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CONFIRMING CERTAIN CASH ENTRIES OF PUBLIC LANDS.

JANUARY 10, 1898.—Ordered to be printed.

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

REPORT.

[To accompany H. R. 4221.]

The Committee on Public Lands, to whom was referred the bill (H. R. 4221) "An act to confirm certain cash entries of public lands," have had the same under consideration, and respectfully recommend that the bill do pass.

The following report made on this bill by the House Committee on the Public Lands is adopted as the report of the committee:

[House Report No. 67, Fifty-fifth Congress, second session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 4221) to confirm certain cash entries of public lands, report the same back with the recommendation that it pass.

The act of August 4, 1854, under which the cash entries sought to be confirmed were made, is as follows:

AN ACT to graduate and reduce the price of the public lands to actual settlers and cultivators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the public lands of the United States which shall have been in market for ten years or upwards prior to the time of application to enter the same under the provisions of this act, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all of the land of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in market for twenty-five years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all lands of the United States that shall have been in market for thirty years or more, shall be subject to sale at twelve and a half cents per acre: *Provided,* This section shall not be so construed as to extend to lands reserved to the United States in acts granting lands to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre.

SEC. 2. *And be it further enacted*, That upon every reduction in price under the provisions of this act the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations upon which the public lands of the United States are now subject to the right of preemption until within thirty days preceding the next graduation or reduction that shall take place; and if not so purchased shall again be subject to the right of preemption for eleven months, as before, and so on, from time to time, as reductions take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

SEC. 3. *And be it further enacted*, That any person applying to enter any of the aforesaid lands shall be required to make affidavit, before the register or receiver of the proper land office, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation owned or occupied by him or herself, and, together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres, according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury.

Approved August 4, 1854.

Under this law regulations were issued and directions given for computing the period for which the land in each case had been subject to private entry. In many cases the local officers failed to correctly compute the period, and sold the land at a price less than the price to which the land had been reduced under the provisions of the law, and issued the usual receiver's duplicate receipt showing full payment. Those who made the entries have in most cases disposed of the land to innocent purchasers, who must now pay a sum which, when taken with the amount already paid, would make the legal price of the land, or lose it.

The committee do not think this would be just, and believe that all such entries as stand suspended because of the failure of the registers and receivers to previously collect from the settlers the full price of the land should be confirmed and passed to patent. The committee refer to, and make a part of this report, the report of the Secretary of the Interior and the Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of H. R. 4221, entitled "A bill to confirm certain cash entries of public lands," and indicating a desire for such comments or information with reference thereto as I may deem proper to submit.

In answer, I inclose herewith, for your information, a copy of the report on the bill by the Commissioner of the General Land Office, under date of the 13th instant.

In view of the facts set forth by him, the Commissioner expresses the opinion that the provisions of the bill are just, and states that it meets with his approval.

I concur in the report.

Very respectfully,

C. N. BLISS, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
General Land Office, December 13, 1897.

SIR: I have the honor to acknowledge the receipt, by reference from you, for report in duplicate and return of papers, of a letter from Hon. John F. Lacey, chairman of Committee on the Public Lands, House of Representatives, inclosing House bill No. 4221, entitled "A bill to confirm certain cash entries of public lands."

Upon examination I find that the bill referred to relates to certain entries made under the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August 4, 1854 (10 Stat., 574), which entries are now suspended in this office for the reason that the full price of the land was not paid at the date of entry.

It appears from the records of this office that up to within a recent date there were about 6,000 entries in the suspended files of this office made under the graduation law above referred to, during the years immediately preceding the late war,

for lands located in Alabama, Arkansas, Louisiana, Florida, Mississippi, and Missouri, States where all business relating to the public lands was suspended during the war.

About three years since this office began a systematic examination of the suspended entries referred to, with the result that about 4,000 of said entries have been adjudicated, leaving about 2,000 entries still suspended.

A large percentage of the entries remaining are suspended for the reason that the proper price per acre was not paid for the land. In these cases the error was with the local officers, who failed to correctly compute the period for which the land in each case had been subject to private entry, and sold the land at a price less than the price to which the land had been reduced under the provisions of the law.

These entries have been of record for a period of about forty years. It is in most cases impossible to serve notice on the original claimants, and the names of the present owners are not known.

In view of the facts stated above, I am of the opinion that the provisions of the bill in question are just, and the bill meets with my approval.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

