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RIGHTS TO SETTLERS ON CERTAIN LANDS IN OKLAHOMA

OCTOBER 4, 1893.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HALL, of Minnesota, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany S. 824.]

The Committee on the Public Lands, to whom was referred Senate bill 824, have had the same under consideration, and report it back to the House with the recommendation that it pass.

This bill has passed the Senate upon the recommendation of the Commissioner of the General Land Office, approved by the Secretary of the Interior.

It is well known that recently great financial distress has fallen upon the country, and that this condition has borne with especial hardship upon the settlers upon the frontier. At a time when men of great wealth are so generally asking for an extension of time upon their current obligations, it is nothing more than reasonable that to the poor settler upon the public domain should be extended the same lenity.

As to commuting homestead entries and issuing patents upon payment, it is to the advantage of the community that in all cases where the settler is able and desirous of commuting and paying for his land that he should be allowed to do so, for as soon as the land is patented it becomes subject to taxation. There is a large area of land in this part of the Territory which is included in the allotments to the Indians, and such land will not be subject to local taxation for many years, and it is desirable that as much of this land as possible may speedily become subject to taxes. In this new country, schoolhouses must be built, bridges constructed, and public buildings erected, and, in the interest of the local necessities of the people, it is desirable that this bill should be promptly passed.

The committee appends the letter from the Commissioner of the General Land Office in relation to H. R. 5, which is identically the same as the Senate bill.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 11, 1893.

SIR: I have had the honor to receive, by reference from your Department, for early report in duplicate and return of paper, House bill No. 5, "Granting settlers on certain lands in Oklahoma Territory the right to commute their homestead entries, and for other purposes," transmitted September 5, 1893, to the Department by Hon. Thomas C. McRae, chairman of the Committee on the Public Lands of the House of Representatives, with a request that you give your opinion as to the propriety of passing the same.

The bill provides:

"That the homestead settlers on the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapaho Indian lands in Oklahoma Territory, be, and they are hereby, granted an extension of two years within which to make the first payment provided for in section sixteen of the act of Congress approved March third, eighteen hundred and ninety-one, entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes,' and such payment may be made at any time within four years from the date of the entry of such lands.

"Sec. 2. That any person entitled by law to take a homestead in said Territory of Oklahoma who has already located and filed upon, or who shall hereafter locate and file upon, a homestead within any of the lands in the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapaho Indian lands and the Public Land Strip in Oklahoma Territory, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor, at the expiration of twelve months from the date of locating upon such homestead, upon payment to the United States of one dollar and fifty cents per acre for the land embodied in such homestead: *Provided*, That homestead settlers in the Public Land Strip may receive such patent upon the payment to the United States of the sum of one dollar and twenty-five cents per acre.

"Sec. 3. That all acts in conflict with this act are hereby repealed."

In reply I have the honor to report that, under the President's proclamation of September 18, 1891, the lands ceded by the Citizen Band of Pottawatomie and Absentee Shawnee Indians were thrown open to homestead entry September 23, 1891, as provided in the act of March 3, 1891 (26 Stats., 989-1044).

The lands ceded by the Cheyenne and Arapaho Indians were, under the same act, opened to homestead entry on April 19, 1892, by the President's proclamation of April 13, 1892.

Section 16 of the act of March 3, 1891, *supra*, provides for the disposal of these lands "to actual settlers only, under the provisions of the homestead and town-site laws (except section 2301 of the Revised Statutes of the United States, which shall not apply): *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, and within five years from the date of the first original entry the sum of \$1.50 per acre, one-half of which shall be paid within two years. But the rights of honorably discharged Union soldiers and sailors as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged, except as to the sum to be paid as aforesaid, and all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their nonmineral character shall not be required as a condition precedent to final entry."

The first section of the present bill proposes to extend the time within which to make the first payment required by said section 16 of the act of March 3, 1891, so that it may be done at any time within four years from the date of the original entry.

It is understood that the settlers upon these lands are, many of them, poor, and I am credibly informed that to strictly insist upon payment, according to existing law, would involve considerable hardship to them. I am, therefore, of the opinion that the time should be extended within which the first payment may be made.

I recommend, however, that the bill be so amended in its first section that, instead of extending the period within which the first payment shall be made for two years, or so as to allow four years from date of entry for making the first payment, as it now reads, it shall be made to extend such period for one year only, or so as to allow three years from the date of entry for making the first payment, the remainder of the purchase money being required to be paid within five years from that date.

The twenty-first section of the act of May 2, 1890 (26 Stats., 91), provided, in substance, that any person entitled to make a homestead entry in the Territory of Oklahoma, and who has complied with all the laws relating to such homestead settlement, within certain limits therein specified, may receive a patent therefor, at the expiration of twelve months from the date of locating said homestead, upon payment of \$1.25 per acre for the land.

By the seventh section of the act of February 13, 1891 (26 Stats., 759), it is provided that any person who made a homestead entry for lands ceded by the Iowa and Sac and Fox bands of Indians, may obtain patent therefor upon payment of \$1.25 per acre for the land, at the expiration of twelve months from the date of settlement upon said homestead.

Under section eighteen of the act of May 2, 1890 (26 Stats., 90), the lands in the public land strip were opened to settlement under the provisions of the homestead law, except section 2301, Revised Statutes, no payment being required for said lands.

As purchases of the lands in the original Territory of Oklahoma, by commutation, after one year, and of those lands subsequently ceded by the Indians last named, have been allowed by law, I see no reason why the same provisions of law should not be made applicable to all the lands in Oklahoma Territory.

With the amendment made as suggested, I see no objections to the passage of the bill, which is herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

