

FORT SNELLING INVESTIGATION.

APRIL 27, 1858.—Ordered to be printed, and its further consideration postponed until the 18th of May next.

Mr. PETTIT, from the Select Committee, made the following

REPORT.

The Select Committee appointed under the authority of the resolution of the House of Representatives of January 4 last, to investigate the facts and circumstances, &c., connected with the sale of the military reservation at Fort Snelling, respectfully submits the following report:

The resolution referred to, as offered to and adopted by the House, is in the following words :

“ *Resolved*, That a committee of five members be appointed by the Speaker to investigate all the facts and circumstances connected with the sale of the military reservation at Fort Snelling, the manner in which such sale was made, to whom made, the consideration paid, the terms of payment, whether the price paid or agreed to be paid was adequate or not, and whether the said reserve, at the time of said sale, was longer wanted for the public service; and that said committee have power to send for persons and papers and to administer oaths to witnesses.”

Leave was then given to the committee to report at any time.

Under the resolution, the House thus clearly established the specific and only subjects of inquiry. The committee has aimed to confine itself in this limit. If matters have been pursued which do not seem to have a direct reference to it, and if the limit made by the resolution has been exceeded, it has inevitably resulted from dealing with a subject novel and unfamiliar, and from pursuing it in the only mode that seemed practicable, to wit, in first applying to the department that had the legal supervision of the subject, then to the agents of the department acting immediately under its authority at the sale, and then to the persons who, through it, had become interested as purchasers.

It is proper, in this connexion, to say, that in pursuing its examination in this only practicable method, making use at the same time of witnesses, as contemplated by the resolution of the House, the committee has been steadily embarrassed from a difficulty in obtaining

prompt answers from the War Department to its resolutions asking for information, for which, in the first only of several instances, a sufficient reason has appeared. This embarrassment has, perhaps, compelled the committee to grope sometimes into unnecessary inquiry.

The information given by the Secretary of War accompanies this report. The committee, at the same time, submits its journal and the evidence taken by it. These are believed to establish the following facts and conclusions:

A reference to the contract of sale of the military reservation at Fort Snelling shows that it was made on the "6th day of June, 1857, by Seth Eastman, major United States army, and William King Heiskell, agents of the United States government, of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part;" that, by that sale, the whole of the Fort Snelling reservation was sold by the commissioners to Franklin Steele, with a reservation from it, however, of 20 acres for a Catholic church and burial ground, and 10 acres for a Protestant graveyard; that, in consideration of the sale, Steele "agreed, and thereby bound himself, heirs, executors, administrators, &c., to pay to the United States government, or authorized agent or agents, the sum of \$90,000; one-third of said sum payable on the 10th day of July (next) thereafter, and the residue in two equal annual payments thereafter;" that, by the statement of the agreement, the reservation contained about 7,000 acres; that possession of the lands and improvements should "be given as soon as the Secretary of War could dispense with it for military purposes, and that a deed should be given when the first payment should be made, and satisfactory security for the deferred payments given and approved by the Secretary of War, or agents appointed for that purpose." This instrument is witnessed under the hands and seals of the respective parties.

In fact, however, Steele was not the only party interested as a purchaser, although the commissioners, as they inform us, were not aware of other parties in interest. Early in April last, some gentlemen had united for the purpose of buying the reservation. These persons are spoken of by Doctor Archibald Graham, of Lexington, Virginia, under the vague name of "a New York company." Soon after, but at the same time, early in that month, Doctor Graham called at the office of the Secretary of War, to pay his compliments as a Virginian, and, in conversation with him, told him he was going to Minnesota to make some investments, and asked him if he had anything in his department that he could do for him to pay expenses. The Secretary told him he had nothing, unless Doctor Graham took the agency of selling some old forts that Congress had directed the sale of. The Secretary mentioned Fort Snelling and Fort Ripley. Doctor Graham declined, preferring being interested as a purchaser to taking the agency for the sale of them. That this was his reason, was not, however, stated by Doctor Graham to the Secretary of War, and this was his only conversation with him on the subject.

Before the end of April the New York company was formed, and Doctor Graham was in Minnesota, in pursuance of its objects. The New York company spoken of consisted, besides Mr. Graham, of John

C. Mather and Richard Schell, of the city of New York, described as members of the senate of that State. Both Mr. Mather and Mr. Schell were in Washington about the time of the conversation of Doctor Graham with the Secretary of War, and the accidental circumstance, if it was so, enabled the parties to complete their arrangements at once, and, after that, Doctor Graham was the principal actor. It was part of the arrangement of the company that Mr. Franklin Steele, who had been army sutler at that post, and who then lived on the reservation, should be induced to join it and become a co-purchaser. This arrangement was at once effected by Mr. Graham going immediately to Minnesota and seeing Steele.

The terms of the arrangement of the New York company, or of Mather, Schell and Graham with Steele, are of a somewhat difficult and indefinite character, but, as derived from the information of Doctor Graham and others, are as follows: The price to be paid was not to exceed \$120,000. Mr. Steele was to take one-third, Doctor Graham one-ninth, Mr. Mather one-half of the remainder, and Mr. and Mrs. Richard Schell the rest; the last interest seeming to be entirely under the management of Mr. Schell. Doctor Graham was made the factor of the company, at a salary of \$5,000 a year.

The above is spoken of as the terms of agreement after Doctor Graham and Mr. Steele were admitted into it. The combination of Mr. Mather and Mr. Schell to make the purchase seems to have been arranged before Doctor Graham's conversation with the Secretary of War. What its terms were, is not ascertained. It was after this that Doctor Graham was admitted into it.

Doctor Graham was again in Washington at the time of the appointment of Mr. Heiskell as commissioner to make the sale, and travelled with him, as a companion, from this city to St. Paul, and lodged with him at the same hotel. The reason of a private gentleman of Virginia, who had declined to act for the government in making this sale, who had been already in Minnesota seeking investments, returning to this capital at the particular time of Heiskell's appointment, and then returning there with him immediately, is not given. At this time Graham was aware of Heiskell's authority, and communicated it to Major Eastman. At the same time Mr. Mather was, in some manner, in possession of it, and shortly before, or after, was present at Fort Snelling and in conference with Mr. Graham and Mr. Steele upon the subject. The presence of Mr. Mather may be presumed to have been occasioned, partly to make this purchase, in pursuance of the arrangement already made, and partly by an appointment of the Secretary of War, made shortly before that time, authorizing him to examine the Fort Ripley reservation, lying still higher up the river, and to investigate the rights of certain claimants on it. Fort Snelling was thus on his route. This appointment, taking him into a part of the country with which he was not acquainted, was, according to Mr. Mather's own statement, induced partly at his own solicitation, or, by the statement of the Secretary of War, was a voluntary offering in consideration of his worth, with a regret on the part of the Secretary that he had no better means of testifying to his merit. While Mr. Steele, Doctor Graham, and Mr. Mather, were thus exclusively

in the knowledge that this sale was about to occur, and were effecting a combination to become purchasers, Major Eastman and Mr. Heiskell, they themselves say, were devising means of preventing combinations, and preventing the government from loss. Mr. Mather went to Fort Ripley and returned. It was after his return that the sale was made. These three persons were, then, in constant conference with each other upon the subject, and with a view to making the purchase. Mr. Mather prepared the first draft of the agreement. The sale was effected, nominally, to Mr. Steele, and it is the testimony of the commissioners that neither of them were aware that there were any other parties in interest. The sale was conducted with so much privacy that, outside of the Department of War, none but the parties named, the commissioners who effected the sale, and Mr. and Mrs. Richard Schell, and Mr. Augustus Schell, from whom Mrs. Schell borrowed a sum of money for the purpose, not even the citizens of St. Paul or the neighboring towns, nor the officers having charge of the fort, nor any other persons in the service, were in possession of the knowledge that the reservation was about to be sold, or had been sold, in this manner. The fact only got publicity after the confirmation of the sale by the Secretary of War.

The contract, in the terms in which it had been made, was confirmed on the 2d of July, 1857. Accordingly, the sum of \$30,000 was paid at the treasury in New York for the United States—one-third having been furnished for that purpose by Mr. Steele, the remainder by Mr. Mather and Mr. Schell. No other payment has been made. No conveyance of title has been made by the United States. A despatch from the Department of War, under date of July 31, 1857, to the officer in command, directed a surrender of the possession of the reservation to the purchaser, with the addition, "The military post will be maintained until further orders." Fort Snelling was then used, has since continued to be used, is now used, and, by the highest authority in the army, must yet, for a time, continue to be used for military purposes.

Under this last fact, to wit, that Fort Snelling was then and yet remains useful and necessary as a military post, this committee respectfully submits that it was not competent, by law, for the Department of War, at that time, nor is it now, to make sale of so much of it as is needful for this object. No authority has been given the Secretary of War to sell Fort Snelling by name, and his power to dispose of it was derived from laws, not having a particular and limited, but general application. The only authority is conferred by the act of Congress approved March 3, 1819, entitled "An act authorizing the sale of certain military sites," an act of April 28, 1828, and the fourth section of an act approved March 3, 1857, entitled "An act making appropriations for the support of the army for the year ending the thirtieth of June, eighteen hundred and fifty-eight."

The act of March 3, 1819, is short, and for convenience is now recited:

"*Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites belonging to the United States

as may have been found or become useless for military purposes. And the Secretary of War is hereby authorized, on the payment of the consideration agreed for into the treasury of the United States, to make, execute and deliver all needful instruments, conveying and transferring the same in fee; and the jurisdiction which had been specially ceded for military purposes to the United States by a State over such site or sites shall hereafter cease."

The fourth section of the act of March 3, 1857, amendatory of the act of March 3, 1819, and which is referred to above, is as follows:

"SECTION 4. *And be it further enacted*, That the provisions of the act approved March third, eighteen hundred and nineteen, entitled 'An act authorizing the sale of certain military sites,' be, and they are hereby, extended to all military sites, or to such parts thereof, which are or may become useless for military purposes: *Provided, nevertheless*, That nothing in this act, nor in the act above mentioned, shall be so construed as to impair in anywise the right of the State within which any such site or reservation may be situated, to impose taxes on the same, in like manner as upon other lands or property owned by individuals within the State, after such sale."

Whatever authority existed at law to sell the Fort Snelling military site, or any other military site, was derived under these two acts, the act of 1828 being understood not to have any application to this case, but only to the subject.

It will be seen that there is a difference in the scope of the two acts in several particulars. The act of March 3, 1819, was limited to the sale of sites then belonging to the United States, which had then been found, or which might have then become, useless for military purposes. It did not apply to sites to be acquired afterwards, nor to such as, after the passage of the law, might become useless. The very precision of the law shows that it was enacted out of abundant caution. The act of March 3, 1857, on the other hand, provided for selling not only such sites as were owned by the government at the time, but such as might be acquired afterwards; and not only such as were useless at the time of its enactment, but such as might afterwards become so. There is another difference in the two acts. By the act of 1819 no part of a military site could be sold until the whole was ready to be abandoned. By the act of 1857 parts of military sites, which had or should become useless for military purposes, might be sold, leaving the remainder to be occupied for military purposes. This last enactment was to obviate the inconvenience of making application to Congress on each occasion, when the sale of a military reservation became proper, for the reason that it was no longer necessary to retain it.

But, at the same time, it is plain, both from the letter and spirit of both acts, that it was not intended by either to confer on the Secretary of War the authority to make such sales until their use for military purposes was abandoned; or, in other words, it was not intended by either law, in prospect that a military reservation might become useless or be abandoned at some future time, that the Secretary of War should have authority to sell it, until it, in fact, had already become useless for military objects. This is inferred from the spirit of the law, because, if the Secretary of War had such power, it would enable

him at any time, in his own absolute discretion, to dispose of the whole military defences of the government, merely by anticipating that they might, in future, become useless; and, from the letter of the law, because nothing in the amendatory act of 1857 contravenes, by expression or by implication, the law of 1819, and the law of 1819 distinctly limits his power to sell to those cases where the sites had then become useless for military purposes.

The reason of the law of 1819, as well as of the amendatory act of 1857, is obvious. Posts that were once of importance to the defence of the frontiers, lost all military importance by extending our settlements beyond them, and then, being useless, were directed, by an act of Congress, to be sold. Of course, neither law was meant to apply to seaboard and other permanent defences, because so large a discretion, absolute over the whole national system of defence, would be both unnecessary and dangerous. The authority was intended to have a very limited application—to apply only to this one class of cases, where such a power to sell was necessary, likely to occur frequently by reason of our fast settlement westward, whereby one post after another, as it would thus be brought within the frontier, would become useless, and then only when the whole military importance of the position was gone. At least this has been the rule and sense of the War Department, as expressed in the annual report of the Secretary of War, under date of December 4, 1854. "I have to ask attention," Secretary Davis says in that report, "to the necessity for further legislation for the sale of useless military sites. According to the construction which has been given to the acts on this subject, and which, though its correctness has been doubted, must be regarded as settled by the practice of the department, the act of March 3, 1819, applies only to military sites then held, and that of April 28, 1828, only to lands 'conveyed to' the United States for forts," &c. "According to these views, there is no provision for the sale of lands which, since the 3d of March, 1819, have been reserved from the public domain for military purposes, and I therefore recommend that the provisions of the acts giving authority to sell useless military sites be extended to embrace those reservations."

The legislation which the Secretary of War then proposed was, by its very language, applied to military sites then useless, and that were held by the government at the time of the approval of the act of March 3, 1819, and such legislation was recommended, because, in the absence of it, no authority to sell existed.

The act of April 28, 1828, (4 Stat. at Large, 264,) above referred to, and which is only additional to the act of May 26, 1824, (4 Stat. at Large, 51,) gives the President authority, in certain cases, to make sale of lands conveyed to the United States for forts, arsenals, dock yards, light-houses, and like purposes. But, though limited in its operation, and not applicable here, it is confirmatory of the opinion already expressed, that the authority of the Secretary of War to make sale of military sites is only allowed to apply when they are already useless and ready to be abandoned; because the authority of the President, by this act of 1828, to make the above sales, alike in kind with the sale of military reservations, is confined to forts, arsenals, dock

yards, &c., "which are not used or necessary for the purpose for which they were purchased, or other authorized purpose."

This interpretation of these acts was plainly understood and intended by the House in its resolution constituting this committee, in which it was directed to inquire whether the "said reserve, at the time of said sale, was longer wanted for the public service."

In the opinion of this committee, as the result of the inquiry it was directed to make, and as already expressed, Fort Snelling, at the time of the sale, was longer wanted for the public service, and is now used, and for some time must continue to be used, for military purposes, notwithstanding the sale, which, by the very fact, imports that it had then become useless; and it is equally the opinion of the committee that, when the sale was made, the legal occasion, to wit, that it had become useless, and which alone gave the right to sell, had not occurred, and therefore that the sale made by the Secretary of War was without legal authority. This opinion applies to the fort, and so much of the military reservation adjoining it as is necessary for its purposes, amounting in quantity to three or four hundred acres of land.

The committee has come to the conclusion of the importance of Fort Snelling for military purposes up to the present time, and for some time to come, on the official opinions, clear and concurrent, of those having the frontier defence, as a system, in charge, and who, besides having a personal knowledge of the post, are, from superior position and a knowledge of the requirements of the service, best able, and only able, to give a reliable opinion of its local and general advantages. For, the precautionary and defensive measures for the defence of the frontier are projected and arranged on system, no particular position of defence being important in itself, simply, but all frontier positions and defences depending for convenience, support, and supply, on each other.

By relying on such superior means of information and judgment only, the committee has been compelled to reject some subordinate and unprofessional opinions as of no value whatever.

The Department of War was first called to consider the propriety of disposing of the military reservation at Fort Snelling, by a letter of the Hon. Henry M. Rice, then delegate from the Territory of Minnesota, of the date of April 24, 1856. It enclosed a proposal of Franklin Steele to purchase it. "The reservation, including the overflowed lands," the proposal states, "amounting to about *five thousand acres*, at \$15 per acre, will amount to \$75,000," and accordingly that sum was offered.

The subject was at once referred to the Quartermaster General for his opinion. General Jesup replied to Secretary Davis, May 3, 1856, as follows:

"The site is no longer of any value as a position for defence. Its only value now is as a depot of supplies for the frontier posts in advance of it. If the lands be sold, the fort, wharf, and the ground between the fort and water, with about one hundred and fifty acres, should be retained for public use, not temporarily, but in fee. I have been informed to-day that a higher bid may be expected."

Accordingly, on the 6th of May, 1856, Secretary Davis replied to Mr. Rice in the following terms :

“In reply, I have to say that the reservation is still needed for military purposes, and Mr. Steele’s offer cannot, therefore, be entertained.”

This decision disposed of the application at the time ; and such was then the sense of the department of the importance of the retention of Fort Snelling as a depot of supplies and troops, that in the last two quarters of 1856, and the first two quarters of 1857, in less than a year previous to the sale, and extending down to the very time of the sale, the government expended there, in building and repairs, \$10,157 91. These buildings, of course, had reference to its indefinite occupation.

Soon after the incumbency of the present Secretary of War, Mr. Rice, under date of April 7, 1857, renewed his application. It will be observed, however, that at this time it was only for a reduction of the reserve, and not for an entire abandonment of the fort and reservation. “Fort Snelling,” he says, “will probably be required for a depot, and, with it, say 40 acres of the present reservation.”

This second application was, as in the former case, referred to the Quartermaster General for his opinion. General Jesup answered at once, and his opinion is even more positive than his former one, against the abandonment of the post :

“In regard to the reduction of the reserve and the sale of any part of the site of Fort Snelling, I have the honor to state that the propriety of either will depend upon the military policy adopted by the administration.

“If the troops are to be kept as much as possible concentrated at central points, where they can be cheaply supplied when not in the field, there is no place near the northern frontier so suitable as Fort Snelling. Troops can have their winter quarters there, and, when operations become necessary, can be thrown forward with all necessary supplies, and in numbers to insure the best moral as well as physical effect. To an Indian enemy our troops should never be shown except in imposing numbers. If this policy is to be adopted, and it is certainly the true policy, not a foot of the site of Fort Snelling can be spared, without weakening the defence of the frontier.

“If, however, a different policy is to prevail, and the troops are to be thrown out along the extreme frontier, separated in small detachments, then a quarter section of land, with the buildings, and the control of the ferries on the public lands, will be sufficient for a mere depot of supplies.”

In this opinion of General Jesup no doubt is felt or expressed of the propriety of the retention of so much as the fort, a quarter section of land, and a control of the ferry privileges, under any circumstances whatever ; and, in his military opinion, it is equally plain in favor of the retention of the post, with the whole reservation, as a point of concentrating troops and supporting them cheaply, and holding them ready to be thrown forward with supplies whenever necessary on the frontier, so as to insure the best moral and physical effect of an armed force, especially before an Indian enemy.

The accuracy of this opinion, expressed so recently before the sale,

is completely supported and defended by the opinion of Adjutant General Thomas. He was the senior officer of General Scott's staff, and, in consequence of the old age and illness of one of the inspectors general, was put on duty as inspector general, and ordered to Fort Snelling. Colonel Thomas reached Fort Snelling on the 1st of August, 1857. A wanton and atrocious Indian massacre had occurred in the immediate neighborhood of Spirit Lake, and hardly more than a hundred miles from Fort Snelling, in March preceding. A bad temper was prevailing among the Indians about both Fort Ridgley and Fort Ripley. At the time of Col. Thomas' arrival at Fort Ripley, in August, that post was abandoned, and in charge of the ordnance sergeant. The Indians of the neighborhood were insolent, angry and defiant. His duty in the Territory was to mark the temper of the Indians, the cause of the difficulties, where military posts ought to be placed, the number required, and the number of troops needed. The result of the inspection, in view of the menacing attitude of the tribes to the whites and to each other, was to recommend the establishment of other posts, the strengthening of Fort Ridgley, the reorganization of Fort Ripley, and the retention of Fort Snelling, notwithstanding the sale, and in spite of it, as a depot of troops and supplies for the defence of the Territory north and west. His report to this effect was made to Lieutenant General Winfield Scott, August 18, 1857. It was only just then that he learned, by the return of Mr. Steele from Washington, notwithstanding he had been for several weeks stationed at the fort, that the sale of it had been made and confirmed a half dozen weeks before. His report made to General Scott, at that time, states his conclusion as follows—a conclusion justified by late events and the existing condition of things in the Territory:

“So long as the Indians remain in Minnesota, so long must troops be kept in the Territory. To supply the troops a depot is essentially necessary at Fort Snelling, and I consider that the post should not have been sold. All the necessary buildings were here, with a reserve ample for any purpose. A condition of the sale, I understand, is, that the buildings shall be kept as long as required. They should not be given up, and, if possible, from 500 to 1,000 acres of land should be reserved. A wagon train must be kept up, and at no point can the animals be kept at so cheap a rate as here. Hay can be cut and stacked at \$4 per ton, and grain be purchased cheaper than in the interior. If a depot is not kept here, it must be established in St. Paul, and at a largely increased expense.

“The mounted troops necessary for this region, (and there should be three or four companies,) could be kept at Fort Snelling at less cost than elsewhere, and be in high condition to make an excursion into the Yankton country during the hunting season, when a good impression would be made upon the Indians.

“I do not know under what circumstances the post of Fort Snelling was sold, but I am perfectly certain that no military man on the spot, at all acquainted with the state of affairs, would have recommended the measure.”

It will thus be seen that preliminary arrangements for the sale of Fort Snelling were being made by the Secretary of War at the very

time that actual and threatened hostilities were making it necessary to establish new posts, and strengthen and re-establish others to become dependent on it; and that, under the authority of the same Department of War, the inconsistency was occurring of having commissioners acting under its appointment and authority, making sale of the post, and divesting the government of its right to Fort Snelling, while other officers, acting under the same authority, were forming and strengthening other posts to depend on it as the common depot of troops and supplies for their support, and that the proceedings towards making the sale were kept for more than three months, with studied privacy, from all persons in actual military command for the defence of that important frontier.

A reference to the testimony of Colonel Thomas will show more plainly the military convenience of Fort Snelling. He answers, that even now it is desirable for the government to repossess itself of that position; that it is more valuable to the government than its price, and that for the fort alone, and its accompanying quarters for four companies, stables, and accommodations for quartermaster purposes, the government could now well afford to pay \$90,000.

Colonel Adam D. Stewart, who has had an intimate knowledge of the post and the surrounding country for more than thirty years, has been in actual service more than twenty years, and for ten years paymaster of that post and military district, expresses a like opinion of the importance of the retention of Fort Snelling as a depot for provisions and munitions of war. "A post has been recently ordered to be established," he says, "on the northern boundary line, four hundred miles northwest of Fort Snelling; and there is another post up the Minnesota river which joins the Mississippi at that point, and should, in my opinion, be supplied from Fort Snelling."

Besides supplying these new posts, he further adds, that it will be important to be retained as a depot of supplies for Fort Ripley as long as Fort Ripley is kept up, and as a point for the concentration of troops in a large body, that they may be sent up the river in detachments to the different points as they are wanted.

Major J. G. Martin is assistant quartermaster in the army, having been stationed for two years at Fort Snelling, and present at the time of sale. Of the importance of its retention as a military depot, he says: "Fort Snelling is at the head of navigation of the Mississippi river, and at the junction of the Minnesota with the Mississippi. It is necessary, as long as the government keeps troops in that upper country, that they should have some depot at the head of navigation of the Mississippi river. Fort Snelling, I think, is as good, if not better, than any other position; and as the government had already the necessary buildings and land there, it was decidedly desirable that they should have been retained, rather than that a new site should be made anywhere else."

It has been the practice of the government, with a single exception, he says, to furnish Forts Ridgley and Ripley from Fort Snelling. Nor could the government furnish those forts so cheaply from St. Louis and St. Paul, as by retaining Fort Snelling as a depot, and transshipping supplies from that point to those above, for the reason

that, employing his own language, "It would, in my opinion, involve the necessity of a store-house in St. Paul, to say the least, and then all the transportation would have to be done by hired animals, or by contract. As long as there are Indians in that country, it is necessary constantly for the government to send out expeditions in the summer among them; and experience has shown that it is better to keep animals for those expeditions than to hire them; and if they are kept, they ought to be kept during the winter where they could be cheaply kept, and then used during the winter for transporting supplies to those upper posts, thereby making them earn their keeping during the winter."

Inspector General S. Churchill's statement is as follows: "Considering the means of navigation in 1818, I think it was, I considered that as a very judicious selection for a post, in connexion with the Indian tribes; and by steamboat navigation, I conceive that it is more important now than it was then, being, as it is, at the head of the navigation of the Mississippi river. The selection of sites for military posts, the supplying them with provisions and other articles, and the transportation of those supplies, have never fallen under my observation; but, supposing a post, or especially a depot, will be necessary in that quarter, in reference to the Indians, it is my opinion now, and has long been, that that would be a proper place, unless a better one could be found, a fact of which I have no knowledge. I do not know the extent of the settlement north or west of that, or what amount of supplies they can furnish; but the abandonment of that place would, of necessity, cause the cost of establishing another, and perhaps not as good a place, and the erection of necessary defences and buildings." To this he adds, that his department was not consulted as to the propriety of the sale, and that, if applied to, his advice would certainly have been against it.

Captain George Thom, of the corps of topographical engineers, was at Fort Snelling at the time of the sale, having been stationed there on the 9th of June, 1856. He says: "I have always regarded Fort Snelling as an important point, serving as a depot, both for supplies and for troops. We have seen the necessity for troops in that country within the last year. By keeping a small supply both at Forts Ripley and Ridgley, and a reserve at Fort Snelling, either of the two upper posts can be supplied from Fort Snelling as occasion may require, and the reserve, whilst at Fort Snelling, can be supplied at much less expense than at either of the other two points."

The following is the statement of Captain James H. Simpson, captain of topographical engineers, stationed in Minnesota from May, 1851, to June, 1856, and present at St. Paul at the time of the sale:

"It occurred to me that the time had not yet come for the sale of it. There are very many valuable public buildings there which served as a depot for subsistence and quartermasters' stores, and also for officers' quarters, which made it convenient for the extension of posts up the Minnesota, as also up the upper Mississippi." * * "But, under the circumstances, it occurred to me that it was the most independent, safe, and efficient mode of acting, to have retained the place as a military depot."

Lieutenant General Scott made to the committee the following

statement: "I think it would have been quite inconvenient to have abandoned it last summer or last autumn. I think it will be inconvenient to abandon it next spring, and perhaps next summer; but I think that by next autumn we can have a new depot established at some point high up the Minnesota, which will supersede Fort Snelling entirely, even as a place for storage. Fort Snelling is perfectly useless as a post of defence, the population having gone far beyond it."

* * * "The Secretary of War first referred that question to me last autumn, whether I could advantageously and conveniently withdraw the garrison during the last autumn. I decided that it would be inconvenient to do so before the next season, and I should doubt whether we should be able to do it very early, scarcely till next autumn. We may find it convenient and useful to retain it up to the next autumn, as a point from which to make distribution and send supplies to the more advanced posts—Fort Ripley, on the Mississippi, and Fort Ridgley, on the Minnesota." To this he adds, "I knew nothing of the sale until it was made."

It is proper to add, that General P. F. Smith, Colonel F. Lee, commandant of the post from 1851 to 1854, and Captain J. A. Whittall, stationed at that post fifteen years since, dissent from this uniform conclusion of the other military witnesses, on considerations which do not seem to the committee to impair its force.

So much pains has been taken to set out at some length the opinions of professional gentlemen connected with the command of Fort Snelling, and who, for this reason, have a more intimate knowledge of its connexion with the adjacent posts and with the defence of the frontier beyond, and also, especially, the opinions of officers in superior military command, having the provision and defence of that frontier in charge, in order, principally, to show that when this sale was made, and now, and for an indefinite time to come, Fort Snelling could not and cannot be abandoned, without destroying the dependence, and, consequently, the usefulness of the more distant posts, and impairing the security of the surrounding region.

There is another fact, quite conclusive of the accuracy of this opinion, the fact that, notwithstanding the sale, the government still maintains it as a military position, and has conferred on General Scott the authority to retain it in his discretion. This conveys the concurrence of the Secretary of War with the opinions already quoted, and completes this view.

It is for the reason, then, that at the time of this sale, Fort Snelling was not useless and in a condition to be abandoned, in the judgment of the committee, the sale was without legal authority. For the same reasons the committee equally agrees that the sale of it was inexpedient.

The answer has been made, that the contract of sale has provided for an indefinite retention of the post and reservation, in the discretion of the Secretary of War. The following is the only language of the contract on the subject: "Possession of the said lands and improvements" (the latter term embracing the post and quarters) "to be given as soon as the Secretary of War can dispense with it for military purposes." As a matter of legal opinion, it seems to the committee, there can be no doubt that the authority for the sale, and

the validity of it, must depend alone on the power granted by the law, and such instructions of the Secretary of War to his subordinates, compatible with it, as he saw fit to make to insure their faithful execution. The attempted inference that, either under the contract or under the law, the Secretary of War may, after having sold them, for an unlimited time retain Fort Snelling and the reservation connected with it for military purposes, is wholly unfounded. His instructions to the commissioners making the sale confer no power to sell the fort with the condition that the person who purchased it should be kept out of his purchase indefinitely, on the arbitrary judgment alone of the Secretary of War. No one would think of investing money in such a purchase, clogged with the embarrassing condition, after he had parted with his money, that its enjoyment afterwards, possibly never, was to depend on the single judgment or caprice of any one. Indeed, the law itself forbade the condition, for it permitted the sale of military sites, or parts of sites, only when they had become useless and were no longer necessary for the public service. There is an absurdity in the idea that the title of military positions should be sold out of the government, and dwell in private persons, while the government has their use; nor would there be any propriety in parting with the title until the use of the position was abandoned.

Neither the law nor, under the law, the Secretary of War contemplated any such extraordinary arrangement at the time instructions were given to the commissioners. Any person who purchased, or attempted to purchase, did it in contemplation that the reservation was no longer necessary for military purposes, and that its possession would follow the sale. The law itself, by its own terms, and by an estoppel that no written words can supersede or invalidate, incorporated into the contract, the instant the sale was made, the right in the purchaser to the possession of any property lawfully sold under these acts, not at an uncertain and indefinite time, but at a certain time—the time allowed for giving up possession being just so much as was reasonably necessary for that single object, and no more.

In the trial of such a contract between private persons before a civil tribunal, it is believed this is the usual and certain rule of construction. Nor does the language of the contract sustain the conclusion that the Secretary of War might, after the sale, withhold it from the purchaser as long as he pleased, and that this is a part of the contract. The terms of the contract that possession was to be given "as soon as," &c., implies that it was to be done soon, and, in the legal intent that would have been derived from a common civil contract, in the same terms, in such time as was reasonable and necessary for the purpose. But, were the time in which possession in the purchaser was understood to be due, left doubtful by the language of the contract, in this case, it is made plain by the understanding of the contracting parties at the time. The report of William King Heiskell, esq., and Major Eastman, commissioners, made to the Secretary of War, under date of June 10, 1857, says: "We examined Fort Snelling with a reference to its being retained as a military depot, and became satisfied that the time has passed for it to be useful as a military depot or fort." Mr. Franklin Steele, at that

time, became the purchaser from the commissioners. To the question put by the committee, as to whether he regarded his contract as conferring on the Secretary of War the right to retain it indefinitely, and as long as the interest of the government required it, he answered that he did not. And to a more particular inquiry as to his own understanding as to the meaning of the clause in question, he made the following answer: "I inferred from the fact that the Secretary of War proposed to sell the reservation, that it was no longer required for military purposes, and that the time required was only for the removal of the stores and government property at the fort; there was no specific understanding between the commissioners and myself in regard to the time, nor is there any specific time mentioned in the contract; it gives, as I understand it, sufficient time to remove the government property without detriment to the public service." Thus the contemporaneous understanding of the government commissioners and of Mr. Steele, the purchaser, was, that the possession of the whole reservation was to be given up at once, as the consequence of the sale, and not held at the arbitrary opinion of the Secretary of War. The fact that this agreement for possession has not accordingly been observed is not unlikely to be pressed, in future, as an occasion for asking damages from the government.

Even if, as is presumed, it will be contended that the post being necessary, yet the sale was made, reserving the use of the fort and reservation so long as, in the judgment of the Secretary of War, they might be thought necessary, the arrangement is reprehensible, first, in the violation, on the part of the commissioners, of the particular instruction, "if you should deem it necessary for such purpose, you will reserve from sale the buildings and such lands as you may consider suitable, not less than forty acres;" and, next, in its ratification by the Secretary of War, after having been made in violation of his particular instructions, and in the absence of law, permitting the public defences to be sold into private ownership while maintained for the public use.

Such being, under any circumstances, in the opinion of the committee, as already expressed, the military expediency of retaining Fort Snelling, the time chosen for making the sale was most inauspicious. The law did not command its sale. At most, it only lodged with the Secretary of War a military discretion on the subject. Mr. John C. Mather and Mr. Richard Schell have caustically and doubtfully expressed the opinion that their first knowledge of the contemplated sale of Fort Snelling was obtained from reading the appropriation act of 1857; but in this they are evidently mistaken, as that act, so far as it extends the act of 1819 on that subject, does not, in its terms, mention it by name, or in any other manner distinguishing Fort Snelling from other military sites; and, from its reading, Fort Snelling is no more understood than Fort Hamilton, or Newport, or Jefferson Barracks.

A reference to the report of Adjutant General L. Thomas, which is a part of the evidence accompanying this report, made to Lieut. Gen. Scott, as the result of his inspection in Minnesota, shows that there were in that Territory, and beyond its frontier settlements, at the time of the sale, 10,300 Indians, besides the Yankton and Yanktonee

branches of the Sioux, who are described as "warlike and numerous;" that recent murders and other outrages had been committed there; that the temper of the tribes was insolent and hostile; that, to restrain them, additional posts and a larger force of troops were necessary, and that a feeling of insecurity prevailed on the frontier. This was, then, no fit time for the abandonment of the fort, then the only base of supplies and support for the posts beyond, and itself being within four or five days' march of the hostile country. Nor was there any economy in making the sale then, because the post has been since maintained as if no sale had been made. Nor was the price stipulated of present importance to the government. Even if it had been, that advantage was lost by the unusual plan adopted by the commissioners of selling on credit. No considerations known to the committee are favorable to the sale of Fort Snelling at that particular time, while, on the other hand, its propriety is opposed by the condition of the frontier, then made alarming by recent events, and a growing hostility among the tribes bordering on it. As the commissioners were appointed, under date of May 25, 1857, with plenipotentiary powers to sell Fort Snelling, and everything belonging to it, and acted under the immediate authority of the Department of War, concluding the sale as early as the 6th of June afterwards, it was, at least, proper that other subordinates of that department, acting with its like knowledge and authority, should, earlier than the 18th of August, have been withdrawn from the supererogatory duty of giving increased garrisons to other posts, re-establishing Fort Ripley, and establishing other posts beyond those already established, all to be made dependent on Fort Snelling, when the title of the government to Fort Snelling had already, some weeks before, been divested by the particular approbation of the head of that department.

In this connexion, the House is asked to consider the grave and important fact that, in this proceeding, which dispensed with a military post long established and maintained among the principal defences of the northwest, and that was, at the moment, a means of support and supply to the frontier posts beyond, the Secretary of War acted not only without advising with any military person practically connected with the defence of that important frontier, but in defiance of the recent opinion of his immediate predecessor, as justly distinguished in arms as in civil life, and of other high official opinions in his office, with which he is presumed to have been familiar. In the careful judgment of the committee, this was more than an error. It was a fault affecting the most interesting branch of the public service, and where incaution, want of judgment, and want of skill are least excusable. In cases where professional and technical judgment is of so much importance, such a fact as has been stated, from whatever cause or want of cause it proceeds, is enough to occasion just distrust of the competent management of that branch of the administration charged with the whole power of national defence and offence. The fact only is mentioned. No one was consulted. To no one officially connected with the system of frontier defence, or clothed with present authority at that post, from the highest to the lowest, nor to any unofficial persons, unless a few who wished to buy, was the purpose of that department to sell it imparted, and the eventual sale fell on all as a surprise.

It is granted that, by law, the Secretary of War is the superior and head of the whole military service of the country. But practically he is not so—not in popular judgment merely, but because, in fact, without reference to his official position, he has but a minor part in projecting and executing matters of strategy. His office is rather administrative than executive; and in the absence of the legal idea that he is chief of the army, with no superior but the President, his office might be considered civil and not military.

The report of Assistant Adjutant General Thomas has been already quoted. It will have been observed that in that communication to Lieutenant General Winfield Scott, commander-in-chief, &c., from the post which had been so silently and without suspicion divested from the government under his very feet, and which, in his military position, he was, at the very moment, accommodating to the supply and support of the posts on the Indian frontier beyond it, he expressed strongly, but without indecorum or offence, and with particular reference to the state of affairs at that post, his judgment of the impropriety of the sale of Fort Snelling. This was on the 28th August, 1857, submitted by General Scott to the Secretary of War. On the succeeding day the Secretary endorsed on this report the following memorandum, and made it a record of his office:

“This report is sufficiently clear in its statement of facts connected with the Indian tribes. The dissertation about Fort Snelling, its sale, and the importance of it for a military depot, is a gratuitous intermeddling in a matter already disposed of by competent authority.

“Whatever may be the opinion of a ‘military man’ as to keeping up a military post in the heart of a settled country to hold Indians in subjection who roam through the forests many days’ journey away from it, a man of common apprehension would conclude that the proper place for forts and troops was *amongst* the Indians to be held in subjection. When the United States army are set to ‘cutting and stacking hay,’ it is possible a still more eligible point may be selected for the purpose near to the Indian settlements, where the troops would need those supplies.”

“When this department is required to report to ‘subordinates’ under what circumstances the post at Fort Snelling was sold, or any other act was done, the duty shall be performed; but, until then, a ‘military man’ will probably understand that a superior in authority is not to be called on for an explanation of any order.”

The committee does not attempt to determine the question of propriety in thus storing away in the public archives such a condemnation of a distinguished and meritorious officer, at that moment the chief of General Scott’s staff, and on duty as inspector general, and who had only invited such a judgment by a faithful discharge of an unpleasant duty. Both the temper and matter of the memorandum seem to be without aptness to the report. But it is now referred to for another reason, that it seems to imply that the Secretary of War, being a superior in authority, is thus put above the opinions and advice of those he denominates “subordinates,” and that there is an impropriety in an independence of judgment on the part of such a

subordinate, though occurring in the line of his duty. This cannot be admitted to the full extent that seems to be claimed. It is believed that the opinion, knowledge, and skill of General Scott and many military associates, whose military merits time has established, and whose fame is historical, might yet be invaluable to the Secretary of War. At least, the public is entitled to an explanation of this act. Indeed, the fact that this important department is usually filled by persons of inconsiderable military knowledge and experience, drawn from the pursuits of civil life, and from a consideration of their administrative abilities, which are only civil, implies that in matters strictly military, reliance is only to be had on those in superior military command, familiar with the military wants to be met, and dispositions and details to be made. The actual superiority of the Secretary of War is principally to harmonize and combine his department with other branches of the administration, so that the whole administration may be a single body having a single head. He is thus hardly more than a connecting link of his department with other departments of the government, while its proper authority is wisely administered and directed by those who have, in fact, the supreme military command.

In this sense the sale of the military post of Fort Snelling by the authority of the Department of War, without advice, without the reasonable precaution of seeking advice, in opposition to recent high official opinions, and while the post had still a public importance, may be justly regarded as an inexcusable official fault.

It is the opinion of the committee, that the price at which Fort Snelling and the accompanying reservation were sold is far below their intrinsic value, and much below what might have been realized for them, if brought to market in a more cautious and prudent manner, taking pains to give it publicity, and, at the same time, to guard the government against loss. The great value of the reservation at Fort Snelling, as well as of other reservations belonging to military posts, beyond which the frontier had receded, and where population had become dense, was already a record in the War Department. General Jesup, from the Quartermaster General's office, in his report of November 14, 1854, to the Secretary of War, made the following statement:

"There are many sites no longer necessary for military purposes, which have become very valuable in consequence of the expenditures of the government and the protection given to settlers in their neighborhood, which, if sold for their full value, would supply a fund sufficient, or nearly so, for all new frontier improvements." * *

* * "The reserves at Fort Howard, Fort Snelling, Fort Crawford, and Rock Island, should it not be made a military depot, if sold for anything like their value, would bring into the treasury more than a million of dollars. Without such a modification of the law, there is great danger, should these valuable lands be offered for sale, that unprincipled and lawless speculators will combine, and, by threats of violence, intimidate honest and peaceable citizens from bidding for them, and thus secure for themselves and their confederates the whole of them at the minimum price of the government for its wild lands."

Impressed with the correctness of this opinion, Secretary Davis, in his annual report of that year, made the following statement :

“Many reservations around military posts originally established on the frontier, and now rendered useless by the advance of population, have acquired great value, not only from the rise in the price of lands in such localities, but from improvements put upon them by the labor of the troops, or at public expense. In disposing at public sale of some of these which came within the act of 1819, it was found that the bids were far below the fair market value of the lands—a result which has been attributed, no doubt correctly, to combinations among the bidders. I concur with the Quartermaster General in the opinion, that similar results can be prevented in future only by establishing a minimum price, below which the lands shall not be sold ; and I recommend that provision be made for this purpose in any act that may be passed upon the subject.”

The present Secretary of War was thus informed of the great value of these reservations, and of the importance of providing precautions that would not only prevent a sacrifice of them, if brought to sale, but have realized to the government their full value. A portion of this reservation had already been sold under the authority of an act of Congress permitting pre-emptions. If anything could add to the force of the position here taken, that exceeding caution was necessary, it is in the fact that already another small portion of this reservation, amounting to 5,362 acres, had been sold at a great sacrifice to the government at the Stillwater land office, under circumstances having no equity in favor of the purchasers, and violent and defiant of all law.

With such knowledge he had a corresponding duty, to be on his guard. To do this, common prudence dictated several things to be done, to wit, first, publicity, in order to attract purchasers ; second, such a subdivision of the property into small parcels as to bring them in value down to the means of the greatest number of competitors ; and, third, an absolute right in the agents to accept or reject all offers made, so that the title in the government should not be divested if only an inadequate price was offered. It is hardly necessary to add that a trust requiring so much caution and judgment should only have been left to competent persons. All these objects could have been obtained in like manner, whether the sale was public or private. There was, besides, both justice and policy, the uniform policy of the government with all its lands, to have the reservation subdivided and sold out to the largest number of proprietors.

The Fort Snelling reservation, containing nearly 8,000 acres, has by position, unusual advantages, and at the moment of sale attracted great attention, and promised to realize to the government its full value. It lies within the confluence of the Mississippi and Minnesota, at the practical head of steamboat navigation on the Mississippi, the flourishing city of St. Paul a few miles below, the town of Mendota only separated from it by the Minnesota river, and a few miles above, the flourishing towns of Saint Anthony and Minneapolis on opposite shores of the Mississippi, with only the Falls of Saint Anthony between, having water power enough to keep busy the spindles of all the States. By means of its two rivers, all the commerce north and west of it is

compelled to pass by it. With a healthy climate, rich soil, and singular natural beauty, no other point of the northwest was so well calculated to draw purchasers. Within a radius of a half dozen miles of the post there was already a busy, thrifty population of more than 30,000 souls. When the last government reservation at the present great mart of Chicago was sold in 1839, the population within the same limit was less than 5,000, the entire population in 1840 being only 4,583. It is stated by Dr. Graham, one of the purchasers, that Governor Floyd's knowledge of Fort Snelling was only that it was an old fort, and that he had but little idea of its value. If true, this would be no less a fault. But the committee has not yielded to this, and, with a better opinion of the department over which he presides, has believed him incapable of so little knowledge.

But this only practicable mode of getting the best price was not adopted. Common prudence would seem at once to recommend a mode equal to the case. But if common prudence were at fault, the event would be more excusable if the department itself did not furnish in its own records a sound and successful precedent for the complete protection of the public interest in a case, in all essential circumstances, like this. The case referred to is that of the sale of the Fort Dearborn reservation at Chicago in 1839, just alluded to, under circumstances less favorable than the late sale of Fort Snelling, for in that instance the revulsion of 1836, the effects of which were not yet spent, left the interest of land buying languishing, and the feeling at that sale was less favorable than in the case of Fort Snelling, where speculation was active and the interest to buy general.

In that instance, the quantity of land sold (the Fort Dearborn reservation) was just $53\frac{1}{2}$ acres. The sale of that quantity of land realized in gross \$106,042. It was done under the authority of Secretary Poinsett. His commission to Matthew Burchard, esq., agent, bears date, "War Department, April 23, 1839." He was directed to subdivide the property, and set an estimate on its value by parcels. He was directed to advertise the sale. If inadequate prices were offered, he was directed to decline them. By this means, the full price was realized, or otherwise the interest of the government was not divested. In order to prevent combinations, or in any event that threatened prejudice to the public interest, the commissioner was authorized to adjourn the sale to Detroit or New York, to take place at such time as might be most advantageous to the government. Such a mode of sale, if adopted in this instance, would have realized, it is believed, corresponding results.

In what has been said so far, there is no purpose to question the complete superior authority of the Secretary of War over all subjects in his department; but only that it is a proper and dutiful inquiry with Congress, which has supervision over everything pertaining to revenue, and the resources from which revenue is derived, to examine when an act is done by any department whether it is wise or expedient. Such an inquiry is not excluded, for it does not follow, because an act is lawfully done, that it may not be done wrongfully or with bad judgment.

In this connexion, and with reference to the propriety of the con-

clusion above expressed, that the sale was improvidently made, a more particular reference is necessary to the evidence taken by the committee.

In the early part of April, 1857, Major Seth Eastman was sent by verbal direction of the Secretary of War from Washington to Fort Snelling, to survey the Fort Snelling reservation into forty-acre tracts, and into as small lots as could be conveniently made, to enable men of small means to buy. No other duty was then intended for him but to make the survey. "The Secretary of War stated," Major Eastman says, "that after I had finished the survey, he would send an agent out there to sell it. I was not appointed agent in the first instance, and had no expectation of being agent." The authority he afterwards received to make the sale, in company with Mr. Heiskell, seems an afterthought. How he came to be appointed is explained by Mr. Heiskell's statement on delivering Major Eastman his commission at Fort Snelling. "He (Major Eastman) said he was surprised to get it; he did not suppose he should have anything to do with it; he supposed he was just to survey it; he did not know he was to be appointed as commissioner. I told him I wanted some good man to act with me, and I supposed, as he was there, the Secretary of War thought he would be more competent than anybody else." Thus, Mr. Heiskell was principally the commission, Major Eastman, on his suggestion, being its accessory.

While so much preparation was being made to subdivide the reservation into small parcels with the view, as then appeared, of bringing it to sale in this manner, and almost as soon as Major Eastman had left Washington for Fort Snelling, Mr. John C. Mather and Mr. Richard Schell, with a knowledge of this fact that seems extraordinary, because no one else seemed to have it, were at Washington, with a combination between themselves already formed, to buy the reservation.

In the light that this transaction was fair and usual, the number of striking circumstances is worthy of notice. It is singular, that while the survey of it in small parcels was proceeding, Mr. Mather and Mr. Schell were arranging a combination in spite of its parcels. It is singular, at this early period, that they only should be in possession of the information which gave them occasion for forming a combination to buy Fort Snelling. It is singular, that immediately after Doctor Graham declined acting as agent for the sale of Fort Snelling, for the reason, that he preferred being a purchaser of it, Mr. Mather and Mr. Schell should be conveniently in Washington, and that these three persons, with such an identity of purpose, should be fortuitously thrown together to make the arrangement to buy, so entirely agreeable to each other. It is also remarkable that the form of the instructions to provide for actual settlers on the reservation, and which seemed to intend Mr. Franklin Steele, should have been anticipated by these three gentlemen, notwithstanding General Jessup had said, in a published report of his office, that Steele was not entitled to protection, and that they should thus be induced to connect him with their combination, and that Doctor Graham should be sent on a distant mission for this object. It is no less remarkable, even before the survey was completed, that Doctor Graham had returned from that suc-

cessful mission to New York, where he met Mr. Mather, and then to Washington, at the very time that Mr. Heiskell was receiving his appointment; and that Mr. Heiskell's appointment should be made at the very time that Doctor Graham had returned to Washington, to proceed with him at once to Fort Snelling, where the sale was to be made. To this may be added the voluntary appointment, by the Secretary of War, of Mr. Mather to the duty of examining the military reservation at Fort Ripley, a duty for which he was not particularly fitted by habit or experience, and at the very time that was most convenient for him, by the arrangement already made to be at Fort Snelling, on his way to Fort Ripley, and again, at the sale of Fort Snelling, on his return. To this, besides, may be added the fact, no less remarkable, that a privacy of the particular authority of Heiskell and Eastman to sell this reservation was observed to every one, except these favored persons. If this was only a fair and ordinary transaction, the circumstances are extraordinary and the case has a romantic interest.

The appointment of Mr. Heiskell to make this sale bears date May 25, 1857. At this time, the survey Major Eastman had been directed to make was not completed. The committee believes the principal appointment of Mr. Heiskell to so important a trust was, from his inexperience, unfitness and incapacity, injudicious, and made this conspiracy of Graham, Schell and Mather successful.

It seems that Governor Floyd and himself, fellow citizens of Abingdon, Virginia, had jointly "run a race" for the legislature of that State in May, 1856, and on that occasion won a victory over a class of public enemies called "know-nothings." The reason and manner of Mr. Heiskell's appointment are derived from his own testimony, as follows:

"Before Governor Floyd was appointed as Secretary of War, he and myself ran a race for the legislature in 1856. Shortly after he had received notice from Mr. Buchanan that he would be in the cabinet—the next morning, I believe—I remarked to him, jocularly, 'Now, old fellow, we have had rather a hard fight of it together, against the know-nothings here, and when you get in office you must not forget me. I want you to give me a place. I want one that will pay not less than \$4,000 or \$5,000 a year. I don't want anything else.' Said he, 'Well, old boy,' in his way, to me, 'if I can do anything for you, you shall have it.' After he had been here in office for two or three weeks he wrote a letter to me, telling me 'there is nothing here that you would want; there is no office in my gift, or in the gift of the President, that you would have.' Some time in the month of April he wrote to me that he had a little business for me to do that would pay my expenses, and he wanted me to come on here. I wrote to him, 'I do not want to do anything that will not pay well.' He wrote to me to come on here, that he had some business he wanted me to attend to; that there was a reservation he wanted me to sell. I did come on here, and learned from him that the pay for the commission would be \$8 per day and my expenses. Said I, 'If I had known what the pay was before I left home, I would not have come here. I supposed the pay would be five per cent. on the sales.' Said he, 'the

law fixes the pay at \$8 per day and your expenses.' Well, he gave me my commission.

"When I got my commission, Governor Floyd said to me, 'old fellow, I want you to do the very best you can for the government.' These were his private instructions. 'I want that sale to be the best ever made in the United States.' Said he, 'you have got a parcel of sharpers to deal with, and you have got to keep your eyes open.' This was the exact conversation; I recollect it distinctly, because he was so emphatic. I started from here the latter part of May. The governor said to me, as I remarked before, 'Keep your eyes skinned; you are going among a parcel of sharpers and speculators. I want you to make the best sale the government ever had made.' Said he, 'I know how you trade at home,' remarking on some of my transactions that I suppose it is not necessary to mention—I had been sheriff at home—'and I know if you have a little warning they cannot touch you in a trade,' or something of that kind. Said he, 'I want you to execute this commission to the best of your judgment. You understand speculation; you understand mankind.'"

According to this statement, Mr. Heiskell demanded public gratitude, precisely expressed at 4,000 or 5,000 dollars per annum, in consideration of his efficiency and example as a servant of his party. Such a practice of selecting persons for public trusts, which has latterly somewhat obtained, since the examining questions proposed by Mr. Jefferson to be put to candidates for office, "Is he honest? is he capable?" have gone into disuse, is not, under any circumstances, very respectable among thinking and honorable men; for the plain reasons, that it assumes that only one set of opinions is right, and every other set of opinions is wrong, and worthy to be stigmatized as a disqualification for office, and that merit only consists in adherence to the last party dogma—that this despotic rule of exclusion gives increased acrimony to party contentions, and that when party fidelity is made the only rule of appointment, it is capable of making just so many hypocrites of opinion as there are offices to be got by means of it, and, by its terrorism, subdues all manly and honest opinions in public officers.

There is much less merit in making appointments from mere friendly and family considerations, for the reason, that where a mere politician is appointed, the public injury of such an appointment ends with him; but a family appointment becomes contagious among brothers and sons and cousins, till worthy men are turned out of office to make room, and new names, without any merit but a consanguinity to some dispensing officer, or some person in influential position, grow into frequency on the blue book.

But there has been a toleration of this practice, of confining appointments to persons of the prevailing party, and sometimes, of a choice of officers on personal considerations, so long as persons of fair integrity and competent ability have been selected, so that the public has taken no detriment. But even with so much respect to such motives to the appointment in this instance, it is deemed a matter of just complaint here, that a selection of a competent person was not made. The sale of this valuable reservation was a delicate and responsible duty,

and required not only decided qualities, but qualities fitted to the occasion. It was in the knowledge of the Secretary of War, from the report of General Jessup already quoted, that the Fort Snelling reservation and three or four other military reservations that were named, were worth a million of dollars, and if properly sold and husbanded, would be sufficient to provide for the defence of the whole western frontier. Then, granting that for this occasion the Secretary of War might properly select for this public duty a neighbor and personal and political friend, yet the public had a right to demand that it should be such a neighbor and friend as had so much ability as to take care of its interests. But inconsistent with the cautious recommendation of General Jessup, the public consequence of this trust seems to have been lost sight of. On bare suggestion, and quick as the subject was hinted by Doctor Graham to the Secretary of War, the sale of the reservations at Fort Snelling and Fort Ripley was tendered to him to pay his expenses on a private enterprise to Minnesota. The appointment of Mr. Heiskell was expected and asked and given as an act of political benevolence and gratitude.

But this pernicious and perilous system of making public preferences the spoils of the successful side of politics, by extending it a very little, becomes a system, whereby other employments, not official, jobs and contracts, like mail contracts, army contracts, jobs for transportation and supplies, and other preferences may be claimed by men who manage parties successfully, for the same reason, and with just the same propriety. The prevalence of this opinion that everything in the way of advantage and profit that the government can give should go into partition among the shareholders of the last political success, is shown by its wide geographical distribution, cropping out, at the same time, in places so wide apart, and of such unlike political temper, as Abingdon, Virginia, the city of New York, and Waterbury, Vermont. Mr. Paul Dillingham, of this last named place, is a thrifty, enterprising and courageous instance of this opinion. A reference to his letter to the Secretary of War of May 1, 1857, shows that he has twice been in Congress and is a "sound, reliable democrat." The eminence of his position gives more consequence to the present view and invites remark, because it may be presumed that other "sound, reliable democrats," as he thus describes himself to be, may become inoculated by so eminent an example. Mr. Paul Dillingham asks of the Secretary of War, in consideration that he has been such a "sound, reliable democrat," that he shall be permitted to buy the whole, or a part of the Fort Snelling reservation at "a bargain." "I possess," he says, "some pecuniary ability, and have several relatives and acquaintances in Minnesota Territory, where I want to remove myself, so as to get out of a State where genuine democracy is poorly thought of by the great colored party who rule, and always will here. If it is for sale, I should esteem it a favor—perhaps it is my right, but that I do not discuss now—to be so informed, that I may have a chance for a bargain, and think I should come to Washington, to confer personally with you."

It will thus be seen that Mr. Dillingham esteemed it a personal

privilege to demand a large amount of public property of the Secretary of War at "a bargain" for so poor a consideration on his part, and utterly without profit to the public, as his being a "sound, reliable democrat," anxious to remove from a community, where, by his own confession, he was without influence and nobody cared anything about him; and it is, at the same time, equally plain, that if, on his first offer, the Fort Snelling reservation was an equivalent for such a "sound, reliable democrat" as he represents himself to have been, by persuading him into a moderation of terms, he could, at any time, be had at a much less price. This proposition contemplated, it is hardly necessary to say, an indecent prostitution of the public interest for private advantage, and for the least praiseworthy motives.

The "colored party" spoken of by Mr. Dillingham, is supposed to be an exchangeable term for the "black republicans" spoken of by Mr. Heiskell; and it will thus be seen, that these two gentlemen courted the dispensing power, by a common, unreasonable malevolence against a party to which the Secretary of War might be thought hostile—the difference between Mr. Heiskell and Mr. Dillingham being, that the one did not know any better, and that the other did.

Such just animadversion seems demanded, because the circumstances of the case have forced the unpleasant subject on the committee.

About the same time, other applications from several quarters on the subject of the sale of this reservation were addressed to the Secretary of War, but it does not appear that any answers were received. Such a fact, alone, shows a general interest felt on the subject of the sale.

After receiving his commission, Mr. Heiskell left Washington for Minnesota, in company with Doctor Graham, on the 27th or 28th day of May, reaching St. Paul on the 31st day of May. As, at this time, the order for the sale of Fort Snelling was not yet public, it may be presumed that a companion so ingenious and interested as Doctor Graham, would improve such an opportunity to inculcate in the commissioner just going "among a parcel of sharpers," as described by the Secretary of War, the great danger of combinations, and therefore the importance of keeping himself still. At the end of this journey Mr. Heiskell was circumspect, and only gave his confidence that he was going to make a sale to the "barkeeper or bookkeeper at the hotel."

The day of his arrival at St. Paul was Sunday. Mr. Heiskell did not meet Major Eastman for three days, at least, and on Saturday of the same week, the 6th day of June, the sale was made, Mr. Heiskell having, in the meantime, "rode some over the neighborhood," and "written over near a quire of paper" in getting up a contract for the sale. Such expedition in business would have been meritorious if, under the circumstances, it had been judicious.

It will be seen that the Secretary of War not only did not consult General Scott and other army officers having the frontier defence in charge, in reference to the propriety of dispensing with Fort Snelling as a depot for supplies and troops, nor defer to the high official opinions of his department against it, but that, at the time of the sale, he

had no conclusive opinion of his own, and that to Mr. Heiskell, as one of the commissioners, he delegated the authority to determine the important question of retaining Fort Snelling for military purposes. "You will examine," the Secretary of War said to him in his letter of instructions of May 25, 1857, "with reference to its being retained as a military depot for the use of the government."

It is respectfully submitted that, by Mr. Heiskell's own statement, he was without the requisite military experience and study, at least not so much as General Scott, to say nothing of other qualifications, to enable him to decide a question possibly involving many lives and the security of many hundred miles of frontier. "I have not been in the military service," he says, "further than being a third corporal in a military company of the Virginia militia, and that only for a very short time." He denies all military study and knowledge, but submits that such questions can be decided by common sense. The importance of retaining Fort Snelling as a depot for the concentration of troops, to be held ready to be sent forward in numbers, whenever demanded, to exposed positions on the frontier, is particularly urged by General Jesup. The retention of Fort Snelling in this view, was proposed to Mr. Heiskell, and to it he furnished the following unique and intelligent answer: "Well, sir, I think I examined that satisfactorily, having been engaged as agent of a very large manufacturing establishment for which it was necessary to keep depots for a large supply of salt."

His fitness for the other duties of his commission, selling it in forty-acre tracts and other subdivisions, if deemed proper, the settlement of equitable pre-emptions on the reservation, &c., may be best determined by his own statement in the same way. Mr. Heiskell, before that time, had never been beyond the Ohio river, or on any public lands brought to sale in the usual manner. His means of information on this commonly difficult subject are set forth in the following answer: "Having been myself somewhat a trader in lands in my own county, and having made nearly all I had from speculating in lands, I should be supposed to know something about things of that sort. I have been a hard student of newspapers in my time, and understand the business of the county. I have examined this matter."

The logical propriety of this conclusion is not obvious. That Mr. Heiskell had been a trader in lands; that he had made nearly all he had in speculating in lands, or that he had been a hard student of newspapers in his time, and understood the business of the county, seem to have very little to do with that intelligence, skill, caution, and discretion, indispensable to a satisfactory performance of his duty.

The instructions of the Secretary of War just referred to directed the sale of the reservation in tracts or lots of forty acres each, or in whole, as might be deemed best. The committee respectfully submits that such an authority to sell the Fort Snelling reservation, comprising nearly 8,000 acres, "in whole," is not warranted by law. The act of 1857 permits the whole of a military reservation to be sold, when it is useless, or so much of it as has become useless, where a part of it has ceased to be useful. But it is only intended when the

“whole” is sold, that it shall be in the usual legal subdivisions and not altogether; for, if such were the power, for example, in this instance, the tract being large and valuable, to sell it together would put it in the reach only of two or three wealthy competitors, who might easily combine and thus defraud the government, and persons of small means would be entirely excluded. The same rules of propriety hold of making sales of useless military reservations in subdivisions, allowing of the largest number of competitors, as in making sale of other public lands. The sale of any considerable quantity of lands, or in bulk, has been abandoned since the establishment in 1812 of the department of public lands as a distinct branch of the Treasury Department. This erroneous instruction, coupled with the singular appointment of commissioners for the purpose of making the sale, shut out all other purchasers, and compassed the result in the combination of Mather, Graham, Schell, and Steele.

Without the foregoing facts, and without their own distinct confession, it is hardly credible, that commissioners appointed to make a sale of this importance, should be utterly without a knowledge of the particular law under which they were acting, and of those other laws by which the rights of settlers on the public lands are regulated, the equity of applying which here, was, by particular instruction, left to their judgment, and that the Secretary of War should not have communicated to them, as a means to that judgment, the decision of Gen. Jesup that Steele and McKenzie had no right as pre-emptors. Gen. Jesup says:

“But the persons alluded to by Mr. Rice have no claim to any part of the site; that site derives its present value from the expenditures of the government and the labors of the troops. Sutlers and ferry-men who have settled around the post did so for their own advantage, and ought not to have any preference over others. If the site be divided and sold, it would be unjust to the whole country to give them an advantage over any other citizens. If any one class should have a preference over other classes, it should be the private soldiers who first gave value to the place, or their descendants.”

The common consideration that pre-emptions are allowed to settlers on the public lands along the frontier, for the reason that they thus become a means of defence to the frontier, hardly less valuable than an armed force, is conclusive against these pretensions; for Steele and McKenzie, instead of giving the frontier defence, were living, by license, on a military reservation of the government, and within the very protection of the fort. At most, a pre-emption could only cover one hundred and sixty acres, and then treating their settlement, as creating an equitable right of pre-emption, it did not reach beyond that quantity of land, and was lost whenever the right was sold or otherwise parted with. But the committee cannot rightfully yield so much. Steele disavowed to the commissioners holding any claim on the reservation. Within the equity of our land laws it was enough to secure them their particular property, and so much ground as was necessary for its enjoyment.

This ignorance of the rules by which their duties were regulated

led to a succession of simple and inexcusable blunders. The commissioners sold partly on credit, because, as stated by Major Eastman, "Steele wished to purchase it that way," for \$90,000, one-third payable on the 10th day of July, 1857, and the "residue in two equal annual payments thereafter." A sale on credit was not warranted by law, by the particular instructions under which the commissioners acted, or by any usage prevailing since the establishment of the independent treasury system. The law authorizing the sale of military reservations prescribes that a conveyance shall be made only on the full payment of the purchase money. The contract of the commissioners stipulates that a "deed shall be given" on the first payment being made by Steele. The law provides that military reservations may be sold on their becoming useless, implying that possession shall follow the sale. The contract of the commissioners stipulated for possession "as soon as the Secretary of War could dispense with it for military purposes," as if the law left with the Secretary of War a residuary discretion, after a military site had been sold for the reason that it was useless. The contract of the commissioners contemplated that the Secretary of War, "or agents appointed for that purpose," should take satisfactory security for the deferred payments given. No law contemplates any such security, and if given it would be entirely nugatory and invalid. The pre-emption law allows a legal pre-emption to 160 acres of land only. *A priori*, an equitable pre-emption, (for a legal one cannot exist on a military reservation,) could reach no more than 160 acres. But, by the following language of the report of the commissioners to the Secretary of War, "It is true that his improvements have cost a large amount, but then for each separate and valuable one to permit him to purchase 160 acres, the amount of land he would be thus entitled to obtain, at that price, would amount to nearly 1,000 acres, or one-seventh of the reservation," it is implied that Steele was entitled to pre-empt of this valuable public property 160 acres for each separate and valuable improvement of himself, of each of his ferrymen, and as the substitute of McKenzie, and thus be enabled to obtain nearly a thousand acres of it by pre-emptions. Under the pre-emption laws a pre-emption occurs by reason of an actual settlement and improvement, and is defeated the very moment that a settlement is abandoned by a sale or any other alienation. But in this instance, the commissioners themselves being present, are the official witnesses of a fraud on the pre-emption law in the pretended sale from McKenzie to Steele, and report the fact to the Secretary of War as the reason why Steele, the purchaser of McKenzie's settlement, was entitled to the benefit of the sale in spite of the legal fraud. And not only was Steele, by this novel equity, in addition to his own settlement, substituted in the place of McKenzie, but allowed to succeed to whatever benefits might be supposed to enure to ferrymen and other persons in his employment who happened to have been on the reservation, and the commissioners make this absurd mistake the reason for preferring Steele as a purchaser. The commissioners had been instructed to sell at public or private sale. Losing the common sense of the instruction, they sup-

posed that a private sale, as distinguished from a public one, was to be secret and to be kept concealed. "We did not advertise," Major Eastman says, "because it then would not have been a private sale." "If it had been advertised," Mr. Heiskell says, "it would have been a public sale." To complete this procession of official mistakes, Mr. Heiskell adds the following: "I remarked to Steele that I looked upon the sale about like this: 'If the sale had been made to anybody else, the black republicans in Congress would have been unscrupulous enough to have given you \$50,000 for your buildings. You are a democrat, it is true, but for all that the black republicans would have given you \$50,000 for your buildings; so that I looked upon the sale as in reality made for \$30,000 or \$40,000 more than the price named.'"

If it is deemed necessary, from political or any other considerations, to retain such talent as Mr. Heiskell's in the public service, it is respectfully submitted that the field of display is unfitly chosen.

The committee has not deemed it necessary to dwell on the particular manner and circumstances of the sale of the Fort Snelling reservation. The sale of it to Mather, Schell, Graham, and Steele was already a foregone conclusion, from the moment that Mather and Schell, in consequence of a private knowledge that it was about to be brought to sale, had already made their combination, and Graham first, and afterwards Steele, were incorporated with them, and Heiskell had set out from Washington for Minnesota in the fatal companionship of Graham, and Mather, at the very critical time, was required, under a commission from the Secretary of War, to pass by Fort Snelling on his way to examine Fort Ripley. The sale of the reservation to these gentlemen followed, from the facts just mentioned, with the certainty of a dramatic catastrophe, and the particulars by which it was accomplished, have, therefore, only a secondary importance. The inculcation on the mind of Heiskell of the danger of combinations, the importance of keeping the transaction secret, the preference of Steele as a purchaser, the importance of selling to Steele even at a reduced price, as a matter of governmental economy, to prevent the republicans in Congress from making him corrupt gifts of money, selling the whole together, instead of in parcels, what the reservation was worth, &c., seem to have been contrived, and to have an immediate connexion with the foregoing facts. In this manner, no one was allowed to know in regard to the coming sale, all competition was excluded, better prices were prevented, because no opportunity was allowed to offer them, and a natural surprise was felt that when a desire to invest was so general, both in the neighborhood of Fort Snelling and abroad, this large and valuable property should have gone so silently into the hands of this family of political favorites.

It has already been mentioned that the intended sale of Fort Snelling was kept in concealment from every officer connected with the army, great or small, there or elsewhere. The like concealment had been observed towards every one else, and the sudden effect following on the return of Mr. Steele, from Washington, with tidings that the Secretary of War had confirmed to him the sale of this large reserva-

tion, made some weeks before, and of which, up to that time, no one had any knowledge, is well described by Matthew Johnson, a capitalist, who was there seeking the opportunity of investing at this sale, and to whom Mr. Prince, the partner of Mr. Steele, afterwards exhibited a detailed and careful statement of its value at \$1,400,000, offering him, at the same time, an interest in the enterprise at the rate of \$675,000 for the whole purchase.

“The day I was at the fort I was introduced to the commanding officer of the fort, and to nearly all, if not all, the officers of the fort, and there was not one among them that did not condemn the sale. The commanding officer, an old gray-headed gentleman, said that he had not been consulted; that not a word had been said to him as to the propriety of disposing of the property, or of dispensing with the troops there, either by Major Eastman or any one else. From the chaplain up, every man condemned it. With the people there was one universal expression of indignation, except in certain quarters.”

That such was the prevalent feeling in regard to it will be seen by referring to the testimony of other gentlemen, military and civil, brought, about the same time, to a knowledge of the transaction.

Compared with the flattering account given by General Jesup of the value of the Fort Snelling reservation and other military reservations when brought to sale, and of the ample proceeds derived from them being able to give defence to the whole western frontier, the result of this transaction disappoints expectation, and has a melancholy interest.

The amount actually received by the government from the sale, it has already been stated, is \$30,000. By the terms of the contract, the sum of \$60,000 remains to be paid in two equal instalments at the end of one and two years from the time of sale. Thus, all the government has derived from the sale of the reservation and the public buildings upon it, or pursuant to this sale, will derive from them, is \$90,000. But within one year preceding, \$10,157 91 had been expended there by the government for repairs and buildings, in contemplation of its indefinite occupation. The public buildings, &c., which still remain useful, as stated by Major Martin, for every purpose for which a collection of buildings is useful, are valued, in the official report of the commissioners, at \$20,000. It will be remembered that Mr. Heiskell states that no interest was agreed on for the deferred payments, for the reason that he “did not think of it.” If this were a local transaction at St. Paul, where the usual rate of interest is stated at 2½ per cent. per month, the bonds of Mr. Steele, for the payment of \$60,000 on the same terms, would have a present market value of less than \$40,000. This shows the great importance to the purchasers of the terms of payment, providing for credit, and providing for the payment without interest. Or to express it otherwise, if, at the time of the sale, Steele, Mather, Schell, and Graham, had invested \$39,320 at St. Paul, the same, at the time the purchase money of the Fort Snelling reservation became due, would have been \$60,000. The difference is so much gained to the company, and the government is the loser. To this may be added, that the United States is now the tenant,

from these gentlemen, of the fort, barracks, quarters, offices, &c., for as many as two companies of troops, and two hundred horses, mules, and oxen, now stationed there, for which, it is inferred from Mr. Steele's statement, rents may, of right, be demanded. Thus it will be seen that going back of the sale only a single year, and counting the sale as a present cash transaction, the naked reservation of Fort Snelling, comprising between seven and eight thousand acres of highly desirable land, has realized to the government less than \$50,000. The committee does not doubt that if it had been brought to sale at that time in a cautious, prudent, and reasonable manner, it would have realized more than four times that sum.

An attempt has been made to avoid this conclusion by the production of witnesses, most of whom are very ill informed, who say that, in their judgment, the price paid was an equivalent, or nearly an equivalent, for the property. But such statements only prove, at the best, that those particular persons would not have paid any more, and does not deny that many other persons would have given much more. Such statements could only be valuable if there were no other proof of what price could be got, but are worthy of no consideration whatever when it is shown that twice or three times the price agreed on could have been had. For the question now in hand is not speculatively what the property was worth, but what price could have been obtained, if a prudent and reasonable mode of sale had been observed.

Apart from this, several of these witnesses show a very limited means of forming an opinion, and some reasons given for the opinion expressed are inadmissible. For example, one witness states that equally good lands could be got in Virginia at \$7 an acre. Another, who had been most of his life in the Indian trade of the Territory, could not see how lands could be worth so much. He had once thought in the same manner of the prices offered for property at St. Paul. One witness had only looked at the steep bluffs of the reservation from the opposite side of the Minnesota. The knowledge of two or three others was limited to crossing the reservation, on one or two occasions, in riding from St. Paul to St. Anthony. Others had been on the reservation, in the aggregate, from two hours to a half dozen hours. Mr. Heiskell had a reason of his own, which he states as follows: "The reason why I fixed the value as low as \$10 per acre was, that I noticed, in one instance, where I saw six oxen ploughing in what I thought was the finest soil I ever saw, that at the bottom of the furrow, instead of the fine black soil which I saw on top, they turned up white sand. I remarked that I would not give \$2 50 per acre for that land, because in less than ten years it would be blown up into sand banks." Such opinions are worth but little, if anything.

The committee occupies the position, confidently, that so soon as the commissioners had determined, in the discretion allowed them by the Secretary of War, that they would not sell in sub-divisions, or small parcels, so as to bring the sale within the reach of persons of small means, but had determined to sell the whole reserve together, thus avoiding this just and long established policy, as the Secretary of War had permitted them to do, no duty then remained to them but to demand and obtain the best price that could be got.

What price could then have been obtained, at that time, for the Fort Snelling reservation, if open to competition and prudently sold? This question can best be answered by using the statements of respectable and competent witnesses. The Hon. Robert Smith says, in his letter of August 12, 1857, to the Secretary of War :

"If these lands had been advertised to be sold at public auction, or by bids in writing, in forty acre tracts, they would have brought four times as much as rumor (and that is all the information I have) says your agents sold them for. Many of these lands are worth one hundred dollars per acre, and no considerable portion of them are worth less than twenty-five dollars per acre. This sale is looked upon here as akin to the Galphin affair, under Fillmore's administration, and will no doubt be fully investigated by the next Congress."

In his testimony before the committee he adds :

"I would have gone to the 'extent of my pile,' to use a western phrase, to have purchased it at four times \$90,000. If it is not traveling out of the record, I will say to the committee, as sincerely as I ever made a remark in my life, that I think I could have sold that property last spring, if, when the act passed last March, I had been commissioned, with one or two other good, discreet, sensible men ; we could have cut up the property, and sold it for half a million dollars, making the last payment within the time I am informed the last payment is to be made by the present purchasers ; for I have understood that the contract was to pay one-third down, one-third in one year, and one-third in two years."

Mr. Cyrus Aldrich, residing at Minneapolis, and engaged as a real estate dealer, says : "I give it as my opinion, and that is the opinion of almost every man acquainted with the property, that the reservation was worth at that time forty or fifty dollars an acre."

In his letter to the editor of the Galena Advertiser, of April 1, 1857, and the statements of which he now affirms on oath, he further states :

"It is thought by many in this vicinity that interested parties in the Territory have got that section into the army appropriation bill with a view of having all the lands around Fort Snelling, excepting just what is actually required for the buildings, fort, and parade ground, sold, and sold quietly at private sale, and to them.

"There are now 8,000 or 10,000 acres of the best and most beautiful land in the world that is entirely useless for military purposes, worth, many think, \$50 an acre, on an average. One hundred acres of it are worth \$1,000 per acre for a town site. It is one of the most lovely spots that can be found in the whole northwestern country."

He states further that if the opportunity had been offered, he should himself have purchased, so far as he had means, at a reasonable price.

Mr. M. C. Smith says :

"I should not put it under \$400,000. I think it was worth not far from that.

"At a forced sale I do not think it would sell for half what it would have sold for then, because there is no money there. In ordinary business transactions of selling property, I think it has depreciated from twenty to thirty per cent. When I left there, in November, the

parties owning it had projected plans for bridges, grading streets, and other improvements. I do not know that they have yet carried any of them out. I know what the public opinion is in reference to it in the neighborhood. I know that the sale has had a very perceptible effect upon the price of property in Minneapolis. I myself, would have been willing to have sold my property there at a less rate than before, and invested in property at Fort Snelling. The reservation could hardly be sold at this period of the year, with no more money than there is in the country; but if business resumes, as usual, in the spring, and sufficient notice were given to enable capitalists from the east, as well as those in the Territory, to purchase, I have no doubt it would sell for as much as \$400,000.

"I think I know many parties who would have been willing to have paid \$400,000 for that property.

"I think I could mention three in our office; Colonel Aldrich, my brother, and myself. I could not state absolutely with regard to others, but my impression is that two-thirds of the people in that neighborhood would have been willing to have sold their property at cash value and purchased at that price."

Mr. J. C. Hall says:

"Taking into consideration all its advantages, both its practicability as a town site and for agricultural purposes, I should think it was worth twenty dollars per acre.

"I think it would have brought a good deal more at the time, if it had been held up at public sale—double that amount, I should judge.

"Question 1007. Why do you think, if it had been sold at public sale, it would have brought double the amount?

"Answer. I would like to have bought half of it myself, at that price, and a good many others would. A portion of the land is worth a good deal of money.

"Question 1011. Would it not have been as easy to form a combination at Fort Snelling as at any other place?

"Answer. No, sir.

"Question 1012. Why not?

"Answer. Because the people in the vicinity were men of means, and would all like to have bought a piece of that ground. There could not have been a combination of that kind formed there. There were too many distinct parties, who, I think, would not have gone into a combination of that kind. It would take a majority of the whole to do it."

Captain Thom says:

"I have no doubt, from my intercourse with the people there, and with speculators, that that property could have been sold so as to have brought \$150,000, and perhaps more.

"I think, if I could have raised the means, like almost every one else in that region, I would have ventured an investment in it."

Mr. H. B. Hancock says:

"I have thought its intrinsic value is about \$200,000, independent of the buildings on it, the value of which I do not know. I think, judging from its situation, in reference to St. Paul and the Falls of St. Anthony, it is worth that as an investment.

"I believe that a person could give \$200,000 for that reserve to-day as a good investment. I think that would be a reasonable price for it, without reference to any town being built up there. I think so on account of its contiguity to these two towns above and below, and its being at the mouth of the Minnesota river—a very conspicuous place." * * *

"Question 1808. What is your opinion as to the probability of the whole reservation being sold out in parcels, the commissioners having the right to accept or reject bids?"

"Answer. It would have all sold, and I have no doubt that it would have brought a much larger price than it did sell for. I myself would have bought one-third of it."

Mr. Mathew Johnson says:

"I think the property, for agricultural purposes, was worth, and would sell at any time, if divided up, for an average of about \$20 an acre. I know that lands between that place and St. Anthony, and between that and St. Paul, cannot be bought for anything like that amount of money, and never could since I have been there." He adds that he was there "seeking to make investments, and would have been very glad to have gone into the operation of purchasing Fort Snelling."

Captain James H. Simpson says:

"If it had been put up in small parcels, I think some portions of it would have brought \$200 per acre; and the lowest price realized for any of it would have been, I think, about \$20 an acre. The reason why I say \$200 an acre is on account of the peculiarity of the site, being such as, under a proper application of means, might develop it and make it a proper point; and, therefore, those portions of it near the river which could be made available for wharf purposes might bring at the rate of \$200 an acre."

These opinions have been quoted to show what prices might, under a prudent management of the sale, have been realized to the government by a sale of the reservation, from persons present on the ground, and ready and willing to buy. That such was not the result, and that this large sacrifice of the public interest has been made, is, in the judgment of the committee, the consequence of the unfortunate considerations that have already been presented. This opinion of the value of the reservation is sustained by the testimony of the purchasers themselves. Both Mr. Steele and Dr. Graham decline expressing a willingness to part with their interest under the purchase, at twice its price. Mr. Mather consents to it with an apparent reluctance. A portion of it has already, even in the existing money embarrassment, been sold at what is deemed a cash sale, at the rate of \$180,000 for the whole tract. Since the purchase, Mather, Graham, Schell, and Steele have laid out a town, covering 640 acres only of the land, which, at the lowest rates, \$100 per lot, at which the property is estimated by them, would realize for this part alone more than one quarter million dollars. It is a melancholy fact in this connexion, as derived from the testimony of Captain Thom, that Major Eastman, one of the commissioners, soon after the sale, proposed buying "a block," in quantity six or eight acres, at the price of about \$200 per acre. Even then,

he said a pick could not be had of the blocks. "We would have to take a block back, at about an average place on the reservation. The blocks composing the water lots would cost several thousand dollars." And these preferred blocks are on that part of the reservation that, in his testimony, he has spoken of as entirely worthless.

As an excuse for adopting this secret and extraordinary method of bringing this rich property to sale, the commissioners allege the danger of combinations. To this a satisfactory answer has already been given. If, as in the case of the Fort Dearborn reservation, and as, by that example, was most judicious, the power of accepting or rejecting bids had been retained, the interest of the government could not have been divested until a full price had first been obtained. Even at public auction, and without this guard, the testimony shows that a successful combination could not have been made. A combination depends for its success in uniting all competitors, and thus excluding competition. But the large population in the vicinity, the general interest to buy, the presence of capitalists seeking investments, and the absence of residents from the reservation, which prevented all popular sympathy with a combination, made it certain that so many interests could not be combined, and that, separate from interest, there was no feeling to give a combination strength. Indeed, a combination, under the circumstances, was impossible, and the first knowledge of it, as stated by Mr. Johnson, was derived from the report of the commissioners after the confirmation of the sale, by the Secretary of War. Mr. Mather and Doctor Graham may be presumed to have impressed this subject on Mr. Heiskell, as Mr. Steele, by the testimony, certainly did; but it was privately done, and did not transpire to the public. The commissioners, by their own statements, seem to have got the notion of combinations, to some extent, from each other. Mr. Heiskell states that Major Eastman had been there and knew all about the combinations. Major Eastman says that Mr. Heiskell was unknown to everybody, and, therefore, that he knew all about them. But that, in point of fact, neither of them had any knowledge whatever that a combination had been formed with reference to the purchase of Fort Snelling is distinctly shown by their own testimony, and indignantly denied by all intelligent witnesses.

The report of the sale made by the commissioners to the Secretary of War is hardly more accurate in opinion or in fact than the proceedings by which the sale was made. "We find the improvements made by the government for military purposes," the commissioners say, "almost valueless for any other." "The buildings are valuable for any purpose requiring a large collection of buildings," Major Martin answers. The commissioners say that the fort and outbuildings are old and in a dilapidated condition. Major Martin answers, "None of them are in a dilapidated condition. The general condition of the quarters and barracks at Fort Snelling are as good as the average quarters and barracks in the United States." The commissioners say, "We find the improvements on the reservation *all* owned and in possession of the post sutler, Franklin Steele, esq." Major Martin answers, "All the improvements and buildings which were on the reserve did not belong to Mr. Steele." The commissioners say they

find that Mr. Steele has erected a warehouse on the reservation. Major Martin answers it is a one-story frame house, about fifteen by twenty feet. The commissioners say that Mr. Steele arranged with Mr. Kenneth McKenzie for a stone hotel of the value of \$15,000, and secured the government from all claims on account of it, and add, "We are positive, therefore, in saying that Mr. Steele is the only claimant to the improvements." Major Martin denies this. It is also denied by Dr. Graham in his testimony, and it is there distinctly shown, as well as by the testimony of Heiskell and Eastman, that any such security was given. In addition to this, a contract between Steele, Graham, and Mather was entered into first before the sale, on the 6th day of June, 1857, and again after the sale, on the 9th day of June, 1857. In this last contract, subsequent to the sale, the following clause appears, showing that no such arrangement as the commissioners reported had been made: "The said Steele is also further authorized to arrange with Kenneth McKenzie for his claim, and if he requires 160 acres of land, (and in no case is it to exceed that amount,) he is to be confined to what is known as the Baker claim; and should the said Steele deem it advisable, he is authorized, instead of deeding him the land aforesaid, to pay him for the relinquishment of his entire claim a sum not exceeding \$15,000." The commissioners say, "We also collected such information in regard to the sales of other reservations as our time and the circumstances would admit, and found that they seldom brought over \$1 25 per acre when sold at private sale." It is believed that no such examination was made, and certainly not with any such result, the only instances known to the committee of reservations sold at private sale having been eminently successful, and no instance of such a sale having occurred at the price quoted. "We also, upon good authority," the commissioners say, "ascertained that combinations were being formed for the purpose of purchasing these lands at the usual government price." The evidence of the commissioners themselves shows conclusively that they were utterly without any knowledge of any such combination. "We examined Fort Snelling with a view to its being retained as a military depot," the commissioners say. It is the testimony of all the army officers at the post that Mr. Heiskell was utterly unknown to them, without which such an examination was impossible.

In this connexion Mr. Heiskell again made himself conspicuous, and, not content with this report, addressed a supplemental letter to the Secretary of War. "The party to whom we sold the property," he says, "after the closest investigation, we find to be responsible in every respect, and can and will give the government any security required." No such investigation was had, no such security required, and none offered. "Had we sold to any one else," he says, "justice would require that Mr. Steele should receive from the government from \$25,000 to \$30,000 for the improvements which he owned upon the property and which had been placed there for the accomodation of the government officers." General Jesup's information and the disclaimer of Steele, that he had no equitable claim on the reservation, are a sufficient answer. "The parties," he says "forming the combination, being disappointed, will, in all probability, make complaint of the

sale." The parties who formed the combination, Mather, Schell, Graham, and Steele, were not disappointed in their scheme, and have not made complaint of the sale, but, on the contrary, when severally put to their oaths, have not consented to give up the sale at twice the price they agreed to pay for the reservation.

A particular examination is invited to the evidence taken by the committee, and which accompanies this report. In the judgment of the undersigned, the sale of the Fort Snelling reservation was accomplished by the artifice of Mather, Schell, and Graham, conceived and deliberated before the appointment of commissioners to make the sale, Heiskell and Major Eastman being unconsciously its victims. All the facts proven are consistent with this hypothesis. Every step taken in the progress of it, from the beginning to its result, here or elsewhere, of fact or of opinion, by those who made the sale, as well as by those who purchased under it, has its satisfactory explanation in this manner. A principal object was to get hold entirely, and to the exclusion of everybody else, of what was deemed a valuable town property, and the plans of the actors were accommodated to it. Mr. Mather's position seems most reprehensible. In fact, all the purchasers seem to consider it reprehensible from the caution with which their names were concealed from the public. But Mr. Mather is more obnoxious to complaint from the consideration that, having already devised and completed a combination for the purpose of buying this reservation, he afterwards consented to accept an appointment from the Department of War, bearing date May 26, 1857, for an examination with a view to a sale of the military reserve at Fort Ripley, in the same vicinity, thus giving him an official character for performing the same duties that, in a like instance, he was already engaged to violate. In this manner his official engagement concluded and obliged him to abstain from opposing a faithful discharge of the like duties by others, and especially not be complicated in any interest derivable from such sales. The danger of such interference, for the reason that an official character in connexion with the same subjects, may be inferred to carry an increased and improper influence against so constant a policy, has been too often condemned to be left in any doubt. A marked instance of it occurred in the recent administration of President Pierce, resulting in a removal of Governor Reeder from the office of governor of Kansas, for an alleged complicity in the purchase of certain Indian lands in that Territory. In that case, however, the purchase of the land had no authority whatever until, by the very terms of the contract, it had been first submitted to the President and approved by him.

Governor Reeder had no official authority over such sale of Indian lands; and although he then made a purchase at a price quite adequate, it was only conditional, and was to depend for its validity on the subsequent approbation of the President. This is shown by reference to the correspondence of that functionary with Mr. Marcy, then Secretary of State. So nice and delicate was President Pierce's sensibility to this official impropriety, although a large portion of the public was not able to discover the force of his reasons, that, in a special executive communication of January 24, 1856, he animadverted on it in the following language:

"In other respects, the governor, instead of exercising constant

vigilance, and putting forth all his energies to prevent or counteract the tendencies to illegality, which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from official obligations by other objects, and himself set an example of the violation of law, in the performance of acts which rendered it my duty in the sequel to remove him from the office of chief executive magistrate of the Territory."

But Mather's fault was more flagrant. He was already one of a combination formed, if not to prevent a fair and equal sale, to engross its benefits to his association. Under such circumstances, he sought and accepted an appointment which put Fort Snelling in the very path of his duties. His combination contemplated the purchase of Fort Snelling from Major Eastman, one of the commissioners, who was afterwards to be associated with him in the sale of Fort Ripley. He thus openly violated and prostituted his official duty, and made his official authority a means of private advantage, while assuming to be clothed with it for the public good.

Mr. John C. Mather, from modesty or some other cause, in his own testimony, does not speak of himself with the consequence that justly belongs to him in the transaction. It will be seen by referring to the testimony of Dr. Graham, that the combination of John C. Mather and Richard Schell, to buy the Fort Snelling reservation, was completed while these two gentlemen were at Washington, and before Dr. Graham was admitted. It may be inferred that at this time they had the same amiable and business relations to each other and the transaction that they had subsequently; that Mr. Mather was the projector and active manager of this close corporation, and that Mr. Schell was, as he describes himself, ripe for speculation, and abounding in confidence in the judgment and enterprize of Mr. Mather.

Mr. Mather permeates the whole transaction. He begins at the beginning and ends only with the conclusion. He ascertained ingeniously, what was only known to the Department of War, that Fort Snelling was to be sold. He first projected and created the combination, Mr. Schell being only his second and auxilliary. He admitted Graham into the combination. He authorized Graham to engage Steele and incorporate him in the combination, and for this purpose sent Graham abroad on his distant and difficult mission. But he did it so cautiously that, in the first instance, Steele was not allowed to know who were his associates. He observed this caution afterwards; for, although Graham was determined on investing, but without any appearance of his having money to do it with, Mather, in the contract of purchase between himself, Steele and Graham, entered into before the Fort Snelling reservation was bought, consented to describe Graham as entitled to one-third when his actual interest was only one-ninth, and entirely to hide Schell from this transaction. He received the successful Graham returning from his mission to Minnesota at New York, and thence Graham came on to Washington to accompany *Mr. Heiskell to Minnesota*. In the meantime he had sought and obtained from the Secretary of War the kindred appointment for the examination and sale of Fort Ripley. He was present at St. Paul

consulting with Steele and Graham in regard to the purchase of the Fort Snelling reservation, while seeming only to be on his official way to Fort Ripley. He returned from Fort Ripley in time to be present at the sale of Fort Snelling. He even wrote the first agreement for this object with his own name and interest carefully kept out of sight, before Mr. Heiskell commenced using the "quire of paper" he afterwards applied to the same object. He furnished all the money to be paid into the treasury. And, having received on the 10th day of July, on the authority of the Secretary of War, \$475 for this brief season of public service, he was able to telegraph to Mr. Steele that the sale of the Fort Snelling reservation was confirmed; while the Hon. Robert Smith was, almost at the same moment, at the door of the department, protesting that it was impossible such a sale had been made, because no one had ever heard of it.

The legal result is that Mather's connexion with the sale of the Fort Snelling reservation taints the whole transaction. His own interest is wholly defeated by his complicity in it, in bad faith of his official duty. Schell's interest, for the same reason, is invalid, because he has permitted Mather to be his agent and representative. It cannot be doubted that the other purchasers had a knowledge of Mather's official authority.

There seems but one means of public and private justice on an occasion like this, not for the sake of money, for to the public this transaction is inconsiderable, but to chastise so much incompetence and indecency in office, and make all official transactions intelligent, equal, and honest; and that means is to vacate the whole sale, repaying to the purchasing association its principal and interest.

The committee has thus discharged its duty, an unpleasant one, in reference to the subjects committed to its examination by the House, and respectfully submits for its consideration the accompanying resolution:

Resolved, 1. That the sale of the military post of Fort Snelling and so much of the reservation attached to it as was necessary for military purposes, made on the 6th day of June, 1857, under the authority of the Secretary of War, the same being then and now retained under the authority of that department because necessary for military purposes, was without authority of law.

