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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 11, 1890.—Ordered to be printed.

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

REPORT :

[To accompany bill S. 73.]

The Committee on Military Affairs, to whom was referred the bill (S. 73) for the relief of A. D. Babcock and wife, of Oregon, having duly considered the same, respectfully report :

A bill similar in its provision was introduced in the Forty-eighth, Forty-ninth, and Fiftieth Congresses, and referred to the honorable Secretary of War for report. A report was duly made by Mr. Secretary Endicott, but no report was made by the committee.

The object of this bill is to pay A. D. Babcock and wife for the use and occupation by the United States of certain lands situated in the State of Oregon and described in said bill. From said report of the Secretary of War, and from evidence submitted it appears that the lands in question were settled, improved, and occupied as early as April 1, 1854, by A. D. Babcock and his wife, under the Oregon donation laws, and that a patent to said donees was duly issued by the United States, March 2, 1883, therefor, to wit: Oregon donation claim No. 58, notification No. 8033, donation certificate No. 4000, being part of sec. 8, Tp. 6, S., R. 27 W., Willamette Base and Meridian, containing 159²⁵/₁₀₀ acres.

That said lands were selected as a military post by the late Major-General William B. Hazen, Chief Signal Officer, U. S. Army, in 1856, as certified to by him on February 16, 1885; he having selected these lands whereupon to establish and erect Fort Yamhill for the use of the army serving in Oregon. Its occupation and use is duly certified to by General William B. Hazen, U. S. Army; by the late General Sheridan, U. S. Army; by General A. J. Smith, U. S. Army (retired); by Dr. Gleason, late assistant surgeon U. S. Army; by Col. C. A. Reynolds, Deputy Quartermaster-General U. S. Army; by Captain Lafollett, First Oregon, United States Volunteers; by J. H. Batchelder, Quartermaster-General U. S. Army; and also sworn to by General Benjamin Simpson, late U. S. surveyor-general for the State of Oregon; by Nathan Hussey, George Thorpe, Lewis Bosley and William Savage, reputable citizens of Oregon, all cognizant of the facts.

The reports from United States Surveyor-General Tolman, and S. T. Barin, register United States land office, Oregon City, Oregon, show that said lands were also inside of the Grande Ronde Indian Reservation, established June 30, 1857 (Senate Ex. Doc. 26, Thirty-fourth Congress, first session), as well as a part of the military post of Fort Yamhill, established by General Hazen in 1856 and garrisoned by General Sheridan under Special Orders 33, headquarters Department of the Pacific,

of April 20, 1856; both of these dates, however, were subsequent to the date of the location upon these lands by said donation claimants, A. D. Babcock and wife. Under the Oregon donation act of Congress the donees were entitled to the land for which a patent was subsequently issued as before stated. From the evidence it sufficiently appears that these lands were taken possession of by the United States in 1856 and 1857, and were continuously used and occupied by the United States for over ten years, some portions thereof for Indians, and other portions thereof for military purposes.

The value of the use and occupation of these lands is variously estimated from \$2,000 to \$3,000. The estimate of the Secretary of War is \$2,000, which is the lowest estimate of all. General Hazen puts it at \$3,000.

The committee have taken the lowest sum and recommended that the bill be amended by striking out the words "three thousand" and inserting "two thousand," and recommend the passage of the bill as amended.

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