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**Report of the Secretary of War, in compliance with a resolution of the Senate of February 12, 1855, calling for information relative to the military reservation of Fort Leavenworth.**

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REPORT  
OF  
THE SECRETARY OF WAR,

IN COMPLIANCE WITH

*A resolution of the Senate of February 12, 1855, calling for information relative to the military reservation of Fort Leavenworth.*

FEBRUARY 21, 1855.—Read, ordered to lie on the table, and be printed.

WAR DEPARTMENT,  
Washington, February 20, 1855.

SIR: I have the honor to submit herewith copies prepared in compliance with a resolution of the Senate of the 12th instant directing the Secretary of War to communicate, in addition to the information called for by resolution of the 10th instant, "all the information and correspondence in his department in relation to the original establishment of Fort Leavenworth as a military post, the cause of the recent reduction of the reserve attached to that fort, with the correspondence that led to and followed it, with the several officers at the fort;" also, "all the correspondence to or from his department within the last year in relation to the occupancy of Kansas territory by emigrants, and the reasons which controlled General Clark when he ordered the commandant at Fort Leavenworth not to interfere with the emigration."

It will appear, from the papers herewith, that Fort Leavenworth was established in 1827 by a body of troops sent to take post in the country then occupied by tribes or bands of roving Indians.

Under such circumstances it was not usual to define by metes and bounds tracts or parcels of land required for military purposes; and it could not be necessary to do so, as the government recognized no title which could conflict with its free use and occupation; and as the Indian intercourse act not only gave full power, but made it the duty of the troops to remove all trespassers, no distinction would arise between an attempted settlement upon the land inside and outside of any limits which might have defined the extent of a military site, cantonments were therefore made in such cases wherever public interest dictated, and the adjacent land was used so far as desirable for cultivation, for fuel, for timber, for hay and for pasturage; when, however, the government made special grants for the settlement of Indian tribes removed and located in a new home, this right, which has been stated as one exercised in the hunting grounds, received within the limits of such grant

a modification which would probably have required the consent of the party in possession before establishing a military post upon it. But a "reservation" would in neither case be necessary, because its purpose is to prevent the land from being otherwise disposed of by the United States, and therefore a "reservation" only becomes necessary when such sites are upon public lands held for sale or settlement.

The general military authority in the Indian country, and the special powers subsequently given by the Indian intercourse act, were fully sufficient for the removal of all persons who might interfere with the military occupation of any site therein, and as the description or marking of boundaries was in no manner necessary to the exercise of the authority, that course was therefore never pursued.

By a treaty with the Delaware Indians in September, 1829, they were assigned a country west of the Missouri river, the eastern boundary of which commenced on the Missouri river at the mouth of Kansas river, and ran northward up the west bank of the Missouri to Camp Leavenworth, and thence northwest to a point ten miles north of the north corner of the Kansas lands. The following year a surveyor, Mr. Isaac McCoy, was sent to run and mark the lines bounding the Delaware country so ceded, and in the execution of this duty it became necessary to determine the point where the eastern boundary line of the Delawares, running northward up the Missouri, reached Camp Leavenworth, for at that point it was to terminate. This point he fixed upon the river bank one mile north of a small stream called Three-mile creek, and about two miles south of the flag-staff of the cantonment, thence he ran four miles southwest and three miles west of — north, so as to avoid invading the buildings, improvements, and lands required for the use of the post, which, in the absence of evidence upon this point, it is presumed were pointed out to him by the commanding officer of the post as constituting the camp of Leavenworth. Having thus reached a point in a line drawn from the centre of the cantonment, on the second course, he left Camp Leavenworth. The boundaries were marked, and a copy of the map of the Delaware lands, embracing the lines thus run between the Delaware and the military lands, was filed in this department. This partial and incidental survey appears to have been the first attempt to fix the limits of Camp Leavenworth in any part.

In 1839, a survey of the military tract was again made by Captain A. R. Johnson, under the order of the commanding officer. On the map of this survey, which was duly filed in this department, the southern boundary appears as originally fixed by Mr. McCoy, but the western boundary was changed by taking the natural boundary, Salt creek, instead of the geographical line run by Mr. McCoy, which crossed that stream.

