

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

7-25-1892

Fort Brown Military Reservation

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 2050, 52nd Cong., 1st Sess. (1892)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

FORT BROWN MILITARY RESERVATION.

JULY 25, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. OUTHWAITE, of Ohio, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 9649.]

The Committee on Military Affairs, having had under consideration the bill (H. R. 9649) "To provide for the purchase of the Fort Brown military reservation," etc., and the preambles and resolutions relative thereto, introduced by the gentleman from Indiana (Mr. Holman), beg to report that they have given the matter careful consideration and find the facts substantially as stated in the preambles of the resolutions.

A full investigation of this subject was made by the Fiftieth Congress, and also by the Fifty-first Congress, and both committees of investigation reported \$50,000 to be ample compensation for the title to the reservation and for all claims for use and occupation since the same has been in use by the United States. (See Reports 2543, Fiftieth Congress, and 3650, Fifty-first Congress.)

Your committee is inclined to believe that the sum would be liberal.

Your committee is convinced that the site is wholly unfit for a military post; that it is the most unsanitary post in the United States; and that it is of no strategic value or importance whatever at the present time.

In 1883 General Sherman, then General of the Army, in his annual report says:

Fort Brown is subject to overflow and during the present year has been afflicted with yellow fever in the worst form. I advise its absolute abandonment.

Again, in the same report he says:

The following military posts are obsolete and ought to be abandoned: * * *
Fort Brown, Tex.

General Sheridan, in his testimony before the committee, testified as follows:

Q. What, in your opinion as a military man, is the strategic value of this post?—
A. Very little. It has very little value.

Q. What, from a military standpoint, would justify its establishment?—A. I mean it has a very little value now, since new conditions have obtained and since railroads have been built.

Q. You mean it is no longer an important point as a crossing point from one country to the other?—A. No, sir.

Q. That the growth and development of the country and the building of railroads have transferred what particular advantages it had to other points?—A. Yes, sir.

The committee append hereto the reports of the Committee on Military Affairs of the Fiftieth Congress, giving the history of the matter to that date, which the committee indorse.

The recent census shows that the population of Cameron County, in which Brownsville is situated, has fallen off heavily during the past 10 years.

The sanitary condition of Fort Brown is well set forth in the following extract from the Annual Report of the Surgeon-General, U. S. Army, for the year 1889, page 32 :

Surgeon J. C. Baily, medical director, Department of Texas, in forwarding a sanitary report from Fort Brown, Tex., remarked :

"During the month of November, 1888, 58 per cent. of the command at Fort Brown was taken on sick report for intermittent fever alone. This does not fully represent the ill health of the command. On an inspection of the post, February 24, 1889, when the number of admissions had fallen much below that of November, I found members of nearly all the officers' families suffering with some form of malarial troubles. I was informed that many of the men, when suffering from chills, preferred continuing on duty to reporting sick. The washed-out appearance of nearly every soldier in the command plainly showed the unhealthful surroundings. This post is closely hemmed in on the north by a large town (5,000 or 6,000) which is practically undrained and filthy beyond description ; on the east by a marsh, and south by a lagoon which for 8 months of the year is cut off from the river. Into this marsh and lagoon all the sewage of the post drains. The lagoon is within 30 feet of the officers' quarters, and the marsh crowds up on occupied buildings on the other side. There must be taken into account the probability of the command being hemmed in by a yellow-fever quarantine. It will be a mild epidemic that does not decimate it in its present condition. If this unwholesome spot must be occupied I can only recommend that the garrison be reduced to the minimum and entirely changed every year."

The Surgeon-General of the Army in the same report, page 27, says :

At Fort Brown, which must be set down as the most unhealthy post in the country, 286 cases of malarial disease, or nearly two attacks yearly for each man of the garrison, added 1,986.11 to the admission rate and 26.72 to the noneffectives.

These fevers alone give this post a much higher rate of admission than was given to the Army by all diseases and injuries.

The Surgeon-General in his report for 1890 says (p. 25) :

The posts which have the highest rates of admission in the Army are Fort Brown, 3,710; Fort McPherson, 3,417; Willets Point, 2,338; Little Rock Barracks, 2,379; and Columbus Barracks, 2,319. Those having the highest rate of nonefficiency are Fort Brown, 114.44; Columbus Barracks, 92.74; Little Rock Barracks, 84.82; Fort McPherson, 72.80; and Fort Logan, 70.78. Fort Brown in thus seen to have the worst record of any post in the Army. The nature of the prevailing diseases has already been mentioned. This post held the same unenviable position in 1888 and 1889, but before that time, although it has had always a large noneffective rate from sickness several of the posts exceeded it, as for instance Jefferson Barracks in 1885 to 1887, Columbus Barracks in 1884 and 1885, Fort Grant in 1887, Forts Davis and Robinson in 1886, and Jackson Barracks in 1884.

