

5-27-1858

Report : Mr. Harlan

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IN THE SENATE OF THE UNITED STATES.

MAY 27, 1858.—Ordered to be printed.

Mr. HARLAN made the following

REPORT.

[To accompany Bill S. 322.]

The Committee on Public Lands, to whom was referred S. Bill 322, for the relief of purchasers of public lands within the timber reserve opposite Fort Kearny, and for the settlers within the Winnebago agency reservation, the Fort Atkinson reservation, and the timber reserve opposite Fort Crawford, all in the State of Iowa, have had the same under consideration, and have instructed me to report :

The timber reservation opposite Fort Kearny had been long abandoned by the War Department, and its existence as a reserve apparently forgotten. It was surveyed, brought into market, and sold as other public lands. The issuing of patents seems to have been suspended because these lands had not been formally transferred by the War Department to the Department of the Interior. The Commissioner of the General Land Office, in a letter hereto appended, expresses "the opinion that the proposed legislation in this case will be just and proper;" in which opinion your committee concur.

The Fort Atkinson and Mission reservations, and timber reservations opposite Fort Crawford, were abandoned by the War Department many years since, and were settled on and improved by settlers as other public land.

In 1854 the buildings at Fort Atkinson were sold to Catharine Newington, who, by a subsequent special law of Congress, was allowed to purchase one section, on which the buildings were situated, as a pre-emptor, at \$1 25 per acre.

The Secretary of War, after an examination of the subject, by special agent on the grounds, in the year 1857, ordered the sale of that part of the timber reservation opposite Fort Crawford, in the possession and occupancy of actual settlers, not exceeding 160 acres to each, at \$1 25 per acre to said settlers; which sale, as your committee are informed, has been made. Your committee, therefore, as at present informed, see no sufficient reason for special legislation in relation to this reservation, but would recommend the application of the same principle, in the sale of the Fort Atkinson and Winnebago reserva-

tions, as was applied in the sale of the timber reservation opposite Fort Crawford, as above mentioned.

Your committee, therefore, recommend the passage of the bill with an amendment, viz :

Strike out all that part of the bill which relates to the timber reservation opposite Fort Crawford, and amend the title accordingly.

GENERAL LAND OFFICE,

April 28, 1858.

SIR: I have the honor to acknowledge the receipt of your two communications of the 24th instant: the one, in relation to the proposed confirmation, by the act of Congress, of certain entries of lands in the timber reserve opposite Fort Kearny, and asking for the form of a bill for that purpose; the other, proposing that provision shall also be embodied in such form of a bill for the relief of settlers on the military reserves at Fort Atkinson and the Indian mission, and for the disposition of other unoccupied lands within said reserves. In reply, I have the honor to enclose the form of a bill for the confirmation of the entries above named, and to express the opinion that the proposed legislation in this case will be just and proper. With reference to the proposed disposition of the lands in the reserves at Fort Atkinson, &c., I would respectfully suggest that those lands being under the exclusive control of the War Department, it is not the province of this office to recommend what disposition shall be made of them, and that any communication with a view to that object should be addressed to the Secretary of war. The map and report are herewith returned.

Very respectfully, your obedient servant,

THOS. A. HENDRICKS,

Commissioner.