5-16-1896

Free Homesteads in Oklahoma Territory

54TH CONGRESS, 1st Session. } SENATE. { REPORT No. 964.

IN THE SENATE OF THE UNITED STATES.

MAY 16, 1896.—Ordered to be printed.

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

REPORT:

[To accompany H. R. 3656.]

The Committee on Public Lands, to whom was referred the bill (H. R. 3656) providing for free homesteads on public lands in Oklahoma Territory for actual and bona fide settlers, having had the same under consideration, report it back with the following amendments:

From the title strike out the words "in Oklahoma Territory."

From line 5, section 1, strike out the words "in the Territory of Oklahoma."

At the end of line 15, section 1, add the words:

Provided, however, That all sums of money so released, which if not released would belong to an Indian tribe, shall be paid to such Indian tribe by the United States.

Thus amended, your committee recommend that the bill do pass.

The effect of the first two amendments reported will be to change the act from one covering alone the surrendered Indian lands of Oklahoma Territory to an act covering the Indian reservation lands opened by treaty or agreement to public settlement in all States and Territories of the United States.

The effect of the third amendment reported will be to secure to all Indians payment for lands surrendered under agreements with the United States Government that certain compensation was to be bestowed upon them.

In seeking to change the act from one of limited scope to one of general application, your committee is actuated by a belief that its just provisions should not be confined to a circumscribed area or to a selected number of people, but should cover all of that class to whom, in its original form, it was made locally applicable.

The measure involves no new principle of legislation, but is sustained by precedents numerous in the statute books of the nation. It aims merely to bring newly acquired public domain under the beneficent provisions of the homestead law, an enactment which has in years of our past extended westward from congested population centers those energetic millions of our own and other races who required only room and a place to toil that the fruits of their labor might fall into the lap of the world. It is hardly necessary to go into details and statistics in support of the achievements of the homestead law. They have been repeatedly uttered and printed in connection with measures before this body, and they justify the wisdom of the framers of that enactment.

The contention of your committee is that in the application of the homestead law there should be no discrimination—that it should be applied to every portion of the public domain and to all the people who go out to subdue the wilderness. The argument that these lands were bought for a price from the Indians, and that it was provided that the ultimate white owners of the land should compensate the General Government for its outlay, has been given due consideration. The only possible conclusion, within lines of equity, is that the provision was an erroneous one, and that its elimination from the statutes has been already too long delayed. Our entire national domain was originally purchased from the Indians, either for a cash or commodity price, or through the cost of conquest, and much of it has been twice bought, because of its ancient occupancy by foreign nations. Yet in the parceling of the domain, under the operation of the homestead act, the proposition that the Government should exact the cost of land from its former occupants never found the form of law until it came to be applied to these recently acquired infinitesimal remnants of a governmental area that once reached westward from the Mississippi to the Pacific.

In connection with a measure similar to the one reported herewith, the Secretary of the Interior has submitted a report, and, through a tabulated statement therein embodied, exhibits the conclusion that the enactment of the bill under consideration would deprive the Government of some $35,000,000. This statement of the pecuniary benefit to come to the nation can never be fulfilled under conditions now existing and which have existed since the land was thrown upon the market. Much of the area to be disposed of lies within the semiarid region of the far West. It is not worth to the settler the price asked for it. For example, there were 9,500,000 acres released in 1889 from Indian jurisdiction in the Great Sioux Reservation of the Dakotas. Of this total only a little over 700,000 acres has been taken, for which the occupants have agreed to pay about $825,000. This leaves 8,800,000 acres undisposed of, and under the terms of the treaty with the Indians, the Government is bound to pay, at the expiration of ten years from March 2, 1889, to the Indians, one half a dollar per acre, whether any of it is sold to settlers or not. Unsalable real estate should not be figured in as prospective cash assets. And the land not taken is practically unsalable. The 700,000 acres occupied by settlers represent all that will ever be attractive to producers. The balance is ranging grounds for herds, and is available without entry or purchase for that purpose.

The same line of reasoning will apply to the ceded lands of Oklahoma, of which there are over $15,000,000 worth entered in the tabulated statement of the Secretary of the Interior.

On the other hand, there are ceded reservation lands in Idaho, Washington, and Montana that will not be affected by the measure recommended by your committee, because of their mineral character. They will remain under the operation of the mineral land laws and will become readily salable as such. Their value must therefore be deducted from the loss estimate of the Interior Department.

Of the worthless desert land there is an area sufficient within the ceded fractions of Indian reservations enumerated in the report of the Secretary of the Interior to materially reduce the aggregate of his estimate. Land of this character can never be sold to farmers or stock growers, or to any other class of producers; and for so much of it as the Government has purchased from the Indians it can not expect to be compensated.

It is the conclusion of your committee, upon the reasonable basis above outlined, that the Department's alleged loss estimate under the

provisions of this bill should be reduced at least one-half, or to about $17,500,000. But your committee can not admit that this money total should be considered as lost revenue. It represents an exaction not before imposed upon agricultural producers who, through toil and the privations of extreme poverty upon the frontier, plant the foundation stones of wealth-teeming Commonwealths so firmly that they will endure as long as the rains fall and the sun endows life with the energy of its rays.

The report made by Mr. Lacey to the House of Representatives in relation to House bill No. 3948 is hereby made a part of this report.

House Report No. 147, Fifty-fourth Congress, first session.

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

REPORT:

[To accompany H. R. 3948.]

The Committee on the Public Lands having had under consideration House bill 3948 report the same back with a favorable recommendation, with the following amendments:

Insert in line 3, after the word "that," the words "so much of," and strike out the word "requiring" in the same line, and insert the words "as require" in lieu thereof.

Also amend by adding, after line 14, the following words:

Provided further, That this act shall not apply to reservations where the proceeds of the sales or homestead or other entries thereof are under existing treaties required to be paid over to the Indians, or held in trust, or paid into the Treasury for their benefit.

Thus amended, your committee recommend that the bill do pass.

The proposed bill does not involve any new and untried principle of legislation, but is only a return to the homestead law in its original form and purpose.

It will be proper to review briefly in this connection the history of the homestead act, which, after some years of discussion, finally became a part of the laws and marked a new epoch in the country's history when it finally became a law, May 27, 1862.

In 1852 the Free Soil Democracy, in their platform at Pittsburg, declared the public lands to be a "sacred trust," and that they "should be granted in limited quantities free of cost to landless settlers."

In 1852 and until its final passage Hon. Galusha A. Grow, now again a Member of this House, appeared as the champion of this great change in the land policy of the nation. A bill was lost January 20, 1859, in the House, by a vote of 91 to 95.