And again on page 37, same report :

If Fort Brown, Tex., were expunged from the list of military stations the prevalence of malarial disease in our Army would be greatly reduced. That post had an admission rate of 1,676 per thousand of strength, and 38.58 of non effectiveness. Fort Sill, Ind. T., took second place as regards admissions, 692; but the cases were light, giving only 7.85 of non efficiency, while Fort Reno, Ind. T., gave 21.93, and Little Rock Barracks 10.79; both with relatively fewer admissions than Fort Sill. These are the notably malarious posts of our Army, although there is yet room for considerable improvement in the rates of Fort Gibson, Ind. T.; Columbus Barracks, Ohio; Fort Clark, Tex., and Jefferson Barracks, Mo.

The committee here insert the table from Surgeon-General's Report, 1890, page 111:

TABLE XIV.—Twenty posts giving the highest admission rates for malarial diseases, rheumatism, diarrheal, and venereal diseases, respectively.

I.—MALARIAL DISEASES.

Names of stations.	Mean strength.	Ratios per 1,000 of mean strength.			
		Admissions.	Deaths.	Discharges for disability.	Constantly noneffective.
Fort Brown, Tex.....	145	1,675.86	.....	.....	38.58
Fort Sill, Ind. T.....	278	695.03	.....	.....	7.85
Little Rock Barracks, Ark.....	95	547.37	.....	.....	10.79
Fort Reno, Ind. T.....	255	415.70	.....	.....	21.93
Camp Del Rio, Tex.....	12	384.62	.....	.....	5.90
Jackson Barracks, La.....	40	350.00	.....	.....	4.11
St. Francis Barracks, Fla.....	58	344.84	.....	.....	6.99
Fort Gibson, Ind. T.....	84	333.33	.....	.....	3.62
Columbus Barracks, Ohio.....	599	273.79	.....	.....	5.76
Fort Clark, Tex.....	349	266.48	.....	.....	7.94
Jefferson Barracks, Mo.....	636	254.71	.....	L 57	8.60
Fort Hamilton, N. Y.....	190	231.58	.....	.....	6.42
Fort Bidwell, Cal.....	131	229.01	.....	.....	3.12
Willota Point, N. Y.....	381	225.72	2.62	.....	2.70
Fort Leavenworth (post), Kans.....	594	207.37	.....	.....	4.91
Fort Barrancas, Fla.....	61	196.71	.....	.....	5.75
Washington Barracks, D. C.....	251	195.21	.....	.....	3.36
Indianapolis Arsenal, Ind.....	26	192.31	.....	.....	1.48
Fort Klamath, Oregon.....	37	189.19	.....	.....	1.41
Frankford Arsenal, Pa.....	37	189.19	.....	.....	10.96

The Secretary of War, in his annual report for 1889, after referring to the investigation in the last Congress in regard to Fort Brown, concludes as follows:

In this connection attention is called to the report of the Surgeon-General for the past year, by which it appears that Fort Brown is the unhealthiest post in the country; also to the fact that General Sherman in his report for 1882 recommended its abandonment. There is a national cemetery near the fort, for which provision will need to be made in case the fort should be given up.

I have not felt justified in expending any portion of this appropriation of \$160,000, made by the act of March 3, 1885, pending action on the resolution referred to.

The committee therefore report, in view of the unsanitary condition of the post at Fort Brown, its want of strategic importance, and the recommendations of General Sherman, that it ought to be abandoned.

The committee further recommend that the value of the use and occupation of the lands, since it has been occupied by the United States, be referred to the Court of Claims, to determine the amount due to the claimants of said land, and the amount that should be paid each of said claimants.

The committee also report back the second of the resolutions referred to it, and recommend that it do pass, as follows:

Resolved, That the Secretary of War be requested to withhold the payment of any part of said sum of \$160,000 for the ground and rents of the said Fort Brown Reservation.

The committee append hereto a communication from the Secretary of War with reference to the subject of the resolutions.

