

1-13-1880

On the Relief of Settlers in Kansas

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 89, 46th Cong., 2nd Sess. (1880)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

JANUARY 13, 1880.—Ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, submitted the following

REPORT:

[To accompany bill S. 619.]

The Committee on Public Lands, to whom was referred the bill (S. 619) "For the relief of certain actual settlers on the Kansas trust and diminished-reserve lands in the State of Kansas," respectfully report:

That the original draught of this bill was sent to the chairman of the Senate Committee on Public Lands, by the Secretary of the Interior, under date of May 19, 1879, and his letter of transmissal, together with a report of the Commissioner of Indian Affairs on the same subject and of like date, and the draught in question were referred to this committee. The necessity of the proposed legislation is clearly set forth in said letter and report, to which reference is here made. The simple object is to protect a small proportion of actual settlers on the Kansas trust and diminished-reserve lands in rights which have been expressly recognized by act of Congress, but which they have been prevented from perfecting by circumstances entirely beyond their control. Many of these settlers have made partial payments upon their lands, as well as valuable improvements, and have only been prevented from perfecting their titles by incongruous legislation. The bill simply allows these settlers to complete their titles under the new appraisement authorized by the act of 1876, and the committee agree with the Secretary and the Commissioner that "ordinary good faith" requires that they should have this right. The committee therefore recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, May 19, 1879.

Hon. J. E. McDONALD,
Chairman Committee on Public Lands, United States Senate:

SIR: I have the honor to submit for the consideration of Congress, with a recommendation for immediate action thereon, a draft of a bill for the relief of certain actual settlers upon the Kansas trust and diminished-reserve Indian lands in Kansas, who, by reason of failure to secure the assent of the Indians to the reappraisement provided for in the act of July 5, 1876 [Stats. 19, p. 74], have been unable to bring themselves within the provisions of section one of said act, and have thus been deprived of its manifestly intended benefits.

The names and improvements of these settlers are all described in the documents referred to in the act, and have been both by that and the previous statute of June 23, 1874 [Stats. 18, p. 272], expressly recognized by Congress. Many of them have actually made large payments under the original act, and ordinary good faith now requires that they be permitted to complete their titles under the new appraisement secured by the

legislation of 1876. Those who have made partial payments under section two of the act of 1874, are equally entitled to the same relief.

The bill submitted has the approval of the Commissioner of Indian Affairs, as will appear by his report of this date, a copy of which I herewith inclose. Should the matter fail to receive attention at the present session great hardship will result, as the residue of the lands now thrown open to general settlement will at once be subject to disposal, orders to that effect having already been issued by this department, while these settlers already in possession of large interests and improvements will be compelled to await future and uncertain legislation to secure them in the homes heretofore attempted to be confirmed to them by law, but which, under fortuitous circumstances, they have been unable to acquire.

Very respectfully,

C. SCHURZ,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 19, 1879.

The Hon. SECRETARY OF THE INTERIOR:

SIR: Referring to department letter of the 14th instant, returning approved, the original lists of Kansas trust and diminished-reserve lands in Kansas, as re-appraised by Messrs. Thomas S. Huffaker, H. W. Jones, and M. H. Newlin, commissioners, under the act of July 5, 1876, 19 stat. 74, and advising this office that the duplicate lists submitted for transmission to the Commissioner of the General Land Office have also been approved, and that he had been directed to offer for sale to actual settlers under section 2 of said act all the lands embraced in said lists, with the exception of those falling under the provisions of section 1 of the act, and those upon which entry has heretofore been allowed under section 2 of the act of June 23, 1874, 18 stat., 272.

I have the honor to submit herewith, as directed in said letter, a draft of a bill for the relief of such actual settlers, as by the changing policy imposed by the acts have been deprived of their intended benefits, and to make the following report thereon.

All those persons mentioned in the first section of the act of July 5, 1876, are now outside of any relief, as those settlers who entered under the act of 1874 are under a repealed statute, and those who have not yet entered cannot comply with the act of 1876, by paying the first installment before January 1, 1877.

Those persons who entered under section 2 of the act of 1874 prior to the act of 1876, are also not within the provisions of any existing statute. The penalties of the act of 1874 cannot be enforced, as that act is repealed by the act of 1876. They are not subject to the act of 1876, as they did not make entry under its provisions.

Section 1 of the proposed bill grants relief to those persons mentioned in section 1 of the act of 1876, by permitting them to complete the payment for the lands to which they are entitled, under the act of 1876, at the newly-appraised value allowing credit for all sums heretofore paid as principal and interest, which shall constitute one instalment and the balance to be paid in three equal annual instalments, the first to be paid January 1, 1880, and the deferred instalments to draw interest at the rate of six per centum per annum.

Section 2 of this bill extends the provisions of section 1 to persons who have made entries under section 2 of the act of June 23, 1874, and section 3 extends the provisions of section 2 of the act of 1876, relating to default and forfeiture to all entries and requirements of the provisions of this bill.

I inclose duplicate copies of said bill, and of this report, and have the honor to recommend that the matter be laid before Congress with a recommendation for early and favorable action thereon.

Very respectfully, your obedient servant,

E. J. BROOKS,
Acting Commissioner.