2. That said sale was made by the Secretary of War notwithstanding his knowledge of the official opinions of his predecessor, the Hon. Jefferson Davis, and of other officers in superior military command to the contrary, without consulting with, without the advice, and without the knowledge of any officer in the service of any rank, leaving the question of the retention of that post to the discretion of the commissioners appointed to make the sale, and that this action on the part of the Secretary of War was a grave official fault.

3. That with a knowledge of the great value of the Fort Snelling post and reservation, and the importance of great caution and judgment in making the sale, the Secretary of War appointed as agents for the purpose unqualified, inexperienced, and incompetent men.

4. That provision for and management of the sale were so negligently, carelessly, and injudiciously made, as to induce a successful

combination against the government, exclude all competition, and bring loss on the government.

5. That John C. Mather, agent of the Department of War for the examination and sale of the Fort Ripley reservation, after having already joined a combination for the purchase of the Fort Snelling reservation, acted, in making such purchase, in violation of his official duty, and against the known policy of the government, and that, as to him and Richard Schell, represented by him as agent, and Steele and Graham, who were complicated in the sale with him, with a full knowledge of this official character, the sale of the Fort Snelling reservation was at the time and is now void.

All of which is respectfully submitted.

JOHN U. PETTIT,
J. S. MORRILL.

The undersigned concurs in the conclusions of the foregoing report, but not in all the reasoning, arguments, or forms of expression, by which they were arrived at.

I. N. MORRIS.

MR. BURNETT, from the Select Committee, on behalf of Mr. FAULKNER and himself, the minority of the Committee, submitted the following, prepared by Mr. FAULKNER, as their

REPORT.

The undersigned, a minority of the Select Committee charged with the duty of "investigating all the facts and circumstances connected with the sale of the military reservation at Fort Snelling, the manner in which said sale was made, to whom made, the consideration paid, the terms of payment, whether the price paid or agreed to be paid was adequate or not, and whether the said reserve, at the time of sale, was longer wanted for the public service," have, according to order, had the same under consideration, and dissenting, as they most decidedly do, from the conclusions of the majority, respectfully submit the following as their report in the case :

The undersigned entered upon the discharge of the duty imposed upon them by the House with no impressions unfavorable to the transaction which was made the subject of this investigation, and yet, with a fixed determination to exhibit to public reprobation every act or motive of action within the scope of their inquiry, which might be found worthy of just condemnation. They were, indeed, aware of the clamor and denunciation which had followed the execution of the contract of sale, during the past summer and fall, and of the harsh imputations which were then cast upon the Secretary of War, but it required but little discernment to detect in this concentrated bitterness of the opposition press, the ravings of the disappointed speculator, and the frantic exaggerations of the political partizan. Knowing that the sale of a military reservation could only be conducted by the Secretary of War, under the direction of the President of the United States, aided by the advice of his cabinet; that all the facts and circumstances connected with such sale could at any moment be brought under the scrutiny of the public judgment; and that sufficient motive would at all times exist for exposure, if there was anything improper in it, ordinary probability would alone have cast discredit upon most of the absurd calumnies which so freely found currency in a prostituted press. Still, as there is at all times a possibility that corruption may creep into the operations of government, and as it is the duty of every good citizen to guard against the evils incident to the abuse of power, and to repel with unceasing vigilance every tendency to favoritism and corruption, the undersigned entered upon the task imposed upon them with a purpose, distinctly announced, of exposing whatever had the slightest taint of official impurity in the transaction referred to their examination. They felt no dissatisfaction at the fact that a majority of the committee with whom they were called upon to act were politically arrayed against the leading policy of the government, and might, in addition to their sense of public duty, feel stimulated by the rare gratification of discerning something worthy of condemnation in the official conduct of an administration to which they were opposed. The President or Secretary of War, who cannot

pass, in the ordinary discharge of his official duties, unscathed through the fiercest ordeal of his political foes, is scarcely worthy of his exalted station. The undersigned were, therefore, prepared to go as far as the most malignant enemy of those distinguished functionaries could desire, in affording all facilities to ferret out and expose every act inconsistent with the pure and upright administration of the public interests. Accordingly, the most unlimited range of inquiry was asserted by the majority, and most cheerfully acquiesced in by the minority. Every witness whose testimony was deemed upon any point desirable, no matter how distant, and no matter at what expense, was promptly subpoenaed. A latitude of examination which would not be tolerated in any of the ordinary judicial tribunals of the country, was submitted to without exception. Every call upon the War Department, no matter how irrelevant, was promptly acceded to. Not a resolution, not a motion, not a suggestion, was presented by any one of the majority, during our protracted sittings, that met with the slightest opposition. If we have, therefore, failed to discover anything in this transaction worthy of condemnation, it has not been from want of the most searching and probing investigation, to which any official act has ever been subjected, probably in the history of this government.

The proceedings of the committee, with all the documentary and oral evidence upon which the reports are founded, are now submitted to the House. That record is before the country, and will speak for itself. The committee was in session during a period of three months, and fifty-two witnesses were examined, at a cost to the government of \$14,830 25 for the item of witnesses' attendance only.

When the Hon. ROBERT SMITH, of Illinois, on the 4th of January last, submitted his resolution asking this committee of investigation into the facts and circumstances connected with the recent sale of Fort Snelling, it was at that time supposed, that he meant to give countenance and credibility to those gross imputations which had been cast through the partisan press upon the integrity and honor of the Secretary of War. In this spirit it was met in the House and defiantly courted by the friends of that distinguished functionary. It was, therefore, not without surprise, mingled with a high degree of pleasure, that the honorable gentleman was heard to announce from his seat, on the 15th of the same month, the following frank and emphatic disavowal of any such object in asking for his resolution of inquiry :

"I did not, and the resolution does not, cast any imputation upon any gentleman. I feel it due to myself to say that I know a good deal about the matter, and I have signified to the chairman of the committee, when organized, I would appear before them at any time they might designate and tell my story ; but I have never said, and do not now say, that the Secretary of War did anything *wrong* in the matter. I repeat, that I do not charge, by *implication* or otherwise, anything *wrong* in the Secretary of War. I protest that it is not a legitimate deduction from the resolution that there is any *fraud* charged upon any one."

In like manner, when brought before the committee as a witness, he disclaimed, in the most emphatic terms, "any knowledge of fraud upon the part of seller or purchaser, or anybody else."—(Question 2,559.)

We may here dismiss this aspect of the subject, by stating that there is not one word or syllable in this whole mass of testimony which casts the very slightest imputation upon the fairness, the impartiality, or integrity of the Secretary of War. Witnesses have differed from him in the opinion upon which he acted in abandoning Fort Snelling as a site no longer useful for military purposes; some have criticised his selection of agents as not being the most shrewd and sagacious that might have been employed, and others have regarded the price at which the property was sold as below its just value; but no fact has been brought forward, no charge has been exhibited, no opinion has been expressed, no innuendo has been hazarded, in any form, or with any qualification, reflecting upon the purity and disinterestedness of the personal and official connexion of the Secretary of War with the transaction under consideration.

Committees of investigation by the authority of Congress are amongst the most valuable instrumentalities of public justice, where they have some practical and constitutional object in view. They should not, however, be ordered except as the means of attaining information preliminary to some proposed action, within the clear and recognized authority of the House. When a member or officer of the body is charged with an offence which, if ascertained to be true, would subject him to expulsion, removal, or some other punishment within the scope of our authority; when a high functionary of the government is charged with official delinquency under such circumstances of criminality as might lead to the exhibition of articles of impeachment against him, we all recognize the propriety of such an inquiry, preliminary to our action. But it can scarcely be regarded as consistent with the dignity of the House, or falling within its appropriate jurisdiction, in the face of all disclaimers of fraud, corruption or official guilt, to institute an inquiry into the fact whether a power in its nature executive, and clearly conferred by law, has been discreetly and judiciously exercised by the President, or the agents selected by him? Such inquiries may gratify an idle and malignant curiosity, but can lead to no practical action by this House. They present, from their character, a mere mass of discordant and conflicting opinion; they assume jurisdiction over questions in their nature purely executive or judicial, and they assail the true theory of our government by substituting the *opinion* of this body for the *judgment* of those, in whom the Constitution and laws have vested the decision of the point at issue.

We had hoped that upon a calm and impartial review of the evidence there would have been in the committee no dissent as to the fair and just conclusions to be drawn from it. If this inquiry had been suggestive of any mode of disposing of the military sites better adapted to advance the public interests than the mode adopted in the present case by the Secretary of War, and any *projet* of such a bill had been submitted, we should doubtless most cheerfully have concurred in it. Such would be the only fruit, if any, that could be legitimately gathered from an investigation like the present. In the mass of discordant testimony which has been elicited by a transaction which has been so fruitful a theme of newspaper denunciation, and

which has so keenly elicited the passions and cupidity of disappointed land agents, it was not to be supposed that material enough might not be culled from the partial opinions of a portion of the witnesses upon which a report might be framed ingeniously assailing the official judgment and decision of the Secretary of War; yet, in the absence of all corrupt, selfish, and improper motives of action in that officer, it was hoped that these opinions would have been estimated at no more than their true worth, and especially, when they are outweighed upon every material point by the great body of the evidence accompanying this report. It was not until our meeting subsequent to the close of the testimony that we ascertained with certainty that such would not be the course of the committee. We confess we have heard the report of the majority with surprise. We are prepared to concede the skill and ability with which it is framed, yet we regard it partial in its view of the subject, and its conclusions based upon the least reliable evidence in the record. Scarcely an allusion is made in their report to that great body of testimony which overthrows every condemnatory position which it has assumed. This course of the majority has thrown upon us the necessity of a full and elaborate review of the whole case. Both reports will be before the country, and we are prepared to stand upon the fairness of our statement of facts, and the soundness of our conclusions, as drawn from these facts. If no other benefit shall be derived from the large expenditure of public money caused by this investigation, it may at least present a salutary admonition to the American people to guard their minds against that spirit of calumny and detraction which is ever ready to ascribe the worst motive and the worst conduct to a political opponent; and to pause, before they permit their impressions of a public functionary to be controlled by the shrieks of disappointed speculators, when the very offence so loudly charged, may have been a firm, faithful, and successful effort to defeat illegal combinations, and to protect the public interests from sacrifice.

Before proceeding to present an analysis of the evidence embodied in this report, some preliminary observations are essential to a just comprehension of the subject embraced in this inquiry.

Military reservations.

Reservations are portions of land severed from the mass of the public domain and appropriated by law to some specific public use. These public uses are various. Those designed as sites for the construction of forts, arsenals, and armories, with the grounds appurtenant thereto for the supply of water, fuel, forage, &c., are termed military reservations.

In general the decision as to the quantity of land to be reserved for such public use, and the places where to be located, rests in the discretion of the President, subject to such regulations as Congress may, from time to time, prescribe.

When land is thus appropriated it is withdrawn from the control and supervision of the General Land Office. No power exists in that department to make sale of it. No right exists in a State even, in whose jurisdiction it lies, to condemn it for public purposes, making

just compensation for the same. It is not subject to entry, nor to the right of pre-emption. No title, in opposition to the government, can be acquired in it, and every person, whether a citizen or a stranger, who without permission enters upon it for the purpose of settlement or occupation, is a trespasser, and may be removed by the judicial, and, if need be, by the military force of the government.

The United States has its military sites in every section of the confederacy; in the old States, as well as in the new. But those large military reservations which occasionally appear so conspicuously in our legislative history, have usually been parcelled out from the public domain at some point beyond, or upon the verge of, our frontier settlements, where posts are erected and troops stationed for the protection of the early settlers against the aggressions of their savage neighbors. The rapid flow of our population, "which, like the Pontic sea, knows no ebb;" the extinction of the Indian title; the retreat of the native tribes still further into the great central wilderness, soon changes the character of these sites from frontier to *interior* posts, surrounded by a thrifty and numerous agricultural people, and useless for all the purposes for which they were originally established. They are consequently abandoned, and new posts planted on the ever changing boundaries of western civilization. A sketch of the establishment and removal of our military posts would present an accurate history of the progress of population and settlement from the Alleghany to the Rocky mountains.

Notwithstanding the cessation of the purposes for which these tracts of land were set apart, and even their abandonment for all military purposes by the government, yet, having been appropriated for a specific object by law, no authority short of Congress could restore them to a condition to pass into the mass of the private property of the country. To provide a remedy for this inconvenience a law was passed by Congress on the 3d day of March, 1819, and which may be seen by reference to 3d volume Statutes at Large, page 520. It provides:

"That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites *belonging to the United States* as may have been found, or become, useless for military purposes."

The authority to sell, under the language of this act, was construed by the President, with the advice of the Attorney General, to extend only to such military sites as belonged to the United States at the date of the law, and as conferring no authority to sell such as were appropriated and reserved since its date. In consequence of this want of authority many sites that might, with great advantage to the country, have been sold and opened to cultivation and improvement, were continued in the possession of the government, subjecting Congress to importunate applications for the passage of special acts for the sale of some particular reservation sought to be brought into market. In all these efforts at special legislation a struggle naturally ensued between those who represented the local interests of the territory, and those who represented the interests of the treasury—the object of the first being to bring the reserves under the operation of the general land system, which would subject them to pre-emption and public sale, and secure

their disposal at the minimum price of one dollar and a quarter per acre; whilst the more special friends of the public treasury, denying the just application of the pre-emptive principle to such locations, contending that their value far exceeded the wild and frontier lands, and that this special value had been imparted to them by the expenditures of the government and the protection given to the settlers around them, maintained, that they should be sold in such manner, at public or private sale, as would best secure a fair price for them and best indemnify the government for the money expended upon them. It is needless to say that, in all these acts of special legislation, the interest of the treasury was made to yield to the importunities of the local application.

In November, 1854, General Jesup, quartermaster general, thus calls the attention of the Secretary of War to this subject:

“In connexion with this subject it may be proper to remark, that there are many sites no longer necessary for military purposes, which have become very valuable in consequence of the expenditures of the government and the protection given to settlers in their neighborhood, which, if sold for their full value, would supply a fund sufficient, or nearly so, for all new frontier improvements. The Secretary of War has probably now authority to sell these sites; but whether so or not, a modification of the law for their sale, so as to authorize the fixing of a *minimum* something like their intrinsic value, below which no sale shall take effect or be considered legal, is required for the protection of the public interests. The reserves at Fort Howard, *Fort Snelling*, Fort Crawford, and Rock Island, should it not be made a military depot, if sold for anything like their value, would bring into the treasury more than a million of dollars. Without such a modification of the law *there is great danger, should these valuable lands be offered for sale, that unprincipled and lawless speculators will combine, and, by threats of violence, intimidate honest and peaceable citizens from bidding for them, and thus secure for themselves and their confederates the whole of them at the minimum price of the government for its wild lands.*”

These suggestions of General Jesup were made more than two years after the passage of the law reducing the Fort Snelling reserve to its present limits, and it shows that, as early as 1854, he contemplated the sale of that tract, together with the other military reservations named; all of which, it is believed, have since been either actually sold, or remain in possession of the government after unsuccessful efforts to effect their sale.

Hon. Jefferson Davis, then Secretary of War, in his annual report of December 14, 1854, endorses the suggestions of General Jesup, and thus recommends the subject to the favorable consideration of Congress:

“I have to ask attention to the necessity for further legislation for the sale of useless military sites. According to the construction which has been given to the acts upon this subject, and which, though its correctness has been doubted, must be regarded as settled by the practice of the department, the act of March 3, 1819, applies only to military sites then held; and that of April 28, 1828, only to lands

'conveyed to' the United States for forts, &c. According to these views there is no provision for the sale of lands which, since the 3d of March, 1819, have been reserved from the public domain for military purposes, and I therefore recommend that the provisions of the acts giving authority to sell useless military sites be extended to embrace those reservations.

"Many reservations around military posts, originally established on the frontier, and now rendered useless by the advance of population, have acquired great value, not only from the rise in the price of lands in such localities, but from improvements put upon them by the labor of the troops, or at the public expense. In disposing at public sale of some of these, which came within the act of 1819, it was found that the bids were far below the fair market value of the land; a result which has been attributed, no doubt correctly, to combinations among the bidders. I concur with the Quartermaster General in the opinion that similar results can be prevented in future only by establishing a minimum price, below which the land shall not be sold; and I recommend that provision be made for this purpose in any act that may be passed on the subject."

Similar recommendations were repeated by the Secretary of War in each of his succeeding annual reports up to the close of his administration, which were finally acted upon by the passage, on the 3d of March, 1857, of the following supplementary law:

"*Be it further enacted*, That the provisions of the act approved March 3, 1819, entitled 'An act authorizing the sale of certain military sites' be, and they are hereby, extended to *all military sites*, or to such parts thereof, which are or may become useless for military purposes."

The President of the United States, as commander-in-chief of the army, has the unquestioned right, independent of legislation, to occupy or abandon any post according to his judgment of the military necessities of the country. The legislation of Congress was, however, essential to confer an authority to make sale of a site which, in the exercise of his constitutional functions, the President should deem no longer necessary for the public defence. That authority is in clear and explicit terms, by these enactments, vested in the Secretary of War, acting under the direction and control of the President of the United States. The power is full, absolute, and unconditional; and, when exercised, a perfect title is transmitted from the government to the purchaser. Cases may possibly hereafter arise of fraud upon the government sufficient to justify the judicial tribunals of the country in annulling the sale; but it is difficult to imagine a possible contingency in which the legislative department of the government can with any constitutional propriety interfere with rights derived under such a contract.

Fort Snelling

Shortly after the acquisition of Louisiana, and during the administration of Mr. Jefferson, the attention of the War Department was directed to the establishment of several military sites on the Missis-

issippi river. In pursuance of this object, Lieutenant, afterwards General Pike, was detailed by General Wilkinson to make the necessary explorations and purchases from the Indians then occupying that country. On the 23d of September, 1805, he effected a treaty with the Sioux, by which they relinquished to the United States, for military purposes, the land at the confluence of the Mississippi and the St. Peter's, since called the Minnesota river, commencing below the junction of those rivers, and extending nine miles on each side of the Mississippi, and including the Falls of St. Anthony.—(See 2d volume of Executive Journal of the Senate, pages 76, 77, and 80.)—Notwithstanding this early indication of the policy of the government no movement was made towards its occupancy as a military post until a much later period. In the fall of 1818 Mr. Calhoun, then Secretary of War, decided to take the necessary steps to secure to our country the advantages of the Indian trade, and to keep in check the numerous and powerful tribes of Sioux and Chippewas, which inhabited that section of our country, and who were already beginning to give indications of hostile feeling to the advancing white settlements. Accordingly, in the spring of 1819, Colonel, afterwards General Leavenworth, was sent with the 5th regiment of infantry to occupy the site at the confluence of the Mississippi and St. Peter's river, where he placed his command in huts, and constructed stockade defences. Colonel Snelling having succeeded him in command, erected works of a more permanent character, which, when completed, were then and have since been called by his name.

From that period Fort Snelling continued a military post of some importance until 1851, when, by the well known treaties of Traverse des Sioux and Mendota, the Indian title was extinguished to that immense body of land west of the Mississippi river, extending over four degrees of latitude and five of longitude, and covering a superficial area of forty-five thousand square miles. As a consequence of this purchase, the Indians removed to smaller reservations in the northern and western portions of that Territory. Prior to the ratification of those treaties there were but five organized counties in Minnesota; now there are upwards of forty counties, and this growing republic is asking admission as one of the States of this confederacy, claiming to have a population of near 300,000, and claiming to be entitled to three members of the House of Representatives. Almost the whole of this hardy and enterprising population is north and west of Fort Snelling, between that and the Indian population. Since the treaty of 1851, Fort Snelling has become utterly useless as a post of defence, whilst, as a substitute to accomplish the purposes for which it had been so many years used, Fort Ripley was established, about 120 miles north of it, on the Mississippi, and Fort Ridgely, 130 miles west of it, on the Minnesota.

No sooner did the torrent of emigration begin to flow into Minnesota, invited by the extinction of the Indian title and stimulated by the liberal policy of the government, authorizing settlements and pre-emption rights, even in advance of any survey made by government, when the public mind, impressed with the further inutility of Fort Snelling as a military post, invoked the legislation of Congress to re-

duce the bounds of that reservation, and to bring the largest portion of it into market.

The Fort Snelling reservation, as held by the government until a very recent period, embraced between thirty-three and thirty-four thousand acres of land.

By an act of Congress passed on the 26th of August, 1852, the reserve was reduced in quantity, and its new boundaries defined. Twenty-six thousand and twenty-three acres were severed from it, which the Commissioner of the General Land Office was required to have surveyed and sold at public auction, under the direction of the President of the United States. The portion thus cut off embraced some government buildings, worth \$5,000; the magnificent water power of St. Anthony's Falls; the sites of the cities of Mendota and Minneapolis, and a soil for agricultural beauty and productiveness not surpassed by any in the northwest.

A sale of a portion of the land thus separated from that reserve, to wit: five thousand three hundred and sixty-two acres, lying in what is called the Stillwater district, was made on the 11th day of September, 1854, at public auction, after having been advertised for six months in all the leading papers of the northwest, and brought \$1 25 per acre; not a single acre having been sold for one cent more than the minimum price of public lands.—(See Appendix, pages 35, 36, and 37.)

The residue of it, twenty thousand six hundred and sixty-one acres, was sold in 1855; not one acre having been disposed of at a higher price than \$1 25 per acre.—(See Appendix, pages 28 to 34.) Some of this land has since sold for six and even \$10,000 an acre, and yet we have heard no complaint of the inadequacy of the price received by the government, although it yielded but \$1 25 an acre, and although some of those who have been most active in stirring up discontent at the Fort Snelling sale were among the largest beneficiaries of this liberal policy of the government.

There then remained of the original reservation about seven thousand five hundred acres, situated at the confluence of the Mississippi and Minnesota rivers, upon which stood the barracks, hospital, officers' quarters, and other buildings erected by the government. These buildings had been erected some thirty years before, were put up in a rude and imperfect manner, some of them were in a state of dilapidation and decay, and if held by the government would have continued an annual burden upon the treasury for repairs.

The Sale.

The majority of the committee in their report present with great prominence the fact that in April, 1856, upon an application being made to Secretary Davis for the purchase of the Fort Snelling reserve, he declined to entertain the proposition, upon the ground that it was "still needed for military purposes," and they contrast the opinion and decision of that eminent statesman with the course pursued by the present Secretary of War in the disposal of the same property in less than eighteen months thereafter. For the opinion of General

Davis, upon all civil as well as military questions, we entertain the highest respect and deference; but he has not furnished us with the grounds upon which he based his military judgment in the particular case alluded to. It is more than probable that he was influenced in that decision by the views which he so ably presented in his annual report of the same year, in which he sought to impress upon Congress the necessity of a radical change in our present policy of locating posts in advance of settlement, and of distributing our troops in small detachments at numerous posts, and the expediency of concentrating them in large numbers at a few points, from whence detachments at a favorable season of the year might be sent out into the Indian country. Had Congress adopted his suggestions, there would have been so clear and obvious a propriety in his conclusions, as to the retention of Fort Snelling, that no one succeeding to the administration of that department would have been likely to have departed from it. But Congress declined then, and has declined since, to change the present policy, which has become sanctioned by various acts of legislation and by the concurrent views of several preceding administrations. The present Secretary acted, as will hereafter be more fully shown, upon a military policy such as he found established when he succeeded to the War Department, and which had received the approval of Congress and of the country for the preceding twenty years.

On the 7th of April, 1857, Hon. Henry M. Rice, at that time delegate, and now a senator elect from Minnesota, addressed a communication to the Secretary of War, urging upon his attention the expediency of a speedy sale of the Fort Snelling reservation. It does not appear that Mr. Rice had any interest in this suggestion, except such as might properly influence him as the representative of that Territory. "Large reservations (he states) were injurious to the interests of the citizens, often preventing improvements by the State, counties, and towns." This communication, in accordance with the usage of the department, was referred to the Quartermaster General for his opinion. General Jesup replied, that the propriety of a sale of that reserve would depend upon the military policy to be hereafter adopted. If the policy then existing was to be changed, and the troops hereafter concentrated at central points, where they can be cheaply supplied when not in the field, there was no place near the northern frontier so suitable as Fort Snelling, and no portion of the reservation should be sold. But if the present policy of posting the troops in small garrisons was to continue, then a quarter section of land, with the buildings, and a control of the ferries, would be sufficient for a mere depot of supplies. Upon a full consideration of the point, the Secretary of War decided, in view of the then existing and long established policy of the government, that a sale of the reserve, or certainly a large portion of it, should be made. He accordingly, in the same month, despatched Major Seth Eastman, an active and intelligent officer of the army, who had resided nine years at that post, with instructions to survey the land in forty acre lots, stating that he wished it so surveyed that persons of small means might have an opportunity of purchasing.—(See answer to question No. 1.)

When sufficient time had elapsed for the completion of this survey,

the Secretary of War appointed Major Eastman and William King Heiskell, esq., of Virginia, agents on behalf of the government, to make sale of so much of said reserve as could be disposed of with a due regard to the public interest, accompanied by the following letter of instructions:

WAR DEPARTMENT,
Washington, May 25, 1857.

GENTLEMEN: You are hereby requested and instructed to visit, in person, the military reservation made by the Executive at Fort Snelling, in the Territory of Minnesota, and examine and ascertain how far it has been made valuable by government improvements. Also, whether there are any actual *bona fide* settlers upon the reserve, who have made valuable improvements thereon, and who settled there with the expectation, superinduced by the action of the government agents, of having pre-emption rights extended to them; and whether, under the circumstances, they should be allowed to purchase not exceeding one hundred and sixty acres each, covering their improvements, at the government price of one dollar and twenty-five cents per acre.

Upon the above points you will report to this department as soon as practicable after you have obtained the desired information, so that you may receive further instructions in regard thereto.

You will sell all that part of the reservation not included in any tract to which an actual settler may have a just claim, either at public auction, after giving due notice in the principal papers in the north-west, or at private sale, in tracts or lots of forty acres each, so as to enable persons of small means to purchase, or in whole, whichever, in your judgment, may be deemed best, but in neither case at less than \$7 50 per acre.

You will examine Fort Snelling, with reference to its being retained as a military depot for the use of the government.

If you should deem it necessary for such purpose, you will reserve from sale the buildings and such land as you may consider suitable, not less than forty acres.

You will not expose to sale that part of the reserve which extends over a graveyard and church belonging to, and claimed by, the Catholic congregation worshipping there, not exceeding twenty-five acres, but allow the same to remain in possession and under the control of said congregation, with the understanding that it is not to be used or disposed of for any other purposes.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Major SETH EASTMAN, *U. S. A.*,
WILLIAM KING HEISKELL, Esq.,
Washington.

It may be here remarked that Mr. Heiskell is a well known citizen of Virginia, a farmer by occupation, a gentleman of intelligence and high character, who had been a member of the general assembly of that State, and was a man in whose honesty, integrity, and firmness

of character Governor Floyd had, from personal knowledge, the fullest confidence.

It will be seen from the above instructions first, that, in accordance with a suggestion contained in the communication of General Jesup of the 14th of November, 1854, previously referred to, and endorsed by Secretary Davis in his annual report of the 4th of December following, a minimum was fixed, below which the land was not to be sold. That minimum was \$7 50 per acre, a price exceeding the highest sum at which any acre of military reservation had ever, in the history of this government, been before sold, out of the limits of a corporate city.

Secondly. They were required, if upon examination they thought it proper to be retained as a military depot, to reserve from sale the buildings, and so much land as they might consider suitable, not less than forty acres.

Thirdly. They were authorized to sell the land in forty-acre lots at public auction, if, in their judgment, the public interests would thereby be best promoted.

Fourthly. They were authorized to sell at public or private sale, in whole or in part, as, in their judgment, they might deem best, but in no case at less than \$7 50 per acre.

Assuming the commissioners to be competent and honest men, it is difficult to conceive how any instructions could have been better devised to protect the interests of the government. The commissioners were closely interrogated upon the point whether they had received from the Secretary of War any private instructions beyond those contained in the above letter. Major Eastman was at Fort Snelling at the date of his appointment, and did not see the Secretary, nor had he any correspondence with him from that period until after the sale. Mr. Heiskell, who bore to Major Eastman his appointment, states that the only further instructions he received were: "I want you to do the very best you can for the government. I want that sale to be the best ever made in the United States. You will have a parcel of sharpers to deal with, and you must keep your eyes open."

From the date of their appointment until after the sale it appears from the evidence that there was no communication between the Secretary of War and the agents appointed by him, and that the latter, keeping within the limits of their instructions, proceeded to exercise all the discretionary powers vested in them, upon their own judgment and responsibility.

After a satisfactory examination of the property, which was quite familiar to one of them, from a residence of nine years at the place, the commissioners decided that the public service did not require the retention of any portion of the reserve for military uses; that, in view of the experience of recent land sales, and of the combinations then formed and forming to force the sales at the minimum price, it was expedient to avoid the hazards of a public sale, and, if possible, to dispose of it for its full and fair value to some responsible purchaser; and finding in the person of Franklin Steele, a resident of the place, a gentleman who combined all the essentials of a fair, responsible, and honorable purchaser, and having first estimated the value of the government interest in that property, they opened a correspondence in writing with him to

learn if he desired to purchase, and what price he was disposed to give for it. Mr. Steele, in reply, expressed his wish to become the purchaser of the property, and offered the gross sum of \$75,000 for it, the same which he had proffered to give in 1856. They informed him that they had estimated the interest of the government in that reserve as fairly worth the sum of \$90,000; that they would not sell it at private sale below that sum, and if he would give that price they would close a contract of sale with him. He acceded to their proposition, and on the 6th of June the following contract of sale was executed between the parties:

“Articles of agreement made and entered into this 6th day of June, 1857, by and between Seth Eastman, major United States army, and Wm. King Heiskell, agents of the United States government, of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part, to wit: The party of the first part have this day sold to the party of the second part all that tract or reserve of land known as the military reservation of Fort Snelling, with the improvements thereon, excepting and reserving twenty (20) acres described as follows, to wit: commencing at the southeast corner of fraction No. (1) one, in section No. (28) twenty-eight, in township (28) twenty-eight, in range (23) twenty-three, running north forty (40) rods, thence west (80) eighty rods, thence south (40) forty rods, thence east (80) eighty rods, to the place of beginning, the same being reserved for a Catholic church and burial ground, where the church and burial ground now is; also, excepting and reserving the north-west quarter of section (20) twenty, in township (28) twenty-eight, in range (23) twenty-three containing ten acres, the same being reserved for a Protestant graveyard. For and in consideration of the above, the party of the second part agrees, and hereby binds himself, heirs, executors, administrators, &c., to pay to the United States government, or authorized agent or agents, the sum of ninety thousand dollars—one-third of said sum payable on the 10th day of July next, and the residue in two equal annual payments thereafter. The said tract of land, or reservation, contains about seven thousand acres. Possession of the said lands and improvements to be given as soon as the Secretary of War can dispense with it for military purposes, and a deed given when the first payment aforesaid is made, and satisfactory security for the deferred payments given, and approved by the Secretary of War, or agents appointed for that purpose.

“As witness our hands and seals the day and year above written.

SETH EASTMAN, [SEAL.]

Major U. S. A., agent.

WM. KING HEISKELL, [SEAL.]

Agent, &c.

FRANKLIN STEELE. [SEAL.]

The report of the commissioners, embracing the contract of sale, was delivered to the Secretary of War on the 17th of June, and on the same day submitted to the President of the United States, and, having received the assent of the President, was formally approved by the Secretary of War on the 2d of July. In the same month the

first payment of \$30,000 was made by the purchaser, and an order given to the commanding officer at the post to deliver immediate possession of the military reservation and property pertaining thereto to the purchaser, Franklin Steele, excepting the fort and other buildings, which were temporarily retained for the use of the troops at the post.

Having now briefly shown the leading and prominent facts of this sale, we will proceed to notice, in some detail, the objections to it, which have been urged by the majority in their report, and which have brought them to the conclusion that this alienation of one of the defences of the country was hasty and improvident, and calls for the condemnation of Congress. They assail not only the expediency of the sale, but the authority of the President and Secretary of War, under the circumstances of this case, to have made it. This leads to the inquiry—

Did the military interests of the country require that Fort Snelling should have been longer retained by the government?

It is conceded by the majority, that whenever a military site becomes useless, the authority is by express law conferred upon the Secretary of War, under the direction of the President, to make sale of it. But they contend, that as this authority is by the terms of the law limited to cases where the site is useless, if it can be shown by evidence subsequently taken—that is to say, by the opinions of persons differing from the conclusions of the President and Secretary of War—that it might be longer advantageously retained for the uses of the government, the contingency has not arisen upon which the power has been conferred, and the sale is without authority of law, and therefore void. This extraordinary doctrine, alike subversive of the purposes of the law and of the authority of a co-ordinate department of the government, although without any practical bearing in the present case, requires a passing notice. It is a bold attempt to substitute the opinions of any and every man in the country for the authentic judgment and action of those in whom the people have regularly vested the powers of government. It is practically ejecting from office the President and Secretary of War, and clothing with the attributes of executive power and with legal trusts the witnesses subpoenaed before a committee of Congress.

Whether Fort Snelling was useless as a military site on the 6th of June, 1857, the day of its sale, is a question of fact to be determined alone by those in whom the constitution and laws have placed the decision of that question. The occupation or abandonment of a military post, the march of troops from one section of the confederacy to another, their concentration at, or distribution from particular points, are all incidents of that control over the military defences of the country which the Constitution has vested in the President as commander-in-chief of the army. Congress is free to raise and support an army or not at its pleasure; it may authorize regiments when the President does not call for them, or it may disband them when he most desires them; but when once raised, their movements are wholly subject to his disposition and control. It may appropriate money, and authorize the purchase of a military site; but if the President does not choose to

make use of it for military purposes he need not do so; so that the practical decision at all times of whether any particular post is needed for the public defence must necessarily rest with him, who has the right to distribute and station our troops at pleasure. But his decision that a site is no longer useful for the public defence does not thereby involve the authority to make sale of it. The public property of the United States is vested in Congress, and the authority to make sale of any portion of it can alone be derived from Congress. When, therefore, a law is passed conferring upon the executive the power of selling useless military sites, he is, by a union of his constitutional functions with the legislative agency, thereby created, clothed with full authority over the subject. From the Constitution he derives his authority to decide whether it is useless or not; from Congress he derives his power to sell if deemed useless. But if this power was not thus fairly deducible from the constitutional function of the President as commander-in-chief, it is clearly conferred by the acts of 1819 and 1857. A power vested by law in an executive agent of the government to sell or to do any other act upon the happening of a stated contingency, unless otherwise restrained, makes him necessarily the sole and exclusive judge of the event upon which his authority to act becomes operative. How otherwise is this power ever to be exercised? Who, under the present law, could determine the proper period of sale but the President of the United States? From what other department of the government is he to seek for counsel or information. Is it from the judiciary, or is it from Congress? Is the validity of a solemn official act of the highest functionaries of the government to be determined by the opinions which a few witnesses, constituting no part of the government, may entertain of the wisdom or propriety of the act? The power of the President and Secretary of War to make these sales is, under the existing laws, absolute and unconditional. The title of the purchaser is perfected through their act. Its validity cannot be affected by the opinions of others. They have exercised their judgment, and the case is closed. It is a judgment *in rem*, from which there is no appeal. The reasoning of the majority is at war with the clearly established principles of our government. It would overturn every sale, and render insecure every right of property acquired through any of the executive agents of the government.

But there is no necessity in the present case of invoking the aid of any such construction of law to screen from inquiry the late act of the Secretary of War. Suppose this subject had not already been disposed of by competent authority; that the President and Secretary of War had not already authorized and ratified this sale; that the purchase money, so far as due by the contract, had not already been paid, and possession of the property delivered, and that it was now an open question for Executive decision, we shall proceed to show that the weight of authority and the force of reasoning contained in the accompanying evidence sustain the expediency of the sale of the Fort Snelling reservation. It is shown conclusively by General Scott, General Smith, General Jesup, and by every military officer, without exception, who has appeared before the committee, as also by public facts known to the committee, and to every intelligent man in the

country, that since the extinguishment of the Indian title, and the removal of the native tribes from that vicinity in 1851, Fort Snelling has become an interior post, and useless for any of the purposes of defence. Upon this point there is not a contradictory opinion in the evidence, or if so, none worthy of notice.

But another idea has been suggested in reference to the purposes for which Fort Snelling might still be used, since it has become useless for those of defence, and that is, as a convenient point to keep up a government establishment of officers, employés, horses, mules, &c., to furnish to the two frontier posts, which, since the removal of the Indians, have been established on the Minnesota and Mississippi rivers, their provisions and supplies. It is upon this asserted benefit of Fort Snelling to the government that there has been any diversity of opinion amongst the witnesses who have appeared before the committee.

In support of this idea of retaining Fort Snelling as a depot of supplies, Colonel Lorenzo Thomas, an assistant adjutant general of the army, Major J. G. Martin, an assistant quartermaster, who was stationed at Fort Snelling at the time of sale, and Captain Thom, have expressed very strong and decided opinions. General Scott and General Jesup favor the same idea, but with so many modifications, as to time and policy, as to make their opinions, deservedly high as they are upon all military questions, of no particular weight in the present controversy. The views of General Churchill and Captain Simpson are so little supported by any information on the subject, as to deprive them of any influence whatsoever upon our judgments. These are all of the officers of the army who have favored us with their professional opinions in support of that policy. The Hon. Stephen A. Douglas and Adam D. Stuart concur in the same view. It may be here stated that, in the opinion of all these witnesses, it would be expedient to retain, for the purposes of such military depot, merely the public buildings and a small portion of the land.

In opposition to these views, General Persifer F. Smith, then commanding the western military department, in which Fort Snelling is situated, Colonel Francis Lee, at this time, and since the transfer of General Smith to Utah, commanding in that department, Major Eastman, Captain Todd, Captain J. A. Whithall, Lieutenant Richard C. Drum, officers of the army, and Hon. Charles E. Stuart, senator from Michigan, Hon. H. M. Rice, senator elect from Minnesota, and Wm. K. Heiskell, one of the commissioners of sale, all express most decided opinions that Fort Snelling had ceased to be useful for any military purpose whatever.

Some of these witnesses have assigned reasons for their opinion, marked by so much intelligence and knowledge of the subject upon which they have testified, that we shall incorporate a portion of their evidence in this report, and adopt their views as the conclusions of our own minds.

General *Persifer F. Smith* says :

“As a point of defence, the value of Fort Snelling has entirely gone. It is within the frontier. As a point of depot, in a great measure its value has gone, too ; I think myself entirely gone, because

a great many supplies can be got further towards the frontier than Fort Snelling itself is, as the country is settled up the Minnesota from a hundred to a hundred and fifty miles, and there are scattering settlements up the Mississippi about a hundred miles. The value of a depot lies in one or two things—one, whether it is in the centre of a large producing region in which you could collect whatever you might wish for supplies, in order to distribute them through the country; another, would be a depot on the line of transportation where, arriving at the point at which the routes of transportation separate, you have transshipments to make. In either case you want a spot in which you could deposit your stores, either in their collection, or preparatory to distribution, in order to spread them over the country you intend to supply. Fort Snelling some years ago was most valuable as a point of defence. It was well situated, and the frontiers were behind it. It would arrest the enemy, and no enemy would go to the frontier and leave a force in their rear—a thing which the most uncivilized nations dislike to do. But as a depot it was of no great value, because there were not other points of defence beyond it. It was a depot only for its own particular service, and not of the country immediately around it. Now, there are posts up the Mississippi above and up the St. Peter's, and those posts can be reached by the same means of transportation which bring the supplies from their original point of production—that is, a steamboat coming from St. Paul laden with provisions and ordnance stores, or any supplies for troops, is not obliged to change its cargo at any point short of Fort Ridgley, if going up the Minnesota, and is only obliged to tranship them to get around the falls of St. Anthony, if going up the Mississippi to Fort Ripley. Therefore there is no need of a depot at the junction of those two rivers, because it does not answer either of those suppositions I have made—that is, the necessity of changing the mode of transportation, or the necessity of passing around the obstacles by portage, or something equivalent thereto, such as by a canal or railroad. It has lost, in fact, its value, either as a place of defence or as a depot, in consequence of the advance of settlements."

He expressed the decided opinion that the proper mode of transporting supplies for the whole region of the upper Mississippi is from Fond du Lac, on Lake Superior.

"There are two objections to river navigation—one is, that it is frozen up during the whole winter, and in the summer the water is so low as to render the navigation difficult and dangerous. Boats are afraid to go up for fear of being unable to return. The same difficulty may occur in the lake navigation in the winter that obstructs river navigation; but in the summer you can at any time take supplies from Buffalo, Detroit, Cleveland, Chicago, or from any of the towns which border upon the lakes, to the northwestern extremity of Lake Superior, by the largest class of steamers which can pass the canal at Sault Sainte Marie, and at Fond du Lac you are about upon a range with the line of posts now established near Pembina, and those lower posts, such as Fort Snelling."

Major *Seth Eastman* testifies as follows:

"I consider Fort Snelling perfectly useless as a military station.

The country is inhabited north, south, east, and west of it. A city of 15,000 inhabitants lies within five or six miles of it. The Indian have removed a hundred miles or more west, and the country is inhabited by our own people. I do not consider it necessary even as a depot. There is but one post to be supplied, supposing Fort Ripley to be abandoned, and that is Fort Ridgley. Fort Ridgley is on the same river with Fort Snelling, (the Minnesota.) In the spring of the year it is navigable for steamboats from St. Louis to above that point, and that post could be supplied entirely by steamboat navigation. Hence, it would be a useless expense to unload at St. Paul or Fort Snelling, or any other point below Fort Ridgley, for the purpose of reshipping. But supposing that it was necessary to supply that post when navigation was closed, the country is full of the means and facilities of transportation, and the people would be glad to do this work at one-quarter what it now costs the government. Hence, it would be more economical not to keep up Fort Snelling as a depot. Even supposing that we would have to unload a cargo of provisions at St. Paul, to put it upon another class boat to go up the Minnesota river, the only expense would be unloading and placing it immediately upon another steamboat, or putting it into a commission house for one night, for boats are running there daily. For the supply of a small post like that, one steamboat would take a year's supply. If there were not the means of transportation in the country, then it might be necessary for the government to keep up a depot for trains at any expense."

Hon. *Henry M. Rice*, senator elect from Minnesota, thinks the Secretary of War acted with judgment, in disposing not only of the reserve, but of all the government buildings upon it. He says:

"It would have been an extra expense to the government of from ten to forty thousand dollars a year, if they had been retained, and they would have been of no earthly use. I was formerly a sutler in the army, and have transported an immense amount of government supplies. The fort is situated on a high hill, up which all the supplies have to be carried. Large boats cannot get up the river any higher than St. Paul in low stages of water. Goods must there be transhipped into boats which run up the Minnesota river, and which take supplies to Fort Ridgley. To send the goods directly from St. Paul would save the trouble of reshipping at Fort Snelling, save the expense of hauling the goods up that high hill and down again, save the expense of keeping soldiers there constantly to keep the buildings in repair, and save a great deal of time; and as to the fort, it has been a great curse to us for the last four or five years. From the fort you can see the smoke from buildings that cover 20,000 white people; Indians are now seldom seen there. The buildings are made of stone, and are very old. They were commenced in 1819 or 1820, at which time all materials, except stone, had to be taken up in Mackinaw boats. The buildings were put up in a rough manner, and they are out of repair. I believe, however, one or two buildings have been put up since the fort was built."

To the undersigned, who have no knowledge derived from personal observation of that section of country, and who can only look at this question through maps, and by the light which geography, and the testi-

mony of competent witnesses can throw upon it, there does not occur to our minds one substantial reason why an expensive government establishment should have been maintained at Fort Snelling for the purpose of forwarding supplies to one or at most two frontier posts. The demands of our service would not allow of more than one company being stationed at Fort Ripley, and one at Fort Ridgley; indeed, during the last summer the pressure upon the service required the withdrawal of that one company from Fort Ripley, and the total abandonment of the site. From subsequent indications of discontent among the Indians, a company was restored and the fort temporarily reorganized. It seems to us absurd to say that there could be any economy in the government keeping up an establishment, which they were able to sell for the sum of \$90,000, expending the money every year required for repairs upon buildings originally imperfect in construction and in a state of decay, maintaining some forty or fifty employes, two hundred head of mules, horses and oxen, and the necessary officers in command, and all for the purpose of supplying two companies upon the frontier with provisions and clothing. If that country was destitute of the means and facilities of transportation, it might be a military necessity to which we should submit, no matter what might be its cost. But when all the means of transportation, both by land and water, are known to abound in that region; when streams, always navigable at certain seasons of the year, flow in sight of the picket walls of those forts; when the Quartermaster General informs us that he has never encountered any difficulties in procuring in that country the facilities of transportation; when he further informs us that a capitalist of acknowledged responsibility has tendered to him to transport all the supplies required for the troops at those posts *at one-half of what it has cost the government*, which offer the Quartermaster General tells us he means to accept,—the retention of Fort Snelling, under these circumstances, and for such purposes, would have been an official misfeasance, meriting the rebuke of the representatives of the people.

It is still more remarkable now, since this property has been sold, that there should be deemed so urgent an occasion for its use as a depot, as we learn that prior to its sale, and when the private facilities for transportation were far less abundant than they are now, the government could so well accomplish all its purposes of supply to those two frontier posts, without the aid of Fort Snelling. This is a most curious and interesting fact, and deserves to be further elucidated.

Listen to the clear and conclusive statement of *Colonel Francis Lee* on this point:

“I was in command of Fort Snelling between three and four years, from the spring of 1851 to the summer of 1854. I had charge of the whole reservation. I see no reason why Fort Snelling should have been retained. I cannot conceive that it is of any importance as a military station. Fort Snelling is on a high bluff, and never will be, and never has been, to my knowledge, *used as a depot for provisions and supplies*. To be sure, provisions and supplies have been furnished to other posts from there, because that post has been reduced, and there was a large quantity on hand. But all the supplies for the upper

posts have been sent from St. Paul to Fort Ripley, and directly up the river to Fort Ridgley.

“Question 1641. From where?”

“Answer. From the points where the contractors furnished them. We contract for the delivery of provisions directly to the military posts, and it would be an absurdity to stop and deliver provisions at Fort Snelling. I would rather transport provisions from Fort Snelling up to Fort Ridgley, if the waters were up, than to carry them up from the river and put them into the storehouses.”

“Question 1642. Would you give it as your opinion that the frontier stations could be supplied by the government upon cheaper terms by sending the supplies direct, than by making Fort Snelling a depot for supplies?”

“Answer. Certainly. It has always been done. It has never been done otherwise.”

Again: Captain *J. B. S. Todd* states:

“While I was in command there, for several years, the supplies for Fort Ripley, 125 miles above, were never transported from Fort Snelling. They were landed at St. Paul, and shipped from there without going to Fort Snelling. I am under the impression that the same thing was done in regard to Fort Ridgley, which is situated about 125 miles up the Minnesota river. I recollect that they were landed at St. Paul, and reshipped to the fort direct, in 1853 and 1854.”

Again we learn from the Hon. *Henry M. Rice*:

“I supplied Fort Ripley for several years from St. Paul. I received most of the supplies at St. Paul, and sent them from there to Fort Ripley direct; as to Fort Ridgley, I cannot speak. I have been absent from St. Paul a considerable portion of the time since that fort was built. I know that last spring I saw a great many teams at St. Paul, for supplies for Fort Ridgley. Whether they were purchased there or not, I do not know.”

There is but one aspect of our national policy, as we think, in which it could be maintained that the government should have held the control and possession of the Fort Snelling reservation, and that would have been, to have met a requirement not called for by the existing military system of the country. Within the last twenty years a practice has grown up, founded in error, stimulated by local interest, and too much favored by Congress, of locating posts in advance of settlement, and of distributing our troops at numerous posts in small garrisons. Experience has shown that these small posts are nearly powerless beyond their own limits, whilst they enormously multiply the cost of transportation, involve the frequent construction and abandonment of posts, retard discipline, and impair the efficiency of the troops. The present system is condemned by the most enlightened officers of the army. Secretary Davis, in his annual report of the 1st of December, 1856, argues with much force and ability in favor of a change of the present policy; urges the selection of a few points, accessible by steamboat and railway, from which strong detachments should annually be sent out into the Indian country during the season when the grass will suffice for the support of cavalry horses, and beasts of draught and burden. He cites, with commendation, the occupation of Algeria

by the French, as presenting a case of parallelism to our western frontier. Had these views met with the approval of Congress, it is manifest that Fort Snelling would have possessed an importance, in a military point of view, which it can lay no claim to at present. But these views were permitted to pass unheeded by Congress, and the changes were too radical to be introduced without its assent. In the close of that portion of the report he says: "As our present policy rests upon various acts of legislation, and the concurrent views of several preceding administrations, a change as radical as that which is here suggested should receive critical examination, and perhaps require legislative action, before being adopted."

Having shown, as we think conclusively, that no considerations of military policy required the further retention of Fort Snelling, either as a post of defence or a depot of supply, we will proceed next to examine the objections which are taken to the mode of sale.

Was the mode of sale objectionable?

As a general rule of executive action, we concur most cordially with the majority in the opinion that all sales of government property should be made at public auction, and after due notice, thereby affording to every citizen who desires it a fair and equal opportunity to participate in the purchase. This is a rule demanded not only by the relation which exists in a country like ours between the government and the people, but it is an important check to official favoritism and partiality, and operates beneficially in guarding against that sense of individual injustice which springs from the preference of one man over another, where all have common rights. So strong are our individual convictions on this subject, that it would require proof of a very perverted sentiment in any State or Territory to excuse, in our judgment, a departure from so sound and salutary a rule of action. The amount which the government will at any time realize from a sale of its property must be insignificant, compared with the more important benefit which it must derive from an all-pervading impression of its fairness, justice, and disinterestedness. And yet it is difficult for any fair-minded man who reads the accompanying evidence, and learns that system of combination which controls the results of public sales in the west, to cast the slightest censure upon the motives and conduct of the commissioners of sale. We would not applaud their act as a precedent. We cannot condemn it as an individual case, under the circumstances. That they acted honestly, and, in their judgment, for the best interests of the government, we have no doubt; that their mode of sale was beneficial to the public treasury we cannot question on the evidence; but we trust that some plan may be devised, if practicable, for the future, that will combine all the advantages of free and unrestrained competition, with the necessary safeguards for the public interests.

Whilst such are our individual opinions, it may be proper to remark, that no law has existed from the origin of our government to the present time which requires or even contemplates a sale of a military reservation at public auction. On the contrary, the legislation of Congress has shown a marked diversity of policy in the regulations which it has prescribed for the sale of the great mass of the

public domain, and those which it has adopted in relation to the reserves, severed from it. In the one case they have uniformly required them to be sold at public auction, the government being content, in view of the benefits accruing from settlement and cultivation, to receive the minimum price per acre, whilst in the other case, looking to the special value imparted to these reserves by the progress of settlements around them, and the public money expended upon them, have left the Secretary of War free to pursue that mode of sale which, in his judgment, was best calculated to realize their true and fair value. To carry out this manifest intention of Congress various modes of sale have been adopted, at different periods, by the War Department, to realize, as far as practicable, the value of the reservations brought into market. In one instance, in the year 1840, where the reservation lay within the corporate limits of the growing and flourishing city of Chicago, it was surveyed and laid off in conformity to the general plan of that city, the streets extended, public squares reserved, and the residue divided into lots of twenty-five feet front, the property valued before sale, bids not amounting to one-fourth the cash value of the lots required to be rejected, and the bidding made by sealed proposals addressed to the commissioner of sale. In the case of the Fort Howard reservation it was divided into lots, a minimum price fixed, below which no sale was to take place, a public auction attempted, but not a bid made, and the property is still unsold. Fort Ripley was exposed to public auction without any minimum prescribed, the price reduced by combinations to seven cents an acre, but the sale set aside and declared a nullity. Fort Snelling was sold by private contract. These are instances of the four different modes of sale, at different periods, and under variant circumstances adopted by the War Department. Undoubtedly the most unexceptionable in all its results of these public sales was that of the Fort Dearborn reservation, within the corporate limits of Chicago. The gross sales of the two hundred and fifty lots were one hundred and six thousand dollars. One lot alone yielded four thousand one hundred and fifty dollars, and several were bid off at two thousand dollars. This was a special case, and the only instance in our history; and the results of a sale of town lots in a city like Chicago can scarcely be regarded as an inexorable model in all other cases of sales of public property. The sale of Fort Snelling, except so far as it may be objectionable as a private sale, is the most advantageous ever made by the government, beyond the corporate limits of that city.

In the objection which we have expressed to private sales of government property, it must not be inferred that there was anything in the facts or circumstances connected with the sale of Fort Snelling to give point to the remark, unless, indeed, it be that torrent of unfounded calumny and misrepresentation to which individual disappointment and partisan feeling gave rise immediately thereafter, and which may be regarded as one of the consequences that will usually follow a departure from the system of open and public bidding by the government. The motives which prompted the commissioners to prefer a private to a public sale were honest and praiseworthy. The purchaser with whom they made the contract, although without any legal pretension to be preferred, had such an equitable claim as to divest the preference shown him of

every motive of improper favoritism and partiality, and the sum stipulated to be paid was the full and fair value of the property, and more than could probably have been realized by any other mode of sale.

The reasons which induced the action of the commissioners are set forth with great clearness in their official report, and also in their testimony taken before the committee, and they are sustained in their course by many of the most intelligent and best informed witnesses who were examined before the committee. Their reasons were—

1st. The lesson derived from the experience of the sale of public land in that section of country for the preceding ten years. Not a sale having taken place, that combinations had not been successful in reducing the price to the minimum prescribed by law.

2d. They were satisfied, not merely from the past experience of the government, but by evidence palpable to their own ears, that combinations were being formed to reduce this land to the minimum price.

3d. They saw, in the event even of there being no combinations, that it was otherwise impracticable to carry out the instructions of the War Department, which limited them to the minimum of \$7 50 per acre. For while some portions of the land might readily have commanded a price beyond the minimum, a considerable portion was worth much less, and a great deal not worth fifty cents an acre. They believed, therefore, that they would best advance the interests of the government, and comply with the instructions under which they acted, by selling the entire parcels at private sale to some responsible purchaser, either at the minimum price prescribed by their instructions, or for such greater sum as, upon a careful examination of the property, they might conclude to be its fair and full value.

The practical sagacity and soundness of the course pursued by the commissioners, so far at least as the pecuniary interest of the government was concerned, is vindicated and sustained by an overwhelming mass of the testimony taken before the committee, to which evidence the House is referred for full details, of the principle and results of that system of combination for so many years practiced in the west at the sale of all government lands; a system universally approved in those new countries, and boldly justified by that specious logic which applies to government property a rule which it would scorn to use in its transactions with individuals, and which will ever make our public domain a subject of undisguised appropriation and plunder. As many whose duty it will be to decide upon the propriety of the conduct of the commissioners of sale may not have any adequate conception of the embarrassments of their position, and of the difficulties which they had to encounter, growing out of that system of combination to reduce the price of the public lands, so prevalent in the new States and Territories, we will present a few extracts from the testimony of some of the witnesses, whose means of information will not be questioned, and whose public positions would afford them motives to suppress, rather than magnify the evil.

The Hon. *George L. Becker*, representative elect from Minnesota, in reply to questions submitted to him before the committee, answered as follows:

“ Question 1418. Do you suppose that, if Fort Snelling had been

offered at public sale, there would have been a fair competition for the purchase of the reservation?

“Answer. I think not. I should judge that the probabilities are, that, if a public sale had taken place, the same thing would have occurred which took place in reference to that part of the reserve which was sold some three or four years ago.

“Question 1419. If it had been sold in small parcels, would not you, as a speculator, have been desirous of purchasing a portion of it?

“Answer. You are aware that we have a system in the west, which is a part of the unwritten law of the land, by which claim associations are formed by parties for the purpose of protecting each other at these public sales. It is very rare that government land ever brings more than a dollar and a quarter per acre at public sale.

“Question 1420. Does not that system apply mostly to those claiming pre-emption rights?

“Answer. No, sir.

“Question 1421. Is it considered honorable among the men in your country to carry out such a system where there are no pre-emption rights?

“Answer. It is. We do not look upon the government as a land speculator. Such combinations were formed at the time a portion of this reserve was sold three or four years ago. Claims were made upon it, and the parties went on to make improvements. An association was formed by the parties interested. They appeared at the land office on the day of sale. The sale was conducted quietly and without disturbance, but the land was all purchased at a dollar and a quarter per acre.

“Question 1422. Were you ever engaged in such a combination?

“Answer. I bid off a part of that land.”

The Hon. *Henry M. Rice* testified as follows:

“Question 2532 Had the land been advertised and sold at public auction, what, in your judgment, and from your knowledge of that country, would it have yielded to the government at public sale?

“Answer. I do not think it would have brought more than the minimum price; I am satisfied it would not, for I advised the settlers about there to go in and buy it. I favored any plan which would keep it out of the hands of non-residents.

“Question 2533. While you disapproved of the mode of sale, is it your opinion that the commissioners adopted the mode best calculated to promote the pecuniary interest of the government?

“Answer. Undoubtedly; there is no question about it. I might have done the same had I been appointed commissioner to sell; but being a resident in that immediate region, I did not like the mode in which it was sold.

“Question 2534. The interest you felt, as I understand you, was an interest in behalf of the people rather than in behalf of the government, and in opposition to the pecuniary interests of the government?

“Answer. Yes, sir; I did not care anything about the government. I would rather it had brought fifty cents an acre than what it did bring, so far as the government is concerned. I think the public lands should be held in trust by the government for the use of the

people, and I do not think it proper for the government to speculate in them.

“Question 2556. Did you inform Major Eastman that a combination would be formed if the sale was made in a public manner?”

“Answer. I do not know whether I informed him or not. I believed there would be one, and very likely I told him so at the time; if I did, it was prior to his being appointed commissioner to sell, or prior to my knowing of his appointment. I have never known a sale to take place in the west that these combinations were not formed.

“Question 2557. If the sale had been made as you thought it ought to have been made, in tracts of 40 acres each, with ample time and notice given to purchasers, do you think a combination could have been formed that would have forced the price below that received by the government for it?”

“Answer. Yes, sir. The sale of which I have spoken, which took place on the east side of the river, was advertised in many of the principal papers in the United States for six months.

“Question 2558. Did I not understand you to say that was claimed by pre-emptors?”

“Answer. That was on the west side; that part of the reserve on the east side of the river was sold at public auction.

“Question 2559. Is there any way in which the government can make sale of valuable public lands without encountering these combinations?”

“Answer. It is very difficult, because, if they are encountered successfully, the people will always come to Congress for relief. Fort Atkinson, where I was stationed as sutler, cost more than \$100,000. It was sold at public sale, with the improvements. The improvements sold, I think, for about \$3,000 or \$4,000. The purchaser, the very next session, came to Congress for permission to enter a half section of land, including these improvements, for a dollar and a quarter per acre, and it was granted.

“Question 2560. Have you any special reasons for supposing a combination would have been formed in this instance?”

“Answer. I have; and I think I so stated in a communication to the Secretary of War, in which I expressed the desire that the tract should be sold in lots of 40 acres each, so as to enable men of small means to purchase. I expressed the same opinion openly on all occasions when spoken to about it; and I was often spoken to in reference to it by men who had gone and made the improvements which had given it its value all around it. I wished that these men should have an opportunity to purchase.

“Question 2561. Then your object was to enable your neighbors in that vicinity to purchase it at a dollar and a quarter per acre?”

“Answer. It was my object to enable them to purchase it at the lowest price.”

Francis J. Rosser, ex-secretary of the Territory:

“Question 1088. Is it your opinion that, if the commissioners had exposed this Fort Snelling reservation at public sale, there would have been combinations which would have brought the price down below that paid for it?”

Answer. I am satisfied of it—perfectly satisfied of it.”

S. A. Medary, esq. :

Question 1749. “What, in your opinion, would have been the difference in the results had they advertised that land and sold it at public sale, or made the sale in the manner they did, at private sale, to a single individual at \$90,000?”

Answer. I think it would have sold for comparatively nothing if it had been sold in the way in which the sales usually take place at the land office.

Question 1750. Why, in your judgment, would it have sold for less if it had been sold at public sale?

Answer. There is generally an agreement among purchasers to get the land for as low a price as possible, and those who get it at their own price and those who hold their tongues are paid for it. Such things have been general at the west.”

H. L. Dousman, esq. :

“I have attended a great many sales of public land, and it has been the habit in that country to form combinations, and to appoint one man to bid and to purchase the property at a nominal price, and then to divide it up among all who formed the combination; it has also been customary, when government lands were to be sold in that way, for squatters to go upon it; it is hard to get them off, and they claim a sort of pre-emption right. I presume the object of the commissioners was to avoid anything of that kind.”

W. J. Cullen, esq., superintendent of Indian affairs for Minnesota :

Question 1552. “Can you give to this committee your opinion what would probably have been the result if the commissioners, instead of making a private sale, had attempted to divide it up into small parcels and have sold it at public auction?”

Answer. I think the effect would have been that they would probably have got from fifteen cents to \$1 25 an acre for it.

Question 1553. What are the grounds of that opinion?

Answer. Western people like to make money, and there is a good deal of unanimity of feeling among them. They like to buy property very cheap and they do not bid against one another as they do where they have plenty of capital.”

Madison Sweetzer, esq., of Minnesota :

Question 886. “In view of these combinations which you say have always reduced the price of the public lands when exposed at public sale, did not the commissioners of the government act with judgment, so far as the interests of the government were concerned, in making sale of this land at \$90,000, its value, in preference to running the hazards to which it would have been exposed if sold at public sale?”

Answer. I think so. When I spoke before of the impropriety of disposing of the reserve at private sale, it was from the peculiar wording of your question. I think, as far as the matter of dollars and cents is concerned, it may have been better to have sold it at private sale; but if the sale had been public it would have saved the government officer from censure.”

There are other witnesses who testify to the same practice in the west, but we pass them by to introduce an extract from the evidence

of *Franklin Steele, esq.*, who, although the purchaser of the property, occupies so high a position for integrity and truth that we feel no difficulty in presenting his statement as entitled to the fullest confidence :

Question 1153. Do you think any successful combination could have been made at the time which would have prevented the government from realizing the full value of the land ?

Answer. I was myself invited to join in a combination to make up a sum of money to place in the hands of one individual, the balance to protect him in buying the whole tract at a dollar and a quarter per acre.

Question 1154. Could you in this mode have obtained the land at a cheaper rate than you did at private sale ?

Answer. I presume I could ; not perhaps the whole reservation, but that portion of it on which my buildings are situated, at a much cheaper rate.

Question 1155. Did you decline entering into that combination ?

Answer. I declined.

Question 1164. I understand you to say that if this reservation had been sold at public auction it would not have brought as much as it did at private sale ?

Answer. That is my opinion.

Question 1165. Why then did you bid for it at private sale, without seeking to have a public sale made of it ?

Answer. Because if it had been sold at public sale I might have been deprived of purchasing more than a quarter section, or legal sub-division.

Question 1166. Explain how you would have been prevented from purchasing more than a quarter section ?

Answer. I should have been prevented by the combination that would have been formed.

Question 1167. Would you have been forced to join such a combination, or could you not have bid upon your own responsibility ?

Answer. I should have been forced by the combination that would have been formed to comply with their rules and regulations.

Question 1168. Why would you have been forced to have done that ?

Answer. For fear of personal violence. If the committee will permit me, I will state that the mode of sale of the portion which was struck off some years ago was provided for by law of Congress. After the law had passed it was immediately settled upon, after which these people held meetings, and each one came in and registered the legal sub-division upon which he had located. These persons, in forming an association of this kind, agreed to protect each other in the purchase of their respective tracts at a dollar and a quarter per acre. They would bind themselves to protect each other, and if any stranger or outsider attempted to bid for a quarter section which had been recorded with this claim association they would carry him off ; not, perhaps, commit violence upon him, but they would carry him away. Perhaps, under the excitement created, they might commit violence. Such instances have occurred at such sales frequently, and the same thing would have occurred if this portion of the reserve had been sold at public sale. As soon as it had been announced for sale it would

have been considered no longer occupied for military purposes, and would have been located upon by a large number of persons, each claiming his legal sub-division, who would have formed a combination similar to that formed when the other portion of the reserve was sold.

The commissioners having decided, for the reasons set forth, to dispose of the property at private in preference to a public sale, and to sell the entire reserve in a body, they opened a correspondence with Franklin Steele for its sale. We can see nothing in the preference thus shown to Mr. Steele which should subject their motives to any suspicion. To one of the commissioners, Mr. Heiskell, it seems he was an entire stranger. With the other, Major Eastman, he was scarcely upon friendly terms. And who is Franklin Steele? A pioneer of the wilderness and one of the earliest settlers west of the Mississippi. He is a gentleman of intelligence, enterprise, and public spirit, of admitted pecuniary responsibility, and of acknowledged integrity and weight of character. But the commissioners, in their official report, have so clearly disclosed the reasons which prompted them to make the contract of sale with him, that we shall permit them to speak for themselves:

“We find upon the reservation extensive improvements made by citizens, the cost of which cannot be less than \$30,000; they date back some twenty years. And we also find that they are *all* owned and in possession of the post sutler, Franklin Steele, esq. *Many* of the improvements were made by himself, with the knowledge and consent of the officer in command at the time. He has a large and elegant dwelling, with houses corresponding. The fort is so situated at the junction of the Mississippi and Minnesota rivers, that a ferry for the accommodation of the fort, across each river, has been indispensable. And we find that Mr. Steele was authorized to establish and maintain said ferries, which he did; and has, for years, transported officers and men and munitions of war across, day and night, free of charge to the government. He has built ferry-houses, put on and constantly kept boats of the best class, and had men constantly in attendance. He has, also, built a warehouse. There is a large and valuable stone building with a frame addition, making an extensive house, which has been furnished and used as a hotel, which could not have cost less than \$15,000. The stone part was built in the year 1837, by a Mr. Baker, afterwards sutler at Fort Snelling; it was sold to Kenneth McKenzie, esq., who, in 1853, put on the extensive addition alluded to—put the entire building in good order and furnished it for a house of accommodation; Mr. Steele having arranged with Mr. Kenneth McKenzie for this property, and secured the government from all claims from this source. We are positive, therefore, in saying that Mr. Steele is the only claimant to the improvements upon the same made by citizens.

“The question then arose as to the improvements made by Mr. Steele. We could not admit that he was such a settler as would come under your instructions, for he admitted that he had never been induced to believe the pre-emption right would be extended to him; but we could not conceal the fact that he had expended in improvements a large amount of money, and that to give another the right to pur-

chase the reservation would effectually compel him to lose all he had expended; we therefore came to the conclusion that justice required us to give Mr. Steele the refusal at the price we had agreed upon. We accordingly made him the offer. He proposed to give seventy-five thousand dollars, (\$75,000.) We informed him that we should not dispose of it for a less sum than we had estimated it at, viz: \$90,000, at which price he accepted it, and we closed a contract for the same, a copy of which we herewith transmit for your action thereon."

It may be proper here to state that at the time the contract of sale was made between the agents of the government and Franklin Steele, an arrangement existed by which Dr. Archibald Graham, of Virginia, John C. Mather, and Richard Schell and wife, of New York, were to be recognized, in conjunction with Mr. Steele, as joint owners of the property when purchased; their respective interests were arranged as follows: Steele to be entitled to one full third; Graham, Mather, Schell and wife, the remaining two-thirds; the parties to pay the purchase money in proportion to their interests in the property. The contract was made with Steele alone, and the proof is conclusive that the agents of the government were ignorant at the period of its execution, and for sometime subsequent thereto, that any person was concerned, or interested in this purchase, except Franklin Steele, the individual with whom the contract was made.

We now approach the last question arising upon this evidence which requires our examination, that relating to the value of this property and the price at which it was sold.

Was it sold by the commissioners for an inadequate price?

All who have any recollection of the defamatory publications which, during the last summer and fall, followed the contract of sale, will remember how pertinaciously the idea was sought to be impressed upon the public mind, that property belonging to the government worth *one million and a half of dollars* had been recklessly sacrificed for the sum of \$90,000. It was in vain that a correct exposition of the true value of this property was submitted to the public, in vain that a reference was made to all the previous land sales of the country, and the fact demonstrated, that this reservation had sold for a higher price per acre than any parcel of public land had ever been sold by the government, except, alone, the Fort Dearborn reserve, lying within the corporate limits of the city of Chicago; no check could be given to the remorseless spirit of detraction, and the public mind continued to be poisoned by the repetition of the grossest representations of the exaggerated value of this property. At the opening of Congress a committee of investigation was asked, amongst other matters, to ascertain the real value of the property, and that committee promptly accorded. In the progress of the investigation thus ordered, *thirty-four* witnesses were examined touching its value, of which number *eight* only have expressed the opinion that it sold below its true value; *two* have testified that the price obtained was what the property, in their judgment, was fairly worth; *twenty-four* have expressed the opinion that it sold beyond its fair value.

That there should have been found some individuals ready to place an extravagant estimate upon the Fort Snelling property is not at all remarkable. It is well known that even in the old and well settled States, where property has acquired a fixed and stable value, a litigated case rarely arises before the courts involving the value of a piece of property, and especially if the passions and feelings of a neighborhood have become at all excited in relation to it, that a most striking discrepancy of opinion may not be observed. How much more might this be expected to be the case in a newly settled Territory, where the value of all property is, in a great measure, speculative—where time has not yet established any standard by which its real worth may be accurately adjudged, and where, in this general condition of incertitude, the mind vibrates from one extreme to the other with every development calculated to excite hope or despondency. Still more might the wildest extravagance of opinion be anticipated where the subject of the inquiry is a property so situated as to lead to the impression, upon sanguine and imaginative minds, that it may, at some future day, be the site of a prosperous city. Town and city locations are capital prizes in the grand lottery of western land speculation. The rapidity with which cities have sprung up, as by enchantment, in some favored spot upon the lakes or upper Mississippi, the sudden and enormous wealth which individuals have acquired by their successful location, have had their usual effect, to inflame the imagination and to direct all thoughts to the same modes of profitable investment. Scarcely a locality can now be found on lake or river, or other water course, that its deluded proprietor does not fondly dream that it may, at some future day, prove the site of a flourishing city.

It is not surprising, therefore, that some of the witnesses examined in this case, seeing the rapid growth of such places as St. Paul, Minneapolis, and St. Anthony, and imagining that Fort Snelling possesses equal or superior advantages for a city, have, in their evidence, expressed an extravagant opinion of its value. There are many facts connected with Fort Snelling to favor such a delusion. Its situation at the junction of the Minnesota and Mississippi rivers—the impression for many years entertained that such would be its future destiny—its beautiful location, its picturesque and striking scenery, the government buildings presenting to the eye a city in embryo, were well calculated to dazzle the imagination and blind them to the irreversible realities around it.

It will thus be seen, by an inspection of the accompanying evidence, that whatever substantial diversities are to be seen in the testimony of the witnesses bearing upon the value of the property results mainly from the impression which they have respectively received as to its eligibility as a site for a city, and believing such to be its future destiny, they think that element in its speculative value was not sufficiently considered by the commissioners in the price asked and obtained for the property.

The undersigned being without the benefit of any personal knowledge of the locality in question, and not being gifted with the prophet's wand to remove the curtain which conceals the future, will not venture

to express a personal judgment as to what may be the future destiny of this point at the confluence of the Minnesota and Mississippi rivers. But if, upon an occasion like the present, they are to be controlled in their opinions by the testimony laid before them, they have no difficulty in saying that both the weight of opinion and the weight of facts largely preponderate against the idea that the Fort Snelling reserve can ever be the site of a city.

The witnesses who have expressed the opinion that the value of the reserve is enhanced by the advantages of its position as a town site are Hon. Robert Smith, M. C. Smith, Adam D. Stuart, T. C. Hall, T. B. S. Todd, Cyrus Aldrich, Captain George Thorn, Captain T. H. Simpson, and Matthew Johnson.

The witnesses who think that difficulties of an insuperable character exist to its becoming the site of a city are the Hon. S. A. Douglas, Hon. H. M. Rice, Hon. Charles E. Stuart, Hon. Geo. L. Becker, Colonel Lorenzo Thomas, U. S. A., Colonel Francis Lee, U. S. A., Hezekiah Cullom, Madison Sweetzer, Alex. C. Jones, G. B. Clitherall, Thomas Moncure, Francis J. Rosser, Captain J. A. Whithall, U. S. A., Wm. J. Cullen, H. L. Dousman, J. W. Lynde, S. A. Medary, A. M. Fridley, B. W. Brisbois, Chas. H. Oaks, Wm. H. Forbes, and Geo. Culver. The grounds for their opinions, set forth by these last named witnesses, strike us as conclusive.

The Fort Snelling reserve is situated about six miles north of St. Paul, a growing and flourishing city of 15,000 inhabitants, and about eight miles south of St. Anthony and Minneapolis, two prosperous manufacturing towns, each with a population at this time of from eight to ten thousand inhabitants. Whatever may have been the advantages of Fort Snelling as a site for a city, we concur with the Hon. Stephen A. Douglas, "that it is now too late to start a new town so near to those with a hope of fairly competing with them. The reservation is too near those other towns to become their rival, and too far off to be laid out as an addition to either of them."

Many of the other witnesses exhibit facts which, to a great extent, destroy the idea that its natural position ever adapted it for a town.

Hon. Henry M. Rice states :

"In the early days of the settlement of that region the only boats which ran upon the Upper Mississippi were the smallest class. When the Galena packets commenced running in connexion with the railroad they were unable to get above St. Paul in low water, and that very fact lowered the value of the Fort Snelling property in the public estimation more than anything else."

Again he says :

"In the summer of 1849 I left there. I then had my depot immediately across the Minnesota river, and for two or three months of the summer of 1848 steamboats were unable to get up there. They could go a short distance above St. Paul, but they could not get up to that point. I was then an owner in some of the boats which ran up there. They landed my freight three or four miles below the fort, and I had to send down flat boats at a heavy expense to take it to Mendota. I then requested the officers of the boats to inform me what was the highest practicable point of navigation for large class boats. They

made an examination, and then informed me that what is now known as the upper landing of St. Paul was the highest point of navigation for large class boats in low water; and though I had buildings at Mendota, with Mr. Sibley, I removed down the river and started my depot at St. Paul. I bought a portion of what is now St. Paul, and paid, I think, two dollars an acre for it, and put up my store-houses there."

Let us now examine and compare the evidence bearing upon the question of the value of this property.

Major Eastman, who made a survey of it, fixes the quantity in the reserve at 7,500 acres, of which 1,000 acres he states is water and irreclaimable marsh, such as, under the swamp land act, would pass by donation from the government to the State, leaving but 6,500 acres fit for cultivation or use of any kind. This, at \$90,000, the price for which it was sold, was equal to, or within a few cents of, \$14 per acre.

Hon. Robert Smith states that he would have given four times the price for which it was sold. The honorable gentleman admits that he has rather a mania for land, and we think his friends, after reading the accompanying evidence, will find reason to congratulate him that he was prevented by circumstances from going the "extent of his pile," and of investing all his Illinois property in the purchase upon such terms.

M. C. Smith thinks it was worth \$25 per acre for agricultural purposes; but, considering its advantages as a town site, he estimates its value at \$100,000.

Cyrus Aldrich thinks it was worth \$20 an acre for agricultural purposes; but, considering its advantages as a town site, he estimates its value at from forty to fifty dollars an acre.

Captain George Thorn says the property could have been sold so as to have brought \$150,000, and perhaps more.

Hilleary B. Hancock estimates its value at \$200,000.

Captain James H. Simpson thinks that portions of it would have sold at \$200 an acre, and none of it less than \$20 per acre.

J. C. Hall supposes, on an average, the land worth \$15 or \$20 an acre.

These are all of the witnesses who testify to a value exceeding that for which it was sold by the commissioners.

Hezekiah S. Cullom supposes it was worth something more than \$11 per acre.

J. G. McVeigh: "From my knowledge of the land, I think it sold for full as much as it was worth. I do not think it will bring that now."

Madison Sweetzer: "I do not think it was worth more than \$90,000. The question has frequently been asked, and I have always said I never would give \$90,000 for it. I would not give that to-day. If I had the money I would not purchase it for \$60,000."

Alexander C. Jones: "Take the whole tract together I would not think it worth more than \$6 or \$7 an acre.

Andrew Ellyson: "The land sold for more than I would pay for it."

G. B. Clitherall fixes the "value of the tract, after a careful estimate of its different soils and capabilities, at \$55,000."

Thomas Moncure : "I think the price paid for it its full value. If I had been the purchaser I would not have paid that much for it."

Francis T. Rosser : "I would not like to give, even for purposes of speculation, more than \$7 or \$8 an acre."

Hon. George L. Becker : "I should think it would hardly be considered worth more than \$8, \$10, or \$12 an acre."

Captain J. A. Whithall : "I do not consider the land worth the price given for it. I said at the time it was the best sale of government land I had ever heard of."

W. T. Cullen : "I expressed my opinion to Mr. Steele, at the time the sale was made, that I thought it sold for all it was worth, and that he would never get his money back; and I have not changed that opinion in the least."

Colonel Francis Lee, U. S. A. : "I think they paid a plenty for it."

H. L. Dousman : "I thought they got a fair price. I told Steele at the time that he gave about what it was worth."

J. W. Lynde thought it was worth "from \$8 to \$10 an acre."

S. A. Medary thinks the average value from \$8 to \$14 an acre."

A. M. Fridley : "Worth now about \$5 per acre; at time of sale about \$10 per acre."

B. W. Brisbois "estimates it from \$10 to \$12 per acre."

Charles H. Oaks : "I think \$90,000 was more than the land was worth, and I so stated at the time of sale."

Wm. H. Forbes "estimated value at between \$12 and \$15 per acre at time of sale."

J. E. Fletcher : "I considered the land worth \$12 50 per acre."

George Culver : "Ten dollars per acre would be a fair price for the whole property."

Hon. H. M. Rice "supposes, as a whole, it was worth \$3 or \$4 per acre."

Hon. S. A. Douglas : "I would not estimate the land at more than \$10 per acre."

Hon. Charles E. Stuart "thinks the commissioners acted wisely in selling the entire tract at \$90,000."

Wm. K. Heiskell "thinks it sold beyond its true value."

Major Eastman : "Since the sale I have thought we got too much for it. I have made many inquiries, and have come to that conclusion from the inquiries as to the price of land in that country."

Upon this evidence the undersigned, as impartial judges of the fact, can reach no other conclusion than that this property sold at its full and fair value, and that this is one of the rare instances in our history where the government, in parting with any portion of the public domain, has realized a price approximating the true value of the property.

The undersigned conclude their report by submitting the following resolution as a substitute for the resolutions recommended by the majority of the committee :

Resolved, That the recent sale of the military reservation at Fort Snelling, having been made by the Secretary of War, under the direction of the President of the United States, in strict conformity to law, and the evidence reported by the Select Committee having

failed to exhibit any fact or circumstance tending, in the slightest degree, to impeach the fairness of the sale or the integrity of any of the officers or agents of the government concerned in the same, or to exhibit any fact or circumstance which should make the said sale a proper subject for the opinion and action of this House, it is ordered that the committee be discharged from the further consideration of the subject, and that the report of the said committee be laid upon the table.

CHAS. JAS. FAULKNER.
H. C. BURNETT.

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JOURNAL
OF
THE SELECT COMMITTEE

APPOINTED

*Under resolution of the House of Representatives, dated January 4, 1858,
to investigate the facts and circumstances connected with the sale of the
military reservation at Fort Snelling.*

MEMBERS OF THE COMMITTEE.

HENRY C. BURNETT, of Kentucky ;
ISAAC N. MORRIS, of Illinois ;
JUSTIN N. MORRILL, of Vermont ;
CHARLES J. FAULKNER, of Virginia ;
JOHN U. PETTIT, of Indiana.

THURSDAY, JANUARY 7, 1857.

The committee met in the room of the Committee for the District of Columbia. Present, all the members.

The following communication was transmitted from the Clerk of the House of Representatives :

“THIRTY-FIFTH CONGRESS, FIRST SESSION.

“ CONGRESS OF THE UNITED STATES.

“ IN THE HOUSE OF REPRESENTATIVES,
January 4, 1858.

“ *Resolved*, That a committee of five members be appointed by the Speaker to investigate all the facts and circumstances connected with the late sale of the military reservation at Fort Snelling, the manner in which the said sale was made, to whom made, the consideration paid, the terms of payment, whether the price paid or agreed to be paid was adequate or not ; and whether the said reservation, at the time of the said sale, was longer wanted for the public service ; and that said committee have power to send for persons and papers and administer oaths to witnesses ; and that said committee have leave to report at any time.

“ *Ordered*, That Mr. Henry C. Burnett, of Kentucky ; Mr. Isaac

N. Morris, of Illinois; Mr. Justin S. Morrill, of Vermont; Mr. Chas. J. Faulkner, of Virginia, and Mr. John U. Pettit, of Indiana, be appointed the said committee.

“Attest :

“J. C. ALLEN,
“Clerk.”

On motion of Mr. Faulkner, the following resolutions were adopted:
Resolved, That the chairman of this committee be instructed to address a communication to the Hon. John B. Floyd, Secretary of War, requesting him to transmit to this committee copies of all letters, instructions, and other papers in his department relating to the recent sale of the military reservation at Fort Snelling.

Resolved, That the chairman of this committee be instructed to address a letter to Hon. Robert Smith, of Illinois, requesting him to present this committee with the names of all such persons as, in his opinion, or from information communicated to him, would throw light upon any matter of fraud or corruption or impropriety connected with the sale of said military reservation at Fort Snelling; also, to appear in person, if desired by him, and otherwise in all respects to lay before the committee any facts or information bearing upon the same.

The committee then adjourned to meet on call of chairman.

WEDNESDAY, JANUARY 13, 1858.

The committee met at 10 o'clock a. m. Present, Messrs. Morrill, Faulkner, Pettit, and Mr. Chairman.

The chairman laid before the committee a copy of letters addressed by him to Hon. Robert Smith and Hon. John B. Floyd, in compliance with the instructions given by the committee at its last meeting; also a communication from Hon. Robert Smith, furnishing the names of certain persons able to give information upon the subject-matter of the investigation, and informing the committee that he would appear before them as a witness at such time as they should designate.

Ordered, That the chairman be instructed to report a resolution to the House, authorizing the committee to employ a stenographer for such time as they may require his services.

The committee adjourned to meet on call of chairman.

SATURDAY, JANUARY 16, 1858.

The committee met at 10 o'clock a. m. Present, all the members. The following resolution was received from the Clerk of the House of Representatives, viz :

“THIRTY-FIFTH CONGRESS, FIRST SESSION.

“ CONGRESS OF THE UNITED STATES.

“ IN HOUSE OF REPRESENTATIVES.

“ On motion of Mr. Burnett,

“ *Resolved*, That the select committee appointed to investigate the facts and circumstances attending the sale of the military reservation at Fort Snelling, be, and they are hereby, authorized to employ a competent stenographer, at a reasonable compensation, for such length of time as the committee may require his services.

“ Attest :

“ J. C. ALLEN,
“ *Clerk.*”

Ordered, That Francis H. Smith be appointed stenographer of the committee.

The chairman laid before the committee a communication from the chief clerk of the War Department, stating that the information asked for by the committee would be promptly furnished.

On motion of Mr. Morrill, the following resolutions were adopted:

Resolved, That all testimony and all communications, relating in any manner to the subject which this committee was appointed to investigate, shall be treated as strictly confidential, and withheld from all persons whatsoever, outside of the committee, until all the facts and testimony in the case shall have been received.

Resolved, That if any evidence shall be submitted to this committee implicating any person not a member of Congress, a copy of the same, when fully completed, shall be transmitted to the party implicated, and an opportunity granted to rebut the same, and of meeting the witnesses face to face.

Mr. Morris presented the following resolution, which was laid over for future consideration, viz :

Resolved, That the President of the United States be respectfully requested to withhold the issuing of the patent for the Fort Snelling reservation until this committee closes its labors and the House act upon their report; and that the chairman communicate a copy of this resolution to him.

On motion of Mr. Pettit, it was

Resolved, That the chairman be requested to ask the Secretary of War to transmit a copy of the contract for the sale of Fort Snelling reservation, map of its survey, the kind, value, and extent of improvements made on it by the government or by private persons; the report of the agents of the government to the department on the subject of said sale, the amount of payment to the government on account of it, when made, and the act and time of confirmation, and the whole construction account of the fort, made by the department, up to the time of sale; and that he be further requested to communicate letters,

or other information, from officers connected with the military service, made before the sale, in regard to its propriety.

The committee then adjourned until Monday next, at half-past 9 o'clock a. m.

MONDAY, JANUARY 18, 1858.

The committee met pursuant to adjournment. Present, all the members.

The journal of Saturday was corrected by the insertion of the following order :

“ On motion of Mr. Morris,

“ *Ordered*, That the committee adjourn, and that at its next meeting, after receiving the information called for from the Secretary of War, it shall proceed to examine the commissioners who made the sale of Fort Snelling and the gentlemen who made the purchase of that reservation.”

Mr. Faulkner submitted a resolution that, inasmuch as the Hon. Robert Smith, of Illinois, had originated this inquiry in the House, it was due, both to him and to this committee, that he should now appear before us and state all the facts and circumstances which, in his opinion, had rendered it a proper subject of congressional inquiry ;

Which was postponed for the present.

On motion of Mr. Pettit, the committee then proceeded to execute the order made on Saturday for the examination of witnesses.

Major Seth Eastman appeared, and was examined as a witness.

The committee adjourned until to-morrow, at 10 o'clock a. m.

TUESDAY, JANUARY 19, 1858.

The committee met pursuant to adjournment. Present, all the members.

The chairman laid before the committee a communication from the Secretary of War, transmitting copies of all letters, instructions, and other papers relating to the recent sale of the military reservation at Fort Snelling, in compliance with the resolution of the committee of the 9th instant.

Dr. A. Graham appeared, and was examined as a witness.

On motion of Mr. Pettit,

Ordered, That a subpoena for John C. Mather, Richard Schell, and Archibald Graham, *duces tecum*, be issued.

The committee adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, JANUARY 20, 1858.

The committee met at 10 o'clock a. m. Present, Messrs. Morrill, Faulkner, Pettit, and Mr. Chairman.

The examination of Dr. A. Graham was concluded for the present. On motion of Mr. Faulkner,

Resolved, by the select committee appointed by the House of Representatives to investigate the facts and circumstances attending the sale of the military reservation at Fort Snelling, That the chairman of this committee be directed to request the Hon. Richard Schell and John C. Mather to appear before this committee, to give testimony, and bring with them any contract, or copy of contracts, between them, as part owners of said military reservation, with Dr. A. Graham and Franklin Steele, or other parties, either made before the contract of purchase from the government or since.

The committee then adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, JANUARY 21, 1858.

The committee met pursuant to adjournment. Present, all the members.

The examination of Major Seth Eastman was resumed and concluded for the present.

The committee adjourned until Monday next, at 10 o'clock a. m.

MONDAY, JANUARY 25, 1858.

The committee met pursuant to adjournment. Present, all the members.

The chairman laid before the committee a communication from the Secretary of War, in response to a resolution passed by the committee on the 16th instant, transmitting a copy of the letter of Hon. H. M. Rice, recommending the sale of Fort Snelling, and the report of the Quartermaster General thereon; also a map of Fort Snelling reservation.

Colonel Lorenzo Thomas and H. S. McCollum appeared, and were examined before the committee as witnesses.

The committee adjourned until Wednesday next, at 10 o'clock a. m.

TUESDAY, JANUARY 26, 1858.

The committee met pursuant to adjournment. Present, all the members.

Hon. Robert Smith appeared, and was examined as a witness.

The committee then adjourned until Friday next, at 10 o'clock a. m.

FRIDAY, JANUARY 29, 1858.

The committee met pursuant to adjournment. Present, all the members.

General Thomas S. Jesup appeared, and was examined as a witness.

The examination of Hon. R. Smith was resumed and concluded.

On motion of Mr. Morris, it was

Resolved, That the chairman of this committee call upon the President of the United States and Secretary of War and request that no title shall be executed to the parties making purchase of the military reservation at Fort Snelling until this committee shall have closed its investigation and the House shall have acted thereon.

Ordered, That the chairman be requested to request the Secretary of War to furnish the committee with the information heretofore called for by the committee, but not received by them, at his earliest convenience.

The committee adjourned to meet on call of the chairman.

WEDNESDAY, FEBRUARY 3, 1858.

The committee met at 10 o'clock a. m. Present, all the members.

The chairman laid before the committee a communication from the Secretary of War, transmitting certain papers from the Quartermaster General in response to the resolution of the committee of January 16, 1858.

On motion of Mr. Pettit, it was

Resolved, That the Secretary of War be requested by the chairman to communicate further to this committee the proposition to purchase the Fort Snelling reservation made by the Hon. Mr. Rice and Franklin Steele, referred to in the reply of General Jesup transmitted to the committee on yesterday; a copy of the report of Colonel Thomas to General Scott on the propriety of making the sale; a copy of the letter of the Hon. Mr. Smith, addressed to him in April last, on the subject of said sale, together with his answer thereto, and with propositions made by other persons before or after the enactment authorizing said sale, and his answers thereto; and also the construction account for said fort for a term of five years previous to said sale, specifying its particulars by date.

The Hon. J. C. Mather appeared, and was examined as a witness.

The committee adjourned until to-morrow, at 9 o'clock a. m.

THURSDAY, FEBRUARY 4, 1858.

The committee met pursuant to adjournment. Present, all the members.

J. G. McVeigh appeared, and was examined as a witness.

On motion of Mr. Faulkner, the following resolution was adopted :
Whereas the progress of our investigation in this committee has been much delayed by the failure of the witnesses subpoenaed to be in attendance in obedience to the summons served upon them, although it is known that many of them are now in the city—

Resolved, That hereafter it shall be the duty of the clerk every morning, immediately after reading the minutes of the preceding day, to call over the names of the witnesses who have reported their presence in the city ; and if they shall fail to be in attendance when their names are so called, it shall be the duty of the clerk, in making up their accounts, to omit their *per diem* for each day they are thus found to be absent from the committee room.

The committee adjourned until to-morrow, at half-past nine o'clock a. m.

FRIDAY, FEBRUARY 5, 1858.

The committee met pursuant to adjournment. Present, Messrs. Faulkner, Morris, and Mr. Chairman.

After the reading of the journal of yesterday, the roll of witnesses was called and none found present.

The committee adjourned until Monday next, at half-past 9 o'clock a. m.

MONDAY, FEBRUARY 8, 1858.

The committee met pursuant to adjournment. Present, all the members.

Hon. Richard Schell and Madison Sweetzer appeared, and were examined as witnesses.

The committee adjourned until to-morrow, at half-past 9 o'clock a. m.

TUESDAY, FEBRUARY 9, 1858.

The committee met pursuant to adjournment. Present, all the members.

A. C. Jones and Colonel A. D. Stewart appeared, and were examined as witnesses.

On motion of Mr. Morrill, it was

Resolved, That, from evidence before the committee, it would appear that letters were addressed by the Hon. Robert Smith and by Mr. Reynolds, late district attorney of Missouri, to the Secretary of War, asking for information as to the time and manner of the sale of Fort Snelling reservation, which letters do not appear in the papers thus far transmitted, and that the chairman be requested to procure the

same, and also copies of all other letters on the subject, with the replies of the Secretary of War, if any, thereto.

