

1-8-1884

Message from the President of the United States, transmitting a communication from the Secretary of the Interior of the 19th instant, submitting draft of bill to allow Indian homestead entries, in certain cases, without the payment of fees and commissions.

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

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

Recommended Citation

S. Exec. Doc. No. 35, 48th Cong., 1st Sess. (1884)

This Senate Executive Document 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.

1884 - 1

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior of the 19th instant, submitting draft of bill to allow Indian homestead entries, in certain cases, without the payment of fees and commissions.

JANUARY 8, 1884.—Read and referred to the Committee on Public Lands and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 19th instant, submitting, with accompanying papers, a draft of a bill "To allow Indian homestead entries, in certain cases, without the payment of fees and commissions."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 7, 1884.

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1883.

SIR: I have the honor to submit, herewith, for your consideration a report of the 17th instant, from the Commissioner of Indian Affairs, presenting with recommendation a draft of a bill "To allow Indian homestead entries, in certain cases, without the payment of fees and commissions."

The intent of this legislation is to provide for those Indians who may desire to avail themselves of the homestead laws as extended to Indians, but who are unable through poverty to pay the said fees and commissions, which range, according to difference in locations and quantity of land taken, from \$7 to \$22.

I respectfully recommend that the matter may be transmitted for the consideration and action of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 17, 1883.

SIR: With office report dated May 19, 1880, a draft of a bill to enable Indians to make homestead entries under the provisions of the act of March 3, 1875 (18 Stat., 420) without payment of fees and commissions, in such cases as the Secretary of the Interior might judge proper, was submitted to the Department for transmission to Congress, but without any favorable result.

The attention of the Department has also been called to the importance of this measure in each of my three Annual Reports.

Annual estimates for the sum of \$5,000, to be used for the payment of entry fees and commissions until a change should be made in the law, as recommended, have also been submitted, but without avail.

The fifteenth and sixteenth sections of the act referred to (March 3, 1875) extend the benefits of the homestead laws, now embodied in sections 2290, 2291, 2292, and 2295 to 2302, inclusive, of the Revised Statutes, to any Indian born in the United States who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or who may hereafter abandon, his tribal relations, except that the right of commuting a homestead to a cash entry is not extended to an Indian, and with a proviso that the title to lands acquired by any Indian by virtue of said act, shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor.

By the fifth section of the act of January 18, 1881 (21 Stat. 317), this period is extended to twenty years from the date of the patent.

The total amount of fees and commissions payable upon homestead entries varies in amount from \$7 to \$22, in proportion to locality and number of acres entered.

The amount of revenue which would be lost to the Government by permitting the Indians to make entries without the payment of fees and commissions, is insignificant, while most of the Indians who desire to avail themselves of the benefits conferred by the act of 1875, owing to their poverty and improvidence, are unable to command the amount necessary to pay these fees and commissions.

In many instances, more especially the Mission Indians in California, and the Spokanes in Washington Territory, they and their fathers before them have been residing upon and cultivating small tracts of land for generations. When these lands are surveyed and brought into market, the Indians, through ignorance of the law and want of funds to pay the necessary fees and commissions, fail to take advantage of the act of 1875, as the result of which white men enter the Indian's lands, drive him therefrom, and appropriate his improvements and the fruits of his industry and labor.

It is a matter of regret, that so much difficulty is experienced in securing small appropriations to encourage the Indians to support themselves while large appropriations are annually made to maintain them in idleness. It frequently happens, that when an Indian evinces a desire to labor and sustain himself, assistance cannot be rendered him for the want of a small appropriation.

That the Indians should be encouraged in all possible ways to throw off their indolent habits, and adopt some means of gaining their own support would seem to be too plain to admit of argument. This was

undoubtedly the end sought to be reached by the act extending the benefits of the homestead laws to Indians, and any measure which will promote the objects of that act should certainly receive the approval of Congress.

I therefore have the honor to recommend that as an additional incentive to the adoption of civilized habits, when it shall appear to the satisfaction of the Secretary of the Interior that the Indian applicant for homestead privileges is acting in good faith, and that he is unable to provide the amount necessary to liquidate the fees and commissions payable thereon, he shall be permitted to make the homestead entry without payment thereof, and herewith submit the draft of a bill for that purpose, for transmission to Congress.

I inclose two copies of this report and the proposed bill.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

A BILL to allow Indian homestead entries in certain cases without the payment of fees and commissions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear to the satisfaction of the Secretary of the Interior that any Indian who desires in good faith to avail himself of the provisions of the fifteenth section of the act of March third, eighteen hundred and seventy-five, extending the benefits of the homestead laws to Indians, is unable to make a homestead entry by reason of poverty, such entry shall be allowed without the payment of fees and commissions.

○