On February 1, 1859, a homestead bill passed the House by a vote of 120 to 76. February 17, 1859, it was taken up in the Senate by a vote of 26 to 23.

Mr. Slidell antagonized the bill in the Senate and called up the bill for the purchase of Cuba in its stead.

The proposal to open free homes to the landless on the public domain gave way to a proposition to strengthen slavery by the purchase of more territory already fully occupied with slave labor. On a previous motion to postpone the consideration of the homestead bill the vote stood 28 to 28, and Vice-President Breckinridge gave the casting vote against the bill.

The bill was lost, but the agitation in its favor largely influenced subsequent political events.

March 6, 1860, Mr. Lovejoy, of Illinois, reported the Grow homestead bill favorably. March 12, 1860, it passed the House by a vote of 115 to 65.

In the Senate Mr. Andrew Johnson, of Tennessee, reported a substitute requiring homestead settlers to buy their land at 25 cents an acre at the end of five years' settlement. Senator Ben Wade moved to amend by substituting the House bill. The motion was lost by a vote of 31 to 26. May 10, 1860, the Senate passed Senator Johnson's substitute by a vote of 44 to 8.

The House refused to concur and a conference was ordered and the conference committee, after twelve meetings, accepted the Senate substitute. As expressed by Mr. Grow, it was "a half loaf."

The conference report was adopted by a vote of 115 to 51 in the House, and 36 to 2 in the Senate. Mr. Colfax stated that the proposed cost of 25 cents an acre to the homesteader was equal to the average cost of the land to the Government.

Mr. Colfax and Mr. Windom announced that this bill was only the first onward step in the line of a new policy. But on June 23, 1860, James Buchanan, President of the United States, vetoed the bill and it failed to pass over his veto, the vote in the Senate being 28 yeas and 18 nays, 8 votes less than a two-thirds majority.

Mr. Buchanan declared the bill to be unconstitutional. He said that 25 cents an acre was a mere nominal price, and that it was equivalent to giving the land away. He declared that Congress had no power to grant free homes on the public domain, or to grant land for use in the education of the people.

The land he said was like money in the Treasury, and was a sacred fund that could only be disposed of by being sold for cash or for land warrants. The Louisiana purchase was paid for out of the National Treasury and Congress had no more power to give it away than they would have had to give the money away that had been paid to Napoleon for its purchase. The proceeds of land sales he looked upon as a source of revenue long to be enjoyed by the nation.

He did not recognize the benefits that might result to the people at large by the transfer of an uninhabited wilderness into a populous and prosperous commonwealth.

The benefits to the old States by the addition of new taxpayers to the population did not seem to be appreciated by the President. The President did not realize that in this new homestead policy lay a germ of national growth of untold value, in which the old States would share the wealth to be added by the new members of the national confederation.

The idea that an uninhabited public domain was a sacred trust which should be kept as a solitude until it could be sold for cash seems to have fully entered the mind of the Executive.

He was willing and desirous of paying $100,000,000 out of the funds in the Treasury for the purchase of Cuba, which would add new power to the cause of slavery, and he might well understand that a different result would follow the building up of new States in the West under a system of free homes.

The bill was lost, and the war of 1861 soon followed. The friends of the homestead law did not despair.

When Hannibal was besieging Rome his camp near the city was sold at public sale in the forum, and in the darkest hours of 1861 and 1862 the homestead bill was considered almost within the sound of hostile guns.

Mr. Aldrich introduced the bill July 8, 1861, and it was referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy reported it favorably.

It was again referred to the Committee on Public Lands.

On February 28, 1862, it passed the House by a vote of 107 to 16.

March 25, 1862, Senator Harlan reported it favorably in the Senate, with amendments, and it passed as amended May 5, 1862, by a vote of 33 to 7.

The two Houses agreed upon a conference, and on May 27, 1862, after the details were finally agreed upon, Mr. Lincoln added another chapter to the great history of his life by approving the bill.

From that time until the present the general policy of the homestead law has been accepted without question. Occasional amendments and modifications have been made, but the bill in its substance has been unchanged.

On June 8, 1872, the soldiers and sailors were accorded the privilege of deducting the time of their service in the Army or Navy from the five years necessary to acquire their patents.

These homes were exempt from execution against all prior debts, and the unfortunate debtor was given another opportunity to regain a home in the new lands of the far West.

Substantially all the lands embraced in the area subject to homesteads has at some time been purchased from France, Mexico, Spain, or the Indians. The only difference was that some portions cost more than others.

The purchase from France in 1803 cost $3\frac{3}{4}$ cents per acre. The purchase from Spain in 1819 cost 17.1 cents per acre. The purchase from Mexico in 1848 cost $4\frac{1}{2}$ cents per acre. The Gadsden purchase in 1853 cost 34.3 cents per acre. The purchase from Texas in 1850 cost 25.17 cents per acre. Alaska, bought in 1867, cost 1.19 cents per acre.

The State cessions from Georgia cost 10.10 cents per acre.

The entire public domain up to 1880 had cost $88,157,389.98, or 4.7 cents per acre.

Up to 1880 the Government had sold or disposed of land to the amount in value of $200,702,849.11. This included extensive grants to the new States for school and other purposes. The average amount realized per acre, including these grants for public purposes, was $36\frac{2}{10}$ cents.

After charging up all the expenses of surveys, Indians, cost of administration, etc., the Government, on June 30, 1880, lacked $121,346,746.85 of having been fully reimbursed; its total outlays up to that time being $322,049,595.96.

The total actual cost, after adding those expenses, was $17\frac{2}{5}$ cents per acre.

The splendid States and Territories of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Florida, Alabama, Mississippi, Louisiana, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Utah, Idaho, Washington, Oregon, Nevada, California, Oklahoma, Indian Territory, New Mexico, and Arizona have thus been added to the Union at a cost of but little over $120,000,000.

The census of 1890 showed these States to have wealth, real and personal, in the following amounts:

Michigan	$2,095,016,272	Florida	$389,489,388
Wisconsin	1,833,308,523	Montana	453,135,209
Minnesota	1,695,831,927	Wyoming	169,773,710
Iowa	2,287,348,333	Colorado	1,145,712,267
Missouri	2,397,902,945	New Mexico	231,459,897
North Dakota	337,006,506	Arizona	188,880,976
South Dakota	425,141,299	Utah	349,411,234
Nebraska	1,275,685,514	Nevada	180,323,668
Kansas	1,799,343,501	Idaho	207,896,591
Alabama	622,773,504	Washington	760,698,726
Mississippi	454,242,688	Oregon	590,396,194
Louisiana	495,306,597	California	2,533,733,627
Oklahoma	48,285,124		
Arkansas	455,147,422	Total	23,583,339,104
Indian Territory	159,765,462		

The policy that has aided so greatly to these results should not be abandoned.

