

Calendar No. 855

68TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 791

TO PERFECT TITLE OF PURCHASERS OF INDIAN LANDS

JUNE 6, 1924.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 4818]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4818) to perfect the title of purchasers of Indian lands sold under the provisions of the act of Congress of March 3, 1909 (35 Stat. L., p. 751), and the regulations pursuant thereto as applied to Indians of the Quapaw Agency, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are set forth in House Report No. 294, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 294, Sixty-eighth Congress, first session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4818) to perfect the title of purchasers of Indian lands sold under the provisions of any act of Congress and pursuant to regulations of the Secretary of the Interior, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

"That in all cases where lands allotted to members of any of the tribes belonging to the Quapaw Agency in Oklahoma are held under a trust or other patent containing restrictions on alienation, and said restrictions have been or shall hereafter be removed by order of the Secretary of the Interior pursuant to the act of March 3, 1909 (Thirty-fifth Statutes, page 751), or said lands or any portion thereof have been or shall hereafter be sold by said allottee or his heirs under the regulations of the Secretary of the Interior pursuant to said act, the deed of such allottee or his heirs executed after the removal of such restriction, or when approved by the Secretary of the Interior, shall convey full title to the lands or interests so sold, the same as if a fee simple patent, without restrictions, had been issued to the allottee: *Provided*, That nothing in this act shall be construed to apply to the lands of the Kaw or Osage Indians, or to the lands of the Indians of the Five Civilized Tribes in Oklahoma."

Amend the title to read:
 "A bill to perfect the title of purchasers of Indian lands sold under the provisions of the act of Congress of March 3, 1909 (Thirty-fifth Statutes, page 751), and the regulations pursuant thereto as applied to Indians of the Quapaw Agency."

This legislation with the proposed amendment meets the approbation of the Department of the Interior, as well as that of your committee, as evidenced by the letter from the Secretary of the Interior which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
 Washington, March 4, 1924.

HON. H. P. SNYDER,
 Chairman Committee on Indian Affairs,
 House of Representatives.

MY DEAR MR. SNYDER: Reference is made herein to H. R. 4818 and your request for report thereon. This bill is identical with H. R. 9289, Sixty-seventh Congress, second session, and if the present bill is amended as hereafter suggested no objection is known to its enactment into law.

Our records clearly indicate that the legislation was intended primarily to cover removals of restrictions and conveyances of allotments belonging to Indians of the Quapaw Agency in Oklahoma, under the provisions of the act of March 3, 1909 (35 Stats. 751), some objections having been raised by grantees to the titles.

In the usual cases where it is necessary to convey titles to Indian lands by deeds the authority contained in the acts of May 27, 1902 (32 Stats. 245-275), and March 1, 1907 (34 Stats. 1015-1018), is invoked. These acts provide that the deeds, when approved by the Secretary of the Interior, shall convey a full title to the purchaser.

There is also ample provision under special existing laws for conveying title to lands of the Five Tribes and the Kaws and Osages.

It will be seen, therefore, that the wide and general provisions of H. R. 4818 are not needed, but if the bill is amended so as to confine its operations to lands of members of the tribes under the jurisdiction of the Quapaw Agency no objection is seen to its enactment.

The bill has been redrafted, and a copy is inclosed herewith.

Very truly yours,

HUBERT WORK.