When the acts were passed organizing the territories of Nebraska and Kansas, and providing for the survey and sale of public lands in those territories, it became necessary, for the first time, to make a legal "reservation" of the site of Fort Leavenworth, i. e., to determine authoritatively its limits, to mark them upon the plat of the public lands, and to obtain an order from the President that they should be withheld from sale. About the same time strong efforts were made

by persons feeling an interest in the establishment of the seat of government of Kansas to obtain a relinquishment of the post for that object, and upon this being declined, they urged at least a reduction of the site. The department, however, in view of the public interests committed to its charge, could concede nothing more than that, in making the reservation, it should be restricted to lands actually required for military purposes; and orders were therefore given to the commanding officer of the post "to have a survey made and a reservation laid off, including the buildings and improvements, and so much of the land as is necessary for military purposes, looking to its use as a main depôt and cavalry station." Under these general instructions, the commanding officer laid off a reservation, retaining the river boundary on the north and east, and following the original boundary marked by Mr. McCoy on the south, to a point about  $1\frac{1}{4}$  mile short of the corner fixed by line, and from this point running northward along the highlands to the Missouri river. His survey and report were approved by the President, who ordered the lands so designated to be reserved from sale.

Upon these facts I have to report, in reply to the inquiry in the resolution as to the causes of the reduction of the reservation, that this reservation, strictly speaking, has never been reduced, but that when the reservation was made, so much of the land previously held for the use of the post was relinquished as in the judgment of the President, upon the report of the commanding officer of the post, was not required for military purposes.

It may be proper to remark that the land so relinquished forms no part of the tract on the Missouri river, between the southern boundary of the reserve and Three-mile creek, upon which the so called city of Leavenworth has been recently laid out.

In regard to the inquiry in the last paragraph of the resolution, as to the grounds upon which General Clark ordered the commandant at Fort Leavenworth not to interfere with the emigration into Kansas, I have to state that the report of Colonel Fauntleroy to General Clark, of May 24, 1854, and the endorsement of the latter thereupon, copies of which are herewith submitted, contain all the information in this department on the subject of this inquiry. From these it appears to have been the belief of that officer that the measures then in progress to establish a territorial government would soon be completed, as in fact they were within a few days after the date of his order; and although not stated, it may very probably, as it would very justly, have been inferred by him that the extinction of the Indian title relieved the military from the obligation, and deprived them of the authority, to prevent persons from entering upon these lands, which had now become public lands of the United States.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,  
*Secretary of War.*

Hon. J. D. BRIGHT,  
*President of the Senate pro tem.*

HEADQUARTERS, FORT LEAVENWORTH,

May 24, 1854.

MAJOR: I have the honor to state that reliable information has reached this post that numerous emigrants are passing the river or boundary, and are making settlements within the Indian territory, and that the prospect is, that the rush, in a very short time, will be immense, unless arrested at an early moment. I have made this statement to the general commanding the department of the west, in view of the increasing difficulty on this subject, unless the bill for the organization of the territory should pass at an early moment; also, with reference to my near departure for New Mexico, which will leave this portion for a time without mounted troops.

These circumstances addressed themselves more immediately to me since, in the condition of things likely to arise, if it does not now exist, that will call for an instant interference of the troops, and will, at least, present for my decision the important question as to how far I shall, and under what circumstances, interpose.

I would be pleased to have instructions, and should it be deemed necessary or proper, to forward this communication to higher authority.

Very respectfully, your obedient servant,

THOS. T. FAUNTLEROY,

*Colonel 1st Dragoons, Commanding.*

Major F. N. PAGE, *Assis't Adj't General,*

*Headquarters Department of the West,*

*Jefferson Barracks, Missouri.*

HEADQUARTERS, DEPARTMENT OF THE WEST,

*Jefferson Barracks, May 29, 1854.*

In reference to the passage of the Nebraska bill, so called, I have directed Colonel Fauntleroy to take no steps in regard to the matter of his report. As a consequence of the passage of that bill, should any instructions to the military authorities be deemed necessary, I respectfully desire to be furnished with them.

N. S. CLARK, *Col. 6th Infantry,*

*Brevet Brigadier General Commanding.*

ASSISTANT ADJUTANT GENERAL,

*Headquarters of the Army.*

HEADQUARTERS OF THE ARMY,

*New York, June 6, 1854.*

Respectfully forwarded by command of Major General Scott.

IRVIN McDOWELL,

*Assistant Adjutant General.*

ADJUTANT GENERAL'S OFFICE,

*June 6, 1854.*

Respectfully submitted to the Secretary of War.

S. COOPER,

*Adjutant General.*

[Extract.]

ADJUTANT GENERAL'S OFFICE,  
*Washington, March 7, 1827.*

[Orders.]