But some exceptions have recently been made in this beneficent policy. The Indian title has been extinguished by treaties in some instances and the land opened up to homestead settlement with a requirement that the settler should improve the land and reside upon it and in all respects comply with the homestead laws for the full term of five years, and then he should buy it from the Government at a fixed price.

The lands thus offered were attractive to the prospective settler. Every difficulty thrown around the entry upon a new reservation led to an increased public estimate of its value, and thousands of settlers have taken up their homes in these new purchases only to find them less desirable and less valuable than many of the tracts that had been previously taken under the homestead law free of all charge. A period of drought has supervened, bringing much loss to the old and well-settled portions of the country, and falling with especial hardship upon the pioneer who has located his right to purchase a homestead near the border line of the permanently arid belt.

There is no reason that the homestead settlers in Kansas, Nebraska, and other States should obtain their lands free of cost which does not apply with equal or greater force to those of the Dakotas and Oklahoma. The only grounds upon which the discrimination against these settlers is based is the fact that the lands cost the Government more than those previously opened to homestead settlement. But this is only a question of degree and not of principle.

The Gadsden purchase in Arizona cost $34\frac{3}{10}$ cents an acre, while the rich and well-watered prairies of Iowa cost but $3\frac{1}{8}$ cents per acre.

The Government purchases and extinguishes the Indian title to the end that a new State, peopled with American citizens, may take the place of the wild inhabitants. The cost of extinguishing this aboriginal title is not an obligation to be levied upon the new settlers of the same region, but is for the mutual and general benefit of the whole country. Costly Indian wars opened the older portions of the country to the plow of the pioneer. The expenses of these wars were not apportioned at so much an acre upon the land. Nor should the cost of extinguishing the Indian title by peaceable means become a mortgage upon the farm of the settler who civilizes and builds up the new State in the wilds of the continent.

We believe that the homestead law should be extended to these reservations and that the settlers of Oklahoma, South Dakota, and other

Western States should all be put upon the same footing, and that the policy of the administration of the public lands should be again adopted in its entirety, and that the public domain should be devoted to the purpose of furnishing free homes to a free people.

H. R. 292, introduced by Mr. Flynn, of Oklahoma, is limited in its effect to that Territory alone.

It was referred to the Secretary of the Interior, and he has made his report adversely to the bill, inclosing also the communication of the Commissioner of the General Land Office to the same effect.

The objections to the bill are clearly and strongly stated by these officials and we incorporate them into this report so that the House may be in possession of the different views taken of the proposed legislation.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1896.

SIR: I have the honor to hand you herewith the report of the Commissioner of the General Land Office, dated the 16th instant, on H. R. No. 292, entitled "A bill providing for free homesteads on the public lands in Oklahoma Territory."

The bill, which is quoted in full in the Commissioner's report, provides in effect that all homestead settlers within the Territory of Oklahoma, upon making final proof on the tract entered by them and showing the period of residence thereon required by existing law, shall acquire title to said tract by simply paying the usual and customary fees required in such cases, without the payment of the price per acre required for said land by existing law.

For the information of Congress I desire to submit the following:

Statement showing approximate loss to the United States if homestead settlers on Indian and abandoned military reservations are relieved from paying for said lands at rates now fixed by law upon a showing of five years' residence.

Reservation.	Area ceded, exclusive of allotted and reserved.	Price to be paid by settlers.	Amount that will be received from settlers under existing law.
	Acres.		
Cherokee Outlet, Oklahoma	732,280	$2.50	$1,830,700
	1,822,240	1.50	2,733,360
	2,806,350	1.00	2,806,350
Pawnee, Oklahoma	169,320	2.50	423,300
Tonkawa, Oklahoma	68,950	2.50	172,375
Sac and Fox, Oklahoma	364,536	1.25	455,670
Iowa, Oklahoma	207,028	1.25	258,785
Pottawatomie, Oklahoma	256,896	1.50	385,344
Cheyenne and Arapahoe, Oklahoma	3,500,562	1.50	5,250,843
Kickapoo, Oklahoma	85,060	1.50	127,500
Wichita, Oklahoma	491,388	1.25	614,235
Total in Oklahoma			*15,058,462

*Loss to United States if settlers are relieved from payment.

(*a*) It is not practicable without an extended search of the records to give the amount already paid by homestead settlers for these lands, as the moneys received therefor are not kept separate from the sales of other lands.

As these lands have not been open to settlement for five years very few have been able to make final proof thereon, and it is doubtful if many of them have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

(*b*) The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians to recompense them for the cession of the lands. If homestead settlers are relieved from paying for them, the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

(*c*) These lands are subject to disposal under other than the homestead laws. It can not be determined what amount is likely to be embraced in other than homestead

entries, but the larger portion of these reservations will undoubtedly be entered under the homestead law, and therefore affected by the proposed legislation.

(*d*) It has been necessary to estimate the area embraced in abandoned military reservations affected by the act, as some of them and parts of others are unsurveyed, and also to estimate the appraised price to be paid per acre, as the appraisements of them have not yet been made. It is believed, however, that the figures given are a very close approximation.

(*e*) This amount will be reduced by just so much as is received from settlers who commute their homestead entries. It is most probable that where settlers have the option of obtaining the land free by five years' residence very few of them will pay for the land in order to obtain title three or four years earlier.

I have, therefore, to 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 16, 1896.

SIR: I have had the honor to receive by reference from the Department, under date of January 9, 1896, for report in duplicate and return of papers, H. R. bill No. 292, "Providing for free homesteads on the public lands in Oklahoma Territory," which was referred to the Department January 7, 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 to make in regard thereto to aid the committee in its consideration.

The bill provides:

"That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes in the Territory of Oklahoma, who have or who shall hereafter reside upon the tract, entered in good faith, for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees; and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect.

"SEC. 2. That all acts or parts of acts inconsistent with the terms and provisions of this act are hereby repealed."

I have the honor to report that it appears to be the purpose of the bill to release parties who may make what is known as final proof on homestead entries in Oklahoma from the requirement of also paying for the lands embraced in the entry.

The lands that will be affected by the provisions of the bill, if it become a law, are as follows:

Sac and Fox and Iowa lands, subject to disposal under section 7 of the act of February 13, 1891 (26 Stat. L., 759), which provides that each homestead settler before receiving a patent shall pay $1.25 per acre for the land taken by him.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands, subject to disposal under section 16 of the act of March 3, 1891 (26 Stat. L., 1026), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him.

