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Homestead settlers on certain Indian lands in Montana.

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HOMESTEAD SETTLERS ON CERTAIN INDIAN LANDS IN
MONTANA.

MARCH 25, 1896.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany H. R. 3124.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 3124) entitled "A bill to amend section thirty-four of an act entitled 'An act making appropriations, etc.," beg leave to submit the following report, and recommend that said bill do pass, with certain omissions, as indicated below:

This is a bill enacting that so much of the act 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and for other purposes," approved March 3, 1891, as requires homestead settlers to pay \$1.50 for each acre of land be repealed.

Your committee recommend the striking out of all in lines 11, 12, 13, and 14, after the word "repealed," in line 11.

With these omissions, your committee believe that this bill should pass.

The proposed bill is practically a free-home measure, and is calculated to relieve homestead settlers on the Crow Indian lands in Montana from paying to the United States Government \$1.50 per acre, which may very properly be considered a discrimination against the settlers upon these lands.

Your committee having made an extensive report on H. R. 3948, January 27, 1896, would respectfully cite said report No. 147 as giving good and sufficient reasons why H. R. 3124 should become law. This bill was referred to the Secretary of the Interior, and has been reported on adversely by him, inclosing a communication from the Commissioner of the General Land Office to the same effect, all of which are appended to this report, that the different views upon the proposed legislation may be known.

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1896.

SIR: I have the honor to hand you herewith a copy of a report of the Commissioner of the General Land Office, dated the 17th instant, on H. R. bill No. 3124.

For the reasons stated in the Commissioner's letter, and the further reasons set forth in my letters of the 20th instant on H. R. bill No. 2645 and H. R. bill No. 292, respectively, to which I respectfully refer you, I recommend that the bill do not pass.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 17, 1896.

SIR: I have had the honor to receive, by reference from the Department, under date of January 11, 1896, for report in duplicate and return of papers, H. R. bill 3124, "To amend section thirty-four of '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,' approved March third, eighteen hundred and ninety-one," which was referred to the Department January 9, 1896, by Hon. John F. Lacey, chairman of the Committee on the Public Lands of the House of Representatives, with a request that you make any suggestions you may desire in regard to the same to aid the committee in its consideration.

The bill provides: "That so much of section thirty-four of an act 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,' approved March third, eighteen hundred and ninety-one, in so far as the same requires the payment of one dollar and fifty cents for each acre of land by homestead settlers, be, and the same is hereby, repealed; and all moneys heretofore paid under and in conformity with the provisions of said section in that behalf shall be, on the order of the Secretary of the Interior, refunded to the person entitled thereto."

I have the honor to state that section 34 of the act of March 3, 1891 (26 Stat. L., 1043), provides for the disposal of the Crow Indian lands in Montana to homestead settlers at \$1.50 per acre, and section 32 of said act appropriates \$946,000 to pay the Indians for the ceded lands; the estimated area of said ceded lands is 1,800,000 acres, which at \$1.50 per acre would amount to \$2,700,000.

In providing for the disposal of these lands, Congress evidently intended to reimburse the United States for the money so expended, when it departed from the usual custom, and required a payment for the land even when the settler showed five years' residence upon the land. This legislation is not peculiar to lands in Montana, but similar provisions are made in regard to other lands where the Government has paid a valuable consideration in obtaining the cession thereof by the Indians, as for instance, in the case of the Sioux and Lake Traverse lands in North and South Dakota, the Siletz in Oregon, the Nez Perce in Idaho, and the Indian lands in Oklahoma.

This course appears to be just and equitable, for it would not be proper to burden the people of the whole country in order that land might be acquired for the purpose of giving free homes to a very small proportion of them.

The settlers upon these lands understood that the law required them to pay for the land settled upon, and many parties, doubtless, were debarred from entering into competition with the parties who entered these lands, because they were unwilling or unable to make the required payment.

The Government probably entered into its engagements with the Indians, by which the Indian title to these lands was extinguished, simply because it expected to receive again from the settlers the money paid therefor; and such payment appears to be the foundation of the whole transaction between the settlers and the Government.

For the reasons stated, I reiterate my opinion, as expressed in my report made the 16th instant on two bills similar to this, that the bill should not be passed.

The bill and accompanying letter herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

THE SECRETARY OF THE INTERIOR.

