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[Title to Certain Lands]

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Recommended Citation

S. Rep. No. 125, 54th Cong., 1st Sess. (1896)

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IN THE SENATE OF THE UNITED STATES.

JANUARY 27, 1896.—Ordered to be printed.

MR. CARTER, from the Committee on Public Lands, submitted the following

REPORT:

[To accompany S. 1320.]

The Committee on Public Lands, to which was referred the bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor, have duly considered the same and submit the following report:

The facts in this case, as shown by the records of the General Land Office and of the county of Morris, in the State of Kansas, wherein said lands are situate, are as follows:

Mr. Harrison Moore, on December 31, 1880, entered at the Topeka, Kans., land office the lots No. 15, of the northwest quarter of section 19, and No. 22, of the southwest quarter of section 18, both in township 16, range 8 east, under the act of Congress of March 16, 1880, and on January 5, 1881, entered at same land office lots Nos. 13 and 14, of the northwest quarter of said section 19, in same township and range; under the act of July 5, 1876, made payment in full for each tract, and on July 16, 1881, received final certificates.

An abstract of the title to said tracts by the abstractor for Morris County, Kans., under his hand and official seal, shows that said Moore and wife, after the issuance of such final receipts and on December 27, 1881, conveyed the said lands for a valuable consideration to Charles A. Scott, who, with his wife, on March 13, 1882, for a valuable consideration, conveyed the said lands to William Morgan, the said Wililam Morgan thereafter, on March 24, 1882, entered at said land office, under the act of March 16, 1880, lot No. 21, of said southwest quarter of said section 18, in same township and range, made full payment, therefor, and received his final certificate on January 14, 1884.

The abstract of titles to all said tracts of land by the said abstractor for said county shows that said William Morgan and wife, on the 11th day of December, 1883, for the consideration of \$1,600, conveyed all said tracts to Harrison Wilcoxson.

Upon examination in the General Land Office the following letters were written and sent to the register and receiver at Topeka, Kans., on August 27, 1887, nearly four years after said conveyance to Wilcoxson:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 27, 1887.

GENTLEMEN: December 31, 1881, Harrison Moore entered lot 15, in northwest quarter of section 19 (containing 58.24 acres), and lot 22, in southwest quarter of section 18

(containing 58.30 acres), township 16 south, range 8 east, Kansas trust lands, under act of March 16, 1880, per application 218, and made payment in full, per receipts 247 and 298, certificate 86, dated July 16, 1881.

His proof of settlement right also covered lots 13 and 14, in northwest quarter of section 19, township 16 south, range 8 east (containing 40 acres each), which tracts he entered January 5, 1881, under section 2 of act of July 5, 1876, per application 1016, and made payment in full, per receipts 1284 and 1998, certificate 338, dated July 16, 1881.

The total area thus entered by Moore is 190.54 acres, and as parties in entering these lands are restricted to 160 acres, his last entry, made January 5, 1881, is held for cancellation as to one of the lots, of which you will at once advise him, allowing him to elect which of the lots he will retain; also request him to furnish a written relinquishment of the other lot, and inform him that upon cancellation of his entry as to said lot he will be entitled to make application for the return of purchase money paid thereon.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

REGISTER and RECEIVER, *Topeka, Kans.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 27, 1887.

GENTLEMEN: On the 24th of March, 1882, William Morgan entered lot 21, in southwest quarter of section 18, township 16 south, range 8 east (containing 58.50 acres), Kansas trust land, under section 2 of act of March 16, 1880, per application 1168, and made payment in full, per receipts 2591, 3359, and 3807, certificate 696, dated January 14, 1884.

Morgan's proof of settlement right shows that he has never established a residence on the land, but he claims to own and reside upon adjoining land, to wit, lots 13, 14, and 15, in section 19, and lot 22, in section 18, township 16 south, range 8 east, and to which he says he has the legal title.

The tracts of land to which he thus refers are covered by the entries of Harrison Moore, which form the subject of another letter of even date herewith, and as patents have not yet issued, it is evident that Morgan did not hold the legal title thereto at the date of his entry, which is accordingly held for cancellation with usual right of appeal, of which you will at once advise him, and that upon the cancellation thereof he will be entitled to make application for the return of purchase money.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

REGISTER and RECEIVER, *Topeka, Kans.*

It clearly appears that these tracts of land were entered in good faith, full payment made to the proper land officers without any objection, and the proof required by law to be presented to the register and receiver prior to the issue of final certificates, as judged by such register and receiver, was duly presented and the final certificates issued on each entry, and that no harm, no injury, can result to anyone by confirming these entries and requiring patents to be issued. In this behalf reference is made to letter of the Commissioner of the General Land Office, hereto attached as Exhibit A.

Your committee therefore report the bill back to the Senate and recommended its passage.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 15, 1896.

SIR: I am in receipt, by departmental reference of January 15, 1896, for a report in duplicate and return of same, Senate bill No. 1320, "To confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor," which was transmitted by the Senate Committee on Public Lands, through Mr. A. T. Ryan, clerk of said committee, with the request that you give your views thereon.

The bill provides: [Here follows a copy of the bill.]

In reply I have the honor to report that William Morgan's entry for lot 21, in the southwest quarter of section 18, township 16 south, range 8 east (containing 58.50 acres), Kansas Indian trust lands, in Kansas, made under the second section of the act of March 16, 1880 (21 Stat. L., 68), application 1168, certificate 696, dated January 14, 1884, covered by said bill, was confirmed by special act of Congress approved October 10, 1890 (26 Stat. L., 632), and patent thereon was issued in favor of the entryman (William Morgan) January 14, 1891, volume 10, page 258. No further action is required in this case.

December 31, 1880, Harrison Moore entered lot 15, in the northwest quarter of section 19 (containing 58.24 acres), and lot 22, in the southwest quarter of section 18 (containing 58.30), township 16 south, range 8 east, Kansas Indian trust lands, in Kansas, under act of March 16, 1880 (supra), per application 218, and made payment in full, per receipts 247 and 298, certificate 66, dated July 16, 1881. His proof of settlement right also covers lots 13 and 14, in the northwest quarter of section 19, township 16 south, range 8 east (containing 40 acres each), which tracts he entered January 5, 1881, under the second section of the act of July 5, 1876 (19 Stat. L., 74), per application 1016, and made payment in full, per receipts 1284 and 1996, certificate 336, dated July 16, 1881.

The total area thus entered by this entryman is 196.54 acres, and as parties in entering these lands are restricted to 160 acres, no more than that amount could be carried into patent. No objection has been made to confirm Moore's claim to that quantity of land, or as near thereto as is included in the several subdivisions, less one 40-acre tract, which he was requested to relinquish and which would then leave him 156.54 acres, or as near the area as contemplated by the law (act of July 5, 1876) and instructions thereunder.

However, considering the act of the entries in question, and as it has been alleged, although there is no evidence to that effect before this office, that title to the lots covered by Moore's entries has long since passed into the hands of innocent purchasers by deeds of warranty, I can see no objection, if such satisfactory evidence is now in the hands of the Senate Committee on Public Lands, to the proposed confirmation and I would recommend that action. Bill herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.