Kickapoo lands, subject to disposal under section 3 of the act of March 3,1893 (27 Stat. L., 563), which requires each homestead settler to pay $1.50 per acre for the land settled upon.

Cherokee Outlet lands, subject to disposal under section 10 of the act of March 3, 1893 (27 Stat. L., 640), which requires each settler before receiving a patent to pay the sum of $2.50 per acre for any land east of 97½° west longitude, $1.50 per acre for any land between 97½° and 98½° west longitude, and $1 per acre for any land west of 98½° west longitude, and interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Tonkawa and Pawnee lands subject to disposal under section 13 of the act of March 3, 1893 (27 Stat. L., 644), which provides that each settler shall pay $2.50 per acre for the land taken by him, and interest upon the amount to be paid from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Wichita lands, which when opened to settlement, will be subject to disposal under the act of March 2, 1895 (28 Stat. L., 897), which requires each homestead entry-

man to pay $1.25 per acre for the land entered at the time of submitting his final proof. This act further provides that the money received from the sales of Wichita lands shall be deposited in the Treasury subject to the judgment of the Court of Claims in a suit authorized to be brought by the Wichita Indians against the United States for the purpose of determining the amount, if any, which they are entitled to receive for the relinquishment of their lands.

The lands referred to constitute the greater part of Oklahoma Territory, all of the lands in which, that are now open to homestead entry, having been acquired by treaty with various Indian tribes, except what is known as the "Public Land Strip," now embraced in Beaver County.

Without endeavoring to state the exact amount paid by the United States to the Indians for the relinquishment of all their rights to said lands, it is found by reference to the acts of March 1, 1889 (25 Stat. L., 759); March 2, 1889 (25 Stat. L., 1004); February 13, 1891 (26 Stat. L., 758); March 3, 1891 (26 Stat. L., 1021 and 1025); March 3, 1893 (27 Stat. L., 562), and March 3, 1893 (27 Stat. L., 640-644), that the Government has paid or agreed to pay to the Indians over $18,000,000 for such cessions, and doubtless, other cessions made at earlier dates were also in consideration of payments of varying sums of money.

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 Oklahoma Territory, 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 Crow lands in Montana, the Siletz lands in Oregon, and the Nez Perce lands in Idaho.

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.

It should be observed, also, that if the Court of Claims should decide that the Wichita Indians shall be paid for the relinquishment of their lands, it may be necessary for Congress to make an appropriation to satisfy such judgment if the bill becomes a law.

For the reasons stated, I am compelled to withhold my approval from the bill which, with accompanying letter, is herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The objection made to H. R. 292 that it would include military reservations, does not apply to H. R. 3948, the general bill. It only applies to lands obtained by purchase or treaty from the Indians.

The arguments of the Secretary and Commissioner against the bill are substantially the same as those urged by Mr. Buchanan in his veto message in 1860. The figures given, however, might prove misleading. The Secretary has computed all the lands in Oklahoma and estimated them at the maximum selling prices, thus indicating that the Government would lose the sum of $15,058,462 by the passage of a bill of this character as applied to Oklahoma alone.

This makes no allowance for lands which have already been commuted and probable commutations in the future, and also takes no account of any waste and worthless land that the Government will not be able to sell. It will be observed in the letter of the Secretary that this land is all estimated at from $1.25 to $2.50 an acre, the maximum prices for public, agricultural, or grazing lands. But the existing law requires the purchaser to comply with all the requirements of the

homestead law without any of its benefits. After living upon it and reclaiming it to cultivation he must in the end pay for it at the full price.

The situation of these people also appeals to the generosity of the nation. Since the enactment of the laws opening these reservations to settlement a period of almost continuous drought has prevailed. In the lands bordering on the arid belt a marked falling off of population has occurred, and the settler has found it hard enough to support himself and family without making provision for the purchase of his home at the end of five years' residence.

We think these settlers should be accorded the generous and liberal provisions of the original homestead law.

The nation can well afford in times of peace to deal as liberally with its pioneers as it did in the dark days when the original law was enacted, in May, 1862.

The bill as amended by the committee would read as follows:

A BILL to provide for free homes on lands purchased from the Indian tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of all acts or parts of acts as require payment to the United States therefor from persons who have acquired or may hereafter acquire homesteads upon the public lands included in the limits of any grant obtained by treaty or purchase from the various tribes of Indians are hereby repealed, and the settlers entitled to the benefits of the homestead laws upon such lands shall only be required to pay the usual and customary fees required from homestead settlers upon other public lands: *Provided,* That the right to commute any such entry and pay for said lands at the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided further,* That this act shall not apply to any lands where the proceeds of the sales or homestead or other entries thereof are under existing treaties required to be paid over to the Indians or held in trust or paid into the Treasury for their benefit.

The Secretary of the Interior and the Commissioner of the General Land Office have also made a special report as to H. R. 3948, which for the information of the House we set out in full as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office, dated the 21st instant, on H. R. 3948 "To provide for free homesteads on lands purchased from the Indian tribes."

As an expression of my views on legislation of this character, I respectfully refer you to my report on House bills 292 and 2645, which are of a character similar to this. For the reasons therein expressed and those set forth in the report of the Commissioner, herewith transmitted, I recommend that this 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 21, 1896.

SIR: I have had the honor to receive by reference from the Department under date of January 17, 1896, for report in duplicate and return of papers, H. R. bill No. 3948, "To provide for free homes on lands purchased from the Indian tribes," which was referred to the Department 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 to make in regard thereto to aid the committee in its consideration.

The bill provides: "That all acts or parts of acts requiring payment to the United States therefor from persons who have acquired or may hereafter acquire homesteads

upon the public lands included in the limits of any grant obtained by treaty or purchase from the various tribes of Indians are hereby repealed, and the settlers entitled to the benefits of the homestead laws upon such lands shall only be required to pay the usual and customary fees required from homestead settlers upon other public lands: *Provided*, That the right to commute any such entry and pay for said lands at the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect."

I have the honor to report that it appears to be the purpose of the bill to release parties who may make what is known as final proof, under sections 2291 and 2305, United States Revised Statutes, on homestead entries embracing lands acquired from the Indians by treaty or purchase, from the requirement of also paying for the lands embraced in the entry.

Large tracts of land have been acquired through purchase from the Indians, for some of which the Government has already paid the Indians, and for the price of others of which the Government is responsible. Laws were enacted opening these lands to settlement under the homestead law, which laws provided for the payment therefor by the entrymen of sums, specified in the various laws, corresponding to the amount paid therefor by the Government to the Indians, or for the payment of which to them the Government bound itself by its treaties or agreements with the Indians.

The amounts resulting from such payments were required either to be deposited to the credit of the Indians or to reimburse the Government for payments made to the Indians.

