

5-23-1882

Disposition of Lands in Military Reserves

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IN THE SENATE OF THE UNITED STATES.

MAY 23, 1882.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1814.]

The Committee on Military Affairs, to whom was referred the bill S. 1814, have duly considered the same, and submit the following report:

This bill provides for the disposition of all the lands embraced in the Fort Rice military reservation in Dakota, and of all the lands in the Fort Randall military reservation lying east of the Missouri River.

The following is the history of these reservations, as taken from War Department reports:

FORT RICE, DAK.

Post established July 11, 1864.

Located on the west bank of the Missouri River, about 10 miles above the mouth of the Cannon Ball River, and 28 miles south from Bismarck, on the Northern Pacific Railroad.

Reservation declared by the President September 2, 1864, and (the same lands) January 22, 1867; 25 miles long and about 7 miles wide.

January 27, 1878, Lieutenant-General Sheridan recommended that the post be broken up, having fulfilled the object for which it was built, and as the troops could be quartered elsewhere without any additional expense. (See H. Ex. Doc. 79, Forty-fifth Congress, second session.)

Post abandoned and garrison withdrawn November 25, 1878 (per Special Orders 133, Department Dakota, November 18, 1878), pursuant to a letter of authority from the Adjutant-General's Office to the Lieutenant-General, dated May 16, 1878, which also directed that after the withdrawal of the garrison the fact be reported with information as to whether or not the reservation would again be required for military purposes, in order that if not needed steps might be taken for its disposition.

A detachment remained to transfer property and destroy post until February 6, 1879.

January 24, 1880, the department chief quartermaster reported that all public buildings and other public property had been removed from Fort Rice, and February 24, 1880, the department commander reported that the reservation was no longer required for military purposes.

FORT RANDALL, DAK.

Reduction.

Post established June 26, 1856, and still garrisoned.

Located on the right bank of the Missouri River, 75 miles by land above Yankton, and 100 miles or more by river.

Reservation declared by the President June 14, 1860.

September 9, 1867, that portion of the reservation north of the Missouri River and west of the Yankton Indian reservation was relinquished to the Interior Department, but October 25, 1870, the reserve was, with consent of said department, restored to its original limits.

Under act of Congress approved May 18, 1874 (published in General Orders No. 47, of 1874, Adjutant-General's Office copy herewith), the Secretary of War transferred to the Interior Department certain portions of the reservation occupied by settlers prior

to the date of the President's order declaring the same, or while not under military control, between the years 1867 and 1870.

By letter of December 2, 1879, the Secretary of War recommended to the House of Representatives the relinquishment to the Interior Department of the portion of the reserve north of the Missouri River not already confirmed to settlers under the act of Congress approved May 18, 1874, before mentioned. The portion thus recommended for relinquishment is located in Charles Mix County. (See in this connection bill H. R. 4575, Forty-sixth Congress, second session, and Report No. 744, accompanying same.)

Neither of these reservations has any government buildings, or is any longer needed or used for military purposes.

Similar bills have been introduced in the House of Representatives, and in answer to communications from the House committee the following letters have been received from the Secretary of War :

WAR DEPARTMENT,
Washington City, January 30, 1882.

SIR: Referring to bill H. R. 2749, entitled "A bill vacating the Fort Rice military reservation in the Territory of Dakota," a copy of which was received with your letter of the 20th instant, requesting the views of this department in relation thereto, I have the honor to invite attention to Executive communication of the 26th instant, transmitting to Congress a letter of this department of the 17th instant, reporting a list of reservations no longer needed for military purposes, and recommending legislation to provide for their disposal.*

Said list, which, with its accompanying papers, was, on the 26th instant, referred to the Committee on Military Affairs, includes the Fort Rice reservation, mentioned above.

The bill (2749) meets the approval and recommendation of the General of the Army and of this department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. GEO. R. DAVIS,
Of the Committee on Military Affairs, House of Representatives.

WAR DEPARTMENT,
Washington City, January 30, 1882.

SIR: Referring to bill H. R. 1896, entitled "A bill vacating all that portion of the Fort Randall military reservation, in the Territory of Dakota, lying east of the Missouri River," a copy of which was received with your letter of the 20th instant, with request for the views of this department in relation thereto, I have the honor to invite attention to Executive communication of the 26th instant, transmitting to Congress a letter of this department of the 17th instant, reporting a list of reservations no longer needed for military purposes, and recommending such legislation as will provide for their disposal.*

Said list, which, with its accompanying papers, was, on the 26th instant, referred to the Committee on Military Affairs, includes a portion of the Fort Randall reservation, named above.

The bill (1896) meets the approval and recommendation of the General of the Army and of this department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. GEO. R. DAVIS,
Of the Committee on Military Affairs, House of Representatives.

