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MILITARY RESERVE ON THE ST. PETER'S RIVER.

MARCH 3, 1851.

Laid upon the table, and ordered to be printed.

Mr. BURR, from the Committee on Military Affairs, made the following

REPORT:

The Committee on Military Affairs, to whom was referred the Senate bill to reduce and define the boundaries of the military reserve at the St. Peter's river, in the Territory of Minnesota, and to secure the rights of the actual settlers thereon, have had the same under consideration, and beg leave to submit the following report:

The reserve whose limits the bill proposes to reduce, embraces a tract of country at the junction of the St. Peter's and Mississippi rivers, lying east and west of those streams. The Indian title to so much of it as lies east of the Mississippi was extinguished by treaty in the year eighteen hundred and thirty-eight. That part of the reserve west of that river will revert to the Indians, as they allege, when it shall cease to be a military reserve; they having never relinquished their title to it, as they insist. The Indians are in the immediate vicinity of the post. The post is still deemed, by the Secretary of War, an important one, both with reference to the Indians and to the remote post of Fort Gaines. The policy of selling a part of the reserve has been several times urged with earnestness on the Secretary of War, but he has declined to reduce its limits. The purpose to obtain fuel and grass for the post, and to prevent evil-disposed persons from retailing liquors to the soldiers, appears very properly to have suggested the large extent of this reserve. And although it has ceased, in a great degree, to be valuable for fuel and grass, its importance for the good government and well-being of the post, by keeping at a distance those who would introduce disorder and vice, is wholly undiminished, if it has not increased. When it shall be ascertained that any portion of this reserve may have become unnecessary to the post at Fort Snelling, the Secretary of War has ample power to dispose of it. Of this, he is, in the opinion of the committee, the only fitting and proper judge. And the committee earnestly deprecate any control of his discretion, at least until it shall appear that he has ceased to regard his duty as a public officer.

The committee have been wholly unable to perceive that individuals have acquired any rights on this reserve which it is the duty of the government to protect, or any rights whatever. Permission has been given to individuals, either by the Secretary of War or the commanding officer of the post, to reside on the reserve, but, in all instances, on the condi-

tion that they might be removed at discretion. These licenses have been sought by individuals for their own benefit, and bestowed on the above condition. Neither express nor implied obligations to allow them any other advantages than such as are incident to a mere temporary license, to be withdrawn at any moment, appear to have been incurred. As early as eighteen hundred and forty it became necessary to expel intruders from the reserve, and to remove others who had permission to be on it. No one could have been misled, therefore, to believe that he could acquire any of the rights of a settler by such special licenses as have been granted, and much less by an unauthorized and wrongful trespass on his part in settling on the reserve. The government mills, and the ferries across the Mississippi and St. Peter's, might be appropriated, under the provisions of the Senate bill, by those who are mere temporary occupants of them, under the temporary and special lease by which they were allowed to take possession of them. A list of the names of persons who were permitted to reside on the reserve, and a statement of the conditions on which the lease was granted, are contained in the communication of Brevet Major Woods to the Adjutant General, of the 4th of May, 1850, which is hereunto annexed.

From a communication from the same officer in command of the post, it appears that the most persevering and determined efforts have been made, and are yet continued, by individuals, to appropriate to themselves so much of this reserve as they choose to think is not necessary to the post. They have marked out their "claims" by blazing trees and driving in stakes, and threaten to maintain their "claims" by violence. These "claims," it appears to the committee, are the only "rights of actual settlers" which would be "protected" by the Senate bill. This communication is dated March 7, 1850, and is annexed. These proceedings, so unauthorized and lawless, have produced much excitement among the Indians, and call for the prompt and energetic interposition of authority. And the committee deem it their duty to say that the Secretary of War should at once expel from the reserve all such evil-minded persons, and take especial care that the public property be protected.

A careful consideration of the Senate bill, and of the circumstances under which claims are set up to this reserve, has brought the committee to the opinion that it would be highly inexpedient that the bill should pass the House, and so they report.

HEADQUARTERS FORT SNELLING,
May 4, 1850.

SIR: Your communication dated April 16, 1850, in relation to the military reserve of Fort Snelling, and calling for a list of residents upon said reserve, and by what authority they are so, was received by me on the third instant.

In reply, I would state that I am in hourly expectation of a boat to take my departure for Iowa, which will prevent me from gathering up the authority by which said occupants own their places; but I will turn over the papers to my successor, and request him to answer, in this respect, your letter.

I do not believe there is any person living on the reserve, by the au-

thority of the War Department, with the exception of Mr. Sibley; and I am not certain that he is. He has charge of the Fur Company establishment situated on the right bank of the St. Peter's river, nearly opposite the fort, where extensive and valuable improvements are now standing. There are many Frenchmen living about this establishment; but I have regarded them as dependants and employés of the company, and are on the reserve by virtue of their connexion with the Fur Company.