On motion of Mr. Faulkner, it was

Resolved, That the chairman of the committee address a letter to the Secretary of the Interior, requesting him to inform this committee of the quantity of land separated from the Fort Snelling reservation by the act of the 26th of August, 1852; when the land was sold; by whom, and at what price.

The committee adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, FEBRUARY 10, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morrill, Faulkner, Pettit, and Mr. Chairman.

Andrew Ellison, J. C. Hall and C. B. Clitherall appeared, and were examined as witnesses.

The chairman laid before the committee a communication from the Secretary of War, transmitting copies of papers on file in the department, in answer to the resolution of the committee of the 3d instant.

The committee adjourned until to-morrow, at half-past 9 o'clock a. m.

THURSDAY, FEBRUARY 11, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, Faulkner, and Pettit.

General Winfield Scott, General Persifer F. Smith, Thomas Moncure, and J. Traverse Rosser appeared, and were examined as witnesses.

The committee adjourned until Saturday next, at half-past 9 o'clock a. m.

SATURDAY, FEBRUARY 13, 1858.

The committee met pursuant to adjournment. Present, all the members.

On motion of Mr. Pettit, it was

Resolved, That the chairman request the Secretary of War to communicate to the committee the time of the appointment of Mr. John C. Mather to make examination of the military reservation at Fort Ripley, the recommendations on which his appointment was made, the particular duties with which he was charged, instructions given him, and his official report to the department, together with his account for services and the amount audited.

No witnesses appearing, the committee adjourned until Monday next, at half-past 9 o'clock a. m.

MONDAY, FEBRUARY 15, 1858.

The committee met pursuant to adjournment. Present, all the members.

General Th. S. Jesup appeared, and was examined further as a witness.

Franklin Steele also appeared, and was examined as a witness.

The committee adjourned until to-morrow, at half-past 9 o'clock a. m.

TUESDAY, FEBRUARY 16, 1858.

The committee met pursuant to adjournment. Present, all the members.

The examination of Franklin Steele was continued.

M. C. Smith and Capt. J. B. S. Todd appeared, and were examined as witnesses.

The committee adjourned until to-morrow, at half-past 9 o'clock.

WEDNESDAY, FEBRUARY 17, 1858.

The committee met pursuant to adjournment. Present, all the members.

Hon. George L. Becker, Cyrus Aldrich, Lieutenant Richard C. Drum, Captain J. A. Whitall and W. J. Cullen appeared, and were examined as witnesses.

The committee adjourned until Friday next, at 9 o'clock a. m.

FRIDAY, FEBRUARY 19, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morrill and Pettit.

No quorum being present, the committee adjourned to meet upon the call of the chairman.

TUESDAY, FEBRUARY 23, 1858.

The committee met pursuant to the call of the chairman. Present, all the members.

W. J. Cullen, Captain George Thomas, Colonel Francis Lee, Major H. L. Dousman, J. W. Lynde and S. A. Medary appeared, and were examined as witnesses.

The chairman laid before the committee the written answer of Hon S. A. Douglas to the questions which were sent to him.

On motion of Mr. Morrill, it was

Resolved, That a copy of a letter from Hon. Paul Dillingham, of Vermont, dated May 1, 1857, having been transmitted to us among other documents, it is due to the writer, and also to the Secretary of War, to whom the letter was directed, that the reply to the same, if any, should appear on our records, and, therefore, the chairman be requested to procure an authenticated copy of any such reply as aforesaid at the earliest moment.

On motion of Mr. Pettit, it was

Resolved, That the Secretary of War be requested to communicate the instructions of that department connected with the sale of the Fort Dearborn reservation; the kind and quantity of land then connected with that fort; the proceedings and reports of the officers in charge; the manner and size of the subdivisions in which it was offered, and the prices of the particular lots, and the aggregate price derived from the sale.

The committee adjourned until to-morrow, at half-past nine o'clock.

WEDNESDAY, FEBRUARY 24, 1858.

The committee met pursuant to adjournment. Present, Messrs. Faulkner, Morrill, Pettit, and Mr. Chairman.

General Sylvester Churchill, Hillary P. Hancock, and S. A. Medary appeared, and were examined as witnesses.

The committee thereupon adjourned until to-morrow, at half-past 9 o'clock.

THURSDAY, FEBRUARY 25, 1858.

The committee met pursuant to adjournment. Present, all the members.

Messrs. Dousman and Aldrich, appeared, and were re-examined as witnesses.

B. W. Brisbois appeared, and was examined as a witness.

The committee then adjourned until Saturday, at 10 o'clock.

SATURDAY, FEBRUARY 27, 1858.

The committee met pursuant to adjournment. Present, Messrs. Faulkner and Pettit.

Wm. King Heiskell appeared as a witness, but was not examined, no quorum being present.

No quorum being present, the committee adjourned.

MONDAY, MARCH 1, 1858.

The committee met. Present, Messrs. Faulkner, Morris, and Morrill. Mathew Johnson appeared, and was examined as a witness.

The committee then adjourned until nine and a half o'clock on Wednesday.

WEDNESDAY, MARCH 3, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Faulkner, Pettit, and Mr. Chairman.

William King Heiskell appeared, and was examined as a witness.

The committee then adjourned until to-morrow morning, at 9 o'clock.

THURSDAY, MARCH 4, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, Pettit, and Mr. Chairman.

Mr. Heiskell was recalled, and examined as a witness.

The committee adjourned until to-morrow morning, at half-past 9 o'clock.

FRIDAY, MARCH 5, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, and Mr. Chairman.

Captain George Thom was recalled, and was examined as a witness, and Messrs. C. H. Oaks and William Devier appeared, and were examined as witnesses.

The committee then adjourned until to-morrow morning, at 9½ o'clock.

SATURDAY, MARCH 6, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris and Mr. Chairman.

No quorum being present,

The committee adjourned.

MONDAY, MARCH 8, 1858.

The committee met. Present, Messrs. Morris, Morrill, Faulkner, and Mr. Chairman.

Messrs. William Henry Forbes, William W. Corcoran, Major J. G. Martin and J. E. Fletcher appeared, and were examined as witnesses.

The committee then adjourned until to-morrow morning, at 9½ o'clock.

TUESDAY, MARCH 9, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, and Mr. Chairman.

Messrs. George Culver and Major J. G. Martin appeared, and were examined as witnesses.

The committee thereupon adjourned until Friday next, at 9½ o'clock.

FRIDAY, MARCH 12, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, and Pettit.

No witnesses being present, the committee adjourned until Monday, at 9½ o'clock a. m.

MONDAY, MARCH 15, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, Pettit, and Mr. Chairman.

On motion of Mr. Pettit, it was

Resolved, In consideration that no reply has been received from the Secretary of War to the resolution of the committee of February 13th ult., asking for information, that the chairman again call his attention to it, and request an early answer.

No witnesses appearing, the committee adjourned until to-morrow morning, at 9 o'clock.

TUESDAY, MARCH 16, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, Pettit, and Mr. Chairman.

No witnesses being present, the committee adjourned until to-morrow morning, at half-past nine o'clock.

WEDNESDAY, MARCH 17, 1858.

The committee met pursuant to adjournment. Present, all the members.

Hon. Henry M. Rice appeared, and was examined as a witness. Franklin Steele was recalled, and examined as a witness.

The committee then adjourned until to-morrow morning, at half-past nine o'clock.

THURSDAY, MARCH 18, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, Pettit, and Mr. Chairman.

No witnesses appearing, the committee adjourned until Saturday morning, at half-past nine o'clock.

SATURDAY, MARCH 20, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morris, Morrill, Pettit, and Mr. Chairman.

On motion of Mr. Pettit, it was

Resolved, That the chairman of the committee call the attention of the Secretary of War to so much of the resolution of February 13, 1858, as asked him to communicate the recommendations on which Mr. John C. Mather's appointment for the examination of the Fort Ripley military reservation preparatory to sale was made, and to which no reply has been received, particularly asking an answer thereto, especially as to whether the same was solicited by Mr. Mather and others; and if so, what suggestions or recommendations were made to the War Department to induce the appointment.

Hon. Henry M. Rice reappeared, and was examined as a witness.

The committee then adjourned until Monday morning, at half-past nine o'clock.

MONDAY, MARCH 22, 1858.

The committee met pursuant to adjournment. Present, Messrs. Morrill and Pettit.

No quorum being present, the committee adjourned.

TUESDAY, MARCH 23, 1858.

The committee met upon the call of the chairman. Present, Messrs. Morris and Faulkner.

Augustus Schell appeared, and was examined as a witness.

The committee adjourned until to-morrow, at half-past nine o'clock.

WEDNESDAY, MARCH 24, 1858.

The committee met pursuant to adjournment.

Present, Messrs. Morris, Morrill, Pettit, and Mr. Chairman.

No witnesses present.

The committee adjourned until to-morrow morning, at half-past 9 o'clock.

THURSDAY, MARCH 25, 1858.

The committee met pursuant to adjournment.

Present, Messrs. Morris and Faulkner.

Capt. James H. Simpton appeared, and was examined as a witness.

The committee then adjourned until Tuesday next.

TUESDAY, MARCH 30, 1858.

The committee met pursuant to adjournment.

Present, Messrs. Morrill, Faulkner, and Mr. Chairman.

The committee adjourned until Monday morning next, at half-past 9 o'clock.

MONDAY, APRIL 5, 1858.

The committee met pursuant to adjournment.

Present, Messrs. Morris, Morrill, Faulkner, and Pettit.

The committee adjourned to meet upon the call of the chairman.

TUESDAY, APRIL 6, 1858.

The committee met on the call of the chairman.

Present, all the members.

The committee adjourned to meet on Wednesday, the 14th instant.

WEDNESDAY, APRIL 14, 1858.

The committee met pursuant to adjournment.

Present all the members.

Mr. Pettit presented a written report, presenting the views of the majority of the committee, which he was directed to make to the House.

The committee then adjourned to meet on the call of the chairman.

FRIDAY, APRIL 23, 1858.

The committee met pursuant to the call of the chairman.

Present, Messrs. Pettit, Morrill, Faulkner, and Mr. Chairman.

Mr. Faulkner presented, in writing, the views of the minority of the committee.

On motion, the following resolution was ordered to be reported to the House :

“*Resolved*, That the compensation of stenographers employed by committees, under the authority of the House, be paid as audited by the Committee on Accounts.”

The committee then adjourned without day.‡

TESTIMONY.

MONDAY, JANUARY 18, 1858

Major SETH EASTMAN SWORN.

Examination by Mr. Faulkner.

Question 1. Please state all the facts and circumstances within your knowledge touching the recent sale of the military reservation at Fort Snelling.

Answer. In April last I received verbal instructions from the Secretary of War to proceed to Fort Snelling and make a survey of the place. His instructions were to survey it in forty acre lots. He stated that he wished it surveyed in as small lots as could be conveniently sold, in order that men of small means should have an opportunity of purchasing. He stated that after I had finished the survey he would send an agent out there to sell it. I proceeded to the place, and went to work immediately. After I had the survey nearly completed, an agent arrived and reported to me, and, at the same time, I received the appointment as agent myself to act with him. I was not appointed agent in the first instance, and had no expectation of being agent. The instructions came with the appointment, and we went to work at once to make the proper inquiries. I was all posted up myself about the whole place. He examined it, and we then decided about the manner of the sale. The instructions were to sell by public sale or private sale, as the agents thought best for the public interest, either in small lots or as a whole. After we had consulted on the matter, we came to the conclusion that it would be better for the government to sell it at private sale. There were other parts of the instructions which I have not mentioned, but I suppose they will be before you, and it will not be necessary for me to refer to the other points. We determined to sell it at private sale, that being the best for the government, and before doing it we determined to make an estimate of what we thought to be a fair price or a good price. We fixed the price at \$90,000. After we had gone that far, the question arose as to whom we should first offer it to, and we determined to offer it to Mr. Steele, for these reasons: he had lived there for about twenty years; he had built him a house, and, I believe, had possession of all the private property there. He had raised a family of, I think, seven children there, and was still living there; he had made, and he was the only one we knew who had made, an offer to the government for it, and we thought it no more than

justice that we should give him the refusal of it. We did so; but he thought the price we had fixed was too high, and offered a less sum. We told him that we could not take less than that amount. He then accepted it, and made an agreement with us, which was to give \$90,000, \$30,000 of which was to be paid on the 10th of July, I think, \$30,000 on the 10th of July following, and \$30,000 on the 10th of the July next succeeding.

Question 2. Were the payments to bear interest?

Answer. I do not remember whether that was in the contract. I will state now the number of acres of land there was within the boundaries; between seven thousand and eight thousand acres. This included land, water, and marsh. I think there was about one thousand acres of water and marsh, what I should call irreclaimable marsh, and which I could put no value upon. I should say it was worth nothing for any purpose but for duck ponds. I think it left about six thousand five hundred, or between six thousand and seven thousand acres of land. I cannot tell you the exact number of acres; but for this I estimated that the government received between \$12 and \$14 per acre. After the contract was made, the other gentlemen went on to Washington with it, and I remained there for further instructions, and to complete my maps. I believe that is about the narrative, as far as it goes.

Question 3. What is your occupation or business in life?

Answer. I am an officer in the army.

Question 4. Did you ever receive from the Secretary of War any private or public instructions of any kind other than those to which you have referred?

Answer. Not one word. I have had no consultation with him, either by letter or verbally. I did not see him, after I left here to go out and make a survey, until I returned in the fall.

Question 5. How did you reach the conclusion that it was better to have a private than a public sale?

Answer. For this reason: I have invariably noticed that all the public sales of the public lands have been effected at the minimum price; and we thought it would be impossible for the government to have a public sale and secure a fair competition, and we were afraid to risk it. If I could have been satisfied that we could have had a fair competition, I should have been in favor of a public sale.

Question 6. Did you report to the Secretary of War, before you made the sale, that you intended to make a private sale; or did you make that sale wholly upon the power given you in your instructions?

Answer. We made it wholly upon our instructions. We acted wholly upon our instructions, and upon nothing else.

Question 7. Had you any reason to believe that there were any combinations or other arrangements that would prevent a fair public sale?

Answer. Yes, sir; besides the precedents that had been set in other sales, rumors came to me—of course nobody was going to tell me that there were combinations, I could only glean it from rumors—but the other gentleman, who mixed freely with the people, being a stranger,

and being more or less at the hotels, heard things which led him to believe that such was the fact, and he told me.

Question 8, (by the chairman.) Did you sell the land to Mr. Steele, or to Mr. Steele in connexion with others?

Answer. We sold it to him alone, and not in connexion with any other person. Since the sale, rumors have come to me that others were concerned. How true it is I am not able to say.

Question 9, (by the chairman.) Had you, as the agent of the government, any knowledge at the time that there were any combinations between Steele and other persons for the purchase of the property?

Answer. I had not.

Question 10, (by Mr. Faulkner.) Did you afford any opportunity for competition at private sale?

Answer. No, sir. After we had determined to sell it at private sale we thought it best, for the reasons I have given, to offer it to this gentleman. If he had refused we should probably then have gone to the next man who owned property on the reserve, who was a Mr. McKenzie. He owned a hotel there. Steele had possession of this property, however, as I understood, so that if he purchased the reserve Mr. McKenzie would be paid for his property. If we had sold the reserve to any other man I suppose we should have made arrangements that would have covered Mr. Steele's property. The only interest which Mr. Steele talked to me about was an anxiety to save his own private property. But I will add that I did not consider it any matter who bought the property, or how it was sold, so that the government got a good price for it. I was desirous of getting a good price for it, and not have it sacrificed as the main part of the reserve had been a few years before.

Examination by Mr. Morrill.

Question 11. Who do you suppose, from the information you have, would have combined to prevent a fair competition at a public sale?

Answer. I could not give you the name of any person. I knew the general system of combinations which take place at every public land sale.

Question 12. What persons were there in the neighborhood who you supposed might have combined to prevent a fair competition?

Answer. I could not give you the names. I might think men would combine and yet do them injustice. I have no personal knowledge of any such combination.

Question 13. You do not know of anybody on the spot who would enter into such a combination?

Answer. I do not.

Question 14. Who was there that might have been the purchaser?

Answer. Mr. McKenzie was the only person who I supposed could have purchased it. He was not there himself at the time. I think he was in St. Louis. He owned property there, and his agent was at St. Paul.

Question 15. How long was it after you received your instructions before you made the sale?

Answer. After I received them I stopped my surveying operations and went to work.

Question 16. How long before the sale did the other agent arrive?

Answer. I think the other agent was there or in St. Paul perhaps a week before the sale was made.

Question 17. This was before you had completed your survey?

Answer. I had completed the survey so far as to determine the number of acres, but had not finished subdividing it into small patches, though sufficiently completed to sell by.

Question 18. You made the sale, then, a short time after you had received your instructions from the department?

Answer. I think it was four or five days. I could not speak precisely without the dates. It was, any how, within that time.

Question 19. If you had had a fair competition at public sale what, in your opinion, would the property have brought?

Answer. If a fair competition could have been had some parts of it would have sold for a good deal higher price, but the greater portion of it would not have brought the minimum price.

Question 20. What as a whole?

Answer. As a whole, it would not have brought as much as we sold it for. That is my opinion.

Question 21. How long have you lived there?

Answer. Nine years, at different periods.

Question 22. Since the sale have you had any reason to change your opinion as to the value of the land?

Answer. Since the sale, I have thought we got too much for it. I have come to that conclusion from the inquiries I have made as to the price of land in that country. I had made a great many inquiries, however, before, from the time I first went there, and I came to the conclusion that land in that region was held at fictitious prices. Every man held his own value for his spot. Land there ranged from the government price of a dollar and a quarter an acre to \$100 per acre.

Question 23. You said you were an officer of the army. Have you been doing any business so as to know the value of property generally?

Answer. Only from observation and inquiry. During a long life I have never bought any land.

Examination by Mr. Morris.

Question 24. Did you communicate to any other person than Mr. Steele that you were authorized to sell the property?

Answer. No, sir; to him alone.

Question 25. Had you any reason to believe that any person knew the Secretary of War had given you instructions to sell the property, prior to the sale?

Answer. Yes, sir; I think there were others who knew it.

Question 26. Will you name them?

Answer. I think Dr. Graham knew it. He was out there at the time.

Question 27. Where does he reside?

Answer. I have understood that he resided in Virginia. He was a stranger to me. I had never seen him before.

Question 28. Upon what did you predicate your belief that Dr. Graham knew it?

Answer. Because he spoke of another gentleman being appointed by the Secretary of War.

Question 29. How long since did you live at Fort Snelling?

Answer. I lived there in 1830 and 1831, from 1841 to 1848, seven years, and then this last summer for the third time.

Question 30. You have not been there, then, since 1848, until the last summer?

Answer. No, sir.

Question 31. Do I understand you to say that you have no knowledge of western property, except as you have heard it spoken of?

Answer. That and my own observation.

Question 32. What position in the army do you hold?

Answer. That of major.

Question 33. Where are you stationed?

Answer. I am on duty here, now; my station will be in Utah.

Question 34. How long have you been stationed here?

Answer. I have been here for some months—nearly a year, sick, and went out on this expedition more for my health than anything else.

Question 35, (by Mr. Morrill.) What is your opinion as to the advantages of this location as a town site; has it superior advantages for that purpose over any other in that section of country?

Answer. Yes, sir; one portion of it has always been considered an excellent place for a town, that is the point at the confluence of the two rivers, the Mississippi and the Minnesota; that part of it has always been considered valuable as a town site.

Question 36, (by Mr. Morrill.) Is it more so than St. Paul or any other towns in that region, if the others had not the start?

Answer. I should think it was, if the others had not had the start. I have always supposed that a town would be built there; I suppose that if the reservation had been sold seven or eight years ago, before St. Paul was established, the town would have been there; now, I think, it is too late.

Question 37, (by Mr. Morris.) If you had been the private owner of that property and had desired to sell it, would you have mentioned it to but one individual, and have sold it to him upon your first interview with him?

Answer. No, sir; if it had been my own private property I should have managed it entirely differently.

Question 38. How would you have managed it if it had been your own private property?

Answer. I should have retailed it out in small patches as I could sell them.

Question 39. Do you know why the sale was ordered before you

had finished your survey and had divided it out into small lots, as you were first instructed to do?

Answer. I do not; but I suppose the Secretary concluded that it was done, or that I had had time enough to finish it.

Question 40. You did not inform the Secretary then when you had received your instructions that the survey had not been completed, but went on and made the sale?

Answer. No, sir; after I received my appointment as agent I had no communication with any one and received no advice from any one; no report was necessary; after the survey was finished I was to wait until the agent arrived.

Question 41. Do you think the property would have brought more if it had been subdivided and managed as you would have managed it had you owned it as your private property?

Answer. If I had owned it privately, I do not think it would have been possible for me to have sold it out immediately in subdivisions; in the course of time I might have done so. I should not, as the owner of it, have sold it all at once, but I should have sold portions of it to raise the value of the balance.

Question 42. Was Dr. Graham at Fort Snelling at the time of the sale?

Answer. I cannot tell you. He was at Fort Snelling frequently, and frequently at St. Paul. He may have been there at the time.

Question 43. I believe you said he was a citizen of Virginia?

Answer. I understood so.

Question 44. Did he live in Virginia at the time of the sale?

Answer. I presume so.

Question 45. Is he a land speculator?

Answer. Not to my knowledge. I had never seen him before.

Question 46. What business had he out there at that time?

Answer. I don't know.

Question 47. You say, if I understand you correctly, that you went to Mr. Steele and proposed to sell him the property because he had some improvements or claim upon it?

Answer. Yes, sir; or, rather, we did not go to him, we wrote to him.

Question 48. That was the reason you wrote to him?

Answer. Yes, sir; for the reasons already given.

Question 49. Did I understand you to say that Mr. McKenzie had also some improvement on the property?

Answer. Yes, sir. He owned a hotel.

Question 49½. You did not urge him to protect his property?

Answer. I think I stated that Mr. Steele had possession of all the property.

Question 50. Of the hotel?

Answer. Yes, sir. I understood Mr. Steele to say that he had bought the property, or had guaranteed to pay for it the value, whatever it was worth. I think the value was fixed at \$15,000.

Question 51. You took his statement, then, as correct. You did not examine the papers?

Answer. We had no documents at all.

Question 52. What interest did Mr. McKenzie claim to have?

Answer. To the best of my knowledge, only that he owned the hotel there.

Question 53, (by the chairman.) You fixed the value of Mr. McKenzie's property at \$15,000, which, in the sale, Mr. Steele guaranteed to Mr. McKenzie?

Answer. Yes, sir; so I understood.

Question 54, (by Mr. Faulkner.) Upon the data you had before you, how did you arrive at the conclusion that this property was worth \$90,000.

Answer. In this way: I made inquiry, during the whole time I was there, as to what land in the neighborhood was worth, and as to what it was selling for. I found that it was ranging from very high prices to very low. I came to the conclusion that most of it was selling for from seven to eight or ten dollars per acre, and I thought this land was worth about that. I may have been mistaken, but that was my conclusion. I was desirous of getting as much as I could for it. There were no instructions except the minimum limit. I supposed that if we had sold it at that, we should have been justified; but I wanted to get more. Mr. Steele had already made an offer for it.

Question 55, (by Mr. Faulkner.) What was that offer?

Answer. \$75,000.

Re-examination by Mr. Morrill.

Question 56. What was the minimum price?

Answer. Seven dollars per acre. Mr. Steele had offered \$75,000. I wanted to get more, and after consulting with the other agent we concluded that if we could get \$15,000 more, so much the better. We thought that was as much as we could get for it.

Question 57. While you were there did you board at Mr. Steele's house?

Answer. No, sir. I lived about a mile from his house. Mr. Steele was the sutler of the fort. During the seven years when I was on duty there we were not very good friends. I was always opposing him in his sutler's business. On returning there last summer, however, we met friendly and courteously.

Question 58. Did he seem to be an avaricious man that made you always opposing him?

Answer. He was a merchant there, selling goods to the soldiers. I was a member of the council which fixed the prices. He, of course, as merchants always do, wanted very high prices. I cut him down, and I suppose he did not have the best feelings towards me for that, although we never had an open rupture. When we offered him the reserve, it was not from any friendly feeling towards him. So far as I was concerned, I would rather that any other person should have purchased it.

Question 59. Still, you went to him first?

Answer. We did; for the reasons I have stated. I put all personal feeling aside. You asked me if I boarded with Mr. Steele, and I replied that I lived a mile distant. At one time during the summer, when I was absent a hundred miles away, my wife and children were

turned out of the quarters and had no place to go, Mr. Steele then very kindly took them in until I got back. When I returned I took them away. My wife, at the time I speak of, was sick, and could not have gone to St. Paul. They remained there four or five days, until I returned, when I removed them. This was some weeks subsequent to the sale.

Examination by Mr. Pettit.

Question 60. What was the value of Mr. Steele's improvements on the reservation?

Answer. I think the house he lives in was valued at seven or eight thousand dollars. He had a storehouse which I believe was worth three or four hundred. He had another house, called the Ferry House, which, I think, was estimated at \$1,500. I am speaking to the best of my recollection. I think that is all, except the ferry boats.

Question 61. Besides these improvements, what others existed on the reserve.

Answer. No others of a private character of any value.

Question 62. What of a public character?

Answer. The fort buildings. The fort is built of rough stone limestone dug up on the spot or near by.

Question 64. Is the building a spacious one, large enough to accommodate a considerable number of troops?

Answer. No, sir; it was built for only three companies, though a greater number have been crowded in there. It is simply a wall built of stone and mortar. Inside, the houses are mostly one-story buildings.

Question 65. Your first instructions were verbal and limited to making a survey?

Answer. Yes, sir.

Question 66. What is the character of the soil on the reserve?

Answer. It is various. I know every foot of ground on the reserve.

Question 67. Was it mostly arable?

Answer. It was mostly what I should call a light sandy soil. A part of the low land is moist and most excellent soil. All above is very sandy. The low land I should put down as first rate quality. The other might again be divided; some of it is tolerably good and some very bad. Perhaps a great part of it, for farming purposes, would not be worth more than two dollars per acre—at least, that is my opinion of it. Some of it might be worth one hundred dollars per acre, perhaps, if you could cut out from the other parts.

Question 68. At what time did you receive your instructions to proceed to sell?

Answer. Early in June.

Question 69. What limitation was there on you as to the time in which you were to sell?

Answer. No limitation as to time.

Question 70. What objection was there to making public the fact that you were authorized to sell?

Answer. After we had determined to sell it privately, I did not think it proper for me to make anything public, nor did I think it

proper to make public the fact that it had been sold until it had been published by the proper authority. I deemed it very improper to publish what we had done until the superior authority had been informed of it.

Question 71. You say you were authorized to sell without limit?

Answer. Yes, sir.

Question 72. And your object was to get a good price?

Answer. I presumed so.

Question 73. Why then did not you advertise it, in order to obtain the best price?

Answer. Because it would not then have been a private sale, and our objects might have been defeated.

Question 74. Did you not have authority to accept or reject any offers that were made?

Answer. If we had put it out at contract we might have had a good many bids for the best portions of it, perhaps, at high prices; but for a great portion of it we should have had no bids at all. Some of it could not have been sold at the minimum price, in my opinion.

Question 75. But could you not have obviated that difficulty by advertising to receive bids in parcels or for the whole altogether?

Answer. Perhaps so. We did not think that was the best plan. We might, perhaps, have divided it into three or four parcels not of the same value, but we could not have taken less than the minimum price for any.

Question 76. Under what law was that minimum fixed?

Answer. Under no law. It was discretionary with the Secretary of War. A portion of the reserve, however, could not have been sold alone for anything like that price; some of it could not have been sold for a dollar and a quarter per acre.

Question 77. Mr. Steele's residence on the reserve was merely tolerated by the department?

Answer. That was all.

Question 78. Is it usual for the government to secure these settlers their claims as pre-emptors?

Answer. I cannot state any case where it has been done.

Question 79. You state that Mr. Steele and Mr. McKenzie had both settled there and made improvements; were they both equally entitled to protection in their improvements?

Answer. I think they were.

Question 80. If Mr. Steele disavows his contract with Mr. McKenzie, what are the means by which he is to be protected?

Answer. None that I know of.

Question. Then it leaves him with his claim against the government if there be any equity in the claim?

Answer. I know that he has secured it. Mr. Steele was to pay him that sum or allow him the land at the same price; he might take his choice. His property was in no event to be sacrificed.

Question 82. Was the fact of Dr. Graham's interest in this purchase made known to you before the sale?

Answer. No, sir; I do not know that I heard any more than that he

intended to purchase some of the land. I do not now know whether Mr. Steele sold him any or not, unless I take the rumors of the newspapers.

Question 83. In all your transactions there your object was to conform to the instructions of the department, and get the best prices you could for the property?

Answer. I wanted to do the best I could for the government.

Question 84. Did your colleague communicate the fact that you were authorized to sell to anybody?

Answer. No, sir; he communicated nothing of the kind to me.

Question 85. Why were you silent in respect to your authority to sell, when your object was to get the best price?

Answer. The object was to sell privately. If it had been a public sale, we should have advertised it. But we adopted this plan: after we had fixed the price which we were willing to take, we did not care who purchased it, if we obtained our price.

Question 86. Your object, then, was to get the price you had fixed?

Answer. Yes, sir; we thought that the better plan.

Question 87. And you sold it to the first person who offered that amount?

Answer. We offered it first to Mr. Steele; we wanted to make as little noise about it as possible, to prevent anything taking place to defeat the sale.

Question 88. I understand from what you state that the authority vested in you was unknown in that community or neighborhood?

Answer. I think it was not generally known.

Question 89. What are Mr. Steele's circumstances?

Answer. I understand he is a rich man. I cannot state from my own knowledge, only from general reputation.

Question 90, (by Mr. Morris.) Did you suppose, at the time Mr. Steele was purchasing this property, that he was purchasing it solely with a view of protecting his improvements, or that it was for the purpose of speculation?

Answer. I supposed, of course, he bought it to make money.

Question 91, (by Mr. Pettit.) Is the usage of the department in making sales of lands, to make them partly for cash and partly upon credit?

Answer. I do not know.

Question 92, (by Mr. Pettit.) What was your inducement for pursuing this unusual mode?

Answer. I did not know that it was unusual. He wished to purchase it that way, and as the government did not need the money, I did not see that it made any difference. And, moreover, the land is not secured to him until it has been paid for, except by contract.

Question 93, (by Mr. Morrill.) I understand you to say that \$15,000 was secured, to be paid by Mr. Steele to Mr. McKenzie?

Answer. I understand—I think I have had it from him or from somebody else, since the sale, but before I left there—that Mr. Steele has given his bond for the money to Mr. McKenzie.

Question 94, (by Mr. Morrill.) That is in addition to the \$90,000?

Answer. Yes, sir. He pays the government \$90,000, and Mr. McKenzie \$15,000.

Question 95, (by Mr. Morrill.) But you made the arrangement with Mr. Steele when you made the sale?

Answer. It was understood, and we put it in our report, that Mr. Steele had possession of Mr. McKenzie's property through his agent. Mr. McKenzie's agent was there, and Mr. Steele gave his bond to secure him in his property.

Question 96, (by Mr. Morrill.) Did you stipulate with Mr. Steele that he was to pay this \$15,000 to Mr. McKenzie?

Answer. He gave no paper to that effect. I think we mentioned to him that Mr. McKenzie's property must be secured.

Question 97, (by Mr. Morrill.) You stated you were always opposing Mr. Steele as sutler; did he manifest a selfish feeling as the reason why you were always opposing him?

Answer. I do not know that it was exactly a selfish feeling; I stood between Mr. Steele and the soldiers; I always wanted the soldiers to have their goods at as low a price as possible, and I believe the merchants always want the highest prices for their goods.

Question 98, (by Mr. Morrill.) Did these transactions tend to inspire you with confidence that he would not offer too little for the property?

Answer. I do not know how to answer that question.

Question 99, (by Mr. Morrill.) You said you were always opposing him as sutler?

Answer. Yes, sir.

Question 100, (by Mr. Morrill.) And if he would ask too high a price when he wanted to sell, would it not follow that he might offer too little when he wanted to purchase?

Answer. I suppose when a man is going to sell he will sell for the best price he can get, and that when he is going to buy he will buy for the lowest price.

Question 101, (by Mr. Morrill.) Who were connected with Mr. Steele in the purchase?

Answer. I do not know; I have heard so many rumors that I do not know what to believe; the newspapers have put it upon so many persons that I do not believe they know anything about it.

Question 102, (by Mr. Morrill.) Have you understood from Mr. Steele that any one was connected with him?

Answer. No, sir.

Question 103, (by Mr. Morrill.) Was Dr. Graham connected with him?

Answer. It is merely a presumption on my part, but I believe he is.

Question 104, (by the chairman.) Have you any knowledge, either from Mr. Steele or from any other source, that Mr. Steele has partners in that purchase? Has any person told you that he was interested?

Answer. No, sir.

Question 105, (by Mr. Morrill.) But you have no doubt of the fact that other parties are interested?

Answer. From rumor, I have no doubt that Mr. Steele has sold a portion of the property to other parties; I cannot give it from my own knowledge.

Re-examination by Mr. Morris.

Question 106, (by Mr. Morris.) I understand you to say that your recollection is not sufficiently distinct to state whether these different payments were on interest or not?

Answer. No, sir; it can be shown from the papers.

Question 107. Is it usual for the Secretary of War in selling these military reservations to sell them as you were instructed to sell this one?

Answer. I do not know; this is the only sale of a military reservation I had ever had anything to do with up to that time.

Question 108. I understood you that you were induced to make the sale privately to prevent combinations, and that previous sales had always resulted in low prices in consequence of such combinations. I ask you now whether you can name these previous sales to which you refer, which resulted in combinations being formed to reduce the prices?

Answer. I refer to the sales of the public lands generally. They have nearly always sold at the minimum prices, and I think such has been the fact in the sale of military reservations. The first one I will name is the main and best part of the Fort Snelling reserve, the sale of which took place some three or four years ago. There were, to the best of which my recollection, about thirty thousand acres in all, and it was all sold at a dollar and a quarter per acre. This part included the town site of Minneapolis, the water power at the Falls of St. Anthony, the site of the town of Mendota, and a portion of the site of the city of St. Paul.

Question 109. Was the balance of this reserve sold at public sale?

Answer. It was, by the land officers.

Question 110. If it was a military reservation, how came it to be sold by the land officers?

Answer. It was a military reservation; but by law of Congress it was sold with other public lands by the land officers, at auction, to the highest bidders.

Question 111. If you had reason to believe that combinations would be formed for the purpose of reducing the price of the property, could you not, if a fair price were not offered, have refused to accept any offer, and reported the facts to the Secretary of War?

Answer. Not if the minimum price had been offered.

Question 112. Then you considered the instructions of the Secretary of War absolutely binding on you to sell the property if you got the minimum price?

Answer. Certainly.

Question 113. Do you know what induced the government to sell this property at this time?

Answer. No more than that I presume it was no longer wanted.

Question 114. Did any military officer recommend to the department that it was no longer wanted for military purposes, and that it had better be sold?

Answer. I do not know.

Question 115. Something has been said about Mr. Steele's circumstances. You have been acquainted with him for some time, and I will ask you to state what you had reason to suppose he was worth?

Answer. I could not answer that question; I could not say whether he was worth one dollar or a million; I only know from general rumor.

Question 116. From the information you had in your possession and was able to obtain, did you believe he was able to pay down the thirty thousand dollars at the time of the payment, and to make the other payments when they became due, without making sale of a part of the property?

Answer. I should think so.

Question 117. He was worth ninety thousand dollars, then, independent of that?

Answer. Yes, sir; he was reputed to be the richest man in that country.

Question 118. You cannot remember any other military reservation that was sold in this way?

Answer. I know in reference to the sale of Fort Winnebago.

Question 119. How was that sold?

Answer. I was not there myself; but my information is that it was sold at auction, and that it was sold for two dollars and fifty cents per acre; or at least the greater part of it sold for that. I think some of it sold for four dollars per acre. But, as I have said, I was not present at the sale; I only give the information that I have.

Question 120. Had Mr. Steele any opportunity of accumulating or making the money which enabled him to purchase this property, except as sutler upon the reservation?

Answer. Yes, sir. I think he had an income from a bridge across the Mississippi, as I have understood, of \$14,000 or \$15,000 per annum. I have been informed that he owned mills at the Falls of St. Anthony, and I have also understood that he could control as much money as he wanted from the banks.

Question 121. Did he acquire it all from being sutler?

Answer. No, sir; I presume not.

Question 122. What bridge do you allude to?

Answer. The bridge above the Falls of St. Anthony.

Question 123. Does he own it?

Answer. I have understood so, or a large part of it. It is the bridge that connects Minneapolis with St. Anthony.

Question 124. Do you know anything of the value of property at Fort Winnebago?

Answer. I understood that land at the time around there was worth \$40 or \$50 per acre.

Question 125. Is there a valuable town site on it?

Answer. I do not know. I can tell you the situation of the place. It was between the Fox and Wisconsin rivers.

Question 126, (by Mr. Morrill.) Was this site you speak of higher up the river?

Answer. No, sir; you have to go down the river and then up another river to get there.

Question 127, (by Mr. Morrill.) You say it was worth \$40 or \$50 per acre. What was there peculiar about it to make it worth more than Fort Snelling?

Answer. I suppose the fact that it is more in the interior of Wisconsin.

Question 128, (by Mr. Morrill.) Would that make it more valuable than if it had been located on the river?

Answer. It is at a place where the Fox river is connected with the Wisconsin by a canal about a mile in length.

Question 129, (by the chairman.) I will put this question: Had you any knowledge, as an agent of the government, prior to this sale, direct or indirect, of any combination, fraudulent or otherwise, upon the part of Mr. Steele with others to purchase this property at a less price than it was worth?

Answer. No, sir.

Question 130, (by Mr. Morrill.) But I understood you to say that you were apprehensive there would be a combination?

Answer. A combination outside.

Question 131, (by Mr. Morrill.) Do you believe Mr. Steele would have combined with others?

Answer. I would not like to give my belief in such a case as that. I might be doing injustice to him. I believe the men in the country would have combined, and, perhaps, he would have combined with them.

Question 132, (by Mr. Faulkner.) Did the idea of a private sale originate with you commissioners alone, or did it come from any person outside?

Answer. It originated with us. I knew at the time that the most proper way was to sell it at public sale, if it did not bring ten cents per acre; but I knew, at the same time, that it would be doing injustice to the government to run the risk. It is proper to say that before I was agent, and when I did not expect to be appointed as such, I took every means to enhance the value of the property by praising it, and, perhaps, over estimating it. When people asked me about it, I did the best I could to raise the value of it.

Question 133, (by Mr. Faulkner.) Were you not authorized by your instructions to make a private sale?

Answer. Yes, sir; public or private.

Question 134, (by Mr. Faulkner.) Did I understand you to say that you and your colleague on the commission had, upon full deliberation, fixed upon what you regarded as the value of the land before you offered it at private sale?

Answer. Certainly.

Question 135, (by Mr. Faulkner.) And that you held it at private sale at the price fixed by you as its full value?

Answer. Yes, sir.

Question 136, (by Mr. Faulkner.) Did the valuation of \$90,000 include the public buildings upon the property?

Answer. Yes, sir; just as it stood.

Question 137, (by Mr. Morrill.) By what authority did you assume that \$15,000 was to be paid to Mr. McKenzie? Was it from the authority of the department?

Answer. No, sir. Nobody said anything about it. We had no consultation with the department whatever on the subject after we got our instructions; and, in fact, I had no consultation with them any how.

Question 138, (by Mr. Faulkner.) Did you consider this sale as conclusive, or as one subject to the ratification of the department?

Answer. I supposed from the instructions that it was conclusive. That was my opinion. I suppose they had the power to set it aside, but I am not lawyer enough to decide that point precisely.

Question 139, (by Mr. Morrill.) Were there any other considerations for which Mr. Steele was to do anything or pay anything to any other persons?

Answer. Not to my knowledge.

TUESDAY, JANUARY 19, 1858.

Dr. ARCHIBALD GRAHAM SWORN.

Examination by Mr. Faulkner.

Question 140. Where do you reside, what your occupation and business?

Answer. I reside in Lexington, Virginia. My occupation has been that of a practicing physician.

Question 141. Were you concerned in the purchase of the military reservation at Fort Snelling?

Answer. I was.

Question 142. State fully your connexion with its purchase, and all the facts within your knowledge bearing upon said sale?

Answer. I was concerned in the purchase of Fort Snelling reservation. I was in Minnesota at the time the purchase was made, as the agent of a New York company. I aided and counselled with Mr. Steele from day to day until the purchase was made. The terms of the purchase are set forth in the article of agreement made by Mr. Steele with the government.

Question 143. When were you first apprised that the sale of this Fort Snelling reservation was to take place, and by whom?

Answer. In the month of April, 1857, I was on a visit to Washington city. I called to see the Secretary of War, Governor Floyd, whom I had known in my State, and, during a conversation with him, I told him I was going to Minnesota to make some investments, and

asked him if he had anything in his department there I could do for him, to pay expenses. He told me he had nothing, unless I took the agency of selling some old forts that Congress had directed the sale of. He mentioned Fort Snelling and Fort Ripley. I had been in Minnesota in 1854, and knew something of the value of Fort Snelling, and preferred being interested as a purchaser, to taking the agency for the sale of it. Therefore, I declined to have anything to do with the sale of it. That I did not state to him.

Question 144. Were you informed by the Secretary of War as to the terms of the proposed sale?

Answer. I never had any other than that conversation, with the Secretary of War, at that time or at any future time, upon the subject.

Question 145. When did you go to Minnesota, in pursuit of the object of that sale?

Answer. As nearly as I recollect, it was the last of April, 1857.

Question 146. Were you present at Fort Snelling when Major Eastman and Mr. Heiskell, the commissioners of the sale, were there?

Answer. I was frequently at Fort Snelling while they were there, conferring with Mr. Steele as to the purchase. Mr. Steele lived upon the property.

Question 147. When and by whom were you informed of the fact that this property could be purchased at private sale?

Answer. It was thought desirable by our company that this property should be bought as a whole. I did not know of the private sale until a few days before the sale was consummated. Mr. Steele, who carried on the negotiation with the commissioners, informed me that he thought they would, owing to combinations formed there, dispose of it privately.

Question 148. When you proceeded to Minnesota, as I understand you now to say you did, as agent of a company, did you go there in expectation of making the purchase at public or private sale?

Answer. We desired to make the purchase at private sale, but rather expected that the commissioners would sell it publicly, and we were prepared to buy it in such lots as we should think most advantageous to the company.

Question 149. Did you contemplate using your connexion with Mr. Steele, in the event of the public sale of the property?

Answer. I did.

Question 150. In what form? Explain it.

Answer. Mr. Steele was conversant with all the points of the property, better, perhaps, than any other man living. Therefore it was that we were so anxious to have him in our company.

Question 151. Do you know whether the Secretary of War had any knowledge or information of any kind of the existence of the company of which you were the head?

Answer. I do not. He certainly had none from me.

Question 152. Will you state to the committee who constituted the company of which you were the agent?

Answer. As far as I know the company, they are John C. Mather,

Richard Schell, Franklin Steele and myself. There are other parties, possibly, in New York connected with it, whom I do not know.

Question 153. When was this company organized?

Answer. I suppose it was organized in the month of April, 1857.

Question 154. Did you seek to exercise any influence in producing the result upon the part of the commissioners, by which they subjected this property to a private instead of a public sale?

Answer. I do not recollect that I had any conversation with the commissioners upon the subject of the sale, until after it was over. The negotiation with the commissioners was carried on by Mr. Steele.

Question 155. Will you state to the committee your opinion of the value of the tract of land purchased?

Answer. I went first to visit the property as the agent of our company; I examined it carefully, and the highest estimate I placed upon it was \$120,000, as a speculation. There were claimants to the amount of \$20,000, probably, upon the land, which were allowed. Our company would not have gone beyond that figure for it.

Question 156. What was the character of those claims you speak of?

Answer. There was one owned by a man by the name of McKenzie, from St. Louis, who had erected a large hotel there; he claimed the hotel and 160 acres of land. That claim was valued at fifteen or sixteen thousand dollars, and it was allowed him. Mr. Steele had a house worth four or five thousand dollars, and a lot around it, which were allowed him. There was a house built at the ferry by a person whose name I do not recollect, which was valued at \$1,500. That was also allowed and paid. Thirty acres of land were allotted to Henry H. Sibley; he paid the cost of it; he was allowed to come in and take that much; it joined him and gave him a landing at his little town of Mendota. Twenty-five acres were allowed for the Catholic burying-ground, and ten acres were laid off for a Protestant burying-ground.

Question 157. Do I understand you to say that the estimate of the full value of this reservation, with all those incumbrances upon it, or with the liability of discharging those incumbrances, after a careful estimate by yourself, was fixed at \$120,000?

Answer. Yes; and our company would not have gone beyond that figure; and, as the result has shown, we acted wisely.

Question 158. Explain the meaning of that last remark?

Answer. There has been a great depreciation of all property in the west. We have held the property from the day of purchase until this time, have expended about eight thousand dollars upon it, and have never realized by sale one dollar.

Question 159. Have you any authority to make sale of it if you were disposed so to do, and if you could make a profit?

Answer. I am authorized by the company to make sales, and have attempted to make sales, but have not succeeded.

Question 160. Have you any title in the property yet?

Answer. We have made but one payment on the property, and have not had title to any part of it from the government.

Question 161. Have you applied to the Secretary of War for a deed

for any portion of the land, and what was the result of that application ?

Answer. Having laid a town off at the junction of the two rivers, we applied to the President for a deed for that amount of the purchase, but it was refused to us.

Question 162. What do you estimate the present value of your purchase at ?

Answer. It is impossible for me to fix any value upon it, the way the value of property has fallen at the west. I do not believe we could sell it for what we gave for it.

Examination by Mr. Morrill.

Question 163. How much do you think the property has depreciated in value since you purchased it ?

Answer. There has been no injury to the property in any way to depreciate its value. The only depreciation is in consequence of the state of the monetary affairs of the country.

Question 164. That is the question upon which I desire information.

Answer. It is impossible to say how much it has depreciated.

Question 165. One half ?

Answer. I think not.

Question 166. You said you should be able to give \$120,000 ; what then was your opinion as to the value of the place ?

Answer. We supposed then, as things were at the west, that we would probably realize a handsome speculation upon it. That was the risk we had to take.

Question 167. How much did you suppose you would be able to realize from it ?

Answer. I never went into any calculation upon it for that matter.

Question 168. Did you suppose the place was worth \$40 an acre ?

Answer. By retail at that time it is possible it may have brought that, taking the risk of the purchasers.

Question 169. Did you estimate the value of the government improvements upon it ?

Answer. We estimated those at very little.

Question 170. What were they ?

Answer. Two old stone houses, the fort, and some stables.

Question 171. Were the stones of the fort hewn, or were they rough stones ?

Answer. I think they were not hewn. I think they were not cut stones.

Question 172. Is there a large amount of them ?

Answer. It is a large fort.

Question 173. Do you know the size of it ?

Answer. I do not.

Question 174. Is stone valuable in that region for building purposes ?

Answer. No, sir ; there are in that country better quarries of rocks

for building purposes than I have ever seen elsewhere. The whole neighborhood is full of limestone lying in horizontal strata.

Question 175. You say you do not know who the other persons of the company are, but you specify them as living in New York. What reason have you for supposing they live in New York rather than in other places?

Answer. I do not know the other parties.

Question 176, (by the chairman.) Have you not learned from Messrs. Steel, Mather & Schell that there are other parties? and if so, did they not tell you who they were?

Answer. I have learned from those gentlemen that there are other parties, but they did not inform me who they were.

Question 177, (by Mr. Morrill.) Was this company made up before you started from this city to go to Minnesota?

Answer. I think it was, so far as the New York interest was concerned. Mr. Steele was added to it when I went to Minnesota.

Question 178. By an arrangement with you?

Answer. By an arrangement with me.

Question 179. How did Mr. Steele know that there were other parties in New York when he made the arrangement with you?

Answer. He did not tell me that there were other parties in New York.

Question 180. Did you make an arrangement with Steele by which he could let in other parties?

Answer. He had the right to do as he pleased with this portion of the reservation.

Question 181. What was his share?

Answer. One-third.

Question 182. You had frequent intercourse with Steele, you say, about the purchase of this property. I want to know if you counselled him to urge upon the commissioners that there would be a combination if there should be a public sale?

Answer. I did not.

Question 183. Had you any conversation with him upon that topic?

Answer. I had conversations with him and many other persons there about combinations. They said there were combinations formed and forming. I knew nothing myself of the combinations. I was a stranger in that country.

Question 184. Did you see any other parties at Fort Snelling whom you took to be purchasers, or whom you supposed would become such if they had the opportunity?

Answer. There were some officers at the fort who, it was said, wished to purchase the property. But I knew nothing about it myself.

Question 185. Officers of the army?

Answer. Officers of the army. It was talked about freely there that the quartermaster was disappointed that he did not get it.

Question 186. What was his name?

Answer. Quartermaster Martin.

Question 187. What is your own share in the company?

Answer. One ninth.

Question 188. Do you know of any reason why the names of the other members of the company should be concealed from you?

Answer. I do not. They would not have been withheld, I suppose, had I asked who they were. I had no curiosity to know. No attempt was ever made to conceal them, because I never inquired. I only knew the gentlemen I have mentioned in the transaction.

Question 189. Did you ever have any conversation with Major Eastman in relation to the sale before it was made?

Answer. I never had any conversation with the commissioners until after the sale was made.

Question 190. Did you see them at any time when you were there when you had other social intercourse with them?

Answer. I saw them frequently.

Question 191. Did they know you were there to make the purchase?

Answer. I do not know what they knew. I never communicated the fact to them.

Question 192, (by the chairman.) Did or did not Major Eastman or Mr. Heiskell, or either of them, know that you and these other parties in New York were interested with Mr. Steele before the purchase was made?

Answer. They never knew it from me.

Question 193, (by the chairman.) Did you learn from either, or both of them, in any conversation you had with them, that the fact had been communicated to them that you were interested in the purchase, provided Steele made it?

Answer. I did not.

Question 194, (by Mr. Morrill.) When you asked Secretary Floyd if he had any business for you out west that would pay expenses, and he mentioned nothing but the sale of some old forts, what excuse did you give for not accepting such an agency?

Answer. I told him I would think of it and decide.

Question 195, (by Mr. Faulkner.) What was your reason for declining?

Answer. I thought I could do better as a purchaser than as an agent. As an agent I could have no interest as a purchaser.

Question 196, (by Mr. Morrill.) Was that the first knowledge you had that the Fort Snelling property was to be sold?

Answer. It was.

Question 197, (by Mr. Morrill.) Was the sum you paid to outsiders to settle their claims just \$20,000?

Answer. We paid but \$1,500. Mr. McKenzie took his hotel and 160 acres of land. Mr. Steele took his house and yard. The whole of them valued at about \$20,000. We paid \$1,500 cash to a person whose name I have forgotten—the person who built a toll-house at the ferry.

Examination by the chairman.

Question 198. Did Secretary Floyd, in the interview in April, in-

form you of the manner in which he had authorized the sale to be made?

Answer. He did not.

Question 199. Did you communicate to Secretary Floyd at that time that you were going to Minnesota as a purchaser?

Answer. I told Governor Floyd that I was going to Minnesota to make some investments in real estate.

Question 200. In the interview between you and Governor Floyd before leaving here, at that time, had you formed any combination or partnership?

Answer. I never heard of it before.

Question 201. Had the company, of which you are a member, written articles of agreement?

Answer. Yes, sir.

Question 202. Do you remember the terms of that agreement?

Answer. There are three parties to that agreement; Steele, Mather and myself; Mr. Steele owning one-third, and Mather and myself two-thirds; that was done for the convenience of management.

Question 203. Is there any other agreement by which there is to be a distribution of the various interests in this property among the entire parties interested, of which you have any knowledge?

Answer. None.

Question 204. On reaching Minnesota did you have any interview with the commissioners of the government, in which you learned from them the manner in which they had determined to sell this property?

Answer. I did not.

Question 205. Did you learn from either of the commissioners that they intended to offer this property first to Steele?

Answer. I did not.

Question 206. From whom did you first learn that the property was to be sold privately and not publicly?

Answer. From Mr. Steele.

Question 207. Was the fact known to the community there generally that the property was to be sold privately, or was it known only to the purchasers and the commissioners?

Answer. I do not know.

Question 208. Did you hear of it from others?

Answer. I did not; I had very little intercourse with the people.

Question 209. You speak of certain claims being allowed. Were those claims allowed by an arrangement with the commissioners of the government, or by the parties and Mr. Steele who made the purchase?

Answer. They were made, I think, by Mr. Steele.

Question 210. You mention the allowance of thirty acres of this military reserve to Governor Sibley. How was that done and why?

Answer. Governor Sibley owned the town of Mendota, which is on the south side of Minnesota river, and he had no landing at the town; he is a brother-in-law of Steele, and Steele asked that he should have thirty acres of the reservation laid off to him there at cost, to give him a landing to the little village of Mendota.

Question 211. The arrangement, then, made with Sibley was made by Steele, and with your approbation?

Answer. Yes, sir.

Question 212. Do you know whether the commissioners of the government, who made this sale, have any interest whatever in the purchase so made, either directly or remote?

Answer. Not the least, to my knowledge.

Question 213, (by Mr. Faulkner.) Do you know any person or persons in Virginia, except yourself, who has or have any interest in this purchase?

Answer. I do not believe there is one cent's worth of the purchase owned south of New York, except what I own.

Examination by Mr. Morris.

Question 214. You state that you do not know the parties interested in the purchase, or, in other words, you are a joint owner without knowing the persons associated with you in the ownership?

Answer. I did so say.

Question 215. Are you a joint owner of that property, or a joint purchaser, without knowing the parties who have an interest in it?

Answer. I am a joint owner with the parties I have named.

Question 216. If I understood you correctly, there are other parties?

Answer. If there are, I do not know them.

Question 217. You speak about depreciation in western property; have you been dealing in it?

Answer. I have no interest in western property except that at Fort Snelling.

Question 218. Have you ever made any investments in Minnesota before?

Answer. This is the only purchase I have ever made in the west.

Question 219. Upon what then do you found your supposition that there has been a great depreciation in western property, if you have not been dealing in it?

Answer. I was in St. Paul, in the neighbourhood of Fort Snelling, when the crash in monetary affairs came, and I heard of property there, which had been bought at a very high rate, offered at a very low rate without getting purchasers.

Question 220. Was that city property?

Answer. Yes, sir.

Question 221. Can you name the persons who owned it and the price?

Answer. I cannot; I heard rumors of it; that is all the knowledge I had of it. I know that some of my friends made investments there in property which they have been unable to sell.

Question 222. You went, if I understood you, to the office of the Secretary of War, for the purpose of ascertaining whether he had any business at the west which would pay you for going there?

Answer. I did not go for that purpose.

Question 223. How happened you there?

Answer. I went to see the Secretary of War, and to pay my respects to him as a Virginian.

Question 224. And while there you asked if he had anything at the west that would pay?

Answer. And while there I asked if he had anything at the west that would pay expenses.

Question 225. You think this property now is not worth anything more than you paid for it?

Answer. I doubt very much whether we could get cost for it.

Question 226. As I understand you are authorized to sell it, would you be willing to take what you paid for it, and upon the same terms?

Answer. I would not.

Question 227. How much in addition would you require?

Answer. I am not able to answer that question.

Question 228. I understood you to say you had estimated what you thought you could pay for it, but never estimated what profit you supposed you could make; I want you to inform the committee whether you are in the habit of making purchases of that kind, without calculating as well the price as the prospect of profits?

Answer. In buying property the question is not as to the exact amount of profits you can make, for that is uncertain.

Question 229. I ask you whether you are in the habit of making purchases of property, estimating at the time of the purchase what you can afford to pay, without estimating the profits you expect to make by the purchase?

Answer. In buying property I estimate the cost, and then it is enough for me to know that there is profit in it, without going into the figures.

Question 230. What did you estimate the profits upon that at, without going into the figures?

Answer. I did not make an estimate.

Question 231. Had you no idea of the probable profits you would make?

Answer. I did not know what profits we would make.

Question 232. Had you no idea?

Answer. I answered that I did not go into an estimate of the profits.

Question 233. I ask you if you had formed any estimate in your own mind, without going into figures, as to the profits you would make upon the property?

Answer. I did not form any special idea of the amount of profits to be made upon it.

Question 234. I ask you whether you had formed any opinion in your mind as to the amount of profits you would make upon the purchase?

Answer. I did not form any opinion upon the subject.

Question 235. What did you suppose you would make?

Answer. I could not tell.

Question 236. Had you no idea?

Answer. I had not.

Question 237. Had you an idea that you would have made \$10,000?

Answer. I cannot say.

Question 238. Twenty thousand dollars?

Answer. I cannot say.

Question 239. A hundred thousand dollars?

Answer. I cannot say; I have no idea about it.

Question 240. State what you think the property is worth at present?

Answer. I do not know what it is worth.

Question 241. What would you be willing to take for it?

Answer. I have no authority to sell any portion of it except the lots laid off into a town.

Question 242. If you were authorized to sell it, what value would you fix upon it?

Answer. I should suppose it was worth now double what we gave for it. I would not be willing to take less than that, because in the course of time I believe things will advance in the west, and we shall probably be able to realize that for it.

Question 243. Would you be willing to take for your interest double the amount you paid?

Answer. I do not want to sell my interest. A small interest would be worth more in proportion than the whole would be.

Question 244. Were you associated while there casually with the commissioners authorized to sell the property, and did you meet and converse with them?

Answer. I met them casually.

Question 245. You, however, never communicated to them that you were there with a view of making the purchase?

Answer. I never did.

Question 246. How did you learn that these commissioners had been appointed?

Answer. I learned it in Washington.

Question 247. From whom?

Answer. I do not recollect.

Question 248. Did you leave immediately for the west on learning that they had been appointed?

Answer. I did.

Question 249. Had you no knowledge as to who they would be until they were appointed?

Answer. I had not.

Question 250. Did one of those commissioners reside in Washington at the time?

Answer. Yes, sir.

Question 251. Was you personally acquainted with him here?

Answer. No, sir. I never had seen him.

Question 252. How many days was it after the instruction to sell was given before the sale was effected?

Answer. I do not know.

Question 253. Did you wait here to form the combination with the

New York parties before you went on to make the purchase, or did you form the combination after you got there?

Answer. It was partly made before I went west. I arranged with Mr. Steele and then returned and consummated the arrangement in New York.

Question 254. Can you give us the date of that consummation?

Answer. I cannot.

Question 255. Can you tell us when the negotiation to make the combination first commenced?

Answer. I cannot.

Question 256. Was it before or after the instructions to sell were given?

Answer. Before, I suppose.

Question 257. How long before?

Answer. I cannot say.

Question 258. What reason had you to suppose when you were forming that combination that instructions would be given to sell that property? What induced you to endeavor to form that combination?

Answer. That is answered by my former answer. In my visit to the Secretary of War I obtained the first knowledge I had of the sale of the property.

Question 259. What time was that?

Answer. I think it was early in April.

Question 260. You then went immediately to work to form the combination to purchase it?

Answer. A combination was already formed.

Question 261. You had, then, before you went to the Secretary, formed a combination?

Answer. I did not. I did not know it.

Question 262. You were afterwards admitted?

Answer. I was; I did not make the combination, except so far as Mr. Steele was concerned.

Question 263. Did any of the parties here interested go west, except yourself?

Answer. Mr. Mather went west. He resides in New York. He is a member of the New York senate.

Question 264. Do you know how he first got a knowledge that a sale was to be made?

Answer. I do not.

Question 265. Did he never tell you?

Answer. He never did.

Question 266. Where did you first meet him, and how did the interview first occur between you, in regard to it?

Answer. I think I first met him in this city.

Question 267. Was the meeting accidental, or by appointment?

Answer. Accidental. I knew him before.

Question 268. Did you commence talking to him about the sale of Fort Snelling, or he to you?

Answer. I do not recollect.

Question 269. At that time did you consummate an arrangement with him by which the combination was to be completed?

Answer. Yes, sir. I think it was done at that time.

Question 270. Who furnished the money that was paid?

Answer. Mr. Steele, and Mr. Schell, and Mr. Mather advanced the money.

Question 271. Had the parties who had made improvements upon the military reservation any right of pre-emption?

Answer. They claimed the right of pre-emption.

Question 272. Did the commissioners recognize their right as a good one?

Answer. I do not know what the opinion of the commissioners was.

Question 273. The commissioners, at all events, agreed that the price of \$20,000 should be allowed to them, to pay for their improvements?

Answer. That was the arrangement made by Mr. Steele with the parties.

Question 274. You yourself, then, did not furnish any money to pay upon the purchase?

Answer. The purchase was made and they advanced for me for a little while, and I paid it back.

Question 275. In money or in part of the property?

Answer. I paid it in my services—by my salary.

Question 276. Do you know what induced the Secretary of War to offer that property for sale at that time?

Answer. He told me in that interview referred to that he was authorized by Congress to sell those old forts.

Re-examination by Mr. Morrill.

Question 277. Do you understand that either party is under any obligation to others to distribute any share they may now hold?

Answer. I suppose there are other parties in New York. I have heard allusions made to other parties in New York, without their names being mentioned, who were joint owners with the company.

Question 278. As you would have paid \$120,000 for the purchase if you could not have obtained it for \$90,000, you regarded the commissioners as rather favorable to you in the purchase?

Answer. We did not, of course, being purchasers, communicate to the commissioners our figures for the property. We were upon the one side as purchasers, and they upon the other side as sellers.

Question 279. Did you not regard them as persons that you could obtain easy terms from?

Answer. I had no reason to think that; I had never seen one of the commissioners until I met him there, and the other one I had never seen in my life before.

Question 280. From what you observed of them, were they such persons as you would entrust your property to to sell?

Answer. I would not have selected them, probably, as the keenest agents.

Question 281. Did you ever intimate to any of your copartners, immediately after the purchase was completed, that you thought the purchase was worth half a million of dollars or more?

Answer. Well, I talked pretty large about the property for the purpose of making good sales, but I do not recollect that I said that.

Question 282. Had you never a conversation with any of your copartners, wherein you intimated that it was worth half a million of dollars.

Answer. I do not recollect.

Question 283, (by Mr. Morris.) If you had been the individual owner of that property, and had been desirous of selling it, would you have sold it in the manner in which the commissioners did?

Answer. I do not think I should. If it had been my property I would not have sold it in that way. I would have retained it, and watched the retail of it, knowing that it would have brought me more money.

Question 284, (by Mr. Pettit.) You say that you suppose other parties besides those you have mentioned by name were interested in that purchase. Will you state why you suppose it, and who those parties are?

Answer. I have heard those persons who are in the company mention others interested without naming them. I do not know who they are.

Question 285, (by Mr. Pettit.) What persons interested have mentioned to you, without naming them, that other parties were interested.

Answer. I do not recollect whether it was Schell or Mather.

Question 286, (by Mr. Pettit.) Can you give the names of any others that have been mentioned in your conversations with them as having an interest?

Answer. I cannot.

Question 287, (by the chairman.) In the interview with Secretary Floyd did he communicate to you who the agents were he had appointed?

Answer. He had not appointed any agents at that time, and he did not communicate to me who he would appoint.

WEDNESDAY, JANUARY 25, 1858.

ARCHIBALD GRAHAM recalled.

Examination by Mr. Morrill.

Question 288. At what time did you leave Washington to go to Fort Snelling the first time?

Answer. The last of April, 1857.

Question 289. How long did you remain there?

Answer. I remained there, I suppose, about ten days.

Question 290. How long does it take to go from Washington to Fort Snelling?

Answer. If you make the connexions the trip can be made in three or four days.

Question 291. Do letters go in about the same time, or does it take a little longer?

Answer. Letters by mail go in ten or fifteen days.

Question 292. At what time did you go there the second time?

Answer. I suppose I was east about a week before I returned.

Question 293. At what time did you reach Minnesota the second time?

Answer. Some time about the middle of May, I should say; it is guess work though.

Question 294. Have you any purpose to pay the balance yet due before the time agreed upon, in order to secure a patent?

Answer. We shall not be able to make any payment before it is due, and we will be well off if we can pay it then.

Question 295. Is the agreement which you have between yourself and other parties of that character that makes the whole common stock, or are you to divide and parcel out the land in separate quantities, according to the shares you respectively own?

Answer. According to my recollection of the agreement the land is held in common.

Question 296. Then why would a small share be worth more than a large one in proportion? I understood you to say that such is the case.

Answer. Because you could find a thousand men who could buy a small share to one who could buy a large one; just as retail prices are always higher than wholesale.

Question 297. Are you under any obligation to part with any portion of your share or any portion of the profits to any other person, legally, morally, or otherwise?

Answer. I am not, in any shape or form.

Examination by Mr. Faulkner.

Question 298. Had your attention, prior to your visit to Minnesota, in the spring of 1857, ever been directed to the Fort Snelling reservation as a desirable purchase?

Answer. I was in Minnesota in 1854, and then became acquainted with the value of the Fort Snelling reservation.

Question 299. When you declined the agency which you say was tendered to you by the Secretary of War, did you assign to him, as the reason why you so declined it, that you wished to become a purchaser of either of those reservations?

Answer. I did not. When the agency was tendered to me I took a little time to consider it, and sent the Secretary word (I did not go to him) that I would not accept it, giving no reason for it.

Question 300. Can you say, from anything you have ever seen or heard, that the Secretary of War has any idea that you intended to become interested in the purchase of that land?

Answer. I cannot.

Question 301. In the interview you had with the Secretary, was there any hint, suggestion, or innuendo of any kind, directing your attention to the advantages of the Fort Snelling reserve, or any part or parcel thereof?

Answer. There was not; nor do I believe that the Secretary had the most remote idea of the value of either of those forts; he spoke of them to me as old forts, and I am satisfied that he had not any knowledge of the value of the property.

Question 302. You say, had it been your property you would not have disposed of it in a lump to a single individual, as it was disposed of by the government commissioners; do you mean by that remark to imply any censure of the mode or results of the sale of the government? Is there no distinction between sales by the government and sales by individuals? Has the practice of the government shown that in these sales it can protect itself from combinations as an individual proprietor may? May not a sale made by the government, as this was done, be judicious and for the interest of the government, when it would not be so if made by an individual proprietor?

Answer. I did not mean to imply any censure. I believe the commissioners did the best they or any other commissioners could have done. The government can never sell lands as well as an individual, and she rarely sells property at the best, as far as I am informed, at anything like its value, for lands at a dollar and a quarter are greatly below their real value, and the sale of this property brought nearer its value than any \$1 25 land sold, to my knowledge.

Question 303. Can you state, in your opinion, what would have been the result of this sale if it had been submitted to the highest bidder at public auction, either in quantities or as a whole?

Answer. If it had been submitted to sale at public auction, I have no question but it would have been sold at the minimum price. The sale of Fort Ripley, in the neighborhood, immediately afterwards, satisfied me of the truth of that. Combinations were there made, and the lands sold at seven cents per acre; lands, as I learn from persons who have been upon it, as good as the Fort Snelling reserve, though not so advantageously located.

Examination by Mr. Pettit.

Question 304. Was the arrangement you have referred to with McKenzie for the purpose of securing anything beyond the improvements made by him on the reservation?

Answer. It covered the improvements and one hundred and sixty acres of land.

Question 305. What share did Steele take, and what does he now hold, by your arrangement, in the reservation?

Answer. By the agreement, Mr. Steele retained his house and the lot on which it stood, less than an acre, and he also has in the purchase one-third of the whole.

Question 306. Before the making of your arrangement had not Steele himself bought McKenzie's interest in the reservation?

Answer. Before making our arrangement I think Mr. Steele supposed he had secured McKenzie's interest, but McKenzie has since refused to make any arrangement, and now holds the hotel and one hundred and sixty acres of land.

Question 307. By what authority does he now pretend to hold it, Steele and your company having acquired the whole interest from the government?

Answer. That was provided for in our articles of agreement.

Question 308. What articles of agreement do you refer to?

Answer. The ones alluded to yesterday, between Steele, Mather and myself.

Question 309. Was McKenzie a party to it?

Answer. No, sir; he was not there, but had some friend, I think, who was attending to his business for him; who he was I do not know.

Question 310. Was your agreement, now referred to, in writing?

Answer. Yes, sir, and will be here when Mather arrives.

Question 311. Did any agent of McKenzie become a party to the written agreement you allude to?

Answer. No, sir; the only parties to the agreement were Steele, Mather and myself.

Question 312. Why then do you say that you are bound to McKenzie by this agreement, when no obligation had been made to McKenzie?

Answer. We are bound by the contract made between ourselves.

Question 313. By your contract with the government are you not at liberty to disavow any interest of McKenzie in the reservation?

Answer. We may be legally, but morally we would not be.

Question 314. What is your own interest?

Answer. One-ninth.

Question 315. What are Mather's and Schell's interests?

Answer. I do not know the interests of those parties.

Question 316. Did you have a conference with Mather and Schell, before going to Minnesota and conferring with Steele?

Answer. I did.

Question 317. Where did it occur?

Answer. I suppose I must have conferred with those men before going to Minnesota, and if so, I presume it was in the city of New York or Washington.

Question 318. What was your inducement to that conference; and what knowledge had they, before it, that the reservation was to be brought to a sale?

Answer. In meeting with those men the subject was brought up and discussed; I do not know what knowledge they had.

Question 319. Was the subject introduced by you, or did your conversation with them imply that they had a knowledge of it already?

Answer. I do not recollect.

Question 320. Did you then make any arrangement upon the subject of purchasing the reservation?

Answer. We then agreed to unite to purchase the reservation if it could be obtained.

Question 321. Why did you suppose that the reservation could be got in bulk?

Answer. I did not suppose that; the impression of all parties was, so far as I know, that the reservation would be sold at auction, and our first plan was to buy it at public auction, in such parcels as we thought most desirable and most valuable.

Question 322. At what time was this first conference?

Answer. I should say it was about the middle of April; between the middle and last of April.

Question 323. Was Steele present?

Answer. He was not.

Question 324. When was your first conversation with Steele in regard to buying in company with him?

Answer. After this conference I went to Minnesota to confer with Mr. Steele, and he came into the arrangement with us.

Question 325. Before going west the first time, did you, Mather, and Steele, agree upon the respective interests you were to take in the reservation?

Answer. We did not.

Question 326. At what time was your arrangement with Steele made?

Answer. On my first trip to Minnesota, in 1857, I made the arrangement with Mr. Steele.

Question 327. Under that arrangement, what were the respective shares you agreed on?

Answer. There was no arrangement of shares at that time.

Question 328, (by Mr. Faulkner.) I ask you whether this first arrangement with Steele contemplated or looked to a public or a private sale?

Answer. In the first arrangement we looked to a public sale.

Question 329, (by Mr. Faulkner.) Why were you making the arrangement with Steele, in looking to a public sale?

Answer. Because of his superior knowledge of the points of the property.

Question 330, (by Mr. Pettit.) When was the arrangement, referred to in my last interrogatory, for the shares of the parties fixed upon?

Answer. The articles of agreement were entered into the day before the sale by the commissioners to the parties. That is my recollection.

Question 331. You say Steele told you that he thought the commissioners would sell privately to avoid combinations there. Was this before or after your own combination was made?

Answer. After the combination was made.

Question 332. The commissioners report they are confident that all the improvements could not be sold for more than \$20,000, and that were they to be sold by themselves they would not bring more than one-half that sum. Do you agree in this opinion?

Answer. The government improvements are in a very dilapidated

condition, and are only valuable for government purposes. As to what they would bring, I do not know. I am not prepared to say whether that is a fair estimate or not.

Question 333. By your purchase of the government you acquire the whole government reserve and improvements, with the exception of Steele's lot and improvement, the grave yard lots, and the quarter section and improvements of McKenzie ?

Answer. Yes. Sibley pays for his interest to us at the same rate we were to pay.

Question 334. What reason had you, by any usage of the government, in selling public land, to expect a credit upon this sale ?

Answer. The contract with the commissioners was made entirely by Mr. Steele, we knowing nothing about the usages of the government, or the contract until it was completed, except that we consulted with Mr. Steele about it.

Question 335. What authority did the commissioners have, or pretend to have, to agree for the making of the deed to you before the payment of the purchase money ?

Answer. I do not know. I had no conversation with the commissioners upon the subject. I was ignorant of any such stipulation in the contract.

Examination by the chairman.

Question 336. Were you cognizant of the first offer made by Steele for this property to the commissioners of the government ?

Answer. I was.

Question 337. Was that offer made to be paid in cash or upon time ?

Answer. My understanding was, upon time.

Question 338. Did Mr. Steele, before he made that offer to the commissioners, learn from them that you could get that property on time ?

Answer. I do not know.

Question 339. Did Mr. Steele communicate to you that he had such information ?

Answer. I do not recollect.

Question 340. Did Mr. Steele communicate to you, at any time before this purchase was made, that the commissioners, or either of them, had stated to him that they thought it was right and proper that he should have the refusal of that property ?

Answer. He did not.

Question 341. Did Mr. Steele, in any of the interviews between you touching the purchase of this property, state to you that he was satisfied from an interview with the commissioners, or either of them, that he would be selected as the party to whom this property would be first offered ?

Answer. He did not.

Re-examination by Mr. Morrill.

Question 342. Mr. Steele you regarded as a man of wealth ?

Answer. He has the reputation of being a man of great wealth.

Question 343. Has he had any opportunity to make it except as sutler under the government?

Answer. He has made a great deal of his money, as I learn from him, by the purchase of property at a very early period of the settlement of that country, which has now become immensely valuable; I mean real estate.

Question 344. You speak of his superior knowledge of the property that you purchased; when you had an interview with him what was his estimate of the value of that property?

Answer. I do not recollect that he fixed any specific value to it; he considered it valuable property.

Question 345. Well, you could fix, I suppose, some point; did he think it was worth half a million or a quarter of a million of dollars?

Answer. He never fixed any figures; he spoke of it as valuable property; he spoke of the point as a valuable one, more valuable than other points.

Question 346. Did he represent the value as being very great?

Answer. He always spoke of it as very valuable property, and as property on which a large city would have been built if the town of St. Paul had not started and gained so far in advance of its sale.

Question 347. What have you received, and what are you to receive for your services?

Answer. The company pay me \$5,000 a year for the management of the property.

Question 348. In that was your service included for making the purchase?

Answer. I charged my salary from the first connexion I had with the purchase; since my first trip to Minnesota, about the 1st of May.

Question 349. How much in money have you contributed?

Answer. I have not contributed anything except my travelling expenses, which have been large.

Question 350. What other person in the company or outside was to receive compensation for his services?

Answer. Outside the company there is nobody that I know of; inside the company there is nobody that I know of except myself.

Question 351. Is not Mr. Steele to have anything?

Answer. No, sir.

Question 352. Will you or your company feel it binding in conscience or honor hereafter to pay any other person in your company or out of it for his services?

Answer. I can only speak for myself. I will not, and, as far as I know, the company will not.

Re-examination by Mr. Pettit.

Question 353. Do you think the sale made by the commissioners was in its mode best calculated to realize to the government the best prices?

Answer. The question with the commissioners must have been whether they should sell it publicly or privately. If it had been sold

publicly, I do not believe it would have brought more than the minimum price. A portion of that same reserve was sold a few years before, embracing land equally or more valuable than the portion purchased by us, and it was all sold at a dollar and a quarter per acre.

Question 354. If the property had been advertised by the commissioners for sale privately would you have made a less offer than you did make?

Witness. If it had been advertised for proposals do you mean?

Mr. Pettit. Yes.

Answer. I do not know what would have been the action of our company. It is a question upon which we never had any discussion. I do not know what their decision would have been.

Question 355. With that condition, what reason would there have been for offering less?

Answer. None that I can think of.

Question 356. On the other hand, under that mode, would your company have been induced to offer the full price you had agreed upon?

Answer. I think it is probable they would.

Question 357. What objection was there, with a view of getting good prices, to offering it in the market in that mode, and inviting competition?

Answer. I know of none.

Question 358. Why do you say that the mode adopted was the best mode of sale, if your company by any other mode would have been induced to offer a still larger price?

Answer. The only two modes that were spoken of were public auction and private sale. This other was never once mentioned that I heard of.

Question 359. Is not the usual mode of selling property advantageously by advertising and inviting competition?

Answer. Yes, sir, that is the usual mode.

Question 360. Was it likely that any other offers would be made unless it were published that the reservation was to be brought to sale?

Answer. It is not.

Question 361. Do you know that any persons other than your company had a knowledge of the fact that the commissioners were authorized to sell?

Answer. It was known. I heard the thing talked of about St. Paul and about Fort Snelling that these persons were authorized to sell, but their determination to sell privately I do not think was known.

Question 362. Did you not hear in conversation that there were many persons wishing to buy when the reservation was offered for sale?

Answer. I heard some persons say they would like to have an interest in the reservation. My acquaintance there was not very extensive, and I did not have communication with very many persons. I was a stranger in the country.

Question 363. In your conversation with the Secretary of War,

state whether any intimation was given of making the sale on time, or whether it was to be in large or small parcels?

Answer. None.

Question 364. What knowledge have you of other reservations of this character being offered in bulk?

Answer. I have none.

Question 365. When did you first know of the authority of these commissioners to make this sale?

Answer. I think, about the middle of May.

Question 366. Did you know the instructions of the government to the commissioners before the sale?

Answer. I think I did.

Question 367. Did you know that the instructions limited the extent of Steele's settlement on the land to 160 acres?

Answer. I think I did.

Question 368. Did you also know that the purpose of the government, as signified there, was to allow persons of small means to buy, and that for that purpose it was recommended to sell the reserve in small parcels?

Answer. I think I did.

Question 369, (by the chairman.) From whom did you first learn the latitude of the instructions to the commissioners?

Answer. I do not recollect.

Question 370, (by the chairman.) If this reservation had been laid off and sold in lots of forty acres, what, in your judgment, would have been the sum for which it would have sold?

Answer. I do not believe it would have brought more than the minimum price.

Question 371, (by the chairman.) What do you mean by the minimum price?

Answer. The price fixed as such by the Secretary of War—\$7 50 per acre.

Question 372, (by the chairman.) Is this opinion of yours superinduced by the fact that you think combinations would have been formed which would have prevented it from selling for more?

Answer. It is.

Question 273, (by Mr. Morrill.) Were you and the men with whom you were operating ready to make that combination upon your part?

Answer. We were not. Nothing would have induced me, as a party, to have done it.

Question 374, (by Mr. Morrill.) Did you see others there who you had reason to suppose were ready to make such a combination?

Answer. I only heard of combinations on the part of others. In our company no such matter was discussed. If it had been, I am satisfied it would have been rejected with scorn by every member of the company.

Question 375, (by Mr. Morrill.) Did you see other persons there whom you supposed would form such combinations?

Answer. I did not see any persons there who I could say would

have entered into such combinations. These combinations are, as I suppose, kept secret and quiet.

Question 376, (by Mr. Morrill.) What reasons have you to suppose that there were parties there ready to form such combinations?

Answer. I supposed it first from the previous sale of the reservation, and from the talk among the people that there would be.

Question 377, (by Mr. Morrill.) Was it not your purpose, in the arrangement which you made with Mr. Steele, to purchase the property at as low a price as possible, either at public or private sale?

Answer. It was always our determination to get it on as good terms as we could.

THURSDAY, JANUARY 21, 1858.

Major SETH EASTMAN recalled.

Examination by Mr. Morrill.

Question 378. How long does it take ordinarily a letter to go by mail from Washington to Fort Snelling, or to come from Fort Snelling here?

Answer. I think about three days is the usual time, though that is not regular.

Question 379. How long did it take your letters or newspapers ordinarily to reach you from this city?

Answer. I do not remember, because I never noticed it. I think we can go there in three days, and I have heard of persons going in seventy-two hours.

Question 380. Do you think you generally received your letters and papers from this city in less time than a week?

Answer. When I was stationed there I only got them once a month. That was before the railroads were extended out. The last time I went there in three days.

Question 381. Do you have daily mails?

Answer. I think there is a mail six days in the week. I believe there is none on Sunday.

Question 382. Did you receive your instructions in this city, or were they transmitted to you by mail?

Answer. They were transmitted by an agent.

Question 383. How long after their date did you receive your instructions. They were dated the 25th of May.

Answer. I received them the first week in June.

Question 384. You were instructed to make a preliminary report to the department, and then to await further instructions. Why did you not obey those instructions?

Answer. A preliminary report was to be made if we found any *bona fide* settlers upon the reservation; if we did not, we had no preliminary report to make.

Question 385. And yet you considered that they were so far settlers

that they ought to be considered and remunerated in any sale you might make?

Answer. I do not understand that they were to be remunerated.

Question 386. Did not you stipulate with Mr. Steele that this property, to the amount of \$15,000, and some other property, (that of McKenzie,) should be paid for?

Answer. No, sir. Mr. Steele, if he bought the place, paid Mr. McKenzie for his hotel property. He allowed him to take some land at the same price, if he did not want to sell the property.

Question 387, (by Mr. Faulkner.) Do I understand that your object was to secure the property to the individual, not regarding him as having any claim on the land?

Answer. I did not admit that he had any claim to the land; and, moreover, Steele admitted that *he* had no right as a settler, although, perhaps, had I been compelled to decide, I might have decided that he had a good right as a settler, he having been twenty years upon the soil. I have seen so many worse claims allowed that I might have so decided.

Question 388, (by Mr. Morrill.) Although you came to the conclusion that he had no rights as a pre-emptor, you yet came to the conclusion that he had a right to purchase over any and all others?

Answer. Yes, sir.

Question 389. Was that according to your instructions?

Answer. No, sir; no particular instructions. I have stated that the only instructions were those you have just read.

Question 390. In your report to the Secretary of War you say you have ascertained, from good authority, that combinations were being made for the purpose of purchasing this land at the government price of \$1 25 per acre. What was that authority?

Answer. Besides rumors, and what the other commissioner, who mixed with the people at the hotel every day, told me, Mr. Rice, and I am under the impression some other persons, told me that there would be combinations.

Question 391. Who were those other persons?

Answer. Besides Mr. Rice, I think Mr. Steele told me, though I will not be certain about it. I have the impression that there were several others.

Question 392. Did those men so inform you that there was to be a combination, after you had received instructions to sell, and had been appointed agent to sell?

Answer. No, sir; not to my recollection.

Question 393. Then the only person who informed you that there was to be a combination, except Mr. Rice, was Mr. Steele—the very man to whom you sold?

Answer. He was the man to whom the sale was made.

Question 394. Did you have any counsel with your fellow commissioner, Heiskell, as to the propriety of selling the land so soon after you received your instructions?

Answer. I do not know that anything particular was said about it.

Question 395. Did he ever intimate to you that he thought it was

too early to sell the land within one, two, three, or four days after receiving the instructions ?

Answer. I do not remember any conversation about it. The lands were ready to be sold then, and might have been sold a month before, for that matter.

Question 396. Did you or Mr. Heiskell have the principal share in the negotiation upon the subject ?

Answer. We were together. I do not know that he saw Mr. Steele at any time when I was not with him. He may have done so, but I think we acted mostly together. He was living at St. Paul, and I was living above, six miles from him.

Question 397. How came you to sell this land upon time when there were no instructions of that sort ?

Answer. I do not know that I can give any good reason further than that he wished it. I did not suppose there was anything wrong about it.

Question 398. In making a sale of so much importance as this, would you generally suppose it to be right to comply with the wishes of the purchaser ?

Answer. In cases like that I would, where the whole money was secured on the land.

Question 399. By your instructions, you had a right to sell this land in small parcels of forty acres. Did you not suppose that you might have obtained a greater price if you had followed out that branch of your instructions ?

Answer. No, sir ; my opinion is that we would not have got so much. If we had put it up at auction, and sold it in that way, I think we should have got, even if there had been fair competition, a higher price for some portions of it, and a smaller price for other portions. But I did not think that we should have a fair competition. Again, had we taken another course, and advertised it for bids in small portions, we should have got a great many bids for certain portions, and no bids at all for other portions. Some of those other portions we should not have had bids for, because we could not have taken less than \$7 50 per acre.

Examination by Mr. Morris.

Question 400. Do you know of any other public property of that description which has been sold upon time ?

Answer. I do not know any.

Question 401. You had no precedent for your course ?

Answer. No, sir.

Question 402. You spoke just now of your fellow commissioner (Mr. Heiskell) living at St. Paul, and you living six miles above.

Answer. He lived at a hotel in St. Paul, and I lived above, at this hotel, owned by McKenzie. That was last summer. That was vacated by the keeper, and as I had no other place to go to I lived there.

Question 403. How long did you live there ?

Answer. From some time in May until some time in September, with the exception of a few days that I lived in the fort.

Question 404. Were you upon military duty there?

Answer. No, sir; upon this duty.

Question 405. You were then in Washington when you were appointed to perform this duty?

Answer. Certainly.

Question 406. When you speak of living there, you went out there to perform the mission assigned you by the Secretary of War?

Answer. Yes, sir.

Question 407. Do you think that Fort Snelling is valuable to the government still as a military station?

Answer. No, sir. I consider it as perfectly useless as a military station. The country is settled north, south, east, and west of it. A city of 15,000 inhabitants lies within five or six miles of it. The Indians that inhabited that part of the country have removed a hundred miles or more west, and their country is now occupied by our people. Of course the place affords no protection to the people, because the people are strong enough to take care of themselves. The forces formerly there should be removed to where the Indians are, as has already been done, and new posts have been built for this very purpose.

Examination by Mr. Faulkner.

Question 408. How long had it ceased to be used for military purposes?

Answer. It has been used for military purposes up to this date, for troops to remain there, there being no other place to put them. Even last summer, after it was abandoned, troops came on from the east to go on to the next post further west, and stopped there. They might as well have stopped in tents on their regular march, as others did. As they were there, it was convenient for them to occupy the buildings, but it was by no means necessary that they should have done so.

Question 409. Do you know of any other military forts now in the west and northwest?

Answer. Yes, sir; there are three in that Territory.

Question 410. Where are they located?

Answer. There are Fort Ripley and Fort Ridgley; the former north of Fort Snelling, and the latter west-southwest. Fort Ridgley is upon the same river, (the Minnesota,) a little south of west. Those are the only ones I know in Minnesota.

Question 411. Do you think they are still valuable as military stations?

Answer. One of them is. One of them was abandoned previous to the sale of Fort Snelling, as no longer required for military defences. The other one is the one built, as I suppose, to take the place of Fort Snelling, and is situated at the extremity of the Indian reserve, on the Minnesota river. The Indians are west of it and, in my opinion, it is the point from which operations should be carried on against these

Indians. That is on the Minnesota river, 80 or 100 miles above Fort Snelling.

Question 412. When was that established?

Answer. It was established since the Indians were removed. I think six or seven years ago. Fort Ripley, on the Mississippi, was ordered to be abandoned previous to this sale. According to my recollection it has been temporarily occupied by the government. The reserve on the east side of the river was sold, but not bringing enough the sale was not confirmed.

Question 413. That property has not, then, been sold?

Answer. No, sir; and the fort on the west side of the river was not offered for sale.

Question 414, (by Mr. Morrill.) Did you ever have any conversation with any parties as to the value of this Fort Snelling property, or the terms of sale, on the supposition that you might be appointed an agent on the part of the government to dispose of it?

Answer. No, sir.

Question 415, (by Mr. Morrill.) Did you ever have any knowledge that you were to be appointed an agent to sell Fort Snelling, until you received the instructions?

Answer. No, sir.

Question 416, (by Mr. Morrill.) Then, in four days or less you made up your mind what it was best to do for the government?

Answer. I have stated that I was perfectly acquainted with everything about the premises.

Question 417, (by Mr. Morrill.) How was Fort Ripley offered?

Answer. At public sale.

Question 418, (by Mr. Faulkner.) State the considerations which, in your judgment, rendered Fort Snelling no longer fit and proper to be retained for military purposes?

Answer. Besides the reasons already given, I do not consider it even necessary as a depot. There is but one post to be supplied, supposing Fort Ripley to be abandoned, and that is Fort Ridgley. Fort Ridgley is on the same river with Fort Snelling, (the Minnesota.) In the spring of the year it is navigable for steamboats from St. Louis to above that point, and that post could be supplied entirely by steamboat navigation. Hence, it would be a useless expense to unload at St. Paul or Fort Snelling, or any other point below Fort Ridgley, for the purpose of reshipping. But supposing that it was necessary to supply that post when navigation was closed, the country is full of the means and facilities of transportation, and the people would be glad to do this work at one quarter what it now costs the government. Hence, it would be more economical not to keep up Fort Snelling as a depot. Even supposing that we would have to unload a cargo of provisions at St. Paul, to put it upon another class boat to go up the Minnesota river, the only expense would be unloading and placing it immediately upon another steamboat, or putting it into a commission house for one night, for boats are running there daily. For the supply of a small post like that, one steamboat would take a year's supply. If there were not the means of transportation in the

country, then it might be necessary for the government to keep up a depot for trains at any expense.

Examination by the chairman.

Question 419. How did Dr. Graham learn the terms upon which you were authorized to offer this property?

Answer. I do not know.

Question 420. Have you any information that Dr. Graham knew of your instructions prior to the making of the sale?

Answer. I do not.

Question 421. Did you have any interview with Dr. Graham prior to the sale?

Answer. I did, soon after my arrival there.

Question 422. In any of the interviews you had with Dr. Graham, did he communicate to you the fact that he had information that you were to be one of the agents to sell that property, and the terms upon which you were to make the sale?

Answer. No, sir.

Question 423. Do you know John C. Mather?

Answer. I never knew him until he was there to make out the papers.

Question 424. Did you know, before you made this sale to Steele, from information received from Steele, or from others, that Mather and Graham were to be his partners?

Answer. No, sir.

Question 425. When did you first learn it?

Answer. I cannot tell you in data. I did not know that Mather was connected with him; nor did I know that Dr. Graham was, except from rumors which came to me afterwards.

Question 426. Who made out the papers?

Answer. Mr. Mather made out the legal papers. I supposed he was a lawyer employed to make them out, employed by Steele.

Question 427. You refer to the contract between you?

Answer. Yes, sir; Mr. Mather wrote it, and we altered it.

Examination by Mr. Pettit.

Question 428. Your instructions required you to examine and ascertain how far the reserve of Fort Snelling had been made valuable by public improvements?

Answer. Yes, sir. Those improvements had been constructed nearly forty years. I think they were commenced in 1819, and finished in two years. They have been occupied and in use ever since. Of course they were old, and I estimated them in this way: what would any man give for them if put up and sold at auction. I could not believe they would give \$10,000. I was almost certain they would not give \$20,000. Others might have had a different opinion. Now I do not know what use could be made of them, except for military purposes. They might be used temporarily to store things in. They

might be temporarily used until a good hotel could be made. They would answer for people to sleep in nights and get something to eat in; but I think the land would be worth about as much with them all swept off. The purchaser told me he would have to take down one side of the building next spring, when another company puts a bridge up, which will strike it at a corner. He has also observed to me that he would be very glad to give the materials to anybody who would take them off.

Question 429. Do you now refer to what he said subsequent to the sale?

Answer. Yes, sir.

Question 430. Your instructions referred to actual *bona fide* settlers upon the reservation. What actual settlers were there at that time besides Steele?

Answer. We were to enquire whether there were any we should consider *bona fide* settlers, so as to allow them their *bona fide* claims.

Question 431. What settlers were there of that character?

Answer. There was Mr. Steele and a ferryman employed by Mr. Steele.