The lands that will be affected by the provisions of the bill if it becomes a law are as follows:

Sac and Fox and Iowa lands, Oklahoma, subject to disposal under section 7 of the act of February 13, 1891 (26 Stat. L., 759), which provides that each homestead settler before receiving a patent shall pay $1.25 per acre for the land taken by him.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands, Oklahoma, subject to disposal under section 16 of the act of March 3, 1891 (26 Stat. L., 1026), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him.

Kickapoo lands, Oklahoma, subject to disposal under section 3 of the act of March 3, 1893 (27 Stat. L., 563), which requires each homestead settler to pay $1.50 per acre for the land settled upon.

Cherokee Outlet lands, Oklahoma, subject to disposal under section 10 of the act of March 3, 1893 (27 Stat. L., 640), which requires each settler before receiving a patent to pay the sum of $2.50 per acre for any land east of 97½° west longitude, $1.50 per acre for any land between 97½° and 98½° west longitude, and $1 per acre for any land west of 98½° west longitude, and interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Tonkawa and Pawnee lands, Oklahoma, subject to disposal under section 13 of the act of March 3, 1893 (27 Stat. L, 644), which provides that each settler shall pay $2.50 per acre for the land taken by him, and interest upon the amount to be paid from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Wichita lands, Oklahoma, which, when opened to settlement, will be subject to disposal under the act of March 2, 1895 (28 Stat. L., 897), which requires each homestead entryman to pay $1.25 per acre for the land entered at the time of submitting his final proof. This act further provides that the money received from the sales of Wichita lands shall be deposited in the Treasury, subject to the judgment of the Court of Claims, in a suit authorized to be brought by the Wichita Indians against the United States for the purpose of determining the amount, if any, which they are entitled to receive for the relinquishment of their lands.

The lands acquired from the Sioux Indians in Dakota and the Ponca Indians in Nebraska by the cession of the Indian title thereto were made subject to homestead entry by the act of March 2, 1889 (25 Stat. L., 888), which act provided for the payment for said lands by the settlers, in addition to the fees provided by law, the sums therein specified. The moneys received from the settlers are to be deposited in the United States Treasury and applied to reimburse the Government for all necessary expenditures contemplated and provided for by said act, and to create a permanent fund for the Indians.

The lands acquired from the Sisseton and Wahpeton Indians in North and South Dakota (known as the Lake Traverse lands) were by the act of March 3, 1891 (26 Stat. L., 1039) made subject to homestead entry, the settlers thereon being required to pay therefor at the rate of $2.50 per acre.

The agricultural lands ceded by the Chippewa Indians in the State of Minnesota, under the provisions of the act of January 14, 1889 (25 Stat. L., 642), are, by section 6 of said act, made subject to disposal under the homestead law, and each settler is

required, before receiving patent, to pay $1.25 per acre for the land taken by him. The money is to be deposited in the Treasury for the benefit of the Indians as a recompense for the cession of their surplus lands.

The Yankton lands in South Dakota subject to disposal under the act of August 15, 1894 (28 Stat. L., pages 314 to 319), which provides that each homestead settler shall pay $3.75 per acre before receiving a certificate of entry.

The Fort Berthold lands in North Dakota, subject to disposal under section 25 of the act of March 3, 1891 (26 Stat. L., 1035), which requires each homestead settler to pay $1.50 per acre before receiving a final certificate.

The Cœur d'Alene lands in Idaho, subject to disposal under section 22 of the act of March 3, 1891 (26 Stat. L., 1031), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him before receiving a patent.

The Nez Perce lands in Idaho, subject to disposal under section 16 of the act of August 15, 1894 (28 Stat. L., pp. 326 to 332), which provides that each settler on said lands shall pay $3.75 per acre for the lands settled upon before receiving a certificate of entry.

The Colville lands in Washington, subject to disposal under the act of July 1, 1892 (27 Stat. L., 62), which requires each homestead settler to pay $1.50 per acre before receiving a final certificate for the land covered by his entry.

The Crow lands in Montana, subject to disposal under section 34 of the act of March 3, 1891 (26 Stat. L., 1043), which provides that each homestead settler shall, before receiving a patent, pay $1.50 per acre for the land settled upon.

The Siletz lands in Oregon, subject to disposal under section 15 of the act of August 15, 1894 (28 Stat. L., 326), which provides that each homestead settler shall pay $1.50 per acre for the land settled upon.

Without endeavoring to state the exact amount paid or agreed to be paid by the United States to the Indians for the relinquishment of all their rights to said lands, which would require an extended examination of the statutes, it is found by reference to the statutes to which I have referred as governing the disposal of said lands that, in the aggregate, over $21,000,000 has been paid or agreed to be paid.

This amount should be increased by the moneys agreed to be paid for earlier cessions, especially for lands in Oklahoma Territory, where cessions were required from more than one tribe of Indians for the same lands, as, for instance, in the case of the Muscogee or Creek and Seminole cessions, obtained at an expense of over $4,000,000 (see acts of March 1 and 2, 1889, 25 Stat. L., 759 and 1004), where subsequently the Cheyenne and Arapahoe, Pottawatomie, Absentee Shawnee, Sac and Fox, Iowa, and Kickapoo tribes of Indians received valuable considerations amounting to over $2,000,000 for portions of the same lands so ceded. This amount of $21,000,000 does not embrace any compensation for the Great Sioux lands in North and South Dakota and Nebraska, for the Chippewa lands in Minnesota, for the Colville lands in Washington, or for the Wichita lands in Oklahoma, as the Government has not agreed to pay the Indians any fixed amount for these lands.

As regards the two former the Indians are to receive the proceeds from the disposal of the lands, estimated to amount in the two reservations to nearly $9,000,000, and as to the two latter the proceeds are to be deposited in the United States Treasury subject to future determination as to whether the Indians shall receive the whole or any part thereof. If the bill under consideration becomes a law it will be necessary for Congress to make other provision for the Sioux and Chippewa Indians, and possibly for the Colville and Wichita Indians, to recompense them for the loss of the proceeds arising from the disposal of the lands ceded by them.

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 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.

In order to show clearly the effect of the proposed legislation, the following table has been prepared:

Statement showing approximate loss to the United States if homestead settlers on Indian reservations who make final proof on their entries are released from paying for said lands at rates now fixed by law.

