

4-19-1898

## Fort Dodge Military Reservation.

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### Recommended Citation

H.R. Rep. No. 1115, 55th Cong., 2nd Sess. (1898)

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## FORT DODGE MILITARY RESERVATION.

APRIL 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT.

[To accompany H. R. 6087.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 6087) granting to the State of Kansas the abandoned Fort Dodge Military Reservation in said State as an addition to and for the use of the State Soldiers' Home, have carefully considered the same and respectfully submit the following report:

The bill grants the land to the State of Kansas as an addition to the State Soldiers' Home. There are 1,882.93 acres in this reservation. There are no public buildings on the land. It is situated in the western portion of the State and is not suitable for agricultural purposes.

The reservation has been abandoned for some years, and by Executive order of January 12, 1885, it was turned over to the Interior Department for disposal under the act of July 5, 1884. The Interior Department has decided that the land can not be disposed of under the act of August 23, 1894, as it contains less than 5,000 acres. It must be disposed of at public sale, after due advertisement, to the highest bidder for cash, at not less than the appraised value, as provided for by the second section of the act of July 5, 1884, unless Congress makes some other disposition of it.

The State must accept the donation within five years, and whenever the land shall cease to be used by the State for the purposes designated the same shall revert to the United States.

The soldiers now in the Home need the use of this land for the purpose of pasturing horses and cattle which they keep for their personal use, and, in the opinion of your committee, the land mentioned in this bill should be disposed of in the manner therein provided, and therefore recommend that the bill (H. R. 6087) do pass without amendment.

Neither the Secretary of the Interior nor the Commissioner of the General Land Office have any objection to the passage of the bill, as appears from their letters hereto attached and made a part of this report.

## FORT DODGE MILITARY RESERVATION.

DEPARTMENT OF THE INTERIOR,  
Washington, March 1, 1898.

SIR: I have the honor to transmit herewith copy of a report from the Commissioner of the General Land Office, dated the 25th ultimo, on H. R. 6087, "Granting to the State of Kansas the entire remaining portion of the abandoned Fort Dodge Military Reservation in said State as an addition to and for the use of the State Soldiers' Home."

The Commissioner sets forth very fully in his report the history of the reservation affected by the proposed legislation.

The Commissioner states that in the event Congress sees fit to donate the remaining portion of this reservation to the State of Kansas for the purpose indicated, his office has no objection to urge.

I concur in his conclusion.

Very respectfully,

C. N. BLISS, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,  
HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 25, 1898.

SIR: I am in receipt, by your reference of February 18, 1898, for report in duplicate and return of papers, of H. R. bill No. 6087, "Granting to the State of Kansas the entire remaining portion of the abandoned Fort Dodge Military Reservation in said State as an addition to and for the use of the State Soldiers' Home," transmitted to your Department by Hon. John F. Lacey, chairman of the Committee on the Public Lands, House of Representatives, with request for any information or suggestions thereon that you may deem proper to aid the committee in its consideration thereof.

In reply I have the honor to state that this bill is identical with H. R. bill No. 1883, upon which this office made a report January 14, 1896.

The Fort Dodge Military Reservation was established by Executive order of June 22, 1868, and originally contained 14,661 acres, a portion of which was within the limits of the Osage Indian trust lands.

The act of Congress of December 15, 1880 (21 Stat., 311), after setting forth that a certain part of the reservation was no longer needed for military purposes, directed the Secretary of the Interior to cause all that portion thereof in the State of Kansas lying north of the land owned and occupied by the Atchison, Topeka and Santa Fe Railroad Company, for right of way of its road, to be surveyed, sectionized, and subdivided as other public lands, and thereafter to offer said lands to actual settlers only under the provisions of the homestead laws, with the proviso that the railroad company should have the right to purchase such portion thereof as it might need for its use adjoining that then owned by it, not exceeding 160 acres, by paying therefor the price at which the same might be appraised by the Secretary of the Interior.

The portion of the reservation north of said railroad was disposed of in accordance with said act, except that portion in the said Indian reserve.