Question 432. Did he have the house?

Answer. He lived in the house, but the house belonged to Steele. I do not know of any other.

Question 433. In your report you allude to pre-emptions. On what basis did you contemplate that any person could enjoy pre-emptions to exceed 160 acres?

Answer. For example, suppose an individual owned the property McKenzie had; Mr. McKenzie would have taken out a pre-emption, but it would have gone to Mr. Steele. The house was a mile or more from Steele's. If the pre-emption had been allowed to Mr. Steele for his house, it would have been allowed to McKenzie for his. At Steele's ferry-house there was a man living who would have had another pre-emption. There was another place where there was a storehouse, which would have given another man a pre-emption.

Question 434. Before making your contract with Steele, were you not aware that under the pre-emption laws no one man could be entitled to more than 160 acres?

Answer. I knew it; but I knew how he would have got all these different claims, and how men do such things in those Territories, throughout our public lands. I suppose some men take out a great many pre-emptions in that way.

Question 435. You speak in your report of Steele's pre-emption claims as amounting, possibly, to 1,000 acres. You then refer to Steele's pre-emption possibly reaching 1,000 acres, upon the consideration that he might act fraudulently?

Answer. Pre-emptions cannot be taken out, as I understand it, upon this military reserve; but the Secretary can generally allow them. If a man has property, the Secretary could allow him to take 160 acres.

Question 436. Were you not aware of the rule forbidding the granting of a pre-emption beyond 160 acres?

Answer. I do not know that it would have any application upon this particular land ; I knew it would upon public lands generally.

Question 437. Did you, then, make your offer to Steele only with reference to his right being, in your opinion, as a pre-emptor, larger ?

Answer. I do not know as pre-emption had anything particular to do about it. I thought, from his long residence there, that it would be no more than justice to give him the refusal.

Question 438. Your instructions referred to the sale of the property as if it was the purpose of the department to allow persons of small means to purchase small tracts. Did you make any attempt to accomplish that ?

Answer. I have given the reason why it would not be well to sell it at auction in small pieces. We did not offer it at auction.

Question 439. It could have been sold publicly ?

Answer. No, sir ; I have given my reasons why I think it would not have been well.

Question 440, (by Mr. Faulkner.) Can you inform the committee why was embraced so large a quantity of land in the Fort Snelling military reservation ?

Answer. For fuel and forage ; I know of no other reason. I remember that I have had to go nine or ten miles after fuel to supply the fort. When I went there, the banks of the Minnesota were lined with a thick forest, extending probably a hundred yards in width, and in some places perhaps three hundred ; all that has been cleared off for twelve miles at least, and now the government have to buy their own wood for the fort.

Question 441, (by Mr. Faulkner.) Is there any timber now upon the reserve that was sold ?

Answer. I should say that there was no timber, though there are some few scattering oak trees of small growth. There is one place on the lake where there is a small grove of trees, but not enough to depend on for fuel. If there had been any timber there, we should have cut it down to supply the fort with fuel.

Question 442, (by Mr. Morris.) You say you have cleared off the timber, on the banks of the river, for twelve miles ?

Answer. According to my estimation. I do not mean to say that I have cleared it off, but I have seen it cleared off for that distance at least. One other reason why we like to have a large reserve for the fort is, to keep people—whiskey sellers, &c.—from disturbing us, which is often a very essential point in favor of having a large reservation.

MONDAY, JANUARY 25, 1858.

Colonel LORENZO THOMAS sworn.

Examination by Mr. Faulkner.

Question 443. Have you any knowledge of any of the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling?

Answer. I have not. I was there when it was announced that the sale had been made. I had no connexion with it.

Question 444. Will you express to this committee your opinion as to the propriety of making sale of that reserve, by the government, at the time it was made?

Answer. I am the senior officer of General Scott's staff, and in consequence of the old age and illness of one of the inspector generals, I was put upon the duty of inspector general. Just at that time the Indian difficulties occurred in Minnesota, and I was ordered to Fort Snelling to ascertain the temper of the Indians, the cause of the difficulties, where military posts ought to be placed, the number required, the number of troops needed, &c. I made an inspection of Fort Snelling and also of Fort Ridgley, on the Minnesota river, a hundred miles west southwest of Fort Snelling; and also of the post which had just been abandoned on the Upper Mississippi, a hundred and twenty miles or so north of Fort Snelling—Fort Ripley.

I was at Fort Ridgley a short time after the difficulties with the Indians occurred, and when the annuities were withheld from them until they brought in Ink-pa-du-ta and his band.

I arrived at Fort Snelling on the 1st of August last, and remained in that country until the 19th of that month. I was engaged in the interval in making the inspections of which I spoke.

In making my report to General Scott, I gave certain views which I will now express here.

I found great excitement among the Sioux Indians there, and I was satisfied that Fort Ridgley was an important post, for it was upon the military reserve occupied by those Sioux Indians who had previously occupied the country around Fort Snelling. I considered that (Fort Ridgley) an important point for at least three companies.

I stated further, that in consequence of the bad feeling between those reserve or annuity Indians, and other bands of Indians which roamed over the whole of that western country to the Missouri river, called the Yancktons and Yancktonees, I should recommend an additional post up at the other end of that reserve, which was 120 miles long. Fort Ridgley is at the lower point. I also thought it advisable that ultimately, though not then, a post should be established upon the Big Sioux river nearly west of Fort Ridgley, looking west towards the Missouri.

I then went up the Mississippi river 120 miles to Fort Ripley. That post had been abandoned and the troops withdrawn in conse-

quence of the necessity of providing for this Mormon expedition. That left the country almost without troops, but troops were sent in from Missouri soon afterwards. I found the place abandoned and in possession of the ordnance sergeant. The chaplain of the post was still there. They told me that since the withdrawal of the troops, the Chippewa Indians that occupied the northern part of the Mississippi river, and on the lakes in the northern part of Minnesota, had changed their bearing very much; were hanging about the post; had become insolent, and fears were expressed that they would have difficulties with them. When the annuities were paid in July, they had some broils at Crow Wing, and it was said that several Indians had killed each other, and that one white man was killed; and I also understood that they recently had attacked a party who were getting timber in that region, and took away all their provisions. I was satisfied from what I heard, and from a conversation with a clergyman who had lived up there, who, with his family, had come away to save their lives, that the Indians were in exceedingly bad temper. I saw that there might be difficulties between the Chippewas and the whites, and also between the Chippewas and Sioux, who were always at war. The moment I got back I recommended that Fort Ripley be reorganized, and it was done. A company was sent there soon after.

Question 445. My enquiry was directed to the propriety of abandoning Fort Snelling?

Answer. I was stating my position there preliminary to coming to that matter. I recommended two posts, one on the Mississippi and one on the Minnesota. As a depot for those two posts, I regarded Fort Snelling as necessary. At Fort Snelling there was a quartermaster, having his trains, his stables, and everything necessary to supply those interior posts—one, 100 miles and the other 120 miles distant. Fort Snelling was at the head of navigation. There was a landing there—storehouses and everything necessary—and being such, I recommended that it should be retained as a point of supply, and as a point from which to send out troops.

Question 446. What was the date of your communication to the general-in-chief?

Answer. It was on the 18th of August. I wrote my report on the 18th and left on the 19th.

Question 447. Was that prior or subsequent to the sale?

Answer. It was subsequent to the sale. I was there when Mr. Steele returned, as I understood it, from Washington, with the conditions of the sale in his pocket. When I first got there I heard that Fort Snelling was to be sold, and that probably it was sold at that time.

Question 448. Would it have been proper to have retained that large quantity of land in connexion with the fort, as a mere military depot?

Answer. No, sir; I think not.

Question 449. What amount of land do you suppose it would have been proper to retain with the fort?

Answer. I should think only land enough to control the landing

the works, and prairie land enough to furnish grass—say 400 tons. But even this is not absolutely necessary, as hay can be purchased. Wood there is none.

Question 450. What was a fair value for this land if sold, as it was sold, by order of the government?

Answer. That is a matter I know very little about, as I do not know the value of land in that country. I thought lands there were held far above their real value. I can give no opinion upon that branch of the subject, as my inquiries were directed in a different direction. Some of that land is almost worthless and some is valuable.

Examination by Mr. Morrill.

Question 451. Is the report you made to the commander-in-chief on file in the Secretary of War's Department?

Answer. It is in the office of the general-in-chief, in New York.

Question 452. Do you know whether the contents of that communication have been communicated to the Secretary of War?

Answer. So much of it as relates to the military views, and in reference to Fort Snelling, were communicated to him.

Question 453. By whom was it transmitted to the Secretary of War?

Answer. The general-in-chief directed his staff officer to make an extract. That was sent to Colonel Cooper, and he laid it before the Secretary of War for his information.

Question 454. You speak of high prices for lands prevailing there. What did you understand the value of lands to be when you went out there?

Answer. My conversation on that subject was principally with one or two friends at St. Paul. They informed me that real estate was high and still rising; that every sale made was at an advance, and that land was still going up. I was told that land near Minneapolis was held at \$100 an acre.

Question 455. Were those lands of a higher value than those of the military reserve?

Answer. They were upon the same region of prairie. Their difference was only in position—about the same in quality. Those I was speaking of were near Minneapolis.

Question 456. What is your opinion in regard to Fort Snelling as a town site?

Answer. That part of it at the landing is a low flat, and subject to overflow. I suppose they regard that as the most important part of the town site. I think it very difficult to locate a town there. The bluff sets back, and is broken, though it is upon that bluff they calculated to make a town. I think it more abrupt than that at St. Paul, though I have no doubt that if either of the points were to be selected at the same time for a town, that at Fort Snelling would have been the point pitched upon originally. But St. Paul is now already established. Fort Snelling is at the forks of the river, and at the head of navigation, except for small steamboats which run on the Minnesota.

Question 457. You have had no reason to change the opinions you expressed in your report?

Answer. No, sir; and they are very much the same I have expressed here.

Examination by Mr. Morris.

Question 458. You said you knew nothing of the sale, that no instructions had been given for the sale of this property until Steele came from Washington with the papers in his pocket?

Answer. I went there in August, and knew nothing of the sale. There the officers told me it was contemplated that Fort Snelling would be sold, and that it was probable that the sale had already taken place; that the sale would be made at Washington.

Question 459. The sale was made there and confirmed here. The public did not seem to have any knowledge that the sale had been made?

Answer. No, sir; but the officer that gave this information said he could not say positively that the sale had been made, but that he had no doubt that it would be made in a few days. I was upon this military business, and when I got back to Fort Snelling it was announced that the sale had been made, and that Steele was the purchaser.

Question 460. You say you see no reason to change your views as expressed to the general-in-chief as to the propriety of retaining Fort Snelling as a place of military supply. Do you mean by that that it would be desirable for the government to repossess itself of Fort Snelling?

Answer. I think so.

Question 461. How much do you think the government could afford to pay for it to repossess itself of the property?

Answer. It is only valuable as a station for troops to send out upon an emergency, and as a supply for posts at a distance. It is important, as you have there all the supplies and the means of transportation. There are two modes of supply, one by our own teams and trains, and the other by citizens. As a military man, I would not wish to throw myself into the hands of citizens, for in an emergency they will combine against you. At first you might get supplies from citizens at a reasonable rate, but the moment you break up your own supply trains they will combine against you. What would be the cost of supplying those troops ourselves and what would be the cost of supplying them through citizens I cannot tell, hence it is difficult to tell what is the money value of this place as a depot for such purposes.

Question 462. Would it be of more value to the government than the government received for it?

Answer. I think so.

Question 463. Do you think it would be two or three times as valuable?

Answer. I do not think the whole reservation necessary. All that is necessary is to furnish four hundred tons of grass.

Question 464. Do you think the government could, with propriety,

and as a matter of economy, purchase back such portions of the property as you have specified as being necessary, for the amount paid for all, if they could not buy it for less?

Answer. Yes; I think so. There are new stables and other buildings there which it would cost much money to erect anew.

Question 465. Can you inform the committee what the improvements upon that property are, and the probable value of them?

Answer. The post itself and the buildings connected with it were built many years ago, and are in a state somewhat of decay.

Question 466. I speak of the value to the government and not to individuals?

Answer. The only new buildings are the stables. There are abundant quarters for four companies and stables for a company of dragoons, or a battery of artillery, and for quartermaster purposes. In that view I should think the government could very well afford to give that money for that part.

Question 467. Could they afford to give more for that property? If so, how much more in your judgment?

Answer. That depends upon the length of time you keep up those two other posts for which this is a supply post. If you should break up those posts in one year, you could not afford to give much for Fort Snelling. If you keep them up for five years, you could afford to give more for it. Fort Ridgley cost the government some \$60,000, perhaps. The first appropriation of \$40,000 was, I understand, expended upon the store buildings, and then they had to build officers quarters besides. Some of the quarters at Fort Snelling are old, but they would answer the purpose.

Question 468. Can you state what those improvements at Fort Snelling cost?

Answer. I cannot. At the time the post was established we were in the habit of making laborers of our soldiers, and the work did not cost a great deal in that way—we paying the soldiers only 15 cents a day extra for their labor. To build now a post there, with the present accommodations, would cost \$50,000 or \$60,000.

Question 469. Could the government, in view of the existing state of things, afford to pay more than \$90,000 to get back such portions of that property as you have specified as being necessary as a military post? And if so, how much more?

Answer. It is a mere matter of opinion.

Question 470. I only ask for your opinion?

Answer. I do not think I ought to go over \$90,000; for if the Indians should be sent out of the Territory you would not want Fort Snelling.

Question 471. Do you regard it, barring the trouble with the Mormons, as valuable as Fort Leavenworth?

Answer. No, sir; because Fort Leavenworth is a depot for all New Mexico and posts on the Oregon route; the other supplies only four companies.

Question 472, (by Mr. Morrill.) What officer first informed you that Fort Snelling was or would be sold?

Answer. Major Eastman, of the 5th infantry.

Question 473, (by Mr. Morrill.) How large a number of inhabitants are there at Fort Snelling or on the reservation?

Answer. Inhabitants are excluded from the reservation. There is a small town opposite, and a few settlements near the reservation, in the direction of St. Paul.

Question 474, (by Mr. Morrill.) Were there many persons about there at the time you were staying there?

Answer. But very few.

Question 475, (by Mr. Faulkner.) Do you think it would be better, in sending supplies to Forts Ridgley and Ripley, to rely upon the means of the government than upon the enterprise of individual citizens?

Answer. Yes, sir.

Question 476, (by Mr. Faulkner.) Can you give an estimate of the annual cost to the government of retaining Fort Snelling as a depot for provisions, with all the necessary means of transportation to those two other points you have mentioned?

Answer. I cannot say. It depends upon the number of trains necessary to be kept up.

Question 477, (by Mr. Faulkner.) Is not that section of country sufficiently well settled with population to afford the government, at any time it desires, with the means of transportation to Forts Ridgley and Ripley, through the citizens?

Answer. Yes, sir. Those posts could be supplied from St. Paul.

Question 478, (by Mr. Morrill.) Major Eastman did not tell you, then, that he had already sold the fort and the reservation at the time you allude to?

Answer. He did not; nor did I understand that he had the selling of it, from his remarks?

Question 479, (by Mr. Morris.) Where did this conversation with Major Eastman take place, and when?

Answer. I arrived at Fort Snelling on Saturday, the 1st day of August. I remained there Sunday, and left on Monday for Fort Ridgley, and Major Eastman accompanied me. It is probable I may have seen him on Saturday; I do not remember; but I did see him on Sunday, and I think it was then that the first conversation took place.

HEZEKIAH S. McCULLOM sworn.

Examination by Mr. Faulkner.

Question 480. Have you any knowledge of the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling?

Answer. I have no knowledge of any transactions connected with the matter at all.

Question 481. Are you acquainted with the value of that reservation at the time of sale?

Answer. Only from inquiry. I was up there looking about, and

the only knowledge I have in reference to the matter is from conversation with persons in the neighborhood, and with parties who were talking about becoming interested in the purchase.

Question 482. Have you any knowledge bearing upon the illegality of anything connected with the sale?

Answer. I know nothing about the sale.

Question 483. Did you go up there with a view of making a purchase of any part of the reservation?

Answer. I went there with a view of making purchases somewhere in that country.

Question 484. Was it prior or subsequent to the sale?

Answer. Subsequent. I had some friends who were somewhat interested in the matter, and heard it talked of a good deal on the steamboat coming down. It was discussed among the passengers for two days, as travellers usually discuss such matters.

Examination by the chairman.

Question 485. Have you been on the ground and examined the military reservation at Fort Snelling?

Answer. I have not been all over it.

Question 486. Have you examined it or made inquiries about its value for the purposes of building a town there? and, if so, state your opinion as to whether the property, taking all its advantages and disadvantages into consideration, was worth more than was paid for it by the purchasers of the government.

Answer. I should suppose it was worth somewhat more than eleven dollars per acre as farming land. I do not think they could build a town there without incurring expenses so heavy, for bridges, &c., that they would make nothing out of it.

Question 487. How much more than \$90,000 would the reservation be worth for purposes of cultivation?

Answer. I inquired the price of farms around there, particularly between St. Paul and St. Anthony, and they held them at about city prices. But that is, of course, not what the land is worth for purposes of cultivation. I think land would be worth more than was paid for this reservation for farming purposes, but how much more I could not say.

Question 488. Would you say that this reservation was worth more than \$90,000 as a speculation by a company?

Answer. Considering the expenses they would have to be to if they made anything out of it, I do not think it was; not much more at any rate. It was not such a speculation, in my opinion, as men having a large capital would want to go into. I presume they will make some money out of it.

Question 489, (by Mr. Faulkner.) Are you able to state how much of that military reservation is unfit for cultivation?

Answer. No, sir. I did not go over every part of the reservation. I made some inquiries about it, and I think some parts of it were nothing like as valuable as other parts.

Examination by Mr. Morrill.

Question 490. What were the lands in that region worth? what were they selling for?

Answer. The two questions—what they are worth and what they are selling for—are two very different things. A great portion of the land was held at enormously high prices, but was not selling at all.

Question 491. At what prices were the lands held?

Answer. Between the town of St. Anthony and St. Paul they were held at prices ranging from \$100 to \$600 per acre.

Question 492. What, in your opinion, were they worth?

Answer. Upon that road, lying as they do, easy of access, in my opinion they are worth from \$15 to \$20 per acre for farming purposes.

Question 493. Was the Fort Snelling reservation equal in value for farming purposes?

Answer. It is on the other side of the river, and bridges would have to be built to make it worth as much.

Question 494. As a speculator, then, you would sell those lands out by the acre for farming purposes, rather than sell them as city lots?

Answer. I would; because, in my opinion, they would have to be at an expense, to make a town there of any size, so heavy that they would make very little at it. I have had some experience in building towns at the west.

Question 495. If they sell them out by the acre, how much, in your judgment, will they be able to make out of it?

Answer. I do not know; I think they would make a fair speculation.

Question 496. Where is your residence?

Answer. In Lafayette, Indiana.

Question 497. How long were you at Fort Snelling?

Answer. I was in that region some ten days.

Question 498. At what time?

Answer. In August. I was only at Fort Snelling one day.

Question 499. Then, all the information you have of Fort Snelling you acquired that day?

Answer. No, sir; because the matter of the sale was a general subject of conversation in that region.

Question 500. Was the general tone of conversation that it had been sold for what it was worth, or less?

Answer. The general tone of conversation was, that it was a matter of doubt and uncertainty whether the company which purchased it would make a good speculation out of it—some thinking they would make a fine thing out of it, and others were quite uncertain in their minds about it.

Question 501. Did you see Major Eastman while you were there?

Answer. No, sir.

Question 502. Did you, then, distinctly understand, when you were there, that the reservation had been sold?

Answer. Yes, sir; I think that was the distinct understanding among the people in that community.

Examination by Mr. Pettit.

Question 503. Then, the opinion you have given of the value of this property depends upon your judgment that it is impracticable as a town site?

Answer. Yes, sir. Considering that St. Paul has got so large a start, and also Minneapolis and St. Anthony in the neighborhood, I do not think it is valuable as a town site.

Question 504. If advantageous for a town site, your opinion would be modified accordingly?

Answer. Yes, sir. My opinion is, that if St. Paul had not got the start, this place would be preferable as a town site to St. Paul. But I think it is too late now. The expenses would absorb a large share of the profits.

Question 505. Your estimate of the value of the reservation is based upon it as farming land and nothing else?

Answer. Yes, sir. They may make something of a town there; but, if so, it will be at an enormous expense, in my judgment.

Question 506. Have you any knowledge of the value of the public and private improvements upon the reservation?

Answer. No, sir. I made no examination with a view of forming an estimate of their value,

Question 507. What is the distance of Fort Snelling from St. Paul and from St. Anthony?

Answer. I heard the distance when I was there, but I have forgotten. I think it is about halfway between the two places, though not in a direct line between them.

Question 508. What amount of time did you spend there?

Answer. I was not on the reservation, I think, more than an hour. I formed my estimate of its value as a town site mostly from my observation on the opposite bank of the river. Back from the river I know but little about the reservation. I said the property between St. Paul and St. Anthony was held at from \$100 to \$600 per acre. I do not know that I saw any held as high as \$600 per acre. One man held his farm at \$400.

Mr. Faulkner stated that the name of this witness had been handed him by Dr. Graham, and that he handed his name to the chairman of the committee, as he is in the habit of doing with the names of any persons who are desired as witnesses before the committee.

JANUARY 26, 1858.

Hon. ROBERT SMITH, being duly sworn, desired to file, preparatory to his statement, a copy of a letter of the Secretary of War to him, and his reply thereto, and make them a part of his testimony.

The committee assented to the request, and the witness thereupon presented the following papers:

WAR DEPARTMENT,
Washington, July 21, 1857.

DEAR SIR: I sincerely regret that, in consequence of the constant press of my official duties, an answer to yours of the 2d instant has been so long delayed. This regret is enhanced because of a declaration in that letter to the effect that you had received no reply to a communication which you addressed to me in April last, from Minnesota, thus giving you apparent cause to suppose that there was an indisposition in this department to treat you with the courtesy due to your position as a gentleman, and, indeed, due to all who think proper to apply for information in regard to public matters.

I beg to assure you that no such sentiment has influenced my conduct in the premises, and that, if in this transaction there has been neglect, it was purely unintentional and accidental.

The letter which you wrote from Minnesota was received, and, I am assured, was answered, with three others, from different individuals upon the same subject. That you did not receive it was not the fault of this department. In it you were informed that I had appointed agents to sell the military reserve at Fort Snelling, under certain instructions; and that a part of their instructions directed them to sell "all that part of the reservation not included in any tract to which an actual settler may have a just claim, either at public auction, after giving due notice in the principal papers of the north-west, or at private sale, in tracts or lots of forty acres each, so as to enable persons of small means to purchase, or in whole, whichever, in your (their) judgment, may be deemed best; but in neither case at less than \$7 50 per acre."

Under those instructions, the sale was made previous to the receipt of your letter of the 2d instant, and the report of the agents, William King Heiskell, esq., and Major Seth Eastman, U. S. A., was submitted to the President, and, after mature deliberation, the sale effected by them was approved by him.

Regretting the accident that deprived you of an opportunity to become a bidder for the property, and again expressing my unaffected regret at the delay in making this reply, I have the honor to be, very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

HON. ROBERT SMITH, *Alton, Illinois.*

Copy, in substance, of letter sent.

MINNEAPOLIS, M. T., *August 12, 1857.*

DEAR SIR: I had the honor to receive your letter of the 21st ultimo, just as I was leaving for this Territory. Since my arrival here I have seen many persons in the vicinity of the military reserve at Fort Snelling, who were desirous of purchasing portions of the land

included in the reserve, but did not know that any agent or agents had been appointed to sell, nor did they know that the reserve had been sold until weeks after the sale had been made. I cannot learn that any person, other than those interested in the purchase, knew anything about the transaction. The feeling here is, I think, very general, that Messrs. Heiskell and Eastman disregarded entirely the true interests of the government, and did great injustice to hundreds of citizens wanting to buy portions of the reserve by not giving them an opportunity to become bidders for the same. If these lands had been advertised to be sold at public auction, or by bids in writing, in forty acre tracts, they would have brought four times as much as rumor (and that is all the information I have) says your agents sold them for. Many of these lands are worth one hundred dollars per acre, and no considerable portion of them are worth less than twenty-five dollars per acre. This sale is looked upon here as akin to the Galphin affair, under Fillmore's administration, and will no doubt be fully investigated by the next Congress; and though the sale may not be set aside, facts will be brought to light that will place Messrs. Heiskell and Eastman in no enviable position, and will, I fear, work a serious injury to the democratic party. I regret deeply this transaction, and hope it may not be too late to correct the great wrong which has been done to the people and the government.

I have the honor to be your obedient servant,

ROBERT SMITH.

HON. JOHN B. FLOYD, *Secretary of War.*

Examination by Mr. Pettit.

Question 509. At what time did you first address the Secretary of War?

Answer. I think it was in April. I could not give the precise date. I wrote hastily, and did not keep a copy of my letter. I had thought of addressing the department and asking them to furnish a copy, but it was so hasty and disjointed an affair that I hardly supposed it had been preserved. I could state, if desired, my impressions of the purport of the letter; and, if the letter is in existence, I should be very glad to learn whether my recollection serves me correctly by having it produced. If the committee will permit me to give a little history of the causes which induced me to write the letter, they will better understand it. I would state that I was in Congress at the time the Territory of Minnesota was organized. I had a good many friends and some relatives in that region of country, and, as a matter of course, felt a good deal of interest in the Territory. While in Congress, I took an humble part in fixing the lines of the Territory. In 1848 I first visited that region of country, and, having friends at Fort Snelling—the Indian agent, Major Murphy, being an old constituent of mine—I examined the country hastily. During my visits there it was frequently remarked that, when the property at Fort Snelling came into the market, it would be very desirable. During my whole intercourse there, I heard the subject frequently spoken of. It was said to

me by my acquaintances that Mr. Steele, being a very sharp man, having an eye to his own interest, would buy the property. My reply was, that I presumed not; that when the property was sold every one would have an opportunity of becoming a purchaser as well as Mr. Steele. So much was said to me, and so often was I importuned in relation to it, and being in Washington at the time the act, or rather the provision introduced into one of the appropriation bills authorizing the Secretary of War to sell such military reservations as were no longer required for government purposes, and knowing nothing of that provision being incorporated in the bill, though here it created some little surprise in my mind when I learned the act had passed. When I arrived in Minnesota very many of my friends advised me of the passage of the provision in the appropriation bill, and asked how the property was to be sold. I told them I did not know; but so much was said, that I sat down and addressed a letter to the Secretary of War. The purport of my letter was something like this: that I had seen, by a provision in one of the appropriation bills, that the Fort Snelling reservation was to be sold, and I wished to know of him the manner of sale, whether it would be sold at auction in forty acre tracts, by the legal land office subdivisions, or whether it would be sold by bids in writing as a whole; that the property was very valuable, and that there were many persons there anxious to buy portions of it; that, for myself, I would like to buy a portion, or I would make a bid for the whole. I am frank to say that I did not believe I was able to buy the whole of that property, nor did I expect to; but I wanted to provide for any contingency that might arise; that I might know the mode and manner of selling, and that I might advise very many friends and persons who had made inquiries of me in relation to the matter. I addressed this letter to the Secretary of War, and asked him to advise me at Alton, Illinois. I made many inquiries of intelligent gentlemen, who, I supposed, would know in reference to the matter of sale, but learned nothing. I returned home early in May, and remained there for some time. I again went to Minnesota, and was there early in June. I recollect that I left there on the 18th of June. I did not, at that time, go to Fort Snelling, but I was at St. Paul, St. Anthony, and Minneapolis. I saw a good many strangers in the Territory—many gentlemen whom I knew. I then inquired of every body I saw who I thought would know about the sale, but I could not learn from any one that agents had been appointed, or anything done in reference to the sale. It was not my good fortune to see Mr. Rice, the late delegate in Congress from that Territory; but I saw his brother, who was very confidential with him, who was a gentleman of great intelligence, a distinguished lawyer, and president of one of the railroad companies. I asked him, and I asked the surveyor general, Mr. Emerson. I saw quite a number of gentlemen there, who I supposed would know, as a matter of course, in relation to the sale; but, as I remarked, I could learn nothing in reference to the mode or manner of the sale, or that agents had been appointed to sell the property. I returned to Illinois, and shortly after made a visit to this city. I arrived here on the first day of July, and called on the War Department, at the Secretary's

office ; but I happened to be too late for his reception. He was either not in, or the time had passed for him to receive visitors. The next day—the second day of July—I went to the War Department and sent in my card. The Secretary was not in his office. I am not certain whether it was the first day I called there or the second. I went into the chief clerk's office, and told the chief clerk that my business was to inquire in reference to the sale of the property at Fort Snelling. He told me it had been sold. I thought he was mistaken. I told him I knew that some property at Prairie du Chien had been sold. I had been informed that Mr. Rice had been appointed agent to sell it, and that he had made the sale ; and I left the office really believing that the chief clerk was in error, for I could hardly believe that the Fort Snelling property in Minnesota had been sold while I was there. I returned to my room, in Willard's Hotel, and addressed another letter to the Secretary of War, and his letter of the 21st was in reply to that letter. This is a rather awkward recital of the principal facts in reference to the matter, so far as I am acquainted with them.

Question 510, (by the chairman.) In your first visit to the Territory in 1848, what was the character of the examination you made of the reservation at Fort Snelling ?

Answer. Simply riding over it.

Question 511, (by the chairman.) When was the last time you were in the Territory ?

Answer. I was last there in October. I was also there in June. I was there again in August. I reached the Territory first, after the passage of the act under which the sale was authorized, some time in April. If it is a matter of consequence to know the precise dates, I think I have some memoranda at home from which I could furnish them. I wish to state to the committee that I have never felt myself, in this matter, in the light of a prosecutor, or even of pressing the matter any further than I felt it my duty as a citizen, from my knowledge of that region of the country—a duty which I felt that every gentleman would owe to his country, to his party, and to gentlemen of the same party who were charged with wrong, or who were supposed to be implicated in wrong. I never allowed myself to harbor the feeling as to whether A, B, or C, had done wrong. I stated in the House that, in my opinion, it was a great oversight in selling the property. I have stated to the committee that it was a very unfortunate sale ; and it is pretty hard for a man who feels that he has a knowledge of the value of the property to account for the manner of sale, or to account for the fact that intelligent gentlemen should have sold the property for the price which they did, in the manner in which they did.

Examination by Mr. Faulkner.

Question 512. Is it your opinion that the Secretary of War exercised a sound and proper discretion, under the act of Congress, in deciding to make sale of that reservation ?

Answer. I could not give a satisfactory answer to the inquiry

without a little explanation. I think the reserve might have been reduced to a thousand acres without any detriment whatever to the government; but I must say I think it extremely injudicious to have sold the improvements, the fort, and sufficient ground around it for a military depot.

Question 513. Can you state to the committee what was the quantity of land embraced in the entire reservation?

Answer. I will state to the committee that I have never had any purpose, nor have I had any object, to investigate or inquire specifically into the amount of ground, or anything connected with it; and ever since I have felt that it was my duty to bring the subject before Congress, I have not turned to the right or left. I have never read a line, nor have I travelled out of my tracks to learn anything in reference to it. I felt that I would have discharged my duty as a citizen by simply bringing the matter before Congress, and stating what I knew. Had I regarded myself in the light of a prosecutor, I would have taken an entirely different course from what I have taken in the matter, and my testimony and my remarks must therefore, as a matter of course, be general in their character. My opinions upon anything I have seen or known, I am never afraid to give frankly and fully. Now, in answer to the question, I say again, that I think a portion of the reserve might have been sold without detriment to the public service, and that the Secretary of War might, in the exercise of a sound discretion, have sold all except perhaps a thousand acres around the buildings at the point.

Question 514. To what valuable purpose could that thousand acres and the buildings have been turned by the government?

Answer. I think the position of Fort Snelling, being at the head of large steamboat navigation on the Mississippi river, and being one of the most healthy and beautiful sites in the northwest, the extended regions up the Minnesota and up the Mississippi to the lakes and to the Red River of the North, will always require a military depot at that point for storing supplies for troops and quartering troops. If the government wants quarters for its forces a portion of the year, there is probably no point in America superior to this.

Question 515. My former inquiry extended to the entire reservation as originally set apart. Have you any knowledge of the quantity of land contained in it before it was reduced by act of Congress some years ago?

Answer. I could not tell you. That is a matter that can be determined by reference to the records of the Land Office. I am not a surveyor, nor have I, as I remarked, investigated this subject with a view of telling anything that I had not learned in the ordinary process of my business, and my visits to Minnesota. I would have no difficulty in being able to give an opinion as to what was the policy of the government, without being able to give the number of acres there were in the reservation.

Question 516. Do you think the importance of the reserve at that place, as a military depot, would at all justify the expense of keeping it up for that purpose?

Answer. I have no question of it. I think it is a matter of financial policy to keep up the place, independent of the public service; I mean independent of its being indispensable as a reserve for a military depot.

Question 517. I would like to know your views as to the precise purpose for which it should be used as a military depot?

Answer. I stated that it is, in my opinion, important to keep it up as a depot for military stores, and as a place for quartering troops that are not wanted for immediate service for that vast northwest region. It is with diffidence that I give an opinion upon a military matter, because there are older and wiser heads than mine; but I have an opinion on the subject, and I am as firmly fixed in that opinion as General Scott or any other military officer could be. I may be all wrong, but that is my opinion nevertheless.

Question 518. I understand from your statement that you contemplated becoming a bidder, in whole or in part, for this property which was sold in June, 1857. Did you examine the property with a view of purchasing it?

Answer. I would refer to the statement already made in my little narrative for answer to the question.

Question 519. Did you make an examination in June for the purpose of purchasing the property in whole or in part?

Answer. Since 1848 I had been from one to four times a year in that region. I had, from the fact of my living in the west, and having rather a mania for land, examined that reservation always when I was up there. I know the country there almost as well as I did from my dwelling house to the post office in my town. When I wrote the Secretary of War, I wrote after having maturely reflected on the subject, and I say there what I believe. I would have been willing to have gone to the extent of the money I could raise in buying that property at the price which I stated in my letter. I would have sold property at cash prices, to be appraised by disinterested persons, to have raised the money to have purchased the property at four times the rate at which it was sold—that is, at four times \$11 per acre, for which I have been informed it sold; for I will say to the committee that I do not know to-day the price the property was sold for. I know what I have heard, but I did not feel like addressing a letter to the Secretary of War after I had informed him that, if no one else did, I should bring the matter before Congress.

Question 520. The property sold for \$90,000. Do you mean that you would have been willing to have paid four times that amount?

Answer. Yes, sir; I would have gone to the "extent of my pile," to use a western phrase, to have purchased it at four times \$90,000. If it is not travelling out of the record, I will say to the committee, as sincerely as I ever made a remark in my life, that I think I could have sold that property last spring, if, when the act passed last March, I had been commissioned, with one or two other good, discreet, sensible men; we could have cut up the property, and sold it for half a million dollars, making the last payment within the time I am informed the

last payment is to be made by the present purchasers; for I have understood that the contract was to pay one-third down, one-third in one year, and one-third in two years.

Question 521. Do you mean that you would have sold the property at public sale at that price?

Answer. I would have laid it out in lots, and have sold in ten acre lots, in acre lots, or in quarter acre lots—precisely as the gentlemen who have purchased it intend, I suppose, to sell it.

Question 522. Would you then have sold it at private sale?

Answer. No, sir; at public sale.

Question 523. Do you know any instances, in the history of the government, where public lands which have been sold at public auction have commanded as high prices as the Fort Snelling reservation brought?

Witness. My answer would not, perhaps, be testimony. I could tell you what I have been informed by a distinguished military officer.

Mr. Faulkner. We do not want hearsay statements.

Answer. Then I would refer to the sale of Fort Dearborn. You will there find an instance of a sale by public bids in writing, of a reservation, for far higher prices than this has brought.

Question 524. Is it not usual in the western country, when sales of the public lands take place by public sale, for combinations to be formed for the purpose of preventing the government lands from bringing their full value?

Answer. I am not conversant with the sale of any military reservations, except some outside reservations that, it was thought by the people, were far more extensive than the wants of the government would require. And of these reservations, the only one I know particularly about was the first cut off from the reservation at Fort Snelling. That was set back to the Land Department and sold by the land officers. If you ask me in reference to the sales of public lands in the west generally, by the Land Department, I answer that they have seldom brought more than a dollar and a quarter per acre. I am not conversant with the sales of any reservations by the War Department, except the case before alluded to.

Question 525. How will that portion of the Fort Snelling reservation, sold under the act of 1852, compare in value or quality with that sold in 1857?

Answer. The quality of the land might not be very different as a whole. The government had no improvements on the one tract, while they had extensive improvements on the other. Then, in the one case, the land was sold by the Land Office, under which all precedent has been, heretofore, to sell at the government price, and the lands on that portion of the reserve had, at the time of sale, I think, as many as two settlers to every quarter section.

Question 526. Do you know anything of the history of the legislation under which the first part of that reserve, I mean the act of 1852, was sold; how that legislation was obtained?

Answer. My recollection is not distinct at all. I know there was a long controversy or long struggle about it, ending in the reserve

being reduced, and the part cut off placed under the disposition of the Land Office. It was thought by the settlers, and by the delegate in Congress then, Mr. Sibley, to be subject to pre-emption, and he so contended, until the Land Department decided against it; after which, there was a special act passed, authorizing it to be settled by pre-emption. My opinion is, that it was nearly all entered by pre-emption under this special act of Congress.

Question 527. Do you refer to the act of 1852?

Answer. I think it was a subsequent act?

Question 528. Were there no government buildings upon that portion of the reservation; no sites for cities?

Answer. It is as beautiful a tract of country as I ever saw, I think. You could build a city there as large as London, so far as that matter is concerned.

Question 529. Is there no town now upon it?

Answer. Yes, sir; Minneapolis, a large town.

Question 530. Do you say that there was a special act of Congress obtained for the purpose of subjecting that portion of the reservation to pre-emption?

Answer. That is my recollection. My idea is, that the reserve was reduced in 1852, and that at a subsequent time, 1853 or 1854, there was an act passed authorizing the pre-emption on the lands.

Question 531. I asked whether there were any government buildings or property of any description upon the lands?

Answer. Upon the original building of the fort they erected a saw mill, a house, and a small establishment for cracking corn for the horses. They are now old. The saw mill and a part of the stone mill have fallen down. The buildings are in a state of dilapidation and decay. The old house is really not inhabitable. There had been for some little time persons living in the house, but my impression is, that they had, in order to make it tenantable, to expend as much money as it would have cost to build a cabin to live in. I should not suppose that the buildings are worth clearing off.

Question 532. Who became the purchaser of that portion of the property?

Answer. Anson Northrup and Mr. Charles Russel, I think, entered, by pre-emption, the property upon which was the mill and the improvements I have mentioned. The improvements were mostly upon that entered by Mr. Russel.

Question 533. Did any portion of that reserve sell for more than a dollar and a quarter an acre?

Answer. I think it was entered by pre-emption, and of course at \$1 25 an acre.

Question 534. Did you become a purchaser of any portion of it?

Answer. I became a purchaser of some of it by second-hand sale from the pre-emptors.

Question 535, (by the chairman.) What price did you pay?

Answer. My recollection is, that the property I bought cost me more than one hundred dollars an acre.

Question 536, (by the chairman.) How much did you own there?

Answer. I cannot exactly tell ; I have bought a great deal second-handed ; the property was laid out in town lots, and I bought lots ; my early purchases were small.

Question 537, (by the chairman.) What town was that ?

Answer. Minneapolis.

Question 538, (by Mr. Faulkner.) Did you meet with Major Eastman and Mr. Heiskell there ?

Answer. No, sir ; I might have been introduced to Major Eastman when I was in Congress before ; but I do not know him, nor do I know Mr. Heiskell ; I knew a Mr. Heiskell who was in the medical department, under General Lawson.

Examination by the Chairman.

Question 539. Did you meet Dr. Graham or John C. Mather ?

Answer. I think I was introduced to Dr. Graham at the Fuller House, in St. Paul ; I met a number of Virginia men there ; I think I met him but once ; there was, among the gentlemen from Virginia, a lame man, whom I had seen in Mr. Smith's law office, in Alexandria ; I met him once or twice after ; I should not know Dr. Graham.

Question 540. Did you know Steele ?

Answer. I don't know anybody else.

Question 541. Did you have any conversation with Steele after you reached the Territory, in April, in regard to the sale of the property ?

Answer. No, sir.

Question 542. Did you know or hear of any combinations existing at Minneapolis in regard to this military reservation, which would have prevented that property from selling at a fair price if sold at public auction ?

Answer. I never heard of anything approaching a combination, nor of any efforts made to affect that sale ; and I am bound to say that I did not believe at the time, nor do I now believe, that there would have been any difficulty in selling that property so as to have had it come into market at its full value. I asked a partner of Mr. Steele, in regard to the sale and when it was to take place ; and, I may frankly say, I believe he knew of the sale, but that he felt that I had asked a question which was impertinent and improper, and, therefore, that he was justified in giving me such an answer as he saw fit ; and he answered that he did not know anything about it.

Question 543. If I understand you ; you were upon inquiry, while in that Territory, as to this sale, when and where, and how it was to be made ?

Answer. Yes, sir.

Question 544. And that you did not learn that the sale had been made certainly, until you returned to Washington city, in July ?

Answer. No, sir ; as I said before, I inquired of the clerk in the office here, and I left his office believing that the clerk was mistaken in what he told me.

Question 545. Were there, or not, a number of individuals there at Minneapolis desirous of purchasing portions of this reservation ?

Answer. I presume there were. When I speak of there being numbers wanting to buy, I allude to settlers there, and not to persons from abroad.

Question 546. Was, or not, the probable sale of this property a matter of general conversation in all circles at Fort Snelling, Minneapolis, &c.?

Answer. There was a great deal said in reference to the sale; and, as I reported to the Secretary, there were many persons who wanted to buy many portions of this reserve.

Question 547. Were you giving it as your opinion that this property at this time, taking the condition of the country into consideration, was worth more than was paid for it?

Answer. I think the government had better pay back to the parties that made the purchase the sum they paid down, (\$30,000,) and give them all the land but the 1,000 acres and the improvements thereon.

Question 548. What are those improvements worth?

Answer. I do not like to give an opinion, because it is not easy to ascertain what the government have expended.

Question 549. Are they valuable for any other than military purposes?

Answer. If the government were going to do anything for the northwest to make a second West Point, it is the best point in the whole country. Taking that into consideration, it would be a very politic movement in the government to give it to the State of Minnesota, on condition that they should keep it up as a military college or school, where mathematics, engineering, and such other branches should be taught as are usually taught in colleges.

Question 550, (by Mr. Faulkner.) I understand you to say that you contemplated becoming, in company with others, a probable purchaser of this entire reservation?

Answer. I did not intend to convey that idea.

Question 551, (by Mr. Faulkner.) Had you at that time formed in your own mind, or did you express prior to the sale, what you would have been willing to give for the entire reservation?

Answer. I never talked with any person, and never proposed to any person to join me in the purchase of that property; I never had any arrangement in any shape, manner, or form, with any person to purchase any portion of that property. I had made up my mind that when the property was sold I would be present, and, if it went at a fair price, that I might buy portions.

Question 552, (by Mr. Faulkner.) Did you express any opinion, prior to the sale, as to what you would be willing to give for the entire property, if you had the opportunity to buy?

Answer. I do not think I ever did. I do not think any one ever asked me what I thought the value of the property was.

Examination by Mr. Pettit.

Question 553. Was it on the first or second day of July last that you called at the War Office in regard to the sale of Fort Snelling?

Answer. I called on both of those days.

Question 554. What was your particular conversation on both of those occasions on that subject?

Answer. I cannot say whether I saw the clerk on the first or the second of July. But the day on which I did see him I told him that I wanted to learn in regard to the sale of Fort Snelling. The clerk told me emphatically that it had been sold. I argued the point with him some time, and told him I thought he must mean the reserve at Prairie du Chien. He said, "No." He seemed to be positive. I then went away thinking he was mistaken. I wrote a letter to the Secretary on the second, and I remained in the city some days expecting a reply to my letter, but did not get it.

Question 555. If the conversation you allude to was on the second day of July, at what hour of the day was it; and in that conversation was any mention made to you that the War Department had confirmed the sale upon that very day?

Answer. On the first day I went there at two o'clock. I was then too late. For that reason I called the next day earlier—between eleven and one o'clock; I suppose it was before twelve o'clock, but I will not state positively. There was nothing said about a confirmation of the sale. The remark of the clerk was that the sale had been made.

Question 556. You may state if you are known to the chief clerk?

Answer. I did not, perhaps, introduce myself to him, but I supposed he knew me because I alluded to my letter to the department. Nothing was said that led me to doubt that he knew me.

Question 557. Frequent allusion has been made to combinations of purchasers to prevent a fair public sale. Taking into consideration all the circumstances, the population and riches of the towns surrounding Fort Snelling, the number of speculators and other purchasers of land in that part of the Territory, and the kind of property to be sold, do you believe that a successful combination of that kind was possible so as to prevent fair competition, and the realizing of a fair price? Is not the theory of successful combination against the government at a land sale that it embraces so many parties as to leave out all competition? Could a combination be made better for success than where the sale is concealed from all except a particular set of bidders, thus leaving them to make their own terms?

Answer. There would be no difficulty in making a sale in such a manner as to prevent any combination to the prejudice of the interests of the government. Combinations are frequently made at land sales by actual settlers to shut out speculators. That is done by power—by an organization that obtains to a considerable extent at the west, but they grow out of circumstances entirely different from the sale of a reservation. In this particular case, I have no idea that a combination could have been made to prevent the property bringing a fair price. At ordinary land sales, where parties have gone in and settled the country, they frequently make combinations to prevent speculators coming in and taking their claims from them. To the last question, I should say that would prevent competition entirely.

Question 558. What is your opinion of the value of Fort Snelling now as a town site?

Answer. I think it is valuable prospectively. If you were to sell it now, in the present state of the country, there is no telling what it would bring. The beauty of the site makes it valuable and desirable.

Examination by Mr. Morrill.

Question 559. From all you know in regard to the sale, do you know of anything that looks like fraud upon the part of the seller or purchaser?

Answer. I do not, myself, know anything of fraud committed by anybody.

Question 560. If the sale, in your judgment, is not void for fraud, do you think it voidable?

Answer. I think it is voidable.

Question 561. What are your reasons for that opinion?

Answer. That the agents transcended the powers given them, and acted in violation of the public interests; that they did not take the proper steps they should have taken to ascertain whether the property was longer wanted by the government. Major Eastman being a military man, and he having been stationed at that point, the Secretary of War might suppose that he was competent to judge whether the fort was longer wanted.

FRIDAY, JANUARY 29, 1858.

Examination of Hon. R. SMITH resumed.

Examination by Mr. Faulkner.

Question 562. Can you inform us whether prior to 1852 there were any settlers upon that part of the reservation at Fort Snelling which was sold in 1855?

Answer. I think there were settlers on it. Colonel Stephens, I think, came there prior to that time, but I could not state definitely. I think there were other settlers there prior to the act of 1852, by the permission of the War Department. I have no recollection or knowledge of any settlers there prior to that act except by permission of the War Department.

Question 563. Have you any knowledge of the circumstances which induced the passage of the act of the 2d March, 1855?

Answer. I think I was in Washington at the time the act passed. All the friends of Minnesota, I think, were in favor of the passage of that act as a simple act of justice to the parties who had made valuable improvements on the land, supposing it subject to pre-emption under the act of 1852.

Question 564. Was there any authority to settle upon that land

under the act of 1852, and could they in so short a time have erected any valuable improvements upon it?

Witness. Between 1852 and 1855?

Mr. Faulkner. Yes, sir.

Answer. Yes, sir; they could have made a good many valuable improvements in that time.

Question 565. Are you acquainted with the fact that any valuable improvements were made by parties on that reservation between 1852 and 1855?

Answer. I could not give particulars. There were a good many improvements made within that time, and some of them I think were valuable.

Question 566. Has there been any marked depreciation in that portion of the Fort Snelling reserve sold under the act of 1857, since its sale?

Answer. I would suppose the depreciation would be such as would be general in consequence of the pressure in the money market. It would be felt more severely, and would affect real estate more in that region than in the older portion of the country. There was no money, comparatively, in the Territory when I left there, in October.

Question 567. If exposed to public sale now, what do you suppose the tract would bring?

Answer. I would not feel that my opinion upon that subject was really worth anything. In this inclement season of the year there is no money there to buy it, and it is not a season for people to go there; and I think it is questionable whether you could get purchasers there to buy it. I have no doubt that when the panic has subsided, and business resumes its usual course, the property would sell at as high a price as it would have sold for at the time of the purchase.

Question 568. For as much as it did sell for, do you mean?

Answer. No, sir; for as much as it could have been sold for at that time.

Question 569. Would you be willing to give as much for that property now as you mentioned the other day you would have given for it when it was sold in 1857?

Answer. I would. If I had the money I would buy the property now, and would have done so any time from the period when I wrote to the Secretary of War. I would now be willing to sell property at a fair price in Illinois, and invest upon the terms mentioned in my letter to the Secretary of War.

Examination by Mr. Morrill.

Question 570. What was the usual rate of interest out there last summer?

Answer. I should think the average was from two to three per cent. a month. I think it would average, during the summer, thirty per cent. per annum.

Question 571. Would you regard that as a fair rate for a term of years—say for one, two or three years?

Answer. I think there were men there who would have been glad to take up all the money they could get at that rate, and who would have considered it a privilege to have had the money for a term of years.

Question 572. Then you would regard the purchase of the Fort Snelling property, on a credit of one and two years for two-thirds the purchase money, without interest, as a very considerable advantage?

Answer. As a matter of course it would be an advantage.

Question 573. How much more would you have been willing to pay for the property on those terms, than if you were compelled to pay cash down?

Answer. When I wrote to the Secretary of War I did not contemplate in any payment that might be made the value of money at thirty per cent. The ordinary rate of interest in purchasing property on credit is twelve per cent.

Question 574. Can you fix upon any sum that would, in your opinion, have been a fair difference between a time purchase, such as was conceded by the agents of the government in this instance, and a purchase for cash?

Answer. I think a person might very well have afforded to pay twenty per cent. interest for money, and gone in and purchased on time. I speak of it as a general rule, to apply to this case as well as others.

Question 575, (by Mr. Pettit.) You addressed a first note to the Secretary of War, asking for information. Did you ever receive any answer to that note?

Answer. No, sir.

General THOMAS S. JESUP, sworn.

Examination by Mr. Faulkner.

Question 576. Will you state to the committee how far, in your opinion, the sale of the Fort Snelling reservation was a judicious exercise of discretion upon the part of the Secretary of War?

Answer. I should dislike to comment upon the act of my superior, who had a right to act under the law. I differed in opinion with him as to the propriety of the sale, and perhaps my opinions would be best shown by referring to a report made by me on the subject to his predecessor and to that made to himself. The Secretary, as I understood it, had the right to act under the law, and my rule is always to express my opinion freely until my superior has decided, and then to carry out his decisions, whether the manner of carrying them out is in accordance with my own opinions or not. I myself did think the position necessary for a military depot. But if the committee will receive them, I will place in their hands the reports to which I have alluded.

The witness presented the following papers, which were received by the committee as a part of his testimony:

QUARTERMASTER GENERAL'S OFFICE,
Washington, April 15, 1857.

Report on letter of Hon. H. M. Rice, dated Washington, April 7, 1857, recommending the sale of reservations at Forts Snelling and Ripley, respectfully returned to the Secretary of War.

In regard to the reduction of the reserve and the sale of any part of the site of Fort Snelling, I have the honor to state that the propriety of either will depend upon the military policy adopted by the administration. If the troops are to be kept as much as possible concentrated at central points where they can be cheaply supplied when not in the field, there is no place near the northern frontier so suitable as Fort Snelling. Troops can have their winter quarters there, and when operations become necessary can be thrown forward with all necessary supplies, and in numbers to insure the best moral as well as physical effect. To an Indian enemy our troops should never be shown except in imposing number. If this policy is to be adopted, and it is certainly the true policy, not a foot of the site of Fort Snelling can be spared without weakening the defence of the frontier. If, however, a different policy is to prevail, and the troops are to be thrown out along the extreme frontier, separated in small detachments, then a quarter section of land, with the buildings and the control of the ferries on the public lands, will be sufficient for a mere depot of supplies. But the persons alluded to by Mr. Rice have no claim to any part of the site; that site derives its present value from the expenditures of the government and the labors of the troops. Suttlers and ferrymen who have settled around the post did so for their own advantage, and ought not to have any preference over others. If the site be divided and sold, it would be unjust to the whole country to give them advantage over other citizens. If any one class should have a preference over other classes, it should be the private soldiers, whose labors first gave value to the place, or their descendants.

THOMAS S. JESUP,
Quartermaster General.

Hon. JOHN B. FLOYD,
Secretary of War, Washington.

QUARTERMASTER GENERAL'S OFFICE.
Washington, May 3, 1856.

Endorsement on letter of Hon. H. M. Rice, dated Washington, April 24, 1856, enclosing propositions for the purchase of the reserve at Fort Snelling, and letter of Franklin Steele, (two enclosures,) referred by the Hon. Secretary of War, April 24, 1856, respectfully returned to the Secretary of War.

"The offer made for the lands at Fort Snelling is far below their value; but it is more than they would probably bring at public sale, banded together as the speculators are reported to be in the north-west for the purpose of obtaining all public property at less than its value.

"The site is no longer of any value as a position for defence. Its only value now is as a depot of supplies for the frontier posts in advance of it. If the lands be sold, the fort, wharf, and the ground between the fort and the water, with about one hundred and fifty acres, should be retained for public use, not temporarily, but in fee. I have been informed to-day that a higher bid may be expected.

"THOS. S. JESUP,
"Quartermaster General.

"Hon. JEFFERSON DAVIS,
"Secretary of War, Washington."

Question 577. Are you able to recollect the price offered by Rice and Steele in 1856?

Answer. I am not. I have the evidence in my office. I think it was as much as \$70,000. I am not certain, but I think it was as much as that.

Question 578. What would be the cost to the government of keeping up Fort Snelling as a military depot?

Answer. It would amount to some thousands a year. It is impossible, in the multitude of details I have, to keep them all in memory. I have always the documents to refer to. It is a very good position for a military depot, and I think one should be kept up there. But I could not come within some thousands of the cost. The storehouses and stables are erected, and to keep up a depot would require a large amount of stores on hand, as well as horses, oxen, and carriages for transportation.

Question 579. What would be the special advantage to the government of keeping that position up as a military depot at the cost of the government, in preference to obtaining transportation from St. Paul or the other towns near, for Forts Ridgley and Ripley?

Answer. So far as the transshipment of supplies is concerned, it would be a matter of no consequence whether one point or the other were selected, they are so near each other, except that the government has already established a depot there, and it would have to obtain storage at the other place. I do not consider that there is any advantages in one place over the other, except that we have already storehouses at Fort Snelling.

Question 580. What has been the practice of the government in reference to the transportation for the troops up the Missouri river? Do you rely upon the military depot at Jefferson barracks, or do you obtain your transportation from St. Louis?

Answer. We rely upon St. Louis entirely, where we have large storehouses, where a quartermaster is stationed, and where we keep a large number of employes, at a heavy expense; where we keep storehouses we have to pay the same expense that merchants would.

St. Louis being a point where we can get ready transportation by steamboats, is preferable to Jefferson barracks, which point is now very difficult of approach, in consequence of bars in the river.

Question 581. If Fort Ripley should be discontinued as a military station, would it diminish, in any respect, the necessity of a military depot at Fort Snelling?

Answer. That would depend on whether other posts were established further up. The stores we have to send to Fort Ripley and Fort Ridgley we might send from St. Paul, but very often the outposts have to depend upon the interior depots upon a sudden emergency. Very frequently there are sudden calls for detachments at points on the frontier, and it is therefore necessary to have a depot somewhere, without having to send quartermasters down far into the interior. But, as I have stated in one of my reports, the importance of that point as a military depot would depend entirely upon the policy of the government, of which I am not informed.

Question 582. Will you explain what you mean by the policy of the government?

Answer. If you keep up a post there, and keep troops and supplies in reserve ready to be thrown upon any point where it would be necessary, you have the storehouses already built at Fort Snelling, and you have not provided them at St. Paul.

Question 583. Is it then your opinion that if the same buildings were at Fort Ridgley, the depot at Fort Snelling could be altogether dispensed with?

Answer. No, sir. Fort Ridgley has to be supplied a great portion of the year from St. Paul or Fort Snelling. Fort Ridgley is above navigation a great portion of the year. The head of navigation is practically at Fort Snelling, or St. Paul, and the site was originally selected by Mr. Monroe because it was considered as the head of navigation. There are certain seasons of the year, however, when you can use water transportation as high up as Fort Ridgely, but not at all seasons; and therefore it is a matter of importance, in a military point of view, that there should be a depot at Fort Snelling or St. Paul.

Question 584. Which would be the most economical, for the government to keep up a constant establishment at Fort Snelling, or resort in an emergency, when the country required it, to the use of such buildings as could be obtained at St. Paul?

Answer. I suppose there would be very little difference in the expense if we throw supplies forward only temporarily; but if we keep a permanent depot the expense would be constant at St. Paul for the rent of buildings, while we should have nothing but the repairs of the buildings at the other place. To supply the points on the frontier you would have to keep up on hand a constant supply of wagons, mules, and oxen, and it is much less expensive to have a place to keep them in belonging to the public than to have to be dependent, whenever we have occasion to use them, either on those we may hire, or else depend on such conveyances as we can get. I think if the policy is settled that we are not to keep anything there,

the sooner we get clear of our property there the better. But I would have preferred to hold the property if we are to keep a depot there. Much of the value of a depot at that point has been removed by the rapid settlement on the frontier. The settlements on the frontiers are nearly able to protect themselves, and in this point of view the post is not nearly so valuable as it was ten years ago.

Question 585. Can you state what number of troops have, within the last two years, been stationed at Fort Snelling?

Answer. I cannot, because I always have the documents to which I can refer. I never impress my memory with the number of men we have at a particular point for that reason. If I had supposed such an examination would have been made, I would have been prepared for it. I can furnish the documents in detail if the committee wish it.

Examination by Mr. Pettit.

Question 586. What other position of the northwest has equal advantages with Fort Snelling for the purpose of a military depot for the use of troops operating to protect the frontier north and west of it?

Answer. I do not know of any other. It was selected originally on account of its favorable location. I may be wedded to the position because it was selected originally upon my own report. I was a very young man then. It was selected by Mr. Calhoun upon my own report. It is proper that the committee should understand this fact, because it may have had some influence in the conclusions to which I have come.

Question 587. It was selected on account of its superior advantages?

Answer. Yes, sir.

Question 588. How large is the frontier to be protected from this point?

Answer. The whole of the Minnesota frontier north and west.

Question 589. Giving up Fort Snelling, I understand you to say, will require other means and another place of deposit for stores. If required to be done by storing with merchants or other private parties, how would this compare economically with maintaining Fort Snelling for this purpose?

Answer. I should suppose it would cost more to do it privately. You would have to keep storehouses constantly rented.

Question 590. How would they compare for certainty and celerity of military operations?

Answer. There would be no difference in the celerity, because officers are responsible for the celerity of their movements. It may be at a greater cost, but there would be no difference in the celerity.

Question 591. You could accomplish your objects as well one way as the other?

Answer. Yes, sir. As I said, it might cost a little more, but if an officer was fit for his place he would allow no difference in respect to celerity.

Question 592. By reason of the Falls of St. Anthony being near by, is not the neighborhood of Fort Snelling a necessary place of transshipment of stores for the Mississippi above it?

Answer. At almost all seasons of the year it is. At some seasons we can obtain water transportation up the Minnesota or St. Peter's river to Fort Ridgley.

Question 593. How, at the same time, could stores be transported up the Mississippi?

Answer. We could not send them up the Mississippi without transshipment. We might transship them and send them up in small steamers above the Falls; but to avoid the difficulty of several times transshipping them, we generally send them by teams—I believe by ox-teams. The only post we have above on that side is Fort Ripley, and I believe that is oftener supplied by land than by water.

Question 594. From the considerations you have named, is not a depot in the neighborhood of Fort Snelling therefore necessary?

Answer. I have always considered one necessary, either one belonging to the public or hired; I mean a depot of supplies.

Question 595. What is the purpose of maintaining a military force there?

Answer. It is simply to defend the frontiers of Minnesota from Indian attacks and Indian outrages. It is perhaps just to add that the value of the post has been greatly diminished by the removal of the Indians westward, and by the increase of the settlers in that portion of the country.

Question 596. The government has not yet acquired from the Indians the lands in the western portion of the Territory?

Answer. I think not. That can, however, be very readily ascertained from documents at the hands of the committee.

Question 597, (by Mr. Morrill.) Do you think the population around Fort Snelling is sufficient to enable the officers of the army to make their movements, by employing such means as the people can afford them, with the same celerity as if the means were within the control of the government?

Answer. I do not know that they would. I have, however, heretofore found no difficulty, when expeditions have been sent up the Red river, in obtaining the means of transportation and supplies. I do not know that we could make them with the same celerity, but I think there would be but little difference.

Question 598, (by Mr. Morris.) Is it your opinion that the men and munitions of war could be transported to points where they may be required as cheaply if you depended upon individuals living in that country as if the government should provide the means themselves?

Answer. I think it could be, perhaps, as cheaply, but not as certainly.

Question 599, (by Mr. Morris.) Why, then, if it can be done as cheaply, has the government provided means for transporting its men and munitions of war?

Answer. As I have said, I think we can act with more certainty by providing the means ourselves. As to the expense, we are now try-

ing the experiment, but I am not yet prepared to state definitely, which would be the most economical for the government. I, perhaps, ought to state that Mr. Steele has made an offer to transport supplies for the troops at half what it has cost the government heretofore, and I mean to hold him to his offer.

WEDNESDAY, FEBRUARY 3, 1858.

JOHN C. MATHER SWORN :

Examination by the chairman.

Question 600. Have you any knowledge of the facts and circumstances attending the recent sale of the military reserve at Fort Snelling?

Answer. I have.

Question 601. Please state to the committee all the facts and circumstances within your knowledge connected with said sale?

Answer. The property was purchased by Mr. Steele of the commissioners or agents appointed by the government, Major Eastman and Mr. Heiskell. The owners of that property are Franklin Steele, Archibald Graham, Richard Schell and myself. Mr. Steele owns one-third, Dr. Graham, Mr. Schell and myself the balance.

Question 602. Had the commissioners of the government any knowledge that the parties mentioned by you, other than Mr. Steele, were to be interested in the purchase of that property?

Answer. I am not aware that they had.

Question 603. Had you any interview with any of the commissioners to sell that property, touching that subject, prior to the sale?

Answer. I do not think I ever had a word with them upon the subject of the sale; I was at Fort Snelling a few days, I think, after the sale was consummated.

Question 604. Were you in that neighborhood prior to the sale?

Answer. I had passed through there on my way to Fort Ripley.

Question 605. Was the fact that the sale had been made known at the time you were at Fort Snelling, after the sale had been consummated?

Answer. I do not know, but I suppose so.

Question 606. The price paid for that property was \$90,000. What did you and those who were interested with you regard it as worth at the time the purchase was made?

Answer. I thought it ought to be purchased for \$75,000; but I left the matter with Mr. Steele, who had been upon the property for a great many years, and in whose judgment I had full confidence.

Question 607. Was there any understanding or agreement, expressed or implied, by which other parties were to be interested in that purchase, besides those mentioned by you?

Answer. At the time we made the purchase, or Mr. Steele made the

purchase, I intended to offer to other parties in New York an interest, as I did not like to shoulder so large a part of it, at least if I found it inconvenient to do so ; but I changed my mind. Messrs. Steele, Graham, Schell and myself are the sole owners ; no other parties are directly or indirectly interested in it, to my knowledge, by previous understanding or subsequent arrangement. I told Dr. Graham, in Minnesota, that I thought we should interest other parties.

Question 608. Were there or not a number of persons at Fort Snelling desirous of purchasing this property ?

Answer. I do not know of my own knowledge.

Question 609. If that property had been sold publicly, after advertisement, would it or not, in your judgment, have brought a much larger sum than you paid for it ?

Answer. I think it would not have brought one-half what we paid for it.

Question 610. If it had been cut up, for instance, into forty acre lots and sold publicly, what, in your judgment, would it have brought ?

Answer. I think a portion of it would have brought more per acre than we paid for it, but a much larger portion would have brought less.

Examination by Mr. Morris.

Question 611. What do you regard that property as worth at the present time ?

Answer. I do not think it would bring near what we paid for it.

Question 612. Would you be willing to surrender it to the government and take the money you have paid, with interest, and cancel the contract ?

Answer. I would not.

Question 613. Would you be willing to take from outside parties what you paid for it ?

Answer. I would not.

Question 614. How much in addition would you ask ?

Answer. I do not know ; I have never thought the subject over. I bought it for a permanent investment.

Question 615. Then you have not fixed in your judgment what you would be willing to take for it ?

Answer. I have not.

Question 616. You are, however, satisfied that you paid for the property more than it is worth ?

Answer. I am not. I am satisfied that we paid for the property more than it is worth now, but think that in a few years it will pay us very well. It will, however, require a great deal of money to be expended.

Question 617. Had you an understanding with Mr. Steele, before he made the purchase, that you were to be interested ?

Answer. Yes, sir.

Question 618. When had you that understanding ?

Answer. After I arrived there.

Question 619. Had you any understanding with anybody before you left here?

Answer. I think I had some talk with Dr. Graham before I left here. He was desirous of making some investments west, as I was.

Question 620. Where did you meet him and have that interview?

Answer. I think it was at Brown's hotel, in this city.

Question 621. Was it by accident or by appointment?

Answer. It was not by appointment, as I had never met him before, I think.

Question 622. Had you any knowledge before you left here for Minnesota that the Secretary of War was going to order the property to be sold?

Answer. I understood that there were some military sites to be sold.

Question 623. How did you learn that?

Answer. I think I saw it in the laws sent to me, among which was one authorizing the sale of these reservations.

Question 624. Was that all the knowledge you had of it?

Answer. I think Richard Schell and myself had the information. I cannot say whether we obtained the information solely through the law or not. But he was the only man that talked with me about it.

Question 625. Did you come to Washington city, at that time, for the purpose of getting information as to whether these reservations were to be sold?

Answer. I did not.

Question 626. I wish you would particularly inform the committee of all the information you had that the property was to be sold, previous to your leaving for Minnesota?

Answer. I have given you all the information I had.

Question 627. You knew, then, that the reservation was to be sold, only from the law and the conversation you had with Richard Schell upon the subject? Where did you have that conversation with Mr. Schell?

Answer. In New York city.

Question 628. You understood from Richard Schell, in New York city, previous to coming to Washington, that this property was to be sold?

Answer. I learned that the department were going to sell this and other tracts.

Question 629. Were you at the War Department while you were here?

Answer. I was, once or twice.

Question 630. Did you have any conversation with the Secretary of War in regard to this matter?

Answer. I did not, previous to the sale; at least, I have no recollection of any such conversation. I called once or twice, but the Secretary was very busy and I said nothing to him upon the subject.

Question 631. You say that the knowledge of the law authorizing the sale, and the conversation you had with Mr. Schell, in New York,

before you came to Washington, was all the information you possessed that this property was to be sold?

Answer. I think so.

Question 632. Did you go to Minnesota upon public or private business?

Answer. I was appointed government agent to make an examination of the Fort Ripley property.

Question 633. State whether or not you were authorized by the Secretary of War, at the time you went to Minnesota, as referred to, to sell Fort Ripley and Fort Armstrong, in Illinois?

Answer. I was not.

Question 634. Did you ever state to any person that you were so authorized?

Answer. I never did. I never heard of it. My instructions gave me no such power.

Question 635. What were your instructions from the Secretary of War?

Answer. To make an examination of the claims of parties who claimed pre-emption rights on the Fort Ripley reservation, and report my views in regard to the matter, as to whether any persons were entitled to any consideration at the hands of the government or not, with a view to the final selling of the balance of the reservation, if the claims proved good and valid.

Question 636. Was Fort Ripley alone included in your instructions?

Answer. Yes, sir.

Question 637. Did you ever make that report?

Answer. I did make a report in writing.

Question 639. In what manner was the interview between you and the Secretary of War brought about, in regard to your being commissioned to sell Fort Ripley, and to examine whether it was proper to sell a part of it?

Answer. I do not know that I ever had any interview with him upon the subject.

Question 640. Did he write to you to come here and go there?

Answer. I do not know how I first obtained the information that I was appointed.

Question 641. Did you have a conversation with the Secretary of War when here in regard to Fort Ripley?

Answer. I had a brief conversation; but I had written instructions. He said they would be my guide.

Question 642. Did you see the Secretary but once while you were here?

Answer. I might have seen him more than once. I saw him but a brief space of time, whether I saw him once or twice.

Question 643. Do you know how you happened to be selected?

Answer. I do not.

Question 644. At the time you made this examination of Fort Ripley, to which you refer, as having gone to Minnesota and having made

this arrangement with Mr. Steele to be jointly interested in the purchase of Fort Snelling, where did you fall in with him?

Answer. On my way out to Fort Ripley, I had a conversation with Steele about this property. I met him at St. Paul or Fort Snelling; I do not know which. The conversation was after I got there.

Question 646. Did you receive any compensation from the government for making that examination?

Answer. I received the compensation which was allowed by the instructions, which was \$8 a day.

Question 647. How many days?

Answer. I do not know.

Question 648. Do you remember the aggregate amount received?

Answer. I do not.

Question 649. What passed between you and Dr. Graham, at Brown's hotel, in regard to the sale of Fort Snelling?

Answer. The doctor thought it was a very good location, and a good investment, if it could be purchased upon right terms. He wanted to make some purchases as well as myself in the west.

Question 650. What amount of money did you pay upon that purchase?

Answer. I do not remember exactly; Mr. Steele paid for one-third of it, and Mr. Schell and myself paid the balance; Mr. Schell and myself paid two-thirds; Dr. Graham was to make it right with us.

Question 651. Was Dr. Graham an old acquaintance of yours?

Answer. I have known him a long time by reputation, but I think I never met him before; I might have met him once before, in New York, but I do not recollect.

Question 652. State particularly how this meeting happened at Brown's hotel between you and Dr. Graham.

Answer. I had understood that Dr. Graham was going out to Minnesota with the view of making purchases.

Question 653. Did you hunt him up at the hotel?

Answer. I think I did; I do not remember precisely how the interview took place; we met and had a talk about making investments at the west.

Question 654. Did Dr. Graham go out to Minnesota with you?

Answer. I think not; I think he went ahead of me; we were there very nearly at the same time.

Question 655. Did you call upon Mr. Steele, in regard to that property, after you arrived in Minnesota, or did he come to see you?

Answer. I do not remember which; we met soon after my arrival, and had a conversation in regard to the purchase of the property.

Question 656. You did know, then, before you got there that the property was to be sold?

Answer. Yes, sir.

Question 657. What do you consider that property worth as a permanent investment?

Answer. I think it is worth \$90,000.

Question 658. Is it worth more than that?

Answer. I do not know whether it is or not ; I think it was a good investment at that.

Question 659. You, however, would not be willing to take that ?

Answer. I would not.

Question 660. Would you be willing to take twice that ?

Answer. I cannot say that, for I do not know.

Question 661. Would you be willing to take three times that ?

Answer. Oh, yes, or twice the amount.

Re-examination by the chairman.

Question 662. I understand you to say that that property was a good investment at \$90,000.

Answer. I think so.

Question 663. Do you believe that property could have been sold in any way by the agents of the government so as to have realized, at the time of the sale, more than \$90,000.

Answer. I do not.

Question 664. Give us your reasons for that opinion.

Answer. The sale of Fort Ripley, at public auction, is one reason ; that was sold at four or five cents per acre ; I had conversations with several gentlemen conversant with that property, who told me we paid enough for it ; they were men who had had experience in investments at the west ; several said that they would not have paid what we did.

Question 665. Is the fact, in your judgment, that it is a good point for a town site the reason of your regarding it as a good investment at \$90,000.

Answer. Yes, sir, of course. It is worth no such sum for any other purpose.

Question 666. Will not your company have to expend large sums of money before you can bring your property into market, with the hope of realizing a handsome profit for it ?

Answer. Certainly.

Question 667, (by Mr. Morris.) In what manner would that money have to be expended ?

Answer. Mainly in laying out streets and excavations.

Question 668, (by Mr. Morris.) Are streets and excavations generally made in towns or cities before the town or city is built, or afterwards by the inhabitants ?

Answer. Well, sir, I suppose something of that kind is usually done before the sale of lots. I have not much experience in that line.

Question 669, (by Mr. Morris.) Can you call to your recollection any case where streets have been improved before the city has been built ?

Answer. I have no experience in building up towns. I asked Steele's advice about it, and he told us that we should have to expend several thousand dollars in streets and bridges.

Question 670, (by Mr. Morris.) I suppose, then, if you made those streets and bridges, you would do it with the view of increasing the value of your lots ?

Answer. Certainly.

Question 671, (by Mr. Morris.) Who were those persons you referred to as having conversations with in regard to the price paid for the property?

Answer. Stephen A. Douglas was one. He said we paid enough for it. I had a consultation with Mr. Douglas, a year or two previous, in regard to investments at the west.

Question 672, (by Mr. Morris.) Do you remember any other person?

Answer. I remember a man in St. Paul, whose name I do not now recollect, who was a large owner of real estate there, and two gentlemen in New York city who had been over the ground. They said we paid too much for it. I think the name of one of them was Tuttle. He had been over the entire ground. I know him by reputation as a merchant in New York. He had considerable interest in the west, and had been over this ground. I have talked with several parties, a majority of whom concurred in opinion that we paid fully enough for it. I have given the names of all I remember now.

Question 673, (by Mr. Morrill.) You are a lawyer by profession?

Answer. I am not.

Question 673, (by Mr. Morrill.) Did you draw up the writings signed by the commissioners—the contract of sale?

Answer. Yes, sir. I believe it was changed somewhat afterwards.

Question 675, (by Mr. Morrill.) Did you conceal from Major Eastman and Mr. Heiskell, at the time, that you were one of the purchasers?

Answer. I do not know as there was any concealment about it.

Question 676, (by Mr. Morrill.) Was there any open talk that you or any other party was a purchaser besides Steele?

Answer. I believe that Steele was the only man that had conversations with the commissioners in regard to the purchase.

Question 677, (by Mr. Morrill.) Had you any conversation with Major Eastman or Mr. Heiskell, by which he was informed of the fact that you were a purchaser in part of that property?

Answer. I took no pains to conceal the fact or to make it known. I drew up the writing at the request of Steele, and I believe the commissioners changed it. I do not know whether Major Eastman or Mr. Heiskell knew the fact that I was a part purchaser. I was a stranger to both.

Question 678, (by Mr. Morrill.) Did you or not know that you were violating the law or the usage of the government in stipulating that the purchaser was to have credit upon that sale?

Answer. I did not.

Question 679, (by Mr. Morrill.) What other parties did you propose to admit as partners before you changed your mind?

Answer. I know of but one man I had in mind. I did not desire to assume so much myself. That man was Augustus Schell. I said to him that we had been making a purchase there, and, if he desired, he might have an interest in it, as there was more than we desired to take ourselves. He declined on the ground that he was a government officer.

Re-examination by Mr. Morrill.

Question 680. I understand you to say that one reason why you wanted to take in other parties was, that you did not want to make so large an investment in one locality. Did Augustus Schell assist you to any portion of the funds?

Answer. Not one cent.

Question 681. Are there any other parties who you would consider would have any claim to come in at any future time?

Answer. No living man, unless he buys of us.

Question 682. For what reason did you change your purpose about admitting other parties? Was it in consequence of any hue and cry?

Answer. No, sir.

Question 683. When you were here at Washington did you solicit this appointment from the Secretary of War, or did he seek you out to make an examination of Fort Ripley?

Answer. I never solicited it at all. It was suggested to me by the department that I could have it if I wished it.

Question 684. Was it suggested to you by the Secretary of War?

Answer. It came from the department in some way. I do not know whether it was the Secretary of War who talked with me, or who it was; but it was tendered to me unsolicited.

Question 685. Was this tender made to you subsequently to your having formed the purpose of purchasing Fort Snelling?

Answer. No, sir; previously. I found that I had not the time to attend to it, and I subsequently resigned and another man was appointed. I made a report.

Question 686. Are you to receive anything for your services in relation to the purchase of Fort Snelling?

Answer. No, sir; only what I can make out of the purchase.

Question 687. When you made the purchase, what was the talk between you and Steele, and Dr. Graham, as to the value of Fort Snelling, in round numbers?

Answer. In a conversation with me, I think Dr. Graham valued it at \$100,000.

Question 688. Was that the valuation he put upon it as a buying or as a selling price?

Answer. He thought we should not pay to exceed \$100,000.

Question 689. Since that period western lands have depreciated in value, have they not?

Answer. I suppose so.

Question 690. Was there any talk, at that time, between you, Dr. Graham, and Mr. Steele, that the purchase, if made, would be worth half a million of dollars?

Answer. I think not.

Question 691. Do you know of any combination which would have been made if this sale had not been made in the manner in which it was made?

Answer. Not to my own knowledge. I have been told by persons

living out west that, in all cases of public sales of public lands, there were combinations. There may have been something of the sort in regard to this, but I have no knowledge of any.

Question 692, (by Mr. Morris.) You made the arrangement when you were there with Mr. Steele, by which you, Dr. Graham, Steele, and Richard Schell, were to be the owners of the property?

Answer. Yes, sir.

Question 693, (by Mr. Morris.) You then had formed a combination with them to purchase it?

Answer. Call it what you please.

Question 694, (by Mr. Morris.) What do you call it?

Answer. I have no other answer to make to that question.

Question 695, (by Mr. Morris.) Do you know anything of Dr. Graham's circumstances?

Answer. Only by hearsay.

Question 696, (by Mr. Morris.) Do you know whether he had money enough to invest as largely as his interest in the Fort Snelling reservation would indicate?

Answer. I have understood that he was worth \$50,000.

Question 697, (by the chairman.) Have you in your possession the contract, or a copy of the contract, entered into between you and the other parties associated with you in the purchase?

Answer. I have not. I supposed, when I was subpoenaed, that Dr. Graham had a copy of it, and I did not hunt among my papers for it. I will send it to the committee on my return, if they desire it.

Examination by Mr. Pettit.

Question 698. Please examine the contract between the commissioners of the government and Mr. Steele, transmitted here, and state whether it be the contract written by yourself; and if it differs in any respect, indicate to the committee what differences there are.

Answer, (after examination by witness.) That is the contract, but I should think it was very much changed; I cannot tell the particulars; I do not know that it is materially changed in substance. In the manner of drawing it up it has been changed very much.

Question 699. Is it the same in substance?

Answer. I stated that it was very much modified.

Question 700. But not substantially?

Answer. I am not certain whether these reserves were in it. The agreement was at first, at the request of Mr. Steele, drawn up by myself. It was then modified by the commissioners and signed. I cannot specify precisely in what particulars it was changed.

Question 701. The first draft of the contract was then drawn up by you at the instance of Mr. Steele?

Answer. I think it was. It was not at the request of the commissioners.

Question 702. Did the commissioners at any time request you to prepare an agreement?

Answer. I think Mr. Steele first requested it, but my recollection

is not very distinct upon that point. We were all there together. I do not think they objected to it.

Question 703. After making the purchase, how long did you remain at Fort Snelling?

Answer. I had nothing to do with the purchase at all.

Question 704. How long did you remain at Fort Snelling?

Answer. I think I was there only a few hours.

Question 705. Were you at the same time acting as a commissioner of the government?

Answer. I was returning from making an examination of Fort Ripley, for which I acted under a commission of the government, but in no other capacity.

Question 706. Your residence is in the city of New York?

Answer. Yes, sir.

Question 707. You may state what experience you have had heretofore in making or observing the sales of the public lands.

Answer. I have had no personal experience at all in making sales of public lands except as United States loan commissioner. I believe as such I have sold lands at public sale.

Question 708. What particular knowledge did you have of this Fort Snelling reservation before the purchase was made?

Answer. I had none except what I had heard from individuals who had been over it and seen something of it. I had never been over it to any considerable extent myself.

Question 709. What was your inducement for the purchase of this reserve?

Answer. I had, as I said before, for years wanted to make some purchase at the west. I had no inducement to purchase this more than any other property, except that I thought it was a good investment if I could get it on fair terms.

Question 710. You have stated that you considered \$90,000 a fair price for the property, and that, in your opinion, the government could not have obtained a higher price for it; state, then, why yourself, Mr. Schell, and Mr. Steele had previously made an arrangement to go as high as \$120,000?

Answer. I do not know as we came to any such arrangement. I do not now remember that we did. If we did talk about such an arrangement, it must have included the portion finally taken by Mr. McKenzie. I think we proposed to pay as high as \$100,000 for it if we could not get it for less.

Question 711. Do I understand you that the arrangement between you, Mr. Steele, Mr. Schell, and Dr. Graham was completed before the purchase was made of the commissioners of the government?

Answer. Yes, sir.

Question 712. You may state why your name was not included in the contract?

Answer. I know of no special reasons why Mr. Steele made the arrangements with the commissioners, and it was not thought necessary for our names to be incorporated in the contract.

Question 713. Where were you when your arrangement with Dr. Graham was made?

Answer. I believe in Minnesota.

Question 714. Where was it arranged between you and Dr. Graham that you should jointly acquire an interest in the reserve?

Answer. It was in Minnesota, I think.

Question 715. What authority before that time had you given Dr. Graham to act for you?

Answer. None, that I recollect.

Question 716. When did Mr. Schell become connected with Dr. Graham, yourself, and Mr. Steele?

Answer. On our return from Minnesota to New York.

Question 717. Was this subsequent to the sale?

Answer. Subsequent to the sale.

Question 718. If there was any arrangement with Mr. Schell before that time mention it.

Answer. Mr. Schell had some conversation on the subject before, and had some idea of making an investment, if the terms suited.

Question 719. Before you returned, at the time of which you speak, had Mr. Schell any interest in the reservation?

Answer. He had not; though, I expected, would purchase an interest if the terms were satisfactory.

Question 720. You have referred to the compensation Dr. Graham was to have; what service was he to render for the compensation he was to receive?

Answer. It was for going out on the property, and taking the management of it.

Question 721. What was that compensation?

Answer. I think he was to have \$5,000 a year to take the whole charge of it.

Question 722. You have stated that for other purposes than a town site this reservation would not be worth what you paid for it?

Answer. I do not think it would.

Question 723. Let me ask you if farming lands in that vicinity are not, on the average, worth as much per acre as you paid for that reservation?

Answer. I should think not. A good share of the reservation was poor land. I should never have invested a dollar in that country, at the price we paid, for simply farming lands.

Question 724. What part of the reserve is poor land?

Answer. I could not tell you. A very large portion of it is not good land.

Question 725. Do you speak from personal knowledge?

Answer. I do not. I was only there a very short time. I depended more on Mr. Steele's statements than my own observation.

Question 726. Did you see the instructions of the department in regard to the sale of Fort Snelling before the sale?

Answer. I do not think I did.

Question 727. Did you know what those instructions were?

Answer. I think not. I think I did not know whether they were

to sell at public or private sale. I have heard, either before or since, (I think since,) that there was a limitation in regard to the price.

Question 728. Were you acquainted with any other instructions of the department in regard to the sale, except as regards the price?

Answer. I was not.

Question 729. How, then, at the instance of Mr. Steele, were you able to prepare a draft for the sale of the reserve?

Answer. I did not think that at all necessary. The agreement between Mr. Steele and the commissioners was well understood. Whether they acted by authority or not I do not know. I took it for granted that they must have acted by authority. Mr. Steele suggested that I should put the agreement into writing, which I did, and the commissioners changed to suit themselves.

Question 730. Did you have any conversation with the commissioners before the sale?

Witness. With regard to the price, or anything of that kind?

Mr. Pettit. Yes, sir.

Answer. I do not think I did.

Question 731. If the commissioners were left to pursue their own mode of sale, allow me to ask you what objection there would have been to advertising for proposals for the reserve in small or large parcels? And under these circumstances would you not have been induced to have offered the same price you had agreed on among yourselves before the sale?

Answer. I do not know that it would have made any difference; whether at public or private sale, we should have purchased as low as we could.

Question 732. If called upon for proposals, would you not have offered \$100,000?

Answer. We should have bought as low as we could. I do not think we should have gone beyond \$90,000.

Question 733. Were you not aware that the instructions of the department implied that this reservation was to be sold in small parcels, to accommodate men of small means?

Answer. I was not.

Question 734. What, in your judgment, would the reservation, if it had been sold in that way, have brought?

Answer. If it had been sold at public auction I do not believe it would have brought as much.

Mr. Pettit. I mean at private sale.

Answer. I do not believe it would have brought more.

Question 735. Have you such a knowledge of the surrounding country as would enable you to compare the prices of other property with the Fort Snelling reserve, so as to enable you to say what it is worth as a thing to sell?

Answer. I have very little personal knowledge, because I was there but a short time. I have derived my opinions mostly from those who lived in that portion of country.

Question 736. Your conclusion, then, is from the judgment of others?

Answer. I formed my opinions mostly from hearing what others said.

Re-examination by Mr. Morrill.

Question 737. Were you in this city soon after the sale?

Answer. Soon after the sale I completed my report in reference to Fort Ripley, and came to this city and submitted it to the Secretary of War.

Question 738. Was the contract made by the commissioners brought to the Secretary of War by you?

Answer. It was not.

Question 739. Were you here before it was approved by the Secretary of War?

Answer. It was approved by the President and cabinet. I think I came here before they had acted upon it.

Question 740. Did you have any interviews with the President or any of the cabinet as to its being approved?

Answer. I did not. I do not know but I may have asked the Secretary of War on one occasion whether they had acted upon it.

Question 741. Were any of the other purchasers here prior to its being confirmed?

Answer. Not that I am aware of. I do not know.

Question 742. Were there any communications by you or any of the other purchasers to the department relative to the sale being confirmed?

Answer. Not that I am aware of.

Re-examination by Mr. Morris.

Question 743. Did any person or persons other than those you have mentioned—Mr. Steele, Mr. Schell, Dr. Graham, and yourself—directly or indirectly furnish any part of the money to pay for this purchase?

Answer. No, sir; not one single dollar.

Question 744. Was there any conversation between you and Mr. Steele in reference to an allowance to any person or persons who claimed to have made improvements on the reserve?

Answer. There was a man by the name of McKenzie who laid claim to some land there, and there were some ferry improvements. I had but very little communication in regard to the matter at all; I had very little time, and I left the matter entirely with Mr. Steele and Dr. Graham.

Question 745. You do not know, then, whether anything was to be paid to persons on the reservation or not?

Answer. I believe there was, but I cannot give you the particulars. I had very little conversation on the subject.

Question 746. Do you know who it was to be paid to if anything was to be paid for improvements?

Answer. No, sir.

Question 747. You made some statement as to the value of the lands of the reservation; did you go over it and make an examination of the lands?

Answer. I drove over it in a buggy.

Question 748. Did you make an examination of it?

Answer. Not more than merely to take a look at it.

Question 749. I understand you to say that you fixed the maximum price that you would pay for the reserve; then, in your conversation with Mr. Steele, you agreed to make the purchase at that maximum price if you could not obtain it for less?

Answer. Yes, sir.

Question 750. Now, then, I wish to ask you whether, if the reservation had been sold at public auction, in whole or in parts, it would not have brought as much as \$90,000.

Answer. It would not, in my judgment.

Question 751. Why, then, did not you and Mr. Steele endeavor to have the sale made in that way?

Answer. I do not know. We concluded that anywhere within that sum would not be a bad purchase.

Mr. Morris. You have not answered the question.

Answer. Mr. Steele informed me that the commissioners had made up their minds previously that they would not put it up at public auction. They had understood that if it had been sold at public auction there was a combination existing to purchase it at a less rate, they, therefore, came to the conclusion to sell it at private sale.

Question 752. Did you know whether Mr. Steele made any efforts to have it sold at private sale?

Answer. I do not.

Question 753. Did you make any such efforts?

Answer. I did not make any efforts about it, one way or the other, with the commissioners.

Question 754. Or with Mr. Steele?

Answer. No, sir. I left the matter entirely with Mr. Steele. I made no efforts myself to have it sold at public or private sale.

Question 755, (by Mr. Faulkner.) What position of honor or trust do you, at this time, hold in the State of New York?

Answer. I am a senator.

Question 756, (by Mr. Faulkner.) What public positions of honor or trust have you held for the last several years?

Answer. I have held State offices for three years, and the position of senator.

THURSDAY, FEBRUARY 4, 1858.

J. G. McVEIGH sworn:

Question 757, (by Mr. Morris.) State to the committee what you know of the sale of the Fort Snelling military reservation.

Answer. I doubt whether my opinion upon that matter will be of much importance. I was absent from St. Paul at the time the sale was made; I met Dr. Graham, in Virginia, last summer, and I heard

him speak of the sale having been made ; from what I have learned, and from my own observation, I think the land sold fully up to what it was worth ; I have been upon the land frequently, and know the character of the land, and its advantages of position ; I have been residing in St. Paul about eighteen months ; I have been dealing in real estate most of the time, and have had a fair opportunity of knowing something about the value of lands in that region ; from my knowledge of that land, I think it sold for full as much as it was worth ; in fact, I do not think it will bring that now ; I do not pretend to say that they will not realize a good deal more than they gave for it, but if it was put up now, I doubt whether it would sell for as much as it sold for by the government ; because when lands in such large bodies are sold there is a combination of speculators to put down the price as low as possible ; that was the case in the sale of Fort Ripley.

Question 758, (by Mr. Faulkner.) Is it your opinion, then, upon a view of all the circumstances bearing upon the value of this property, that it was a fair sale, so far as the interest of the government is concerned ?

Answer. I have no doubt about it ; I know nothing to the contrary ; I expressed the opinion, when the sale was first made, that if it was cut up and sold off in tracts of sufficient size for farms, to individuals, it might bring \$25 per acre ; but I doubt that now ; I understand, from persons capable of judging, that that land is not suitable for agricultural purposes.

Examination by Mr. Morrill.

Question 759. You say you have been dealing somewhat in lands out there ; what is the common price of land per acre about St. Paul ?

Answer. I know some lands within six miles of St. Paul that, twelve months ago, could have been bought for six dollars per acre ; lands finely timbered and well adapted to agricultural purposes ; prices, however, vary from five to twenty-five, and one hundred dollars per acre, depending upon the situation and distance from the town.

Question 760. Have you been dealing in farming lands or in town lots ?

Answer. I have been dealing in both ; I have not been dealing much in lands at a distance from St. Paul, but have been out with friends to look at them.

Question 761. Have you been over this Fort Snelling property ?

Answer. Frequently ; I do not hesitate to say that I think that this will be a fine operation to these gentlemen, for the property, or a part of it, will be laid off into a town, and town speculations generally do turn out well ; but it seems to be the general opinion of those who have lived there longer than I have, and who have had a fair opportunity to judge, that the sale was a fair one ; I have frequently heard of much more having been offered for it, but I never could ascertain who ever made such an offer.

Question 762. If this property at the time of the sale had been put

up in small parcels, so that men of small means could have had the opportunity to purchase, would not it have brought more?