Reservation.	Area ceded, exclusive of allotted and reserved.	Price to be paid by settlers.	Amount that will be received from settlers under existing law.	Amount now paid.	Loss to United States if settlers are released from payment
	Acres.				
Cherokee Outlet, Oklahoma	732, 280	$2. 50	$1, 830, 700	.....	.....
	1, 822, 240	1. 50	2, 733, 360	.....	.....
	2, 806, 350	1. 00	2, 806, 350	.....	.....
Pawnee, Oklahoma	169, 320	2. 50	423, 300	.....	.....
Tonkawa, Oklahoma	68, 950	2. 50	172, 375	.....	.....
Sac and Fox, Oklahoma	364, 536	1. 25	455, 670	.....	.....
Iowa, Oklahoma	207, 028	1. 25	258, 785	.....	.....
Pottawatomie, Oklahoma	256, 896	1. 50	385, 344	.....	.....
Cheyenne and Arapahoe, Oklahoma	3, 500, 562	1. 50	5, 250, 843	.....	.....
Kickapoo, Oklahoma	85, 000	1. 50	127, 500	.....	.....
Witchita, Oklahoma	491, 388	1. 25	614, 235	.....	.....
Total in Oklohoma			15, 058, 462	(*a*)	$15, 058, 462
Chippewa, Minnesota *b*	3, 322, 936	1. 25	4, 153, 670	None.	4, 153, 670
Great Sioux, North Dakota, South Dakota, and Nebraska *b*	554, 864	1. 25	693, 580	.....	.....
	177, 048	.75	132, 786	.....	.....
	7, 819, 026	.50	3, 909, 513	.....	.....
			4, 735, 879	$87, 682	4, 648, 197
Lake Traverse, North Dakota and South Dakota	573, 882	2. 50	1, 434, 705	(*a*)	1, 434, 705
Yankton, South Dakota	151, 692	3. 75	568, 845	(*a*)	568, 845
Fort Berthold, North Dakota	1, 838, 720	1. 50	2, 758, 080	None.	2, 758, 080
Cœur d'Alene, Idaho *c*	174, 690	1. 50	262, 035	None.	262, 035
Nez Perce, Idaho *c*	500, 556	3. 75	1, 877, 085	None.	1, 877, 085
Colville, Washington *c*	1, 416, 668	1. 50	2, 125, 002	None.	2, 125, 002
Crow, Montana	1, 700, 000	1. 50	2, 550, 000	600	2, 549, 400
Siletz, Oregon	177, 000	1. 50	265, 500	903	264, 597
Total					*d* 35, 760, 078

a It is not practicable without an extended search of the records to give the amount already paid by homestead settlers for these lands as the moneys received therefor are not kept separate from the sales of other lands. As these lands have not been open to settlement for five years, very few have been able to make final proof thereon, and it is doubtful if many have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

b The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians to recompense them for the cession of the lands. If homestead settlers are released from paying for them, the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

c These lands are subject to disposal under other laws as well as the homestead laws. It can not be determined what amount is likely to be embraced in other than homestead entries, but the larger portion of these reservations will undoubtedly be entered under the homestead law and therefore affected by the proposed legislation.

d This amount will be reduced by just so much as is received from settlers who commute their homestead entries. It is most probable that where settlers have the option of obtaining the land free by five years' residence, very few of them will pay for the land in order to obtain title three or four years earlier.

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 given, I am of the opinion that the proposed legislation is inadvisable and therefore that the bill should not become a law.

I deem it proper to state that reports have been made to the Department by this office on bills of a purport similar to that under consideration, as follows:

H. R. bill No. 8334, upon which report was made January 28, 1895.

H. R. bill No. 2645, upon which report was made January 16, 1896.

H. R. bill No. 292, upon which report was made January 16, 1896. The bill and accompanying letter are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

An amendment, it will be observed, is proposed by the committee to H. R. 3948 so that the bill will not apply to lands where the Government practically acts as a trustee for the sale of the lands for the Indians.

VIEWS OF THE MINORITY.

The undersigned, a member of the Committee on Indian Affairs, being unable to concur in the report of the majority of said committee upon the bill (H. R. 3656) "Providing for free homesteads on the public lands of Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose," submits herewith briefly his reasons for suggesting that the bill ought not to pass:

Commencing with the year 1889, the Government of the United States has purchased, by agreement with the Indians, portions of their reservations, added them to the public domain, and opened the same to settlement, to the extent of 33,252,540 acres of land. For these lands it has paid or obligated itself to pay $25,261,937.95, not including payment for the Great Sioux Reservation, $9,053,935; the Colville Reservation, $1,500,000, and the Chippewa Reservation, $5,026,447; in all, $15,580,382, which by the terms of the agreements were mainly to be paid for from the amount realized upon the disposal of the lands.

As a condition of the cession of the Great Sioux Reservation it was, however, provided that $3,000,000 should be set apart in the Treasury as a trust fund for the benefit of the Indians. This sum of $3,000,000 should, it is thought, be added to the amount of money expended for the purchase of such Indian lands as above stated, making in all $28,261,937.95.

Each of the different acts passed providing for the opening of said lands to settlement contains a provision that the agricultural lands shall be opened and settled under the provisions of the homestead act, with the further requirement that each settler shall, in addition to compliance with the requirements of the homestead act, pay a certain stipulated sum per acre for the land at the expiration of five years' residence in order to obtain a patent therefor, a different price per acre being fixed in the several statutes, sufficient to reimburse the Government when all the land shall be finally disposed of for the amount paid the Indians in order to obtain from them such cessions of the land. A large portion of the lands thus opened to settlement has been settled upon, but the undersigned have been unable to obtain information as to the precise number of acres which have been thus occupied by settlers. Various statutes have been passed extending the time for final payment upon representation of the settlers that on account of drought and from other causes it was hard for them to make the required payment at the end of their five years' residence. Some of these statutes apply only to single reservations, but the last two Indian appropriation bills have each contained a clause extending the time in all instances for one year. Thus the time of final payment for all of said lands has been extended until the full period of seven years after homestead entry shall have elapsed.

The bill under consideration as it passed the House applied only to ceded Indian lands in the Territory of Oklahoma, where the plea of inability to make payment resulting from successive years of drought was most strongly urged, but by the proposed committee amendments

the provisions of the bill are extended to all ceded Indian lands, the amount being more than three times that contemplated in the bill as it passed the House. All the lands on the Indian reservations thus opened for settlement have been paid for by the Government before the opening of the same, except in the case of the Cherokee Outlet, where payment was to be made in installments, and the sum of $4,980,000 still remains unpaid, and in the case of the Great Sioux, Chippewa, and Colville reservations, where the Indians are to be paid as the Government shall receive money from the settlers upon disposal of the lands. Another amendment proposed to the bill in effect requires that the Government shall, upon releasing the settlers from payment of their obligations, pay the Indians for these lands the sum per acre which by law is now to be paid by the settlers. If this amendment should be adopted and the bill pass, the Government would be called upon to pay in the future, including the amount not yet due on the Cherokee Outlet purchase, a sum approximating $15,000,000.

