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1-14-1898

# Offered and unoffered public lands.

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## Recommended Citation

H.R. Rep. No. 130, 55th Cong., 2nd Sess. (1898)

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## OFFERED AND UNOFFERED PUBLIC LANDS.

JANUARY 14, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT.

[To accompany H. R. 5877.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 5877) to abolish the distinction between offered and unoffered lands, and for other purposes, report the same back with the recommendation that it pass.

At an early period of the history of the public-land system of the United States it became the established policy, soon after the extinguishment of the Indian title and the survey of the public lands in the regular progress of the surveys thereof prescribed by law, to have the surveyed lands proclaimed and offered in convenient subdivisions at public auction, subject to the prescribed minimum price, such as were thus offered and remained unsold at the offering to be thereafter subject to sale to anyone desiring to purchase at what was known as ordinary private entry, such as were still unoffered not being open to disposal at private entry or otherwise except by special provision of law in particular cases, as by preemption to actual settlers. See act of April 24, 1820, 3 Stat. L., 566 (2355 to 2359, Rev. Stat.).

This gave rise to the classification of the public lands into offered lands and unoffered lands (see 4 C. L. O., 90, *idem.*, 8, 58, and 179), upon which depends the status thereof as to whether open to disposal at private entry or not, and, with regard to preemption claims, upon what conditions such claims were held and to be perfected (see sections 2264, 2265, 2266, 2267, 2270 U. S. Rev. Stat.), and the same with regard to settlements under the homestead laws, made prior to actual entry under the act of May 14, 1880 (see that act, 21 Stat. L., 140). Also with regard to entries under what is called the timber and stone law, act of June 3, 1878. (20 Stat. L., 89), as extended by the second section act of August 4, 1892 (27 Stat. L., 348), which are by the terms of the law restricted to unoffered lands, and consequently are inadmissible upon lands held to be offered. (See instructions of the honorable Secretary of the Interior of February 21, 1893, 16 L. D., 326.)

By the first section of the act of March 2, 1889 (25 Stat. L., 854), it was enacted that from and after its passage no public lands of the United States, except those in the State of Missouri, should be subject to private entry, and by the ninth section, act of March 3, 1891 (26 Stat. L., 1095), disposals of public land at public auction, except in certain specified cases, were discontinued, and by section 4, *idem.*, the general pre-emption laws were repealed.

With the discontinuance of preemptions, public sales, and private entries, the disposals of public lands in general are restricted to homesteads, with comparatively rare exceptions, and the reasons on which the existing distinction between offered and unoffered lands, as found in the statutes, except in Missouri, seem to have passed away, so far as the public lands generally are concerned, which are liable only to entry as homesteads admissible on prescribed conditions on either offered or unoffered lands; but this distinction still obtains in the statutes, particularly the act of June 3, 1878, known as the timber and stone law, which, as it stands, is applicable to unoffered lands only, and not at all to any which may be found to have been offered, and which, in some cases, are desired to be entered under its provisions were the bar imposed by the terms of the existing law removed.

The bill has the approval of the Commissioner of the General Land Office and Secretary of the Interior.