The act of Congress of May 28, 1880 (21 Stat., 143), provided for the manner of the disposal of the Osage Indian trust lands.

By Executive order of January 12, 1885, the reservation was turned over to the Interior Department for disposal under the act of July 5, 1884 (23 Stat., 103). That portion of these lands in the Indian reserve, except the subdivisions containing buildings was, after the relinquishment of the reservation, disposed of in accordance with the said act of May 26, 1880.

The act of March 2, 1889 (25 Stat., 1012), authorizing the Secretary of the Interior to sell to the State of Kansas, for the establishment of a soldiers' home on conditions therein named, lots 3, 5, 6 and 7, sec. 3, T. 27 S., R. 24 W., which were described in said act as the "remaining portion of the Fort Dodge Military Reservation."

It appears from the records of this office that the State of Kansas purchased said lots (which lots contained Government buildings), June 13, 1889, and has fulfilled the conditions of said act by establishing and maintaining a soldiers' home thereon.

The Fort Dodge Reservation covered land in T. 25 S., Rs. 23 and 24 W., T. 26 S., Rs. 23 and 24 W., T. 27 S., Rs. 23 and 24 W.

The northern boundary of the Indian reserve passes through the extreme northern parts of section 30, T. 26 S., R. 23 W., and sections 25, 26, 27, 28, and 29, T. 26 S., R. 24 W.

The Atchison, Topeka and Santa Fe Railroad passes diagonally from northeast to southwest across that portion of the reservation north of the Indian reserve and

through section 16, T. 26 S., R. 23 W., and through sections 13, 24, 23, 22, and 21, T. 26 S., R. 24 W.

As the act of December 15, 1880 (*supra*), opened to homestead entry the lands in this reservation north of the said railroad, and as the lands south of the northern boundary line of and lying within the said Indian reserve were disposed of under the act of May 26, 1880 (*supra*), there remained a triangular piece of land south of said railroad and north of the Indian reserve, lying in fractional sections 18, 19, and 30, T. 26 S., R. 23 W., and in fractional sections 13, 24, 23, 22, 21, 25, 26, 27, 28, T. 26 S., R. 24 W., the disposal of which was not provided for by any special act of Congress, and which naturally is subject to the provisions of the said act of July 5, 1884.

The said triangular piece of land is the remaining portion of the reservation, the donation of which to the State of Kansas is proposed by this bill. It contains 1,882.93 acres.

In the year 1889 the local officers at Garden City, Kans., erroneously allowed eleven homestead entries and one timber-culture entry to be made for these lands. These entries were, after proper procedure, canceled for illegality because the lands were not subject to homestead entry.

On April 9, 1892, and October 21, 1893, this office made unfavorable reports to the Department on H. R. bills Nos. 5683 and 338, respectively, "For the relief of certain settlers within what was formerly the Fort Dodge Military Reservation, in Ford County, Kansas, and to confirm entries of public lands erroneously allowed thereon."

The persons who made the entries above referred to were named in said bills, the object of which was to confirm their entries. Neither of said bills was passed by Congress.

The act of August 23, 1894 (28 Stat., 491), opens to settlement, under the conditions therein named, all lands in abandoned military reservations where the area exceeds 5,000 acres.

While this reservation originally contained 14,661 acres, yet at the date of the passage of said act of August 23, 1894, it contained only the 1,882.93 acres above mentioned, and I am of the opinion that this remaining portion of the reservation is not subject to the provisions of the said act of August 23, 1894, but must be disposed of at public sale, after due advertisement, to the highest bidder, for cash, at not less than the appraised value, as provided for by the second section of the act of July 5, 1884.

The lands in question were appraised December 21, 1897, at from \$1.25 to \$2.50 per acre, the total appraised value thereof being \$2,740.37. This appraisal has not yet been approved by the Department.

If Congress sees fit to donate the said remaining portion of this reservation to the State of Kansas for the purposes indicated this office has no objections to urge.

The bill and letter are herewith returned.

Very respectfully,

BINGER HERMANN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

