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CERTAIN PUBLIC LAND IN MONTANA.

DECEMBER 14, 1893.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

MR. LATIMER, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany H. R. 83.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 83) authorizing the State of Montana to make selections from certain public lands, have had the same under consideration and report it back with the recommendation that it pass.

The necessity for the passage of the bill is clearly set out in the following report from the Commissioner of the General Land Office to the Secretary of the Interior, which is made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, October 14, 1893.

HON. T. C. McRAE,

Chairman Committee on the Public Lands, House of Representatives:

SIR: On the 26th ultimo you transmitted a copy of H. R. bill No. 83, "authorizing the State of Montana to make selections from certain public lands," with request for the views of the Department thereon. I inclose herewith copy of report of the Commissioner of the General Land Office upon the same, and concur in his conclusion that no objection appears to its becoming a law.

Very respectfully,

HOKE SMITH,
Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 10, 1893.

SIR: I am in receipt, by reference from you, under date of the 28th ultimo, for report thereon, of House bill No. 83, entitled "A bill authorizing the State of Montana to make selections from certain public lands," submitted with letter from the chairman of the Committee on the Public Lands of the House of Representatives, dated the 26th ultimo.

The bill provides that it shall be lawful for the State of Montana to select as part of the lands granted to said State under the provisions of the act of February 22, 1889 (25 U. S. Stat., 676), and sections 2275 and 2276 of the Revised Statutes, as amended by the act of February 28, 1891 (26 U. S. Stat., 796), any of the lands in the Bitter Root Valley, lying above the Lo Lo Fork of the Bitter Root River, mentioned and described in the act entitled "An act to provide for the removal of the Flat-head and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872.

These lands, the Indian title to which has been extinguished under the provisions of the act of June 5, 1872 (17 U. S. Stats., 226), are not, under existing laws, subject to selection by the State.

The act of June 5, 1872, above mentioned, provided that after survey the said lands should be open to settlement and be sold in legal subdivisions to actual settlers (settlements under the provisions of the homestead and preëmption laws being

prohibited) in quantities not exceeding 160 acres to any one person, at the price of \$1.25 per acre. It also provided for entries of said lands under the town-site laws. The act of February 11, 1874 (18 U. S. Stats., 15), extended the benefits of the homestead law over the said lands.

The above constitutes all the legislation had on the subject of these lands up to the present time.

This bill, as I understand it, simply proposes to remove the restriction placed upon the disposal of the lands by former acts, and to make them subject to selection by the State in the same manner and to the same extent as are other public lands of the United States. The bill does not increase the amount which has heretofore been granted to the State of Montana under the act of February 22, 1889, but simply removes the restriction heretofore placed upon the disposal of the land, and puts the State on an equality with individuals, in regard to the right of acquiring title to the land.

This being the case, and existing rights to the lands being protected by the provisions of the bill, I can see no objection to the proposed measure becoming a law.

The copy of the bill and letter from the chairman of the Committee on the Public Lands are herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.