Answer. It might have brought more. I thought so at the time, and I am inclined to think so now, though I have heard the opinion expressed that it was not adapted to agricultural purposes, and that the only way to realize from it was to lay it off into a town. Indeed, I do not think it will have any great merit as a town site, from the fact of its being so near other places which already have a large start.

Question 763. You have no doubt that these parties will be able to sell it at a profit by pursuing that course?

Answer. I have no doubt they will sell it profitably.

Question 764, (by Mr. Morris.) You say you met Dr. Graham at Alexandria?

Answer. I did. That was the first I knew anything about the sale. I think that was last July some time. I met him frequently before in St. Paul.

Question 765, (by Mr. Morris.) What conversation took place between you and Dr. Graham at that time?

Answer. I cannot tell. I did not see him more than five minutes. He was at the wharf, just going on board a steamboat to go to New York, on his way to Minnesota. He did not say that to me. He was speaking to my father. I was present and heard the remark to my father.

MONDAY, FEBRUARY 8, 1858.

RICHARD SCHELL sworn :

Question 766, (by the chairman.) Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling? If so, go on and state all you know about it?

Answer. Mr. Franklin Steele, Mr. and Mrs. Richard Schell (myself and wife,) Mr. Mather and Dr. Graham were the purchasers of that property. I understand and believe that they paid \$90,000 for it. That was the understanding of Dr. Graham.

Examination by Mr. Faulkner.

Question 777. State whether the persons named by you are the only persons who, at this time and from the time of the sale, have been interested in that property?

Answer. They are.

Question 778. Do you know of any promise or assurance given to any other person or persons of an interest in that property?

Answer. I asked my brother about taking an interest, and he declined doing so because he was a government officer.

Question 779. State from whence you first derived the information that the Fort Snelling property was in market and for sale?

Answer. I do not distinctly recollect how I came in possession of the facts. I think I saw in a paper, during Pierce's administration, that the fort was to be sold.

Question 780. Had you any conversation with the present Secretary of War upon the subject of the sale of that property, or did you, directly or indirectly, derive from him any information in respect to the sale?

Answer. I never had any conversation with him upon the subject.

Examination by Mr. Pettit.

Question 781. Where, at the time of the sale, were you living?

Answer. In the city and county of New York.

Question 782. Had you ever lived in Minnesota?

Answer. I have never lived there, and I have never been there.

Question 783. What was the inducement to this purchase on your part?

Answer. I am a regular speculator and stock broker in Wall street, and ready to go into any speculation which I think will pay. I would buy this building to-morrow if I thought I could make money out of it.

Question 784. In what manner was your attention directed to the purchase of the Fort Snelling reservation?

Answer. I do not remember.

Question 785. Was it suggested to you, or did you suggest it to others?

Answer. I cannot say, from the simple fact that my conversation about it was general.

Question 786. At what time did you become interested in this purchase, before or after the sale?

Answer. Mr. Mather and Mr. Graham went out there, and I became interested in it when they returned from Minnesota.

Question 787. What interest or expectation in it did you have before the return of Dr. Graham and Mather from Minnesota?

Answer. I expected to go into it just where they meant to place me in it. I did not consider it a matter of any great moment or consequence. Those men did the business, and I was willing to rely upon them.

Question 788. Why did you expect to go into it before they returned if no arrangement had been made between you on the subject?

Answer. If they said it was a good thing I was willing to go into it.

Question 789. At what time, then, was your arrangement to purchase made, before or after your return?

Answer. We had a talk about going into it before they went west, but my arrangement was completed after their return.

Question 780. State the substance of that conversation and where it took place?

Answer. We had several conversations. I think they took place

in New York. The conversations were general in their nature. If they went out there and found it a good thing, I was to go into it and furnish money.

Question 781. Did you agree upon any terms as to the price?

Answer. Yes, sir; that I would not go into it and pay more than \$90,000, from what I heard about it.

Question 782. At what time was this, and who were the parties to this agreement?

Answer. I only talked with Mr. Mather and Dr. Graham about that. I never saw Mr. Steele until after the purchase was made.

Question 783. When and where did you make the acquaintance of Dr. Graham?

Answer. I do not know whether it was in New York or Washington. I met him in various places.

Question 784. What was the occasion of forming his acquaintance?

Answer. No special occasion that I know of.

Question 785. Was it connected with the purchase of the Fort Snelling reserve?

Answer. No, sir; I knew him before that.

Question 786. What information had you before the sale that the reserve at Fort Snelling was to be sold?

Answer. I do not remember. As I said before, I think I saw it in the newspapers.

Question 787. What private information did you have?

Answer. None that I remember.

Question 788. What did you see in the papers in regard to its being sold?

Answer. My impression is that I merely saw that the government were to sell those forts.

Question 789. Had you any private information, derived from the department, that the Fort Snelling reserve was to be brought into sale?

Answer. No, sir.

Question 790. When and where was your first conversation with Mr. Mather in regard to this purchase?

Answer. I think it was in New York. Mr. Mather and I are very intimate.

Question 791. Before that time what personal knowledge had you of the reservation?

Answer. Not any, and I have none now. I only know what is said about it.

Question 792. In your conversation with Mr. Mather and Dr. Graham, what representation was made by them as to the value of the reservation?

Answer. I do not distinctly remember. They said they thought it was a very good thing.

Question 793. In what manner did they tell you the purchase of the reservation could be made profitable?

Answer. They thought it would eventually be a town, and it might turn out that way—at least, I understood them to say so. I did not

think much of it then, and do not think much of it now. I am a regular speculator.

Question 794. Are you acquainted with Mr. Steele?

Answer. I know him. I have seen Mr. Steele in New York.

Question 795. Have you with you the contract entered into in regard to this property?

Answer. I have never seen any contract. I do not know whether there is any contract, of my own knowledge.

Question 796. Have you visited the reservation since the purchase?

Answer. No, sir.

Question 797. How much did you yourself pay upon the purchase?

Answer. Mr. Mather and myself paid \$20,000. When I speak of myself I mean myself and wife.

Question 798. What assurance did you have before the sale that the reservation would be disposed of on credit?

Answer. I had no assurance other than what Mather told me. When he came to New York, after he returned from Minnesota, he told me he thought he could get the property for \$90,000—\$30,000 in cash, \$30,000 in one year, and \$30,000 in two years.

Question 799. At what time was that?

Answer. I think it was in July.

Question 800. At that time had not the sale, in fact, been made to Mr. Steele, and the agreement entered into.

Answer. I do not remember.

Question 801. Did you infer from the conversation that the contract had or had not been made at that time?

Answer. I did not pay any attention to it.

Question 802. Why, upon the occasion of Mr. Mather giving you this answer, did you not take pains to know whether the sale had been made or not?

Answer. I had perfect confidence in Mr. Mather, and, besides, I did not consider it a matter of any moment or consequence. I might have been engaged in my ordinary business in Wall street, so as not to have paid much attention to it.

Question 803. Did you estimate it a matter of no consequence that you might be called upon to pay the purchase money of that sale?

Answer. I did not consider it of any consequence at all.

Question 804. If, then, in the month of July, and after your conversation with Mr. Mather, you were ignorant as to whether the sale had been made or not, answer at what time you gained that knowledge.

Answer. It was some time in July, I think.

Question 805. State at what time in July, and how it was that then you got this information.

Answer. I got it from Mr. Mather, and my impression is that the money was paid on the 25th day of July. The reason why I think this conversation was in July is that I think the money was paid in July.

Question 806. Up to that time had you no knowledge that the sale had been consummated?

Answer. I knew before. I think I must have known early in July that the sale had been or was to be consummated.

Question 809. State the particulars of your first getting that information.

Answer. Mr. Mather told me some time in July that he had made the purchase, I think, in connexion with Dr. Graham, and that it would require \$20,000 upon our part to be paid; that Mr. Steele was to pay \$10,000. I said: "All right." I rather think he told me that it had been made at private sale; but really I do not remember, for I did not pay any attention to the matter or think it of any consequence. I did not give it much attention then, nor do I give it much attention now.

Question 810. In whose name did he say the purchase had been made?

Answer. In the name of Franklin Steele.

Question 811. What reason did he assign to you for not incorporating his own name, your name, and the name of your wife in the contract?

Answer. He told me that the property had better be bought in the name of Steele, because he lived out there. I was not particularly anxious to have my name or the name of Mrs. Schell incorporated into that contract.

Question 812. Why?

Answer. I did not want to incur any liabilities.

Question 813. If the contract was a fair one, in which all of you were parties in interest, what reason was there for not incorporating all the names of the real purchasers?

Answer. I know of no particular reason.

Question 814. Was it not agreed between you, before the purchase, that your names should not be embraced in the contract?

Answer. I do not think it was. I do not think I ever had a conversation about it, any further than I have stated.

Question 815. At the time of your making the arrangement with Mr. Mather and Dr. Graham, for the purchase of the reservation at Fort Snelling, were you not aware that Mr. Mather was commissioned by the government to make an examination of Fort Ripley with a view to its sale; and that that was his particular errand upon that occasion in going to Minnesota?

Answer. It may be so, but I do not know anything about it.

Question 816. Did Mr. Mather go out to Minnesota more than once during that season?

Answer. He may have gone twice, but I do not know. When he came back from there he told me he had been out to see Fort Ripley.

Question 817. Before going to Minnesota, what, in conversation with you, did he state to be his object?

Answer. I do not know. I do not know what conversation took place. He may have told me he went to look at Fort Ripley, and he may have told me that he went to look at Fort Snelling, but I do not remember.

Question 818. Up to what price, before making the purchase, did you undertake to go, in order to get it?

Answer. I do not think I ever had anything to do with it in that way, or ever made arrangements in that way.

Question 819. Before Mr. Mather's return, was there not an agreement limiting the price to be paid for the property? If so, what was that price?

Answer. That I do not remember. That price (\$90,000) might have been the limitation, but I do not distinctly remember.

Question 820. Did you not derive, from representations from Mr. Mather, before he went, that the sale was to be a private one, and one that would exclude all competition?

Answer. No, sir.

Question 821. What representation did Mather make to you, as to the manner in which the property would be brought to sale?

Answer. I do not think he told me anything about it. We may have had conversations about it, but I do not distinctly remember.

Question 822. Was the purchase of the reservation, on your part, with a view to an investment to remain until the property should become more enhanced in price?

Answer. With a view to an investment and speculation together.

Question 823. In making speculations is it usual, or is it your habit, to do it without first having some knowledge of the value of the property you are buying?

Answer. I understood that that property was valuable at the time I bought it; I thought it was a good thing.

Question 824. Where did you get that knowledge?

Answer. Mr. Mather told me he thought it would be a good thing. He said he thought it would be a good speculation. I asked how much he thought we would make by it? He said he thought we could double our money, and perhaps more.

Question 825. At the time you agreed to make the purchase, was it expected by you that the whole purchase money would be required in hand?

Answer. I do not remember about it.

Question 826. Was your wife's interest in the transaction derived from your own arrangement on her behalf?

Answer. Yes, sir.

Examination by Mr. Morris.

Question 827. State the respective interests of yourself, your wife, Mr. Mather, Mr. Steele, and Mr. Graham in that property?

Answer. Mr. Steele has one-third, as I understand, Dr. Graham has one-ninth, and Mr. and Mrs. Schell and Mr. Mather have the balance. I cannot separate the interests of the latter, because they have not yet been separated.

Question 828. Do you not know how much of that property you expect to get?

Answer. I do, though it has not been divided. I think I shall have nearly four-twelfths, including my wife's interest.

Question 829. How much will you have, and how much will your wife have?

Answer. I calculate that my wife will have two-twelfths, and myself nearly two-twelfths, making, together, about four-twelfths.

Question 830. How much money did you pay?

Answer. Mather and I paid \$20,000. I paid about \$13,000.

Question 831. Did you ever state in the city of New York to any person or persons that you were going to make a grand thing out of that Fort Snelling purchase?

Answer. Yes, sir. "The way they talk," said I, "I am going to make a grand thing of it."

Question 832. Did you ever inform Mr. Mather, in New York, that that property was to be sold?

Answer. I may or I may not. I cannot say.

Question 833. Had you a conversation with him upon the subject there?

Answer. I have had a conversation with Mr. Mather in regard to that property. He is a resident of New York. I do not know whether it was before he went to Minnesota, or whether it was before or after the property was sold.

Question 834. Did you not expect when he went to Minnesota that he would purchase the property?

Answer. That I do not know.

Question 835. Had you no knowledge that the property was to be sold before it was sold?

Answer. Nothing more than a general knowledge.

Question 836. What general knowledge had you?

Answer. I said I believe I saw it in the newspapers that those forts were to be sold.

Question 837. Did you see it stated that Fort Snelling was to be sold?

Answer. I think I did. I do not remember in what paper. I do not know, even now, how I came into possession of the fact.

Question 839. Were you at Washington city at any time shortly before or after that property was ordered to be sold?

Answer. I was. I have been in Washington city, off and on, for six months.

Question 840. At what date were you here before or after that time?

Answer. I do not remember. I come on to Washington very often.

Question 841. Were you here before that sale was confirmed?

Answer. No, sir.

Question 842. Fix the time, as near as you can, when you were here?

Answer. I do not think I was in Washington from the time I was introduced to the commissioners to make the sale until after the payment was made upon the property. I had never seen those commis-

sioners, and I was introduced to one of them on his return from Minnesota, after I understood the sale had been made.

Question 843. How long previous to that were you here?

Answer. I do not remember.

Question 844. Had you ever any conversation with Dr. Graham in relation to the purchase of this property previous to the purchase being made?

Answer. I think I saw Dr. Graham in New York before he went to Minnesota.

Question 845. Did you have a conversation with him then in regard to the purchase of this property?

Answer. I think he said he was going west, and might go into some operation. He may or he may not have told me that this property was to be sold. I do not recollect distinctly. If I had any conversation it was general and not special, according to my recollection.

Question 846. Did he tell you that property was to be sold when you saw him in New York?

Answer. My impression is that he did, but I do not remember very distinctly about it.

Question 847. Did you then communicate to him that you desired or expected to become a purchaser for a part of it?

Answer. I told him I would go into almost anything, I did not care much what it was, if there was money to be made out of it.

Question 848. At the time Dr. Graham was in New York, was an arrangement entered into between you, Dr. Graham, and Mr. Mather, to go into the purchase of the property?

Answer. That I do not know.

Question 848½, (by Mr. Morris.) Do not you know whether you made such an arrangement or entered into such an understanding?

Answer. I know that when they came back from Minnesota they said they had bought the property, and that I was to become interested.

Question 849. Was it the understanding prior to that time that if they succeeded in purchasing the property you should become interested?

Answer. It may have been. My impression is that there was such a general understanding. I could not swear positively.

Question 850. In the conversation which took place with you and Dr. Graham, did he state that commissioners had been appointed to sell that property?

Answer. That I do not distinctly remember. I paid no regard to the matter.

Question 851. Did you ever go into any other speculating operation out at Minnesota, or in that portion of the country?

Answer. No, sir; and I think it will be a long time before I shall go into another.

Question 852. Did you know, at the time of your conversation with Dr. Graham, that commissioners had been appointed to sell that property?

Answer. I do not know.

Question 853. Had you not understood from Dr. Graham, or from some other source, that they had been appointed, and who they were?

Answer. I do not think I had. I did not know anything about these commissioners until they returned after the sale. I was then introduced to them in New York. I may have learned that there were such commissioners appointed, and possibly I may have learned who they were. I do not distinctly know.

Question 854. All the answer you can give to my question, then, is that you had a general understanding with Dr. Graham and Mr. Mather, before they left New York for Minnesota, for the purchase of that property, that you were to have an interest in it. How say you, yes or no?

Answer. I should say yes to that question.

Examination by Mr. Morrill.

Question 855. Did I understand that you had never seen the contract entered into between Mr. Mather, Mr. Steele, Dr. Graham, and yourself, for the purchase of the property?

Answer. I do not think I have ever seen any such contract.

Question 856. Then your sole reliance is on the honor of the parties as to any future distribution?

Answer. Yes, sir. I never should ask a question outside those gentlemen. I was perfectly satisfied.

Question 857. When you were here what conversation had you with any person in the office of the Secretary of War about confirming the purchase of Fort Snelling?

Answer. I never was there during the pendency of the confirmation of that sale at all.

Question 858. Who furnished the money for this purchase, and of whom did you have the money which you paid?

Answer. I had it of Mrs. Richard Schell—my wife—who has an estate of some hundred thousand dollars.

Question 859. Who furnished the other portion?

Answer. Mr. Mather furnished his portion. I think he furnished some \$8,000 or \$9,000.

Question 860. State whether you received any portion of it from your brother, Augustus Schell?

Answer. My wife borrowed some money of my brother.

Question 861. How much?

Answer. I think \$5,000.

MADISON SWEETZER sworn.

Examination by the chairman.

Question 862. Have you any knowledge of the facts and circumstances attending the sale of the military reservation at Fort Snelling?

Answer. I have not.

Question 863. Have you examined the property sold by the govern-

ment, and, if so, state what it was worth at the time, either as a speculation or as a permanent investment?

Answer. I know the property very well. I have been over it frequently. I never considered the property as valuable as some others did. I think it can be only used for agricultural purposes. As a speculation, if the times had continued good, it might have been worth a good deal of money, if they had laid it off into town lots, and had been successful in selling them. But I never have thought they could build a town of any size at that point, and it may not be improper here to state my reasons. I think, from its being so near St. Paul, St. Anthony, and Minneapolis—towns containing an aggregate population of perhaps 25,000 inhabitants—that they can never build up much of a town there. Besides, there are bars in the river, which will seriously obstruct the navigation to that point.

Question 864. Was it worth more than \$90,000 at the time it was sold?

Answer. I do not think it was. The question has frequently been asked, and I have always said I never would give \$90,000 for it. I would not give that to-day.

Question 865. You are a resident of St. Paul?

Answer. No, sir. I claim my residence at Traverse des Sioux, but I am at St. Paul a large portion of my time.

Question 866. What is your business?

Answer. I have been engaged in the Indian trade until within the last two years. For that time I have been making some purchases in lands.

Re-examination by Mr. Pettit.

Question 867. Were you in St. Paul last June?

Answer. Yes, sir.

Question 868. You may state what knowledge you had at that time of the reservation at Fort Snelling being brought to sale.

Answer. I had no knowledge of the fact up to the time of sale. I think the first I heard of it was some time after the property had been sold.

Question 869. How long afterwards?

Answer. Not long afterwards. I suppose, perhaps, a week.

Question 870. Was your business of a kind that would have brought you within a knowledge of the sale if it had been public?

Answer. I should have known it if the sale had been public. I do not think the fact was made public. There were no persons, so far as I know, outside the parties purchasing who had any knowledge of it until after the sale had been completed.

Question 871. Were there at that time persons in Minnesota making investments particularly anxious to purchase this reservation?

Answer. There were persons anxious to make investments in the reservation.

Question 872. Was the sale of this reservation a matter of much public interest?

Answer. It is difficult to answer that question. There was a good deal of excitement up there about property. Many persons were talking about becoming interested in large purchases who had not the money to invest. They were there filibustering, as they say in Kansas. Much property that was sold at that time brought higher prices than it was worth.

Question 873. In the vicinity of which you speak, what were farming lands of the quality of the Fort Snelling reservation worth at that time?

Answer. Lands in the neighborhood of St. Paul at that time, from one to three miles distant, were selling at from \$100 to \$500 per acre. There was one farm sold to a Pennsylvania gentleman on the other side of the river, on this side of Fort Snelling, at \$40 or \$50 per acre.

Question 874. Why was the reservation at Fort Snelling worth less per acre?

Answer. I will state the reasons why I think it was worth less. There are about one thousand acres of it subject to overflow, and there is a large portion of it too sandy to be worth much for farming purposes.

Question 875. When you speak of \$90,000 as a fair price, you speak of the reserve as suited only for agricultural purposes?

Answer. Yes, sir. But I do not think it is worth \$90,000 for farming purposes. If I had the money, I would not purchase it to-day for \$60,000.

Question 876. Your opinion as now expressed is based upon your judgment that it is not valuable as a town site?

Answer. Yes, sir.

Re-examination by Mr. Morrill.

Question 877. Do you own any interest in landed estate in St. Paul.

Answer. No, sir. I own an interest on the Minnesota river above the fort, and in other portions of the Territory.

Question 878. If the sale of the Fort Snelling reserve had been made public, were there parties in St. Paul who would have been glad to invest in that property?

Answer. Yes, sir. I wish to be understood in the opinion I have expressed about the sale. If it had been sold at public sale, I think very likely it would have brought more money.

Question 879. If it had been sold in small tracts, so as to have enabled a number of persons to have availed themselves of the opportunity of purchasing, do you think at that time it would have brought more?

Answer. I think it would.

Question 880. Was it the current opinion in the neighborhood, at the time of the sale, that it was worth half a million, or more?

Answer. I do not think it was. I have heard persons express the opinion that it was worth half a million, and others at the same time

express the opinion that it was not worth one hundred thousand dollars; so that it is difficult to say what was the current prevailing opinion on the subject. For myself, I have always thought they paid too much for it.

Question 881. If the parties succeed in selling a portion of it as a town site, will they not realize more?

Answer. A correct estimate of the price property will sell for depends very much on the feeling or excitement in relation to it. Nine out of ten persons might regard property as valuable which I should not regard as valuable. I would refer you, for example, to property at Lake Superior. Immense fortunes have been made there, to the utter ruin of parties who have purchased at second hand. It is true that, in the neighborhood of St. Paul, land sold for three hundred dollars per acre. Many wanted me to go there and purchase, but I said to them: "You are perfectly crazy." I have now in my possession letters from gentlemen who a year ago had their pockets full of money, and now say they find it hard to raise ten dollars. If the times had continued good, and those men who purchased the Fort Snelling property had come to Washington or gone to New York, had a handsome map of the place engraved—for it is really a beautiful place—and succeeded in raising an excitement over it, they might have succeeded in selling it out for a large advance above what they paid for it; just as property sold at Bayfield, on Lake Superior, where large fortunes were made out of property that had no intrinsic value. I do not think a town of any considerable size will ever be built on the reservation. There are two large bars that, in ordinary stages of water, prevent boats of large size from coming above St. Paul.

Re-examination by Mr. Faulkner.

Question 882. From your knowledge of that property, and from your knowledge of the general condition of the country, is it your opinion that the commissioners exercised their discretion for the interests of the government, in selling the property for \$90,000, instead of allowing it to take the chances of a public sale?

Answer. I do not think they did; I do not think any agent acts with discretion in selling public property except at public sale. If you ask me whether they got as much as it was worth, I answer, yes; but it strikes me the property should have been sold at public sale.

Question 883. Do you mean to say the commissioners would have realized more for the government at public sale than they did at private sale?

Answer. If it had been sold in small parcels, under the excitement then existing, it might have brought more.

Question 884. Have you any knowledge of any instance, in the history of the land sales of the government, where lands have sold for as much at public sale as this did at private sale?

Answer. I have not. I have some knowledge of public lands sold for a much less price in proportion to their value. I will state, in this connexion, what is a matter of record, that a part of this same re-

serve was sold at public sale at Stillwater, I think in 1854. A portion of it was on this side of the river, and much more valuable land, but I think none of it sold for more than a dollar and a quarter per acre.

Question 885. What makes you suppose, then, that this would have been an exception to all the land sales that have ever taken place in the country? In other words, why do you suppose the commissioners could have sold this property for more at public than at private sale?

Answer. I only expressed a matter of doubt. It might have brought more. I do not believe it would. But it is barely possible that at public sale it might not have brought more than a dollar and a quarter per acre, because it is very difficult to prevent people from getting together and saying to each other "I will not bid against you, and you shall not bid against me." Such arrangements always bring down the price of the public lands when sold at public sale. I do not know whether such would have been the fact in relation to this portion of the reserve, but such was the fact in reference to the other portion of it.

Question 886. In view of these combinations which you say have always reduced the price of the public lands when exposed at public sale, did not the commissioners of the government act with judgment, so far as the interests of the government were concerned, in making sale of this land at \$90,000, its value, in preference to running the hazards to which it would have been exposed if sold at public sale?

Answer. I think so. When I spoke before of the impropriety of disposing of the reserve at private sale, it was from the peculiar wording of your question. I think, as far as the matter of dollars and cents is concerned, it may have been better to have sold it at private sale; but if the sale had been public it would have saved the government officers from censure.

Mr. Faulkner. I refer only to the pecuniary interest of the government.

Answer. It is a mere matter of opinion on my part. It would depend entirely upon the feeling that might exist in the neighborhood.

Question 887. When I used the term "discretion," I referred to the discretionary power given by the Secretary of War to these commissioners to make sale at either public or private sale. With this explanation, I ask whether they did not exercise a wise discretion in selling it at its full value at private sale, instead of running the risk of a reduction of price from combination at public sale?

Answer. I think the chances are, that if it had been sold at public sale it would not have brought as much money; but that depends upon the combinations that would have been formed, and the number of moneyed men who might be there ready to invest. There have been other lands there, equally as valuable, sold at the rate of a dollar and a quarter per acre. I have no doubt that if the whole reserve had been sold at the time the first portion was, it would all have sold for a dollar and a quarter per acre. I think the part of the reserve sold first was purchased by Mr. Sibley and, perhaps, Mr. Marshall, and then deeded out, in small tracts, to persons holding claims.

Re-examination by Mr. Pettit.

Question 888. Then, taking into consideration that the commissioners had unlimited discretion to sell or not either in whole or in part, that the sale might have been made in the midst of that population of which you have spoken, was a combination that would have prevented the realization of a fair price possible?

Answer. That is a very difficult question to answer. Such a combination was made in the other case. The sale was made at Stillwater, only some twenty miles distant, where there is a population of some twenty-five hundred inhabitants. Hudson, also, is a very considerable place, not far down the river. I think, therefore, from the fact that the same thing has been done before, that such a combination would have been possible.

Question 889. In the other case, were there not pre-emptors upon the other portion of the reserve?

Answer. Yes, sir; there were persons holding claims as such, but with about as much authority as a person would have living at St. Paul, who occupied one of the houses at the fort over night, and then claimed it as a pre-emptor.

Question 890. Were there any pre-emptors upon the portion of the reserve sold last summer?

Answer. I do not know that there were, except Mr. Steele and Mr. McKenzie. There were some *bona fide* settlers upon the portion first sold. But a great portion of it was claimed by persons who did not live on it, and never intended to cultivate it.

Question 891. Do you know that any combination existed about the time of the sale at St. Paul which would have prevented this property, if sold at public sale, from bringing the best prices?

Answer. I do not.

TUESDAY, FEBRUARY 9, 1858.

ALEXANDER C. JONES SWORN :

Question 892, (by the chairman.) Where do you reside?

Answer. At St. Paul, Minnesota.

Question 893, (by the chairman.) Are you acquainted with the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling?

Answer. Nothing more than that I was aware that the department had ordered the sale. I was aware that the commissioners had visited the place, and sold it.

Question 894, (by the chairman.) Were you at Fort Snelling at the time the commissioners to make the sale were there?

Answer. I was not at the fort. I was on the reserve several times, and passed through it.

Question 896, (by Mr. Faulkner.) Had you any knowledge that the sale was to take place, prior to the actual sale?

Answer. Yes, sir; I met Major Eastman there, and knew that he had come there for the purpose of making a sale of it.

Question 897, (by the chairman.) Did you learn it from Major Eastman, or had you information from other sources?

Answer. I had it from other sources.

Question 898, (by the chairman.) From whom did you learn it?

Answer. I do not know. It was mere rumor, picked up in the streets.

Question 899, (by Mr. Faulkner.) Are you acquainted with the value of that tract of land; and if so, furnish to the committee your views in relation to its value.

Answer. I am very well acquainted with the lands on the reserve; I have been over them very frequently. Some is valuable land, and other not so much so. A portion of it is upon the river bottom of the Minnesota river, which is annually submerged. It is always marshy, and worth little or nothing. There are eight or nine hundred acres of it. A portion of it rests upon a high bluff; some of that is valuable land, and some portions of it sandy, which I would not have at any price. Take the whole tract together, and I would not think it worth more than six or seven dollars an acre.

Question 900, (by the chairman.) Would you give it as your opinion that \$90,000 would be a fair price for it?

Answer. Yes, sir; a very large price, for agricultural purposes, and it is not worth much for any other.

Question 901, (by Mr. Faulkner.) What might be its value, looking at it in the light of its being a site for a town or city?

Answer. There are so many chances against it as a town site, I do not regard it as valuable for that purpose, for there are several towns in its immediate vicinity which have the advantages of a start and of a reputation. St. Paul is situated five or six miles below it, Minneapolis above it, and Mendota across the river. The rage for making towns has somewhat subsided in that part of the west. I think it a very bad speculation for town site purposes.

Question 902, (by Mr. Faulkner.) How long have you resided in Minnesota?

Answer. About five years.

Question 903, (by Mr. Faulkner.) Do you hold any office there?

Answer. I am a judge of the probate court of Ramsey county?

Question 904, (by Mr. Faulkner.) Were you sent for from Minnesota to testify in this case?

Answer. I was not. I arrived in Virginia before the motion was made for the appointment of this committee. I learned the fact from the newspapers while I was in Wheeling, Virginia. I have been subpoenaed since I reached Washington.

Examination by Mr. Morris.

Question 905. Were you formerly a resident of Wheeling?

Answer. I was, and went from Wheeling to Minnesota.

Question 906. Had you any conversation after you arrived in Washington in regard to that reservation?

Answer. No particular conversation—nothing more than regards the fact that the committee was in session, and that certain parties had been sent for to Minnesota by the Sergeant-at-arms.

Question 907. Do you know how you happened to be subpoenaed?

Answer. I do not.

Question 908. Do you know any of the parties who purchased this property?

Answer. I know Franklin Steele, who is said to have purchased this property, and who has the reputation with us of being the sole purchaser.

Question 910. Did you express to any one after you arrived in Washington the views you have now expressed to the committee?

Answer. In conversation with persons from Minnesota I have expressed such views.

Question 911. Whom was such conversation with?

Answer. I have had conversations with several Minnesota gentlemen; I do not recollect who in particular; I do not know what the conversations were.

Examination by Mr. Pettit.

Question 912. Did you know, before the 1st of July, that Major Eastman and his associate were authorized by the government to make a sale of this reservation?

Answer. I do not remember the time exactly; as I stated before, I knew from report that they were there; but what time it was I do not remember; I did not pay much attention to it.

Question 913. Is it not true that their particular authority to sell this reservation was unknown at St. Paul, and that neighborhood, until after the sale was effected?

Answer. I do not know whether it was or not.

Question 914. At what time did you first learn that Franklin Steele had purchased that reservation?

Answer. It was some time immediately after the sale.

Question 915. Did you learn that before Steele had come to Washington and returned, or afterwards?

Answer. I do not know; it was a matter to which I paid no particular attention, not being interested in it in the least; I knew it soon after the sale.

Question 916. Can you fix the time more particularly than that the sale occurred some time last summer?

Answer. I cannot; I was very much occupied in my own business, and do not remember it.

Question 917. Is it not true that a general interest existed in the neighborhood of St. Paul, upon the part of speculators and others, to make purchases in the Fort Snelling reservation?

Answer. Yes, sir ; an interest was felt after the sale more than at any other time.

Question 918. And was not that interest felt first because, up to that time, it was not known that any person was authorized to sell?

Answer. It was felt because the sale and the terms of the sale were then known.

Question 919. Before the fact of the sale transpired, who, within your knowledge, was aware that those persons were authorized to make a sale of that reservation?

Answer. I do not know as I can name any person ; I took so little interest that I did not fix the names in my mind.

Question 920. What, at the time of this sale, was the value of farming lands within six miles of St. Paul?

Answer. From five to ten dollars an acre ; good lands and the best quality of lands could be bought for that ; that was in the month of July last ; that was the usual price, so far as I know.

Question 921. Is your judgment, then, of the value of the Fort Snelling reservation based upon the consideration that it is not likely to be occupied as a town site?

Answer. Partly that and partly from the consideration that the land is valueless for any purpose whatever ; I mean by that that a portion of it is nearly always submerged, and is marshy ; that is the case with eight or nine hundred acres upon the bottom of the Minnesota river. I cannot state what portion of it is sandy ; but that is the case, particularly with that part of it on the road from Fort Snelling in the direction of Minneapolis, and that part of it from Fort Snelling up the Minnesota river ; I cannot tell what portion of the whole is so.

Question 922. You have spoken of the road from the fort to Minneapolis. Is it not true that lands along that road were held, in June last, at more than \$100 per acre?

Answer. Lands in the immediate vicinity of Minneapolis were held high, I know. In answer to your question, I would say, not to my knowledge. I proposed to buy some thirty acres upon that road, and it was offered at \$40 per acre. The land was about one mile from the road, and eleven miles from St. Paul, but in the immediate vicinity of Minneapolis—say one and a half mile.

Question 923. What objection exists now to using Fort Snelling as a city site?

Answer. It takes a great deal of money and capital to build a town. There is a town now at the practical head of navigation, five or six miles below Fort Snelling—St. Paul. The largest steamboats ply between it and Prairie du Chien, and at a low stage of the water they cannot go above it ; and even the small class of steamers, in very low water, cannot go above it. I have often seen them aground above it. Again, the towns of St. Anthony and Minneapolis, above it, have the start and prestige ; and at this particular time, when money matters are very hard upon western people, it is out of the question to build a town at Fort Snelling.

Question 924. If St. Anthony and Minneapolis are above, and

boats are required to pass Fort Snelling, why is the obstruction below an obstacle to the use of Fort Snelling as a town site?

Answer. It is a rare occurrence for boats to go to St. Anthony. St. Paul derives its importance from being at the practical head of navigation on the Mississippi river, and Minneapolis and St. Anthony from their immense water power. They are manufacturing places.

Examination by Mr. Morrill.

Question 925. What is your business, aside from your official duties?

Answer. I was an attorney at law previous to my election.

Question 926. Do you own any real estate in the vicinity of St. Paul?

Answer. I do.

Question 927. Is it not a fact that rivalries exist in these new western towns?

Answer. Yes, sir; in certain cases.

Question 928. Is it not common for the inhabitants of St. Paul to decry and depress the prospective value of the Fort Snelling property?

Answer. I do not think it is; every one believing it out of the question, at all times, to make it a town. That is the common opinion at St. Paul, on account of the obstructions in the river. It is a beautiful site; and it has been a topic of conversation with all who visited the fort, because it lays so beautifully—high up, and upon a little peninsula between the Minnesota and Mississippi rivers.

Question 929. If the sale of the Fort Snelling property had been a public one, and sold in small parcels, were there not parties in St. Paul who would have been glad of the opportunity to become purchasers?

Answer. I believe there were parties who would have been glad to have purchased portions of it.

Question 930. In the beauty of its location as a town site, does it not surpass that of St. Paul?

Answer. No, sir; I believe St. Paul is unsurpassed in beauty as a town site.

Question 931. Did you know that you were to be summoned before this committee before you were summoned?

Answer. I did not.

Question 932. You have had frequent conversations in Washington as to the value of this property since you have been here?

Answer. Not frequently. It has been a matter of conversation between myself and other gentlemen from Minnesota on one or two occasions.

Re-examination by Mr. Morris.

Question 933. With what gentlemen?

Answer. I think the matter was a subject of conversation between Mr. Sweetzer, the witness examined yesterday, and myself. I think I have mentioned the matter to Mr. Becker, one of the members of

Congress elect from that State, in which I observed that if Mr. Steele had the money they paid, and the United States the reserve, he would be very much gratified.

Question 934. You speak of the navigation being difficult between St. Paul and Fort Snelling, and upon that, to some extent, you based your opinion that the property at Fort Snelling is not valuable as a town site; do you know of any other obstructions in the Mississippi river which it is difficult to get over in low water; if so, what other obstructions do you know of?

Answer. I know there is an obstruction between Dunkirk and St. Paul, just above the town of Winona—an obstruction called "Beef Slough." There is also a place, a short distance below St. Paul, called "Pig's Eye," which it is difficult for boats to pass at low water. Yet the largest class of boats pass through or over them all the season; but the same boats which pass those places could not get to Fort Snelling under any circumstances.

Question 935. Do you not know that there are places in the Mississippi river called the Upper and the Lower rapids?

Answer. Yes, sir.

Question 936. Where are they located?

Answer. Well, sir, I am not much acquainted with that part of the river. I believe one of them is at Rock island, and the other above. That is the impression I have.

Question 937. Do you not know that Keokuk is in the State of Iowa?

Answer. Yes, sir. That is below Rock island. It is between Rock island and St. Louis. I am not very familiar with the towns along that river. I passed along there once, and have a general idea of them. Since you mentioned the matter, I think those rapids are in the neighborhood of Keokuk.

Question 938. Is not Keokuk, upon the Mississippi river, regarded as the highest point for first class steamboats, and whether at anything like a low stage of water they do not have to take the freight from the steamboats at that point and take it over the rapids by lighters, a distance of twelve miles?

Answer. I wish to state that there are as large a class of steamers running above Dubuque, except the heavy freight boats from St. Louis to New Orleans, as run below it; and that at a low stage of water the large New Orleans freight boats cannot pass over those rapids, and the same is the case at Louisville, Kentucky, on the Ohio. The large class boats cannot pass up or down at a low stage of water at that point on the Ohio, yet as large a class of boats run from Louisville to Cincinnati as run from Louisville to New Orleans, below the falls of the Ohio river. Neither of those classes of boats can pass the rapids at a low stage of water. From Dunleith, Dunkirk, and Prairie du Chien, a class of boats run to St. Paul as large as any boats anywhere, except the large freight boats up from New Orleans.

Question 939. I asked whether, in anything like a low stage of water, they do not unload the boats and take the freight up the rapids in lighters?

Answer. I do not know.

Question 940. Are there not large and flourishing towns and cities above these two rapids you speak of in the Mississippi river?

Answer. There are a number.

Question 941. Is it your opinion that if St. Anthony and Minneapolis had not the start you speak of, that Fort Snelling is the natural place for a city in that vicinity?

Answer. I do not know about that. It is a very pretty site for a city. It is located at the mouth of the Minnesota river, and between that and the Mississippi river. It forms a sort of promontory there. I do not think it is a natural place for a city. I think the site of St. Paul is superior to that of Fort Snelling.

Question 942, (by Mr. Faulkner.) What, in your judgment, would have been the result of a public sale made by the commissioners of this land, compared with the result of the private sale as it has been ascertained.

Answer. That it would not have sold for as much money at public sale.

Question 943, (by Mr. Faulkner.) Give your reasons for that opinion?

Answer. Well, sir, it is the opinion of western men generally that no land can be sold publicly and bring a higher price than \$1 25 per acre, based upon the belief that it is not the intention of the government to speculate upon the public lands, and that it is well enough for citizens to get it at as low a price as they can. I attended the sale at Stillwater, in 1855, I believe, when a portion of that reserve, embracing lands in the immediate vicinity of St. Paul, and between St. Paul and Stillwater, (which is at the head of Lake St. Croix,) were sold, and none of them brought a higher price than \$1 25 per acre—lands more valuable than those at Fort Snelling.

Colonel ADAM D. STEUART sworn.

Examination by the chairman.

Question 944. Where do you reside?

Answer. At St. Louis, Missouri.

Question 945. Have you any knowledge of the facts and circumstances attending the sale of the military reservation at Fort Snelling?

Witness. Do you mean personal knowledge?

The chairman. Yes.

Answer. No, sir.

Question 946. Have you ever been upon that reservation, or made such an examination of it as to enable you to speak of its value?

Answer. I have known it well for upwards of thirty years. I was for more than ten years paymaster of the fort and district. I have not been at Fort Snelling since August, 1854, and the rise of property in that neighborhood has mostly taken place since that time. I could therefore only state an opinion as to the present value of property in that region as derived from others, for I have not been there in the

last three and a half years. Within that time two or three flourishing towns have sprung up near Fort Snelling, and the property has greatly enhanced in value.

Question 947. Ought Fort Snelling, in your opinion, to have been retained by the government for military purposes?

Answer. I think so, and as a depot. But a better opinion can be obtained from educated military men. I am not a graduate of West Point, although I have served upwards of thirty years in the public service, until I resigned in 1854.

Question 948. Do you mean, when you speak of it as a depot, a depot for provisions and munitions of war?

Answer. Yes, sir; a post has been recently ordered to be established on the northern boundary line, four hundred miles northwest of Fort Snelling; and there is another post up the Minnesota river, which joins the Mississippi at that point, and should, in my opinion, be supplied from Fort Snelling.

Question 949. Is it not a fact that Fort Snelling is now situated in the midst of a rapidly growing population?

Answer. Yes, sir.

Question 950. Do you know the distance from Fort Snelling to the forts you have mentioned?

Answer. I think the fort ordered to be erected at Pembina is 400 miles to the northwest, on the boundary line of the British possessions, and Fort Ridgley is about 250 up the St. Peter's or Minnesota river.

Question 951. Do you know what it would cost the government to retain Fort Snelling as a military depot?

Answer. I suppose it would cost nothing, as the buildings necessary are all there.

Question 952. Would not troops have to be retained there if it were kept as a military depot?

Answer. Yes, sir; as many troops would be retained there as, in the opinion of the proper military officers, were necessary, but they are already in the service of the government, and it would be attended with no additional expense to retain them there.

Question 953. Is it not a fact that, in the purchase of military stores, the government sends an agent to St. Louis, who makes the purchases, which are transported up the river to all points above, through the merchants, or by private conveyances?

Answer. The practice is for the supplies for the quartermaster's department to be purchased by the officers of that department, and subsistence stores by the officers of the commissary department; they are then all turned over to the quartermasters, and are transported in the ordinary trading vessels to the different points where they are required, consigned to the proper officers.

Question 954. If Fort Snelling were retained as a military depot, would it not be merely as a point of reshipment of the supplies forwarded from the quartermaster's department to supply the points above, and could not these points be supplied as cheaply from St. Paul

and the neighborhood, as for the government to retain Fort Snelling as a military depot?

Answer. I think not. The St. Peter's river is not navigable except for boats of light draught, and there must be a reshipment at that point for the fort at Pembina and Fort Ridgley. There would be a difference in the expense, but I do not know what the difference would be.

Examination by Mr. Morris.

Question 955. I will ask if you have any knowledge of any person or persons seeking information as to whether this property would be sold, and writing to the War Department to obtain that information?

Answer. Mr. Reynolds, the late district attorney at St. Louis, informed me that he had addressed a letter or letters to the Secretary of War. Mr. Reynolds wished me to ascertain if such letters, or copies of them, had been communicated to the committee.

Question 956. I will ask you to state whether, in your judgment, it would have been proper to have sold Fort Snelling at public or private sale; and if at public sale, the reason for it?

Answer. At public sale, as I think all public property should be sold. I have served in the army for twenty-odd years, and I have never known public property to be sold at private sale. My opinion is that it never should be. I attended the sale of the military reservation at Fort Dearborn, in Illinois, in 1839, which was sold by Judge Birchard, as the agent of the government sent out for that purpose. It was divided into lots, as an addition to the city of Chicago. He then invited sealed proposals through public advertisements, retaining the right of rejecting all bids deemed to be too low. When bids were rejected as being too low, the lots were reoffered for sale until bids were received for them satisfactory to the commissioner. I know of no other mode which could have prevented combinations upon the part of speculators to obtain the property at less than it was worth. He had a tariff of prices which was unknown to the bidders. Bids were rejected, and the lots reoffered in some cases five or six times until the commissioner sold them on terms satisfactory to himself. The next best mode would have been to have divided the property into lots, for which a minimum price should be fixed, and the agent authorized to make that bid for the government. If lands are sold without limit at public auction, speculators will combine, appoint a bidder, and then divide the proceeds among themselves. I purchased eleven lots myself at the sale of Fort Dearborn.

Question 957. Do you know the amount the property at Fort Dearborn brought?

Answer. I do not. The returns must be on file in the War Department.

Question 958. If Fort Snelling had been sold in that way, is it your opinion that the lands would have brought more than \$7 50 per acre?

Answer. I think they would have brought more.

Question 959. How much more?

Answer. I could not say, for the reason I have mentioned, that I

have not been there for three years and a half, since which the value of property has risen so much that it would not be proper for me to give an opinion.

Question 960. If it had been laid out in small parcels of six, eight, or ten acres, and sold, is it your opinion it would have brought more?

Answer. If a town had been laid out there, and the property had been sold in parts of acres, in acre tracts, and in forty acre tracts, in my opinion it would have brought more than I have understood it sold for. That, in my opinion, would have been the proper way to have disposed of it.

Question 961. Do you regard it as valuable for a town site?

Answer. I do. It is true there are other towns near by—St. Paul is six miles below, Minneapolis and St. Anthony are five or six miles above, and Mendota is on the opposite side of the Minnesota river; but still I regard it as an important point as a town site.

Question 962. If these towns you speak of had not the start they have, is it your judgment that Fort Snelling, being at the junction of the Mississippi and Minnesota rivers, is the best point for a town?

Answer. I think that but for the existence of these towns it would be the principal point in that region; but it would be difficult now to rival the towns already in existence.

Question 963. What is the value of the reservation for farming purposes?

Answer. I do not know, for the reason that the value of the lands have risen since I was there. The soil is generally of good quality. There are some swamp lands, but I do not know the proportion. They are rich, valuable lands, but I might do injustice to others, as well as myself, if I were to undertake to fix their value.

Question 964. From your knowledge of that property, having been familiar with it for thirty years, if you had been commissioned by the government to sell it, either in small lots or as a whole, how would you have sold it? and if as a whole, would you have communicated the intelligence that you were authorized to sell it to only one individual, and have sold it to him?

Answer. I should have divided it into lots and sold it at public sale, as I have mentioned, unless I was instructed to the contrary.

Question 965. You think that, as a prudent, discreet business man, your duty would have required you to have done that?

Answer. I would have so considered it, in the absence of any instructions.

Re-examination by the chairman.

Question 966. Have you any knowledge of any military reservation being sold in the manner you have described, other than Fort Dearborn?

Answer. I have never attended any other sale, and I do not now remember any other sold in that manner.

Question 967. Have you any knowledge of a portion of a military reservation at Fort Snelling being sold at Stillwater, in 1854 or 1855?

Answer. No, sir; I understood that it was sold under the direction of the General Land Office. It had been squatted on, I imagine.

Question 968. I understand you to say that where military reservations are sold at public auction to the highest bidder, it is within the power and is usual for speculators to combine and bid in the property at the minimum price?

Answer. I said it would be an easy matter for them so to combine.

Question 969. Is it not a fact that the soil of a large portion of this reservation is sandy and not well adapted to purposes of cultivation?

Answer. I have been over it repeatedly, but have not examined the soil particularly. I think it is generally of good quality.

Question 970. Do you know what portion of it is subject to overflow?

Answer. I do not.

Question 971, (by Mr. Faulkner.) How long since did Fort Snelling cease to be an important point, in a military point of view, as a defence of the frontier?

Answer. Since about 1853, I suppose. I think the country began to be settled beyond it at about that time.

Question 972, (by Mr. Faulkner.) Is it important at all to be retained as a depot of supply for Fort Ripley?

Answer. It would be, so long as Fort Ripley is continued as a military post.

Question 973, (by Mr. Faulkner.) Do I understand you to say that the importance of the government retaining Fort Snelling depends entirely upon supplying the fort at Pembina, Fort Ridgley and Fort Ripley?

Answer. No, sir. If troops are kept there in a large body, they may be sent up the river in detachments to the different points, as they are wanted, just as they are sent from Fort Leavenworth to make expeditions into the prairies in the summer. But, in reference to these matters of opinion, I would much rather some educated military men should furnish information.

WEDNESDAY, FEBRUARY 10, 1858.

ANDREW ELLISON SWORN.

Examination by Mr. Faulkner.

Question 974. Have you any knowledge of the facts and circumstances connected with the sale of Fort Snelling, in June last?

Answer. Nothing but what I have heard from people in Minnesota. I have no personal knowledge.

Question 975. Do you reside in Minnesota?

Answer. No, sir; I live in Virginia.

Question 976. Have you any knowledge of that reservation, or have you had any opportunity of becoming acquainted with its value?

Answer. I have been on portions of it. I have my opinions about the property.

Question 977. Give us your means of information, by which we can understand whether you can form an intelligent opinion of its value? What were your opportunities of knowing anything about the reservation?

Answer. I can tell you the value from other lands in the neighborhood, and lands of equal fertility in other States.

Question 978. What, then, in your opinion, is the value of the reservation, either per acre or in gross?

Answer. The tract is so large, and there is such a variety of land in it, that I could not tell what would be the value. I have heard what it sold for, and judge that it is more than I would pay for it myself.

Question 979, (by Mr. Pettit.) Have you ever resided in Minnesota?

Answer. No, sir.

Question 980, (by Mr. Pettit.) How long were you there?

Answer. About three weeks in the Territory.

Question 981. In that part of it how long?

Answer. I was in Saint Paul all the time, except while I was riding about in the neighborhood. I made that my headquarters. I went to Minnesota with a view of purchasing when I got there?

Question 982, (by Mr. Morrill.) Do you know how you came to be summoned here?

Answer. I suppose it was through an acquaintance of mine from St. Paul, who was with me when I was over the tract.

J. C. HALL sworn.

Examination by the chairman.

Question 983. Are you acquainted with the facts and circumstances attending the military reservation at Fort Snelling?

Answer. Somewhat I am, by report.

Question 984. I ask for your knowledge.

Answer. I cannot say that I have any personal knowledge on the subject.

Question 985. Where do you reside?

Answer. I have resided in St. Paul, Minnesota. I am residing here at present.

Question 986. Are you familiar with the reservation at Fort Snelling?

Answer. Yes, sir; I have been over it a hundred times.

Question 987. Will you tell this committee what, in your judgment, it was worth when it was sold in June last?

Answer. There would be a difference of opinion. Property has depreciated very much in value in Minnesota. I do not suppose it is worth half as much as it was then. At that time I should suppose a portion was worth \$200 per acre. Some of it was worth nothing. I suppose, on an average, it was worth fifteen or twenty dollars per acre.

Question 988. Do you speak of its value, taking into consideration its adaptation for a town site, or merely as a tract of land for agricultural purposes?

Answer. I speak of it for agricultural purposes. There is a portion of it which, if Minneapolis extends down there—as I suppose it will in time—will be invaluable. You could scarcely fix a value high enough. There are six miles of it very fine land, and a beautiful place for an extension of a town. Minneapolis is some six miles from the fort.

Question 989. Do you think it is practicable to build a town at Fort Snelling, taking into consideration the fact that St. Paul, St. Anthony, Minneapolis, and Mendota, are all towns which have been started?

Answer. Yes, sir; I should think a town might be built there.

Question 990. Taking into consideration every advantage, both as a town site and for agricultural purposes, what, in your judgment, was that military reservation worth last June?

Answer. Taking into consideration all its advantages, both its practicability as a town site and for agricultural purposes, I should think it was worth twenty dollars per acre.

Question 991. Do you know how much of it is subject to overflow?

Answer. I do not; I should think about two thousand acres, from its appearance.

Question 992. Is not a large portion of it so sandy that it is not well adapted to agricultural purposes?

Answer. Not much. It is more sandy between St. Paul and St. Anthony, where the land is nearly all being cultivated.

Question 993. Would you say the land was worth \$20 per acre, including that subject to overflow?

Answer. Yes, sir; I should think it was worth that on the average.

Question 994. Were you on the reservation just before or after the sale?

Answer. Yes, sir.

Question 995. Did you have any conversation with the commissioners of the government, or the purchasers of the property, in reference to the sale?

Answer. Not directly. I heard both the commissioners and the purchasers talk of it.

Question 996. Can you give us your recollection of these conversations?

Answer. I do not know that I could, in detail. I heard them speak of laying it out as a town site, and estimating its value. I heard Mr. Steele talk considerably about it.

Question 997. With the commissioners?

Answer. I could not say that I heard any direct conversation with the commissioners.

Question 998. Was the conversation before or after the sale?

Answer. Before the sale, to the best of my recollection.

Question 998½. What did Mr. Steele estimate the property as worth?

Answer. He thought it was worth \$100,000, I think, and more if a town could be built there.

Question 999. Did you ever hear Major Eastman, or Mr. Heiskell, say anything in regard to this sale, either before or after it was made?

Answer. I think I heard Major Eastman say, after the Crow Wing sale took place, that people could not find any fault with this sale, after that had been sold at public sale and only brought some three and a half cents per acre.

Question 1000. When did you first learn, and from whom, that this reservation was to be sold?

Answer. I cannot state the time; it was before the sale was made.

Question 1001. From whom did you learn it?

Answer. It was talked about by Mr. Winslow, a gentleman who resides at St. Paul, and who has built hotels at St. Paul and St. Anthony.

Question 1002. Was it generally known at Fort Snelling, and in the vicinity, that the reservation was to be sold, prior to the sale?

Answer. The parties interested considered it a private matter, and it was told to me as such. I do not think it was generally known.

Question 1003. Is Mr. Winslow interested in its purchase, in any way?

Answer. That, I am not able to say.

Question 1004. Was Mr. Winslow the only person, to your knowledge, who knew the sale was to be made?

Answer. I cannot remember certainly whether he was the only one, or whether I was told by two or three.

Question 1005. Have you ever dealt in real estate, to any extent, in the west?

Answer. I have, some little.

Question 1006. Would you give it as your opinion that the commissioners, in selling the military reservation at \$90,000, exercised a sound discretion?

Answer. My opinion would not be worth much in reference to that. I think it would have brought a good deal more at the time if it had been held up at public sale—double that amount, I should judge.

Question 1007. Why do you think, if it had been sold at public sale, it would have brought double the amount?

Answer. I would like to have bought half of it myself, at that price, and a good many others would. A portion of the land is worth a good deal of money.

Question 1008. Is it or not the fact that the military reservations which have heretofore been sold by the government have not brought more than the minimum price of the public lands.

Answer. I believe it is.

Question 1009. Why, then, do you think if this had been sold publicly it would have been an exception to the general rule?

Answer. From the fact that the location is better; that the country around it is considerably settled, which makes it much more valuable. It is not like the sale of a piece of land at a distance from settlements. There are several large towns surrounding it.

Question 1010. Is it not a fact that when the public lands are sold

there are generally combinations formed which prevent them from bringing 'more than the minimum price—\$1 25 per acre?

Answer. I believe it is.

Question 1011. Would it not have been as easy to form combinations at Fort Snelling as at any other place?

Answer. No, sir.

Question 1012. Why not?

Answer. Because the people in the vicinity were men of means, and would all like to have bought a piece of that ground. There could not have been a combination of that kind formed there. There were too many distinct parties, who, I think, would not have gone into a combination of that kind. It would take a majority of the whole to do it.

Examination by Mr Faulkner.

Question 1013. Did I understand you to say that you desired to become a purchaser of that property?

Answer. I would if it had been put up at public sale.

Question 1014. Is there any land at all in that section of the country which, for mere agricultural purposes, is worth \$200 per acre?

Answer. I do not believe that any land anywhere is worth that for that purpose.

Question 1015. I understood you to say that portions of that land were worth \$200 per acre. What would give such a value to it?

Answer. The locality, and fitness for making it into a town.

Question 1016. Then, it is upon the supposition that it might be made a town site that you attach that value to some portions of it?

Answer. Yes, sir.

Question 1017. Has the location at Fort Snelling any manufacturing advantages of any kind?

Answer. I think not, except that it lies upon a river.

Question 1018. Are there any falls in the river?

Answer. Not of any importance. You would have to ditch a long way to bring water to supply a manufacturing establishment.

Question 1019. Has it any commercial or navigable advantages?

Answer. No, sir.

Question 1020. Is the navigation open between St. Paul and St. Anthony?

Answer. No, sir; there are falls. Steamboats can go to Fort Snelling from St. Paul.

Question 1021. Throwing out of view entirely the aptitude of Fort Snelling as a site for a town or a city, what, in your judgment, for purely agricultural purposes, would be the value of that land per acre?

Answer. I should say fifteen or twenty dollars.

Examination by Mr. Pettit.

Question 1022. How long have you lived in Minnesota?

Answer. I should say about ten months.

Question 1023. Is the opinion you have expressed of the value of the reservation based upon the supposition that the reservation is not now practicable for the establishment of a town?

Answer. I think it is.

Question 1024. Do you take into consideration that a town could be built there, or do you leave that consideration out?

Answer. I take it that a town could be built there; but I do not take that fact into consideration when I say I think the reserve is worth fifteen or twenty dollars per acre; I think it is worth more if a town is built there.

Question 1025. And without reference to it as a town site, is not Fort Snelling greatly appreciated in value, from its access to both the rivers, Mississippi and Minnesota, and on its being in the midst of the towns of St. Paul, Mendota, St. Anthony and Minneapolis?

Answer. I think it is.

Question 1026, (by Mr. Morrill.) From your knowledge of the men and means in your vicinity, do you think, if this military reservation had been offered in small parcels, there would have been any combination formed so that the price obtained would not have been greater than that which was realized from it?

Answer. I think it would have been very hard to make a combination; I think it would have brought double what it did.

Question 1027, (by Mr. Faulkner.) Had not lands throughout that whole country, in June last, acquired a fictitious value beyond their real value, from a spirit of speculation?

Answer. Lands generally had not; but town lots in and about the vicinity of St. Paul, St. Anthony and Minneapolis, I think, were very high; and I include two places where there was a prospect of a town site.

Question 1028, (by Mr. Faulkner.) What is your occupation or employment in life?

Answer. At present, nothing.

G. B. CLITHERALL sworn.

Examination by the chairman.

Question 1029. Where do you reside?

Answer. My residence for the last two years has been in St. Paul.

Question 1030. Are you acquainted with any of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. I know nothing of the facts of the sale, except what I gathered from newspapers and from current report.

Question 1031. Have you a knowledge of that reservation?

Answer. I have a pretty good knowledge of it, having rode over it frequently, and hunted upon it occasionally.

Question 1032. Have you such a knowledge of its value as to enable you to put a price upon it?

Answer. I am satisfied in my own mind what I would give for it if I wanted to purchase.

Question 1033. What would you say it was worth in June last?

Answer. \$55,000 was the estimate I made from the value of different portions of the tract. There is a great variety in the quality of that land. Some of it is very sandy, and some of it is very good land. I made an estimate last summer of what the gross value would be, estimating 500 acres here and 1,000 acres there, &c. The aggregate of the values I put upon the several portions of it was, I think, \$55,000.

Question 1034. You were acquainted with the value of real estate in that vicinity?

Answer. I have been purchasing lands throughout the Territory for the last two years. My time has been employed in that way.

Question 1035. Do you think it practicable to build a town at Fort Snelling?

Answer. I think the time has passed when it was practicable to do so. I think, originally, that point might have been more valuable as a town site than St. Paul. But there are now two large towns six or eight miles above—St. Anthony and Minneapolis—and St. Paul, six miles below, and I do not think it practicable to build a town there now, unless one possesses a very large amount of means to expend there in building up a manufacturing town. But a person might make a great deal more money in other ways than to carry out that project.

Question 1036. Would you give it as your opinion that the commissioners, in selling at \$90,000, exercised a sound discretion?

Answer. I believe that that was more money than it would sell for in any other manner at that time or since.

Question 1037, (by Mr. Morrill.) How far is the northern limit of this Fort Snelling reserve from Minneapolis?

Answer. I should suppose about six miles.

Question 1038, (by Mr. Morrill.) Do you own real estate in St. Paul?

Answer. I do.

Question 1039, (by Mr. Morrill.) Is there any feeling of rivalry at St. Paul against Fort Snelling as a town site?

Answer. I do not think there is. I do not suppose that there is one man in a hundred who gives a thought to its being a rival.

THURSDAY, FEBRUARY 11, 1858.

Gen. WINFIELD SCOTT sworn.

Examination by Mr. Faulkner.

Question 1040. Will you favor the committee with your opinion, in a military point of view, of the expediency or necessity of retaining Fort Snelling as a depot of supply?

Answer. I consider that Fort Snelling may yet be of some convenience to the troops on that frontier. It has become an interior post, inside of the settlements, and is no longer important for defence. Its value for defensive purposes has ceased—ceased from the moment our population extended beyond it. It remains, however, of some little utility as a depot for storage, being at the head of the navigable waters of the Mississippi; I mean this side of the great falls. When Fort Snelling was established, in 1819 or 1820, or thereabouts, it was five or six hundred miles within the Indian country. There were two objects in making the establishment: the first was to exercise some physical, and, still more, some moral restraint upon the Indians immediately beyond, and between it and the frontier settlements, which then did not extend beyond the mouth of the Des Moines. The other object was to keep open the river with a view to the protection of the fur traders.

At the same time we maintained a post at Prairie du Chien, where there was a slight frontier settlement, little above the mouth of the Wisconsin; and we had yet another post further below—Fort Madison—below the mouth of the Des Moines, I think. Again, we had another intermediate post, called Fort Atkinson, upon some stream flowing into the Mississippi between Fort Madison and Fort Crawford, at Prairie du Chien; and yet another post on the Des Moines river. This last post was made to protect the frontier settlements, our settlements having then extended above the mouth of the Des Moines, and some distance up that river. The moment our settlements went beyond Fort Madison, it was abandoned as an interior post. Fort Crawford, at Prairie du Chien, again, became an interior post, and has been abandoned for a great number of years, for that reason. Fort Snelling has very recently, and within three or four years, become an interior post, inside of our settlements, and a considerable distance from the edge of that settlement—our settlements now extending some considerable distance beyond Fort Snelling.

I was not aware until very recently—until within a few weeks, or days I may say—that in the contract of sale of Fort Snelling a reservation had been made authorizing the Secretary of War to continue a garrison there—I believe almost indefinitely—I think as long as the War Department might deem necessary. Consequently, the post is still garrisoned, and probably may remain garrisoned until we can establish a depot beyond. The Secretary of War first referred that question to me last autumn, whether I could advantageously and conveniently withdraw the garrison during the last autumn. I decided that it would be inconvenient to do so before the next season; and I should doubt whether we should be able to do it very early—scarcely till next autumn. We may find it convenient and useful to retain it up to the next autumn, as a point from which to make distribution and send supplies to the more advanced posts—Fort Ripley, on the Mississippi, and Fort Ridgely, on the Minnesota.

Question 1041. I would inquire whether, with that provision in the contract to which you have alluded, the government can sustain any

inconvenience in its military interests from the recent sale of that reservation and its buildings?

Answer. The government has as yet sustained no inconvenience, and I consider that the subject is very much in my hands at this moment. It was referred to me last autumn whether I would abandon the post or retain it for some little time to come? I decided that it was not convenient to vacate it then. If the question were put to me upon the opening of navigation, perhaps I should give the same decision for the summer until we can, as I said before, establish a new depot up the Minnesota to take the place of Fort Snelling. As yet I am very sure the government has sustained no inconvenience whatever, nor do I see that it can, if it be left to my judgment, as it is at present. I should not suspect myself of making any very great mistake in that matter. It is very much in my hands.

Question 1042. You regard yourself, then, as authorized to retain that place for government use so long as any military necessity requires it?

Answer. The authority has been deputed to me, and I have no idea that the authority will be withdrawn from me. I apprehend that the Secretary of War has no intention to do so. I am very sure the Secretary of War will not withdraw the troops from that point without my military advice in that matter. I may be at liberty to advise the Secretary that the troops may be withdrawn by the next autumn, but I cannot advise so far in advance.

Question 1043, (by Mr. Morrill.) Whenever Fort Snelling may be abandoned, will there be a necessity for establishing another military depot beyond?

Answer. I think there will be. We are extending our posts up the Minnesota and up the Mississippi proper towards the Red river of the North, or the Blood river, as the Indians call it. We shall probably, as soon as these Indian wars are over and we have troops to spare, establish a post within fifty or sixty miles of the British frontier.

Question 1044, (by Mr. Morrill.) Will it then be necessary and convenient to have a place of transshipment at or near Fort Snelling?

Answer. Above. On account of the falls we should probably quit the Mississippi and go up the Minnesota, probably 150 miles, or a little beyond our settlements, but near enough to the settlements to protect the settlements in our rear. The exact point has not yet been definitely fixed upon, but I think it will be 130 or 150 miles up the Minnesota, and it will be the new distributing point for the frontier and across to the Missouri. The highest post upon the Missouri now is Fort Randall, a little below Fort Pierre, now a military trading establishment.

Question 1045, (by Mr. Pettit.) Was the sale of Fort Snelling made upon your advice, and with your knowledge?

Answer. Neither. I knew nothing of the sale until it was made.

Question 1046, (by Mr. Pettit.) Is your opinion of the propriety of this sale formed on the consideration that, pursuant to the contract between the commissioners and the purchasers, the government has

the right to retain this property in its discretion as if no sale had been made?

Answer. I am satisfied that, under the contract, the government may continue a garrison at Fort Snelling almost indefinitely. I do not know what influence that provision in the contract had in inducing the sale. I have not given any opinion at all as to the propriety of the sale. It was never submitted to me in any form. I merely said that under that reservation we could keep the troops there indefinitely, if the War Department should think proper. That power for the time being has been delegated to me, and I do not see that I shall advise an abandonment of the post earlier than next autumn, and I shall not advise it until a new depot is established higher up.

Question 1047, (by Mr. Pettit.) At the time of making the sale did you, as a military matter, deem that the fort was in a condition then to be abandoned for military use?

Answer. I think it would have been quite inconvenient to have abandoned it last summer or last autumn. I think it will be inconvenient to abandon it next spring, and perhaps next summer; but I think that by next autumn we can have a new depot established at some point high up the Minnesota, which will supersede Fort Snelling entirely, even as a place for storage. Fort Snelling is perfectly useless as a post of defence, the population having gone far beyond it.

General PERSIFOR F. SMITH sworn.

Examination by Mr. Faulkner.

Question 1048. Will you favor the committee with your opinion, in a military point of view, of the propriety or expediency of further retaining Fort Snelling as a point of supply or defence?

Answer. As a point of defence its value has entirely gone. It is within the frontier. As a point of depot in a great measure its value has gone too; I think myself entirely gone, because a great many supplies can be got further towards the frontier than Fort Snelling itself is, as the country is settled up the Minnesota from a hundred to a hundred and fifty miles, and there are scattering settlements up the Mississippi about a hundred miles. The value of a depot lies in one or two things—one, whether it is in the centre of a large producing region in which you could collect whatever you might wish for supplies, in order to distribute them through the country; another would be a depot on the line of transportation where, arriving at the point at which the routes of transportation separate, you have shipments to make. In either case you want a spot in which you could deposit your stores, either in their collection, or preparatory to distribution in order to spread them over the country you intend to supply. Fort Snelling some years ago was most valuable as a point of defence. It was well situated, and the frontiers were behind it. It would arrest the enemy, and no enemy would go to the frontier and leave a force in their rear—a thing which the most uncivilized nations dislike to do. But as a depot it was of no great value, because there

were not other points of defence beyond it. It was a depot only for its own particular service, and not of the country immediately around it. Now there are posts up the Mississippi above and up the St. Peter's, and those posts can be reached by the same means of transportation which bring the supplies from their original point of production—that is, a steamboat coming from St. Paul laden with provisions and ordnance stores, or any supplies for troops, is not obliged to change its cargo at any point short of Fort Ridgley, if going up the Minnesota, and is only obliged to tranship them to get around the falls of St. Anthony, if going up the Mississippi to Fort Ripley. Therefore there is no need of a depot at the junction of those two rivers, because it does not answer either of those suppositions I have made—that is, the necessity of changing the mode of transportation, or the necessity of passing around the obstacles by portage, or something equivalent thereto, such as by a canal or railroad. It has lost, in fact, its value either as a place of defence or as a depot, in consequence of the advance of settlements.

Question 1049. Is the navigation of the Mississippi open as high as Fort Ripley?

Answer. A small class of boats, at high water, go up from the falls. My own opinion, however, has been, that the proper mode of transporting supplies for all that region is by Lake Superior, by Fond du Lac. There are two objections to river navigation—one is that it is frozen up during the whole winter, and in the summer the water is so low as to render the navigation difficult and dangerous. Boats are afraid to go up for fear of being unable to return. The same difficulty may occur in the lake navigation in the winter that obstructs river navigation; but in the summer you can at any time take supplies from Buffalo, Detroit, Cleveland, Chicago, or from any of the towns which border upon the lakes, to the northwestern extremity of Lake Superior, by the largest class of steamers which can pass the canal at Sault Sainte Marie, and at Fond du Lac you are about upon a range with the line of posts now established near Pembina, and those lower posts, such as Fort Snelling.

Question 1050, (by Mr. Morrill.) Have you visited those regions?

Answer. I have not. The part west of the Mississippi lies in the department I command. I have studied it only as a part of my command, with a view of examining into its mode of supply of troops, and without reference to the particular point. I have no personal knowledge of Fort Snelling.

Question 1051, (by Mr. Morrill.) Were you consulted or advised as to the propriety of this sale?

Answer. I was not. I do not know that I was in command at that moment. In fact, I do not know at what time the sale was ordered. I heard of it first last year, when I was at Fort Leavenworth, in Kansas. The subject was never before me in any shape. I took command of that western department in July, 1856.

THOMAS MONCURE sworn :

Examination by Mr. Faulkner.

Question 1052. Have you any knowledge of the facts and circumstances connected with the sale of the military reservation at Fort Snelling?

Answer. No, sir. I was engaged in surveying and laying off the reserve.

Question 1053. How long were you so engaged?

Answer. Three months.

Question 1054. Have you a sufficient knowledge of the tract of land embraced in the Fort Snelling reserve to give to this committee an intelligent description of it, and an estimate of its value?

Answer. Not all of it. I have been over two or three miles around the fort. That portion of it is good average land. But there is a good deal of marsh land contained even in that. I made a map of the entire reserve from the old notes of survey. There is a good deal of marsh on the tract, and two lakes on one side, covering a good deal of land.

Question 1055. Are you able to state, from your survey of the land, how much of it is in marsh or swamp?

Answer. No, sir, I am not.

Question 1056. Can you inform us how much of it you surveyed?

Answer. About 2,000 acres.

Question 1057. That portion of it contiguous to the fort?

Answer. Yes, sir; it contained the fort buildings, and the land up the Mississippi, about a mile above the fort, then running across to the St. Peter's, about two miles above the fort.

Question 1058. In addition to the land you surveyed, have you a general idea of the character of the whole tract?

Answer. Yes, sir; that part about the fort is the best part of the land.

Question 1059. Will you express to the committee your opinion of what is the value, per acre, or in gross, of that tract?

Answer. I think the price paid for it is its full value; if I had been the purchaser, I would not have paid that much for it; I do not suppose anybody could make that much out of it, except the men who have it.

Question 1060. How do you suppose the men who have it will be able to make that?

Answer. They are men of large means, who are able to devote a good deal of money to it, which unless they do, they cannot realize the price paid; besides, some of these men are directors in railroad companies, and by that means they may bring railroads there, which otherwise would not come there.

Question 1061. Is your opinion as to the value of that land based upon the supposition that it is to be used for merely agricultural purposes?

Answer. Yes, sir ; such land in Virginia would not sell for more than \$7 per acre.

Question 1062. What would be its value out there ?

Answer. I should regard land in Virginia, of the same quality, more valuable on account of being near market, and on account of the market being better ; I would not give \$7 per acre for the tract throughout.

Question 1063. By whom were you employed to survey this land ?

Answer. By Dr. Graham.

Question 1064. At what time was this survey executed by you ?

Answer. I went out there on the 12th of August, and finished on the 12th of November.

Question 1065. Had you been residing in Minnesota previous to that time ?

Answer. Yes, sir.

Examination by Mr. Morrill.

Question 1066. Who are the men who are interested in the Fort Snelling purchase who are also railroad directors ?

Answer. Mr. Steele is one, and, I think, Mr. Chute and Mr. Wells are also interested and are railroad directors.

Question 1067. Are Mr. Chute and Mr. Wells both interested in that reserve ?

Answer. Yes, sir, I think they are ; I am sure they are.

Question 1068. What reason have you for supposing they are ?

Answer. They were down there with Mr. Steele, and had some direction in the matter ; I am not certain whether Mr. Chute is interested or not, but I think I heard Mr. Steele say he was.

Question 1069. Did you ever hear Dr. Graham, or any other party than Mr. Steele, say they had an interest ?

Answer. No, sir.

Question 1070. From what you heard Mr. Steele say, and from your own observation of their deportment and management while there with you in surveying, you judged that they were interested ?

Answer. Yes, sir. I judged so from my observation. I am not sure whether Mr. Steele said they were interested.

Question 1071. What was the size of the lots you laid off ?

Answer. A portion of them 55 by 50, and most of the others 50 by 140.

Question 1072. Have any sales been made at the fort of these lots ?

Answer. No, sir ; not that I know of.

Question 1073. Do you know at what price they are held ?

Answer. I do not.

Question 1074. How long have you resided in Minnesota ?

Answer. I went there last spring.

Question 1075. Before the sale was made ?

Answer. Yes, sir.

Question 1076. Do you know the price of farming lands between St. Paul and Fort Snelling ?

Answer. I know what the lands were held at. I do not know of any sales.

Question 1077. What were they held at?

Answer. I understood they were held at about \$100 per acre.

Question 1078. For agricultural purposes?

Answer. They were held in anticipation of building a town all along up the river. There is very little of it cultivated at all. There is very little land there that would be worth \$100 per acre for purposes of cultivation.

Question 1079. What is your opinion of Fort Snelling as a town site?

Answer. If the men who have purchased succeed in getting three or four railroads to centre there I think it will become an average town; but there is no back country to support a large town. There is no agricultural population or country to speak of north of that.

Question 1080, (by Mr. Pettit.) The region above that, of the same quality of the land, admits of cultivation, does it not?

Answer. I travelled up as far as Montalbo, and that portion of country I do not think is good. It is generally prairie, with oak openings, and looks sterile. Further north than that I have learned is more sterile still.

Question 1081, (by Mr. Faulkner.) Has that location any manufacturing advantages—any waterfalls?

Answer. Yes, sir. The falls of Minnehaha might be converted into manufacturing purposes. The stream, I suppose, discharges about half a million gallons per hour. I do not know, however, that it is their intention to convert it into manufacturing purposes. I do not know whether it continues through the summer or not. It did through last summer.

J. TRAVERSE ROSSER SWORN.

Examination by Mr. Faulkner.

Question 1082. Do you reside in Minnesota; and if so, how long have you resided there?

Answer. Yes, sir. I reside there and have been residing there since the 22d of June, 1853.

Question 1083. Have you any knowledge of the facts and circumstances connected with the sale of the Fort Snelling reserve?

Answer. I have not.

Question 1084. Are you sufficiently acquainted with the tract of land embraced within that reserve to enable you to express to this committee an intelligent opinion as to its value?

Answer. I have been on the tract a great many times, but I have never looked upon it as valuable, except for farming purposes.

Question 1085. Will you describe the character of the soil?

Answer. When I talk of farming purposes, I only allude to the fact that some part of it is of better quality than the land in the adjoining country. I do not consider that Fort Snelling will ever make a town.

I very seriously doubt whether they can make a village of it. Mendota is just opposite, and, I believe, has all the advantages that Fort Snelling has, but I do not think more than one house in a year has been built in Mendota. Then, its nearness to St. Paul, St. Anthony, and Minneapolis, I think will prevent it from becoming useful for anything except farming purposes.

Question 1086. What, in your opinion, would be the value of this land for farming purposes?

Answer. At the rate land has been selling in that region, and the high rate of interest money will command—three per cent. a month—I would not like to give, even for purposes of speculation, more than \$7 or \$8 per acre. I know the price that the purchasers paid for the reserve, and I think the government got a very fair price indeed for it, if it had been put up at public auction. Ever since I have been in Minnesota there has always been combinations there, which have prevented land sold by the government from receiving more than a dollar and a quarter per acre. Even if government had sent a military force there to protect the sale, the people out there are so smart and intelligent they would have ascertained the views of every stranger who arrived, and rather than have had any difficulty with him, would have allowed him to come in as a secret purchaser, so as to get the whole for a dollar and a quarter per acre. There was one portion of the reserve sold, including the land contiguous to St. Paul, which I think brought a dollar and a quarter per acre only.

Question 1087. What was the quality of that land, as compared with the portion of the reserve recently sold?

Answer. About the same, as far as the quality was concerned, but far more valuable on account of its adjoining St. Paul. I do not think any one interfered with the combinations which took place at that sale. Also, Fort Ripley was sold, not long since, and there combinations took place which brought down the price to about a cent an acre, as I understand.

Question 1088. Is it your opinion that, if the commissioners had exposed this Fort Snelling reservation at public sale, there would have been combinations which would have brought the price down below that paid for it?

Answer. I am satisfied of it—perfectly satisfied of it.

Question 1089. What position have you occupied in Minnesota?

Answer. I was secretary of the Territory for four years. Since these hard times have come on, I think the government should be liberal, and relinquish to these purchasers a part of their obligation for the land. There is no money in the Territory, and I do not believe the reserve, to-day, would bring five dollars per acre. If I owned it, and were to go through the Territory, really, I do not believe I could get five dollars per acre for it. I could get more than that, if there was money there. I am now only alluding to the hard times, since the crisis or crash came on. I will state further, that this property may have a prospective value, but I think not. If it were to swallow up the large towns in the neighborhood, which have several years the start, and more advantages than Fort Snelling, as a matter

of course, in a very short time it would be worth \$1,000 per acre. But, really, I think it is mere dream-land in that connexion.

Examination by Mr. Morrill.

Question 1090. Do you reside at St. Paul?

Answer. Yes, sir.

Question 1091. Do you own real estate there?

Answer. Yes, sir.

Question 1092. Have you been in the way of dealing in real estate, more or less?

Answer. No, sir. I have purchased, and hold on.

Question 1093. Do you know how you came to be summoned here?

Answer. Yes, sir. Dr. Graham saw me and wished that I should be summoned here. He is an old friend and acquaintance of mine, in Minnesota.

Question 1094. While you were in St. Paul last summer, did you have any reason for knowing that if these lands had been sold at public sale, there would have been a combination to have purchased them at a dollar and a quarter per acre?

Answer. Yes, sir. If any stranger had come there, they would, in all probability, have found out whether he came to purchase the land; they would have found how much he intended to purchase, and how much he was willing to give per acre; and they would have allowed him to come into their arrangement, if he would not interfere with the combination.

Question 1095. Have you any facts that justify you in believing that such a combination would have been made?

Answer. Only this—that such combinations have always been successful. I can state further, that I have heard persons—I cannot mention names—state frequently that such a combination would take place; and I know the further fact, that such combinations in that region have never been interfered with.

Question 1096. Considering the number of persons living in St. Paul, do you think it possible, if the reserve had been sold in small parcels, for a combination to have been made, which would have brought down the price, at public sale, to a dollar and a quarter per acre?

Witness. What do you mean by small parcels?

Mr. Morrill. Of forty acres, or ten acres.

Answer. If it had been sold in tracts of ten acres, or five acres, perhaps such a combination could not have taken place. But it would if it had been sold in tracts of fifty or sixty acres, and I think, perhaps, if sold in even smaller tracts.

Question 1097. What do I understand you to say is the rate of interest in your Territory?

Answer. Since I have been there—since 1853, two and a half per cent. a month has been considered a low rate of interest.

Question 1098. In making a purchase, then, you would have con-

sidered it a very decided advantage to have had a credit of one and two years upon two-thirds the purchase money?

Answer. That would depend altogether upon what I considered the value of the property. As a matter of course, if I considered it a good investment, I would give $2\frac{1}{2}$ per cent. to make the investment.

Question 1099. I understand you to say that you would not give more than seven or eight dollars per acre for the land at the present prices of money. Would you have given more if you could have had it on credit?

Answer. I stated, awhile ago, that I would not give more than seven or eight dollars per acre as a speculation at the present prices of money in that Territory. I might have given more than that if I could have borrowed the money in the east at six or ten per cent. per annum.

Question 1100. How much more?

Answer. Really I do not think I would have paid more than the government got—eleven dollars per acre.

Question 1101. Your people at St. Paul have no idea that there will ever be a rival town built up at Fort Snelling?

Answer. I have never seen a person who thought so.

Question, (by Mr. Morris.) What State were you appointed secretary of Minnesota from?

Answer. From Virginia.

Question 1102, (by Mr. Morris.) Did you have any conversation with your friend Dr. Graham when he went out there to purchase this property?

Answer. I never heard a word about the purchase until after it had been made.

Question 1103, (by Mr. Morris.) Where did you have the conversation with him to which you alluded a moment ago?

Answer. At Brown's Hotel, in this city, where both of us were stopping. I have not been very intimate with Dr. Graham. I know him merely as an acquaintance I made in Minnesota.

Question 1104, (by Mr. Morris.) In the conversation you allude to, you then expressed, for the first time, that this property was worth no more than it was sold for?

Answer. I do not know whether it was the first time or not.

MONDAY, FEBRUARY 15, 1858.

General JESUP recalled.

Examination by Mr. Faulkner.

Question 1105. In your former examination you had not the statistics to answer some of the interrogatories propounded. Can you now inform us what would be the annual expense to the government of maintaining Fort Snelling as a military depot?

Answer. I have not, since I was before you before, had time to think of the subject, as I have been incessantly occupied. I could make an estimate. It would be about the same that it would cost anywhere else. The advantage Fort Snelling would have would be that we have storehouses already there, and the pastures also are there for the animals for the trains.

Question 1106. If maintained as a military depot, would it not be necessary to have at least one company stationed there?

Answer. No, sir; but you must have a considerable number of employees. The class of men we now get into the public service are mostly ignorant Germans and Irishmen, whom we cannot trust, and we have to employ others. I suppose the employees of the army, all over the Union, must cost about a million of dollars annually. It is not necessary to have any troops there now. Formerly it was important, because it controlled the Winnebagoes, the Chippewas, the Sioux, &c. It is not necessary now except as a depot to receive supplies; but even those supplies we could now place at St. Paul, the head of navigation, and when the river was up, take them up the Minnesota, or up to the northern frontier by land. No post upon the northern frontier has yet been established, but one is to be established at Pembina. To that place transportation would be by land.

Question 1107. Have you had your attention drawn to the expediency of supplying the northwestern region of posts through the lakes by Fond du Lac?

Answer. I have no doubt that will be the route ultimately, though the distance would be greater; but until roads are made in that direction it would be impossible to use it. There would be this disadvantage attending it: in the case of hostility with Great Britain, that whole line would be exposed to a flank attack. In a military point of view, it would be better to take supplies from a central point to the frontier, than along the frontier itself.

I cannot tell you the amount that would be expended annually at Fort Snelling; but it would have the advantage of already having storehouses, and pastures where broken down animals could be put out to pasture that they might recover. We often find it better to pasture, and thereby recover broken down animals, than to sell them. We can do that at half the expense we would be to if we sold them and replaced by purchase.

Question 1108. What is the annual cost of supporting a company at one of those forts?

Answer. I cannot tell. I have not had time since I was here to think of the subject.

Question 1109. Can you inform us what military reserves have been sold by the government within the last twenty years?

Answer. There was one in Louisiana—Fort Jesup—of about twenty thousand acres, which was sold. There was another—Fort Winnebago—of about four thousand acres, which was sold; and still another—Fort Dearborn, at Chicago—which was sold under the direction of the War Department. That at Fort Jesup sold at \$3 47 per acre; that at Fort Winnebago at a little less than \$5 50 per acre.

That at Fort Jesup sold at its full value, and that at Fort Winnebago at less than its value. I think the latter was worth from twenty to twenty-five dollars an acre. Considering the property lost, I have not investigated the subject since, but I was under the impression that combinations were formed, and that the property sold at about one-fifth its real value. The whole tract was purchased by some dozen individuals.

There was an attempt made to sell the site of Fort Howard, at Green bay. I took measures to prevent combinations, and did not get a single bid. There were several thousand acres; I do not know how many. It is very good land.

Question 1110. Do you know of any instance in the history of sales by our government of large military reservations selling for as high a price as Fort Snelling, or at a price bearing so near a relation to its intrinsic value?

Answer. I have understood generally that the fort at Chicago sold for very near its intrinsic value at the time. It was sold under the direction of the War Department by a gentleman who held a civil office here—Judge Burchard. The sale was guarded, and it was considered so desirable property that it sold, as I understood, at about its value.

Question 1111. Is that the only instance you can name, within your knowledge, where the land so sold came up to its real value?

Answer. I think that Fort Jesup sold for very near its value. It was poor, pine, sandy land.

Question 1112. Was not Fort Dearborn within the corporate limits of the city of Chicago?

Answer. I think it is. I have never been there myself. My attention has never been drawn to it. I only know generally that it is supposed to have sold for its full value, and that it was or is within the limits of the city of Chicago.

Question 1113. Do you know whether the government made sale of the whole of its interest in the reservation, or only a portion of it?

Answer. I understood that the whole was sold. I was absent from Washington on duty when it was sold, and have never had occasion to look into the details, and have no means of knowing.

Examination by Mr. Pettit.

Question 1114. I understand you to say that no military force would be necessary for Fort Snelling if retained as a military depot, and only such employés as would be necessary to take care of the public property?

Answer. Yes, sir; and to assist in forwarding the property to the outposts upon the frontier.

Question 1115. What number of employés would be necessary?

Answer. That would depend upon the number of the forces and posts to be supplied upon the frontier. The mere supply of the posts now west of it would not require many; but if there were posts extended along the northern and western frontiers, it would depend

upon the number of troops to be supplied and the number of forces to be employed upon the frontier. I think some twenty employes would be sufficient for that fort now, held simply as a depot.

Question 1116. What, comparatively, would be the expense of maintaining Fort Snelling as a military depot, if still held by the government, and the cost of making the same military provisions from the same point by other means, in the event of Fort Snelling being sold?

Answer. It would save the storage and pasturage, very little other. I suppose it would diminish the expense one-half.

Question 1117. At what time was the Fort Dearborn reservation sold?

Answer. I think about twenty years ago; I do not remember the exact time. It is a matter of history.

Question 1118. Why may not the same cautious means you have referred to in making the sale of that reservation be used with advantage elsewhere, and what reason is there against adopting the same mode?

Answer. No reason. I can answer for myself, that I was not charged with the sale of Fort Winnebago. I thought the officer charged with the sale ought to have stopped the sale in order to defeat the combination, but he did not do it. I thought the same means might be taken in regard to any of those posts, and unless extraordinary means are taken combinations will be sure to be made.

Question 1119. Would not the same means used in the sale of Fort Dearborn reservation, if employed elsewhere, always realize a full price for the property sold?

Answer. I suppose so.

Question 1120. And is there no other mode by which combinations can be defeated?

Answer. The only mode is to divide the property as I divided it at Fort Howard, and affix a minimum price, below which no land should be sold. But there I did not get a bid.

Question 1121. What was the mode adopted by yourself, under the authority of the War Department, for the sale of Fort Howard?

Answer. I had the property divided into lots and a minimum valuation fixed to each lot—I do not remember what it was—below which no sale was to take place; but not a bid was obtained. That was during Jefferson Davis' administration of the War Department, but I cannot tell the particular year. That property is still held by the government.

Question 1122. Is not the population now in the vicinity of Fort Snelling greater than the population surrounding Fort Dearborn at the time of that sale?

Answer. I have no means of knowing what the population around Fort Dearborn was. There is a large population about Fort Snelling. St. Paul is not more than six or eight miles from it, I understand.

Re-examination by Mr. Faulkner.

Question 1123. By what calculation do you reach a result that the retention of Fort Snelling would save one half of the expense of transporting supplies to the west, as stated in a previous answer?

Answer. I meant the mere expenses at the post, and not the expense of transportation. The transportation would be the same.

Question 1124. Do I understand you, in the course of your testimony, as having expressed any opinion at all as to the propriety of this exercise of discretion of the Secretary of War in the sale of Fort Snelling?

Answer. I have no doubt that the Secretary acted with the best intention for the public service, but I think he was deceived by the report. I never had any conversation with him upon the subject until after I was examined before this committee.

Question 1125. Are you aware that, by the terms of that contract, the right has been reserved to the United States to retain it for military purposes so long as the Secretary of War shall choose to retain it?

Answer. I am not. The contract itself will show that.

Question 1126. If such be the character of the contract, does not the government thereby reserve to itself all the benefits as a government which can arise from retaining it as a military post?

Answer. Certainly.

Question 1127. In your report of November 16, 1854, you speak of the following reservations: Fort Howard, Fort Snelling, Fort Crawford and Rock island. Please to state how many of those reservations have been sold or disposed of in any form, and which of them are retained by the government?

Answer. I think Mr. Rice was charged with some disposition of the property at Prairie du Chien—Fort Crawford—but I think there has been a suit and that the government has been ousted there, and I understand that a family occupying one of the buildings has been directed to remove. I think the government has lost the title by a decision of one of the courts of Wisconsin. I do not know it officially, but I have no doubt they have lost the title. The government still retains Fort Howard on Rock island.

Question 1128. Are you enabled to state the respective quantities of land attached to each of those four military reservations, or which you believed to be attached to them in 1854, and the value of each reservation, according to the opinion you then entertained?

Answer. I consider the value of the reservation at Rock island, if divided into lots, equal to that of the city property upon each side of it. I look upon it as immensely valuable property. It has all been seized upon. I believe the War Department has endeavored to get the squatters off. They have gone on and cut off timber to the value of several thousand dollars.

Question 1129. Can you give an approximate estimate of the value of Rock island reservation?

Answer. It should not be sold at less than \$100 per acre. There are six or seven hundred acres of it.

Question 1130, (by Mr. Morris.) Is Fort Armstrong, on Rock island, necessary now as a military depot?

Answer. Not at all. It is the best place in the western country as a military arsenal and depot, because it has advantages of transportation which no other depot has. It is not as near the frontier as Fort Snelling is. It is as near the western frontier, perhaps, as Fort Snelling.

Question 1131, (by Mr. Faulkner.) Do you know any reason why Rock island has not been sold by the government?

Answer. I do not. I once had orders under Mr. Fillmore's administration to sell it, but the order was countermanded.

Question 1132, (by Mr. Faulkner.) State your estimate of the value of Fort Howard and the land adjoining it.

Answer. I consider a portion of Fort Howard very valuable as town lots. They should be worth from fifty to one hundred dollars each, and any portion of the land should be worth from five to ten dollars an acre.

Question 1133, (by Mr. Faulkner.) What, in your judgment, would be the value of Fort Crawford and the reservation, supposing it to belong to the government?

Answer. I have no means of knowing the value of the town part. The whole of it will probably be laid out in town lots and sold as such, but I have no means of knowing the value of them. I have put a high estimate upon it myself, and am of opinion that it should not be sold at less than \$100 an acre. But with a disputed title it would not be worth much.

FRANKLIN STEELE SWORN.

Examination by Mr. Faulkner.

Question 1134. Will you state if you are one of the joint owners and purchasers of the Fort Snelling reservation?

Answer. I am.

Question 1135. How long have you resided in that section of country?

Answer. About nineteen years on the reservation.

Question 1136. Will you state all the facts and circumstances connected with your purchase of that property from the commissioners of the government?

Answer. On the arrival of the commissioners there, or prior to their arrival, on the arrival of Major Eastman as surveyor, I learned that the government contemplated the sale, and myself, in connexion with two others, made preparations for its purchase, in case it could be purchased. We did not then know whether it would be sold at public or private sale. In the course of time the commissioners arrived there for the purpose of making sale. After they had been there for some time, (I do not recollect how long,) I received a joint

note from them inquiring whether I had an offer to make for the purchase of the reserve. I responded by making an offer of \$75,000, which they rejected, intimating that they would take \$90,000. I then renewed my offer at \$90,000, which they accepted. I then entered into a written contract with these gentlemen for the purchase, which was signed by them and by myself; which was, I believe, submitted to the Secretary of War, which was approved by him, of which fact I was informed and called upon to make the payment prescribed in the contract. I came on and made the payment, and received a copy of the original contract, countersigned or approved by the Secretary of War.

