

2 CANCEL RESTRICTED FEE PATENTS AND ISSUE TRUST PATENTS

The greater number of allotments on these reservations are now held by heirs, many of whom are minors. Where, as frequently found, some of the adult heirs have removed to distant localities, it is difficult to reach them when deeds are to be obtained. Because of many heirs and small rentals in many cases, a sale of the land may seem preferable to a lease; but where minors are involved court costs are necessarily incurred in the appointment of one or more guardians, in obtaining a sale order and in execution of a guardian's deed. These costs frequently far exceed the value of the interests to be so conveyed. To avert loss to the estate by reason of such proceedings it is customary, in the sale advertisement, to notify bidders that the purchaser will be expected to pay, in addition to the amount of his bid, a sum sufficient to cover the court costs. Naturally this course, while relieving the estate of that payment, tends to lower the amounts which bidders will offer. Beside entailing considerable expense the necessity for such proceedings frequently results in embarrassing delays.

To remedy these difficulties authority for the cancellation of the original restricted fee patents is desired so that new trust patents may be issued, as was authorized in the act approved March 3, 1925 (43 Stat. 1114), with respect to certain allotments on the Winnebago Reservation in Nebraska held under patents in fee "without the right of alienation." The authority given in that act solved many problems there.

For lands held under trust patents in fee may be issued to purchasers under the acts of May 29, 1908 (35 Stat. 444), and June 25, 1910 (36 Stat. 855-856), as amended. Conveyance of title by such method, instead of by approved deeds enables appreciable savings in many cases, both in time and money, and purchasers usually prefer patents to approved deeds.

The legislation as drafted is remedial and I recommend that this bill receive the favorable action of Congress.

Sincerely yours,

HAROLD L. ICLES,
Secretary of the Interior.

RESERVATION OF CERTAIN LANDS FOR THE BENEFIT OF THE NAVAJO TRIBE OF INDIANS

FEBRUARY 22, 1934.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. ROGERS of Oklahoma, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H.R. 5912]

The Committee on Indian Affairs, to whom was referred the bill (H.R. 5912) for the benefit of Navajo Indians in New Mexico, having considered the same, report thereon with a recommendation that it do pass without amendment.

By Executive orders of December 30, 1908, and January 16, 1911, certain large areas of land in New Mexico, previously withdrawn for the Navajo Indians, were restored to the public domain and a considerable part thereof became privately owned, some in the hands of non-Indians and others in the hands of Indians by allotment. This resulted in an unsatisfactory checkerboard arrangement. The act of March 3, 1921, authorized an exchange of lands to remedy this condition and considerable acreage has already been exchanged or such exchanges are pending. The Exchange Act of March 3, 1921, was obtained primarily for the benefit of the Navajo Indians, but did not definitely declare that the lands were to be held exclusively for the Indians. Such is the purpose of this legislation. The letter of the Secretary of the Interior transmitting such request follows:

THE SECRETARY OF THE INTERIOR,
Washington, June 8, 1933.

HON. EDGAR HOWARD,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. CHAIRMAN: There is transmitted herewith draft of a proposed bill for the purpose of clarifying the Indian title relative to lands consolidated in the Government of the United States, pursuant to the act of March 3, 1921 (41 Stat. 1225-1239).

By Executive orders of December 30, 1908, and January 16, 1911, certain large areas of land in New Mexico within San Juan, Valencia, and McKinley Counties,

which had been previously withdrawn for the Navajo Indians by Executive order, were restored to the public domain. Prior to the restoration and while the area was still held as Indian reservation land a large number of allotments of 160 acres each were made and approved to individual Navajo Indians. After the lands were restored to the public domain many additional allotments of 160 acres each were made to individual Navajos pursuant to section 4 of the General Allotment Act of February 8, 1887 (24 Stat. 388), as amended. A large part of the area involved in the original withdrawn area fell within the limits of the grant of the odd-numbered sections made to the Atlantic & Pacific Railroad Co., now the Santa Fe Pacific Railroad Co. Ownership by the railroad company of the odd-numbered sections and the allotting of a large portion of the even-numbered sections to individual Indians resulted in a "checkerboard" ownership which proved to be very unsatisfactory from a practical and administrative viewpoint. As a result of this "checkerboard" ownership, this office prepared legislation which was included as an item in the act of March 3, 1921 (41 Stat. 1225-1239), reading as follows:

"The Secretary of the Interior is hereby authorized, in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands, and relinquishments of valid homestead entries or other filings, including Indian allotment selections, within any township of the public domain in San Juan, McKinley, and Valencia Counties, N. Mex., and to permit lieu selections by those surrendering their rights so that the holdings of any claimant within any township wherein such reconveyances or relinquishments are made may be consolidated and held in solid areas: *Provided*, That the title or claim of any person who refuses to reconvey to the Government shall not be hereby affected."

Under this law exchanges have already been made with the railroad company whereby certain lands have been reconveyed to the Government, and there are further exchanges pending. Approximately 234,000 acres will have been reconveyed to the United States pursuant to the above act. Under the regulations promulgated September 19, 1922, and approved by the Department the same date, the lands reconveyed to the Government are temporarily withheld from all forms of disposal as public lands.

The Exchange Act of March 3, 1921, supra, was obtained primarily for the benefit of the Navajo Indians; nevertheless, the areas consolidated in the Government pursuant thereto are not definitely declared by the act or the regulations to be held exclusively for the Navajo Tribe of Indians as was originally intended.

In the exchanges already consummated and in those pending, a large number of individual Navajo allottees have been required to surrender their allotments within the lieu area selected by the railroad company, and in view of this situation it seems that as a matter of simple justice to these Indians, legislation such as is embodied in the attached draft of a proposed bill should be enacted as soon as possible, not only to protect the Indians' rights and equities in the areas involved, but also in order to provide for the water and grazing developments of those areas for the benefit of the Indians.

For the reasons stated, I recommend that the enclosed draft of proposed legislation be given favorable consideration.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

EXTENSION OF TIME FOR MAKING CONTRACTS FOR
SALE OF TIMBER ON INDIAN LAND

FEBRUARY 22, 1934.—Referred to the House Calendar and ordered to be printed

Mr. ROGERS of Oklahoma, from the Committee on Indian Affairs,
submitted the following

REPORT

[To accompany H.J.Res. 278]

The Committee on Indian Affairs, to whom was referred the joint resolution (H.J.Res. 278) to amend Public Act No. 81 of the Seventy-third Congress, relating to the sale of timber on Indian land, having considered the same, report thereon with a recommendation that it do pass without amendment.

This legislation is suggested by the Department for the reason that it has proved impossible to negotiate, within the time limit fixed, the contracts for the sale of timber contemplated in the original legislation. The letter of the Secretary of the Interior requesting this legislation follows:

INTERIOR DEPARTMENT,
Washington, February 16, 1934.

HON. EDGAR HOWARD,
Chairman Committee on Indian Affairs, House of Representatives.

MY DEAR MR. CHAIRMAN: There is transmitted herewith a proposed joint resolution extending to September 4, 1934, the authority granted in Public, 435, Seventy-second Congress, as amended by Public, 81, Seventy-third Congress, relative to the sale of timber on Indian lands.

Authority extended under Public, 435, as amended by Public, 81, appears to expire on March 4, 1934, and although much progress has been made in the revision of the Klamath timber contracts the work incident thereto cannot be fully accomplished prior to March 4, and possibly not by June 30.

The Klamath Indians and the timber contractors have requested that the authority provided in the legislation above referred to be extended to September 4, 1934, and the Indian Service believes that such action will be to the best interest of all concerned.

In view of the foregoing, I recommend that this joint resolution receive favorable consideration.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

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