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

REPORT

[To accompany S. 1920]

The Committee on the Public Lands, to whom was referred the bill (S. 1920) for the relief of the devisees of William Rusch, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The following letter from the Secretary of the Interior to the chairman of the Committee on Public Lands and Surveys of the Senate sets forth the facts:

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1926.

Hon. ROBERT N. STANFIELD,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR STANFIELD: The department is in receipt, through you as chairman of the Committee on Public Lands and Surveys, for report and recommendation, of Senate bill 1735 (69th Cong., 1st sess.) for the relief of the devisees of William Rusch, deceased.

It appears that on August 5, 1854, Daniel Malcom filed declaratory statement 10647 for the E. 1/4 NE. 1/4, NE. 1/4 SE. 1/4 sec. 6, T. 13 N., R. 9 E., fourth principal meridian, Wisconsin, alleging settlement thereon August 4, 1854. No further action was taken by Malcom under said declaratory statement, but according to an abstract submitted by Senator Lenroot, who introduced the bill, he purchased said land on October 12, 1855, from the Fox & Wisconsin Improvement Co., and by mesne conveyances the title descended to William Rusch, the person named in the above bill.

August 8, 1846 (9 Stat. 83), a grant of land was made to the Territory of Wisconsin to aid in the improvement of the Fox and Wisconsin Rivers and the construction of a canal connecting the same. By the act of June 9, 1858 (11 Stat. 313), it was provided that—

"So much of the even-numbered sections of land selected by the State of Wisconsin in the month of June, in the year eighteen hundred and forty-nine, to satisfy the quantity of land due said State under the act of Congress of August eight, eighteen hundred and forty-six, granting land in aid of the improvement of the Fox and Wisconsin Rivers, as have been sold, or contracted to be sold by said State or its assigns, under the laws thereof, are hereby confirmed to said
State, as parts of said grant, and the title of the purchasers declared to be valid as though the said selection had been made in conformity with law: * * *

And provided further, That a schedule, duly certify (certified) by the governor, of the lands sold and contracted for to be sold, prior to the passage of this act, shall be filed in the General Land Office within six months from the date of this act."

September 9, 1858, and March 4, 1859, the governor filed a list of lands sold or contracted for to be sold as above and requested that title to such lands be confirmed in the State.

The above lists, that of 1859 duplicating in part that of 1858, were examined and such of the tracts as had been selected during the month of June, 1849, were duly certified to the State.

The E. ½ NE. ¼, NE. ½ SE. ¼, sec. 6, T. 13 N., R. 9 E., was included in the lists of 1858 and 1859, but was not selected during June, 1849, and did not therefore come under the confirmatory act of June 9, 1858. Both lists show that the said tract had been sold to Daniel Malcom.

The grant to the State has been fully satisfied and closed.

Relying on the alleged purchase in 1856, the “title” to said tract has passed through various parties to William Rusch, deceased, whose estate is now being administered. Under the circumstances the department is of the opinion that the estate of Rusch is entitled to the relief sought and the passage of the bill is recommended.

Attention is invited to the fact that the bill should be amended in line 3 by substituting the word “Interior” for the word “Treasury” and after the word “east,” line 8, there should be inserted the words “fourth principal meridian.”

Very truly yours,

Hubert Work.