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Repeal of Timber-Culture Laws

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REPEAL OF TIMBER-CULTURE LAWS.

MARCH 23, 1897.—Ordered to be printed.

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

REPORT.

[To accompany S. 360.]

The Committee on Public Lands, to whom was referred the bill (S. 360) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," having had the same under consideration, report it back with the following amendment, and recommend that it pass as amended:

After the word "Dakota," in line 21, insert the words "North Dakota and Nebraska."

The report of the House Committee on the Public Lands of the Fifty-fourth Congress upon a like measure (S. 3328) is herewith appended and made a part of this report.

[House Report No. 2540, Fifty-fourth Congress, second session.]

The Committee on the Public Lands, to whom was referred the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," have had the same under consideration and report it back with the following amendments:

After the word "in," in line 21, insert "North Dakota," and after the word "Dakota," in line 21, insert "and Nebraska."

And recommend the passage of the bill as amended.

By act of Congress in 1889 a large portion of the Sioux Reservation in South Dakota, North Dakota, and Nebraska was opened up to settlement under the homestead law, but the bill required five years' residence before final proof could be made, and then the settler was obliged to pay the Indian price for the land. In 1891 Congress passed an act which provided that the settler should commute after fourteen months' residence, and under this provision many settlers did commute after fourteen months' residence and paid the Indian price for the land, borrowing money and giving security upon the same. Some patents were issued.

In June, 1896, the Secretary of the Interior ruled that where the settler commuted after fourteen months' residence he must not only pay the Indian price for the land, but \$1.25 per acre in addition thereto, and he has suspended the proof now pending in his Department.

The object of this bill is to relieve these settlers from the payment of this additional \$1.25 per acre. It will be impossible for them to pay it. They can not borrow money on the land, as no one will loan that amount upon it. These lands are arid lands, and only valuable for grazing, and it is a mistake to offer them for settlement under the homestead law. However, the people who are occupying them are engaged in grazing, and a limited population can be sustained in this way.

To require this additional payment of \$1.25 per acre will simply compel the people now residing upon these lands to abandon them, and when once abandoned it is

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doubtful if they will again be occupied. There were 8,500,000 acres of this reservation opened up to settlement in 1889, and up to the present time less than one-tenth of the area, or less than 800,000 acres, has been taken by settlers.

The report of the Commissioner of the General Land Office, herewith attached, is made a part of this report.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 9, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of December 5, 1896, requesting information as to the ruling requiring homestead settlers on lands formerly embraced in Indian reservations to pay the Government for the land in addition to the payment required for the benefit of the Indians, as you desire to have the law amended, if an amendment is required, for the relief of the homestead settlers.

In reply I have to state that the only requirement of the nature indicated pertains to the lands formerly embraced in the Great Sioux Reservation, in the States of North Dakota, South Dakota, and Nebraska.

These lands were open to settlement and entry under the provisions of the act of March 2, 1889 (25 Stat. L., 888). Said act provides that the lands "shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section two thousand three hundred and one thereof) and under the laws relating to town sites: *Provided*, That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of seventy-five cents per acre for all lands disposed of within the next two years following thereafter, and fifty cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums."

It will be noticed that under said act no commutation of homestead entries was permissible.

Section 6 of the act of March 3, 1891 (26 Stat. L., 1095), which amended section 2301, United States Revised Statutes, relating to commutation of homestead entries, provided:

"And the provisions of this section shall apply to lands on the ceded portions of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, in South Dakota, but shall not relieve said settlers from any payments now required by law."

Under date of May 13, 1896 (22 L. D., 550), the Honorable Secretary, having under consideration the application of the State of South Dakota "for 5 per cent of the net proceeds of sales of lands within the boundaries of what is known as the opened portion of the Great Sioux Reservation," held that the provision of section 6 of the act of March 3, 1891 (*supra*), "clearly recognizes the trust character of the payments originally required of entrymen of Sioux lands, and means that when such entrymen so elect they may commute, after the time named, by paying the minimum price for the land in addition to the payments required under the act of 1889."

In view of the Honorable Secretary's decision, the district land officers having jurisdiction over the Sioux lands were instructed by letter C of June 23, 1896, to collect from parties applying to commute homesteads for said lands \$1.25 per acre in addition to the payments required under the act of March 2, 1889 (*supra*), and similar action was taken on all cases pending in this office unpatented.

Homestead settlers who make ordinary five-year proof are not affected by said ruling, which applies only to commuted homestead entries.

Very respectfully,

Hon. R. F. PETTIGREW,
United States Senate.

E. F. BEST, Assistant Commissioner.