It is proper to remark here that negotiations are now in progress for the purchase of other lands embraced in other reservations with a view to opening them for settlement upon the same terms with regard to the reimbursement of the Government which have been prescribed in the cases already alluded to. In the Indian appropriation bill of last year the Secretary of the Interior was authorized to appoint a commission to treat with Indians for the cession of portions of the Crow and Flathead Indian Reservation in the State of Montana, with the Fort Hall Reservation Indians in Idaho, with the Uintah Reservation Indians in the State of Utah, and the Yakima Indians in the State of Washington, which commission was appointed and is now negotiating with the Indians. In addition, there are pending in Congress bills to ratify and confirm agreements already made with Indians for the purchase and cession of lands as follows: Agreement with the Turtle Mountain Band of the Chippewa Indians in the State of North Dakota, with the Indians of the Shoshone or Wind River Reservation in Wyoming, of the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, with the Lower Peud d'Oreille or Calispel Indians in Washington, and with the Indians of Pyramid Lake and Walker River Reservation in Nevada. The number of acres of land affected by unratified agreements already made and by the negotiations of the commission heretofore alluded to can not be specified by the undersigned, nor the amount of purchase money involved, but may be generally stated as amounting to several millions.

All negotiations and agreements for such cessions have been made or are being conducted upon the understood policy of the Government that it shall be reimbursed for the amounts to be paid from the proceeds arising from the disposal of the lands when opened to settlement.

If all the land already opened to settlement upon Indian reservations heretofore ceded shall be taken up, the sum to be paid therefor by the settlers will be $35,353,006.86. This bill proposes to release the settlers from the payment of this sum. It is probable that a portion of the lands thus opened to settlement will not be settled upon under the homestead act, and therefore the amount to be realized will not reach the full sum stated. It is impossible for the undersigned to ascertain what portion of the lands are not adapted to homestead settlement. In the majority report it is estimated that not more than $17,500,000 will be relinquished by the Government. In the opinion of the undersigned this estimate falls far short of the probable loss to the Government by the passage of this bill.

A table printed by the Commissioner of the General Land Office is inserted herewith, showing in detail the facts and figures as to the number of acres, price to be paid by the settlers, etc., in the case of each reservation. Both the Commissioner of the General Land Office and the Secretary of the Interior, upon their opinion being asked respecting the wisdom and the propriety of the passage of such a bill, have responded unfavorably, as will appear by their letters published with the report of the majority of the committee.

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, the amount which will be received therefor under existing law, the amount already received from disposals, and the loss to the United States if homestead settlers are relieved from further payment.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for cession.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by settler.	Amount that will be received from settlers under existing law when all lands have been disposed of.	Amount received to June 30, 1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Great Sioux, N. Dak., S. Dak., Nebr.	9,053,935	(a)	Mar. 2, 1889 (25 St., 888).	8,550,938	$0.50 .75 1.00	$4,735,879	$111,337.63	$4,624,541.37	Proceeds to be deposited in United States Treasury for benefit of Indians.
Lake Travers, N. Dak. and S. Dak.	606,712	$2,203,000.00	Sec. 27, act Mar. 3, 1891 (26 St., 1038).	573,882	2.50	1,434,705	29,271.55	1,405,433.45	
Yankton Sioux, S. Dak	161,606	610,000.00	Aug. 15, 1894 (28 St., 319).	151,692	3.75	568,845	37,864.45	530,980.55	
Fort Berthold, N. Dak	1,946,880	800,000.00	Mar. 3, 1891 (26 St., 1032).	1,838,720	1.50	2,758,080	None.	2,758,080.00	
Cœur d'Alene, Idaho	185,060	650,000.00	Mar. 3. 1891 (26 St., 1027).	174,690	1.50	262,035	None.	262,035.00	Subject to entry under other than homestead law, but greatest proportion will probably be entered under the homestead law.
Nez Perce, Idaho	530,000	1,668,622.00	Aug. 15, 1894 (28 St., 331).	550,556	3.75	1,877,085	None.	1,877,085.00	Do.
Colville, Wash	1,500,000	(b)	July 1, 1892 (27 St., 62).	1,416,668	1.50	2,125,002	None.	2,125,002.00	Proceeds to be subject to future disposition by Congress. See section 2, act July 1, 1892 (27 Stat., 63).
Siletz, Oreg	177,000	142,600.00	Aug. 15, 1894 (28 St., 326).	177,000	1.50	265,500	1,445.65	264,054.35	Subject to entry under other than homestead laws, but greatest proportion will probably be entered under homestead law.
Crow, Mont	1,800,000	946,000.00	Mar. 3, 1891 (26 St., 1042).	1,700,000	1.50	2,550,000	840.00	2,549,160.00	
Chippewa, Minn	5,026,447	(a)	Jan. 14, 1889 (25 St., 642).	3,322,936	1.25	4,153,670	None.	4,153,670.00	Proceeds to be deposited in United States Treasury for benefit of Indians.

Cherokee Outlet (exclusive of Pawnee and Tonkawa bands), Okla.	6,574,486	9,324,125.00	June 16, 1880 (21 St., 248). Mar. 3, 1881 (21 St., 422). Mar. 3, 1883 (22 St., 624). Oct. 19, 1888 (25 St., 609). Mar. 2, 1889 (25 St., 994). Mar. 3, 1893 (27 St., 640).	5,360,870	1.00 1.50 2.50	7,370,410	c137,496.86	7,232,913.14	
Pawnee, Okla	200,770	263,065.79	Mar. 3, 1893 (27 St., 644).	169,320	2.50	423,300	c7,000.00	416,300.00	The Cherokee Indians were also paid for ceding their rights in these lands. Amount included in item "Cherokee Outlet."
Tonkawa, Okla	79,095	30,600.00	Mar. 3, 1893 (27 St., 643).	68,950	2.50	172,375	c1,000.00	171,375.00	Do.d
Sac and Fox, Okla	391,184	950,278.00	Feb. 13, 1891 (26 St., 758).	364,536	1.25	455,670	c52,000.00	403,670.00	Cost of cession includes amount paid Creek Indians for these lands.d
Iowa, Okla	219,446	305,565.46	Feb. 13, 1891 (26 St., 753).	207,028	1.25	258,785	c30,000.00	228,785.00	Do.d
Absentee Shawnee and Pottawatomie, Okla.	309,134	773,000.31	Mar. 3, 1891 (26 St., 1021).	256,896	1.50	385,344	c35,000.00	350,344.00	Cost of cession includes amount paid Creek and Seminole Indians for these lands.d
Cheyenne and Arapahoe, Okla.	3,732,390	5,400,646.87	Mar. 3, 1891 (26 St., 1025).	3,500,562	1.50	5,250,843	c3,000.00	5,247,843.00	Cost of cession includes amount paid to Creek, Seminole, and Choctaw and Chickasaw Indians for these lands.d
Kickapoo, Okla	184,386	264,922.02	Mar. 3, 1893 (27 St., 363).	85,000	1.50	127,500	None.	127,500.00	Cost of cession includes amount paid to Creek Indians for these lands. d
Wichita, Okla	574,010	929,512.50	Mar. 2, 1895 (28 St., 897).	491,388	1.25	614,235	None.	614,235.00	Cost of cession is amount paid Choctaw and Chickasaw Indians for these lands. The proceeds from disposal are to be deposited in United States Treasury for future determination by courts as to amount to be paid the Wichita Indians.
Total	33,252,541	25,261,937.95		e28,911,632		35,789,263	446,256.14	f35,343,006.86	

