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Report : Petition of M. P. Jones

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IN THE SENATE OF THE UNITED STATES.

JANUARY 14, 1884.—Ordered to be printed.

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

REPORT :

[To accompany bill S. 269.]

The Committee on Public Lands, to which was referred the bill (S. 269) for the relief of M. P. Jones, report as follows :

That this claim has been repeatedly examined by committees of both Houses of Congress, and has always been reported favorably. It passed the Senate at the second session of the Forty-fifth Congress, and was favorably reported in the House, but was not reached on the calendar. The Senate Committee on Public Lands, at the first session of the Forty-seventh Congress, unanimously recommended the passage of a bill identical with the one under consideration.

The facts are correctly stated in House Report No. 22, Forty-sixth Congress, and for convenience we adopt their statement, which is as follows :

It appears in this case that M. P. Jones deposited to the credit of the United States in the city of Portland, Oreg., moneys for the survey of public lands in said State as follows :

	For surveys.	For office work.
May 21, 1875	\$19,470 00	\$530
September 13, 1875	4,896 00	104
Total	24,366 00	634 = \$25,000 00
That of this amount the United States have expended as follows	23,963 75	634
Leaving unexpended	402 25	000 = 402 25
Leaving balance due M. P. Jones		24,597 75

That under this deposit so made the United States made surveys of lands hereinafter described, and the United States surveyor-general for Oregon approved the maps of the same on January 3 and January 11, 1876, respectively, said surveys being as follows, to wit : Of the sixth, seventh, and eighth standard parallels south, and exterior lines of township 35 south, range 26 east ; exterior lines of township 36 south, ranges 25 to 31 east ; exterior lines of township 37 south, ranges 24 to 28 east ; exterior lines of township 38 south, ranges 25 to 28 east ; exterior lines of township 29 south, range 24 to 28 east ; exterior lines of township 35 south, range 31 east ; exterior lines of township 32 south, range 40 east ; and subdivisinal surveys of township 36 south, ranges 25 to 29 east ; township 37 south, ranges 24 to 28 east ; township 38 south, ranges 24 to 26 east ; township 39 south, ranges 23 to 25 east ; township 35 south, ranges 26 to 31 east ; township 36 south, ranges 25, 30, 31 east ; township 37 south, range 24 east ; township 38 south, range 24 east ; township 39 south, range 26 east ; townships 31 and 32 south, range 41 east ; township 30 south, ranges 40 and 45 east ; township 31 south, ranges 42 and 44 east ; township 32 south, range 39 east.

That the township plats of surveys so made and so approved were filed with the proper register and receiver at the local United States land office on February 24, 1876.

That this deposit of \$25,000 was not made in accordance with the provisions of any law of the United States, but this amount of \$25,000, when deposited by said M. P. Jones, was placed in the United States Treasury to the credit of the fund or appropriation entitled "Deposits by individuals for the survey of public lands," under acts and resolutions of Congress providing only for the deposits of money by actual settlers for the surveys of public lands.

That the total number of acres surveyed by this district was 531,732, and of which 237,731 passed to the Oregon Central military wagon-road under an act of Congress.

That the surveys made and paid for by said deposits inured to the benefit of the United States; said surveys were made under the supervision of the United States surveyor-general for Oregon in the same manner as other public-land surveys in said State were made.

That if these surveys had not been made at that time and paid for with the money thus and so deposited by said M. P. Jones, that then the United States, at some subsequent time, would have surveyed the same townships, and at the same cost, and paid for the same from the appropriations made by Congress from time to time for the survey of the public lands in said State.

That the grant by Congress to the Oregon Central military wagon-road was made in a section of the country to which the public surveys had not been extended, and the terms of the grant require that this road should be completed within five years, and that the lands should be used for the purpose of paying for the construction of said road.

That if the lands had not been surveyed in the manner they were then the provisions of the act of Congress could not have been complied with.

That Congress has refunded deposits of this character in similar cases (U. S. Statutes, vol. 17, p. 515), directing the payment to the Saint Paul and Sioux City Railroad Company the sum of \$1,370 out of the appropriation of \$50,000 for surveys in Minnesota; said \$1,370 was deposited October 4, 1869, by said company, and in accordance with said act of Congress was refunded to them on July 12, 1873. (See also vol. 18, U. S. Statutes at Large, page 213, appropriating \$10,600 to reimburse the Chicago and Northwestern Railroad Company for surveys along the line of that road; money deposited August 20, 1872, and refunded August 20, 1874.)

That a bill for the repayment of this amount of \$25,000 to M. P. Jones (Senate bill No. 150) passed the Senate on the 15th day of June, 1878. (See Senate Journal, second session Forty-fifth Congress, page 716, June 15, 1873.) And which bill was thereafter referred to the Committee on Public Lands of the House and by it favorably considered, and by it ordered to be favorably reported to the House, with a recommendation that it should pass, but which report failed to be made to the House in time to be acted upon during the Forty-fifth Congress.

That of the amount so deposited by said M. P. Jones (\$25,000) the sum of \$402.25 remains unexpended, and which unexpended balance has been refunded to said M. P. Jones, leaving still due him the sum of \$24,597.75.

The committee unanimously concur in recommending the passage of the bill as amended.

After the favorable report of the Senate Committee on Public Lands to the first session of the Forty-seventh Congress, before referred to, had been made, a communication from Hon. S. J. Kirkwood, then Secretary of the Interior, inclosing a letter to him from the honorable Commissioner of the General Land Office, was received by the committee, which induced the committee to request the recommitment of the bill for further examination, but no further action of the committee was reported. Said communications relate to the grant of lands to the State of Oregon by the act of Congress referred to in the report hereinbefore set forth.

Assuming that certain lands which had been certified to the State of Oregon, or its grantees, under said act, and which are situated within the present limits of the Klamath Indian Reservation, had been improvidently certified, and that at the time the advances were made by said Jones he was interested in said grant, and stating that the owners of the grant had refused to release such lands to the United States, the honorable Secretary of the Interior recommended that, on that account, M. P. Jones and his associates should not be reimbursed for the money advanced by them to the United States until such release should be given.

Your committee, having examined the correspondence and the evidence before the committee relating to said questions, find that the Senate Committee on Public Lands at the third session of the Forty-fifth Congress had the question of the title to the lands covered by the original grant in place to the State under said act, which are situated within the Klamath Indian Reservation, under consideration, and unanimsously reported (Report No. 731) as follows :

After careful examination we report that, in our opinion, the grantees of the State have the title to these lands.

The bulk of the lands supposed by the honorable Secretary of the Interior to have been improvidently certified to the grantees of the State are a portion of the lands the title to which was under examination by said committee.

It further appears that the money deposited by said Jones was not used for the survey of the lands alleged to have been erroneously certified to said grantees, and it now appears to the committee that the greater portion of the money deposited by said Jones was advanced by other parties having an interest in having said surveys made, but who were not interested in the said land grant, and that this claim is being prosecuted for their benefit to the extent of their respective advances.

Your committee, therefore, report that if there be any legal question as to the title of the present owners of said grant to any of the lands surveyed to the State or its grantees, and it is desired by the United States to try that question, the same should be submitted to some tribunal other than Congress.

Your committee, therefore, recommend the passage of the bill.