WAR DEPARTMENT,
Washington, D. C., September 27, 1890.

SIR: Referring to our conversation of this morning touching the pending resolution in relation to Fort Brown, Tex., your attention is invited to the fact that a similar one was before the House of the Fiftieth Congress, which was reported upon by the Military Committee June 9, 1888.

The subject was fully investigated by said committee, and their report (No. 2543, Fiftieth Congress, first session), presents a succinct history to that date. The testimony taken by the committee, which is quite voluminous, is published as House Miscellaneous Doc. No. 419, Fiftieth Congress, first session, to which, as well as to the report mentioned, attention is respectfully invited.

In submitting the said report the committee accompanied the same with a bill (H. R. 10422) which provided that the sum of \$50,000 be appropriated "to enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown Reservation, Texas, and to pay and extinguish all claims for the use and occupancy of said reservation," provided that a perfect title shall be secured and the full amount of the price, including rent, be paid directly to the owners of the property. The bill was recommitted to the Committee on Military Affairs, who reported January 16, 1889 (H. R. 3760, Fiftieth Congress, second session), recommending its passage. The report was committed to the Committee of the Whole House, and no subsequent action appears to have been had.

The sanitary conditions surrounding Fort Brown have been such as to render it the most unhealthy post in the country, and the question of its abandonment has been under consideration. The military authorities, however, have not as yet recommended its relinquishment. The amount to be paid for its purchase and rent for past occupancy is a question for the determination of Congress.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. B. M. CUTCHEON,
Chairman Committee on Military Affairs, House of Representatives.

[House Report No. 2543, Fiftieth Congress, first session.]

The Committee on Military Affairs, who were instructed by the House to investigate certain matters in regard to the purchase of the site of the Fort Brown military reservation at Brownsville, Tex., and as to the advisability of the continuation of a military post at that point, having completed their investigation of the same, report as follows:

The resolution under which the investigation was conducted passed the House January 25, 1888, and reads as follows:

"Whereas it appears that by an act passed March, 1885, the sum of \$160,000 was appropriated to enable the Secretary of War to acquire a good and valid title for the United States to the Fort Brown reservation, Tex., and to pay and extinguish all claims for the use and occupation of said reservation, provided that no part of this sum should be paid until a complete title be vested in the United States:

"Whereas it is alleged that disputes have arisen between the claimants as to their respective shares of this appropriation, and that the Secretary of War has not paid any part of said amount;

"Whereas by an act of Congress passed in 1875 the sum of \$25,000 was appropriated for the purchase of the grounds and payment of the said Fort Brown, and in the report of General Sherman as to the sufficiency of the said sum, it is alleged that the payment of \$160,000 therefor would be a fraud on the Government;

"Whereas it is alleged that it will appear from the documentary evidence in the War Department, the Quartermaster-General's Office, also the evidence of officials now in Washington who have served at said post, likewise the testimony of other citizens which can be obtained, that the sum of \$50,000 would be a large price to pay for said reservation, including rent for the use and occupation of the same: Therefore,

Resolved, That the Committee on Military Affairs be instructed to investigate the subject-matter herein named, with authority to send for persons and papers; also to inquire into and report as to what necessity exists, if any, for a military post at said point, and the cost to the United States of said post since 1865.

Resolved, That the Secretary of War be requested to withhold the payment of any part of said sum of \$160,000 for the grounds and rents of the said Fort Brown reservation."

In pursuance of the above, the committee proceeded to conduct a thorough investigation into the subject-matters mentioned in the resolution. In the outset the

parties claiming title to the reservation were notified that any witness they desired to have appear before the committee would be subpoenaed at the expense of the Government. In accordance with such notification, the counsel for the claimants presented to the committee a list of names of persons he desired called as witnesses, every one of whom was subpoenaed at the expense of the Government, and gave testimony in the matter. A large number of witnesses have been sworn, and considerable testimony has been taken, which is submitted herewith. Great latitude was allowed in the examination of witnesses, in order that the inquiry might develop all the circumstances bearing upon the matter investigated.

It will be observed that the resolution instructs the committee to investigate and report upon three points: (1) As to what necessity exists at present, if any, for a military post at said place; (2) the cost to the United States of said post since 1865; and (3) whether the sum of \$160,000, appropriated in 1885 to enable the Secretary of War to acquire title to said reservation, is a fair and reasonable amount to pay for the title in fee and to liquidate all claims for use and occupation by the Government since 1848.