The following communications were also transmitted by the Secretary of the Interior :

DEPARTMENT OF THE INTERIOR,
Washington, May 3, 1882.

SIR: I have the honor to invite your attention to the inclosed communication of the 2d instant from the Commissioner of Indian Affairs touching the provisions of bill H.

* House Ex. Doc. No. 39, Forty-seventh Congress, first session.

R. 2749, Forty-seventh Congress, first session, "vacating the Fort Rice military reservation in the Territory of Dakota." A copy of said bill and a draft of the military reservation, the restoration of which to the public domain is contemplated thereunder, will also be found herewith.

In view of the fact that the passage of the bill as introduced will deprive the Sioux Indians, upon whose reservation in Dakota a portion of the military reserve is situated, of a number of square miles of land, the Commissioner recommends that an amendment be introduced in the bill after the word "reservation," in line four, the following: "Except so much thereof as lies within the Sioux Indian reservation, being the lands south of Cannon Ball River and west of the Missouri River;" which is shown on the tracing by red coloring.

Approving the recommendation of the Commissioner, I respectfully present the matter for the consideration and action of your committee and of Congress.

Very respectfully,

H. M. TELLER,
Secretary.

HON. D. C. HASKELL,
Chairman Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 2, 1882.

SIR: My attention has been called to bill H. R. 2749 (copy herewith), Forty-seventh Congress, first session, "vacating the Fort Rice military reservation, in the Territory of Dakota," whereby all the lands embraced in said reservation are to be opened and made subject to entry as other public lands in said Territory, and the Commissioner of the General Land Office is authorized to issue the instructions necessary to carry the provisions of said bill into effect.

This military reservation was first set apart by the order of the President, as follows:

EXECUTIVE MANSION, *September 2, 1864.*

Let the Fort Rice military reservation be established according to the inclosed diagram, as recommended by the Departments of War and the Interior.

A. LINCOLN.

This was followed by a later order, made by President Johnson, as follows:

The reservation for Fort Rice, Dakota Territory, according to the inclosed plat and description, signed "A. Sully, Brig.-General," is hereby made for military purposes, and the Secretary of the Interior will cause it to be noted in the Land Office to be reserved as a military post.

ANDREW JOHNSON.

EXECUTIVE MANSION, *January 22, 1867.*

The outboundaries of the lands designated on said plat are as follows:

"Commencing at a point on the Missouri River two miles below the mouth of the Cannon Ball River; thence due west six miles; thence in a northerly direction to a point on the west bank of the Missouri River opposite the mouth of Apple Creek; thence across the Missouri River and along Apple Creek four miles; thence south 30 E. until it strikes Long Lake Creek; thence in a southerly direction to a point of beginning."

All of the lands south of the Cannon Ball River and west of the east bank of the Missouri River, embraced in said Executive orders establishing the Fort Rice military reservation, are within the limits of the Sioux Indian Reservation. The northern boundary of the Sioux Indian Reservation was definitely established at the time of the cession of the "Black Hills" country by an act of Congress entitled "An act to ratify an agreement with certain bands of the Sioux Nation of Indians, and also with the Northern Arapaho and Cheyenne Indians," approved February 25, 1877 (19 Stat., p. 254), which is as follows: "and the northern boundary of their said reservation shall follow the said south branch to its intersection with the main Cannon Ball River, and thence down the said main Cannon Ball River to the Missouri River."

By report H. R. No. 847 (herewith), which accompanied bill H. R. 2749, it appears that said bill has the approval and recommendation of the General of the Army and of the War Department, and the Committee on Military Affairs has recommended the passage of the bill. Should this bill, in its present shape, become a law, it would be a

violation of a solemn agreement with the Sioux Indians, some of whom have already made settlement and improvements on these lands. Not only this, but a conflict between the Indians and white settlers is imminent, the latter attempting to drive the Indians from their homes, and refusing to allow them to cut wood sufficient for domestic uses.

In view of the foregoing facts, I respectfully recommend that the attention of Congress be called to this matter, and suggest that said bill be so amended as to exclude all that portion of land lying within the limits of the Sioux Indian Reservation, as established by the act of February 23, 1877, by inserting after the word "Reservation" in line four of the first section the words "except so much thereof as lies within the Sioux Indian Reservation, being the lands south of Cannon Ball River and west of the Missouri River."

I submit herewith a tracing showing the boundaries of the Fort Rice military reservation, that portion thereof which lies within the Sioux Indian Reservation being indicated thereon in red.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

The recommendations of the Secretary of the Interior and the Commissioner of Indian Affairs are approved, and your committee have prepared a substitute for said bill to meet these recommendations, and recommend the passage of the substitute herewith reported.

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