

IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE ACTING SECRETARY OF THE INTERIOR,

TRANSMITTING

A communication from the Assistant Commissioner of the General Land Office relative to the sales of lands within the limits of the Umatilla Indian reservation.

DECEMBER 22, 1891.—Referred to the Committee on Public Lands and ordered to be printed.

[To accompany S. 1134.]

DEPARTMENT OF THE INTERIOR,
Washington, December 18, 1891.

SIR: Your letter dated the 18th ultimo, relative to proofs in cases of sales of lands within the limits of the Umatilla Indian reservation, was referred to the Assistant Commissioner of the Land Office for consideration and report.

I have this day received the report of the Commissioner holding that under existing law proofs must be made before the register and receiver. In this view I concur. A copy of said report is transmitted herewith.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

Hon. JOHN H. MITCHELL,
United States Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 16, 1891.

SIR: I have the honor to acknowledge the receipt, for report in the premises, of departmental letter of December 8, 1891, inclosing one from Hon. J. H. Mitchell, dated November 18, 1891, in which he asks that if practicable the instructions approved March 6, 1891 (18 C. L. O., 21), for the sale of the Umatilla Indian reservation lands in Oregon, be so

far modified as to permit the proof, which is now required to be made before the register or receiver, to be made before any officer qualified to take proof in homestead cases.

In reply I have to state that under section 2246, Revised Statutes, registers and receivers are authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land Office, in connection with the entry or purchase of any tract of the public lands.

The act of May 26, 1890 (26 Stats., 121), provides that proof, under the homestead, preëemption, timber-culture, and desert-land laws, may be made before certain officers, other than registers or receivers, but no mention is made of any other laws, as, for instance, the act of June 3, 1878, for the sale of timber lands.

The act of March 3, 1885 (23 Stats., 341), under which the Umatilla lands have been offered for sale, makes no mention of the officer before whom proof shall be made, and I am of opinion that, in the absence of express statutory authority on the subject, proof can be made only before the register or receiver. The subject is, however, submitted for your consideration.

Very respectfully,

WM. STONE,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

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