(1) As to the necessity for a military post at that place. On this point General Sheridan testified that a small post ought to be kept there. In view of this testimony, the committee recommend that the post be continued as a one or two company post, provided the amount recommended by the committee to be paid the owners of the property (\$50,000) is concurred in by Congress. Otherwise it would be better for the Government to abandon the post entirely.

(2) As to the cost to the United States of said post since 1865. The communications from the Quartermaster-General on this subject, which are contained in the copy of the evidence submitted herewith, show that it is a difficult matter to arrive at exactly the cost of maintaining this particular post during the length of time indicated. This is owing to the fact that for a number of years the posts of Ringgold Barracks, Fort McIntosh, and Fort Duncan were supplied via Fort Brown, and the disbursements made by officers stationed at Fort Brown included the expenditures for the transportation of all supplies to these points. Therefore the committee are unable, with any degree of accuracy, to determine the cost of maintaining Fort Brown since 1865.

(3) As to whether the sum of \$160,000 is a fair price to pay for the property, including the rent for use and occupation.

In order to properly comprehend this matter, it is necessary to briefly recite the history of the Government's occupation of this post. Fort Brown is situated on the Rio Grande River, opposite to and about 1 mile distant from the city of Matamoras, Mexico. The ground, which now comprises what is known as the Fort Brown reservation, consists of 358 acres, 25 acres of which were purchased by the Government about 10 years ago and are used as a national cemetery.

The reservation was first taken possession of by General Taylor's army, in 1846, during the war with Mexico, and the Government has retained possession of it ever since. In 1846, when the first fort was established, there were, substantially, no improvements upon the property; it was practically wild land. There was no city, town, or hamlet upon what is now the American side of the river. The land had no value to speak of. In the language of General Reynolds, who assisted in building the fort there in 1846—

"At this time, in 1846, that land had no value at all; you could buy large tracts of land there by paying a dollar a head for the stock; they threw the land in."

At the close of the Mexican war, and upon the signing of the treaty of Guadalupe Hidalgo on February 2, 1848, the middle of the deepest channel of the Rio Grande River became the boundary at that point between Mexico and the United States. This left the property occupied as Fort Brown within our domain.

In the mean time the town of Brownsville had sprung up adjacent to the fort, and immediately upon the north side of it. The committee are of the opinion that the building up of the town was largely the result of the establishment of the fort, and that if there had been no fort there no such town would have existed. Or, if the fort had been located a mile either up or down the river from where it was established, that the town would have followed the fort.

The town of Brownsville continued to grow after the Mexican war, until, in 1853, it had attained a population of 5,000 inhabitants. The principal business carried on was smuggling. Among the population were a large number of camp followers and stragglers of the army in Mexico, who were left there stranded at the close of the war. As the witness Henry Douglass testified:

"When the troops abandoned Mexico, they crossed the river and squatted there * * * The population was just such a class as you would find on the outer rim of civilization.

Another witness denominated it as "a smuggler's paradise."

In 1853 General Persifer F. Smith, who was commanding the Department of Texas, requested permission to institute proceedings in the State court of Texas for the pur-

pose of condemning the land within the limits of the garrison of Fort Brown for the use of the United States. This request was granted, and General Smith was directed by the Secretary of War to commence the proper proceedings:

Under his directions Stewart Van Vliet, who was acting as quartermaster at Fort Brown, commenced condemnation proceedings in the district court for the county of Cameron, Tex., and on the 29th day of November, 1853, a jury assessed the value of the property at \$50,000. No judgment was entered on this verdict until February 20, 1879, over 25 years after the rendition of the verdict, when, in the absence of anybody representing the United States, judgment for the amount of the verdict was entered *nunc pro tunc*, to relate back to the 29th of November, 1853.

This judgment stands to-day. No executive officer of the Government has ever advised the payment of it, and no act of Congress has ever been passed authorizing its payment.

Legally this judgment had no force against the United States. The Secretary of War had no authority whatever to bind the Government. He had no right to order condemnation proceedings to be instituted with a view of holding the Government responsible for whatever verdict a jury might render.

But it may be claimed that the award of the jury in 1853 is a strong circumstance as showing the value of the property at that time, and that, equitably, it ought to be considered. In the opinion of the committee the verdict of the jury ought not to have the slightest weight in arriving at a fair valuation of this land. That it was outrageously and grossly excessive is beyond question in the minds of the committee. That it was so regarded at the time it was rendered can not be doubted.

