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Homestead settlers upon Yankton Indian Reservation, S. Dak.

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HOMESTEAD SETTLERS UPON YANKTON INDIAN RESER-
VATION, S. DAK.

JANUARY 21, 1896.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany H. R. 2642.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 2642) granting leave of absence for one year to homestead settlers upon the Yankton Indian Reservation in the State of South Dakota, have had the same under consideration and report it back with the recommendation that it pass with the following amendments:

Strike out the preamble.

Add the following proviso to the first section:

Provided, That the settler shall not receive credit upon the period of actual residence required by law for the time he is absent hereunder.

The necessity for this legislation is clearly stated in the annexed communications from the Interior Department.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1896.

SIR: I have the honor to hand you herewith a copy of a report from the Commissioner of the General Land Office, dated the 14th instant, on H. R. bill 2642, entitled "A bill granting leave of absence for one year to homestead settlers upon the Yankton Indian Reservation in the State of South Dakota," which was referred to the Department by your letter of the 9th instant.

The Commissioner recommends the passage of the bill with the amendment suggested by him. His letter, in my judgment, clearly sets forth the justice and necessity of the proposed legislation, and I concur in his recommendation that the bill, with the amendment suggested, be passed.

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 14, 1896.

SIR: I have had the honor to receive, by reference from the Department, under date of January 10, 1896, for report in duplicate and return of papers, H. R. bill No. 2642, "Granting leave of absence for one year to homestead settlers upon the Yankton Indian Reservation, in the State of South Dakota," 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, in order that you may make any suggestions which you deem desirable in regard to the same for the assistance of the committee in its consideration of the bill.

After a recital of the fact that owing to the late date when the lands in the Yankton Reservation were opened to settlement the settlers were unable to plant and mature crops in the year 1895, and therefore will be compelled to temporarily leave the lands for the purpose of earning a living, the bill provides:

"That all settlers who made settlement under the homestead laws upon lands in the Yankton Indian Reservation in the State of South Dakota during the year eighteen hundred and nine-five are hereby granted leave of absence from such homestead for one year from and after the date of this act, and that by such absence such homestead settler shall not lose nor forfeit any right whatever.

"SEC. 2. That any such homestead settler may avail himself of the benefits of this act by filing a notice with the local land office describing his land and date of settlement thereon, which notice shall be signed by the settler and attested by the register of the land office.

In reply I have the honor to report that the lands in the former Yankton Indian Reservation, in the State of South Dakota, were opened to settlement and entry on May 21, 1895, by the President's proclamation of May 16, 1895.

It is evident that this date was too late in the season for settlers to plant a crop with any expectation of reaping a harvest that would afford a support for the coming year. Section 3 of the act of March 2, 1889 (25 Stat. L., 854), makes provision for leaves of absence where homestead settlers are unable to obtain a support upon the land settled upon, by reason of a failure of crops, sickness, or other unavoidable casualty. Many of the settlers on the Yankton lands will not be able to receive the benefits of said law for the reason that, having planted no crops owing to the lateness of the season, they are unable to show a failure of crops.

Yet if, under the circumstance, they are unable to support themselves and their families on the land settled upon, it seems advisable to permit them to seek elsewhere for a support without any risk of forfeiting their homesteads on a charge of abandonment.

It is provided, however, in the act of March 2, 1889, that settlers who are granted leaves of absence shall not receive credit on the period of residence required for the time absent. This appears to be a reasonable provision, and, in my opinion, should be incorporated in the bill under consideration.

I respectfully recommend, therefore, that the bill be amended by adding after the word "whatever," in the ninth line of the first section, the words: "Provided, That the settler shall not receive credit upon the period of actual residence required by law for the time he is absent hereunder."

With such amendment, I see no objection to the bill which, with accompanying letter, is herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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