All others on the reserve, I believe, are there by the authority of the commanding officer of the post; and I will enumerate them:

1st. Mr. H. M. Rice received from me, in the winter of 1848, permission to erect a *warehouse* on the lower part of the reserve, on the left bank of the Mississippi river. Mr. Rice was at that time the contractor for forwarding the public supplies to Fort Gaines. This permission was given to him in writing, he stipulating to do government storage free of cost. Mr. Rice has erected (instead of a warehouse) a small residence.

2d. Mr. Findley has improvements on the left bank of the Mississippi river, directly opposite the fort. His right there was by the commanding officer of the post, as ferryman. His improvements are not valuable. Mr. Findley failed in his contract for the ferry; after which it was taken by Mr. Steele.

3d. Gamelle, a Frenchman, the ferryman on the St. Peter's, has a little hut erected, and is there by the authority of the commanding officer.

4th. Mr. Robert Smith has possession of the government mills, on the right bank of the Mississippi river, at the Falls of St. Anthony. I was instructed by the Quartermaster General, in the spring of 1849, to allow Mr. Smith to possess those public improvements. I declined making any permanent arrangements with Mr. Smith, but placed him in possession, subject to the pleasure of any future commanding officer, until an agreement was made at Washington. Mr. Smith still occupies said mills: he has made no improvement of any value.

5th. Mr. Steele has the ferry across the Mississippi river, above the Falls of St. Anthony. He has been permitted to erect a house for the ferryman to live in, on the right bank of the Mississippi river.

6th. Mr. Baker, (now deceased,) an Indian trader, some eight or ten years ago was permitted to erect buildings about three quarters of a mile above Fort Snelling, on the right bank of the Mississippi river.

There are now standing there the walls of a large stone-house, which, I suppose, was at one time valuable, but, from its dilapidated condition, is now worth but little. These buildings have not been occupied for years. A little town sprang up, in the vicinity of "Baker's house," on both sides of the river, and, as I am told, becoming a nuisance from a traffic in ardent spirits, the people were driven off, and permitted to remove at pleasure their improvements.

I believe I have given you a list of all the occupants on the military reserve. Mr. Sibley, perhaps, has the authority of the Secretary of War. The three ferrymen have contracts, dated January, 1850, for one year. The others are liable to be turned out any day.

I have not a very distinct recollection of the grounds of the petition of the Minnesota legislature about occupants on the military reserve, but just remember that the burden of it was the injustice of driving poor people from improvements they had made. I do not think that any person has

ever come on the reserve, except as a favor to themselves, and with the condition that they might be turned off any day.

If the petitioners had represented that the United States at one time had done a frontier population a very great favor, and now refused to pay very extravagant claims preferred against the United States by the favored, growing out of these indulgences, they would have presented in a better light the outrages and injustice committed by the United States upon private rights.

The "driving stakes and marking trees," which was thought to be sufficient, with the aid of petitions and the support of influential men, to secure titles to the land, has somewhat abated; but I suppose there is not a foot of the reserve unclaimed, and the utmost effort will be made to try and throw it into the land office for sale.

I am, sir, very respectfully, your obedient servant,
S. WOODS,

Captain and Brevet Major, 6th Infantry, com'g.

Major General R. JONES,
Adjutant General U. S. A., Washington, D. C.

A true copy:

R. W. KIRKHAM,
Brevet Captain, 6th Infantry, com'g.

FORT SNELLING, M. T., *March 7, 1850.*

GENERAL: I beg you will ask of the Indian Bureau to forward, for the use of this post, a copy of the volume of "Indian Treaties."

There is nothing of the kind in the adjutant's office of the post; and it is very necessary, for there are many occasions when it would be proper to refer to such authority.

There is now much excitement among surrounding citizens, and it is also extended to the Indians about the military reserve, which Fort Snelling stands upon. The whites are everywhere driving in *stakes* and *blazing* trees, marking out their claims; and a meeting even was held at St. Paul, a few days ago, for the organization of a band for the maintenance, by violence, of the *rights* of such claimants as have been driving stakes and blazing trees on the reserve. These are the men that have been striving to have the reserve raised; and, without precaution, it will fall into their hands, who in no way deserve it, unless the *unselfish* effort to have the reserve taken off gives them a claim.

A deputation of Indians came to day to see me on this subject, wishing to know if the United States intend selling this reserve. The Indians are much excited on the subject, and say that they have never disposed of their title to the reserve, and that, if the reserve is taken off, the land ought to revert to them.

Will you please to inform me if it is the intention to dispose of the reserve? and also if the Indian title is extinct? I do not know if the treaty entered into with them by General Pike in 1805 is a valid one or not.

Respectfully, your obedient, humble servant,
S. WOODS,

Brevet Major, commanding Fort Snelling.

To General R. JONES,
Washington City, D. C.