

## SCHOOL LANDS TO KANSAS.

APRIL 6, 1880.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. THOMAS RYAN, from the Committee on the Public Lands, submitted the following

### REPORT:

[To accompany H. Res. 123.]

*The Committee on the Public Lands, to whom was referred H. Joint Res. 123, have had the same under consideration, and submit the following report:*

The resolution under consideration authorizes the Secretary of the Interior to certify to the State of Kansas indemnity school lands in lieu of school sections 16 and 36, situated in Indian reservations in said State, and sold by the United States in pursuance of treaty stipulations.

The lands to be certified under this resolution are indemnity lands selected by the State in pursuance of a decision of the Commissioner of the General Land Office, bearing date August 14, 1877, and approved by the Secretary of the Interior August 18, 1877. The decision of the Commissioner and Secretary was based mainly upon the following provisions of law:

1st. The act organizing the Territory of Kansas, which provides:

That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States preparatory to bringing the same into market, sections numbered 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be created out of the same. (10 Stat., 299.)

2d. The act admitting the State into the Union, which provides:

That sections numbered 16 and 36 in every township of public lands in said State, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. \* \* \* (12 Stat., 127.)

When this act was passed there were a large number of Indian reservations within the State which have subsequently been ceded to the United States in trust and sold for the benefit of the Indians, sections 16 and 36 included. The school sections in these reservations having thus been disposed of, the State applied to the Secretary of the Interior for other lands in lieu thereof and equivalent thereto, who, in August, 1877, as already stated, decided that the State was entitled to the same.

Under this decision, accompanied with proper instructions to the local United States land officers within the State, the governor was authorized to select the indemnity lands to which the State was entitled. In due time this was done, and lists of the same were forwarded by the local land officers to the Commissioner of the General Land Office for final action.

When the lists thus selected reached the Secretary, doubts were entertained as to his right to certify the same to the State, and accordingly the questions of doubt were referred to the Attorney-General for his opinion thereon.

The Attorney-General, after duly considering the same, rendered an opinion to the effect that the State was entitled to indemnity lands in lieu of sections 16 and 36 in all reservations within the State, except such as had been conveyed by patent in fee simple to the tribes before the organization of the Territory; and of these, in his opinion to the Secretary, dated January 21, 1880, he says:

If hereafter it shall be deemed that the townships thus separated from the public lands before the organization of either the Territory or State should be provided for by grants, it seems to me that legislation will be required for such purpose.

The lands selected by the State, and embraced in the lists covered by the resolution herewith, are equivalent, acre for acre, to the said sections 16 and 36 in Indian reservations disposed of by the United States, as above stated, and comprise about 45,000 acres.

Your committee recommend that the resolution be passed.

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