\* \* \* \* \*

2. Colonel Leavenworth, of the 3d infantry, with four companies of his regiment, will ascend the Missouri, and when he reaches a point on its left bank near the mouth of the Little Platte river, and within a range of twenty miles above or below its confluence, he will select such position as in his judgment is best calculated for the site of a permanent cantonment. The spot being chosen, he will then construct, with the troops of his command, comfortable, though temporary quarters, sufficient for the accommodation of four companies. This movement will be made as early as the convenience of the service will permit.

\* \* \* \* \*

By order of Major General Brown.

R. JONES,  
*Adjutant General.*

*Extract from a letter of Colonel H. Leavenworth, Third Infantry, to Lieutenant E. G. W. Butler, Acting Assistant Adjutant General, Cincinnati, Ohio, dated—*

CAMP MOUTH OF LITTLE PLATTE,  
*May 8, 1827.*

SIR: On the 4th instant, at this place, a detachment of the sixth infantry, under command of Brevet Major Ketchum; with a portion of the public property from Council Bluffs.

A short examination of the country convinced me that there was no good site for military purposes on the left bank of the Missouri within the distance of this place mentioned in the general order on that subject.

I accordingly proceeded up the river eighteen or twenty miles, and found a very good site for a cantonment on the right bank of the Missouri, about that distance from this place.

In addition to the advantage of being on the same side of the Missouri as the road to Santa Fé, this position (the one I have selected) possesses the very material one of having a dry and rolling country on the south and southwest of it. This will greatly contribute to the healthiness of the position. In addition to all this, I can safely say that there is no other place that will answer the purposes required within the prescribed distance of the Little Platte.

*Extract from a letter of E. G. W. Bulter, Aid-de-Camp, Acting Assistant Adjutant General to the Adjutant General, dated—*

ADJUTANT GENERAL'S OFFICE,  
*Western Department, Cincinnati, Ohio, May 26, 1827.*

I have the honor to enclose a copy of Colonel Leavenworth's communication of the 8th instant, (reporting the selection of a site for the new post on the *right* bank of the Missouri, and requesting that the Indian agent, Mr. Dougherty, may be ordered to it,) which I beg you will lay before the Secretary of War.

ADJUTANT GENERAL'S OFFICE,  
*Washington, September 19, 1827.*

SIR: The site which has been selected by Colonel Leavenworth for a permanent cantonment near the mouth of the Little Platte, in virtue of the general order of March 7, (No. 14,) is approved by the general-in-chief. The selection of the *right* instead of the "left bank" of the Missouri, for the reasons assigned by the colonel in his report of the 8th of May, addressed to department headquarters, is deemed to be judicious, and is therefore approbated.

I am, sir, very respectfully, your obedient servant,

R. JONES, *Adjutant General.*

Major General GAINES,  
*Comd'g Western Department, Cincinnati, Ohio.*

QUARTERMASTER GENERAL'S OFFICE,  
*Washington City, July 11, 1854.*

SIR: Your communication of the 10th instant, with the accompanying copy of the original map of the military reserve at Fort Leavenworth, east of the Missouri river, is received. The object of the department is to obtain a plat of the reservation lying on the *west* side of that river, which I have accordingly to request may now be furnished.

Very respectfully, your obedient servant,

THOMAS S. JESUP,  
*Quartermaster General.*

JOHN WILSON, Esq.,  
*Commissioner General Land Office, Washington City, D. C.*

GENERAL LAND OFFICE,  
*July 11, 1854.*

SIR: In reply to your communication of this date, requesting a copy of the plat of the military reservation at Fort Leavenworth, on the *west* side of the Missouri river, I have to state, that there does not appear to have been any action through this office for reserving lands at that post *west* of the river, but only the portion east of the river, oppo-

site the fort, as shown by the map transmitted with my letter of the 10th instant.

I am, very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

Lieut. Col. CHARLES THOMAS,

*Deputy Quartermaster Gen. in charge, War Dep't.*

*Endorsements on the above.*

Respectfully referred to the adjutant general. It is understood that a reserve was made by order of the President of the United States within the Indian territory west of Missouri, the site of the present post of Fort Leavenworth, and that the order for the reserve was issued from the adjutant general's office. Is there a report and survey of the reserve in the office? If there be no evidence of the reserve having been made, we may lose the site with all the improvements.

THOMAS S. JESUP, *Quartermaster Gen.*

JULY 14, 1854.

Respectfully returned to the quartermaster general. It does not appear from our examination of the records of this office, that any reservation has ever been made at Fort Leavenworth on the west side of the Missouri river.