a Proceeds from disposal.
b See remarks.
c No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.
d 14 Stat., 785; 25 Stat., 757; 26 Stat., 1025; 23 Stat., 212; 25 Stat., 1004.
e The difference between area ceded and area opened to settlement and entry is due to reservations for schools, etc.
f This amount will be reduced by so much as may be received in payment for commutation of homestead entries if any of the settlers elect to commute instead of receiving patent without payment by a longer residence.

The bill under consideration has been given, in common phrase, an attractive name. An alleged "free-home" bill appeals to a certain sentiment that has heretofore found acceptance in the enactment of our homestead law, and the contention of the majority of the committee is that no discrimination should be made between the settlement of the lands to which the homestead act applied and the lands acquired as heretofore stated.

The committee says:

> The contention of your committee is that the application of the homestead law is that there should be no discrimination—that it should be applied to every portion of the public domain and to all the people who go out to subdue the wilderness. The argument that these lands were bought for a price from the Indians and that it was provided that the ultimate white owners of the land should compensate the General Government for its outlay has been given due consideration. The only possible conclusion, within lines of equity, is that the provision was an erroneous one and that its elimination from the statutes has been already too long delayed.

With this view the undersigned is entirely unable to agree. The public domain as it existed at the time of the passage of the homestead law, and upon which land was given to settlers in tracts of 160 acres after five years' residence and cultivation without payment to the Government, was not acquired primarily to supply settlers with land. Territorial and political considerations mainly dictated the policy of obtaining the lands by purchase from and treaty with other nations. At the time of acquiring the same very large portions of said lands were not supposed to be adapted to or capable of cultivation. The statesmen of those days could scarcely have contemplated the possibility that they would ever be occupied by settlers for agricultural purposes. The acquisition of the same and payment for the same had thus been made in the first instance almost entirely without reference to any need that might ever exist that they should furnish homes to the American people. But in our rapid growth and development they had been prior to the time of the passage of the laws for opening Indian reservations largely taken up by settlers, and the demand for new territory upon which to locate became pressing and clamorous.

The excitement which preceded the opening of lands in Oklahoma will be still remembered, as will the mad rush scarcely controlled by Government authorities to secure these lands upon the well-understood condition of payment for the same in addition to compliance with the provision of the homestead laws. In every appeal made to Congress for the opening of the lands of these reservations the argument that the Government ought not to be put to the large expenditure required in the payment of the Indians for the relinquishment of their title was answered by those who were advocating and insisting upon the passage of bills for that purpose by saying that it was understood that the Government should be reimbursed by the settlers. So far as Senators and Representatives and others urging the passage of such bills could be said to represent the settlers who were clamoring for an opportunity to establish themselves upon these lands, there was, then, in the passage of the bills a contract between those who should occupy the lands and the Government that they would pay for the same a sum equal to the amount which the Government should expend in obtaining the lands for their benefit. In each act providing for settlement upon such lands the price per acre to be paid was clearly stated and well understood by every settler who located upon the land, and thus not an implied but a specific contract was, in the opinion of the undersigned, entered into by the settler with the Government to pay the stipulated price for the land which he thus entered upon before receiving a patent therefor.

It is probably not too much to say that not one of the agreements made with the Indians ceding their lands would have been ratified, and not an act opening them for settlement would have been passed, if it had not been thoroughly understood and agreed that the settlers upon these lands should reimburse the Government for the amount expended by it to obtain them. The obligation of the settler to pay the Government the price stipulated is as definite, well understood, and binding as the obligation of any Government debtor. While we do not question the policy of our homestead laws, we insist that in relation to these lands, purchased and opened upon the demand of the settlers, it was right that another policy should be adopted. The attractive idea of free homes for the people was all very well while the Government had lands acquired for political and territorial reasons which it could donate to them. The purchase of 160 acres and the donation of the same to a citizen is entirely another thing, and can be justified, in the opinion of the undersigned, upon no consideration of public policy or governmental duty. As well might the Government be called upon to buy lands from individual owners or syndicates, and donate them as free homes to settlers, as to be called upon to buy lands from the Indians for such purpose. As well may the Government be called upon to relinquish its debt to any other debtor who finds it inconvenient to pay as to relinquish to the persons who have taken up these lands under contract the amount which they stipulated to pay for the same.

The propriety and right of reimbursement of the Government for the sum paid in the extinguishment of Indian titles had been settled several years earlier than the passage of the first of these acts under consideration. In 1880 Congress found it necessary in dealing with the Ute Indians in Colorado, as the result of serious disturbances which there occurred, to remove them from contact with the citizens of Colorado. And accordingly an act was passed in 1880 providing for the acquirement of 11,500,000 acres of land from the Ute Indian Reservation upon the payment therefor of a large sum of money, somewhat uncertain in amount but estimated in the discussion of the bill all the way from $1,250,000 to $4,000,000. The act in question provides specifically:

That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at one dollar and twenty-five cents per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act.

The homestead act was passed in 1862. Up to 1880, therefore, a period of eighteen years, it applied to the lands embraced in the public domain, lands which, as has already been said, were not purchased for the purpose of furnishing homes to our people. In 1880 another policy was adopted with reference to the lands which the Government might purchase from the Indians, and that policy has been steadily adhered to for sixteen years. There is nothing inconsistent or discriminating in these two policies.

The passage of this bill will not only relinquish to the occupants of said Indian lands the amount which they have agreed to pay for the same, but will establish the principle that in all future extinguishment

of Indian titles the Government shall pay for the same from the money raised by taxation of the whole people, and then donate the lands thus acquired to individuals. Aside from being indefensible upon principle, the amount involved, it will be seen, is very much larger than any estimate heretofore made.

O. H. PLATT.