

## KANSAS TRUST AND DIMINISHED RESERVE LANDS IN KANSAS.

AUGUST 5, 1890.—Referred to the House Calendar and ordered to be printed.

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

### REPORT:

[To accompany H. R. 11406.]

The Committee on Public Lands, to whom was referred the bill (H. R. 11406) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas, having had the same under consideration, respectfully report as follows:

That from evidence on file and that obtained from the General Land Office, it appears that the second section of the act of Congress approved June 23, 1874, provided "for the sale of Kansas Indian lands in Kansas to actual settlers," etc. (18 Stats., 272). Said lands were made subject to entry "in tracts not exceeding 160 acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, by actual settlers," etc., which restriction as to area was continued in the second section of the act approved July 5, 1876, and still later by the act approved March 16, 1880 (21 Stats., 68).

It appears that, through a misunderstanding of the decision of the Commissioner of the General Land Office of March 29, 1883, in which the following unguarded language was used: "There is no positive provision of law against second entries of these lands, nor do the instructions of June 9, 1879, expressly forbid them, even where the tracts desired are not contiguous," and of the fourth section of the act approved March 16, 1880, which reads: "Actual settlement on any of said lands shall be regarded as sufficient in cases where the claimant actually resides on contiguous land to which he holds the legal title, and has heretofore cultivated and made valuable improvements on his adjoining claim, in good faith, for the purpose of a home for himself," the district land officers at Topeka, in several instances, erroneously permitted parties to make "additional" or "adjoining entries," which entries have lately been held for cancellation by the Commissioner of the General Land Office for illegality.

It appears that in the cases held for cancellation full payment of the purchase money has been made and there being no adverse claim, nor any evidence that such entries were not made in good faith, but were erroneously allowed as stated, the committee recommend that the relief proposed be granted.