General Persifer F. Smith, in a letter dated December 14, 1853, in which he transmitted the finding of the jury to the Secretary of War, said that the award of \$50,000 was high, and that if the property were sold out in town lots it would not bring half that sum.

How the jury could fix such an inordinate and excessive valuation is, at first glance, incomprehensible to the committee. But when we consider the state of society prevailing in Brownsville at the time these proceedings were instituted and carried on, the verdict of the jury is not to be wondered at. The town was given over to a lawless and unprincipled class; society was in a demoralized condition. A large part of the population consisted of smugglers, gamblers, and cutthroats. Such an extravagant verdict can only be accounted for upon the hypothesis of the depraved and corrupt condition of a large portion of those who constituted the inhabitants of the town, and from whom those who rendered the verdict were drawn.

The committee feel bound to say that in good conscience this verdict should not be considered as having any bearing upon this investigation. Therefore they utterly and totally disregard the award of 1853 as being illegal, so far as the United States are concerned, inequitable, and unconscionable.

About 10 years ago the Government brought proceedings in the courts of Texas to condemn 25 acres inside of this reservation for the purpose of establishing a national cemetery. The amount awarded by the court was \$5,000. This sum the Government paid, and it now owns the 25 acres where the cemetery is located. This would reduce the acreage of the land now claimed for to 333 acres. The fact that the Government paid \$5,000 for the cemetery lot, or at the rate of \$200 an acre, is pointed to as indicating the value of the remainder of the property.

The naked truth of the matter is, that requiring the Government to pay \$200 an acre for the cemetery lot was an unqualified imposition. There was no possible excuse for the payment of such an unreasonable sum. The cemetery is surrounded by a lagoon, and is entirely inaccessible for pedestrians, except in low water. How the Government was ever induced to pay \$5,000 for the purchase of these 25 acres of wild land, surrounded by mud and water, passes the comprehension of the committee.

In 1869 Mrs. Cavazos, through whom the persons now owning the land acquired their title, presented a claim to the War Department for \$130,000 for damages to and rent of this property since its occupation by the Government. The Secretary of War referred the claim to Quartermaster-General Meigs, who instituted a careful investigation into the matter through Captain Wainwright, then stationed at Fort Brown. In his report upon the matter, dated July 20, 1869, General Meigs says:

"The value of the lands, some 358 acres, embraced within the reservation does not now exceed on the average \$2 to \$10 per acre in fee simple. Were the post abandoned a new site in as healthy a locality and equally commanding the river could be purchased for from 50 cents to \$2 per acre. The just annual rental which should be paid for the use of the 358 acres embraced within what has been called the military reservation of Fort Brown is very small. If it is set at \$500 a year, it will far exceed any reasonable interest upon the capital which represents the value of the land; indeed will exceed the probable total actual capital."

Making a calculation upon the basis of the report made by General Meigs, and taking the highest price per acre as fixed by him for the fee (\$10), and we have \$3,580 as a more than fair price for acquiring title to the land. Adding to that sum

the rent from 1848 to 1869, twenty-one years, at \$500 per year, and we have \$11,000 for the use and occupation of the property by the Government, making a total of \$14,500 as the amount, according to General Meigs's highest estimate, due the claimants in 1869 for the rent of the property and the title in fee, provided the Government purchased it.

If the basis of value fixed by General Meigs is to be taken into account in arriving at the worth of the property and rental to-day, then we compute the rent from 1869 to the present, nineteen years, at \$500 per year, which makes \$9,500. Add to this the \$14,500, and we have the sum of \$24,000 as the fair amount necessary to acquire the title to-day and extinguish all claims for rent according to the estimate of General Meigs in 1869. Rent is computed from 1848, because it was not until the close of the Mexican war that the United States established a permanent post there.

The next attempt to arrive at the value of this property was made under authority of an act of Congress of March 3, 1873, which was an act to provide for the purchase of land in the State of Texas for the sites of forts and military posts. Under that act a board of army officers was appointed to ascertain the value of the Fort Brown military reservation. After investigating the matter, the board reported that in their opinion \$25,000 was a fair valuation for the tract.