Question 1137. Did you, in purchasing this property at \$90,000, make the purchase subject to the understanding that you were to arrange and settle with the owners of improvements on the reservation for any amount, and if so, state what amount you were to pay?

Answer. There were inquiries made by the commissioners as to whether there were owners of improvements on the reservation; in reply, I informed them that I had purchased all the improvements then on the reservation, other than those belonging to the government.

Question 1138. What was the estimated value of the improvements made by private individuals on the reservation?

Answer. I don't recollect distinctly what were the improvements; I think my own were estimated at about \$8,000 or \$10,000; I think those I had purchased were estimated at about \$6,000 or \$8,000.

Question 1139. In that portion of the contract in which it is agreed that the Secretary of War shall hold possession of the public buildings on the reservation, so long as he might deem necessary, for military purposes, did you regard it as conferring upon that officer the right to retain it indefinitely, as long as the interests of the government require it?

Answer. No, sir, I did not.

Question 1140. What is your view of the intention of that clause in the contract?

Answer. I inferred from the fact that the Secretary of War proposed to sell the reservation, that it was no longer required for military purposes, and that the time required was only for the removal of the stores and government property at the fort; there was no specific understanding between the commissioners and myself, in regard to the time, nor is there any specific time mentioned in the contract; it gives, as I understand it, sufficient time to remove the government property without detriment to the public service.

Question 1141. Had you any conversations or interviews with the commissioners of the government, and if so, state what passed between you and the commissioners.

Answer. None other than that I made inquiry of Major Eastman, one of the commissioners, before his appointment as such, whether the property was to be sold at public or private sale, and in what quantities; Major Eastman was then an engineer of the government, but not a commissioner for the sale of this reservation.

Examination by the chairman.

Question 1142. Had you a knowledge of the manner in which this sale was to be made prior to the reception of the note of which you speak, from the commissioners ?

Answer. No, sir, none other than the information derived from Major Eastman ; I think he intimated that it would be sold at public auction ; I think from the arrangement made by me with my friends that he must have contemplated that mode of sale, and I think I must have had the information from him.

Question 1143. Was the arrangement of which you speak made prior to your knowledge of the appointment of the commissioners of the government to make the sale, or subsequent.

Answer. Prior to my knowledge of their appointment.

Question 1144. With whom did you make this arrangement to purchase the reserve ?

Answer. With Dr. Graham, of Virginia.

Question 1145. Will you tell the committee whether you were informed by the commissioners, before you made your offer, that the property would be offered to you first, and to none others ?

Answer. I was not.

Question 1146. Were you or not informed, before the purchase was made, that you were to have the property offered to you before proposals would be made to any other parties ?

Answer. I was not.

Question 1147. Did you regard the price paid by you, and those interested with you for that property, as a fair price for it, with a view of investment for a speculation ?

Answer. I did.

Question 1148. If I understand it, the parties who were interested with you at the time of the purchase were Mr. Mather, Dr. Graham, and yourself ?

Answer. I know of none others. I did not know Mr. Mather was to be interested until after I had made an arrangement with Dr. Graham. I understood from Dr. Graham that he would become interested, and I know that afterwards that he did become interested.

Question 1149. I will now ask you to state whether by any understanding, expressed or implied, there were any parties to be interested or to receive any of the proceeds arising from the sale of this property, other than those with whom you made your arrangements at the time of purchase ?

Answer. There was no other arrangement prior to the time of purchase, except with Dr. Graham and Mr. Mather.

Question 1150. Are there any other parties interested by agreement made subsequent to the sale ; and if so, who are they ?

Answer. There are none.

Question 1151. Are the purchasers of that property under any obligations of any sort to pay to any parties any sum of money or any interest in the property by reason of making the purchase ?

Answer. None whatever.

Re-examination by Mr. Faulkner.

Question 1152. Will you give us your opinion as to what would have been the result of the sale of this land if it had been made at public auction?

Answer. Judging from what took place on a former occasion when a reduction of the reserve was made, it would have been sold at \$1 25 per acre.

Question 1153. Do you think any successful combination could have been made at the time which would have prevented the government from realizing the full value of the land?

Answer. I was myself invited to join in a combination to make up a sum of money to place in the hands of one individual, the balance to protect him in buying the whole tract at a dollar and a quarter per acre.

Question 1154. Could you in this mode have obtained the land at a cheaper rate than you did at private sale?

Answer. I presume I could; not perhaps the whole reservation, but that portion of it on which my buildings are situated, at a much cheaper rate.

Question 1155. Did you decline entering into that combination?

Answer. I declined.

Question 1156. How does the former portion of the reserve, sold in 1855, compare with that portion purchased by you?

Answer. I think that portion covered by pre-emption in 1855 was probably four times the value per acre of that purchased by me.

Question 1157. Do you know who were the principal purchasers or parties interested in that portion of the reserve sold in 1855?

Answer. It was purchased by pre-emption, and consequently a large number of persons were interested. None purchased more than 160 acres, and many not more than 40 acres.

Question 1158. Can you say whether many of those pre-emption rights were not purchased by others; and are not many of them consolidated into larger tracts, in the possession of the same individual, than 160 acres?

Answer. Much of the land has changed, but whether more than 160 acres are in the possession of one individual, I am not able to say.

Question 1159. Were there any improvements at all upon that tract sold in 1855?

Answer. There were.

Question 1160. What was the character of those improvements?

Answer. There was a grist-mill, a saw-mill, and dwelling house built by the government; a house built as a ferry house, and after the pre-emption law passed, or after the reduction of the reserve, quite a number of what are called claim shanties were built over the entire tract.

Question 1161. Were the buildings you first mentioned government improvements?

Answer. Yes, sir.

Question 1162. Was the land containing these improvements sold also at a dollar and a quarter per acre?

Answer. Yes, sir.

Question 1163. Who is now the owner of this property?

Answer. Robert Smith is the principal owner, or the largest owner. It is owned by a company of gentlemen.

Examination by Mr. Morris.

Question 1164. I understand you to say that if this reservation had been sold at public auction it would not have brought as much as it did at private sale?

Answer. That is my opinion.

Question 1165. Why then did you bid for it at private sale, without seeking to have a public sale made of it?

Answer. Because if it had been sold at public sale I might have been deprived of purchasing more than a quarter section, or legal sub-division.

Question 1166. Explain how you would have been prevented from purchasing more than a quarter section?

Answer. I should have been prevented by the combination that would have been formed.

Question 1167. Would you have been forced to join such a combination, or could you not have bid upon your own responsibility?

Answer. I should have been forced by the combination that would have been formed to comply with their rules and regulations.

Question 1168. Why would you have been forced to have done that?

Answer. For fear of personal violence.

Question 1169. Can you name the persons who would have resorted to personal violence?

Answer. If the tract had been advertised to be sold at public sale of course it would have been no longer considered a military reservation, and I believe it would have been located upon by that whole community. Inasmuch as I had already a dwelling upon it, I presume they would have admitted my right to purchase the quarter section on which it stands, but no more.

Question 1170. Name the persons who would have formed a combination and resorted to personal violence, in case you attempted to purchase more than a quarter section?

Answer. I cannot name the persons who would have formed a combination and resorted to violence. I only say that I preferred to purchase at private sale, from my apprehension that if it had been sold at public sale, and I had attempted to purchase more than a quarter section, I should have been met with personal violence.

Question 1171. Who would have met you with personal violence?

Answer. I should think a majority of the inhabitants of the surrounding neighborhood.

Question 1172. Can you name any persons who would have committed violence upon you in case you had attempted to purchase more than a quarter section at public sale?

Answer. I cannot.

Question 1173. It is then a mere conjecture of yours that if you had attempted to bid for more than a quarter section at private sale violence would have been committed; you have no data or facts upon which you base that opinion? if you have any, state them.

Answer. From the fact that in all the sales of like character, that have taken place in the western country since I have been there, combinations have been formed which have threatened to commit violence upon strangers or others coming in and purchasing over those who have made their claims for pre-emption. In the case of the former sale of a portion of that reserve such was the fact to my knowledge.

Question 1174. I ask you again to state whether you have any facts or data upon which you base your opinion in reference to the formation of such a combination in reference to this portion of the reserve?

Answer. Only the knowledge which I had from public rumor, and the invitation which was extended to me to come in and put in such an amount of money as I might think proper to such a combination, which was sufficient and satisfactory evidence to me that such a combination would have been formed.

Question 1175. Were those who invited you to form a combination the men from whom you expected violence in case you bid for more than a quarter section at public sale?

Answer. The men who extended the invitation to me were my personal friends. I should not have expected personal violence from them. As soon as the sale of the reserve at public auction had been advertised a large number of persons would have settled on it, and would have combined together to protect each other against a violation of their rules, and to protect each in the purchase of the tract on which he had settled. Had I gone into such a combination, I presume I should have been permitted to have purchased the legal subdivision upon which my house is built without violence; but had I attempted to purchase more I should have expected violence from persons whose claims I intruded upon.

Question 1176. Suppose the combination of which you speak had been consummated, and had been successful in purchasing the property at a dollar and a quarter per acre, could you not have afterwards bought it of those persons for a less price than you paid for it?

Answer. From a few of them perhaps I could.

Question 1177. Can you name those persons who live upon it who would probably have formed combinations and committed violence?

Answer. There were none others living upon it. If the committee will permit me, I will state that the mode of sale of the portion which was struck off some years ago was provided for by law of Congress. After the law had passed it was immediately settled upon, after which these people held meetings, and each one came in and

registered the legal subdivision upon which he had located. These persons, in forming an association of this kind, agreed to protect each other in the purchase of their respective tracts at a dollar and a quarter per acre. They would bind themselves to protect each other, and if any stranger or outsider attempted to bid for a quarter section which had been recorded with this claim association they would carry him off; not, perhaps, commit violence upon him, but they would carry him away. Perhaps, under the excitement created, they might commit violence. Such instances have occurred at such sales frequently, and the same thing would have occurred if this portion of the reserve had been sold at public sale. As soon as it had been announced for sale it would have been considered no longer occupied for military purposes, and would have been located upon by a large number of persons, each claiming his legal subdivision, who would have formed a combination similar to that formed when the other portion of the reserve was sold.

Question 1178. Did not those persons to whom you have alluded in the sale which took place in 1855 hold their claims by pre-emption?

Answer. The law of Congress reducing the reserve provided the mode of disposing of it at public auction to the highest bidder. Before the sale came off, however, another law was passed, granting the rights of pre-emption to the then residents on the reserve.

Question 1179. Was there any law authorizing the right of pre-emption upon this portion of the reserve?

Answer. No, sir.

Question 1180. How was it possible, in this first instance, to form a combination against those entitled to the right of pre-emption?

Answer. At the time of settlement, and at the time the combination was formed, no one was entitled to the right of pre-emption.

Question 1181. But there was a law afterwards passed, granting the right of pre-emption to all the settlers on that portion of the reserve, was there not?

Answer. Yes, sir; but this was after the combination had been formed.

Question 1182. Then I ask how could there have been a combination to have affected the interest of those who were entitled to the right of pre-emption?

Answer. There could have been no combination after they were entitled by law to pre-emption.

Question 1183. You have been asked whether you paid for this reserve what it was reasonably worth on a speculation, and you have answered that you did. Is that property worth more, or would it sell for more now than it would at the time of sale?

Answer. Not so much now, I think.

Question 1184. What do you consider its present value?

Witness. What it is worth to me as an investment, or what it would be worth to sell? I would like to know which question you propound.

Mr. Morris. You have already stated what you considered it worth as an investment. I now ask you what you would consider it worth to sell?

Answer. To sell the entire tract at public auction, I think about \$5 per acre.

Question 1185. Would you sell it for that?

Answer. No, sir.

Question 1186. What would you take for it?

Answer. I could not state. I contemplate retailing out. I am improving it, and enhancing its value, so that I have no fixed price at which I would sell my interest in it.

Question 1187. What improvements have you made, and what have you expended for those improvements since you purchased it?

Answer. I have expended probably \$6,000 or \$8,000. I am not certain as regards the amount. I have graded a street, and have built one or two additions to a house. I have also contracted for the construction of a large warehouse, for which I am to pay \$6,000. I did not include that, however, in the estimate I made. I have paid the money for it, and therefore did not include it in the money expended for improvements.

Question 1188. Are these buildings you allude to private property?

Answer. Yes, sir.

Question 1199. Did you commence grading streets there with a view of selling lots?

Answer. Yes, sir.

Question 1200. You expect to have laid out a town on it?

Answer. Yes, sir.

Question 1201. Was it your intention, when you purchased, to lay out a town there?

Answer. It was.

Question 1202. Do you think it is a valuable site for a town?

Answer. It has a certain value for that purpose more than it would have for agricultural purposes.

Question 1203. Did you ever own, or do you now own, land in that vicinity, on either side of the river?

Answer. Yes, sir.

Question 1204. Did you ever sell any on either side?

Answer. Yes, sir.

Question 1205. When, and upon which side of the river, and at what price?

Answer. I sold some on the east side of the river, I think, about two years since, for \$65 per acre.

Question 1206. How far is that from the site of Fort Snelling?

Answer. About half a mile. It is an elevated bluff or point immediately opposite.

Question 1207. Do you regard that as more valuable than the site of Fort Snelling?

Answer. Not more than a portion of Fort Snelling. It is an elevated mound, a fancy spot.

Question 1208. A fancy spot for a dwelling?

Answer. Yes, sir.

Question 1209. It derives its additional value, then, as a fancy spot?

Answer. Yes, sir.

Question 1210. How many acres did you sell?

Answer. About one hundred, I think.

Question 1211. Did this fancy spot cover the whole one hundred acres?

Answer. A great portion of it.

Question 1212. Would that all be occupied as a dwelling, or a portion of it for farming purposes?

Answer. The gentleman who bought it said he contemplated erecting a handsome dwelling on it, with extensive grounds around it. Whether it will all be used for that purpose I am unable to say.

Question 1213. Is that spot of as much value as an equal quantity of land at the junction of the Minnesota and Mississippi rivers?

Answer. It is not so valuable as the land at the immediate junction of the two rivers, but much more valuable than a great portion of the balance of the reserve.

Question 1214. How large a proportion of the balance?

Answer. Nine-tenths.

Question 1215. Where and how did you first learn that this reservation was to be sold?

Answer. I do not recollect distinctly from whom. I got my impression here in Washington, a year before, during the administration of Mr. Davis as Secretary of War, that the reservation would be abandoned within a year or two. I have made frequent inquiries upon that subject, from the fact that I had invested some money in buildings upon it, and from the fact that I lived upon it.

Question 1216. Had you any knowledge from any source that efforts were being made to sell the reservation before the sale?

Answer. No, sir; none other than those I have mentioned.

Question 1217. Did you know that application had been made to the Secretary of War by Mr. Rice to sell it?

Answer. Prior to the passage of the act authorizing the sale, I myself made application to the Secretary of War, through Mr. Rice, to sell it.

Question 1218. Then the application on file in the War Department was made at your instance?

Answer. It was made over my own signature, through Mr. Rice, the delegate from our Territory, as the proper channel.

Question 1219. Then you were seeking, for some time previous, to possess yourself of this reserve?

Answer. A portion of it. It was always my intention to secure the spot on which I had lived, upon which my house was built, and where my children, seven in number, were born.

Question 1220. What portion was that? How many acres?

Answer. I had no definite idea how many I could secure.

Question 1221. How many acres did you secure in your purchase?

Answer. I think the entire area of land was about 8,000 acres.

Question 1222. You own how much?

Answer. One-third, until recently. It was my intention, when I purchased, to own one-third.

Question 1223. Where did you first meet Dr. Graham and have a conference with him in reference to that property?

Answer. I am not positive. I think in St. Paul.

Question 1224. Was that at the time the property was sold?

Answer. Prior.

Question 1225. How long prior?

Answer. I cannot tell certainly; I think perhaps a month prior. I think some time in the month of May, if I remember correctly.

Question 1226. How did that conference take place between you?

Answer. I do not recollect how it was brought about. I think it came up in a conversation in regard to the probability of the reservation being sold, and whether I intended to make the purchase. I think it came up something in that way.

Question 1227. Have you a copy of the contract entered into between yourself, Dr. Graham and Mr. Mather?

Answer. I think I have.

Question 1228. Have you it with you?

Answer. No, sir.

Question 1229. Was Mr. Mather there at the time?

Answer. Yes, sir.

Question 1230. Who wrote that contract?

Answer. I do not know in whose handwriting it is now. I think, perhaps, it was drawn up originally by Mr. Mather or Dr. Graham, and altered to suit the parties. It was signed by us all.

Question 1231. Was the contract between yourself and the commissioners of the government, now on file in the War Department, drawn up by yourself or Mr. Mather?

Answer. That contract was drawn up, I think, by Mr. Heiskell, one of the commissioners.

Question 1232. How did it happen that the property was sold, in part, upon credit?

Answer. That was my proposition to the commissioners when I made the offer of \$90,000.

Question 1233. You say, if I understand you, that Major Eastman first came out to survey the property?

Answer. Yes, sir.

Question 1234. Did he at that time inform you that the property was to be sold, and if so, how?

Answer. He did not inform me that it would be sold. He did not know, but thought it might possibly be. He said he was sent out for the purpose of surveying it, and did not know whether it would be sold or not. He informed me that it would be surveyed in forty acre lots, and I inferred that it was to be sold in that shape.

Question 1235. Do you know whether the intelligence that the property was to be sold was communicated at the time of sale to any other persons than Dr. Graham and yourself?

Answer. I think it was a matter of public notoriety that the property would be sold. I certainly learned it from a number of persons, prior to Major Eastman's arrival, that it was to be abandoned and sold.

Question 1236. I speak of the time of the sale; was it known that Mr. Heiskell and Major Eastman were authorized to sell?

Answer. I think it was.

Question 1237. To whom was that fact communicated, and by whom?

Answer. I do not know. I think it was common rumor that they had come there for that purpose about that time.

Question 1238. It was generally understood?

Answer. I think so.

Question 1239. If you conversed with persons upon the subject, will you favor us with the names of one or two persons to whom the fact was communicated?

Answer. I think the officers at the fort all knew it.

Question 1240. Who were they?

Answer. Major Martin was one. The officers of the artillery there knew it; I do not just now remember the names. The officers of the 10th infantry, stationed at Fort Ridgley, I think, all knew it; Captain Bee, Captain Gove, Captain Pratt, and all the officers stationed there. It was a matter of general conversation among them.

Question 1241. Did you communicate to any one the knowledge you had that the property was to be sold, and how it was to be sold?

Answer. I do not remember. I may have communicated the fact of the probability of its being sold to some of my friends.

Question 1242. Were you in this city at any time within a few months previous to the sale?

Answer. I was not within a year.

Question 1243. Or subsequent to it?

Answer. I was here in the month of July.

Question 1244. What time in July?

Answer. I think about the last of the month, or it may possibly have been the first of August.

Question 1245. Do you know who brought the contract entered into between you and the commissioners to this city?

Answer. I brought one copy myself, and delivered it to Dr. Graham, either here or in New York, I do not recollect which.

Question 1246. I mean the one which was placed on file in the War Department?

Answer. I do not know how that reached Washington. I presume the commissioners brought it.

Question 1247. Do you remember how long it was after the commissioners were authorized to make sale of this property before you purchased it?

Answer. I do not know when they were authorized.

Question 1248. Did you know they were at Fort Snelling for the purpose of making the sale, or had you any communication with them on the subject other than the one in writing to which you have referred?

Answer. Not until after the communication passed in writing. I think in fixing up the contract after the sale was made I may have had some conversation with them for the purpose of embodying the terms of sale in it.

Question 1249. If, then, you had no communication with them other than that referred to by you, how did you know that they were authorized to sell?

Answer. Their note was signed by them as agents or commissioners, I think; I never saw their authority, and never asked it.

Question 1249. Did they open the correspondence with you, or you with them?

Answer. I think they with me. I think the first proposition made to me was to know whether I had an offer to make, or wished to purchase, or something of that kind, intimating that they would entertain an offer.

Question 1250. Have you got that correspondence?

Answer. I think I have their letters to me at home. I did not keep a copy of mine to them, but I presume the commissioners have them. Their first was asking me to make a bid, to which I replied, offering \$75,000. To this they replied, declining the offer, and, I think, stating that they considered it worth \$90,000.

Question 1251. There was no understanding, then, between you and them that you should pay anything to any person who had made improvements on the property other than those belonging to the government?

Answer. No, sir; I think I gave them to understand that I controlled or owned all the improvements on the property other than those belonging to the government. I think they may have inquired of me if there were any improvements other than mine which would be sacrificed by the sale, and that I replied that I owned or controlled all the improvements on the reserve other than those belonging to the government.

Question 1252. Was the value of this improvement you owned deducted from the price that the commissioners estimated that this property was worth?

Answer. No, sir.

Question 1253. Was there anything said between you and them in reference to that?

Answer. Nothing that I recollect.

Question 1254. Was this interview with Dr. Graham at St. Paul previous to or subsequent to the communication in writing which passed between you and the commissioners?

Answer. It was previous.

Question 1255. Did he not inform you then that the property was to be sold; that the commissioners had been appointed and were authorized to sell?

Answer. I think he informed me that the property was to be sold, but I do not think that he informed me when, or that the commissioners had been appointed.

TUESDAY, FEBRUARY 16, 1858.

FRANKLIN STEELE recalled.

Examination by Mr. Morrill.

Question 1256. What other correspondence, save that which you transmitted by Mr. Rice to the Secretary of War, did you have concerning the propriety of selling Fort Snelling?

Answer. None that I recollect.

Question 1257. What personal interviews had you, when in Washington, relative to that matter?

Answer. I had none with any of the heads of departments.

Question 1258. What with members of Congress?

Answer. I may have discussed the matter with members of Congress, but I do not remember what the nature of those conversations was. I may have made the inquiry whether any provision of law was made for the sale of the reserve.

Question 1259. With what members of Congress?

Answer. I do not recollect, but I think with Mr. Rice, the delegate from Minnesota.

Question 1260. At the time you made the purchase, did the commissioners know that there were other parties besides yourself who were interested?

Answer. I do not know. I think it possible that they may have known it.

Question 1261. Did you inform them that there were any other parties?

Answer. I think I may have done so after the sale, but not before.

Question 1262. What object had you in concealing that fact from the commissioners?

Answer. None, in particular.

Question 1263. In consequence of your having made improvements upon the property, did Major Eastman inform you that he considered it his duty to offer the property to you first, for sale?

Answer. I do not know that he made any such communication; I think that during the drawing up of the instrument I informed him of the fact of the extent of my improvements, and that I thought I ought to have such a right; but I think that was after the transaction; I further state that I may have said to him while he was surveying, that I would like to know how and when the property was to be sold, and that I thought I could make some arrangement to secure the title of the land upon which were my improvements.

Question 1264. Did not you have conversation with him after the offer of \$75,000 for the property, wherein he admitted to you that you ought to have the right to purchase before any one else?

Answer. I had no conversation with him, that I recollect of, from the time I made the first proposition to the time he accepted the last.

Question 1265. How long was it after you made the first proposition, and before he accepted the last?

Answer. The proposition was in the forenoon of the day in which the sale was made ; the sale was made in the afternoon.

Question 1266. Did you advise Major Eastman that combinations would be made in case the sale should be a public one ?

Answer. I think I informed him that I had been invited to join a combination ; I think that was after the sale, or between the time of accepting my offer and the delivery of the contract ; I had some conversation with him after they accepted my bid and before the drawing up of the contract.

Question 1267. Did you not inform him so prior to making the offer of \$75,000 ?

Answer. I may have said to him that I had learned that it was the intention to form combinations there, at the time I made the inquiry to know when and how he was going to sell it ; but I do not recollect distinctly.

Question 1268. Was the most of your conversation, relative to the purchase, with Major Eastman or with Mr. Heiskell ?

Answer. I had no conversation, in regard to the purchase, with either, other than the conversation I stated that I had with Major Eastman while he was surveying the land, and by the correspondence which I have mentioned.

Question 1269. Were you on good terms with Major Eastman ?

Answer. I cannot say that I was not ; when he was stationed there I was not ; our relations have not been kind.

Question 1270. By the terms of your contract, how long would you regard the government as having the right to retain the use and occupancy for military purposes of Fort Snelling ?

Answer. No longer than necessary to remove the government stores and supplies, without loss to the government, and to transport them elsewhere.

Question 1271. If they found it necessary for military purposes, have you supposed they had the right to occupy it an indefinite length of time ?

Answer. No, sir. The very fact of sale implies a different idea. The abandonment of the reserve implies that they contemplated removing the troops.

Question 1272. Would you consider it inconsistent with the contract to retain it two, five, or ten years ?

Answer. I would.

Question 1273. What was the common rate of interest out with you at the time of your purchase of this property ?

Answer. From ten per cent. per annum to three per cent. per month ?

Question 1274. What was the usual rate ?

Answer. In my business transactions I have paid as high as fifteen per cent. per annum. I have held paper drawing three per cent. a month ; but no large loans could be negotiated for more than twelve or fifteen per cent., I presume.

Question 1275. At that rate of interest at the time of the purchase

of Fort Snelling, what would you regard the then present value of that property in money?

Answer. Well, sir, I regarded that I had made an investment in a property in which, by the expenditure of money and my own exertions there, I had made a speculation—that is, I expected to double my money in two years. In answer to your question I would say, that its value in money would be the difference between a credit and that rate of interest I have named—ten or fifteen per cent. per annum. In all my business transactions at that time, I was selling property, on a credit of one, two, and five years, at ten per cent. interest, and I know of no large sales that were bringing more. A large portion of the property I have sold in that Territory was for two years, at seven per cent. interest. Long credit, at a low rate of interest, is customary in real estate transactions.

Question 1276. Do not you get a higher price on credit?

Answer. I might have made a discount, as my necessities required, for cash.

Question 1277. What can you loan money for now?

Answer. It will loan readily now at three per cent a month; but I stated ten or fifteen per cent. as the rate of interest I have received in all cases where I have sold real estate in the Territory. I sold a large property there, amounting to about \$25,000, to Robert Smith and others, three months ago, for five years, at twelve per cent. per annum. That is the highest I have ever received.

Question 1278. How large are the city lots, as you have surveyed them?

Answer. They are of various sizes, but generally, I think, they are 50 by 165 feet.

Question 1279. What value have you put upon them?

Answer. I have put no value upon them, except a few I have sold. In fact, I have other matters in consideration in disposing of them, such as putting a building clause in the contract, which is a part consideration. I have, in some instances, given away lots to parties building, but I have sold none for money.

Question 1280. Can you fix the time when Major Eastman and Mr. Heiskell arrived in the Territory with authority to sell?

Answer. When Mr. Heiskell arrived I do not know. I first saw him between the fifth and eighth of the month. I think I saw him once, but did not know him until the day the contract was made.

Question 1281. What day was that?

Answer. I do not recollect whether it was the day before the contract was made that I saw him, or whether a day intervened.

Question 1282. Was Mr. Mather, who drew up the contract between yourself and the commissioners, represented by you to Major Eastman as a lawyer?

Answer. I do not know that he drew up the contract. I supposed it was drawn up by Mr. Heiskell. I think that the contract which was submitted to me, to see whether it complied with the terms of my offer, was in the handwriting of Mr. Heiskell.

Question 1283, (by Mr. Faulkner.) Did not your proposition to

purchase, made to the War Department in 1856, contain the following clause: "the United States to have, free of charge, the use of the fort and all other buildings belonging to the government, including — acres of land, so long as, in the opinion of the War Department, they shall be required for military purposes."?

Answer. I think I proposed some such privilege, but I am not exactly certain in regard to the language.

Examination by Mr. Pettit.

Question 1284. What quantity of land did your company lay off into city lots?

Answer. I do not recollect the quantity. I have not examined it, but I should judge nearly a section—six hundred and forty acres.

Question 1285. Are the lots of uniform size?

Answer. No, sir; some of the streets are irregular, making irregular corner lots; some of the lots are deeper than others, and consequently the lots vary in size. I think they do not average much over 50 by 150 feet.

Question 1286. Dr. Graham was authorized by your company to sell?

Answer. Yes, sir.

Question 1287. At what price?

Answer. No price was fixed; that was left to his discretion. I think, where he sold to parties making improvements, the price was merely nominal. To those not making improvements he was not authorized to sell a large amount at any price. There was no price fixed. I think, however, we did make this limit, that he should sell none to persons not making improvements for less than one hundred dollars a lot. There was no written agreement in regard to it.

Question 1288. In your last answer did you mean that none of the lots in the whole survey were to be sold at less than one hundred dollars?

Answer. None.

Question 1299. What was the average price of farming lands in an equal vicinity of St. Paul, St. Anthony, and Minneapolis in June last?

Answer. I think about ten dollars an acre.

Question 1300. Is it not true that at the time Fort Snelling reservation was sold lands lying between St. Anthony and St. Paul were rated at from one and two hundred to four hundred dollars per acre?

Answer. In the vicinity of St. Paul they were.

Question 1301. What knowledge have you of lands of equal advantage about that time being sold at ten dollars per acre?

Answer. I have had lands offered to me for ten dollars an acre and less, and I sold some within twelve months prior to this purchase at eight dollars an acre, and within three miles of St. Paul. But I don't think it was as good land.

Question 1302. Did you not know that lands on the opposite side

of the river from the reserve were held, and, in fact, sold, at forty and fifty dollars an acre?

Answer. I did.

Question 1303. What has been your occupation since you have resided on that reservation?

Answer. I was army sutler. That was my principal business.

Question 1304. Have you previously purchased lands from the government?

Answer. I have.

Question 1305. By pre-emption?

Answer. No, sir.

Question 1306. What right of purchasing this reservation, or any other part of it, was at any time assured to you by any officer of the government before the sale?

Answer. None.

Question 1307. At what time did you purchase from McKenzie?

Answer. I never purchased any land from McKenzie. I bought, or agreed to buy, from him some improvements upon the reserve. It was after Major Eastman arrived there and commenced making the survey.

Question 1308. Was this before the sale?

Answer. Yes, sir.

Question 1309. Why did you make this purchase at the price you have named before the sale, without having some reason to suppose that you would be enabled to buy the reservation?

Answer. I presumed he would have some claim. His claim had been before recognized by the government.

Question 1310. In what manner had it been recognized?

Answer. By authority of the War Department to occupy it, and to be protected in the occupancy.

Question 1311. For what purpose?

Answer. For any purpose he chose to occupy it, other than as a drinking saloon.

Question 1312. How do you know that McKenzie was authorized by the War Department to settle upon it and use it for any purpose he pleased?

Answer. He was never authorized to settle upon it. I have not stated that he was authorized to make improvements, I stated that he was authorized to occupy the improvement which he owned by purchase. He purchased the improvement, or it came to him as the trustee or administrator of Mr. Baker. Those improvements were there for the purpose of Indian trade.

Question 1313. Was your residence on this reserve with a view of anything except acting as sutler to the post?

Answer. None other.

Question 1314. What actual settlements, in conformity to the pre-emption law, were made upon the reserve by any one?

Answer. None. No pre-emption law held upon that reserve.

Question 1315. You understood in advance, and during your occupation, that you held no right to purchase from the government?

Answer. The only rights were under the army regulations, which authorize a sutler to make improvements, but gave no authority to buy land.

Question 1316. Why did you purchase McKenzie's improvements, before the purchase of the reservation, without some reason to believe that you would become a purchaser?

Answer. I supposed that at the sale, from the fact that an order had been given authorizing him to occupy, his right to the land upon which the improvements were made would be recognized, and that by purchasing from him I should have that right.

Question 1317. Did you not know that under the pre-emption law, a pre-emption right is waived by conveying it before the sale?

Answer. No pre-emption law held upon that reserve. I did not suppose that he held any right by pre-emption.

Question 1318. When did you first become acquainted with Mr. Mather?

Answer. Some eight or ten years since. I have forgotten how long ago exactly.

Question 1319. Was Mr. Mather present at the time of the sale?

Answer. He was.

Question 1320. How long had he been at Fort Snelling before the sale?

Answer. A few days. I do not recollect how long.

Question 1321. What was his purpose in going there?

Answer. I presume to make the purchase. I know of no other.

Question 1322. Had not the arrangement between yourself, Graham, Mather, and Schell, been made before that time?

Answer. No, sir.

Question 1323. Before that time, had not the arrangement to purchase been made between Graham, yourself, and Mather?

Answer. No, sir. Between myself and Graham it had.

Question 1324. Whom did Graham pretend to represent in the arrangement he made with you?

Answer. He mentioned no names. He said there were to be other parties interested.

Question 1325. Did you not know that Mather was to become a party in interest, before he came to the reservation?

Answer. I did not know it until he came to my house.

Question 1326. What was your arrangement with Graham as to the purchase and division of that land?

Answer. My arrangement was this: in the first place we supposed it would be sold at auction, and we were to put a fund together; I was to own one-third, and he and his friends two-thirds.

Question 1327. Who now are parties in interest with you in the one-third to which you became entitled by your agreement with Schell, Mather, and Graham?

Answer. I have sold an undivided interest to Henry T. Wells, Richard Chute, and John S. Prince. I have sold, or contracted to sell, lots to different parties. I do not know as I can name them all now. I have made quite a number of contracts of sale, and con-

ditional contracts of sale. I can mention some of them if necessary. I have contracted to sell to Major Martin of the army a block of twenty lots, at the rate of \$100 a lot, to be paid for in one and two years. I have made a conditional sale of one lot, and the gift of another, to a man by the name of Few, for \$100. To another person by the name of Whitney I have given two lots, he agreeing to build on them. There are other persons, whose names I do not recollect, to whom I have given lots upon condition of their building. I have made some half a dozen other sales at about the rate of \$100 a lot; none above that.

Question 1328. I understood you to say that the remainder of the reservation formerly sold was under the pre-emption law?

Answer. That portion of it upon the west side of the river was disposed of in that way, and that upon the east side at public auction. There were from fifteen to twenty thousand acres upon both sides; more upon the west side than upon the east. I am not positive as to the amount.

Question 1329. Why then do you attempt to compare the sale of the lands where the price was by the pre-emption law fixed, with the sale of the lands of this reservation, where competition in price was allowed?

Answer. I have not. I make the comparison with the sales upon the east side of the river, where the pre-emption did not hold.

Question 1330. What active part did Mr. Mather take towards effecting the purchase of the reserve?

Answer. I do not know that he took any.

Question 1331. Did he frequently confer with you or with the commissioners before the sale?

Answer. With me he did confer. I do not know that he conferred with the commissioners.

Question 1332. At the time that you first met him was a private sale already determined on?

Answer. I do not know that it was.

Question 1333. What statements did you or Mr. Mather make to the commissioners of combinations likely to be formed if the property was sold at public sale?

Answer. I do not know that I made any to the commissioners before the sale. I may have made some after.

Question 1334. What as to Mr. Mather?

Answer. I do not know whether he did or not. I will state that my answer just now given may conflict apparently with my former statement that I had spoken to Major Eastman on the subject. Major Eastman was at that time acting as surveyor, and not commissioner.

Question 1335. I understand you to say that you made the offer of \$90,000 as a fair price?

Answer. I did.

Question 1336. Had not you at one time arranged with Dr. Graham to pay as high as \$120,000, if necessary, to secure the property?

Answer. We fixed a price. I do not now recollect precisely what. My impression is that it was \$110,000.

M. C. SMITH sworn.

Examination by the chairman.

Question 1337. Are you acquainted with the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling?

Answer. I think I am generally. Yes, sir.

Question 1338. Will you give to this committee a history of that transaction, so far as you have any knowledge of it?

Answer. I know nothing in regard to the sale more than a general rumor or report that it sold for \$80,000 or \$90,000. I never received any information from the parties in authority, so that I could not say from any official information, even that it has been sold.

Question 1339. Where do you reside and what is your occupation?

Answer. I reside at Minneapolis. My occupation is dealing in lands.

Question 1340. How long have you resided in Minnesota?

Answer. Three years next May.

Question 1341. Are you acquainted with this reservation, the character of its soil, the number of acres it contains and so forth?

Answer. Yes, sir; pretty definitely I think. I do not think the exact number of acres is known. I have heard it more generally estimated at eight thousand acres. Many think it will overrun ten thousand.

Question 1342. Taking into consideration the character of the soil, its location and everything, what was the reservation worth per acre for agricultural purposes at the time of sale?

Answer. Considered exclusively for agricultural purposes, I should think it would average about \$25 per acre.

Question 1343. In that estimate do you take into consideration that a portion of the land is subject to overflow, and base your calculation, in making an average price, upon that land as well as the balance?

Answer. I do not know that I am intimately acquainted with the character of the land subject to overflow. I do not know that it is to any great extent overflowed. But from the information I have, which is derived from going over it frequently and the lands surrounding, and the general character of the land, without having examined it specially with a view to estimating its value, I should think it was worth \$25 an acre for agricultural purposes. On making a critical examination, I might fix the value a little above that, or perhaps a little below.

Question 1344. Do you know how much of it is swamp land?

Answer. I do not.

Question 1345. Do you know how much of it is subject to overflow by the river?

Answer. I do not definitely.

Question 1346. Will you tell this committee how much of that 8,000 acres of land you passed over and made examination of?

Answer. I presume I have passed over so that I have seen nearly

all of it, if not quite. I do not know the exact boundary on the further side. It is bounded by Little Falls creek on one side, by the Mississippi river on another, by the Minnesota on another, and by the lands adjoining on the other. I do not know definitely where the boundary runs on this last side, and therefore, I do not know whether I have been over all of it or not. I have passed over the land in different directions and in various ways.

Question 1347. Is there not a portion of this tract the soil of which is very sandy, and not adapted to agricultural purposes?

Answer. There may be a small portion of it?

Question 1348. Can you say how much?

Answer. I could not. I have seen a small portion on the creek, back from the river, which is rather sandy, but at the same time adjoining that, on the other side of the creek, I wanted to buy some land the price of which was \$30 an acre, and I advised a friend of mine to purchase it at that price. It is not only equally as sandy, but nine or ten acres were a bog hole.

Question 1349. Do you regard the site of Fort Snelling as an eligible point for the location of a city or a town?

Answer. I do.

Question 1350. What would you say that tract of land was worth, taking into consideration its advantages as a town site at that time?

Answer. I should not put it under \$400,000. I think it was worth not far from that.

Question 1351. How much has property in that vicinity depreciated since the sale was made?

Answer. At a forced sale I do not think it would sell for half what it would have sold for then, because there is no money there. In ordinary business transactions of selling property I think it has depreciated from twenty to thirty per cent.

Question 1352. Will you give the committee your reasons for regarding Fort Snelling as an eligible site for a town?

Answer. One reason why I so regard it is because it is at the head of good navigation. The Mississippi river is navigable for boats as far as Fort Snelling. They sometimes run up as high as Minneapolis, but a great portion of the year between Fort Snelling and Minneapolis navigation is difficult. Between St. Paul and Fort Snelling navigation is as good as at many points below; so that, in reality, for a large class of boats, it is the head of navigation. It is also the junction of the Mississippi and Minnesota rivers, and, as far as my judgment goes, the best section of country I was ever in. The general appearance of the country, the scenery, the soil, and all things considered, make it as good a section of country as I ever saw. There is a large section of country above it, the soil of most of which is good, and it must be the distributing point for more than half the towns above and back of it.

Question 1353. I understand you to say that it, in your judgment, stands at the head of navigation?

Answer. Yes, sir; at the head of good navigation.

Question 1354. Can boats reach Fort Snelling at all times when they can reach St. Paul?

Answer. I think there are two places below St. Paul—Pig's-eye bar and Beef slough—that are quite as bad as any places between Fort Snelling and St. Paul.

Question 1355. Since this reservation was sold has there been any evidence that it would become a point of importance?

Answer. Nothing that I know except public opinion. When I left there, in November, the parties owning it had projected plans for bridges, grading streets, and other improvements. I do not know that they have yet carried any of them out. I know what the public opinion is in reference to it in the neighborhood. I know that the sale has had a very perceptible effect upon the price of property in Minneapolis. I myself would have been willing to have sold my property there at a less rate than before, and invested in property at Fort Snelling.

Question 1356. Taking the most eligible point at Fort Snelling and averaging the lots, what would you be willing to pay for lots there 50 feet by 165.

Answer. It would depend altogether upon the amount of land laid off in lots. I should think, however, that the average lots would be worth \$50.

Question 1357. What would be your estimate of the value of the lots on the average in the most eligible point at Fort Snelling?

Answer. I said it would depend altogether on the quantity of land laid off. I do not know how much is laid off. If there are 2,000 acres it would be very different from a town site of 320 acres.

Question 1358. Then your estimate is based upon a town site of 320 acres?

Answer. No, sir; if there are no more than that I would give more for lots there.

Question 1359. How much more?

Answer. I would give at least \$100, and I think I would give more.

Question 1360. When you say that property was, in your judgment, worth \$400,000 at the time of sale, do you think it would have brought that if it had been offered at public sale?

Answer. My impression is that it would.

Question 1361. Have you ever known any sale of any military reservation made by the government which sold for a greater price than the minimum price of the public lands, a dollar and a quarter per acre?

Answer. I have never known anything of the sale of any other military reservation except that of Fort Ripley.

Question 1362. Is it or not the fact that, in making sale of public reservations by the government, the parties interested in the purchase form combinations which prevent the selling for a greater price than \$1 25 per acre?

Answer. I am not much acquainted with the sales of any reservations except the two I have mentioned; in the sale of Fort Ripley, I understand there was such a combination formed, which purchased

the land for little or nothing ; that sale, however, was controlled by circumstances that would barely enable me to form an opinion of what would have been done if Fort Snelling had been sold at public sale ; it is a long distance from where the country is settled, and, as I understand, the sale was controlled by a few individuals, who could easily form a combination.

Question 1363. Had you any interviews with the commissioners, either before or after the sale was made ?

Answer. No, sir ; I never heard of them until I left that country.

Question 1364. When did you hear that the military reservation, at Fort Snelling, would be sold ?

Answer. I heard that such a thing was probably in anticipation, in one of the land offices, in Minneapolis ; Mr. Olds came into my office, and said he had discovered a mare's nest, and referred to a certain clause smuggled into one of the appropriation bills, which he said he thought would authorize Fort Snelling to be sold ; he said he would go and look at a certain law, and see whether it would justify the sale ; he returned, and said it did, and that he had no doubt it was introduced there for the purpose of authorizing the Secretary of War to sell Fort Snelling.

Question 1365. Is that all the information you had ?

Answer. Previous to the sale, yes, sir.

Question 1366. Were you at the fort during the time Major Eastman was there, surveying ?

Answer. I was there frequently ; I do not know Major Eastman.

Question 1367. Did you know he was there surveying the reservation ?

Answer. No, sir.

Question 1368. Did you have any interviews with Dr. Graham ?

Answer. No, sir.

Question 1369. Or with Mr. Mather ?

Answer. No, sir.

Question 1370. Or with Mr. Steele, in regard to the sale of the property ?

Answer. No, sir.

Question 1371. You say that property has declined twenty or thirty per cent. in ordinary sales in that region since last June ?

Answer. Yes, sir.

Question 1372. Would you say that the reservation could now be sold for \$400,000, taking off thirty per cent. ?

Answer. At this particular period I do not think it could. The reservation could hardly be sold at this period of the year, with no more money than there is in the country ; but if business resumes, as usual, in the spring, and sufficient notice were given to enable capitalists from the east, as well as those in the Territory, to purchase, I have no doubt it would sell for as much as \$400,000.

Question 1373. When did you first learn that the property had been sold ?

Answer. I do not know that I could tell the date. I should think, if I recollect the date of another circumstance that came in connexion

with it rightly, it must have been the last of August. There were rumors afloat before that time that it had been sold, and certain articles were published in the papers for the purpose of calling out information on that subject. The editor of one of the St. Anthony papers was supposed to be interested in the sale, and he was called on to make a statement in reference to it. He stated that it had not been sold. Under that impression we supposed that it had not been sold for weeks longer than we should have done if he had not denied it.

Question 1374. Do you know who bought that property?

Answer. I know from rumor.

Question 1375. Do you know who owns it at this time? I only ask for your personal knowledge.

Answer. I will say this much, that if I am only to state in reference to the sale of the Fort Snelling reservation what I know of my own personal knowledge, or from what I have obtained from the parties interested in the purchase, I should state very little. I do not think one citizen there in a hundred knows positively about the matter.

Question 1376. If you had been authorized to sell the military reservation at Fort Snelling, how would you have sold it so as to have realized \$400,000 for it, as the agent of the government?

Answer. I think I should have given general notice that the property was to be sold. I should then have advertised to receive proposals for it. If, on inquiry, I found there was danger of a combination to prevent the land from selling for its full value, I would have only received sealed proposals, after giving due notice and time for capital to be brought from the east. I think that would have been the safest plan.

Question 1377. You say you estimated the value of the tract at \$25 per acre for agricultural or farming purposes; what would farming lands in that neighborhood, of equal quality, sell for on the average at that time?

Answer. I think they would sell for about \$25 per acre.

Question 1378. Do you speak of cash or credit sales?

Answer. I speak of what is about the same as cash, perhaps one-third cash down, and the balance in deferred payments, at two per cent. a month. I think farmers in that neighborhood sold for that. I know that I advised a friend of mine who got me to look for him to purchase a tract adjoining, which had no improvements on it, and was much the same quality of land as the reservation, for \$30 per acre.

Question 1379. Are you acquainted with that portion of the reservation sold in 1855?

Answer. Yes, sir.

Question 1380. How does that compare, in the character of its soil, with that portion of the reserve sold last June?

Answer. I should think there was no material difference.

Question 1381. Do you know what that land brought when sold by the government?

Answer. I have understood that that part of the reservation was

all claimed by pre-emption, and of course sold at the minimum price per acre. I think it was divided up into small tracts, many of the purchasers only getting forty acres.

Question 1382. Do you know any portion of the tract sold in 1855 which has been sold since?

Answer. Yes, sir; I have bought and sold considerable of it myself.

Question 1383. What has it usually sold for?

Answer. It has sold all the way from \$20 per acre to \$10,000. For the last acre I bought I paid \$6,000—\$3,000 down, and \$3,000 in sixty days, at two per cent. a month.

Question 1384. That was in the town of Minneapolis?

Answer. Yes, sir.

Question 1385. I now ask you with reference to land which has been sold for agricultural purposes?

Answer. The price would depend entirely on the time the sale was made. The same land would have sold for twice as much last spring as it would have done two years before. Most of that land sold last spring of which I had any knowledge sold at prices ranging from \$25 to \$50 per acre. A farm which I thought of purchasing of Mr. Perkins was held at \$50 per acre. It had, however, some improvements on it.

Question 1386. Did that portion of the reserve lie on both sides of the river.

Answer. I believe not. I have always understood that it was all on the west side of the river. The river does not run exactly north and south, but it is what would be understood as the west side of the Mississippi.

Question 1387. What are your personal relations with Mr. Steele?

Answer. Perfectly friendly, so far as I know. I met him very cordially as he went out of the room just now. Our relations have always been friendly, so far as I know.

Question 1388. Do you know any parties who would have been willing to have paid \$400,000 for that property?

Answer. I think I do.

Question 1389. Will you name them?

Answer. I think I could mention three in our office, Colonel Aldrich, my brother, and myself. I could not state absolutely with regard to others, but my impression is that two-thirds of the people in that neighborhood would have been willing to have sold their property at cash value and purchased at that price.

Question 1390. Do you know of any parties who would be willing to give within thirty per cent. of that price for it now?

Answer. Yes, sir; I think I could find persons who would let their property go at cash value in exchange. I do not know that there are persons there now who have the money to purchase. When I left there, money was very scarce, and I understand it is still.

Examination by Mr. Morris.

Question 1391. Are you acquainted with a tract of land sold by Mr. Steele some time ago on the opposite side of the river?

Answer. I have had pointed out to me there a tract which it was said he sold.

Question 1392. What is its proportionate value to Fort Snelling?

Answer. The soil is probably not as good; but, taking every thing into consideration, I should think it was worth twice as much as the land of the reservation would average.

Question 1393. Taking the tract of the Fort Snelling reservation generally, is it well adapted for agricultural purposes?

Answer. I think it is. I have been brought up on a farm, and I think I know something of the quality of soil. I call the soil of that tract good land.

Captain J. B. S. TODD sworn.

Examination by the chairman.

Question 1394. Are you acquainted with the facts and circumstances attending the sale of the Fort Snelling reservation?

Answer. No, sir; not of my own knowledge. All I know is what I have seen in the papers.

Question 1395. Were you on the reservation, or near it, at the time the sale was made?

Answer. No, sir; I was not.

Question 1396. Where do you reside, and what is your occupation?

Answer. My residence the past summer has been at Sioux city, Iowa. I am the sutler for Fort Randall.

Question 1397. Are you acquainted with the Fort Snelling reservation? Have you ever been on it or examined it?

Answer. I have.

Question 1398. What would you fix as its value in June last?

Answer. I do not know that I can give its value. I left there in the fall of 1854. I have been there twice since, but only to remain for perhaps a couple of days. There is a portion of the reserve valuable, and another portion not so valuable.

Question 1399. Do you regard that point as eligible for a town?

Answer. In the early settlement of the Territory it was regarded as the most eligible point in the neighborhood for a town; but I think that, at the present time, the importance of Fort Snelling as a town site is very much lessened, from the fact that so many towns have sprung up above and below: St. Paul, below; St. Anthony and Minneapolis above, and Mendota opposite.

Question 1400. Do you think it is practicable at this time to build a town there, considering the rapid growth of St. Paul and the other towns in the neighborhood which you have mentioned?

Answer. I have no doubt a town could be built there. It is a very eligible point for a town.

Question 1401. Would you give it as your opinion that Fort Snelling ought to be retained as a military post by the government?

Answer. If the government intends to keep troops in that neighborhood, Fort Snelling might, and undoubtedly would, have been of service as a military depot; and yet, while I was in command there, for several years, (I have been connected with the army until eighteen months ago,) the supplies for Fort Ripley, 125 miles above, were never transported from Fort Snelling. They were landed at St. Paul, and shipped from there without going to Fort Snelling. I am under the impression that the same thing was done in regard to Fort Ridgley, which is situated about 125 miles up the Minnesota river. I recollect that they were landed at St. Paul, and reshipped to the fort direct, in 1853 and 1854.

Question 1402. Is not the country round Fort Snelling now thickly populated?

Answer. I am under that impression.

Question 1403. Could not the government supply the forts mentioned by you as cheaply without the fort as they could by retaining it?

Answer. The forage at Fort Ripley is grown in that neighborhood. Since 1852 they have been supplied with forage from Benton county, opposite the fort, on the east side of it. Previous to that our forage came from St. Paul. It cost us, if I recollect correctly, about \$1 12 per hundred then. From 1852 until 1854, when I left that post, we obtained it from the neighborhood for from seventy-five cents to a dollar. We found it, therefore, cheaper to obtain it from the surrounding country.

Question 1404. From your knowledge acquired in 1854, and from your occasional visits since, what, in your opinion, was the fair value of that reservation, supposing it to contain eight thousand acres, at the time of the sale; and what ought the government fairly to have realized by the sale of that tract of land?

Answer. When I first heard of the sale, I heard that it was sold for \$90,000. When I first saw the sale announced in the papers, I thought it was a fair sale for the government and a fair sale for Mr. Steele. Two years before, lands in the neighborhood, adjoining the reserve, improved lands, have sold at twelve dollars per acre—very fine farming lands, partly wooded. I should judge the sale at \$90,000 was a fair one for the government, and a good one for Mr. Steele.

WEDNESDAY, FEBRUARY 17, 1858.

HON. GEORGE L. BECKER SWORN.

Examination by Mr. Morrill.

Question 1405. Are you acquainted with the facts and circumstances connected with the sale of the military reservation at Fort Snelling; if so, state them?

Answer. I know but little about that sale, other than what I have seen in the public prints and what I have heard in the streets of St. Paul. I heard of the sale about the time it took place, and knew the terms of sale.

Question 1406. Who informed you that the sale was to take place, and of the terms?

Answer. About all the information I had in advance of the sale was, that it was to take place. Who informed me that it was to take place I cannot say. It was a matter of common rumor in our streets. I reside in St. Paul, and the Fort Snelling reservation being located not far from our town, the fact of its sale created some interest. I think the first information I had, perhaps, was from Mr. Rice, who is a personal friend, with whom I have been acquainted for a long time. It was after Major Eastman had arrived there as a commissioner of the government to sell that property. He stated that it had been sold, together with the terms of sale, as a matter in which I might be interested.

Question 1407. What is your business?

Answer. I have been an attorney for the last eight years and upwards.

Question 1408. Have you been in the habit of dealing in lands?

Answer. Yes, sir; very considerably throughout the Territory.

Question 1409. What is the price of lands in the neighborhood of St. Paul and Fort Snelling for agricultural purposes?

Answer. The price depends a good deal upon the character of the soil and the location, and varies very much. It depends, in a great measure, upon its distance from St. Paul. The lands in the immediate vicinity of St. Paul have commanded within the last twelve months a very high price. I do not consider them worth as much now as they were six or eight months ago.

Question 1410. Will you state what they were worth in June or July last?

Answer. Some lands there have sold for as much as \$300 or \$400 per acre. Others, not very far off, but not so well situated, have sold at prices varying from \$8 or \$10 up. It is almost impossible to place any fixed value on lands in the vicinity of St. Paul, it varies so much with its quality and location.

Question 1411. Are you acquainted with the Fort Snelling reservation?

Answer. Yes, sir.

Question 1412. Have you been all over it?

Answer. Yes, sir; in every direction over it.

Question 1413. What is your opinion as to the value of that reservation for agricultural purposes?

Answer. I do not think it is good for much else except agricultural purposes. I think the soil, for fertility, would be below the average in our vicinity. It is sandy, and I should think would hardly be considered worth more than \$8, \$10, or \$12 per acre.

Question 1414. Do you mean now, or at the time it was sold?

Answer. I mean at the time it was sold. I might mention some

real estate transactions, of which I was cognizant of, in that neighborhood, and upon which, in a great measure, I base my estimate of the value of the lands of the Fort Snelling reservation, if the committee wish it.

Question 1415. Do you know how you came to be summoned here?

Answer. I do not.

Question 1416. Were you summoned from St. Paul?

Answer. No, sir. I was summoned during the past week, in this city.

Question 1417. Is it your opinion that if St. Paul, St. Anthony, and Minneapolis, had not the start they have, Fort Snelling would be an eligible site for a town?

Answer. Yes, sir; I think it would.

Question 1418. Do you suppose that if Fort Snelling had been offered at public sale there would have been a fair competition for the purchase of the reservation?

Answer. I think not. I should judge that the probabilities are, that if a public sale had taken place, the same thing would have occurred which took place in reference to that part of the reserve which was sold some three or four years ago.

Question 1419. If it had been sold in small parcels, would not you, as a speculator, have been desirous of purchasing a portion of it?

Answer. You are aware that we have a system in the west which is a part of the unwritten law of the land, by which claim associations are formed by parties for the purpose of protecting each other at these public sales. It is very rare that government land ever brings more than a dollar and a quarter per acre at public sale.

Question 1420. Does not that system apply mostly to those claiming pre-emption rights?

Answer. No, sir.

Question 1421. Is it considered honorable among the men in your country to carry out such a system where there are no pre-emption rights?

Answer. It is. We do not look upon the government as a land speculator. Such combinations were formed at the time a portion of this reserve was sold three or four years ago. Claims were made upon it, and the parties went on to make improvements. An association was formed by the parties interested. They appeared at the land office on the day of sale. The sale was conducted quietly and without disturbance, but the land was all purchased at a dollar and a quarter per acre.

Question 1422. Were you ever engaged in such a combination?

Answer. I bid off a part of that land.

Question 1423. Then you consider it fair to fleece the government?

Answer. No, sir. I do not consider it fair to fleece the government, and I am not aware that I have ever been engaged in any such proceeding.

Question 1424. Do you think it fair to engage in a combination for the purpose of getting the government property at greatly less than its value?

Answer. No, sir; I do not think it fair to engage in a combination to get the government property at greatly less than its value.

Question 1425. Have you had any conversation in this city with any parties in reference to this sale? and if so, state with whom.

Answer. There are several Minnesotians in the city with whom I have had conversation on the subject. I think I have talked with Mr. Rice, with both of my colleagues, Messrs. Phelps and Cavanagh, I cannot mention them all. I think there are some ten or twelve that I have talked with on the subject.

Question 1426, (by Mr. Morris.) Are you a member elect of the House of Representatives from Minnesota?

Answer. I am.

Examination by Mr. Faulkner.

Question 1427. Will you explain what you mean by the remark that you consider it perfectly justifiable to purchase these lands of the government at a dollar and a quarter per acre, although worth more, and yet that you do not regard the exercise of that right as fleeing the government?

Answer. I consider it justifiable because the men who were there were the pioneers of the country. They had settled upon the lands, and had expended, many of them, a very considerable amount in improvements. The chief value the lands had was given them by expenditures in the shape of improvements. The lands of themselves were worth no more than any other lands of the government. Upon the tract I speak of, I had myself expended several thousand dollars, with the expectation that I should get it from the government at what is called the minimum price—that is, \$1 25 per acre.

Question 1428. Will you state, from your knowledge of the Fort Snelling reservation, whether its sale at \$90,000, upon the terms on which it was sold, was a fair sale for the government?

Answer. I do not remember exactly the credit given. I think it was one or two years for two-thirds the purchase money. It was all I would be willing to give for that property, and I should not be willing to take a share in it now at that rate.

Question 1429. Is it your opinion that the commissioners realized by that arrangement as much for the benefit of the government as they could have realized by any other mode of sale?

Answer. I think they did. I think they realized more than they would have done from a public sale.

Examination by Mr. Pettit.

Question 1430. If the reservation had been subdivided into tracts of from one hundred to ten acres, and the commissioners had invited proposals, reserving the right to accept or reject the offers made, do you believe, considering the anxiety at that time in the neighborhood to purchase the land, there would have been any difficulty in getting purchasers at the full price?

Answer. If the terms of sale had been cash, I think there would have been difficulty, because we commenced feeling the pressure in the money market there at the time of sale. We felt it more or less during the whole of the last season. If the reserve had been subdivided and sold in that way, I take it for granted it would have been for cash; for the government would hardly have given long credit to so many parties.

Question 1431. Was not the most active time in buying and selling land in the Territory and in that region, about the time when the Fort Snelling reservation was sold?

Answer. I think it was a pretty active time about then.

Question 1432. If, then, this was an active period in land buying and land selling, why do you say that purchasers could not have been found if the tract had been subdivided?

Answer. The real estate transactions in our Territory have been based upon credit to a very great extent. My answer to your question was based upon the supposition that it would be a cash sale.

Question 1433. The plan proposed by me, in my first question, was on the supposition that the sale would be made on the terms adopted by the commissioners in respect to credit. Would there then have been any difficulty in obtaining purchasers at the full price?

Answer. I do not know what you mean by the full price. There are some portions of that reserve that would bring more than the price per acre it sold for; there are other portions that would hardly bring \$1 25 an acre if offered at public sale. There are some choice places upon it that would bring large sums of money, comparatively speaking, and there are other portions that would not be considered valuable for any purpose. The falls of Minnehaha constitute a valuable water power for manufacturing purposes.

Question 1434. When you speak of that part of the reservation not worth a dollar and a quarter per acre, do you confine yourself to the land subject to overflow?

Answer. Yes, sir, in a measure.

Question 1435. What, on the average, would the remainder have been worth, per acre?

Answer. I could not answer that question, because I do not know the number of acres in the reservation; it would require a pretty close examination of the whole of it, of all its advantages and disadvantages to answer the question fully.

Question 1436. Would there, in the manner proposed in my first question, supposing the commissioners had given the same credit that was, in fact, given to Mr. Steele, have been any difficulty in realizing a fair price?

Answer. No, sir; I think there would not; I should think \$90,000 a fair price for the property; I remember the sale of 160 acres of land, adjoining the reserve, of better quality than the average of the reserve, upon which I held a mortgage, and I base my estimate to some extent upon that.

Question 1437. Is it not true that, in last June, farming lands in

the vicinity of St. Paul and the surrounding towns, were selling at \$30 or \$40 per acre?

Answer. Lands near St. Paul and near Minneapolis were probably held at about that price, but a large portion of this land lying up the Minnesota would not be worth as much; lands in the neighborhood, of equal value, have, in the past season, sold from \$10 to \$20 per acre, some, perhaps, as high as \$20; the land on the reserve is in many parts sandy, and, as I said in the commencement, below the average of farming lands in that region.

Question 1438. Is your opinion of the value of that reservation based upon the supposition that it is adapted to farming purposes only?

Answer. Yes, sir; I consider it valuable for nothing else.

Question 1439. Was there not at that time a general anxiety to purchase the lands of this reserve?

Answer. Yes, sir.

Question 1440. Would not then a sale by proposals, such as I have named, have invited a very general competition?

Answer. That question I could hardly answer; it may be that some combination would have been formed so that a large number of proposals would not have been received; I have stated before that, whenever government property is announced to be sold at public sale, there is a very general disposition to enter into combinations; it is difficult, for persons not familiar with the land policy of the west, to understand the feeling that exists on the subject among the people.

Question 1441. Do I understand you that, if the commissioners had advertised to receive proposals, reserving to themselves the right of accepting or rejecting them, there would have been any such combination formed?

Answer. Real estate dealers are not very numerous in that vicinity, and they are pretty well known to each other; parties desiring to bid would naturally be brought together; if the reserve had been sold in the way you suggest, I think it would have produced the same result, which I mentioned, in reference to the portion of the reserve first sold; in that instance, there were some two or three hundred persons interested in the purchase, and yet a combination was formed; if proposals were invited by public advertisement, as you suggest, it is likely there might be two or three hundred persons wishing to purchase; they would probably be brought together, more or less, before the sale; it would be ascertained what portion each wished to purchase, and before the sale took place, it is likely such a combination would be formed.

Question 1442. You do not still explain how all persons wishing to purchase there may be engaged in such a combination?

Answer. I do not know as I can make any other explanation than I have made. I have not said that all persons desiring to purchase would be embraced in a combination. I do not think they would.

Question 1443. If so, how would those persons not embraced be prevented from making a fair offer?

Answer. They would not be prevented.

Question 1444. What do you know of the comparative population surrounding Fort Snelling, and that which surrounded Fort Dearborn at the time of its sale?

Answer. I know nothing about the site of Fort Dearborn, or about Chicago. As I understand the sale was made 20 years ago, I suppose it was a very small town compared with what it is now.

Question 1445. What is the population of the villages within a dozen miles from Fort Snelling?

Answer. St. Paul has from twelve to fifteen thousand inhabitants; St. Anthony and Minneapolis perhaps eight or nine thousand, and Mendota perhaps from two to three hundred.

Question 1446, (by Mr. Faulkner.) Can you inform us whether there was or was not a wild spirit of land speculation in that section of country last June?

Answer. There was, and lands were held and sold far above their value at that time. I myself have sold lands within the last 12 months which, to-day, would not bring half the price, and are not worth half the price they sold for.

Question 1447, (by Mr. Morris.) Are you the owner of property in St. Paul?

Answer. I am, to a small extent.

CYRUS ALDRICH SWORN.

Examination by the chairman.

Question 1448. Have you any knowledge of the facts and circumstances attending the recent sale of the military reserve at Fort Snelling?

Answer. I have not, except from hearsay.

Question 1449. Where do you reside, and what is your occupation?

Answer. I reside at Minneapolis, at the Falls of St. Anthony. My business for the last few years has been that of operating in real estate.

Question 1450. Are you acquainted with that reservation, the character of its soil, &c., from personal knowledge and examination of it?

Answer. I cannot say that I am with the whole of it. I have never been over it with a view to examine it. I have rode over it in two directions only.

Question 1451. How long have you resided in Minnesota?

Answer. Two years the coming summer.

Question 1452. Have you a knowledge of the value of real estate in the neighborhood of this reservation?

Answer. I think I have. I have never bought or sold land in the immediate vicinity of it, except town lots, or something of that kind, in the town where I live.

Question 1453. What, in your opinion, was that reservation worth per acre in June last, taking into consideration all its advantages and disadvantages?

Answer. I give it as my opinion, and that is the opinion of almost

every man acquainted with the property, that it was worth at that time forty or fifty dollars an acre.

Question 1454. Do you know how many acres there are in the reserve ?

Answer. Only from hearsay. From eight to ten thousand acres.

Question 1455. Do you know whether any of that land is subject to overflow ? If so, how much ?

Answer. I do not know. I have never been upon the river bottom, nor do I know that I ever heard how much is subject to overflow ; but I have heard that some little portion of it is.

Question 1456. In fixing your estimate of its value do you base it upon its advantages as a town site or for agricultural purposes ?

Answer. Upon both.

Question 1457. What were those lands worth per acre in June last for agricultural purposes ?

Answer. I think that most of it was worth from \$20 to \$30 per acre, and would have sold for that. I judge so, because lands adjoining sell for about that price with some very little improvements upon them.

Question 1458. Do you think if those lands had been divided into small parcels and sold at public sale that the amount which you have fixed as their value could have been realized by the government ?

Answer. I do. I did then, and I have no reason to think differently now. That is a matter of opinion with me, and it must be with every one.

Question 1459. Are you acquainted with any other land sales of military reservations made by the government ?

Answer. No, sir, except by hearsay and from reading.

Question 1460. Were you in the Territory at the time a portion of this reserve was sold in 1855 ?

Answer. I was there at the time they were proving up pre-emptions upon the balance of the reserve. I think none of it was sold at public sale ; all of it was pre-empted under a special act of Congress authorizing it.

Question 1461. Have you ever known of the sale of a military reserve at public auction where the government realized more than \$1 25 per acre ?

Answer. I have never attended to the subject of the sale of military reserves.

Question 1462. Do you think it practical to build a town upon that reservation ?

Answer. I do. It is a favorable point for a town, in my opinion ; but I am free to say that it would not be as easy to do it now as it was some years ago. St. Paul being a few miles below, and St. Anthony and Minneapolis being a few miles above, and they having a start, it would not be so easy now to build a town there.

Question 1463. Would it not require a large expenditure of money to establish a town there ?

Answer. I think it would.

Examination by Mr. Faulkner.

Question 1464. What is there in the character of the location of the place that would stimulate a town of any size there ?

Answer. It is at the junction of the Mississippi and Minnesota rivers, the latter of which is navigable some 200 miles to the west, at some seasons of the year, and the beauty of the location would induce people to settle there, I should think ; and the navigation of the Mississippi to that point is as good as it is to St. Paul, I think.

Question 1465. Has it any peculiar commercial and manufacturing advantages ?

Answer. No manufacturing advantages, and no commercial advantages, except that it is at the junction of those two rivers.

Question 1466. Is not St. Paul regarded as being at the head of navigation on the Mississippi river ?

Answer. It is generally thought to be so by people not well acquainted there. The people of St. Paul have taken a good deal of pains to have it understood through the country that St. Paul is the head of navigation ; but that is an incorrect opinion.

Question 1467. Where do you regard the head of navigation to be ; is it below the falls ?

Answer. The navigation from about two miles above Fort Snelling is difficult, but there is no more difficulty in running boats to Fort Snelling than to St. Paul. The navigation to that point is, I think, equally as good as it is at many places below. Steamers ran to St. Anthony nearly half of last season.

Question 1468. What, in your judgment, would be the real value of that reserve for agricultural purposes ; not what in the wild spirit of speculation might be given for it, but what would it be worth for practical agricultural purposes ?

Answer. That is rather a difficult question to answer. As I said before, I have been over the reservation only in two directions. I am told that the soil varies ; that some of it is more sandy than other parts. I should think it was worth somewhere about \$20 an acre for agricultural purposes, when you take into account its location and proximity to important towns.

Question 1469. Can you inform us if there was not, during last summer, a wild and rabid spirit of speculation in that country in reference to public lands ?

Answer. There was.

Question 1470. Were not lands selling far beyond their intrinsic value ?

Answer. They were in some localities, without doubt, and perhaps in most localities.

Question 1471. Would you consider even the actual sales of lands that took place throughout that country, last summer, as any evidence of the real and intrinsic value of those lands ? In other words, were not many purchases made in a spirit of speculation ?

Answer. They were, undoubtedly ; and particularly in the imme-

diate vicinity of and adjoining towns and town sites. There was more speculation in town sites and town lots than in agricultural lands.

Question 1472. Wherever the idea could be entertained at all that a piece of property was adapted for a town site, did not the spirit of speculation become rife and rabid, instantly to seize upon that land, with a view to speculation?

Answer. Yes, sir.

Question 1473. Have there not been many disappointments in the views entertained upon that subject, and in the speculations which were entered into under the influence of that spirit?

Answer. There undoubtedly have been more or less.

Lieutenant RICHARD C. DRUM sworn.

Examination by the chairman.

Question 1474. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. I have no personal knowledge.

Question 1475. Are you acquainted with that reservation from having been upon it, and having examined it?

Answer. No, sir. I have never been at Fort Snelling. The only knowledge I have is official, as connected with the military department of the west.

Question 1476. You are connected with army?

Answer. I am aid to General Smith, and in that way I know pretty well the views of the department as to the necessity of keeping up Fort Snelling as a military depot, and that is the only information I have about it.

Question 1477. Do you think the government ought to have retained Fort Snelling as a military depot?

Answer. No, sir; if the Minnesota river is navigable—and it is understood in the department that for six weeks or two months of the year, in May and June, it is—you can get to Fort Ridgely by the Minnesota river. That is the only post at all dependent upon Fort Snelling. For that reason, I can see no necessity for keeping it up. There was a bill passed by Congress, about two years ago, for the establishment of new military posts. Those posts were to be established up near Pembina, but the money has not yet been expended. The establishment of those posts would be nearly upon the parallel of Lake Superior, at Fond du Lac. In that case, they could be reached more easily from Fond du Lac than from any other point, and supplies would probably be shipped that way.

Examination by Mr. Faulkner.

Question 1478. Is not Fort Snelling important in supplying Fort Ripley?

Answer. I do not think it is.

Question 1479. How long have you resided in that section of country?

Answer. I have been connected with the western military department since 1850; part of the time at Fort Leavenworth, and part of the time at St. Louis, at the headquarters of the department.

Question 1480. It is your opinion, then, that the proper point of supply to that northwestern section of country will hereafter be through the lakes?

Answer. Yes, sir; all that part which is considered as eastern Minnesota, could be best supplied that way; western Minnesota could be better supplied from St. Louis—that is, in case of the establishment of the contemplated line of posts.

Question 1481. Then I understand it is your opinion that the only value of Fort Snelling as a depot would be to supply Fort Ridgely?

Answer. Yes, sir; but that could as well be supplied by navigation from St. Louis. The annual supplies are shipped from St. Louis. It would be as easy to charter a vessel to proceed to Fort Ridgely as to Fort Snelling. Clothing and subsistence stores are sent only once a year—generally in the spring of the year. If they do not, they can easily arrange it so as to do so. All requisitions are required to come in at a certain period of the year.

Question 1482. Is it your opinion, then, that it would be a direct loss and inconvenience to the government to make a transshipment at Fort Snelling, instead of directly transporting the supplies from St. Louis to Fort Ridgely?

Answer. Yes, sir, always.

Question 1483. What is the character of the supplies sent up to this fort each year?

Answer. Clothing and subsistence stores. The amount, of course, varies with the size of the garrison. It is probable that at one time there will be only one company there, and at another, two or three. There is no permanent garrison scarcely at any of these posts.

Question 1484. How is Fort Ridgely supplied with its forage; is it taken there, or is it supplied from the neighborhood?

Answer. I presume in the neighborhood. I have never heard of any being shipped to that country.

Examination by Mr. Morris.

Question 1485. It is your opinion, then, that Fort Snelling was worthless to the government as a depot?

Answer. I do not think it was at all necessary to keep up Fort Snelling as a depot for Fort Ridgely.

Question 1486. Were you ever there?

Answer. No, sir.

Question 1487. Ever in Minnesota?

Answer. No, sir.

Question 1488. Ever in that northwest region of country?

Answer. Yes, sir; south of the Missouri.

Question 1489. Ever in the vicinity of the chain of lakes and bays of Minnesota?

Answer. I travelled once through western Minnesota.

Question 1490. When?

Answer. In 1855, upon the return of the Sioux expedition.

Question 1491. That is the only time?

Answer. Yes, sir.

Question 1492. Then all you know is what you learn from your superiors?

Answer. No, sir; I express my own opinion.

Question 1493. How did you have your attention called to this matter?

Answer. It is part of my duty to know these things.

Question 1494. Is it part of your duty to determine whether Fort Snelling is necessary as a military depot?

Answer. No, sir.

Question 1495. Then how did you have your attention called to it?

Answer. By seeing the communications that were made upon the subject, by daily reference to the maps with which we are supplied at the War Department, and more particularly by the report of the Pembina expedition of 1856 or 1857, under Colonel Smith. He made a lengthy report. We generally discuss those matters.

Question 1496. Did this discussion and this examination take place since the reservation was sold, or before?

Answer. Before.

Question 1497. How long?

Answer. I cannot say. They had no direct reference to Fort Snelling.

Question 1498. When did you first think about it?

Answer. I cannot say.

Question 1499. All that you can say is, that you thought about it, without giving us any of the particulars as to the manner in which your attention was brought to it?

Answer. My examination had no reference to any investigation upon the subject. It was done in the course of my duty.

Question 1500. It was a part of your duty, I understand you, to examine and ascertain whether it was necessary to retain Fort Snelling as a military depot?

Answer. No, sir; I say that papers frequently come before us and—

Question 1501. What papers were they?

Answer. Reports of officers of the army.

Question 1502. Name those reports.

Answer. I cannot name them particularly; I can mention one report.

Question 1503. What report?

Answer. Colonel Smith made a report of the Pembina expedition.

Question 1504. Did he discuss the propriety or impropriety, the necessity or non-necessity, of retaining Fort Snelling as a military depot?

Answer. No, sir.

Question 1505. Then why did that report call your attention to the subject?

Answer. Because the system of protection to that frontier was about to be changed. His expedition was sent out to examine the country, and to report upon the location of posts in the region of country about Pembina, in compliance with the appropriation made by Congress. It was intended by that appropriation—and I have no doubt the subject was well digested by the department—to establish posts in that region of country, and to keep them outside of the settlements. Settlements have advanced beyond some of the present posts, and it is usual to move them out after the settlements have become strong enough to protect themselves.

Question 1506. How do you know that settlements have advanced far beyond them?

Answer. I know it from report only.

Question 1507. Just from report?

Answer. I mean from official reports.

Question 1508. All the information you have, then, upon this subject you have derived from official reports, and not from personal knowledge?

Answer. I have no personal knowledge upon the subject.

Question 1509. Where are you stationed now?

Answer. At St. Louis.

Question 1510. Were you subpoenaed from St. Louis?

Answer. No, sir.

Question 1511. Do you know how you came to be subpoenaed?

Answer. I do not.

Examination by Mr. Faulkner.

Question 1512. Is it not your duty as an officer to examine the various routes of transportation by which troops must be supplied?

Answer. Always.

Question 1513. And must not your attention as a military officer be directed to obtaining this information from maps and other sources, and, as an officer, to form a judgment from such sources of information?

Answer. Yes, sir.

Question 1514. Has not your attention for some years past been directed to the various channels of supply for the different posts?

Answer. Ever since 1850 I have given much attention to the subject, but more particularly since I have been upon General Smith's staff, and have come into contact with the reports and other sources of information which I have examined. That information is always reliable, or at least is considered so.

Question 1515, (by Mr. Morris.) Your information in relation to Fort Snelling, I understand you to say, was derived from your official connexion with the military department including Fort Snelling?

Answer. Yes, sir.

Question 1516, (by Mr. Morris.) Has any communication from that

department been made to the Secretary of War recommending the sale of Fort Snelling?

Answer. Not to my knowledge.

Question 1517, (by Mr. Morris.) On the contrary, when application has been made to the Secretary of War during the present or the last year, has not the answer been that it was still necessary for military purposes, and for that reason the sale refused?

Answer. I do not know.

Question 1518, (by Mr. Morrill.) Were you aware that the Fort Snelling reservation was about to be sold prior to the sale?

Answer. Well, sir, I had heard it rumored that it was about to be sold. I had no official or personal knowledge of the fact. I think there was such a rumor general through the western country.

Question 1519, (by Mr. Morrill.) Was there no discussion in your office relative to the propriety of the sale?

Answer. No, sir; not that I recollect, until subsequent to the sale.

Question 1520, (by Mr. Morrill.) Were you, or any of the officers in your department, consulted by the Secretary of War relative to the propriety of the sale?

Answer. Not to my knowledge. I know of no official information which emanated from that department in reference to it.

Question 1521, (by Mr. Morrill.) Have you had any conversation with the Secretary of War since the sale relative to it?

Answer. No, sir.

Question 1522, (by Mr. Morrill.) Have you been in the habit of expressing your opinions publicly, as you have here, in regard to the propriety of that sale?

Answer. I may have done to a few of the staff of General Smith. I have not conversed in respect to it publicly as a matter of general conversation.

Capt. J. A. WHITALL SWORN.

Examination by the chairman.

Question 1523. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. None at all, except the common report that it was sold.

Question 1524. Have you ever been upon the reservation?

Answer. Frequently.

Question 1525. Are you acquainted with the number of acres it contains, and also with the character and quality of the soil?

Answer. I think it contains about eight or nine thousand acres. I was there when the original portion of it was sold, and I know pretty generally what was its character. Some of it is good soil. A considerable portion—I should think, perhaps, twelve or fifteen hundred acres—is swamp, lying upon the river and subject to overflow; and a good deal of it is sandy.

Question 1526. Have you such knowledge of the value of that

reservation, and of the lands in its vicinity, as would enable you to give us an opinion of its value at the time of its sale?

Answer. No, sir, I should think not a reliable opinion. My opinion last summer was that a very high price was paid for it.

Question 1527. How long were you stationed at Fort Snelling?

Answer. About two years.

Question 1528. When?

Answer. About fifteen years ago. I was there this last fall.

Question 1529. Where have you been stationed for the last two years?

Answer. In Texas, Florida, and Kansas.

Question 1530. Are you acquainted with the military posts beyond Fort Snelling—Fort Ridgely and Fort Ripley?

Answer. With Fort Ripley I am. I know only from common report in relation to Fort Ridgely; I have never been there.

Question 1531. Would you give it as your opinion that Fort Snelling ought to be retained by the government for military purposes?

Answer. No, sir, I would not; I do not think it is necessary.

Question 1532. Will you give the committee your reasons why you cannot regard that fort as necessary for a military post or depot?

Answer. The country is thickly settled there, and I do not think there is any necessity for troops. As a depot, boats can generally load in the spring at St. Louis, and go directly to Fort Ridgely. Small boats run up the Minnesota in the spring as far as Fort Ridgely. I think it would be kept up at greater expense than to supply Fort Ridgely by contract. Fort Ripley, I believe, has been abandoned. It was temporarily garrisoned last fall, but it is understood that it has been abandoned. I believe for four or five years it has not been supplied from Fort Snelling.

Examination by Mr. Morris.

Question 1533. Will you inform the committee whether the same class of boats ply on the Mississippi river between St. Louis and Fort Snelling as run up the St. Peter's river?

Answer. No, sir, I should think not. I said that light draught boats could load at St. Louis in the spring, and run up to Fort Ridgely. There is a very large class of boats that go to St. Paul, much larger than can go up to Fort Ridgely.

Question 1534. If this larger class of boats that you speak of should carry the supplies for the army to any point on the upper Mississippi, would they not have to be transhipped to small boats to go up the Minnesota river?

Answer. Yes, sir, if they were carried up in these large boats; but it would be bad policy for the government to send supplies in these large boats when they could send them in light boats that would go right up to the fort.

Question 1535. Have you any knowledge that the government has sent up small boats from St. Louis to Fort Ridgely with supplies?

Answer. No, sir. I only speak of what I have heard.

Question 1536. Do you know any instance in which it has ever been done?

Answer. I cannot say positively. I have always understood so. I do not know of my own personal knowledge. I have known small boats go down the river when I was there, and I presume they were going to St. Louis.

Question 1537, (by Mr. Faulkner.) Will you state what have been your opportunities of forming a judgment of the value of that reservation?

Answer. When I was stationed there I hunted all over it. I knew the rich land and the poor land. I heard of the sale as a matter of common report through the United States. I was not present, but I said at the time that it was the best sale by the government I had ever heard of. Combinations have usually been formed by which the government lands have been purchased at the minimum price. In this case I understood there was no combination, and that the reservation sold for \$90,000. As I have stated, I have hunted all over it, and I do not consider the land worth the price. I consider some parts of it excellent land; but, besides the fifteen or sixteen hundred acres of swamps, a part of it is very sandy and barren. We cultivated a garden on the ridge back of the fort, and found it very rich, fine land. Considering the fact that St. Paul, St. Anthony, and Minneapolis are large towns in the neighborhood, I do not think Fort Snelling could be made valuable as a town site, and consequently I consider the price paid very high. The town of Mendota directly opposite, occupied by Mr. Sibley, never got to be anything; and I think if they bought it to make a town of it they paid a very high price for it.

Question 1538, (by Mr. Morris.) Your estimate of its value, then, is based on the supposition that it is only valuable for farming purposes?

Answer. It is possible that a town may be built there, but I do not think they can ever make one of any importance.

Question 1539, (by Mr. Faulkner.) Is it your opinion that the commissioners could have resorted to any other mode of sale by which they could have realized as much for the government as by selling it at private sale?

Answer. I think they adopted the best mode for the government. I think if it had been sold at public sale combinations would have been gotten up, and the land purchased at a very low price, as is generally done in the west.

Question 1540, (by Mr. Morrill.) Are you connected with the army; and, if so, where is your station?

Answer. My station now is at Salt Lake City. I am a captain in the 5th infantry.

Question 1541, (by Mr. Morrill.) How long have you been engaged in the military service?

Answer. For nearly twenty years.

Question 1542. Have you been in the habit of dealing in real estate?

Answer. Not much. I have had agents enter land for me.

Question 1543. Have you given any particular attention to land so that you would feel yourself competent to judge of the price of lands for farming or speculative purposes?

Answer. Yes, sir; I think I have been in the west long enough to know the difference between good lands and bad.

W. J. CULLEN sworn.

Examination by Mr. Faulkner.

Question 1544. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. I knew there was a sale; that is all. I have only been living in Minnesota since June last, and am not as well acquainted with the sale and with the men as many older citizens are.

Question 1545. Are you acquainted with the tract of land embraced in that reservation so as to enable you to express to this committee an intelligent opinion and judgment as to its value?

Answer. I passed over it several times during the last summer and fall. I am not acquainted with the entire tract. I have not been over it all.

Question 1546. With what object or purpose did you pass over it?

Answer. I passed over it in going up to pay the Indians their annuities. I crossed over the river at the ferry at Fort Snelling, and passed over the road that passed through it. I never was over it except on business in going to the agencies.

Question 1547. Will you give us your opinion as to the value of that tract of land?

Answer. It is hard to say what the value would be at the present time. Property is not selling so high as it was a few months ago.

Question 1548. I speak of its value in June, 1857.

Answer. There is a portion of it that was worth \$50 an acre. There is another portion of it, and a large portion of it, which I think was not worth \$5 an acre. It is very sandy. I have seen some very bad land upon it and some very good land. I expressed my opinion to Mr. Steele at the time the sale was made, that I thought it sold for all it was worth, and that he never would get his money back, and I have not changed that opinion in the least.

Question 1549. What is your occupation?

Answer. I am superintendent of Indian affairs for Minnesota and Wisconsin.

Question 1550. Does your position give you an opportunity to see much western land, and to form an opinion as to its value?

Answer. I have, perhaps, been as much over the western country as any other man in that Territory.

Question 1551. Is it your opinion, then, that the commissioners who made sale of this land in 1857 obtained as much for it as it is worth to the government?

Answer. It is my candid opinion that they did. It is further my opinion that it would not sell, the way times are now, for any such amount of money. I think it is not worth as much money as it would have been if ten years ago it had gone into the hands of individuals, for the reason that St. Anthony and Minneapolis are now upon one side of it, and St. Paul upon the other. St. Paul is quite a large place and it would be impossible to build a rival town so close to it. I think it could not be done. Fort Snelling is a beautiful location and would have made a beautiful place for a town.

Question 1552. Can you give to this committee your opinion what would probably have been the result if the commissioners, instead of making a private sale, had attempted to divide it up into small parcels and have sold it at public auction?

Answer. I think the effect would have been that they would probably have got from fifteen cents to \$1 25 an acre for it.

Question 1553. What are the grounds of that opinion?

Answer. Western people like to make money, and there is a good deal of unanimity of feeling among them. They like to buy property very cheap and they do not bid against one another as they do where they have plenty of capital. It is very different. It is very hard to sell a piece of property in Minnesota upon an execution. Men would not buy their neighbor's property. I have seen it tried, and I never saw a piece sold yet. They have a very good understanding so far as making money is concerned.

Question 1554. Is it your opinion if the commissioners had attempted to make a public sale of this land in small subdivisions, that combinations would have been formed which would have reduced the price to the minimum?

Answer. That is honestly my opinion.

Examination by Mr. Morris.

Question 1555. Upon what do you base that opinion? Do you know of any combinations formed for purchasing Fort Snelling?

Answer. I do not; but I heard of a sale at Fort Ripley about the same time, where there was such a combination.

Question 1556. Do you know that from hearsay or from your own knowledge?

Answer. I do not know it of my own knowledge, for I was off making the Winnebago payment at the time.

Question 1557. Do you, of your own knowledge, know any instance where such a combination has been formed?

Answer. I have never been connected with any myself, and consequently I do not know of any of my own knowledge, only so far as I have told you in reference to the sale of property upon execution.

Question 1558. Is there anything in the laws of Minnesota which would prevent a judgment creditor from purchasing the property upon execution?

Answer. I am not at all acquainted with the laws of Minnesota. I

do not know in what respect their code of laws differs from those with which I am acquainted.

Question 1559. You know nothing about the mode of sale as established by law.

Answer. I do not.

Question 1560. Can you tell us of any particular instance there where men would not buy property on execution?

Answer. My mind does not refer to any particular case. I have seen property offered. I did not examine into the record to see what was the particular price of property, but I saw there were no bidders. I make up my mind a great deal from such things of the general feeling of the people.

Question 1561. If you had been commissioned to sell that property for the government, and had you desired to obtain for it the best possible price, would you have concluded from the public that you were thus commissioned, and have made a private sale of it to an individual, without letting anybody else know that you were authorized to sell it?

Answer. I think I should not.

Question 1562. If, then, the commissioners authorized to sell the property kept the fact that they were thus commissioned concealed from the public, do you consider that in selling it to an individual under such circumstances they exercised a prudent and sound discretion in the sale?

Answer. I cannot say whether they did or not. I do not know what their motives were. Had I been commissioned to act as a government officer, and authorized to make the sale, I think I should not have kept it a secret, but I think I should have sold it to an individual instead of putting it up at public sale.

Question 1563. You say you never were upon that property except on one occasion?

Answer. No, sir; I said I was over it on several occasions.

Question 1564. Did you ever go over the ground with a view to examining it?

Answer. I never did examine it with a view to its being sold, or of being called upon as a witness.

Question 1565. Have you examined that property since the sale was made?

Answer. Yes, sir; but I never examined it any further than ——.

Question 1566. How did you come to go there?

Answer. My business was at the Winnebago agency, and at the lower and the upper Sioux agencies to pay off the Indians, and I went over the reserve in going to those places. I had no business except that. Knowing that it had been sold, I looked at it perhaps a little closer than I otherwise should.

Question 1567. Did you go along the road?

Answer. Always, except once, when I drove up to Minnehaha falls.

Question 1568. And all of it you have ever seen is that which you saw on either side of the road in passing along?

Answer. That is all. I suppose I have seen a majority of it.

Question 1569. Do you speak of the value of this property as regards agricultural purposes, or as a town site?

Answer. I speak of it in reference to its advantages for both purposes.

Question 1570. Do you think that the prospect for a town site there is good?

Answer. I do not think it is.

Question 1571. Is it your opinion that they never could make a town there?

Answer. My opinion is that it would be capital wasted to make a town there. My reason is that St. Paul is near it on one side, and St. Anthony and Minneapolis, which are manufacturing places, are on the other side of it. I do not know what there is which should induce the building of a town there at the present time.

TUESDAY, FEBRUARY 23, 1858.

W. J. CULLEN recalled.

Examination by Mr. Pettit.

Question 1572. At what time in June did you reach Minnesota; before or after the sale?

Answer. About the 15th of June.

Question 1573. What is your office?

Answer. Superintendent of Indian affairs.

Question 1574. How large a district does your office comprehend?

Answer. Minnesota and Wisconsin.

Question 1575. At what point is your office?

Answer. In the capitol, in St. Paul.

Question 1576. How frequently have you passed over this reservation, and what inducement have you had to examine it with a view to its value?

Answer. I have passed over it four or five times, on business alone; I was never over it with a view of making an examination of it.

Question 1577. What means have you of determining what portion of the tract is arable land, what marshy, and what covered with water permanently, and what occasionally?

Answer. The only means I have, is my own observation in passing over it; but I cannot tell the proportions.

Question 1578. You have described some of the reservation as worth \$50 per acre, and some part of it as worth \$5 per acre, only; what are the relative proportions?

Answer. But a small portion only would be worth \$50; only that part which could be used for town purposes; it would be only guess work with me to state the relative proportions.

Question 1579. What better means of judging of the value of that reservation have you than of other lands which have come under

your observation, in Wisconsin and Minnesota, merely by travelling over them ?

Answer. I noticed it more closely than I did almost any other lands, after I heard that the sale was made ; there was a great deal of talk about the sale, and that caused me to look at it more closely.

Question 1580. If then you are unable, from your own observations, to determine the value of the different portions of the reservation, how are you able to say that the tract realized a sufficient price ?

Answer. I am only able to say that, by the looks of the soil ; all the timber appears to have been cut off from the reservation, and that portion lying upon the right, as you pass towards St. Anthony, is very sandy soil, and not good for agricultural purposes.

Question 1581. What was the average value of the farming lands, in an equal vicinity to the towns of St. Paul, St. Anthony and Minneapolis ?

Answer. I am not able to say.

Question 1582. Is it not true that at the time of the sale of that reservation there was an unusual interest and speculation in lands in that neighborhood ?

Answer. Yes, sir ; that is one reason why I noticed this land so closely ; I had just come into the territory, and I was telling people there that they held real estate higher than it was really worth.

Question 1583. Was not real property of every kind at an extraordinary value ?

Answer. Yes, sir, unless it was land back in the country.

Question 1584. With such a state of feeling, and with the general desire to purchase which prevailed, would there have been any difficulty in making sale of that reservation in small parcels ?

Answer. I think it might have been sold out in that way.

Question 1585. If it had been advertised to be sold by means of proposals to be made to the commissioners, which they reserved the right to accept or reject, would there then have been any difficulty in making a sale and in realizing a full price, according to the rate of property at that time ?

