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### Forfeiture of Lands

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IN THE SENATE OF THE UNITED STATES.

MARCH 7, 1890.—Ordered to be printed.

Mr. MANDEERSON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 211.]

The Committee on Indian Affairs, to whom was referred the bill (S. 211) providing for the payment or forfeiture of lands purchased, not patented or paid for, of the Pawnee Indian Reservation in Nebraska, have had the same under consideration, and report the same back favorably, amended, and recommend its passage.

The bill seeks to compel purchasers of 60,256 acres of land in the old Pawnee Indian Reservation to pay for the same within two years after the passage of this bill, in default of which the said lands purchased but not paid for nor patented, are to be forfeited and resold at public auction.

The bill, as offered, is based upon the prayer of a petition signed by the board of supervisors of Nance County, Nebr., by the lieutenant-governor of the State, and by 525 citizens and taxpayers of Nance and adjoining counties, who are affected by the default made in payments for said lands, the same not being taxable by the State and local authorities so long as it remains unpatented. There was no clause of forfeiture in the act approved April 10, 1876, providing for the sale thereof, and the fact that the purchasers were required to pay one-third cash and the balance in two equal annual payments, and have failed to comply with the terms of sale for a period of nearly fourteen years, which embraces the period of Nebraska's greatest prosperity, gives color to the allegation that these 60,256 acres are held by speculators who have eluded the laws relating to taxation by neglecting to pay for and take patents for these lands.

The Government is interested in having the money in hand, promised to be paid, and it is but fair that those bona fide settlers who have homes around about these lands, who have contributed by hard labor and money to enhance their value by bringing the surrounding farms up to a high state of cultivation should have some speedy relief from the existing conditions, especially that they have borne the whole burden so long.

Your committee amend the title of the bill by inserting after the word "Pawnee" the word "Indian," and also strike out the preamble which follows the title; also in line 3, after the word "Pawnee," insert the word "Indian."

Your committee begs leave to attach hereto as a part of this, their report, the communications from the Commissioner of the General Land Office and the Commissioner of Indian Affairs.

## FORFEITURE OF LANDS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., October 31, 1889.

SIR: I am in receipt, by reference from the honorable Secretary of the Interior, of your letter of October 21, 1889, asking how "much (in area, acres) of the old Pawnee Indian Reservation in Nebraska remains unsold, if any, under the act approved April 10, 1876, and whether patents have been issued for the lands sold; to what extent patents have been issued and how much remains unpatented."

In reply I have the honor to state that the records of this office show the status of the lands embraced in said reservation (containing 278,837 acres) up to and including June 30, 1889, to be as follows, to wit:

|  |            |
|--|------------|
| Number of acres patented.....          | 218,504.89 |
| Number of acres remaining unsold ..... | 75.48      |
| Number of acres unpatented.....        | 60,256.63  |
| Total .....                            | 278,837.00 |

Very respectfully,

LEWIS A. GROFF,  
Commissioner.

Hon. CHAS. F. MANDERSON,  
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, February 15, 1890.

SIR: I am in receipt of a communication from Hon. C. F. Manderson, dated January 16, 1890, in which he incloses S. bill 211, "Providing for the payment or forfeiture of lands purchased, not patented nor paid for, of the Pawnee Reservation in Nebraska," and requests the opinion of this office as to the advisability of its passage.

The act of April 10, 1876 (19 Stats., 28), authorized the appraisement of the lands of the Pawnee Reservation in Nebraska, and their sale to the highest bidder, at not less than the appraised value, nor less than \$2.50 per acre for one-third cash in hand, the balance in two equal annual payments, drawing interest at the rate of six per centum per annum from the day of sale.

Corrected schedule of the appraisement of said lands was transmitted to the Department January 29, 1878, with the request that it be forwarded to the General Land Office for the guidance of the land officers in the disposal of said lands, and since that time this office has had no jurisdiction in the matter.

Senator Manderson states that he is informed by the Commissioner of the General Land Office that 75 acres remain unsold and 60,256 acres have not been patented, indicating that full payment has not been made on that quantity of land.

As there is no forfeiture clause in the act of 1876, it is presumed that the purchasers may occupy the land indefinitely without making the deferred payments.

Senate bill 211 is intended to correct this result by requiring all purchasers of said lands who may be in default of payment of either principal or interest to make full and complete payment therefor to the Secretary of the Interior within two years from the passage of the act, and providing that any person in default for a period of sixty days thereafter shall forfeit his right to the lands purchased and to any and all payments made thereon.

The second section authorizes the Secretary of the Interior to declare all lands forfeited which shall not be paid for in accordance with the provisions of the bill, and to cause all such lands to be resold at public auction in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default; the lands to be sold to the highest bidder at not less than the appraised value, nor less than \$2.50 per acre.

In my judgment the provisions of the bill are right and proper, and justice to the Indians demands its passage.

Very respectfully, your obedient servant,

T. J. MORGAN,  
Commissioner.

The SECRETARY OF THE INTERIOR.