Subsequently, and on March 3, 1875, in accordance with the recommendation of this board, an act was passed appropriating the sum of \$25,000 for the purchase of this property. Nothing came of this, as no acceptance of this sum was ever tendered by the owners of the property. James Cox, the attorney for the owners, did offer to accept the \$25,000, if to that sum were added interest at 7 per cent. per annum from the time of the occupation of the land by the United States. This serves to show what the owners regarded as a just price for the property in 1875.

The interest on \$25,000 from 1848 to 1875, inclusive, 27 years, at 7 per cent. per annum, would be \$47,250. Add to that the principal, \$25,000, and we have a total of \$72,250 as the amount which the owners of the land were willing to accept in 1874, and give a title to the Government, and extinguish their claim for rent. Upon the basis of the admission of the claimant's attorney in 1875 it is interesting to ascertain what they were entitled to receive in 1885.

At the time the \$160,000 appropriation was made, computing interest on the \$72,250 from 1875 to 1885, 10 years, at 7 per cent. per annum, and the result is \$50,575, which, added to the \$72,250, would make \$122,825 as the amount which the claimants' own estimate fixed as the sum they were entitled to in 1885, notwithstanding that they demanded and succeeded in getting through Congress in that year a bill giving them \$160,000, or \$37,175 more than they themselves were willing to accept upon the basis of their offer in 1875.

Nothing is deducted in any of these computations for the 5 years during the war of the rebellion when the United States were not in occupation of this property and could not be held responsible for rent; but even this period has been covered, in order to show how immoderate are the demands of these claimants under the most free and generous calculations.

In the second session of the Forty-eighth Congress there was inserted in the sundry civil appropriation bill an item appropriating \$160,000 with which to purchase this property and to liquidate all claims for rent. The bill containing this item passed Congress and was approved March 3, 1885. The act provided that no part of the money should be paid until the United States should acquire a valid title to the property. It was not until the summer of 1887 that the title was perfected so that it could be conveyed to the Government.

In the mean time a resolution was introduced in the Forty-ninth Congress authorizing an investigation into the matter. This resolution was referred to the Committee on Military Affairs, and was afterwards reported back from that committee by General Bragg, and its passage recommended; but the resolution was never acted upon in the House. Early in the present session the resolution under which this investigation has been conducted was introduced, and passed the House on January 25 last.

At the point where this reservation is situated there is a large bend in the Rio Grande River, somewhat in the shape of an ox bow. Within this bend is located the reservation. The river has encroached considerably upon the north side, and the War Department has expended quite a sum in efforts to preserve the integrity of the river bank at that point. There is some danger that the river may ultimately cut its way across the northern part of the reservation and wash away the buildings belonging to the Government.

The committee are unanimously of the opinion that \$160,000 is an exorbitant amount for the Government to pay, in order to purchase the reservation and extinguish all claims for rent. When the post was first established there this reservation was, practically, wild, unimproved land, almost worthless in value; and to-day land anywhere around Brownsville can be purchased for an insignificant sum, as compared with the amount demanded by the owners of this property. In the opinion of

the committee, to force the Government to pay \$160,000 as provided by the act of March, 1885, would simply be to squander the public money.

The committee desire to deal liberally with the claimants, and after a careful consideration of the whole subject-matter recommend that the owners be paid the sum of \$50,000; that in consideration of the payment of said sum the owners shall convey a valid title to the United States and relinquish and satisfy all claims for rent or use and occupation.

The committee report herewith a bill amending the act of March, 1885, in accordance with this report, and recommend that the bill do pass. And that if this sum be not accepted by the owners of the property and a perfect title conveyed to the United States within 90 days after the passage of this bill, and all claims for rent satisfied, that the fort be at once abandoned, as other adjacent lands, equal in strategic importance, can be secured at a nominal cost.

The committee wish to add that no opprobrium attaches to members of the Appropriations Committee of the Forty-eighth Congress who recommended the appropriation of \$160,000. There is no doubt that if they had had the opportunity to examine this matter which has been afforded to this committee they would, unquestionably, have arrived at the conclusions herein set forth.

[House Report No. 3760, Fiftieth Congress, second session.]

The Committee on Military Affairs, to whom was recommitted the bill (H. R. 10422) relative to the purchase of the Fort Brown military reservation, respectfully report as follows:

The committee have examined certain affidavits and documents submitted to them by the owners of the title of said reservation, and, after carefully considering the same, they see no reason for changing their views as heretofore expressed in their report No. 2543, Fiftieth Congress, first session, and therefore report the bill back to the House and recommend that the same do pass.