

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

---

12-19-1893

### Opening of certain abandoned military reservations.

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



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

---

#### Recommended Citation

H.R. Rep. No. 232, 53rd Cong., 2nd Sess. (1893)

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 [darinfox@ou.edu](mailto:darinfox@ou.edu).

OPENING OF CERTAIN ABANDONED MILITARY RESER-  
VATIONS.

DECEMBER 19, 1893.—Ordered to be printed and recommitted.

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

REPORT:

[To accompany H. R. 4667.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 4667) "to provide for the opening of certain abandoned military reservations, and for other purposes," have had the same under consideration and report it back with the recommendation that it be passed with an amendment:

Insert before the word "improvement," in line 8 of section 1, the word "Government."

The act of July 5, 1884 (23 Stat., 103), provides generally that lands covered by such reservations, when no longer required for military purposes, shall be transferred to the Department of the Interior; that they shall be surveyed and appraised, and thereafter disposed of at public auction, after proper notice, to the highest bidder for cash at not less than the appraised price and not less than \$1.25 per acre.

There is no provision in the statute for opening the lands to agricultural settlement, although it is provided that in certain cases of settlements made prior to January 1, 1884, the settlers shall be permitted to perfect title to the lands settled upon according to the settlement laws. There are eighty of these reservations, containing about 1,500,000 acres. In thirty-seven of them the area exceeds 5,000 acres each, aggregating over 1,400,000 acres, or 95 per cent of the whole. A complete list of the reservations will be found in the report of the Commissioner of the General Land Office for 1892 on pages 75 to 77. Since the publication of that report the Little Rock Barracks has been granted to the city of Little Rock by the act of April 23, 1893, and the Fort Fetterman reservations in Wyoming have been disposed of under the homestead law by the act of December 22, 1892, and the Fort Randall reservation will be opened under the act of March 3, 1893 (27 Stat., 555).

The pending bill is intended to apply only to reservations of which the area exceeds 5,000 acres, and only to such portions of the reservations to which it shall apply, as have no improvements thereon and as are not now reserved for any public use. That beyond these reservations and parts of reservations the provisions of the said act of July 5, 1884, are to remain unchanged and in full operation, while those lands as to which this bill shall operate shall be open to homestead settlement, with the condition that survey and appraisement thereof shall be made according to the provisions of the act of July 5,

1884, and that parties claiming the same as settlers shall be allowed ninety days in which to make entry thereof, with the requirement superadded to the ordinary requirements of the homestead law that they shall pay for the lands so entered by them at not less than the appraised value and not less than the minimum price of such lands under the general statutes, in five equal installments, at times to be fixed by the Secretary of the Interior by general regulations.

It is the established policy of the Government to dispose of the public lands as homes to actual settlers rather than to sell them for a money price for the benefit of the Treasury, as was formerly done.

This is the policy applied to any public lands remaining undisposed of in the vicinity of the lands once embraced in military reservations now abandoned, and the settlers naturally doubt the expediency of applying a different rule to the latter class of lands if agricultural in character, unimproved, and not required for any public use. The reason ordinarily given therefor is that if the lands have enhanced in value the Government rather than the individual settlers should have the benefit of it, notwithstanding that with respect to lands generally the Government has discarded the policy of managing them and disposing of them for revenue.

In this the object is kept in view of securing the benefit of any enhancement of value of the lands to the Treasury, while giving settlers the preference in purchase at such enhanced value, to be ascertained by appraisement. This would appear to be in harmony with the general policy now prevailing, which looks to the disposal of the lands to the settlers, and as calculated to do away with the seeming anomaly in the existing methods of disposing of abandoned military reservations on a different and contradictory principle. It may be added that the proposed legislation would be in the line of the legislation under which relinquished Indian reservations in the Dakotas, Montana, and Oklahoma, are now being disposed of to settlers under the homestead laws, but with payment of a prescribed price per acre, in addition to the usual homestead requirements.