Answer. I think if it had been laid off into small tracts, a large portion of it would not have sold at all. Although I do not look upon the prospect of making a town at Fort Snelling as very great—and such is the opinion of those I have talked with upon the subject—yet the part which could be used for that purpose would have sold readily, while other portions of the land would not have sold even for farming purposes, except a small portion which was good meadow land, for the reason that there are better farming lands than that, for sale and entry, at no great distance from the reserve.

Question 1586. I understand you to say that the remainder of the land, after disposing of that part suitable for a town, would be worth less than farming lands generally. Now, would there have been any difficulty in selling that part for what it was worth ?

Answer. No, sir.

Question 1587, (by the chairman.) Are you acquainted with the average value of lands in that neighborhood ?

Answer. No, sir.

Question 1588, (by the chairman.) Had you any information from parties living there as to the value of lands in that vicinity?

Answer. No, sir. I have been offered lands in that vicinity, and that is the only means I have for judging of their value.

Question 1589, (by Mr. Pettit.) Have you been upon the point of land covered by Fort Snelling?

Answer. Yes, sir.

Question 1590. What, at that point, is the quantity of land that you esteem worth \$50 per acre?

Answer. I cannot tell how much. From one hundred to three hundred acres perhaps.

Question 1591. Are not all the lands subject to entry, in that part of Minnesota, already taken up?

Answer. I suppose they are from what I can learn. There is a large amount up the Minnesota river not taken up.

Question 1592. Up to the time you speak of, when you went to Minnesota, had you any personal knowledge of that section of country?

Answer. I had not. I was never there before.

Question 1593. During your incumbency in office, how much time have you spent in St. Paul?

Answer. I should think not over four weeks altogether. My time has been spent mostly at the Indian agencies.

Question 1594. You have said you believed that combinations would have been made, if the reservation had been offered in parcels, to buy it in at a nominal price. Is it not true that at the time of this sale there were such a number of persons wishing to purchase in that reservation as to have made a combination impossible?

Answer. I was not in the Territory at the time the sale was made, and cannot answer that question.

Question 1595, (by Mr. Morris.) How long have you been residing in that Territory?

Answer. I think I went there about the 15th of June, 1857—after the sale was made.

Question 1596, (by Mr. Morris.) When you were appointed superintendent of Indian affairs where did you go from?

Answer. From Logansport, Indiana.

Captain GEORGE THOM sworn.

Examination by the chairman.

Question 1597. Where do you reside, and what is your occupation?

Answer. I am stationed at St. Paul, Minnesota. I am captain of the corps of topographical engineers.

Question 1598. How long have you been stationed in Minnesota?

Answer. Since the 9th day of June, 1856.

Question 1599. Have you any knowledge of the facts and circum-

stances attending the recent sale of the military reserve at Fort Snelling?

Answer. I have not.

Question 1600. Have you ever been upon that reserve?

Answer. Very often.

Question 1601. Have you ever made such an examination of the reservation as will enable you to form a correct opinion as to its value?

Answer. I have been over most of it very often, and I think I can form a pretty fair estimate of its value compared with lands generally in that part of the country.

Question 1602. Do you know the number of acres generally in the reservation?

Answer. I believe there are about eight thousand acres.

Question 1603. Do you know what proportion of the land is swampy?

Answer. I do not know, except from information obtained in conversation with parties interested in it.

Question 1604. Tell the committee what, in your judgment, that reservation was worth per acre last June for agricultural purposes?

Answer. Judging from the price at which lands sold in that neighborhood, I should suppose that the land could have been sold for a sum not less than \$25 per acre.

Question 1605. You are familiar with the point between the two rivers where the fort stood?

Answer. Very familiar with it.

Question 1606. Do you regard it as an eligible point for a town?

Answer. I regard it as a point for a town.

Question 1607. Do you think, taking into consideration that St. Paul is located six miles below, and St. Anthony and Minneapolis a few miles above, and Mendota directly opposite, that it is practicable to build a town where Fort Snelling stands?

Answer. I think a town will be built there, judging from the manner in which towns are built out in that country. Regarding this as a speculative point, and one always desired for a town, I have no doubt a town will be made there. That is the impression of people in that part of the country. I think, however, that it is doubtful whether it will ever be able to compete with towns of the size of St. Paul.

Question 1608. Taking into consideration the eligibility of the point as a town site, and the practicability of building a town there, what would you say, in that aspect of the case, that the reserve was worth in June last?

Answer. I have no doubt, from my intercourse with the people there, and with speculators, that that property could have been sold so as to have brought \$150,000, and perhaps more.

Question 1609. In fixing its value at \$150,000, do you do it in view as an investment for a speculation?

Answer. I suppose, if sold out in small parcels, it might have brought a higher price.

Question 1610. How much greater?

Answer. I suppose the land would have been estimated at \$25 per acre, and perhaps more.

Question 1611. Are you familiar with sales made by the government?

Answer. I am not. I have attended one sale—the sale of Fort Crawford last summer.

Question 1612. Have you ever known of a sale made by the government where the land brought a greater price than what is called the minimum price—\$1 25 per acre?

Answer. At the sale I speak of—Fort Crawford—the land brought a higher price; some brought as high as five or six dollars an acre. Squatters had got upon the reserve, and they were granted the privilege of buying it at \$1 25 per acre. That part which had not been squatted upon was sold to the highest bidder, and the price realized ranged from \$2 50 to \$6 per acre, according to my recollection.

Question 1613. Suppose the reserve at Fort Snelling had been sold at public sale, would you give it as your opinion that it would have brought more than \$1 25 per acre?

Answer. I have no doubt of it.

Question 1614. Do not you think there would have been combinations formed among those desiring to purchase which would have prevented the government from realizing the price which you have given as its value.

Answer. I do not. The interests are so various in that country that I do not think there would have been any combinations.

Question 1615. In making your estimate of the value of these lands is it based upon a knowledge of the sales of other lands in that vicinity?

Answer. It is, and upon the estimated market value of the lands.

Question 1616. Were you in the Territory prior or subsequent to the sale?

Answer. I was there during the whole time when I supposed the sale took place.

Question 1617. When did you first obtain a knowledge that the sale was to take place, and from whom?

Answer. The first I ever heard of it was in a conversation I had at Fort Snelling. I met a gentleman who stopped me and asked if I knew the reservation had been sold. I told him I had heard nothing of the kind, and I thought there was no truth in it. He said he thought it had been sold. I mentioned the matter to the officers at the fort, who were as much surprised as myself. I came to the conclusion that it was a mere rumor, and thought no more of it until Mr. Steele returned from Washington to St. Paul. I asked him in reference to the matter, and he said, "All right," that he had succeeded satisfactorily. Even then I did not know what he meant by it until I saw it announced the next morning in the papers that the Fort Snelling reservation had been sold.

Question 1618. When was that?

Answer. I cannot tell precisely the date; it was after Mr. Steele had returned from Washington.

Question 1619. The reservation had then been sold?

Answer. Yes, sir; that was the first intimation I had had of it except the one I have mentioned.

Question 1620. Where were you stationed then?

Answer. I was stationed at St. Paul, but I was in daily intercourse with the officers at Fort Snelling.

Question 1621. Did you see Major Eastman and Mr. Heiskell while you were at Fort Snelling?

Answer. I saw Major Eastman a good many times. Mr. Heiskell I never met that I am aware of.

Question 1622. Did you see Major Eastman during the time he was engaged in surveying the reservation?

Answer. I did.

Question 1623. Did you have any conversation with him in reference to the sale?

Answer. When he first came to St. Paul he called on me for the purpose of borrowing the government instruments in my possession; from the conversation I had with him, I inferred that his only object was to make a survey.

Question 1624. Did you ever ask Major Eastman or hear him say anything in conversation that led you to believe that he was authorized to sell the property, or that he was surveying it with a view to sale?

Answer. I never heard him intimate anything of the kind, and am sure he never intimated anything of the kind to any officer at the Fort.

Question 1625. Have you any knowledge of the sale of that portion of this reserve made at Stillwater in 1855?

Answer. I have none whatever.

Question 1626. Are you acquainted with the portion of the reserve sold there?

Answer. I am, to some extent.

Question 1627. Are those lands as valuable as those sold in June last?

Answer. I can hardly compare the two. Since the sale the town of Minneapolis has grown up, and single lots there sell for several hundred, and perhaps a thousand dollars apiece.

Question 1628. I am speaking of that portion of the reserve sold then not included in the town of Minneapolis.

Answer. I think the quality of the land is pretty much the same. Immediately upon the site of Fort Snelling the land is sandy, but as you recede from it the soil becomes good.

Question 1629. I understand from your testimony that you were in constant intercourse with the officers stationed at Fort Snelling?

Answer. Yes, sir.

Question 1630. And in constant intercourse with the citizens of St. Paul and the vicinity of Fort Snelling?

Answer. Yes, sir.

Question 1631. And that you had no knowledge that the reservation was to be sold until after the sale had been made?

Answer. None.

Question 1632. Was it a matter in which you felt any pecuniary interest, so that it would have been likely to have attracted your attention?

Answer. I think, if I could have raised the means, like almost every one else in that region, I would have ventured an investment in it.

Colonel FRANCIS LEE sworn.

Examination by the chairman

Question 1633. Where do you reside, and what is your occupation?

Answer. I am a colonel in the second infantry of the army. My station is at Fort Randall, high up the Missouri river, fourteen hundred miles west of St. Louis.

Question 1634. Have you any knowledge of the facts and circumstances attending the sale of the military reservation at Fort Snelling in June last?

Answer. None at all other than hearsay.

Question 1635. Have you ever been on the Fort Snelling reservation?

Answer. I was in command of Fort Snelling for between three and four years, from the spring of 1851 to the summer of 1854. I had charge of the whole reservation. It was under my command. When it was reduced it was by my suggestion. Mr. Sibley, who was then delegate in Congress, got it reduced.

Question 1636. You are thoroughly and fully acquainted with the entire reservation, the character of its soil, &c.?

Answer. I have been over the whole of it.

Question 1637. Have you any knowledge of the land in that vicinity in June last?

Answer. No, sir, I have not. I left there about four years ago, and the value of land in that vicinity has changed very materially within that time.

Question 1638. How does that portion of the reserve sold in 1855 compare in quality with that sold in June last? I speak of it with reference to its adaptation for agricultural purposes.

Answer. The original reservation was a very large one. It ran above St. Anthony, and down opposite St. Paul, across the Minnesota, and five or six miles west. Some portions were very fine land for agricultural purposes, and others again not so good. The reduced reserve is all prairie. There is no woodland on it. The soil is tolerably good and produces very well. We have had gardens and fields there for some years, which produced very well. I would say that the portion sold first is better soil for agricultural purposes than that which was left.

Question 1639. Would you give it as your opinion as a military man that that fort and reserve ought to have been retained by the government?

Answer. I see no reason why it ought to have been retained. I cannot conceive that it is of any importance as a military station.

Question 1640. Will you give the committee your reasons why you do not regard it as important for a military depot or station?

Answer. In the first instance, in advance of it up the Mississippi river 120 miles is another station, Fort Ripley; and up the Minnesota is another, Fort Ridgely. They are the frontier posts. Fort Snelling is on a high bluff, and never will be, and never has been, to my knowledge, used as a depot for provisions and supplies. To be sure, provisions and supplies have been furnished to other posts from there, because that post has been reduced, and there was a large quantity on hand. But all the supplies from the upper posts have been sent from St. Paul to Fort Ripley, and directly up the river to Fort Ridgely.

Question 1641. From where?

Answer. From the points where the contractors furnished them. We contract for the delivery of provisions directly to the military posts, and it would be an absurdity to stop and deliver provisions at Fort Snelling. I would rather transport provisions from Fort Snelling up to Fort Ridgely, if the waters were up, than to carry them up from the river and put them into the storehouses.

Question 1642. Would you give it as your opinion that the frontier stations could be supplied by the government upon cheaper terms by sending the supplies direct than by making Fort Snelling a depot for supplies?

Answer. Certainly. It has always been done. It has never been done otherwise.

Question 1643. Would you give it as your opinion that it is practicable to build a town where Fort Snelling stands, taking into consideration the fact that St. Paul is of considerable size below, St. Anthony and Minneapolis above, and Mendota opposite?

Answer. It is very questionable whether a town will be built there or not. Had the reservation been sold when the metropolis of the Territory was first established, I think that would have been the point, but now, I think, it is too late.

Question 1644. Have you any knowledge of sales of military reservations made heretofore by the government?

Answer. No, sir, except by hearsay.

Examination by Mr. Morrill.

Question 1645. You say that Fort Snelling has never been used as a depot for stores. Do you know whether it has been so used since you were commander at that post?

Answer. I do not.

Question 1646. Do you know whether it was so used prior to that period?

Answer. There were no supplies furnished the above posts from that station, that I am aware of.

Question 1647. All you know in relation to it, then, is during the time you were in command there ?

Answer. I have no other personal knowledge.

Question 1648. Have you ever visited Fort Snelling since you left there in 1854 ?

Answer. No, sir.

Question 1649. You do not know what the growth of that country has been since you left ?

Answer. No, sir, only from report.

Question 1650. Are you aware of the opinions, relative to this matter, of your superior officers ?

Answer. I am not. I have had no conversation with any military officer on the subject except Captain Thom ?

Question 1651. Are there any reasons for abandoning Fort Snelling that would not apply to Jefferson barracks ?

Answer. Yes, sir. Jefferson barracks is a point which is necessary to be kept up as a recruiting station, and for practice ; Fort Snelling is not.

Question 1652. Then, for purposes of defence, there are no reasons that apply to one which would not apply to the other ?

Answer. No, sir.

Examination by Mr. Morris.

Question 1653. Were you subpoenaed in this city ?

Answer. No, sir ; in Baltimore.

Question 1654. Do you know how you happened to be subpoenaed ?

Answer. General Smith told me I would be subpoenaed ; that is all I know.

Question 1655. Had you any conversation with him in reference to the matter ?

Answer. No, sir.

Question 1656, (by Mr. Morrill.) Did General Smith know what your opinions were in reference to it ?

Answer. No, sir. I had no conversation with him in reference to it.

Question 1657, (by Mr. Morris.) If you had been commissioned by the government to sell that property, either at public or private sale, do you think you would have been exercising a prudent and sound discretion by selling it to a particular individual at private sale without letting any other person or persons know you were authorized to make that sale ?

Answer. That is a question I could not very well answer. I do not think myself it was the proper manner of selling the reservation at all. I think the sale ought to have been made public. Still, I do not suppose they would have gotten more for it. I think they paid a plenty for it myself.

H. L. DOUSMAN SWORN.

Examination by the chairman.

Question 1658. Where do you reside, and what is your occupation?

Answer. I reside at Prairie du Chien. I have no occupation at present. Formerly I was in the fur trade, but have been out of the business a number of years.

Question 1659. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. I have none, except that I was at Fort Snelling last summer, when Steele told me he had purchased of the government the whole property a few days previous.

Question 1660. Have you ever been over the reservation and examined it?

Answer. I have been over that whole country and have been over the reserve, but I have never examined it with a view to its particular value as a military location or anything else.

Question 1661. Have you such a knowledge of the reservation, the character of its soil, and its adaptation for agricultural purposes, as will enable you to fix its value in June last?

Answer. Yes, sir; I have a pretty good idea of its value. I thought at the time of the sale that it was a pretty fair sale, taking the whole of it together. There were portions of very little value, and other portions of considerable value.

Question 1662. Would you give it as your opinion that the government by the sale realized a fair price for the reservation, taking it altogether?

Answer. I think so. My opinion was that the government could have got more had they divided it into small parcels and selling it differently; but, selling the whole together, I thought they got a fair price. I told Steele at the time that he gave about what it was worth.

Question 1663. Do you know what it sold for?

Answer. I understood that it sold for about twelve dollars an acre.

Question 1664. Did you regard Fort Snelling as an eligible point for a town site?

Answer. Yes, sir; it was probably one of the best in that country, but the building up of adjacent towns has taken almost entirely the value from it for that purpose. If they had not been built up I should have regarded that as the best point in the country.

Question 1665. Then it is your opinion, St. Paul, Minneapolis, St. Anthony and Mendota having the start, that it would not be practicable to build a town there?

Answer. Yes, sir; it will be a long while before they will build one. I think that the effect of building these towns around has been to depreciate the value of the site of Fort Snelling more than one half. I have lands myself, adjoining this reserve, which has good timber

upon it, good water and a good soil, which I bought a year ago last July for eleven or twelve dollars an acre, and last summer I offered to sell it for \$20, but I did not find a purchaser.

Question 1666, (by Mr. Faulkner.) Was your land equal in quality to any land upon this reserve?

Answer. It is better for farming purposes, but not for other purposes. It is better for farming purposes from the fact that it is better timbered, has plenty of water upon it and has a good soil. It is situated just in the edge of the timber lands.

Question 1667, (by Mr. Morrill.) Do you know how you came to be summoned here?

Answer. I do not. I had no idea at all that I was to be summoned until I was summoned.

Examination by Mr. Morris.

Question 1668. Had you been authorized by the government to sell that property, either at public or private sale, do you think it would have been exercising a prudent and sound discretion to have sold it in a body to an individual privately, without letting any person or persons know that you were commissioned to make that sale?

Answer. If it had been properly divided into small lots, and squatters could have been kept off from it, and a chance had been given to bid freely, I have no doubt it would have brought more money for the government.

Question 1669. You say you learned from Mr. Steele, some time in July, the fact that he had purchased that property; can you fix the time?

Answer. I think it was some time before the 20th of July.

Question 1670. In the conversation you had with Mr. Steele in regard to the purchase, did he express himself as being well satisfied?

Answer. He did.

Question 1671. Did he say what he regarded the property as worth?

Answer. He said he had made a good bargain. He did not fix any particular value to it. He thought he had made a very good trade.

Question 1672. Did you learn from any source that the property would be sold?

Answer. I did not know it until after it was sold. I never heard of it until Steele told me.

JOSEPH W. LYNDE SWORN.

Examination by the chairman.

Question 1673. Where do you reside, and what is your occupation?

Answer. I have been an Indian trader. I went out of that business two years ago, and have had no occupation since. I am residing in Minnesota, at Crow Wing, upon the Mississippi river, about 130 miles north of St. Paul.

Question 1674. Have you any knowledge of the facts and circum-

stances attending the recent sale of the military reservation at Fort Snelling?

Answer. No, sir; I know nothing more than what I learned from rumor. I was not in that vicinity at the time of the sale.

Question 1675. Have you ever been upon that reservation?

Answer. Yes, sir.

Question 1676. Have you such a knowledge of it as will enable you to fix its value in June last?

Answer. I have known the location for a number of years, but I can only give my opinion of its value.

Question 1677. Have you ever been over the reservation, and examined the character of its soil, its adaptation to agricultural purposes, &c.?

Answer. Yes, sir.

Question 1678. What, in your opinion, was the reservation worth per acre in June last?

Answer. In my opinion it might have been worth from eight to ten dollars per acre. A large portion of it I should say was worth scarcely anything, but I think that its average value.

Question 1679. Do you regard the reservation valuable as a town site?

Answer. No, sir.

Question 1680. Give to the committee the reasons why you do not regard the point between the two rivers, where the fort stands, as valuable for a town site?

Answer. It is surrounded by other places which have the start, and which have a great deal of capital and energy in them. There are too many other points contiguous to it built up. St. Anthony and Minneapolis are just above it, and St. Paul is just below it. Each of those towns have a large population; St. Paul has about 15,000, and St. Anthony and Minneapolis, I am told, claim about 9,000.

Question 1681. Would you give it as your opinion that \$90,000 was a fair price for the whole reservation?

Answer. Yes, sir; that is my opinion.

Question 1682. Do you think, if it had been divided into small parcels and offered for sale publicly, it would have brought any more than \$90,000?

Answer. I doubt whether it would.

Question 1683. Were you acquainted with the value of real estate in that vicinity in June last?

Answer. Yes, sir, somewhat so; but, perhaps, not as well acquainted with it as those who live in that vicinity.

Question 1684. How long have you resided in Minnesota?

Answer. Fourteen years.

Examination by Mr. Morris.

Question 1685. Where were you subpoenaed from?

Answer. From New York. I was upon my return from this city to

Minnesota, and was staying in New York a few days, when notice overtook me.

Question 1686. Did you have any conversation in New York upon this subject?

Answer. I did not.

Question 1687. Have you ever expressed to any person or persons the opinions you have expressed here?

Answer. I think I have.

Question 1688. To whom?

Answer. I do not recollect.

Question 1689. Did you express that opinion in New York?

Answer. I did not see any one there to whom I had occasion to express it.

Question 1690. Did you express it in this city?

Answer. I think I have.

Question 1691. To whom?

Answer. I do not recollect. I think I expressed it in conversation with Mr. Becker, a member elect for Minnesota, and, perhaps, to one or two other individuals, but to no one that I know of having an interest in the reservation.

Question 1692. You do not know how you happened to be subpoenaed?

Answer. I do not.

Question 1693. Have you been a dealer to any extent in real estate?

Answer. Only to a very limited extent.

Question 1694. You spoke of having gone to Fort Snelling, and of making an examination of the location, quality of the soil, &c. What induced you to make that examination?

Answer. I do not recollect of saying that I simply said that I had been over the reservation. That was two or three years ago.

Question 1695. Then you made no examination of the property with a view to ascertain its quality or value?

Answer. I did not. I was merely there upon private business, and I give only the impressions I received then—three years ago. I have been over the ground a good deal, and I recollect of hunting over it two or three years ago. Since that time I have not been over it, except to pass through it on the travelled road from St. Paul to Minneapolis.

Question 1696. Are you familiar with the boundaries of it?

Answer. I know them pretty nearly.

Question 1697. How is it bounded?

Answer. By the Mississippi and St. Anthony rivers, on two sides.

Question 1698. Do you know the other boundaries?

Answer. I do not know that I can state them.

Question 1699. If you had been commissioned by the government to sell that property at your discretion, either at public or private sale, do you think it would have been exercising a prudent and sound discretion to have sold it to an individual privately, without letting

any other person or persons know that you were authorized to make that sale?

Answer. I am inclined to think that it brought as much as it would if it had been put up at auction.

Question 1700. That is not my question. Be kind enough to answer my question.

Answer. I am inclined to think I should, for the reason I stated before, that if it had been put up at public sale I do not think it would have brought more?

Question 1701. Were you acquainted with the value of farming lands in the vicinity of Fort Snelling in June last?

Answer. I do not know that I was.

Question 1702. You are not, then, familiar with the value of real estate in that vicinity at that time?

Answer. I cannot say that I was.

S. A. MEDARY sworn.

Examination by the chairman.

Question 1703. Where do you reside, and what is your occupation?

Answer. I have been engineering in Minnesota. I reside in Minnesota, and call St. Paul my headquarters.

Question 1704. Are you connected with the army?

Answer. I am not.

Question 1705. Have you any knowledge of the facts and circumstances attending a recent sale of the military reservation at Fort Snelling?

Answer. I was not in St. Paul at the time the sale was made, and what I know of it is derived from conversations I have had in St. Paul respecting it. Of course I had no immediate connexion with the sale.

Question 1706. Have you ever been upon the reservation and made such an examination of it as will enable you to speak of its value?

Answer. Well, sir, I have passed judgment upon it several times in riding over it with friends. I stated that I was not in St. Paul at the time of the sale. I forget whether the sale took place immediately after or immediately before I left St. Paul.

Question 1707. Do you know how many acres there are in that reservation?

Answer. Between seven and eight thousand.

Question 1708. What would you think it was worth in June last?

Answer. It is pretty hard to average the whole of it. Some of it is worth scarcely anything, while other portions of it is worth \$20 an acre. Other portions are worth nothing at all for agricultural purposes.

Question 1709. Taking the entire tract, what would you say it was worth per acre, or in gross?

Answer. I have made no estimate of what it might be worth, and it would be a very rough guess if I should answer. I cannot give a definite answer, but I should think the average value of the whole of it would be from eight to fourteen dollars per acre. I cannot make any nearer guess than that.

Question 1710. Do you regard it as valuable as a town site?

Answer. I do not.

Question 1711. What is your reason for that opinion?

Answer. There is St. Paul immediately below it, and St. Anthony and Minneapolis above it, all so far advanced that I should not think it possible to build a town of any consequence at that point. It has no more advantages than St. Paul and St. Anthony—indeed not so much as St. Anthony.

Question 1712. When did you first learn that reservation was to be sold?

Answer. It was just before I left St. Paul. I do not remember exactly the date. I think the last time I was in St. Paul was between the 10th and 20th of June.

Question 1713. Was that the first knowledge you had of its sale?

Answer. Yes, sir; I think so. I heard before that they were going to try to sell it. The first I heard that the Secretary of War intended to sell it was about the first of June, as nearly as I can recollect.

Question 1714. Had you any interviews with the commissioners of the government to sell that reservation?

Answer. No, sir.

Examination by Mr. Morris.

Question 1715. How did you first learn that it was to be sold, or had been sold, and from whom?

Answer. I do not know how or from whom. From various conversations, I suppose.

Question 1716. How long have you been residing in that Territory?

Answer. Between two and three years. I think about two and a half years.

Question 1717. Your headquarters, you say, have been at St. Paul?

Answer. Yes, sir.

Question 1718. Your business is that of an engineer?

Answer. Yes, sir.

Question 1719. What department of engineering have you been engaged in?

Answer. I have been for the last year with Colonel Nobles' Pacific wagon road party.

Question 1720. Have you spent much of your time at St. Paul since you have been engineering with him?

Answer. The greater portion of the time has been spent on the prairies; the rest of the time I have spent in St. Paul.

Question 1721. What portion?

Answer. I have been with Colonel Nobles about sixteen months.

Of that time I have spent, probably, altogether in St. Paul, about four or five months.

Question 1722. What were you doing in St. Paul during that period?

Answer. A portion of the time I was assisting in getting the party together, and on my return, I spent my time in making out my report, maps, field notes, &c.

Question 1723. Your whole time was spent in the discharge of your duties conected with your survey?

Answer. Nearly.

Question 1724. Was your attention particularly called to the value of real estate in that vicinity or in the vicinity of Fort Snelling?

Answer. Not very particularly there more than in other parts of the Territory. Of course every one who goes there must post himself to a certain extent in regard to these matters.

Question 1725. How often have you visited Fort Snelling?

Answer. I suppose twenty or thirty times, and probably more. I was encamped a portion of the time upon the opposite side of the river, and frequently visited the fort.

Question 1726. You say it is not your opinion that Fort Snelling will ever make a town?

Answer. No, sir. I have heard it remarked that St. Paul ought to be there, but I always contradicted the statement. It was never my opinion that it was a natural point for a town.

Question 1727. You do not think, then, that, laying aside the fact that the other towns in the neighborhood have the start, Fort Snelling would ever make a town?

Answer. It would have made no difference, unless other influences were brought to bear upon it. I do not think it as good a point as St. Paul, St. Anthony, or Minneapolis to build a town.

Question 1728. Have you ever operated in real estate in that Territory?

Answer. Very little.

Question 1729. Have you ever expressed any opinions to any person or persons in reference to the value of that property?

Answer. Yes, sir, frequently.

Question 1730. To whom?

Answer. I do not know that I could state to whom. I have frequently driven out with friends on the reservation, and on the nine-mile prairie west of it.

Question 1731. Could you remember any of the names?

Answer. I remember the last gentleman I rode out with was Mr. William Disney, of Cincinnati, and I remember Mr. Charles L. Willis.

Question 1732. Do you think the fact that the sale was to be made was generally known in St. Paul?

Answer. I should judge so from my having heard of it.

Question 1733. Then the fact was of general notoriety about that time that the commissioners were authorized to make the sale about that time?

Answer. It must have been, or I should not have heard of it.

Question 1734. Have you heard any person or persons express an opinion different from that expressed by you in regard to the value of the property?

Answer. I have heard various opinions expressed in regard to it.

Question 1735. Do you know whether any person or persons had written in the different papers of the northwest denouncing the sale?

Answer. I know the papers were full of little paragraphs denouncing the "Fort Snelling swindle," as it was called. I do not recollect any correspondence.

Question 1736. Did you ever write any articles on the subject?

Answer. I wrote a letter to my brother-in-law, who is the editor of the Ohio Statesman, in which I spoke of the sale of the Fort Snelling reservation as the best sale the government ever made, with the exception of the Memphis navy yard; I believe, however, the letter was never published.

Question 1737. Are you familiar with all the sales the government has ever made?

Answer. No, sir; I merely made it as a general statement.

Question 1738. You made this statement, then, to your brother-in-law, without any knowledge on which to base it?

Answer. I had no personal information; I based it on what it was said this land had sold for, and from what other property had sold for.

Question 1739. Do you know how you happened to be subpoenaed?

Answer. No, sir.

Question 1740. The opinions you express now, in reference to the value of that property, are the opinions you expressed frequently and publicly, in St. Paul.

Answer. I have expressed them several times; if the committee will permit me, I think I may have made a mistake in reference to the letter I said was written to my brother-in-law; I am not certain whether it was written to my brother-in-law or to my father.

Question 1741. If you had been authorized by the government to sell that property, either at public or private sale, do you think you would have been exercising a prudent or sound discretion to have sold it to one individual, privately, without letting any other person know that you were authorized to make the sale?

Answer. I do not think it would have been prudent to have sold it without letting any other person know the property was for sale.

Examination by Mr. Morrill.

Question 1742. Do you know the parties who purchased this property?

Answer. The party who purchased the property, as everybody understands it, is Franklin Steele.

Question 1743. Do you know whether there are any other parties in the purchase, or not?

Answer. I do not.

Question 1744. Have you understood that he purchased it alone, or in connexion with other parties?

Answer. I have understood that he purchased it alone ; I have heard rumors that others were interested in it, but I have heard them contradicted as frequently.

Question 1745. Who have you heard was to become interested in it?

Answer. I think some one from the south ; I do not remember the name ; I think Mr. Steele himself told me that he had sold a portion of it to some one ; I do not recollect who.

Question 1746. Was that in this city?

Answer. No, sir, in St. Paul.

Examination by Mr. Faulkner.

Question 1747. Is it your opinion, from your knowledge of the tract, that the commissioners, in the sale of that reservation for \$90,000, realized for the government what the land was fairly worth?

Answer. Yes, sir ; I think they got more than it would sell for to-day.

Question 1748. I want to know whether the land sold in June, 1857, brought for the government as much as the land was fairly worth?

Answer. I think it did.

Question 1749. What, in your opinion, would have been the difference in the results had they advertised that land and sold it at public sale, or made the sale in the manner they did, at private sale, to a single individual at \$90,000?

Answer. I think it would have sold for comparatively nothing if it had been sold in the way in which the sales usually take place at the land office.

Question 1750. Why, in your judgment, would it have sold for less if it had been sold at public sale?

Answer. There is generally an agreement among purchasers to get the land for as low a price as possible, and those who get it at their own price and those who hold their tongues are paid for it. Such things have been general at the west.

Question 1751. Have you any knowledge of the fact that these combinations are formed in Minnesota for the purpose of getting the public lands for less than they are worth?

Answer. Not particularly Minnesota. I was told by a gentleman who had just come from Iowa that he witnessed a sale there where such a combination took place.

WEDNESDAY, FEBRUARY 24, 1858.

General SYLVESTER CHURCHILL sworn.

Examination by Mr. Morrill.

Question 1752. Do you know anything about the facts and circumstances attending the sale of the Fort Snelling reserve?

Answer. I do not, more than what I have read in the papers.

Question 1753. You are familiar with the post, and know its value as a military site?

Answer. Partially, having inspected it, but not otherwise.

Question 1754. Please state whether or not, in your opinion, it is still necessary for military purposes?

Answer. My duties as inspector general of the army have required me to visit that post. I did so in 1850—the only time. I have never been beyond that post, north or west, in that direction. Considering the means of navigation in 1818, I think it was, I considered that as a very judicious selection for a post, in connexion with the Indian tribes; and by steamboat navigation I conceive that it is more important now than it was then, being, as it is, at the head of the navigation of the Mississippi river. The selection of sites for military posts, the supplying them with provisions and other articles, and the transportation of those supplies, have never fallen under my observation; but, supposing a post or especially a depot will be necessary in that quarter, in reference to the Indians, it is my opinion now, and has long been, that that would be a proper place, unless a better one could be found—a fact of which I have no knowledge. I do not know the extent of the settlements north or west of that, or what amount of supplies they can furnish. But the abandonment of that place would, of necessity, cause the cost of establishing another, and, perhaps, not as good a place, and the erection of necessary defences and buildings.

Question 1755. Were you, or any of the officers connected with your department, consulted as to the propriety of selling that reserve?

Answer. I was not.

Question 1756. Had you been consulted, would you have advised a disposal of it?

Answer. I would not certainly, for the reasons I have mentioned, supposing such a place is necessary in that quarter at the head of navigation. I do not know how many posts there are beyond it. There are several, I know by the records. In my report of inspection in 1850, I recollect that I advised the breaking up of certain posts which had been established in connexion with the Indian tribes—posts, I think, mostly east of that, at Green Bay and other places—and I believe I spoke of the necessity of the continuance of Fort Snelling, but I am not certain. If I did not, I suppose it was for the reason that I thought there could be no question upon the subject. At the time I was there there was a council held by Governor Ramsey with several tribes of Indians north of that post—the Crows, the Sioux, and the Chippewas.

Examination by Mr. Faulkner.

Question 1757. Do I understand you to express the opinion that Fort Snelling ought to have been retained as a military post for the defence of the country?

Answer. No further than in connexion with the Indian tribes, be-

cause nobody but Indians are going to attack that post in the heart of our country.

Question 1758. Are not you aware that the Indians have been removed to a very considerable distance west of that post?

Answer. I am advised of that, but still there must be much intercourse with those Indians in relation to many things, and they must be supplied; there must be troops convenient somewhere in the neighborhood, to send off in any direction.

Question 1759. Are you not aware that the government has established military posts west of that, more convenient to the Indian population, and designed to keep them in check?

Answer. Yes; more in immediate connexion with the Indians than Fort Snelling is; but I look upon this fort as being at the head of navigation, and a transhipment of supplies to be sent to the troops, if not to the Indians, will be necessary.

Question 1760. From what point?

Answer. From the point where the supplies are obtained.

Question 1761. Are you not aware that the supplies for the western posts, for example, for Fort Ridgely, which lies considerably west of Fort Snelling, have never been sent from Fort Snelling at all, but have been sent directly from St. Louis?

Answer. I am not; and I will mention now that, not knowing the extent of the settlements and the supplies they could furnish north and west of that fort, I have considered it necessary to keep up that post as a depot.

Question 1762. Do you think, in the absence of that knowledge, you can express a proper and intelligible opinion upon this point?

Answer. If the country north and west from there, and in the direction of the Indian tribes, can supply subsistence stores, and everything else necessary, then the necessity for retaining Fort Snelling is very much lessened, if not entirely obviated.

Question 1763. I understand that the supplies for Forts Ripley and Ridgely never have been made at all from Fort Snelling. Can you say whether this is so?

Answer. I supposed they had been, as they were in 1850 to Crow Wing.

Question 1764. Do you occupy such an official relation to these subjects that you would have a right to suppose that the Secretary of War would consult you upon a point of this kind?

Answer. No, sir. I conclude that the subject was not in relation to the importance of that place as a military post; and if so, the Secretary would, with more propriety, consult the commanding generals—those having control of and disposition of the troops—I, as inspector general, having no control over that subject.

HILLARY B. HANCOCK sworn.

Examination by the chairman.

Question 1765. Where do you reside, and what is your occupation?

Answer. I reside in Minneapolis, Minnesota Territory. My occupation there has been that of land agent, and loaning money upon real estate security.

Question 1766. How long have you resided in Minnesota?

Answer. I have resided there about two years and three-quarters.

Question 1767. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. I have not.

Question 1768. Have you ever been upon the reservation and made such an examination of it as would enable you to fix its value?

Answer. I have been frequently upon the reserve, and have an opinion as to the value of the land.

Question 1769. Will you give us your opinion as to its value?

Answer. Well, I have thought its intrinsic value is about \$200,000, independent of the buildings on it, the value of which I do not know. I think, judging from its situation in reference to St. Paul and the Falls of St. Anthony, it is worth that as an investment.

Question 1780. Do you know the number of acres in that reservation?

Answer. I do not; but I have been under the impression that there are between 7,000 and 9,000 acres.

Question 1781. Do you know how much of this land is swamp land, and subject to overflow?

Answer. I cannot tell the proportion. There is bottom land upon the Minnesota river, under the bluff, which is no doubt subject to overflow in the spring of the year; but it is good meadow land, and when the waters subside it is used as such.

Question 1782. Do you regard the reservation valuable as a town site?

Answer. I do not place so high an estimate upon it as a town site as many do. I would not invest anything in it as a town site, from the fact that St. Paul and St. Anthony are so far advanced, though there is no doubt that Fort Snelling was the main point for a town in the Territory.

Question 1783. Then I understand you that you do not think it practicable to build a town there at this time?

Answer. I do not say it is not practicable, but it would be a difficult thing to accomplish, involving the expenditure of a great deal of money and the use of a great deal of enterprise.

Question 1784. Do I understand you, in fixing the value of this reserve, that you regard it as worth \$200,000 for agricultural purposes?

Answer. Yes, sir; for agricultural purposes, without reference to the fact that it will be used by persons, perhaps, in a fancy way, in consequence of its being so near those two towns. I do not speak of its value in reference to its being a town site.

Question 1785. Give us your opinion of the value of the land per acre?

Answer. I should think, upon the basis I have mentioned, it was worth from \$20 to \$30 per acre, as an average price.

Question 1786. Do you think if it had been sold at public auction it would have brought that amount to the government?

Answer. I cannot say; but I say this, if I understand the price which was paid for it, I would have been willing, with others, to have given more for it than it sold for, and I had made up my mind to do so.

Question 1787. Tell us how much you and those connected with you had determined to give for it?

Answer. We did not agree upon any price at all, because we had no idea of the sale taking place in that year, and we did not know when it would take place; but I had talked with some others who were anxious to buy, and we had agreed to compete with anybody else, and I had made up my own mind to pay for it more than it was sold for, though I had not made up my mind as to the particular amount I would pay.

Question 1788. Have you any knowledge of other sales made by the government of military reserves?

Answer. I have not, of my own knowledge.

Question 1789. Were you residing in that Territory in 1855 when a part of this reservation was sold?

Answer. I was not. It was all pre-empted, I believe.

Question 1790. Were you acquainted with the part that was sold in 1855?

Answer. Yes, sir.

Question 1791. Is it equal in soil and other advantages to the balance of the reservation which was sold last year?

Answer. I think they are about uniform quality. I think the land is of the same quality generally.

Question 1792. Have you any knowledge of the sale of land located in the vicinity of this reservation which was sold for agricultural purposes about the time of this sale which brought the price mentioned by you per acre?

Answer. I do not know. I recollect an instance, which occurred two years ago, of the sale of a piece of land at the extreme outside of the reserve, at the least valuable end of it. It sold for \$19 an acre at that time, and it must have been four or five miles from the fort. There were 160 acres of it. I know parties who own lands upon the side of the reserve towards Minneapolis, who estimated its value at more than \$20 or \$30 at the time of the sale; generally at about \$50 per acre. I have loaned money on lands outside of the reserve on the basis of its being worth about \$50 per acre. I consider the lands immediately adjoining the reserve to be worth prices ranging from \$50 to \$60 per acre, according to its distance from the Mississippi river.

Question 1793. When did you first learn that this reserve was to be sold, or had been sold?

Answer. The first knowledge I had of it was after the sale had taken place. It was about the last of June or the first of July. I think the sale was announced in the newspapers about the first of July.

Question 1794. Are you acquainted with Mr. Steele?

Answer. I know him very well.

Question 1795. Had he not made extensive improvements upon the reservation?

Answer. He had made none that I know of, except his house, which he built before I came into the Territory. I do not think there were any other improvements. He had a handsome house built there of lumber.

Examination by Mr. Faulkner.

Question 1796. What is farming land of equal quality with that contained in that reservation selling for in your section of the country now?

Answer. Well, that depends so much upon the distance from Minneapolis that I can hardly tell. I do not know as there is much selling just now, as the times are pretty hard everywhere.

Question 1797. What, in your opinion, would such land as the Fort Snelling reserve command at this time for agricultural purposes?

Answer. I do not know; but I believe that a person could give \$200,000 for that reserve to-day as a good investment. I think that would be a reasonable price for it, without reference to any town being built up there. I think so on account of its contiguity to these two towns above and below, and its being at the mouth of the Minnesota river—a very conspicuous place. For those reasons I place its value a little higher than ordinary farming lands at a greater distance from that point. The falls of Minnehaha are upon it, too.

Question 1798. Would any farming land in your country repay its cultivation at an investment of \$25 an acre?

Answer. I have so understood, though I have not myself been engaged in farming at all. I have no doubt farming lands at that price would repay cultivation now; but when the country becomes filled up I do not know how it would be. When the country becomes full, so much would be raised that perhaps it would not bring as large a price.

Question 1799. What are the products of the land which cause it to be worth \$25 an acre?

Answer. Everything can be raised there that can be raised in Pennsylvania, the State I came from, so far as I know. Wheat, oats, and barley are raised there easily. Corn is good, and all kinds of roots grow better than in any country I have ever been in.

Question 1800, (by Mr. Morrill.) Did you ever have any conversation with Steele relative to his purchase of the reservation?

Answer. I have not had any conversation for a couple of years in regard to it. I always knew it was his intention to get hold of it if he could.

Examination by Mr. Pettit.

Question 1801. What is its quality as farming land?

Answer. I do not consider the land upon that reserve, as a general thing, as good as some other lands in the Territory, but it is as good

as most of the lands in the Territory. It is a sandy soil, as is much of the land of that country, but it is adapted to the climate, and it is good for all purposes.

Question 1802. Is the sandy soil you speak of productive, so as to deserve to be called good farming lands?

Answer. The good land upon that reserve is so. There is land in the Territory which is much more sandy, and would not wear very well; but I do not consider this reserve land to be of that character. I consider it excellent land, about second rate.

Question 1803. Would you have known it, if the fact had been generally known at St. Paul, that commissioners had been appointed to sell this reserve?

Answer. I should; but I never heard of it until after the sale, although I lived only five miles from the reserve.

Question 1804. In fact, was the authority to make that sale known?

Answer. I know it was not known in the vicinity I lived in.

Question 1805. What knowledge have you of combinations being made in anticipation of the reservation being brought into market?

Answer. I never heard of any, and unless I should have evidence presented to me, I should not believe there were any. The only combination I was engaged in was a combination of means to purchase, and not for depressing prices. I knew there were other parties to compete with us, but I should not take hands with them.

Question 1806. At the time of making the sale was there not an unusual feeling in that Territory for the purchase of real estate as a speculative matter?

Answer. There was. I could not tell how much the place would bring, but it might have brought more than I would have given for it myself, upon that very account.

Question 1807. Then, taking into consideration the fact of the vicinity of this land to those thriving towns, the fact that no settlement had been made upon it except in connexion with the military services of the post, and the fact of a general interest to purchase, what is your opinion of combinations being so formed as to prevent its being sold at a fair and full price?

Answer. I do not believe that a combination could have been formed, from the fact that there were so many persons anxious to get hold of it. They could not be united in feeling or interest. I never heard of a combination at all until I saw the report of Mr. Heiskell.

Question 1808. What is your opinion as to the probability of the whole reservation being sold out in parcels, the commissioners having the right to accept or reject bids?

Answer. It would have all sold, and I have no doubt that it would have brought a much larger price than it did sell for. I myself would have bought one-third of it.

Question 1809. On which side of the Mississippi was that part of the reservation which was offered for sale in 1855?

Answer. On the west side, between that river and the Minnesota.

Question 1810. Have you stated that it was subject to pre-emption?

Answer. Yes, sir; it was all subject to pre-emption, and all taken up at the minimum price of \$1 25 per acre.

Question 1811. Where was it sold?

Answer. At Minneapolis. There had been a prior sale of some part of the reserve at Stillwater before I went to Minnesota.

Question 1812. What other improvements, besides erecting his house, had Steele made upon the reservation before the sale?

Answer. I do not think he made any other.

Question 1813. Had he enclosed and cultivated any land?

Answer. I do not think he had.

Question 1814. At what time was the house built?

Answer. I do not know. It was built before I came there. The house had been standing some years, I presume. There was a fort farm upon the reserve, which has been cultivated for twenty years, and there is a fort farmer. I have been informed that it had been cultivated for that time without any manuring. That is the only cultivation I know of upon the reserve. I do not know how much land was included in that farm, but I should think not to exceed 160 acres, perhaps not more than half that amount. I do not know anything about it, of my own knowledge.

Question 1815, (by Mr. Bennett.) What are the personal relations between you and Mr. Steele?

Answer. Our relations are not friendly, and have not been so for a year or two. We speak to each other. I am not an enemy of Mr. Steele, but we have had difficulty about business matters which has estranged us somewhat, and our relations are not friendly, though I think I could do Mr. Steele justice.

S. A. MEDARY recalled.

Examination by Mr. Pettit.

Question 1816. You may state on what basis you fix the average value per acre of the land of the Fort Snelling reservation.

Answer. I founded my reply upon having heard of lands of as good quality, and probably better, having been sold at from \$11 to about \$18 per acre.

Question 1817. What quantity of the lands of that reservation are overflowed lands, or otherwise made impracticable for farming purposes?

Answer. I could not tell you exactly, but I should judge about three or four hundred acres.

Question 1818. Leaving out the three or four hundred acres you have named, what was the remainder of the reservation worth per acre at the time of sale?

Answer. Very much of it is sandy, and could scarcely be used for farming purposes. I should judge it would be worth about \$15.

Question 1819. At the time of making that sale was not speculation in real estate general, and was there not a general disposition to invest in it?

Answer. Yes, sir.

Question 1820. Do you not know of farming lands in that region selling for more than the price you have named?

Answer. Yes, sir, I think so.

Question 1821. At what price?

Answer. They could hardly be called farming lands because they were so near the city of St. Paul, though they were virtually farming lands. I have known them to sell as high as \$100 per acre.

Question 1822. Is it not true that lands adjoining the reservation, with no greater advantages than the lands of the reservation, were held and sold for from \$40 to \$100 per acre?

Answer. I could not say \$100 per acre. The lands on this side the Mississippi river have sold for from \$40 to \$50 per acre; but they were not subject to ferriage, or anything of that sort; they were more easily gotten at than the lands on the other side of the river.

Question 1823. Is the land you have just now spoken of directly adjacent to the reservation, with the Mississippi river only between?

Answer. Yes, sir; but I think it is better land than that on the opposite side.

Question 1824. Is not the land of the reservation generally in a situation where its advantages are equal to that of any other lands in the Territory, in reference to the facilities of market?

Answer. I know of no particular difference, except that the lands on this side of the river are nearer to St. Paul, and have greater advantages in that respect than those on the other side.

THURSDAY, FEBRUARY 25, 1858.

H. L. DOUSMAN recalled.

Examination by Mr. Morris.

Question 1825. I ask you if Mr. Steele did not propose to you to take an interest in the purchase of the property at Fort Snelling, and if he did not represent that it was a good bargain?

Answer. He never proposed to me to take an interest with him.

Question 1826. Did you ever have a conversation with him upon the subject?

Answer. No, sir; all the conversation I ever had with him upon the subject was when he told me he had made the purchase, and, from his remarks, I inferred that he thought he had made a good bargain.

Question 1827. Did you tell him, at the time of that conversation, that you thought there would be a row made about the manner of the sale?

Answer. I might, and I might not; I do not know that I did; I might possibly have told him so; the sale was a secret at the time it was made, and was not known to the country around.

Question 1828. Did he tell you that the sale was a secret one?

Answer. No, sir, he did not tell me that ; he told me he had made the purchase of Major Eastman and another commissioner, appointed by the government, for \$90,000, and that the purchase would amount to eleven or twelve dollars an acre, and he asked me what I thought of it ; I told him I thought it a good bargain, and that there was a great deal of good land and a great deal of poor land, but, take it altogether, that it was a good bargain. He appeared to be very well satisfied with the purchase ; he never offered me any share in it.

Question 1829. I ask you if the property had been divided up into 40 acre lots, and that portion of it immediately around the fort had been divided up into still smaller lots, and offered at public sale, after giving due notice, and sealed proposals had been received for the property, whether it would not have brought more than it did ?

Answer. I think it would have brought a great deal more.

Question 1830. How much more ?

Answer. I cannot tell ; I have never taken the trouble to compute what it would have brought ; but my impression is that it would have brought a good deal more.

Question 1831. If you had been commissioned by the government to sell that property, would you, in your judgment, have been exercising a prudent and sound discretion if you had sold it privately, without letting anybody else know that you were authorized to make the sale, except the person to whom you sold ?

Answer. That would depend on my instructions.

Question 1832. But, I say, suppose it was left discretionary with you ?

Answer. I do not think I should have sold it in that manner, though there is much to be said on both sides. I have attended a great many sales of public land, and it has been the habit in that country to form combinations, and to appoint one man to bid and to purchase the property at a nominal price, and then to divide it up among all who formed the combination ; it has also been customary, when government lands were to be sold in that way, for squatters to go upon it ; it is hard to get them off, and they claim a sort of pre-emption right. I presume the object of the commissioners was to avoid anything of that kind ; but it has always been my opinion, if the government could have protected it, and it had been subject to fair sale and competition, it would have brought more money.

Question 1833. Would it not have been possible for the government to have protected itself if the sale had been by sealed bids ?

Answer. I think it could have been done. The only time I know of its having been done was at the sale of Fort Dearborn, at Chicago. There sealed bids were received, and the property brought a fair price. There was a sale in Minnesota last summer—the sale of Fort Ripley—and there a large combination was formed, and the government received only seven cents an acre for their land.

Question 1834. Who was the agent that made that sale ?

Answer. I think one of the same parties that made the sale of Fort Snelling—Major Eastman, I think. Major Eastman told me he had sold it.

Question 1835. Who was the purchaser at that sale?

Answer. I understood that Madison Sweetzer was one of them. I do not know who the other parties were. Sweetzer was a large purchaser.

Question 1836, (by Mr. Faulkner.) You have been asked, in a previous examination, by whom you were directed to be summoned as a witness in this case; please examine this letter, (Mr. Faulkner handing to the witness a letter of the Hon. Robert Smith,) and perhaps you will be able to answer the question more satisfactorily than at your former examination?

Answer. It appears by this letter that I was summoned at the request of the Hon. Robert Smith.

Question 1837, (by Mr. Morris.) I ask you whether you have ever expressed to any person or persons in this city an opinion as to the value of this property, different from what you have expressed to the committee?

Answer. I am not aware that I have.

Question 1838. Have you not expressed the opinion since you were before the committee, and examined by the committee, that this property was worth vastly more than you stated to the committee that it was worth?

Answer. I will tell you what I said: I said that if it had been sold under different circumstances the government would have realized more money for it, and I never have said anything inconsistent with that to anybody.

Question 1839. How far do you reside from the Fort Snelling property?

Answer. About 300 miles below, on the river?

Question 1840. Have you been in the habit of dealing in real estate in the vicinity of Fort Snelling?

Answer. Yes, sir.

Question 1841. Do you own any there now?

Answer. Yes, sir.

Question 1842. Where?

Answer. Adjoining this reserve.

Question 1843. What is it worth per acre?

Answer. I paid \$11 per acre for it.

Question 1844. When did you buy it?

Answer. Summer before last.

Question 1845. What was it worth last year?

Answer. I offered it last summer to a man for \$20 an acre, but he said that was too high.

Question 1846. In what direction does your land lie from the reserve?

Answer. Back of it, and back from the river.

Question 1847. If I understand it, this Fort Snelling reservation is in a body, having the Minnesota and the Mississippi rivers upon two sides of it. Your land lies still further back from the rivers?

Answer. Yes, sir. I told you the other day that mine was good farming land, well watered and well timbered, and that most of the

Fort Snelling reservation had no timber ; that for farming purposes I considered mine better than the reserve, though not for other purposes.

Question 1848. Do you consider Fort Snelling a good place for a town site ?

Answer. I stated the other day that it would be the best position in the west, if other towns had not been built up before it. If it had been open to settlement, like other lands, it would have been selected as the best location for a town. But now other towns have been built up around it.

Question 1849. Have you ever talked with Mr. Steele since he purchased of buying any of this property ?

Answer. I never have, and I never wanted to buy any of it.

CYRUS ALDRICH recalled.

Examination by Mr. Morris.

Question 1850. You have expressed an opinion before this committee in relation to the value of this property. I have been furnished with a *Galena Daily Advertiser*, of April 18, 1857, in which I find this communication :

“MINNEAPOLIS, MINNESOTA, *April 1, 1857.*

“GENTLEMEN : Enclosed herewith I send you a copy of section four of the army appropriation bill, which was passed by the late Congress and approved March 3, 1857.

“By examining the act therein referred to, of March 3, 1819, you will see that that act authorizes the Secretary of War to sell certain military sites, give conveyances, &c., &c., without even giving public notice, at private sale, and at such prices as he sees fit.

“It is thought by many in this vicinity that interested parties in the Territory have got that section into the army appropriation bill with a view of having all the lands around Fort Snelling, excepting just what is actually required for the buildings, fort, and parade ground, sold, and sold quietly at private sale, and to them.

“There are now 8,000 or 10,000 acres of the best and most beautiful land in the world that is entirely useless for military purposes, worth, many think, \$50 an acre, on an average. One hundred acres of it are worth \$1,000 per acre for a town site. It is one of the most lovely spots that can be found in the whole northwestern country.

“As the law now stands, there is nothing to prevent the Secretary from selling the entire tract to one man, or a company of men, for \$1 25 per acre.

“If these lands are sold due notice should be given in all the public journals of the county, and they should be surveyed, subdivided, and put up at public sale in eighty acre tracts, and sold to the highest bidder for cash.

“Will you please call attention to this matter through the columns

of your journal, and oblige your many friends and patrons in this part of Minnesota.

“C. ALDRICH.

“Messrs. H. H. HOUGHTON & Co.”

“AN ACT making appropriations for the support of the army for the year 1858.

“SEC. 4. *And be it further enacted*, That the provisions of the act approved March 3, 1819, entitled ‘An act authorizing the sale of certain military sites,’ *be, and they are hereby, extended to all military sites, or to SUCH PARTS THEREOF which are or may become useless for military purposes.*”

Are you the person who wrote that letter?

Answer. I am.

Question 1851. And you sent this fourth section of the army bill accompanying it for publication?

Answer. Yes, sir.

Question 1852. I ask you whether the opinions you expressed in that letter on the first of April last you still entertain?

Answer. I do.

Question 1853. Do you know whether any combinations were formed in that Territory for the purpose of preventing this property at Fort Snelling from bringing a reasonable price in case it was put up in the manner you suggested and sold at public auction?

Answer. I never heard of any.

Question 1854. Do you believe any would have been formed that would have effectually prevented a fair competition?

Answer. I do not.

Question 1855. Were there other gentlemen in Minnesota who wrote similar letters to this, to your knowledge, calling attention to this provision which it was supposed was smuggled into the army bill?

Answer. There were two, whose letters I have read—one published at St. Anthony and the other at St. Paul. The object of writing the letter was to call the attention of the country to the fact that the Secretary of War was authorized to sell that property, presuming that there were parties in the Territory who would purchase the entire tract if they could, without letting the Secretary of War know the real value of the property.

Question 1856. Still, however, notwithstanding the desire there to ascertain in what manner it would be sold, if sold at all, none of you knew anything about it until after the sale was made?

Answer. We never heard a word about it, any more than in conversation between citizens there in relation to it. I would state further that when it was discovered that this section was added to the army appropriation bill, every one was upon the *qui vive*, and every person there, interested in land operations at all, was anxious to purchase more or less of this reserve—anxious to have an opportunity to purchase what they had means to purchase. Mr. Olds, former register of the land office, wrote a letter to a paper in St. Anthony, call-

ing attention to it, and another person wrote to one of the papers in St. Paul. Mr. Robert Smith came to Minneapolis, and, at the request of several gentlemen there, he wrote to the Secretary of War—every one supposing that Mr. Smith would be more likely to receive an answer than any other gentleman there, for the reason that he was supposed to be acquainted with the Secretary, and that he was a member of Congress elect. All waited for further information until Mr. Smith should receive an answer. I do not know of any other person there writing a letter to the Secretary of War. Mr. Smith did not reside there, but came there from Illinois.

Question 1857. When you saw this 4th section in the army bill, it seemed to be generally understood, or feared, at least, that it was put in there with a view of having an effect on the sale of Fort Snelling?

Answer. Yes, sir.

Question 1858. And a very general interest prevailed, you say, throughout the Territory, as far as you were acquainted, to purchase a part of it?

Answer. Yes, sir.

Question 1859. And to learn when the sale would take place, and how?

Answer. Yes, sir.

Question 1860. Would you have purchased yourself, if you had had an opportunity?

Answer. I should, as far as I had the means, at a reasonable price. Several parties from Minnesota had been in Washington during the previous winter, and as soon as the fact that this provision had been inserted in the appropriation bill was discovered at home, there were suspicions that these gentlemen had had a finger in getting it inserted there, and intended to take advantage of it.

Question 1861. If you know any other facts connected with the sale or value of the property, or pertaining to the transaction in any way, you can state them to the committee.

Answer. I do not recollect any others than those I have stated.

A. M. FRIDLEY sworn.

Examination by Mr. Faulkner.

Question 1862. Will you state where you reside, and what is your occupation or business?

Answer. I reside in Minnesota, about fourteen miles north of St. Paul, on the Mississippi river. I am a farmer by occupation.

Question 1863. Have you any knowledge of the facts and circumstances connected with the sale of the military reservation at Fort Snelling?

Answer. I have not.

Question 1864. Have you any knowledge of the character and quality of the soil of that reservation, such as would enable you to present to this committee an estimate of its value per acre, or in gross?

Answer. I think I have.

Question 1865. State your opportunities of becoming acquainted with the value of the reservation.

Answer. I was appointed agent of the Winnebago Indians in 1851. They were then located on the Long Prairie, in Minnesota, about 130 miles distant from St. Paul. The government had there a large farm for the Indians, of about a thousand acres, that I had the control of. I have been engaged in farming since 1852, (it is my principal business,) within ten or fifteen miles of Fort Snelling.

Question 1866. Will you state to the committee what, in your judgment, is the value of the lands embraced in that reservation, and what it is worth per acre, or in gross?

Answer. It is my opinion that, at the present time, the lands would not be worth more than five dollars per acre.

Question 1867. What, in your judgment, were these lands worth per acre in June, 1857?

Answer. Lands were much higher at that time; perhaps they would have brought double what they would bring now. I think they would.

Question 1868. That is, you think they were worth ten dollars per acre in June last?

Answer. Yes, sir. I think about that.

Question 1869. Have you been often over the reservation, so as to enable you to judge of the character of its soil and its advantages?

Answer. I have been over that portion lying some two miles on the Mississippi river quite often.

Question 1870. Is it your opinion that that reservation is an eligible location for the site of a town?

Answer. It never was, in my opinion, and certainly would not be now, without the use of extraordinary means on the part of the parties interested. It is very near St. Paul, St. Anthony, and Minneapolis, and I never could see in it the advantages for a town site which they possess.

Question 1871. Is it your opinion that the commissioners, in making sale of this reservation at \$90,000, supposing it to contain eight thousand acres, realized as much for the government as it was fairly worth?

Answer. That was my opinion at the time. I think they paid fully as much for it as it was worth. It was my opinion at the time that they might make money out of it, Mr. Steele being a man who had purchased town sites to a considerable extent, and who had always made money out of them. But the price they paid was as much as I should have wanted to have paid, and more.

Examination by Mr. Morrill.

Question 1872. Have you been in the habit of dealing in lands?

Answer. Yes, sir; to some extent.

Question 1873. Do you own any land near Fort Snelling?

Answer. I have dealt considerably in lands in the neighborhood of Minneapolis, which is on the old reserve.

Question 1874. How near?

Answer. Within six or eight miles.

Question 1875. Have you been engaged in selling lands there?

Answer. I have, to some extent.

Question 1876. At what price have you sold?

Answer. From \$10 to \$200 per acre.

Question 1878. For agricultural purposes?

Answer. I have sold some for farming purposes at \$10 per acre, and I sold some to be laid out into town lots at the other price.

Question 1879. What were lands then, within a short distance of Minneapolis, worth for agricultural purposes?

Answer. I don't think they were worth more than \$10 per acre.

Question 1880. Will you state whether they were being sold for that price, or for more?

Answer. I think they sold for more.

Question 1881. You do not think, then, that things are worth what they will bring?

Answer. No, sir; that is my opinion.

Question 1882. Is the land of the Fort Snelling reservation of about the same quality as the land of which you speak?

Answer. I think about the same.

Question 1883. What is the distance from Fort Snelling to Minneapolis?

Answer. I think about eight miles; the upper portion of the reservation is not so far.

Question 1884. Have you not known lands in that vicinity to sell, for farming purposes, for \$20, \$30, or \$40 per acre?

Answer. I have heard of land selling as high as that, for farming purposes.

Question 1885. Why should the Fort Snelling reservation be worth less, for farming purposes, than these lands?

Answer. Minneapolis is a town of 3,000 or 4,000 inhabitants, and I should consider lands, in the immediate vicinity of that town, worth more.

Question 1886. Are you aware whether there is a water power situated within the Fort Snelling reservation which would make it valuable?

Answer. I am not.

Question 1887. Do you know that the Minnehaha falls are on one side of it?

Answer. I know there are falls there; I never investigated the matter, and I do not know whether they are on the part of the reserve last sold, or not?

Question 1888. Have you ever travelled over any portion of this reservation, so as to know the value of the property?

Answer. I have travelled from Minneapolis to the fort, and from the fort to the lakes; I have never been over it, except on the travelled road.

B. W. BRISBOIS sworn.

Examination by Mr. Faulkner.

Question 1889. Will you state where you reside, and what is your occupation?

Answer. I reside in Prairie du Chien, Crawford county, Wisconsin; my occupation has been dealing in furs, and in that occupation have travelled a good deal.

Question 1890. Were you subpoenaed in this city?

Answer. I have not been summoned at all; I was informed by Mr. Rice that I should be sent for, and, having business on the way, I started in advance; I have been informed that my name is on the list of witnesses to be summoned, and that the messenger arrived at Prairie du Chien when I was not at home; I had business in Cincinnati, New York, and some other places.

Question 1891. Have you any knowledge of the facts and circumstances connected with the recent sale of the Fort Snelling reservation?

Answer. Nothing more than by general rumor.

Question 1892. Are you acquainted with that reservation?

Answer. Yes, sir.

Question 1893. What have been your opportunities of forming a judgment of its value?

Answer. I was born in that country and have been over that reservation since 1832 probably twenty times. That is the reason why I feel myself acquainted with it. The first time I was ever over it was in the fall of 1832 or the spring of 1833. Since that time I have been over it often.

Question 1894. Will you express to this committee what, in your judgment, was the value of that property per acre or in gross, at the time of its sale, in view of all its advantages—agricultural, manufacturing and commercial, or of any kind that may suggest themselves to your mind?

Answer. That would be a rather hard matter to do. If it had been sold years ago it would have been much more valuable than now. In my opinion, the fact that a large capital has accumulated at St. Paul, and at other points in the vicinity above and below the fort, has destroyed its value, to a great extent, as a town site, otherwise, it would have been the best place, and, I suppose, would have been selected instead of St. Paul. As to its value for agricultural purposes, I believe it to be very good land, but it is hard for me to place any value upon it from the fact that I know lands around there have some times sold enormously high, and at other times for very moderate prices. For instance: I was witness to a sale made some two or three years ago by Colonel Dousman, of a very handsome piece of land a little outside the reserve, for which, I believe, he got \$11 per acre. That was a select piece, much better than the whole reservation would be taken together, though some portions of the reserve would

be vastly superior to it. For instance, the point where the fort stands is considered immensely valuable.

Question 1895. From your knowledge of that land and of the lands in the vicinity, what is your opinion the reservation was worth in June last, as a whole?

Answer. Well, I do not know. I would not like to have given the price Mr. Steele paid for it under the circumstances. I understood he paid some \$12 per acre for it. There is a large amount of it that is swamp land or bottom land, which would never be of any use. Taken as a whole, I should suppose \$10 or \$12 per acre would have been a good price under the circumstances, though it might have sold for more if it had been sold in smaller pieces.

Question 1896. Is it your opinion that the commissioners, in making sale of it at \$90,000, realized for it for the government in June, 1857, as much as the land was fairly worth?

Answer. I think so, if sold as a whole. When I was informed of it I expressed my opinion then, that I would not have given that much money for it, under the circumstances. Some dissented from my opinion, told me I was mistaken, and that I was an old fogey, or something of that kind.

Examination by Mr. Morris.

Question 1897. Do you think, if the land had been divided up into small parcels, and a general notice given that it would be sold, or that sealed proposals would be received for it at a certain time, that it would have brought more money than it did bring by selling it in a body?

Answer. Yes, sir.

Question 1898. How much more?

Answer. I do not know.

Question 1899. A good deal more?

Answer. Yes, sir; I could not say how much, but a good deal more.

Question 1900. If, then, you had been appointed the agent of the government to dispose of that property, you would esteem it your duty to adopt that mode of sale, instead of selling it to an individual privately?

Answer. I think I should.

Question 1901. In doing so, you think you would have been serving the government and discharging your sense of duty to yourself?

Answer. I do.

Question 1902. Your opinion now is that it has lost its value practically as a town site, from the fact that other towns have been built up?

Answer. Yes, sir.

Question 1903. You think it was and is, aside from that consideration, the natural place for a town in that part of Minnesota?

Answer. I have always thought it was.

Examination by Mr. Faulkner.

Question 1904. You have expressed your opinion that the land is not worth more than about ten or twelve dollars an acre?

Answer. That is so, taking it as a whole, and taking into consideration the time when the land was sold.

Question 1905. What induced you to suppose that any other mode of sale would have made that land bring more than its true value?

Answer. Competition. Many persons would have been able to purchase a small piece who could not buy the whole.

Question 1906. Is it usual at these public sales for lands to bring more than their real value?

Answer. I cannot say. There was a public sale of a reserve at Prairie du Chien, made by Mr. Rice last May. The lands brought on an average four dollars an acre, and they were supposed to be worth ten dollars an acre.

Question 1907. I have no doubt that some portions of this Fort Snelling reserve would have been sold for more than ten or twelve dollars an acre; but, suppose the entire reservation had been sold at public auction, do you suppose it would have realized for the government more than ten or twelve dollars an acre?

Answer. I think not. I think the same amount of money would have realized a great deal more profit in some other mode of investment. But in that sale at Prairie du Chien the property sold for a great deal less than the people supposed it was worth, though that was sold in small pieces.

Question 1908, (by Mr. Morris.) Who was authorized to make that sale?

Answer. Henry M. Rice, I think it was.

Question 1909, (by Mr. Morris.) Who purchased the property?

Answer. Various individuals. Due notice was given, and it was sold at public sale in front of the court-house.

Question 1910, (by Mr. Faulkner.) What did it average per acre?

Answer. Four dollars. That which was granted to pre-emptors sold for \$1 25 an acre.

Question 1911, (by Mr. Faulkner.) How did that land compare with the Fort Snelling land for agricultural purposes?

Answer. It is superior, as it has plenty of timber and water. There is no doubt that the greater part of that Fort Crawford reserve is worth \$20 an acre. It is very good land, well timbered and well watered?

Question 1912, (by Mr. Morris.) Do you know whether Mr. Rice holds any of that land or not?

Answer. I do not know.

Question 1913, (by Mr. Morris.) How far do you reside from Fort Snelling?

Answer. Three hundred miles is the estimated distance, though I suppose it is less than that.

Question 1914, (by Mr. Morris.) Have you been in the habit, for

the last year or two, of dealing in real estate in the vicinity of St. Paul?

Answer. No, sir.

Question 1915, (by Mr. Morris.) And have not had your attention called to the value of property there?

Answer. Well, I have, having had a good deal to do that way at home; but being an old foggy, as they call me, I thought prices too high. I could have made a good deal of money if I had bought there.

MONDAY, MARCH 1, 1858.

MATHEW JOHNSON sworn.

Examination by Mr. Morris.

Question 1916. Are you acquainted with the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling?

Answer. I am not.

Question 1917. Did you know anything about it at the time?

Answer. I was in Minnesota at the time. I did not know of the sale until a week after it had been made.

Question 1918. How did you learn it then?

Answer. By general rumor.

Question 1919. Did you see and converse with any of the commissioners?

Answer. No, sir.

Question 1920. Are you familiar with that property?

Answer. Yes, sir; I have been over a great portion of it.

Question 1921. State to the committee what you think the value of that property was in June last, and upon what you base that opinion?

Answer. I could state what was represented to me to be the value of that property by a party who was interested in it. A paper was presented to me by a party there, showing me what that property cost, how many shares it was divided into, how much they wanted for one share, one twenty-seventh part of it. I could state what that paper exhibited. The gentleman who showed it to me was John W. Prince, a partner of Mr. Steele in the St. Anthony water power. I cannot say that Mr. Steele, or any other owner of that property, sent the paper to me. I was supposed to be there looking after a speculation, and the paper was presented to me as I have stated. The paper represented that the property was originally in nine shares; that it had been multiplied by three, making twenty-seven shares, for which they wanted \$25,000 a share. The man who presented me the paper wanted me to take a one twenty-seventh part for \$25,000. Upon the same paper there were figures showing that they estimated a certain number of acres of that land worth \$1,000 an acre. I

cannot say how many. I for a long time had a copy of that paper in my memorandum book, but finally destroyed it, as I did not suppose I should ever have occasion to use it. A certain number of acres worth \$500 an acre; a certain number of acres worth \$100 an acre; a certain number of acres worth \$10 an acre, and a certain number of acres worth \$5 an acre, and that those estimates made the one twenty-seventh part worth \$49,000 and over, and the whole worth somewhere in the neighborhood of \$1,400,000. That was what the party who wanted me to take a one twenty-seventh part of it represented it as worth. A few days before that I had a conversation with Mr. Steele upon the ground. I saw Colonel Thomas, Major Eastman, and other officers there.

Question 1922. Did you know, when you had the conversation with Mr. Steele, that he was the purchaser of the property?

Answer. Yes, sir; he took me out upon the property, and showed me the whole river front.

Question 1923. Did he tell you what value he fixed upon the property?

Answer. He told me what he asked for certain lots, and told me that there was a mile and a half of river front looking towards St. Paul, and he showed me how he was going to lay it out upon the river for residences, and that those lots would be worth \$500 each. I do not know what size they were. He told me all this casually, for I had no idea of making any purchase, nor he that I had any intention of doing so. I went over there that day upon the invitation of Captain Simpson of the army. There was a good deal of excitement that day upon the ground. Captain Simpson lived there. He expressed a great deal of indignation at the sale. He had a conversation with Major Eastman, and expressed himself so to him. I had a conversation with Captain Thomas of the army. He told me he had made a report to the department that morning condemning the sale.

Question 1924. Was there not general surprise and indignation among the officers of the army there, and among the citizens, as to the mode, manner, and terms of the sale?

Answer. The day I was at the fort I was introduced to the commanding officer of the fort, and to nearly all, if not all, the officers of the fort, and there was not one among them that did not condemn the sale. The commanding officer, an old gray headed gentleman, said that he had not been consulted, that not a word had been said to him as to the propriety of disposing of the property, or of dispensing with the troops there either by Major Eastman or any one else. From the chaplain up, every man condemned it. With the people there was one universal expression of indignation, except in certain quarters.

Question 1925. You were out there seeking to make some investments?

Answer. I was, and would have been very glad to have gone into the operation of purchasing Fort Snelling. I have no doubt that the feeling upon the part of a great many people was because they had not had an opportunity to go into it. I never heard an intimation from any quarter in the world that there would be or that there was

any combination there such as Major Eastman stated in his report. I am familiar with all the operators in that country. He stated in his report that it was bar-room conversation that there would be a combination.

Question 1926. From your knowledge of the state of things there, you do not think it possible that a combination could have been formed to reduce that property to a mere nominal sum?

Answer. I do not think it possible.

Question 1927. You think if there had been a fair competition for it by private bids or at public auction it would have brought more?

Answer. I cannot say how it would have been in the case of private bids, but at public auction I think it would have sold for a great deal more money.

Examination by Mr. Faulkner.

Question 1928. When was it that the paper you speak of was shown to you by Mr. Prince?

Answer. It was within ten days or two weeks of the time that I knew of the sale. Prince was a member of the constitutional convention of Minnesota. He saw me standing in the lobby of the hall where the convention was sitting, and he came out and presented to me the paper.

Question 1929. Do you know whether Prince had any interest in the property?

Answer. I do not know. I think he told me he did not own a share, but he told me that I could have a share at that rate.

Question 1930. Did you accept the proposition he offered?

Answer. I did not. I should not have gone into it at all, for I thought the estimate a very extravagant one.

Question 1931. Do you know whether he had any authority to make any such proposition?

Answer. I do not.

Question 1932. Had you embarked in the purchase of that property, what would you have been willing to give for it?

Answer. I have never thought of it in that light. I then thought the property worth a great deal more than it brought, and I considered it worth a great deal more than that in the panic of November; but I have never set down to figure what I thought the property was worth.

Question 1933. What is the quality of the soil, and how would it be priced in that country for agricultural purposes, compared with other lands in that country?

Answer. Take the whole tract together, I do not know but it is about an average quality with any eight or ten thousand acres in the Territory. Some of it is poor land, and some of it is rich.

Question 1934. What would you estimate such lands to be worth in June last for agricultural purposes?

Answer. I can tell you how property sold in that neighborhood, but I never considered lands worth anything like what they sold for.

I do not consider any property in St. Paul worth more than one quarter to one half of what other persons consider it worth. For agricultural purposes I do not consider that any lands within six miles of St. Paul are worth more than from \$25 to \$50 an acre. I know of one instance where property six miles from Fort Snelling, on the Minnesota river on the opposite side from Fort Snelling, was sold for \$8 an acre.

Question 1935. I should like to know from you as a practical man, and one who seems to know the real and intrinsic quality of land, what for agricultural purposes this 8,000 acres of land ought to have brought on an average?

Answer. I think the property, for agricultural purposes, was worth, and would sell at any time, if divided up, for an average of about \$20 an acre. I know that lands between that place and St. Anthony, and between that and St. Paul, cannot be bought for anything like that amount of money, and never could since I have been there.

Question 1936. Have you ever known of a public sale taking place in that northwestern country of lands belonging to the United States that have yielded any such price as you have named?

Answer. There never has been any sale of property like that, situated as that is between two such points as St. Paul and St. Anthony.

Question 1937. In what respect would the public sale of the Fort Snelling reserve have differed in any essential particular from the sale which took place at Stillwater in 1854, when the land was put up at public auction?

Answer. Fort Snelling is in the centre of two very large and flourishing cities, half-way between them. Lands all around it on either side of the river have sold for the last few years for one hundred to two hundred dollars an acre. In 1854 you could have bought any lands around St. Paul for a tenth part of what it sold for last summer. Speculation commenced in 1854 and has been raging ever since. And two years ago property could probably have been bought for one quarter what it brought last year. You cannot make any comparison at all between 1854 and 1856.

Question 1938. I do not design to make a comparison between 1854 and 1856; but I ask you for an instance where any public lands of the United States, set up at public auction, have brought anything like their real value?

Answer. I know of no instance. I never attended a sale of that kind. I only know of the sale of Fort Ripley last fall, and then the land brought hardly anything.

Question 1939. That you say brought literally nothing for the government?

Answer. I do.

Question 1940. Is it your opinion, if these commissioners had made an effort to sell this land by sealed proposals, that there would have been combinations to have prevented a fair bid for the government?

Answer. I think if it had been offered in that way attempts at

combination would have been made, and probably would have succeeded. That is generally done in cases of that kind. The only way to have sold it and have it bring anything like a fair price was at public auction.

WEDNESDAY, MARCH 3, 1858.

WM. KING HEISKELL SWORN.

Examination by Mr. Faulkner.

Question 1941. Were you one of the agents appointed by the Secretary of War to make sale of the Fort Snelling reservation?

Answer. I was.

Question 1942. Did you execute the commission conferred upon you, and if so, can you give to this committee a narrative of what took place from the time of your appointment until the termination of the sale?

Answer. I suppose I did it to the best of my ability. But I will commence at the beginning. Before Governor Floyd was appointed as Secretary of War, he and myself ran a race for the legislature in 1856. Shortly after he had received notice from Mr. Buchanan that he would be in the cabinet—the next morning I believe—I remarked to him, jocularly, “Now, old fellow, we have had a rather hard fight of it together, against the know-nothings here, and when you get in office you must not forget me. I want you to give me a place. I want one that will pay not less than \$4,000 or \$5,000 a year. I don’t want anything else.” Said he, “Well, old boy,” in his way, to me, “if I can do anything for you, you shall have it.” After he had been here in office for two or three weeks, he wrote a letter to me telling me “there is nothing here that you would want. There is no office in my gift, or in the gift of the President, that you would have.” Sometime in the month of April, he wrote to me that he had a little business for me to do that would pay my expenses, and he wanted me to come on here. I wrote to him, “I do not want to do anything that will not pay well.” He wrote to me to come on here, that he had some business he wanted me to attend to; that there was a reservation he wanted me to sell. I did come on here and learned from him that the pay for the commission would be \$8 per day and my expenses. Said I, “If I had known what the pay was before I left home, I would not have come here. I supposed the pay would be five per cent. on the sales.” Said he, “the law fixes the pay at \$8 per day and your expenses.” Well, he gave me my commission. There has been a good deal said about this matter being kept private. When I left Abingdon, I reckon 2,000 men knew where I was going and what my business was. At Wythe court-house I told two land speculators by the name of Stuart, and many others, what my business was. A Mr. Claiborne, who I heard of in Lynchburg, when I came into this city,

I found here. He told me that he had a large amount of money to invest. I told him what my business was, and after I got my commission I wrote to him that I would be at St. Paul about the first of June, and would be glad to see him. When I got my commission, Governor Floyd said to me, "old fellow, I want you to do the very best you can for the government." These were his private instructions. "I want that sale to be the best ever made in the United States." Said he, "you have got a parcel of sharpers to deal with, and you have got to keep your eyes open." This was the exact conversation. I recollect it distinctly, because he was so emphatic. I started from here the latter part of May. When I arrived in St. Paul, I found a letter from Mr. Stuart, saying that he was at a little place, I believe, called Portland or Rochester—I am not certain what the name is—back from Winona. I wrote to him that I was there for the purpose of selling the Fort Snelling reservation, and for him to come up if he thought best. "But," said I, "I think there is a bad chance for speculation." Speculators there were forming combinations. I heard of it from the time I left Dubuque until I got to that place. I heard it on the steamboats, in the hotels, and everywhere, that speculators had formed combinations to purchase the reservation at a price not exceeding \$2 50 per acre. I never heard from Mr. Stuart until I got home. I got to St. Paul on Sunday. On Monday there was an election going on.

On Tuesday I went up to see the reservation. I went to see Major Eastman, but he was not at his house; he was out surveying. I had a buggy, and rode all over the reservation, but could not find him. I suppose if I had come back I should have found him at home; but I returned to St. Paul by way of St. Anthony and Minneapolis. The next day I went out to Stillwater to attend to some little business. On Thursday I went back to Fort Snelling, and delivered to him his commission. He said he was surprised to get it; he did not suppose he should have anything to do with it; he supposed he was just to survey it; he did not know he was to be appointed as commissioner. I told him I wanted some good man to act with me, and I supposed, as he was there, the Secretary of War thought he would be more competent than anybody else. We said nothing to anybody there about the sale. My reasons for keeping the matter private was, that from the time I left Dubuque or Dunleith it was the constant conversation on the boat, and nobody fixed the price higher than \$50,000. Many of them said that no land owned by the government ought to sell for more than a dollar and a quarter per acre. Some said this might sell for \$2 50 per acre—\$1 25 for the land, and \$1 25 for the improvements. Some of them gave the instance of Fort Crawford, which was sold only a few days before—it was sold in April, I think—at an average of about \$2 50 per acre; and that was at the end of a railroad completed from Prairie du Chien to some point in the east. I told Major Eastman that if we put it up at public sale we should not be able to get more than \$2 50 per acre for it if we sold it in small lots. If we sold it as a whole, we might possibly force it up to \$50,000. I heard one man say it would bring that if it was put up at

public sale. I said to him that we would thwart their plans; that I had come up here to sell the land at a good price. He agreed with me that those combinations had been entered into, and we agreed that we could not get as good a price for it if we put it up at public sale as we could if we managed it in the right way. That was on Friday. On Saturday I went back again, and we got to talking about it. Said I: "Who can we sell this land to?" Said he: "I think we can sell it to Mr. Steele; he is a resident on it; he has got a great deal of valuable property on it; and we can sell it to him for more than to anybody else." Said I: "Suppose we address him a note, and see what he will give for it." Major Eastman assented, and we did address him a note. He replied. I was under the impression at one time that he offered \$50,000; since, however, I have heard that it was \$75,000; and, upon reflection, I think it was that sum. We replied to his note. I suppose we were a mile apart, and we sent our notes by a messenger. We replied that we could not take that; that we had fixed the price at \$90,000, and that if he would not give it we should sell it to somebody else. If he would give it we would take that sum. He replied, on Monday, that he would give \$90,000. I had only seen Mr. Steele once before, and we then parted to draw up the writings. The writing we made at that time was very brief, not covering more than half a page of foolscap. He came down to St. Paul the next day, which was Thursday. Said I to him: "Who owns the improvements on the reservation?" Said he: "I have been trying to make some arrangement about the Kenneth McKenzie purchase." Up to that time I do not think that I had heard any thing about this claim. Says Mr. Steele: "Mr. Rice is claiming 160 acres of land for the Stone House property." Said I: "I never heard any thing about that before." Major Eastman said he had heard something about it. I remarked: "You have got to settle something about that property." Says Mr. Steele: "Let's go up and see Mr. Rice." We went up to Mr. Rice's house. Says I to him: "It is very strange to me that you have waited here for years, and have never laid any claim to this property before." Says he: "I have always intended to have it, and I must have 160 acres of land or payment for the buildings." Says I to him: "You cannot get from me any admission of your pre-emption claim to 160 acres of land." I suppose it is not necessary to repeat what followed; we had some pretty sharp words about it; I thought we should have had a personal difficulty. Mr. Steele remarked to Mr. Rice: "Let's go and have some conversation above." They went into another room. When they came back Mr. Steele said to me that he would settle all claims upon the reservation, and take it at the price we had agreed on. We then separated to write out the contract. I went back to my room, and I wrote out one, and Major Eastman wrote one. Mr. Steele did not come in until late in the evening. He examined the contracts we had written out, and the next day he came back and we signed the papers.

Question 1943. Had you any instructions from the Secretary of War, public or private, in regard to the sale of this property, other

than those contained in the written instructions and the remarks made to you when you separated from him at Washington?

Answer. I had no other instructions from him or anybody else. The governor said to me, as I remarked before, "Keep your eyes skinned; you are going among a parcel of sharpers and speculators. I want you to make the best sale the government ever had made." Said he, "I know how you trade at home," remarking on some of my transactions that I suppose it is not necessary to mention—I had been sheriff at home—"and I know if you have a little warning they cannot touch you in a trade," or something of that kind. Said he, "I want you to execute this commission to the best of your judgment. You understand speculation; you understand mankind." I do not know that these were his exact words, but they were about that. He said, "All I have got to say to you is, that I know you will do the best you can for the government;" something of that kind. I had no kind of instructions from anybody else. I went there untrammelled. I went there to sell the land for the best price that could be got for it. I went to sell it for the best price the government ever sold any land for; and it sold for a much better price than it would have sold for at public sale. If it had been sold at public sale, I have no doubt it would not have brought \$50,000. I have no doubt, from what I heard on the steamboats, in the hotels, and everywhere, that if it had been sold at public sale, in small lots, it would not have brought more than \$2 50 per acre. I would not be positive about it, but that is my opinion. It seemed to be the fixed purpose of men about there that no land of the government should be sold for more than a dollar and a quarter per acre. That seemed to be the opinion of most men with whom I had conversation. That seemed to be the fixed determination there. I did not know any one there, and they did not know me. I asked no questions of them and they asked none of me.

Question 1944. Were you aware, at the time of the sale, that any person, other than Franklin Steele, was interested in it as a purchaser?

Answer. I was not; and I do not know to this day that anybody is interested, only from rumor. I had no idea at the time who was interested, except himself. I did not know that any one was, and I only supposed there were others because I did not suppose they would allow him to purchase it by himself. I supposed at the time, perhaps, Mr. Rice had entered into some sort of a combination with Mr. Steele, from the conversation which took place in Mr. Rice's house; but that was only a surmise of mine. When we accepted Mr. Steele's offer, I had no idea that anybody was interested except himself.

Question 1945. What, in your judgment, was the value of the buildings on the reservation, other than those erected by the government?

Answer. I think we valued them at \$30,000. I went through the hotel, the stone building, and Mr. Steele's property. Another thing your question leads to is this: after the sale was made, Mr. Steele remarked, that "if we had sold the land to anybody else, he would

have claimed damages from the government." I remarked to him, that I looked upon the sale about like this: "If the sale had been made to anybody else, the black republicans in Congress would have been unscrupulous enough to have given you \$50,000 for your buildings. You are a democrat, it is true, but for all that the black republicans would have given you \$50,000 for your buildings;" so that I looked upon the sale as, in reality, made for \$30,000 or \$40,000 more than the price named.

Question 1946. Had you any object or motive in this sale other than to promote the best interests of the government?

Answer. So help me God I had not. I had none in the world. I had no interest in it in any shape, except my \$8 per day and mileage, and I think the government ought to pay me the \$213 which my expenses amounted to, over and above the time for which my *per diem* and mileage were allowed. I had no interest, except to make the best sale I could for the government, which I think I did.

Question 1947. Did you sincerely believe that the mode of sale which you adopted in June last was that best designed for promoting the interests of the government?

Answer. If I had not I should not have adopted it. I went there to make the best sale I could for the government, and I made it in that way because I deemed it more conducive to the interests of the United States than any other mode in which the sale could be made.

Question 1948. Did you and Major Eastman make a careful estimate of the value of this property before you offered it to Mr. Steele at \$90,000?

Answer. I went over it twice and examined it carefully. I went through the fort, and I went through those buildings which I spoke of. I supposed that was as careful an examination as was necessary.

Question 1949. Did you and Major Eastman fix in your own minds what was the value of this property by agreement between you, before you offered it for sale?

Answer. We did. I can give you my reasons for coming to the value at which I fixed it. I know nothing about these western speculations, but I came at it in this way: here is St. Paul, a city six or seven miles down the river; here are St. Anthony and Minneapolis, large towns, six or seven miles up the river. I did not look upon the reservation as valuable for a town, because there was a city and two large towns within so short a distance. I did not know what expectations they might have about it, but I did not know how they could compete with a city of 12,000 or 15,000 inhabitants, with a large capital, and two other large towns with large manufacturing advantages, just above. I valued the lands at \$10 per acre. The reason why I came to value them so low, as some think—I think it was very high; I should very much dislike to give it myself; I told Mr. Steele, after the bargain was completed, "you have got a hard bargain"—the reason why I fixed the value as low as \$10 per acre was, that I noticed, in one instance, where I saw six oxen ploughing in what I thought was the finest soil I ever saw, that at the bottom of the furrow, instead of the fine black soil which I saw on the top, they turned up white sand. I

remarked that I would not give \$2 50 per acre for that land, because in less than ten years it would be blown up into sand banks. I valued the land at \$80,000 and the buildings at about \$10,000. That was the calculation I made. Major Eastman said he thought I had put the land too high, but he thought the improvements were worth \$15,000 or \$20,000. There is a portion of that land I would not give 20 cents per acre for for agricultural purposes. I suppose Mr. Steele may try to build up a town there. I do not know what his purpose is.

Question 1950. Were you satisfied, from the conversation you had at St. Paul and other points, that if this property had been put up at public sale there would have been combinations to reduce its value?

Answer. I do not believe there would have been. I believe combinations were already formed from what I learned. I do not know that it was fully carried out, but I believe the principles of it were fully fixed in the minds of the parties. Who they were I do not know. I do not believe I talked with any man about it except the barkeeper or bookkeeper at the hotel. There was no one there that I cared about, and I suppose they cared less about me. The land about the fort might have brought more than \$10 per acre, but when you got back I do not believe it would have brought more than five cents per acre. I do not believe the whole tract would have brought more than \$50,000, and it would not have brought that by selling it in small parcels.

Examination by the chairman.

Question 1951. After reaching St. Paul did you communicate the fact to the citizens there, or to any person, that you were authorized by the government to sell this property?

Answer. I do not recollect that I did. I do not think I did.

Question 1952. Was it generally known in St. Paul, or about the reservation, that you and Major Eastman were authorized to sell?

Answer. I do not know that it was. I do not know that I told any one else except the barkeeper or bookkeeper at the hotel. I had nothing to say to the people.

Question 1952. You did not know, then, only from conversations in your presence upon the boat going up, and in St. Paul after you got there, that there were combinations formed?

Answer. Nothing else.

Question 1953. Did you make inquiry of persons there as to the value of lands in the vicinity, so as to enable you to judge what they were worth?

Answer. I did, and found various prices fixed upon them. I went out in a buggy one day and met several country persons, as I supposed—farmers, I presume. They valued their lands, some at \$50 per acre and others at \$10; some one price and some another. I rode out several miles from the reserve, and I found one man holding his land at \$50 per acre, and another, right adjoining, at \$10; so that, as far as that was concerned, there seemed to be no fixed price.

Question 1954. Were you inquired of by any parties in Minnesota to know whether you were authorized to sell this land or not?

Answer. I was not. I was asked no questions about it.

THURSDAY, MARCH 4, 1858.

WM. KING HEISKELL recalled.

Examination by Mr. Pettit.

Question 1955. Where at the time of your appointment did you reside?

Answer. At Abingdon, Washington county, Virginia.

Question 1956. Was the Secretary of War your neighbor there?

Answer. He was.

Question 1957. Did he live in the same town with you?

Answer. He lived in the same village.

Question 1958. What was the fight against the know-nothings which yourself and Governor Floyd waged?

Answer. Governor Floyd and myself were running against the know-nothings for the legislature.

Question 1959. Was your victory upon that occasion, in conversation between yourself and Governor Floyd, to have connexion with a four or five thousand dollar place?

Answer. No, sir; because that was long before Mr. Buchanan received his nomination, and therefore could not have had anything to do with it. The election took place in May, and Mr. Buchanan was not nominated until November. I had no idea of anything of the kind. I had no idea that Governor Floyd would be in the cabinet.

Question 1960. Was it after Mr. Floyd received information that he would be appointed to a seat in the cabinet that you refreshed his memory that you wished such a place?

Answer. There was no refreshing about it. I never intimated that I wanted a place. Mr. Floyd received some information that he would be in the cabinet, and it was three or four days after that that I remarked to him that I would like to have some appointment. That was nearly nine months after the election to the legislature. This occurred in February, and he was elected the May previous.

Question 1961. What personal opportunities had you before the time of your appointment of knowing the modes of making public land sales in the northwest?

Answer. I had none.

Question 1962. What opportunities had you of knowing the modes of conducting them, and of the manner of effecting combinations for defeating fair sales?

Answer. All I can say is, that, being in the Virginia legislature, I had heard something said about it by members who had been in the northwest speculating. They gave me some information as to how

those things were done. I was told that frequently, at land sales, combinations were so strong that men were carried off from the ground and not permitted to bid. Some of my friends from my county had been out there, and I got a great deal of information from them.

