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Rio Grande Junction Railway Co.

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IN THE SENATE OF THE UNITED STATES.

JULY 7, 1890.—Ordered to be printed.

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

REPORT:

[To accompany S. 3938.]

The Committee on Public Lands, to whom was referred Senate bill 3938, having had the same under consideration, make the following report:

It appears to be necessary in the construction of the Rio Grande Junction Railway to cross the northwest corner of the quarter section of land on which the Grand Junction Indian school, in the State of Colorado, is located. It is proposed by this bill to exchange the land that will be cut off by the line of such railway from the main part of said school farm for other lands adjoining the school farm, and that can be reached without crossing the proposed railway track.

For the 26.3 acres to be conveyed to the railway company, the said railway company is to convey to the Government, for the use of said school, 35 acres of land which is doubtless of equal value per acre with the land to be conveyed to the said railway company. This exchange is approved by the Department, as will be seen by the following:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 30, 1890.

SIR: I have received by Department reference for report Senate bill No. 3938, "To authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States."

The bill authorizes the Secretary of the Interior to convey in fee to the said company a strip of land not to exceed 26.3 acres to be taken from the northern portion of the tract of ground belonging to the Grand Junction Indian School, upon the condition that the company shall first convey to the United States in fee a portion of land aggregating 35 acres adjoining the southeastern portion of the reservation, with the water rights thereto belonging.

It is further provided that the United States shall maintain the unrestricted right of way for irrigation purposes in the land proposed to be conveyed to the company, and that the line of railway next to the school lands shall be securely fenced by the company.

This bill was first referred to the General Land Office for report, but as the lands proposed to be conveyed by the Government are held for Indian school purposes, it was returned to the Department with the suggestion that a report should be made upon the matter by this office.

The Commissioner of the General Land Office in his letter herewith returned adds, however, the following information with regard to the land proposed to be conveyed to the Government by the company: "Pre-emption Cash Entry No. 126, by George D. P. Whitson, made October 29, 1853, for the south half southeast quarter, section 18, and north half northeast quarter, section 19, township 1 south, range 1 east. Patent has not as yet issued upon said entry."

The matter of the proposed exchange of lands provided in the bill has been the subject of some correspondence between this office and the officials of the railway company, and also the Superintendent of the Grand Junction Indian School, and after careful consideration I see no objection to the proposed exchange, provided the rights of the Government are fully protected.

I have the honor to submit for the consideration of the Department certain additions and amendments to the bill under consideration.

The description of the land proposed to be conveyed to the company by the Government is defective, and in line 12, after the word "one" the following words should be inserted: "south of range one;" and after the word "east" the words "of the Ute meridian."

In view of the statement of the Commissioner of the General Land Office, that no patent has ever issued for the land proposed to be conveyed to the United States by the company, and in order that the Government may receive a perfect title in case the exchange is made, the following words should be inserted in line 23 after the word "deed:" "which conveyance shall be satisfactory to the United States Attorney-General."

In my opinion the Government should not be required to fence the lands proposed to be conveyed to it by the company, and it is therefore suggested that after the word "lands," in line 40, the following words be inserted: "and also the tract of land which shall be conveyed to the Government as herein provided."

The bill is herewith returned, and I have the honor to state that if it shall be amended as herein indicated I see no objection to its approval.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 16, 1890.

SIR: I am in receipt through reference, for report, of Senate bill No. 3938, "To authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States."

The lands sought to be conveyed to said company by this bill appear to be now held by the United States for school purposes in connection with the Grand Junction Indian school.

From inquiry, it is learned that the deeds and other papers looking to the proposed transfer are all on file in the Indian Office, and it would seem that any report as to the advisability of the transfer should be made by said office.

I might add, however, that the records of this office show as follows, in relation to the tract offered by the company, described as "being the west 35 acres of the south half of the southwest quarter of section 18, township 1 south, of range 1 east, of the Ute meridian:

Pre-emption cash entry No. 126, "Gunnison series," by George D. P. Whitson, made October 29, 1883, for the south one-half, southeast quarter, section 18, and north one-half northeast quarter, section 19, township 1 south, range 1 east.

Patent has not as yet issued upon said entry.

The bill is herewith returned.

Very respectfully.

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, July 2, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of S. 3938, "A bill to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States."

In response thereto I transmit herewith copies of communications from the Commissioner of the General Land Office and Commissioner of Indian Affairs, dated June 16 and June 30, respectively.

The report of the Commissioner of the General Land Office shows that a portion of the land sought to be conveyed by the railroad company is covered by cash entry 126, "Gunnison series," by George D. P. Whitson—not yet patented—but on informal in-

quiry at the land office I am advised that this case is before the "board of equitable adjudication" for confirmation.

The Commissioner of Indian Affairs sees no objection to the proposed exchange, provided the rights of the Government are fully protected. He has amended the bill so as to correct the description of the land, providing that the deed of conveyance to the United States shall be satisfactory to the Attorney-General, and for fencing the lands conveyed to the United States.

The bill as amended is herewith returned.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

The committee recommend the following amendments, and that, as amended, it pass:

Amend Senate bill 3938 as follows:

In line 4, section 1, strike out the words "by patent."

In line 12, after the word "one," insert "south of range one."

In said line 12, after the word "east," insert "of the Ute meridian."

In line 22, after the word "convey," insert "or cause to be conveyed."

In line 23, strike out the words "by deed," and insert "which conveyance shall be satisfactory to the Attorney-General of the United States."

In line 39, strike out the word "securely," and insert "build and maintain."

In line 41, strike out the word "maintain," and insert "reserve."

In line 42, strike out the word "in," and insert the word "over."