 and interest thereon from January 1.

Your committee, after a consideration of all the facts, recommend that the bill be amended by striking out, after the word "of," at the close of the sixth line, and before the word "dollars" in the seventh line, the words "three thousand three hundred and sixty-four dollars," and insert the words "fifteen hundred and twenty-one," and, with that amendment, recommend the passage of the bill.

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