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *July 18, 1854.*

Respectfully returned to the Adjutant General.

It is desirable that the lands necessary for military purposes at Fort Leavenworth be formally set apart for military purposes, otherwise they will be seized upon by squatters, and the public will lose not only the land but the improvements. I respectfully recommend that the proper orders be issued for surveys to be made, and that the authority of the President to the Land Department be obtained to reserve from sale the lands now occupied, and which are considered necessary for military purposes.

THOS. S. JESUP,

*Quartermaster General.*

AUGUST 3, 1854.

Respectfully submitted to the Secretary of War.

It does not appear to have been the practice of the department to make reservations of lands for military purposes within the Indian territory, the laws regulating trade and intercourse with Indian tribes being, in that case, sufficient to prevent intrusion. But as the lands in the neighborhood of Fort Leavenworth are now about to be surveyed and brought into market, it is recommended that the land at that post, required for military purposes, be now set apart and reserved from sale by the President.

S. COOPER,

*Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *August 7, 1854.*



Let orders be given to have a survey made and a reservation laid off, including the buildings and improvements, and so much land as is necessary for military purposes, looking to its use as a main depot and cavalry station. A plat will be made, and such a description of the tract given, as will enable the Commissioner of the General Land Office to have it marked on the plats of the public lands.

JEFFERSON DAVIS,  
*Secretary of War.*

WAR DEPARTMENT, *August 9, 1854.*

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ADJUTANT GENERAL'S OFFICE,  
*Washington, August 11, 1854.*

SIR: By direction of the Secretary of War, you will cause a survey to be made, and a reservation laid off, including the buildings and improvements and so much land as may be necessary for military purposes, at Fort Leavenworth, looking to its use as a main depot and cavalry station.

A plot of the reservation will be made, and such a description of the tract given, as will enable the Commissioner of the General Land Office to have the reservation marked upon the plats of the public lands.

Very respectfully, your obedient servant,

S. COOPER,  
*Adjutant General.*

COMMANDING OFFICER,  
*Fort Leavenworth, Missouri.*

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WAR DEPARTMENT,  
*Washington, October 14, 1854.*

SIR: I herewith enclose a map and field notes of a survey of a tract of land at Fort Leavenworth to be reserved for military purposes under an order of the President, dated the 10th instant, and endorsed upon the papers.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,  
*Secretary of War.*

HON. R. McCLELLAND,  
*Secretary of the Interior.*

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FORT LEAVENWORTH,  
*Kansas Territory, September 28, 1854.*

COLONEL: I herewith enclose field notes of a survey made for a military reserve at Fort Leavenworth, in obedience to instructions received by me, dated Adjutant General's Office, Washington, August

11, 1854, and by this mail I forward a map of said reserve in Kansas territory. This is entirely independent of the reserve in Missouri, which I consider at present necessary to retain on account of the timber, ferry, &c.

It appears from records in the possession of Mr. J. C. McCoy, who assisted in making a survey, that in October, 1830, a reservation was laid off, the southern boundary of which commences at the same point that the present southern boundary commences, and corresponds with it, with the exception of a slight offset, which you will observe running around the farm fence, containing a tract of about one hundred acres, which lies on the Delaware lands.

The line was run in this manner to include, according to instructions, all the improvements; but, as it is clearly land already assigned to the Delawares, and it is the only land in the reservation that can be claimed by any Indians, I would respectfully suggest that the straight dotted line across the farm field be made the boundary, and that the assistant quartermaster at this post be directed to move his fence to conform therewith.

The line thence continues with the southern boundary, but as the reserve, as formerly laid out, was much larger than I conceived necessary under my instructions, I only went out  $2\frac{3}{4}$  miles on this line, and thence along the top of the bluffs as near as I could to make a good boundary to the Missouri river.

I am, colonel, very respectfully, your obedient servant,

F. E. HUNT,

*Capt. 4th artillery, comd'g post.*

Colonel S. COOPER,

*Adjutant General U. S. army, Washington, D. C.*

Respectfully submitted to the Secretary of War. Please see herewith a copy of the instructions to the commanding officer at Fort Leavenworth to cause the reservation to be laid off and surveyed.

S. COOPER,

*Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *October 9, 1854.*

The accompanying field notes and map of reservation for military purposes are submitted to the President, and recommended for his approval and orders, as indicated within.

JEFFERSON DAVIS,

*Secretary of War.*

OCTOBER 10, 1854.

Ex. Doc. 58—2