Question 1963. You may state whether you had yourself been upon any of the territory where public lands were sold under the prevailing system.

Answer. I had not.

Question 1964. Up to the time of your appointment, had you been northwest of the Ohio river?

Answer. I had been to the Ohio river several times, but never north of it.

Question 1965. Up to the time of your appointment, had you any knowledge of the manner in which the public lands of the west and northwest were surveyed into townships, ranges, sections, and subdivisions of sections?

Answer. I supposed I had. Gentlemen who know anything about matters at all, would know something about these matters. Having been myself somewhat of a trader in lands in my own county, and having made nearly all I have from speculating in lands, I should be supposed to know something about things of that sort. I have been a hard student of newspapers in my time, and, understanding the business of the country, I have examined this matter.

Question 1966. At what time did you receive your invitation from the Secretary of War to come to Washington?

Answer. About the latter part of April.

Question 1967. Did you first write him for a place?

Answer. No, sir. It was just a few days before he left home, and after he had received notice that he would probably be appointed Secretary of War, that I told him what I did. After he became Secretary, he wrote to me that there was no place here that I would have, because he knew my habits, and that being confined in an office did not suit me.

Question 1968. Did you accordingly come on to Washington?

Answer. I came on to Washington after I got his letter telling me that he wanted me to effect the sale of a reservation. I do not think he said what reservation it was.

Question 1969. After meeting Secretary Floyd, what did he tell you in regard to the selling of the reservation?

Answer. He told me, as I stated yesterday, that he wanted me to sell Fort Snelling.

Question 1970. What was his description of it?

Answer. He did not give me any description of it. He told me he wanted me to go and make the best sale I could.

Question 1971. State whether in the use of the terms "old fellow," "old boy," &c., you understood them in an offensive or in an amiable sense?

Answer. I certainly understood them in an amiable sense, from the intimacy which had grown up between us for years. I should not

have taken it from him as intended in an offensive sense. It is a phrase I have frequently heard him use among his friends, and I have frequently spoken to him using the expression "old fellow." I believe that was the remark I made to him when I said, "Old fellow, I do not want you to forget me."

Question 1972. State whether you have ever been in the military service?

Answer. I have not, further than being a third corporal in a military company of the Virginia militia, and that was only for a very short time.

Question 1973. What studies of a military kind had you, up to the time of your appointment, pursued to enable you to determine with advantage as to the importance of retaining Fort Snelling as a military post?

Answer. None in the world, sir. I do not think it would be necessary for the opinion of a military gentleman to be called in in this matter, because I think any man of common sense would discover that that place was not necessary as a fort, it being some two hundred miles within the borders of civilization, and the probabilities are that if Indian depredations took place, they would be committed one hundred miles away upon the frontier, and before troops from that point could get to them. As to its suitability as a fort, I suppose there is no question as to that, but I do not suppose that has anything to do with the question of its necessity as a fort.

Question 1974. The instructions of the Secretary to you contained the following language: "You will examine Fort Snelling with reference to its being retained as a military depot for the use of the government." State if you made an examination accordingly?

Answer. Well, sir, I think I examined that satisfactorily, having been engaged as the agent of a very large manufacturing establishment for which it was necessary to keep depots for a large supply of salt. I could not and do not yet conceive that there was any necessity for retaining it as a place of deposit, because I think that storage could be more cheaply done by commission merchants, if there was any necessity for it, than by retaining it as a fort. But I do not think that at all necessary, because it would be hardly necessary to unload boats and reship provisions and supplies.

Question 1975. What examination under the instructions just read did you make?

Answer. I examined that matter in two lights. So far as the buildings were concerned, it would answer very well as a depot. But I thought it was not necessary to stop supplies there—and it was upon that ground I went—as the Minnesota river was navigable for one hundred miles or more to Fort Ridgley. Supplies could be sent directly up to Fort Ridgley.

Question 1976. Did you make any actual personal examination of the fort or of its position as a point of defence and depot for the country north and west of it, beyond what you have named?

Answer. I went over it and examined the fort and buildings.

Question 1977. The instructions of the Secretary of War contain

the following language: "Upon the above points you will report to this department as soon as practicable, after you have obtained the desired information, so that you may receive further instructions in regard thereto." State whether you made any report of the kind here directed, and if so, what it was?

Answer. I did not make any.

Question 1978. Why did you not make such a report?

Answer. Well, sir, I did not make any report for this reason: I went there to sell the reservation; I found, as I believed, that speculators had entered into combinations; and my opinion was that, if I had taken time to inform the Secretary in regard to this matter, the speculators would have got squatters upon the land, and have prevented a sale of the land, either publicly or privately, by the commissioners.

Question 1979. In what manner was it possible for speculators and squatters to occupy the ground set apart as a military reserve, and then defended by a garrison?

Answer. As they have done heretofore, and as they once did before, when they sold off a part of this reserve; I heard that the squatters went upon it, and when the troops wanted to get them off they could not do it; I believe at one time they were removed, either there or at Stillwater, and they applied to Congress and Congress sustained their rights.

Question 1980. Congress sustained their rights by passing a pre-emption law, did they not?

Answer. They gave pre-emption rights to those men.

Question 1981. If then, in this case, a law was necessary to give settlers the privilege of settling upon the remainder of the reservation, why do you say now that you did not have time to communicate with the Secretary of War, especially when you knew there would be no meeting of Congress for many months afterwards?

Answer. I said I thought I should not have time, because I wanted to sell the land for the best price I could get for it, and because I did not want to give time to squatters to squat upon it; it was not Congress I was looking at, but the squatters.

Question 1982. Having been instructed by the Secretary of War in this way, why did you not obey his instructions?

Answer. I did not, because I thought I could get a better price by not doing it.

Question 1983. What authority did you have to act in the sale of that reservation at all, except in obedience to the instructions given you?

Answer. None at all.

Question 1984. Who took the commission of Major Eastman and yourself to Minnesota?

Answer. I did.

Question 1985. On what day did you receive it?

Answer. I received it, I suppose, on the day of its date. I think it was the 25th or 26th of May. I was at the War Department every

day. It must have been on the same day, for I started from here on the 27th or 28th, and was in St. Paul on the 31st of May.

Question 1986. On what day did you meet Major Eastman?

Answer. Three or four days after I reached St. Paul.

Question 1987. Was it so long as three, four, or five days?

Answer. It was three days or more, because the first day after I got there I did not go out; the next day I did, but I did not see him. I do not recollect whether I saw him the third day or not. I arrived in St. Paul on Sunday, and I saw him that week.

Question 1988. On what day did you make the sale to Steele?

Answer. I am not certain; but it was either the last of that week or the first of the succeeding week. It was some days between the 5th and the 8th, after I got there.

Question 1989. You state that the day you made the sale you drew up an agreement which covered about half a page. That not being satisfactory, you drew up another. On what day was the final agreement made and entered into?

Answer. I do not recollect what day. I left there the Friday of the next week, and it was some day between the 5th and the 14th. We were two or three days in writing out such contract or agreement. I wrote out nearly a quire of paper before we got one to suit us.

Question 1990. By the written terms of the agreement, the terms of payment were "\$90,000; one-third of said sum payable upon the 1st day of July next, and the residue in two equal annual payments thereafter." State on what authority you made that sale, allowing credit upon the purchase?

Answer. None in the world. It was subject to confirmation by the Secretary of War. That was the verbal understanding with Steele?

Question 1991. Up to the time of your appointment were you familiar with, or did you have any knowledge of, the laws regulating the pre-emption and the sale of public lands?

Answer. I had only what I gained from newspapers, and from gentlemen who sometimes dealt in public lands, and had speculated in them.

Question 1992. Did you know that it was not the practice of the government, and that it was not provided for by law, to sell public lands upon credit?

Answer. I did, sir, where the lands were public lands, and sold as public lands; but this I looked upon as a military reservation, and my opinion was that the Secretary of War had power to regulate that matter. I understood that this was governed by a different law from what applied to public lands.

Question 1993. In the report made by yourself and Major Eastman to the Secretary of War the following language occurs: "It is true that his (Steele's) improvements have cost a large amount, but then, for each separate and valuable one to permit him to purchase 160 acres, the amount of land he would be thus enabled to obtain at that price would amount to nearly 1,000 acres, or one-seventh of the reservation." Up to the time of making this report, did you know

that, under the pre-emption laws, a single claimant was only permitted to enter 160 acres?

Answer. I did.

Question 1994. If so, what is the meaning of the language I have quoted?

Answer. Mr. Steele has himself a dwelling upon the reservation. He has an overseer or some person, I do not know what to call him, who lives at a little distance from his house, who has a dwelling upon it. Mr. Steele claimed to have the right and said he would settle the Kenneth McKenzie claim, or the Baker claim. I believe Baker was the original owner. Mr. Steele has on the opposite side some ferry houses, in which he has some ferrymen. We had no conversation with him before we had made the proposition and it had been accepted by him, but afterwards he remarked that if we had sold the reservation to any one else, he would have claimed 160 acres for each of those improvements. That is the reason for that portion of the report.

Question 1995. You imply by your report that Mr. Steele had a title, by equitable pre-emption, to enter about a thousand acres of land?

Answer. I think you misunderstand me. The meaning I intended to convey by my language was this: He told me afterwards, as I said in my first answer, that if the sale had been made to any other person he would have gone to Congress and claimed his pre-emption rights. That was before we had made any writing, but after the terms of the sale had been agreed upon.

Question 1996. You say in your report, that on questioning Mr. Steele, he frankly stated that he did not go on the said reservation, neither did he make or purchase improvements upon the same with the expectation of having the pre-emption right extended to him; why, then, did you regard him as entitled to have a claim upon the government?

Answer. We did not so regard him. As I before remarked, he said he would have come to Congress, and he had no doubt the claim would have been allowed him.

Question 1997. If you acknowledged no right in Mr. Steele to buy that land, why did you address him alone in the first instance to make the purchase?

Answer. Because I think our conclusions were, that he was certainly entitled to have the refusal of it from the money he had spent upon the lands in improvements. If he had not given us our price for the lands we should then probably have proceeded to have sold it in a different way.

Question 1998. Why in one answer do you say you regarded Steele not legally entitled to any relief, and again that you regarded him as entitled to the refusal of the purchase?

Answer. We go upon justice very frequently, when the technicality of the law demands one thing and justice another. We thought that Mr. Steele, in justice, was entitled to his claims for the improvements he had made, and I should so decide now. There is a difference between law and justice. The law sometimes decides very much against

the justice of the case. We were looking to the justice of this case, probably, rather than the law.

Question 1999. In the instructions of Secretary Floyd you are directed to sell at private sale, in tracts or lots of forty acres each, so as to enable persons of small means to purchase, or in whole, whichever in your judgment might be deemed best, but in neither case at less than \$7 50 per acre; state what efforts you made to find purchasers for the land in parcels, or whether you made any examination with a view to such a mode of sale?

Answer. I think I explained that yesterday, but I will explain it again. From Abingdon to this city, and while I was here, I made known to every acquaintance I met my business. I wrote to a gentleman while I was here, and to another gentleman while I was in St. Paul, stating what was my business, and after I arrived at St. Paul I received a letter from a gentleman down the river in reference to the sale. But when I left here I found that speculation in lands was rife, and that it was a speculation without reference to price or anything else. It was on the doctrine that if any man could make any money out of the government, it was all right; that no land belonging to the government was worth more than a dollar and a quarter per acre. That was the general expression of opinion of the crowd. When I got to St. Paul I heard the same thing everywhere among the people. As far as the Secretary of War was concerned, I believe it was his wish, if a good price could be obtained for the land, it should be sold in small lots. But when I got to St. Paul I found that if we put it up at public sale in small lots, it would probably bring the government price, and very little more. A portion of the reserve, as I remarked yesterday, I do not believe would have brought ten cents per acre. For these reasons I told Major Eastman—and I believe I am the one who is responsible for the private sale—that if we put the land up at public sale it would not bring \$20,000. I told him there was a strong feeling existing among the people against the government receiving more than a dollar and a quarter per acre, and that if sold at public sale it would be as likely to sell for less as more than that price. Certainly, if we put it up at public auction, we should get nothing like the price for it which it was worth. He remarked when he first received his commission that he had no idea of having anything to do with the sale. He thought he was only sent out there to survey it; but when he received his instructions he agreed to co-operate with me.

Question 2000. At what place in Virginia does Mr. Claiborne reside?

Answer. I do not recollect. I met him at Lynchburg. When I first saw him he told me he was coming to this city, and that he was going to enter lands.

Question 2001. In your letter, supplemental to your report to the Secretary of War, you say "I found in mixing with the people, to whom I was entirely unknown, where the subject of the sale was discussed," &c., why did you conceal from other persons the authority

you had to make the sale, when you wrote to Mr. Claiborne and your friend near Winona that you were authorized to make the sale?

Answer. I wrote to Mr. Clairborne from here, the day after I got my commission, I believe, that I would be at St. Paul on a certain day. I wrote to my friend at Portland, or whatever is the name of the place, near Winona, that he had no chance for a speculation, that combinations among the people were being made, or had been made, and from what I could judge from the conversation I had heard in reference to what was going on, I knew there would be no chance for him. He had a brother with him, and I understood they had only some \$5,000 or \$6,000 to invest, and that they expected to buy land at the government price. I came to this place with him.

Question 2002. Did you meet Dr. Graham while you were at St. Paul?

Answer. I did.

Question 2003. Were you a previous acquaintance of his or did you make his acquaintance there?

Answer. I have met him before. I believe I was introduced to him once. I have seen him frequently. I saw him in Richmond during the session of the legislature, of which I have spoken, when I was a member.

Question 2004. Was Dr. Graham aware that you were at St. Paul for the purpose of making this sale?

Answer. I suppose he was; I saw him in this city before I went west, and again in Philadelphia. He told me that he was going out there, and I agreed to wait for him in Philadelphia.

Question 2005. Did not you tell him that you were authorized to make the sale, and did you not confer with him about the mode of sale?

Answer. I think I told him I was going to sell it, but we had no conference about the manner of sale.

Question 2006. What examinations of the fort and reservation did you, in fact, make before you determined upon the mode of sale?

Answer. I stated yesterday, in my general answer, that I went over the reservation twice. I went to the lakes and to the fort twice. I looked at the buildings and looked around at everything.

Question 2007. Did you drive over it?

Answer. Yes, sir. I did not walk a great deal. I drove over it in an open buggy.

Question 2008. How many hours did you spend upon the reservation before effecting the sale?

Answer. I cannot say. I drove out one morning to find Major Eastman. I left St. Paul directly after breakfast; I cannot say at what hour I had breakfast. I think I was on the reservation probably six or eight hours.

Question 2009. If you were there on any other occasions, state them?

Answer. The other time I do not recollect how long I was there. I think, on reflection, I was there about three or four hours the first time, and, perhaps, six or eight hours the second.

Question 2010. Were these the only occasions on which you were over the reservation?

Answer. No, sir; between these times I drove up to the Falls of St. Anthony. I went up to the fort to find Major Eastman, but he not being at home, I drove up to the Falls and down to St. Paul.

Question 2011. You have frequently used the term "combinations," explain what you mean by it?

Answer. Combination is a word by which I suppose you would understand that men combine together for certain purposes. This, as I understand it, was a combination to prevent the land from selling for more than a certain price.

Question 2012. Did you not understand your instructions from the Secretary of War to allow you to be governed by your discretion as to the manner in which the sale was to be made?

Answer. I certainly understood him in that way.

Question 2013. Did you not then have an opportunity of defeating these combinations, by exposing the land to be sold by receiving proposals in writing for it, reserving to yourselves the right to accept or reject them?

Answer. I do not know. I cannot say whether that mode would have accomplished the object for which I went out there, or not; because when these combinations are made, they do not allow foreigners or outsiders to come in. I have understood that was the way in which these combinations of speculators carried out their objects.

Question 2014. How could such a combination be successful, unless it embraced all persons who wished to purchase lands?

Answer. I can answer that question in this way: very few persons could combine to buy it, and their friends in the neighborhood would protect them in the combination. They would be on the ground and prevent outsiders from bidding.

Question 2015. Is it not true that in the immediate neighborhood of the reserve there is a population of twenty, thirty, or forty thousand?

Answer. I suppose there is a population of from twenty to thirty thousand.

Question 2016. How many persons then would it be necessary should combine to prevent the rest from bidding?

Answer. One hundred, I should think, would be sufficient, because if they were to combine, they would have the whole community on their side. That is my opinion.

Question 2017. Explain how 100 persons could have succeeded in preventing others, in a population as large as you have named, from bidding?

Answer. There is always a sympathy in a community against foreigners and in favor of home. There are always enough men, where land is concerned, to combine to purchase; and others enough who will stand by and see that outsiders do not interfere with their getting the land at the price they may have agreed on.

Question 2018. Was there not, at the time you was in Minnesota, a strong speculative feeling, and a general desire to invest in land?

Answer. That seemed to be the general impression.

Question 2019. In a case, then, such as supposed by you, would not private interest induce such a competition as would have made it practicable to sell the land at a full price?

Answer. I think not, for this reason: a few years ago a former part of the reservation, including the Falls of St. Anthony, which are the finest water power in the world, was brought to sale; and it all sold, as I have been informed, for a dollar and a quarter per acre. There was one gentleman who had the hardihood to make a bid against the combination, and he was carried off the ground and told he had no business there. I do not know that was done, but I was told so.

Question 2020. In the manner I have named, by means of proposals, reserving to yourselves the right to accept or reject the proposals, could there have been any sale unless you got your price for the land?

Answer. I think there could have been.

Question 2021. Explain how you could have been divested of your title until you had gotten your prices?

Answer. I might have rejected the proposals, but I did not understand that under the instructions we had any right to receive private proposals at a public sale. If it had been advertised, it would have been a public sale. The proposals, according to the mode you name, if I understand you, would be in writing. I do not understand that we had the right, under the instructions of the Secretary of War, to receive public proposals in writing privately. That is my construction of our instructions. I may be wrong.

Question 2022. The price at which the property was sold was \$90,000. You stated in your examination that you regarded the sale as really \$30,000 or \$40,000 more than the price named. Now explain wherein the government was profited \$30,000 or \$40,000 more than the \$90,000 which it received?

Answer. I thought I had explained that by the remark that if Mr. Steele had come to Congress, he would have had his claim allowed for from \$30,000 to \$50,000 for his improvements. I believe he would have got \$50,000.

Question 2023. You answered on yesterday that you said to Mr. Steele that notwithstanding he was a democrat, the black republicans would have given him \$50,000 for his buildings. State what you mean by "black republicans," and in what manner Mr. Steele would have got this allowance?

Answer. I mean, by "black republicans," a party very much opposed to the south and to southern interests. I mean by "black republicans" that they are opposed to our part of the country upon a subject which is of vital importance to us. I conceive, as a private citizen, that they have no right to interfere with me or my slave. If Mr. Steele came to Congress, I said I had no doubt they would give him \$50,000 for his improvements, because of the large amounts voted by them for claims against the government.

Question 2024. Did you take the probability of \$50,000 being voted to Steele for his improvements into consideration in making the sale of the land to Steele at that price?

Answer. Not \$50,000. I think I stated distinctly that he took it in at thirty or thirty-five thousand dollars. My general answer yesterday was that he looked upon the sale as at \$16 or \$17 an acre. It is my opinion, if it had been sold at \$5,000, \$10,000, or \$50,000, he would have got the same price from Congress, and would have got pay for his improvements. I did not make my statement yesterday as full as I might have done. I meant to say that if the land had sold at even \$1 25 per acre, I believe Congress would have allowed for his improvements.

Question 2025. What are the particular facts upon which you were induced to form this unfavorable judgment of the party you have denominated "black republican?"

[*Mr. Burnett* objected to propounding such questions as being irrelevant and immaterial to the matter under examination.]

Answer. I can answer it in a general way and in a particular way. I can only say that I know that our negroes have frequently gone north, and that when we go after them we do not get them, and that every obstacle is thrown in our way. That is my main and principal reason. A party that will take my negroes from me, it is my private opinion, will take from me anything else.

Question 2026. What has that to do with voting \$40,000 to \$50,000 to Steele?

Answer. I don't know that it has anything to do with it.

Examination by Mr. Morrill.

Question 2027. I ask you if you have noted the votes of the party you call "black republican," in Congress, so as to be able to form an opinion whether they are more unscrupulous in voting money out of the treasury than the democratic party are?

Answer. I don't know that I can answer that question, because I have not noticed the votes very particularly; but I notice more charges are made against black republicans than against democrats in these matters. That is the only way I can answer.

Question 2028. This claim of Steele you say, as a matter of justice and equity, was due to him. If that was so, would it not be scrupulous and exact justice that Congress should make such an appropriation, and would not the black republican party, in your judgment, be justified in so voting?

Answer. Their own consciences are to be the judge whether they vote it or not. I do not pretend to dictate to them whether they shall vote for this appropriation or not.

Question 2029. I understood you to say you thought Steele would have a just claim upon the government for \$50,000.

Answer. Not \$50,000.

Question 2030. Well, \$30,000 or \$40,000?

Answer. I have never gone over \$30,000 or \$35,000.

Question 2031. Well, if he would have had that just claim upon the government; would it not be right for Congress to vote it to him?

Answer. Not now, because we have settled this matter with Steele upon the sale.

Question 2032. I mean upon the supposition that the sale had been made to another party?

Answer. Yes, sir.

Question 2033. Then you would not have regarded it as an unscrupulous vote if they had so voted?

Answer. I should not, if the property had been sold to an outsider.

Examination by Mr. Morris.

Question 2034. You spoke of Governor Floyd having written to you, at your residence, to come on, and act as commissioner to make a sale of some military reservation, without mentioning what reservation; I desire to know whether you have that letter?

Answer. I have not, because I did not bring it with me; I have it at home, probably, though I very much doubt even that; it was not written in his official capacity, because if it had been, I should have got that \$213, which I should like to get; there were other private matters in the letter.

Question 2035. Did you go to Washington in pursuance of the request of that letter?

Answer. I did; we were writing each other every week.

Question 2036. When you got here, did Secretary Floyd explain to you what reservation he desired you to sell?

Answer. He certainly did.

Question 2037. What was it?

Answer. The Fort Snelling reservation.

Question 2038. Did he state any particular reasons which existed for the necessity of selling it?

Answer. He stated that Congress had passed an act for selling it; he did not think it was any longer wanted as a military post or reserve.

Question 2039. Did he say that Congress had passed an act to sell that particular piece of property?

Answer. I think he did, but I am not certain; I judged so from his saying that he wanted me to sell it; I do not think he would want me to sell any property not authorized by law to be sold, acting, as he did, as one of the heads of the government; from my knowledge of his character, I do not think he would ask me, you, or anybody else, to sell property which he had not the right to sell.

Question 2040. Did he state to you that there was a law authorizing the sale of this particular piece of property?

Answer. I cannot say whether he did or not; my impression is that he did.

Question 2041. Have you ever examined the law authorizing the sale of this property, or of any other military reserve?

Answer. I have not.

Question 2042. After you came to Washington, did you go home, or did you go directly on to Minnesota?

Answer. I went directly on.

Question 2043. You fell in with Dr. Graham at Philadelphia?

Answer. I saw him here, in this city.

Question 2044. And he went to Philadelphia?

Answer. Yes, sir; his family was in Philadelphia.

Question 2045. Do you know whether he had been as far as New York?

Answer. I do not.

Question 2046. Then you travelled with Dr. Graham from Philadelphia to St. Paul?

Answer. Yes, sir.

Question 2047. Did you, upon the road, have conversation with him in regard to the sale of this property?

Answer. He understood what my business was; I told him.

Question 2048. Did you tell him the particular character of your instructions?

Answer. I do not think I did. I do not think I told anybody. I may have told him, but my impression is that I did not tell anybody.

Question 2049. How did he know that you were going out there to make that sale?

Answer. I think I have answered that. I told him I was going out. I told him in this city.

Question 2050. Had you any knowledge that the commission had been offered to him to make that sale?

Answer. Not at that time.

Question 2051. How soon afterwards did you learn it?

Answer. I think I learned it after the sale was made.

Question 2052. Did you stop at the same hotel in St. Paul?

Answer. We did the first night. They gave him a good room, but they gave me a room I did not like, and I went to another hotel.

Question 2053. You saw him frequently at St. Paul?

Answer. Certainly I did.

Question 2054. How many years have you known him?

Answer. My first acquaintance with him was probably some five or six years ago.

Question 2055. Was he ever commissioner of public works in Virginia?

Answer. He was.

Question 2056. Were you a member of the legislature at the time he was commissioner of public works?

Answer. I do not know whether his time had expired then or not. I was in the legislature in 1855 or 1856; he was elected in 1850, took his seat in 1851, but I do not recollect whether his time had expired.

Question 2057. At what time was Governor Floyd elected governor of Virginia?

Answer. Somewhere from 1846 to 1850. I was in the legislature in 1850, and he was then governor.

Question 2058. Was not Dr. Graham commissioner of public works in Virginia at the time that Secretary Floyd was governor?

Answer. No, sir; because we had no such office at that time. The

board of public works was established in 1850 or 1851, and Governor Floyd went out of office in 1850 or 1851.

Question 2059. Do you know of Governor Floyd and Dr. Graham having been acquainted, and having been friends in Virginia?

Answer. That question, I think, is a very strange one. I do not know anything about whether they were friends or not.

Question 2060. Do you know of their having any business transactions together while Mr. Floyd was governor and Dr. Graham commissioner of public works, in the sale of bonds?

[*Mr. Burnett* objected to the question as irrelevant and immaterial to the matter under investigation.]

Answer. I know nothing about it.

Question 2061. The object of the question is to know whether these gentlemen were acquainted with each other.

Answer. I cannot say that they were, because I do not know that I ever saw them together in my life. I do not see what that has to do with the case, but I am willing to answer the question, as I have nothing hidden.

Question 2062. Where in this city did you first meet Dr. Graham after you came here in pursuance of the letter of Governor Floyd?

Answer. I stopped at Willard's, and may have met him at Brown's, but I do not know where I met him. I may have met him at Willard's or at Brown's. I might have met him upon the streets, or in the Capitol grounds, or anywhere else. I cannot say where I met him; it was a thing of which I kept no note.

Question 2063. Did you sell the land to Steele for \$90,000 because you supposed he would get compensation from the government for his improvements?

Answer. I sold it to Steele because I believed he paid a better price for it than we could have got in any other way; and without any reference to these outside matters, I have stated two or three times this morning that I got \$90,000 for the property, and I think to-day it is more than it is worth, and I told Steele so at the time.

Question 2064. Were you familiar with the value of property in that locality?

Answer. I stated that I had rode somewhat about the neighborhood. I do not know that I heard of any sale, but I found that men were asking from \$100 down to \$1 25 an acre for lands. It was not an easy matter to fix the value of lands. Every one had his own price.

Question 2065. You think you were long enough in that country to make yourself familiar with the value of property there?

Answer. I think so, or I should not have made the sale.

Question 2066. You stated in your testimony yesterday that you communicated to the barkeeper of the hotel that you were authorized to make the sale?

Answer. I do not know that I said I communicated that I was authorized to make the sale. I do not think I did. I do not think the testimony of yesterday will bear you out in your remark. I think I told him I was there to make a sale, or something of that sort.

Question 2067. Did you favor any other gentleman than the bar keeper with your confidence at that time?

Answer. I was not giving the barkeeper my confidence.

Question 2068. Answer my question.

Answer. I will answer it in my own way. I communicated it to nobody else, for the reason I have explained more than twice.

Question 2069. Then your answer is, that you communicated it to nobody else?

Answer. That is my answer. I believe he asked me what I was there for, and I told him I was there to make a sale. It was in a casual conversation.

Question 2070. You say you were selected by Governor Floyd from the fact that you were regarded as a sharp trader at home?

Answer. When I got here he told me that I should have to keep my eyes open, that I was regarded at home as a pretty good trader. I do not think he selected me on that ground alone.

Question 2071. You went out to Minnesota with the apprehension upon your mind that you might fall among speculators and sharks, and be taken in?

Answer. I did, and after getting there I think my suspicions were fully confirmed as to that matter.

Question 2072. You think combinations were formed for the purpose of buying in this property?

Answer. I think I have stated it twice and I will state it again.

Question 2073. I ask you who were embodied in those combinations?

Answer. I told you distinctly yesterday that I did not know anybody there; that I cared for nobody, and I suppose they cared less for me.

Question 2074. Can you tell me the name of one individual that you heard speak about combinations being formed?

Answer. I believe I have answered that question, and I will answer it again. I do not believe I made the acquaintance of any person. I do not know the bookkeeper's name at the hotel.

Question 2075. Are you in the habit, in your business transactions, of listening to idle talk in barrooms and upon steamboats?

Answer. While I am among thieves I keep my ears open.

Question 2076. You thought you were about to fall among thieves?

Answer. I did think so. I made that remark simply as a general remark. I believed I had fallen among sharpers, and I intended to make the best trade for the government for that land.

Question 2077. And yet you cannot give us the name of one person that you heard speak about combination?

Answer. Not one. I went into the *Pioneer and Democrat* office two or three times, but I do not know the editor to-day. I went in to read the newspapers, but I did not make the acquaintance of anybody. I do not know that I was acquainted with Rice until after the sale was made.

Question 2078. Have you been in the habit of buying and selling real estate?

Answer. I have answered that question. I stated that I had made some money in that way in my own country.

Question 2079. Your reputation then at home is as a trader?

Answer. My occupation is farming, and I buy lands occasionally and sell them. My business is connected with the sheriffalty, as a deputy. I have never been sheriff.

Question 2080. Is it your habit when you have a piece of property for sale to communicate the fact to but one individual to whom you want to sell it, or do you let it be known publicly and get the best price you can?

Answer. That is a question which I do not conceive has anything to do with this matter; but I have no feeling upon the subject, and will answer it. When I go to make a sale of land of my own to a particular individual, I say nothing to anybody else about it until he is either off or on; because by intermeddlers, who thought they were doing a friendly deed, I have lost first rate sales. They knock me out of good chances.

Question 2081. If you had been the individual owner of the Fort Snelling property, and desired to sell it for the best price, you would have communicated the fact to Steele, and to nobody else?

Answer. I have not said that.

Question 2082. Would you do it?

Answer. I do not say I would have done so or not. Circumstances might make it necessary to act as I did with Steele, or it might have been necessary to act very differently.

Question 2083. You spoke of a contract between you, as the commissioner of the government, and Mr. Steele. Who wrote that contract?

Answer. I do not recollect certainly, I think I wrote it. I believe the first agreement, which I have spoken of as covering a half sheet of paper, was written by Major Eastman. He wrote a rough sketch, of which I took a copy, and I made three or four copies before I made one to suit me.

Question 2084. Neither you nor Major Eastman are professional lawyers?

Answer. No, sir; I am not, though I understand enough about such matters to draw up a contract. I generally write my own contracts in my private business.

Question 2085. Why, then, did you write over near a quire of paper before you could get one that suited you?

Answer. In the first one we wrote, I recollect we exceeded our instructions in respect to allowing ten acres for a Protestant burying-ground. That was left out, and we wrote another including it. Then there was something else which suggested itself to us, which made it necessary to write it over again. I do not recollect exactly. If you want it, however, I will give you all the particulars as far as I can remember them. I recollect I wrote it over once because I had spilt some ink on the copy I had made out.

Question 2086. Well, what happened to the other copies?

Answer. I do not recollect. If I had supposed I should have been

examined in reference to this point, I should have taken notes of what occurred.

Question 2087. Did you see Mr. Mather there?

Answer. I think I did. As far as I recollect, one Sunday morning, as I was going to church, I met Dr. Graham and Mr. Mather coming up to the stage office. Mr. Mather was going up to Fort Ripley. I turned back with them and went to the stage office.

Question 2088. When you saw Dr. Graham and Mr. Mather there, did it not occur to you that they were there for the purpose of speculation, and that you might possibly fall into their hands?

Answer. That is a question that I do not know that I can answer. I do not know that I had any right to suspicion what Mr. Mather's objects were. I saw him pay his fare to the stage agent or clerk, and then we went to church together.

Question 2089. That was after the sale?

Answer. Yes, sir.

Question 2090. Was he present when these contracts were drawn up and signed?

Answer. No, sir; he was not. There was no one present but the commissioners and Mr. Steele, as I think and believe.

Question 2091. It is your impression that you drew up the contract which was signed?

Answer. I think it probable. It may have been the copy Major Eastman brought in. I am not positive.

Question 2092. You did not consider it necessary, then, in view of the magnitude of the sale, or your instructions, to procure an attorney to assist you in drawing that contract?

Answer. I did not. If I had, I should have gone to an attorney myself and done it.

Question 2092½. Were your deferred payments to draw interest?

Answer. I do not think there was anything said about that. The Secretary of War asked me about it when I handed in my report, and I told him I did not think interest was mentioned.

Question 2093. You never thought to exact interest on the deferred payments?

Answer. No, sir; I did not think of it.

Question 2094. Are you, as a private individual, in the habit of selling property on time, without requiring interest on the money?

Answer. If you will examine my note case, you will find notes there for large amounts, some of them running for several years without interest.

Question 2095. In such cases are you in the habit of including the interest in the price?

Answer. I certainly am satisfied with the price, without interest, or I should not take it. In some cases the interest is a matter of calculation, and in others it is not.

Question 2096. How many days was it after you arrived at Fort Snelling before you made the sale?

Answer. I have stated the events that occurred after my arrival

there, in their order. I think it was three, four, or five days. I do not recollect the exact number.

Question 2097. Did you bring on the contract deposited in the Secretary of War's office?

Answer. I did. It was not out of my trunk from the time it was signed, or shortly after, until I handed it to the Secretary of War.

Question 2098. Did any one return with you here?

Answer. Dr. Graham came on to New York with me.

Question 2099. The first payment, if I recollect the terms of the contract, was to be made on the 10th of July. Did you take any security or guaranty for the fulfillment of that stipulation upon the part of Mr. Steele?

Answer. I took the contract, and Mr. Steele, I believe, understood that he was a gentleman of means, who complied with his contracts. We had a lein upon the reservation until the purchase money was paid.

Question 2100. Did you or not know that Mr. Steele had no legal rights to his improvements upon the property—that he was merely squatted upon it as a settler?

Answer. I stated yesterday, and I think you will find in the report an answer to that question.

Question 2101. How do you answer it now?

Answer. I answer it in the same way, that he had not any legal rights, but that he had a right to them in justice. While legal rights demand that his claim for the improvements should not be allowed, justice demands that he should be allowed them.

Question 2102. If he was a trespasser upon that property in erecting his improvements, how does justice demand that he should be paid for them?

Answer. I look upon trespassers in a different light from what you do. Mr. Steele said he had authority from the officers in command to put up his buildings, and, I think, Major Eastman told me the same thing, that he was permitted, as fort sutler, to erect those buildings, which were necessary for his family.

Question 2103. Do you or do you not know who gave him that permission?

Answer. I do not.

Question 2104. Are you certain that any officer had any right to give him that permission?

Answer. I suppose he had.

Question 2105. Was the legal title vested in the officer or in the government?

Answer. I suppose any child could answer that question. I can answer it distinctly. I knew that the title was in the government, but, at the same time, the officers, as government agents, have some few privileges and some few powers.

Question 2106. You think agents have the right, then, to go beyond the letter of their instructions?

Answer. I do not know what their instructions were.

Question 2107. You considered yourself authorized to violate the instructions given you.

Answer. No, sir; I did not understand any such thing.

Question 2108. What did you do it for, then?

Answer. I do not think I did. I know of no instructions of the Secretary of War that were violated in any respect by me, unless it was in relation to the reservation for a Protestant burying ground, and that was, of course, subject to the approval of the Secretary of War.

Question 2109. You think that was the only instance in which you went contrary to the instructions of the Secretary of War?

Answer. I think so. I should not have violated the instructions, certainly, as I construed them. I may have been wrong in my construction of them. There was no intention on my part to violate them.

Question 2110. Do you know who the purchasers were?

Answer. I know Franklin Steele. He is the only purchaser I had anything to do with.

Question 2111. You never heard of anybody else as a purchaser?

Answer. I have heard that others were interested in the purchase, but I have no legal knowledge of the fact. I only know by hearsay that any one else except Franklin Steele is a purchaser.

Question 2112. As agent for the government, you thought you exercised a prudent and sound discretion in selling that property in the manner you did?

Answer. I answered yesterday that I think so. I think I got a better price for it than could have been gotten in any other way, and a better price than could be gotten for it now or at any other time. That is my opinion as a private gentleman.

Question 2113. Do you know how these persons that you speak of hearing talk about this sale in barrooms, in the railroad cars, and on steamboats, happened to know that you or anybody else was authorized to sell?

Answer. I suppose they knew it was being surveyed, and supposed it would soon be for sale. I heard that frequently remarked.

Question 2114. Was Major Eastman surveying the lands in subdivisions, or running off the outlines?

Answer. He was running it off as a whole, and dividing it into small parcels?

Question 2115. Had he finished his survey when the instructions to sell reached him?

Answer. He had nearly finished. I think he told me he could have finished it in half a day or a day, or perhaps a day and a half, if it was necessary. I told him that we would determine in a day or two how we would sell it.

Question 2116. Did Major Eastman, at the time you first communicated to him the fact that you and he were appointed as commissioners to sell the property, express any surprise?

Answer. He did.

Question 2117. Did he express the opinion that it ought not to be

sold, or did he only express surprise that he had been appointed a commissioner to sell it?

Answer. Only surprise at his appointment.

Question 2118. Did he express any opinion that it ought to be retained for military purposes?

Answer. I think his report would settle that matter. I think he reports that he does not consider it necessary to be retained any longer as a fort or as a military depot.

Question 2119. When you got your commission to sell, you were afraid that somebody would get the advantage of you in trading—you were afraid they would form combinations?

Answer. I believed they would form combinations, and that squatters would get down on the land, after which it would not have sold for more than a dollar and a quarter per acre.

Question 2120. Was there any more danger of squatters getting down upon it then than there had been years before?

Answer. I think so; I may have been wrong. I may have been deceived in the whole thing, but I do not think I was deceived.

Question 2121. Did you communicate the fact that the sale had been made to any one before you left Minnesota?

Answer. I do not recollect that I did. The contracts were made out and signed late in the evening, and I got off the next day. I was scarcely out of my room after the sale was made before leaving.

Question 2122, (by Mr. Pettit.) In your report you state that the improvements on the reservation could not have been sold for more than \$20,000; please answer why, in your judgment, the improvements at that time were not worth more?

Answer. I did so state; and I believe if they were put up at public sale to-morrow they could not be sold for that. I do not see what use anybody can have for them. I may be deceived, as any man is liable to be, but that is my opinion.

Question 2123, (by Mr. Pettit.) You state in your report that Steele settled with McKenzie for his improvements upon the reservation, and secured the government against all cost for improvements. State how you know that.

Answer. I only know it by his signing the agreement. I think he binds himself to secure the government against all such things.

FRIDAY, MARCH 5, 1858.

Captain GEORGE THOM recalled.

Examination by Mr. Morris.

Question 2124. State whether, in your opinion, it was necessary to retain Fort Snelling for military purposes, either as a depot or as a post?

Answer. I have always regarded Fort Snelling as an important

point, serving as a depot both for supplies and for troops. We have seen the necessity for troops in that country within the last year. By keeping a small supply both at Forts Ripley and Ridgley, and a reserve at Fort Snelling, either of the two upper posts can be supplied from Fort Snelling as occasion may require, and the reserve, whilst at Fort Snelling, can be supplied at much less expense than at either of the other two points.

Question 2125. Could Fort Snelling be abandoned, and warehouses hired at St. Paul, without costing the government a great deal more?

Answer. I think to keep up the necessary means of transportation—the proper number of mules and men at St. Paul would be much more expensive than would be the keeping up of Fort Snelling. I have very little doubt of it.

Question 2126. You think, then, that Fort Snelling is not only important to the government as a place for the storage of military supplies, but as a post at which troops could be more cheaply and conveniently kept for the supply of Forts Ripley and Ridgley, than at any other place?

Answer. I have no doubt of it.

Question 2127. State whether at the time that Major Eastman and Mr. Heiskell were there for the purpose of making a sale of that property, you had any conversation with Major Eastman, or whether you saw him?

Answer. I saw him very often. I first saw him at St. Paul, upon his arrival; he called to see me for the purpose of getting some instruments for making a survey of the reservation, but he gave me no intimation that the survey was to be made with a view to selling the property. I afterwards met him at the fort very often.

Question 2128. State whether at any time when you met him he intimated to you that Fort Snelling was to be sold?

Answer. Never; nor, to my knowledge, to any other officer.

Question 2129. So that, although you met him frequently, and saw him at St. Paul, you were not aware of the fact that Fort Snelling was sold until some time afterwards?

Answer. I was not.

Question 2130. I ask you whether you ever had any conversation with Major Eastman in regard to the purchase of a part of the Fort Snelling property, and, if so, what that conversation was?

Answer. I had some conversation with him upon that subject; the exact time I do not recollect, but it was after the sale was known to the public. He accosted me in the grounds of Fort Snelling, and said he had proposed to some of the officers to make an investment. He asked me if I would like an opportunity to do so with them, saying that they proposed to put in a couple of hundred dollars each and buy a block. The price, he mentioned, would probably be about \$1,600, and saying that he thought he could get it at that price. I then mentioned to him that as a block usually contained only six or eight acres, I thought it a pretty large advance upon the price which I understood was paid for it, as that price would make it cost about \$200 an acre. I said that at that price I supposed we might have our

choice or pick of the blocks upon the reservation. He said, No; at that price we would have to take a block back, at about an average place on the reservation. He said the blocks composing the water lots would cost several thousand dollars. He suggested to me that this would be a good investment. He offered me the opportunity to go in with him and such others as he might find to join together.

Question 2131. Was that conversation before he left Fort Snelling, after the sale, or was it at some subsequent time?

Answer. This was after the sale, and before he left Fort Snelling. He afterwards left and came to Washington or some other place east, and then went back to sell Fort Ripley.

Question 2132. If you know anything else in regard to the sale of that property, or if you have had any conversation with the commissioners pertaining to it, state what you know, or what conversations you have had?

Answer. I have no opinions to volunteer, and none to conceal. It is a very broad question.

Question 2133. When the sale became known to the officers and to the people, I ask you whether there was not a general surprise and indignation in regard to it?

Answer. There was a very strong feeling upon the part of the officers when they heard of it. The general opinion of the officers was, that it was an important post; and the sale having been made without any publicity being given to it, the officers expressed some feelings in regard to it—a feeling of surprise at least.

Question 2134. In your intercourse with the officers there, did you ever hear any one of them, and, if so, state whom, express the opinion that the government should dispose of that post, and that it was no longer needed for military purposes?

Answer. I do not remember to have ever heard one of them express that opinion. In regard to the purchase of Fort Snelling, I do not know anything about it. I suppose the purchase was made by Mr. Steele in as fair and equitable a way as purchases are usually made. I suppose the Secretary made the sale, relying upon the report of the commissioners.

Question 2135. Are you acquainted with Dr. Graham?

Answer. I do not know that I ever saw him.

Question 2136. Nor Mr. Mather, of New York?

Answer. No, sir.

Question 2737. Did you see Mr. Heiskell when he was there?

Answer. No, sir; not to my knowledge.

Examination by the chairman.

Question 2138. Have you ever known Fort Snelling to be used as a military depot for provisions and munitions of war?

Answer. I understand that there is a supply kept there for the forts above.

Question 2139. Have you ever known Forts Ripley and Ridgley to be supplied from Fort Snelling; if so, when?

Answer. Since I have been there I have seen supplies brought from St. Paul up to Fort Snelling. How long they were stored at Fort Snelling, before being carried up to Forts Ripley and Ridgley, I know not. As a general thing, they are taken to Fort Snelling, if I am rightly informed.

Question 2140. I want to know whether they have been supplied from Fort Snelling from stores stored there?

Answer. I cannot give any positive information in regard to it.

Question 2141. Have you any knowledge that either Fort Ripley or Fort Ridgley has ever been supplied with provisions and munitions of war stored at Fort Snelling?

Answer. I have no positive official knowledge of that fact.

Question 2142. Is it, or not, a fact that the supplies for Fort Ripley and Fort Ridgley are supplied from St. Louis or St. Paul?

Answer. I believe not always. Sometimes I have heard of supplies coming up from St. Louis to Fort Ridgley in the spring; at other times they have been temporarily stored in storehouses at St. Paul until they could be taken to Fort Snelling, and from there distributed. That has always been my impression of the manner in which provisions have been forwarded to the troops above.

Question 2143. Tell the committee when stores, intended for Fort Ripley and Fort Ridgley, have been stored at Fort Snelling, and then sent up to those forts?

Answer. I have no definite knowledge as to the matter. I have nothing to do with that matter officially, and therefore I have only the impression which I received from my intercourse there.

Question 2144. If it is a fact that Forts Ripley and Ridgley have been supplied from St. Louis and St. Paul heretofore, is there any necessity for stopping the provisions or stores at Fort Snelling, and reshipping them for either of those points?

Answer. Fort Ripley is about 120 miles above St. Paul, on the Mississippi river. St. Paul is generally regarded as the head of navigation upon that river, and therefore all supplies would have to be forwarded either from St. Paul or Fort Snelling, or some other practicable point in the vicinity of St. Paul, to any point further north.

Question 2145. In an answer to a question propounded to you by another member of the committee you stated that it would, in your opinion, cost the government more money to hire storehouses and men and mules to transport supplies from St. Paul than it would to keep up Fort Snelling. Now, would there be any necessity for either government storehouses, or for hiring men and mules for the purpose of transportation from St. Paul?

Answer. Transportation would have to be furnished at St. Paul, Fort Snelling, or some other place at the head of navigation, for forwarding provisions and munitions of war to the post upon the Upper Mississippi—Fort Ripley; and, if Fort Snelling be abandoned, the quartermaster's department would have to provide for this transportation, or it would have to be hired from the people in that community.

Question 2146. Is it not a fact that supplies for Forts Ripley and

Ridgley have been furnished by the employment of private individuals to superintend and deliver the supplies ?

Answer. So far as my knowledge extends, supplies landed at St. Paul have been forwarded from St. Paul to Forts Ripley and Ridgley by government transportation. I know the quartermaster's department has a very large train for the purpose of forwarding these supplies from Fort Snelling to those points.

Question 2147. Do you know of any supplies being furnished to Fort Ridgley, on the Minnesota river, in the spring of 1850, 1851, 1852, 1853, 1854, 1855, or 1856 ?

Answer. No, sir, I do not. This matter of transportation for the troops is something I know very little about, having had nothing whatever to do with it in that country.

Question 2148. Have you any personal knowledge of the supplies which have been furnished to Forts Ripley and Ridgley, or of the manner in which they have been supplied from 1850 up to the present time ?

Answer. Only during the time I have been there, which is since 1856. I know that the government has means of transportation at St. Paul by which supplies and forage have been forwarded to Forts Ripley and Ridgley in greater or less quantities. There may have been other supplies which have been forwarded directly from St. Paul to Fort Ridgley.

Question 2149. Have you known, since June, 1856, of the quartermaster's department sending forward either provisions or forage from St. Paul to Fort Ridgley ?

Answer. Yes, sir ; in several instances.

Question 2150. You spoke of a conversation between yourself and Major Eastman in regard to the purchase of a block on the Fort Snelling reserve ; where did it take place, and who was present, besides yourself and Major Eastman ?

Answer. If I recollect right, two or three other officers were present ; I do not recollect distinctly who they were ; the conversation occurred at the sutler's storehouse, at Fort Snelling ; it was after the sale.

Question 2151. You mentioned, in reply to a question by Mr. Morris, that you had frequent interviews with Major Eastman, and that he did not communicate to you the fact that he was authorized to sell Fort Snelling. Did you have any conversation with Major Eastman, touching the sale of that reservation, within eight days of the date of the sale ; if so, when and where did that conversation take place ?

Answer. I never had any conversation with him, previous to the sale, in regard to the sale.

Question 2152. Is not Fort Snelling located in a thickly populated country ?

Answer. Yes, sir ; it would be so considered in that country.

Question 2153. Has it, or not, been the military policy of this government to locate military posts upon the frontiers, near to the Indian tribes, and not to retain them in thickly populated parts of the country ?

Answer. Posts have been and are still established, in comparatively

thickly populated parts of the country, as depots for troops and supplies for other posts upon the frontier and nearer to Indian territory.

Question 2154. Is it your opinion that it would cost the government more to depend upon private enterprise for the transportation of the necessary supplies to forts Ripley and Ridgley, than it would to retain Fort Snelling as a depot merely for the supply of provisions and munitions of war?

Answer. It is my opinion that it would be cheaper for the government to retain at least a portion of Fort Snelling for that purpose and as a depot for troops.

Question 2155. Do you know what it would cost the government to keep one company of troops at Fort Snelling and to supply them for twelve months?

Answer. I cannot give any accurate opinion; I have no positive knowledge concerning it; I desire here to state, that my opinion, in regard to the relative advantages of forwarding supplies from St. Paul and Fort Snelling, is based upon information and facts acquired from officers in charge of that duty, rather than from my own knowledge of the facts of the case.

WILLIAM KING HEISKELL recalled.

Examination by Mr. Morrill.

Question 2156. Where did you first meet Mr. Mather?

Answer. I think it was in St. Paul; I am not certain; I may have met him in this city, but if so, there was merely an introduction; my impression is that I first met him in St. Paul.

Question 2157. Did he inform you of his business?

Answer. He said he was going to Fort Ridgley or Fort Ripley to make an examination of the fort, or reservation, or something; I did not make any inquiries of him as to his business.

Question 2158. Did you see him afterwards.

Answer. He did not go; he was taken sick; I saw him on the day the contract was signed, probably, or the day before I left.

Question 2159. I understand you to say that he did not go up to effect the sale of Fort Ridgley, or Ripley, or whichever it was?

Answer. Not while I was in St. Paul. I think I have been informed that he did go afterwards.

Question 2160. Did he inform you that it was his purpose to make any investment in lands in the west?

Answer. I do not think he did.

Question 2161. Did you and Major Eastman employ him to write the contract?

Answer. I did not. I cannot tell what Major Eastman did.

Question 2162. Do you know how he came to be employed to write the contract?

Answer. I do not; because, as I said yesterday, I wrote out one myself, and I believe I wrote the one which was signed at last.

Question 2163. Did you think that, in making this purchase of you, Mr. Steele was doing a losing business?

Answer. After the sale was made, I told him he had a hard bargain. I do not know whether he was doing a losing business or not. I told him he had a hard bargain.

Question 2164. Did you mean by that that he would lose money?

Answer. I meant that he had paid more than the property was worth, in my opinion. I do not know whether he would lose money or not, because I do not know what use he may make of the property.

Question 2165. Did you make any inquiry, as to the value of that property, of the older inhabitants, so as to enable you to form an opinion as to what its value was in the market?

Answer. All I had to go by was the sales of other government property round there. It was not necessary to make other inquiry, when, as I have before remarked, St. Anthony, containing the best water power, as I conceive, in the United States, and equal to any in the world, had been sold for a dollar and a quarter per acre.

Question 2166. Then you knew nothing about the Fort Snelling reservation, except from your own observation in the time you were there?

Answer. Nothing, except from my personal observation, and from conversation with Major Eastman.

Question 2167. What conversation did you have with the Secretary of War relative to confirming the sale after you returned here?

Answer. My letter is, I believe, all.

Question 2168. I asked what conversation?

Answer. I do not recollect. He was very busy at the time. I think General Scott was in the city, and the Secretary was very much occupied. I tried to get to see him, but I did not have more than five minutes' conversation with him. He said he would lay the contract before the President and cabinet. That was about all the conversation I had with him after I came back.

Question 2169. Will you state precisely what the conversation was?

Answer. I do not recollect distinctly. I think he remarked that it was a good sale, but I am not certain. I know I heard that was his opinion.

Question 2170. What did you tell him?

Answer. I told him I had made the sale, and that I had made the best sale that had ever been made in the United States for the government. I told him that, I recollect, and I told him, as is now on record, that I had made an examination of the fort and reservation and everything about it.

Question 2172. Did any conversation occur about your having given a credit upon a part of the purchase money?

Answer. There was something said about that. He asked me if Steele was to pay interest on the deferred payments, and I replied that it was a thing which had been entirely omitted; that it was something I had not thought of.

Question 2173. When you made the sale, did you expect the deferred payments would draw interest?

Answer. I do not know. I gave no thought about it. I was only anxious to get home. I do not think that I really thought of it at all. I do not think it was mentioned between Major Eastman and myself at all.

Question 2174. Have you seen Dr. Graham since the sale was perfected?

Answer. We came on to New York together from Minnesota.

Question 2175. I mean, since the sale was confirmed by the Secretary of War?

Answer. I saw him in Richmond the other day, on the 22d of February. I met him on the public square.

Question 2176. At what time did you have your first knowledge that Dr. Graham had an interest in this property?

Answer. I have no knowledge that any one is interested in the purchase except Mr. Steele.

Question 2177. When did you first hear that others were interested?

Answer. I think I heard it when I got on here.

Question 2178. Dr. Graham, then, did not inform you that he was interested?

Answer. No, sir. I said yesterday that I knew of no one who was interested, except Mr. Steele.

Question 2179. In your examination yesterday you stated you thought you ought to have been paid \$213 more for your services; how much per diem did you get?

Answer. Eight dollars per day.

Question 2180. For how many days?

Answer. For some sixty-odd days. My account is on file at the department. The reason why I thought I ought to receive the \$213 was this: after I received the intimation to come on, it was some six or eight days before I reported myself at the department. I thought I ought to have received my *per diem* and expenses from the time I left Abingdon until I returned there. It was allowed me only from the time I got my commission in this city until I returned to this city after making the sale. I should have made, in all, \$213 more than I received. It was not legal, though I think, in justice, I ought to have it:

WILLIAM DIVIER SWORN.

Examination by the chairman.

Question 2181. Where do you reside, and what is your occupation?

Answer. I reside in Baltimore county. I am a farmer.

Question 2182. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling, in Minnesota?

Answer. I have none, except what I obtained from other sources. I know nothing about it.

Question 2183. Have you ever been upon that reservation and made an examination of it?

Answer. I have been upon it.

Question 2184. When?

Answer. I was there in May and June of last year.

Question 2185. Did you make such an examination as would enable you to fix a price or value upon it?

Answer. I did not.

Question 2186. Were you upon that part of the reservation on which the fort is now situated?

Answer. I was.

Question 2187. Did you make such an examination of that part of the reservation as would enable you to speak of its advantages as a town site?

Answer. I did.

Question 2188. Would you give it as your opinion, taking into consideration the location of St. Paul, St. Anthony, Minneapolis and Mendota, that it is practicable to build a town at that point?

Answer. I think it is.

Question 2189. Do you know the number of acres on the reservation?

Answer. I do not.

Question 2189. Do you know how much of it is adapted for agricultural purposes, and how much is not?

Answer. I do not.

Question 2190. Could you fix an estimate upon that part of the reservation on which a town could be built?

Answer. No, sir; the way property stands in Minnesota it would be impossible for me to fix a value upon it.

Question 2191. Had you any interviews with either of the government agents to make the sale, or with any of the purchasers, in regard to the sale?

Answer. I had not.

Question 2192. Were you at Fort Snelling, or in the neighborhood, during the time of the sale?

Answer. No, sir; I was upon the Upper Missouri river at that time.

Examination by Mr. Morris.

Question 2193. You say you made a personal examination of Fort Snelling and the reservation. For what purpose did you make the examination?

Answer. The location is high and very beautiful. I was encamped on the opposite side of the river for as much as a month. I was connected with Colonel Noble's wagon road expedition, or, at least, I was with that party.

Question 2194. Were you in that country for the purpose of making investments?

Answer. Partially so.

Question 2195. With your knowledge of that reservation, supposing it to contain 8,000 acres, how much would you be willing to have given for it?

Answer. Really, I am not prepared to answer that question. It is more land than I should have wanted to have bought. If it had been sold in small quantities, I would have given something for a small portion of it, but the tract would have been too large for me to have thought about buying.

Question 2196. If it had been sold in small lots, you would have liked to purchase a small part of it?

Answer. I would have invested in anything where I thought there was money to be made.

Question 2197. Do you think anything could be made out of that purchase at \$11 per acre, one-third down and a credit on the balance of one and two years, without interest?

Answer. Yes, sir; I think so.

Question 2198. About how much?

Answer. I do not know.

Question 2199. Cannot you form an estimate?

Answer. I could not form an estimate. Property was held in Minnesota at prices that astonished me. There was no end to the prices. Some of the land in the neighborhood was held at \$200 per acre, and from that down to \$10 or \$11.

Question 2200. Where was the land you spoke of as being held as low as \$10 or \$11 per acre?

Answer. I never saw the land. Persons came to me, learning that I wanted to invest, and offered it to me. I think I was offered land within seven or eight miles of St. Paul for from ten to twelve dollars per acre.

Question 2201. Was that improved land?

Answer. Yes, sir; they told me it was. I never saw it.

Question 2202. Taking into view the situation of the Fort Snelling reservation, and the value that would be fixed to it as a town site, with the balance for agricultural purposes, how much, in your judgment, was it worth?

Answer. Really, I don't know that I am capable of forming an estimate of the value of that reservation.

Question 2203. I understand you to say that something could be made out of it by purchasing it at \$11 per acre?

Answer. Not in my opinion, but I may be mistaken. Money was so tight when I left there that you could not get it for any price. I could have got three or five per cent. a month for money then, with good security. Any kind of money would go. Counterfeit money was as good as any in the world.

Question 2204. Could you answer how much you could have made off of it?

Answer. Really, I cannot answer that question; I do not know.

Question 2205, (by the chairman.) If I understand you, your examination of this reservation was not such as would enable you to fix any estimate of its value or price?

Answer. Just so.

Examination by Mr. Morrill.

Question 2206. As you passed over the reservation a good many times, did you regard it as a kind of soil adapted for agricultural purposes?

Answer. I should think so.

Question 2207. As good as the average in that region?

Answer. Yes, sir; I think so. It lies beautifully.

Question 2208. Do you mean to say that \$11 or \$12 was the common price of land in the immediate vicinity of Fort Snelling?

Answer. No, sir; I did not intend to say that.

Question 2209. What is the average price?

Answer. All kinds of prices—from \$10 or \$11 per acre to \$100 or \$200 per acre.

CHARLES H. OAKES SWORN.

Examination by the chairman.

Question 2210. Where do you reside, and what is your occupation?

Answer. I reside at St. Paul, and my occupation is that of a banker.

Question 2211. How long have you resided in Minnesota?

Answer. I have resided there since 1850.

Question 2212. Have you any knowledge of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling?

Answer. I do not know that I have.

Question 2213. Have you ever made such an examination of the reservation as would enable you to fix its value in June last?

Answer. I think I know the land pretty well. I have been over it frequently.

Question 2214. Do you know the number of acres in the reserve?

Answer. I have understood there were about eight thousand acres, but I do not know.

Question 2215. Do you know how much of it is subject to overflow and swamp land?

Answer. I could not tell the amount. There is some of it called swamp land. Some of it is barren and quite sandy, and some portions of it are pretty good.

Question 2216. What would you say that land was worth in June last?

Answer. I should think somewhere about five or six dollars an acre. I would not have been willing at that time to have paid more than that.

Question 2217. Have you ever dealt in real estate in that country?

Answer. I have considerably.

Question 2218. Had you a knowledge of the value of real estate in that country at that time?

Answer. I think I had.

Question 2219. Do you regard it practicable to build a town at the point where the fort stands upon the reserve?

Answer. I should hardly think it was. If I owned the land, I should think it almost useless to undertake to build up a town there.

Question 2220. State your reasons for that opinion.

Answer. Because it is too near St. Paul, and it is not very easy of access. At all times navigation is not as good to Fort Snelling as it is to St. Paul. I do not think it would have been a very enviable place for a town, even if St. Paul had not got a start, and had not been built so near it. I do not think the place is such as would be desirable for a town site.

Question 2221. Would you give it as your opinion that \$90,000 was as much money as that reservation was worth in June last, or as could have been realized for it by any mode of sale?

Answer. I think that amount of money could not have been realized by any other mode of sale; and I think that was really more than the value of the land, and I so stated at the time of the sale.

Question 2222. Had you any interest in the purchase at the time, or have you become interested since?

Answer. I had not, and I have not. I have never had any desire to become interested.

Question 2223. Had you any conversations with the agents of the government or with the purchasers of that property prior or just subsequent to the sale?

Answer. No, sir.

Examination by Mr. Morris.

Question 2224. Are you a property holder in St. Paul?

Answer. Yes, sir.

Question 2225. Are you largely interested in property there?

Answer. Not very largely. I have some real estate?

Question 2226. What amount?

Answer. I do not know. I could tell you the number of lots I own. I own the block on which I reside, and a few lots besides.

Question 2227. About what is the value of your property, or what did you consider to be its value in June last?

Answer. My real estate was probably worth about \$50,000; that is, I considered it worth that amount in June last.

Question 2228. Do you know of any landed property as eligibly situated as the Fort Snelling property that sold in June last for \$5 or \$6 an acre?

Answer. I have been told that property was offered at that price, but I do not know it, of my own knowledge. I am not in the habit of buying property. My business has been loaning money upon property, and having it secured by mortgage upon the land.

Question 2229. Then you have not been interested in property except in loaning money upon real estate and taking mortgages as security, and, when you could not get the money back, taking the property?

Answer. That is pretty much all.

Question 2230. Did you, in loaning money, take a mortgage upon property for what you considered to be its full value?

Answer. No, sir; not to exceed one-third of its full value.

Question 2231. Was your money generally loaned upon farming lands, or upon town property in St. Paul?

Answer. Generally we preferred town property, but frequently we loaned upon wild lands and farming lands. We have in that vicinity loaned money upon mortgages upon lands there; but I have then taken them at government price, unless they had been very much improved.

Question 2232. What amount of money did you loan upon lands, valuing them at \$1 25 per acre?

Answer. I do not know as I can tell exactly.

Question 2233. Was this money loaned to men who wanted to make investments, or was it made to men who wanted to secure homesteads?

Answer. Generally to those who wanted to secure homesteads, or who wanted to improve their homesteads.

Question 2234. When you loaned money to persons who wanted to secure or to improve their homesteads, did you loan very large amounts to any one man?

Answer. No, sir. Generally from \$100 to \$500, but sometimes up to \$1,000.

Question 2235. How much land, then, would you require as security for a thousand dollars from an individual who wanted to secure or improve his homestead?

Answer. It would depend very much upon the kind of land. We should require a great deal upon lands unimproved.

Question 2236. At what rate of interest did you loan this money?

Answer. At various rates, from two to five per cent. a month. We generally took security enough to secure interest and principal. Hence we required a large amount of land to make the security good.

Question 2237. Could men who wanted to borrow money for the purposes you have indicated afford to pay that amount of interest?

Answer. They have done it?

Question 2238. And still made money largely?

Answer. In some cases they have made money by it. I know of some cases where they have, and pretty large amounts, too.

Question 2239. Your business, then, is, as a banker, to make money with your money, and to make as much as you can?

Answer. My business is to loan money.

Question 2240. Do you know how you happened to be subpoenaed as a witness?

Answer. I do not.

Question 2241. When were you subpoenaed?

Answer. Two weeks ago Wednesday. It took me by surprise.

Question 2242. You say you have frequently expressed the opinion as to the value of the Fort Snelling property that you have expressed here before the committee to-day?

Answer. I did not say I had frequently expressed the opinion, but I said that at the time the sale was made I said I would not give that amount of money for it. I felt so then, and I feel so now, even if I had the money.

Question 2243. Are you acquainted with Mr. Steele?

Answer. Yes, sir.

Question 2244. Did you ever have conversations with him in regard to the purchase of that property?

Answer. Not particularly; no more than that I have laughed at him about giving so much for it.

Question 2245. If you had been commissioned by the government as an agent to sell that property either at public or at private sale, according to your best discretion, do you think you would have been carrying out your instructions with prudence and ordinary sagacity if you had sold the property to an individual in a private way without letting any other person or persons know that you were authorized to make the sale?

Answer. Well, I don't know that I should. It seems to me that I should have considered it my duty to let it be known that the property was for sale.

Question 2246, (by the chairman.) If you had gone on the reservation and examined it, and then fixed the value of it, and had regarded the amount fixed by you as a full price, and then had offered it to an individual and sold it to him for that price, would you have regarded it as important whether you let others know it or not?

Answer. Taking that view of it, I should not.

Question 2247, (by the chairman.) Is it your opinion, if the property had been subjected to public sale, there would have been combinations formed by speculators, which would have prevented the sale of the property at a higher price than the minimum price of public lands?

Answer. I judge that there would have been, from the fact that I know it has been done before. I have attended sales where that has been the case.

Question 2248, (by Mr. Morris, resuming.) If you had subdivided the property into small parcels, and had received private bids for it, reserving to yourself the right either to accept or to reject those bids, do you think the property would have brought more than it did bring?

Answer. I do not think it would have brought as much, on account of the combination which probably would have taken place.

Question 2249. Do you think it is possible to have embraced in a combination all persons who desired to purchase that property, or parts of it?

Answer. They might have made a club law and kept everybody away that wanted to bid.

Question 2250. Could such a combination have been carried into effect if private proposals had been received?

Answer. It might have been, and it might not; I cannot tell; those

who wish to purchase at public sales usually come to an understanding of that kind.

Question 2251. Do you know of any combination that was formed for the purpose of purchasing that property?

Answer. No, sir.

Question 2252. Did you ever hear any person or persons say that they intended to form a combination to purchase?

Answer. I never did.

Question 2253. Then you do not undertake to inform this committee that any combination was formed?

Answer. I am only speaking of what might have been done.

Question 2254. Do you think it would have been possible, by exercising a prudent and sound discretion, for the commissioners to have thwarted any combination?

Answer. I think it might have been done; but it is very likely that a combination would have been formed, as is generally done—one man bidding off the whole, and then the others coming in and dividing.

Question 2255. Then your opinion is, that the sale is a good one, because you think combinations would have been formed to have reduced the price below what was paid?

Answer. Knowing the land as I know it, I think five or six dollars an acre was all it was worth, and that is all I should have been willing to give for it; some people may have been willing to give \$10 an acre; for a town site, I should not have purchased it myself.

Question 2256. You do not consider it as of any value as a town site?

Answer. No, sir, except as a place for a little village; there cannot be a city made there without great expense; I do not think the location is suitable for it.

Question 2257. Is the average value of that reservation of 8,000 acres equal to any other 8,000 acres you are familiar with in the territory?

Answer. I know of 8,000 acres in a body which is much better land than that, but perhaps it is about as good as the average of most lands in the territory.

Mr. Burnett, at the proper time, objected to the greater portion of the above examination by *Mr. Morris*, on the ground that it was impertinent and irrelevant to the matter under consideration.

Examination by Mr. Morrill.

Question 2258. Were there a good many persons in your vicinity desirous of making purchases the last season?

Answer. I imagine not. In fact, I do not know of any persons about St. Paul who were desirous of making purchases of land during the last season.

Question 2259. Then your loans of money were made chiefly to old inhabitants, and not to recent comers?

Answer. Yes, sir; they were generally to those who had been in the country a year or two at least.

Question 2260. Were you situated so that you would be likely to know whether there were speculators in St. Paul at any time during the season?

Answer. I presume there were persons there in the course of the season for that purpose. There generally are persons who come there to make investments in lands; but the capitalists there generally prefer to loan money rather than purchase real estate.

Question 2261. If this reservation had been opened to competition, by being offered in small parcels, do you not think it would have brought more than \$5 per acre?

Answer. Some of it, I presume, would, and a large part of it would not. That is, there may have been men not long in the Territory, and not well acquainted with the value of real estate, who might have given more. I would not.

Question 2262. Is the land of that reservation equal in quality with the uncultivated lands in the vicinity of St. Paul?

Answer. Some of it is not as good.

Question 2263. How is it as a whole?

Answer. I think it is not as good.

Question 2264. What part of it do you think is not?

Answer. Some of it is swamp land, and some barren.

Question 2265. How much of it?

Answer. I could not tell. I should think perhaps one-third, and perhaps more. That is my general impression.

Question 2266. Should you think there was as much as 2,500 or 3,000 acres?

Answer. I think so.

Question 2267. Is not the swamp or wet land as good for grass as any on the reservation?

Answer. Some of it is, if it is not too wet. But grass is not much of an object there, where hay sells for \$2 or \$3 a ton.

Question 2268. Do you regard the remaining part of the land of the reservation as good as the average land in that vicinity?

Answer. Some of it is as good as the average land in that vicinity. But for not more than half of it would I be willing to pay the price per acre for which it sold. I do not, however, hold farming lands in that region at so high a value as many do. I have not so elevated an opinion of their value as many people have.

Question 2269. You, then, rate these farming lands at less than the majority of the people in your vicinity rate them at?

Answer. I do not know that. I do not estimate the value of farming lands so high as many of the people in our vicinity do.

Question 2270. Your business always leads you to put a low estimate upon the value of lands, so as not to be deceived in your securities, does it not?

Answer. We generally put a low estimate upon the value of land which we take as security.

Question 2271. What were lands held at, by the owners, between the city of St. Paul and those immediately north, in June last?

Answer. I do not know that I could say. I do not know that I

have heard. I do not own any farming lands in that vicinity, and I do not now recollect of any sales that were made.

Question 2272. Have you any knowledge of what they held lands at within two or three miles of St. Paul?

Answer. I know that a little more than a year ago I bought some lands about five miles from St. Paul—about the same distance as Fort Snelling, though in a different direction—for \$5 per acre.

Question 2273. Which way from St. Paul?

Answer. East or north.

Question 2274. Would you consider land in that direction as valuable for agricultural or speculative purposes as Fort Snelling?

Answer. I should consider it as valuable for agricultural or farming purposes. Perhaps, from the fact of its lying back from the river, speculators would not give as much for it as for lands immediately adjacent to the river.

Question 2275. Is the general opinion of the people of St. Paul adverse to the speculative prospects of the Fort Snelling reservation?

Answer. I do not know as they are. I do not remember to have heard any expression of opinion of that kind.

Question 2276. Is there not a general opinion prevailing in St. Paul that it is not practicable to build a town at Fort Snelling in consequence of St. Paul having the start?

Answer. I believe that is the general impression; and on account of the location.

Question 2277. Is it not supposed that if a town could be built at Fort Snelling it would operate injuriously upon the interests of St. Paul?

Answer. I do not know that I have heard any expression of that kind. It is the general belief that they could not build up a town there which would compete with St. Paul.

Question 2278. When were you first informed that the sale of the Fort Snelling reservation had been made?

Answer. I think it was about the time Mr. Steele returned from Washington. He was on here about that time, and I think I first heard of the sale about the time he returned.

Question 2279. Did Mr. Steele inform you of the fact?

Answer. No, sir; I think I heard of it before I saw Mr. Steele. There was a rumor in town that Mr. Steele had made the purchase.

Question 2280. Was there no surprise expressed in St. Paul at the manner of that sale?

Answer. I think there was. It created some little excitement and astonishment when the fact was first announced.

Question 2281. Was there an expression of opinion that it could have been sold for a much higher price by many parties?

Answer. I have heard such an expression of opinion, and I have heard the expression of opinion that it was sold for too much. I have heard it said that Mr. Steele could not make the amount he paid for it out of it, and I heard others at the same time express the opinion that he would make a good thing out of it.

Question 2282. When you laughed at Mr. Steele about his purchase, what was his reply?

Answer. I do not know that he made any reply in particular. I do not know that I can recollect precisely what he did say. He generally laughed it off with some remark. I do not think I could repeat what he said.

Question 2283. From his reply, what seemed to be his estimate of the bargain he had made?

Answer. It was his impression that he had made a pretty good bargain. He has always given that expression of opinion whenever we have talked of it.

Question 2284. What has been the depreciation in the price of land in that vicinity since the sale was made?

Answer. There is hardly any value upon the lands from which I could estimate the depreciation exactly. There have been no sales since last fall. I do not know of a sale that has been made, and I have no data, therefore, on which to estimate the value of lands there. There is no money there to purchase them with.

Question 2285. Do you think this depreciation which has taken place affects your judgment of the value of lands in June or July last?

Answer. I do not think it does. I distinctly recollect saying, when I first heard the sale was made, that I would not take the sale off his hands. I have frequently told him so since, and he would remark that he could get along well enough. He talked as if he had made a good bargain, and as if there were parties ready to take an interest with him in it.

Question 2286. It is contrary to your general line of policy to deal in lands at all, as I understand you?

Answer. Yes, sir. I do not make it a point to deal in lands more than to take them for security. Sometimes they fall into our hands. I do not make it a point to invest money in lands.

Question 2287. You would rather have 30 or 60 per cent. interest upon your money than the rise on lands?

Answer. That has been our plan.

Question 2288. Then you would have refused to take that land, even if you thought it was sold at a good bargain?

Answer. I might have purchased if we could have got it at a great bargain. Generally speaking, we have not made purchases of real estate.

Question 2289. Do you think anything could be made on that land if the money could be hired at six per cent., if purchased at five dollars per acre?

Answer. I think perhaps there might be money made out of it, though I should not be willing to pay six per cent. to purchase it at five dollars per acre. I have no doubt there are many who would be glad to do it, in view of the future rise of the property.

Question 2290. Do you not think there are many who would be willing to pay twenty dollars per acre for it?

Answer. I do not know.

Examination by Mr. Morris.

Question 2290½. You speak of Mr. Steele's having said to you that he could dispose of his interest in that property; did he say what interest he could dispose of, and what he could have gotten for it?

Answer. I do not know that I can recollect, and I do not know that he was in earnest in making these remarks. In talking about his purchase, I think I told him that he had got a pretty thing on his hands. He replied that he could manage it—that he had friends who would come in with him, if he wished it.

Question 2291. Did he specify who those friends were?

Answer. I do not know that he did.

Question 2292. Let me ask you whether good farming lands, directly on the Mississippi river, within six miles above or below St. Paul, are not worth more than five dollars per acre?

Answer. I should say that some portion of this reservation was worth more than five dollars per acre; but, taking it as a whole, I do not think it is.

Question 2293. Has Mr. Steele resided in that country longer than you have?

Answer. Yes, sir.

Question 2294. Is he more familiar with the value of property?

Answer. He has dealt a good deal more in real estate.

Question 2295. Did he have a better opportunity of judging of the value of the Fort Snelling property?

Answer. I suppose he did.

Question 2296. He has lived there how long?

Answer. I do not know. He lived there long before I came into that immediate neighborhood, though I have been in that country longer than he has. I was in the northern regions of that country thirty-five years ago.

Question 2297. Still, in consideration of the advantages Mr. Steele has had of knowing the value of real estate in that country generally, and of Fort Snelling in particular, would you not have trusted his judgment in a purchase rather than your own?

Answer. I would not be willing to risk my money on his judgment more than upon that of anybody else.

Question 2298. Is there any part of this reservation under cultivation?

Answer. A portion of it, near the garrison, is. I do not know how much. There may be twenty acres; perhaps forty acres. I do not know the exact quantity, but I think not more than that.

MONDAY, MARCH 8, 1858.

WILLIAM H. FORBES SWORN.

Examination by the chairman.

Question 2299. Where do you reside, and what is your occupation?

Answer. I reside in the city of St. Paul, Minnesota Territory. I am a merchant.

Question 2300. How long have you resided in the Territory of Minnesota?

Answer. I have resided in what is now known as the Territory for twenty years.

Question 2301. Are you acquainted with the military reserve at Fort Snelling from an examination of it?

Answer. I am.

Question 2302. Have you made such an examination of it as will enable you to fix the value of it in June last?

Answer. I think I could come very near it. I have been in that country all the time, off and on, for twenty years, and have seen sales made there, and have witnessed the rise and fall of property there.

Question 2304. What would you say, in your judgment, that reserve was worth in June last?

Answer. Between twelve and fifteen dollars an acre.

Question 2305. Were you acquainted with the value of real estate in that vicinity at the time mentioned?

Answer. Yes, sir. There were some pieces of property sold around there, in different localities, that I knew of.

Question 2306. Do you know the number of acres in that reserve, and how much of it is susceptible of cultivation, and how much is swamp and barren land?

Answer. I only know how many acres there are from hearsay. I have understood that there are about 8,000 acres. I know the boundaries very well, having travelled over it very often. A considerable portion of it is sandy and barren. But the great objection to it is the difficulty of getting fire-wood; it cannot be obtained short of going six or eight miles. There is quite a portion of it which is bottom land. There is a wild rice swamp which extends along the Minnesota river, and which is overflowed certain portions of the year. A part of it produces wild hay, and a part of it is not fit for anything, unless drained. There is a portion of it immediately back from the fort, which has been used as a garden for the supply of the troops, which is a little better land. But as you go west and north the land is sandy, and the roads are heavy on that account.

Question 2307. In fixing the value you have, you have stated the average value?

Answer. I have.

Question 2308. Do you regard that portion of the reserve on which stand the fort and other buildings as valuable as a town site?

Answer. I do not.

Question 2309. Give the committee your reasons for that opinion.

Answer. One reason is, that it is too near St. Paul. That city has the start of some eight or ten years. My opinion is, that a city would have been built at Fort Snelling if it had not been a military reserve. But so much capital has been expended at St. Paul, that a city could not now be built at Fort Snelling, which would compete with St. Paul. As a property-holder at St. Paul, I had no fears of there being a rival town built there after the sale was made.

Question 2310. Is the navigation to Fort Snelling as good as it is to St. Paul?

Answer. Not quite, I believe. At very low water there is a bar between St. Paul and Fort Snelling, called the Bar at the Cave, which it is very difficult to get over. It is more difficult to pass it than it is to pass the bars below St. Paul. The lower down the river we go, the more water there is.

Question 2311. Did you have any conversation with either of the commissioners of the government to sell that property, or with the purchasers, either prior to the sale or just subsequent to the sale?

Answer. No, sir. I saw Major Eastman prior to the sale. I asked him casually what he was there for. He told me he was there for something connected with the reservation. He did not tell me what. I had no conversation subsequent to the sale with the parties you have named.

Question 2312. Would you give it as your opinion, supposing that there are 8,000 acres of land, that, at the price of \$90,000, it sold for as much as it was worth?

Answer. Take it altogether, I think so.

Question 2313. Do you believe that by any other mode of sale there could have been more money realized for it than \$90,000?

Answer. Probably there could have been, but it would have required a longer time. If the property had been divided into five and ten acre lots, and time taken for the disposition of it, and a man acquainted with the property had devoted his attention to it entirely, something more, perhaps, might have been got out of it. But I should have hesitated to have given more for it than it brought.

Question 2314. Are you acquainted with any other sale made by the government of military reservations?

Answer. I had some knowledge of the sale of a part of the reserve some time since, but I have forgotten the circumstances. It was mostly sold, I believe, to men who claimed pre-emptions upon it, for \$1 25 per acre. I will not be sure, however, about that.

Examination by Mr. Morrill.

Question 2315. Has property depreciated in your vicinity within the last few months?

Answer. I will state that the pressure in the money market has made it almost impossible to sell real estate. Real estate holders who are not obliged to sell, seem to think that real estate is worth as much

now as it was then. But I think, myself, that it has depreciated a little. There was a very wild speculative spirit abroad last summer.

Question 2316. If Fort Snelling reserve had been sold in small parcels of 40 acres each, and on the same terms on which it was sold—one-third down, one-third in one year, and one-third in two years, without interest—do you not think a larger price would have been obtained?

Answer. With a good deal of management, I think more might have been obtained; but a large portion of it, in ten or forty acre lots, would not have brought more than \$1 25 an acre. There were portions of it which, if sold in ten acre lots, would at that time, when speculation was running so high, have sold at speculative prices.

Question 2317. Are there not some portions of that property which would have brought a very large price?

Answer. A portion of it, but not a large portion of it. That part which lies on the Mississippi river, which is between one and two miles, might have sold pretty well—perhaps some of it for \$20 or \$25 an acre.

Question 2318. Do you own real estate in St. Paul?

Answer. I do.

Question 2319. Are you in the habit of dealing in real estate?

Answer. I have not been in the habit of buying much real estate. I own considerable property there.

Question 2320. What did land, within two or three miles of St. Paul, sell for at that time for agricultural purposes?

Answer. There were lands which were good farms—for instance, farms of one hundred and sixty acres—which have been sold for \$20 an acre. There have been some lands near the city, and which were supposed would be a part of the city, sold at \$50 an acre. I have some lands lying in what is called Cottage Grove, between the St. Croix and the Mississippi river, eight or ten miles from St. Paul, which I would sell for \$10 an acre.

Question 2321. Is that improved?

Answer. There are no improvements upon it, but farms are improved all around it.

Question 2322. Do you know the price of lands between St. Paul and St. Anthony, along up the river?

Answer. Yes, sir; and there have been lands sold there as high as \$100 per acre.

Question 2323. Is that land worth any more for agricultural purposes than the lands on the Fort Snelling reserve, on the opposite side of the river?

Answer. Some of it is, but not all of it. But the fact that it is upon the direct road from St. Paul to St. Anthony makes the difference. There being good roads to it, it has been bought by persons for market gardens.

Question 2324. You say, as a property-holder in St. Paul, you never had any fear of a town being built up at Fort Snelling?

Answer. To rival St. Paul, never.

Question 2325. If there should be a town built up there, do you

suppose, as a property-holder of St. Paul, that it would be an injury to you?

Answer. I should certainly suppose it would not do us any good.

Question 2326. Are you conscious whether or not that fact would influence your opinion of the value of the property at Fort Snelling?

Answer. It would not affect my opinion. I have never given it a thought.

Question 2327. If it were possible to dispose of that property for the purpose of a town site, do you not suppose that it would be far more valuable for that purpose than it would be for agricultural purposes?

Answer. The portion of it where the fort stands, and the hills around, are well adapted for building purposes, and look very well; and I think myself, taking everything else out of the way, it would have been a good place for a town; and if it could have started before St. Paul, it would have been a town.

Question 2328. Is the water power at Minnehaha falls such as could be used for manufacturing purposes.

Answer. Yes, sir, it could be used. It is not a very heavy body of water, however. In our country, as a general thing, people are more in favor of steam as a motive power than of water, unless it is a heavy body like that at the Falls of St. Anthony. I do not think a great deal could be done with the water power at Minnehaha falls.

Question 2329. Still there is enough to run a considerable amount of machinery?

Answer. Yes, sir; the fall is sixty feet perpendicular, but the stream is a small one. As a general thing, the body of water is light; but at high water the body is greater, of course.

Question 2330. Is not the country about the falls considered desirable for private residences for gentlemen of means and wealth?

Answer. Perhaps, just at the falls, it might be; but much of the country around and beyond the falls is not much more desirable for that purpose than any other portions of the reserve. There are finer sites upon the hills around St. Paul, and more desirable for that purpose.

Question 2331. When you say that you think \$90,000 is all the property was worth, do you take into consideration the fact that a credit of one year upon one-third of it, and a credit of two years upon one-third of it, was given without interest?

Answer. Yes, sir; real estate is generally sold upon a credit, in part, of one, two, and three years, and I took that fact into consideration in fixing the value of it.

Question 2332. Is property so sold by the government?

Answer. No, sir; I had reference to individual transactions.

Question 2333. Then, if the purchaser had been compelled to pay cash down for the property, you would have valued it at much less?

Answer. It might have made a difference of ten or twelve per cent., which is the interest generally paid on the sale of real estate on time. Money is loaned at a higher rate.

Question 2334. What is the value of money with you?

Answer. Money is loaned at from two to five per cent. a month. It can be had for two and a half and three per cent. a month now; but on the sale of real estate the rate of interest is generally from ten to twelve per cent. a year.

Question 2335. When sales of real estate are made on a credit of ten or twelve per cent. a year, do not you get more for the real estate than you would if you got the cash down?

Answer. I do not know. I hardly think we do. There is generally a certain valuation placed upon real estate, and sales which are made establish a precedent for the price of other lands. In buying land men always expect to get time upon it.

Question 2336. Were there parties there who would have combined so as to have prevented the government from getting more than the government price of \$1 25 per acre, if the sale had been a public one?

Answer. I think there might have been, but I cannot say certainly.

Question 2337. What was the general opinion as to the sale of the Fort Snelling reservation immediately after the sale was made?

Answer. There was a great deal of talk both ways. Some said that Steele had paid more than he could get for it, and others that Steele had made a good bargain. In fact, opinion was very diversified at that time. The opinion now is general that he paid quite as much as it was worth. I heard that opinion expressed by a gentleman there who deals largely in real estate—Mr. McKenty. He said he had not spoken of it before for fear that he might be sent for, and he did not want to leave his business to come here.

Question 2338. Was there any opinion expressed as to the policy or impolicy of the government abandoning the post?

Answer. It is the opinion of all citizens there that it is perfectly right that the fort should be abandoned, on account of its being so far from the frontier.

Examination by Mr. Morris.

Question 2339. It was your opinion at the time that the government got as much for the property as it was worth, or more?

Answer. Yes, sir; and as much as I would like to have made for it.

Question 2340. Did you express that opinion then?

Answer. I cannot say. I did not say much about it.

Question 2341. Have you had any conversation with any person in regard to it?

Answer. I mentioned the matter to Colonel McKenty before I left St. Paul.

Question 2342. Anybody else?

Answer. Only in casual conversations.

Question 2343. Had you any casual conversation with anybody else at St. Paul before you left there?

Answer. Yes, sir, I had with several persons.

Question 2344. Who were they ?

Answer. I do not recollect.

Question 2345. Do you know how you happened to be subpoenaed as a witness ?

Answer. I do not. I understood that the Secretary of War sent for us, but I do not know.

Mr. Chairman objected to the last question as irrelevant, immaterial, and not legitimate, and only tending to create an inference in reference to a matter of which the witness says he knows nothing.

WILLIAM W. CORCORAN sworn.

Examination by Mr. Morris.

Question 2346. Please state to the committee whether you know anything of the facts and circumstances attending the recent sale of the military reservation at Fort Snelling ?

Answer. I do not ; I knew nothing of it until I heard that the sale was consummated.

Question 2347. Did you ever make an offer for that property ?

Answer. I never did ; I was up there three or four days, in June last, and rode out to see some friends at Fort Snelling, and went up to see the Minnehaha falls ; it was mentioned that the property was already in the market, but I never made an offer, or thought of making an offer ; I did not think of buying it at all.

Major J. G. MARTIN sworn.

Question 2348, (by the chairman.) Please state what position you hold in the army, where you are stationed, and where you have been stationed for the last few years ?

Answer. I am assistant quartermaster in the army, and have been stationed for nearly two years at Fort Snelling.

Question 2349, (by the chairman.) Have you made such an examination of the reservation at Fort Snelling as to enable you to fix a price upon it in June last ?

Answer. I never made an examination of it with that view.

Examination by Mr. Faulkner.

Question 2350. From your knowledge of it, are you enabled to express an opinion as to what the government should have realized from its sale ?

Answer. I have heard of a great many sales being made of lands around and adjacent to the reservation at from \$10 to \$40 an acre, according to the location ; the reservation, as you are aware, is at the junction of the Minnesota and Mississippi rivers ; lands around there are held at different prices ; the lowest sale I heard of was at \$10 an acre ; I heard of some sales at \$40 or \$50 an acre ; I know nothing about them ; I only speak from hearsay ; they were generally small parcels

of land, say 160 acres ; they were choice locations ; I look at those sales with a view of making an estimate of the value of the reservation.

Question 2351. Do you know how much of the reservation was capable of cultivation, how much was sandy, and how much swamp land?

Answer. The general quality of the soil is the same as that of lands immediately around it ; there are about 120 acres that is enclosed, and which has been cultivated by the quartermaster's department, which is very good land ; I do not know much about the rest of it ; I suppose it is about the average of land adjacent to the reservation.

Question 2352. Have you any knowledge of the fact and circumstances attending the sale of that reserve ?

Answer. I have not, except from hearsay ; I knew something about the transfer of the property after it was ordered to be transferred ; but that had nothing to do with the sale of it ; all I know is, that I was the government medium of transferring it to Mr. Steele, after the bargain was completed.

Question 2353. Have you as yet transferred the buildings and fort ?

Answer. No, sir ; they are still in my charge as quartermaster at Fort Snelling.

Examination by the chairman.

Question 2354. Did you have any conversation with Major Eastman or with Mr. Heiskell prior to the sale of the reservation in regard to it ?

Answer. I had with Major Eastman. I never saw Mr. Heiskell.

Question 2355. What did Major Eastman state to you in regard to the sale of that reservation ?

Answer. A few days after Major Eastman came to St. Paul I paid him a visit, not knowing what his business was, and during that visit he said that he was sent there to survey the reservation with a view to the sale of it ; that he was going to begin the survey soon, and he wished me to give him certain assistance. During that conversation the subject came up as to how the sale was to be made, and he said that the general idea was that it was to be divided up into 40 acre lots and sold at public auction. He asked my opinion as to the sale of the reservation, and whether it was necessary to reserve any portion of it for the quartermaster's department. I told him that the fort and buildings were necessary, and also a farm somewhere near ; that a farm was not necessary immediately at the fort ; and that a building lot should be reserved for the quartermaster's department on the levee. Something was said as to what the Quartermaster General thought about it. He told me that the Quartermaster General was nearly of the same opinion with myself, and that he had made an official report to that effect. I think that was about the substance of all the conversation I had with him upon the subject. I believe he told me, further, that the Secretary of War had asked him if he would sell the reservation ; that he declined to do so, and said he did not think any army officer would like to have anything to do with the sale, but that he would survey it.

Question 2356. Would you give it as your opinion that the government ought to have retained Fort Snelling as a military post?

Answer. If the policy of the government is to keep troops in small detachments among the Indians, Fort Snelling is not necessary as a military post. But my opinion is, that it would be better if the troops were all concentrated at Fort Snelling, to be used as necessity might require them to be used, in all directions. The moral effect over the Indians of a large body of troops—of a double command at Fort Snelling—would be greater than the same number of men at two different posts, in my opinion.

Question 2357, (by Mr. Faulkner.) Then it is your opinion that, unless the government changes its policy of stationing small detachments on the frontiers, that Fort Snelling need not have been retained?

Answer. That is my opinion.

Question 2358, (by Mr. Burnett, resuming.) Would you give it as your opinion that Fort Snelling ought to have been retained as a military depot?

Answer. Yes, sir.

Question 2359. Please state your reasons for that opinion?

Answer. Fort Snelling is at the head of navigation of the Mississippi river, and at the junction of the Minnesota with the Mississippi. It is necessary, as long as the government keeps troops in that upper country, that they should have some depot at the head of navigation of the Mississippi river. Fort Snelling, I think, is as good, if not better, than any other position; and as the government had already the necessary buildings and land there, it was decidedly desirable that they should have been retained, rather than that a new site should be made anywhere else.

Question 2360. Has it been the practice of the government to furnish Forts Ridgley and Ripley from Fort Snelling?

Answer. It has been, ever since I have been at Fort Snelling. Only one instance has occurred in that time where supplies have gone directly from St. Louis.

Question 2361. Cannot the government furnish those forts as cheaply from St. Louis and St. Paul as they could by retaining Fort Snelling as a depot and transshipping supplies from that point to those forts?

Answer. I think not.

Question 2362. Why?

Answer. It would, in my opinion, involve the necessity of a storehouse in St. Paul, to say the least, and then all the transportation would have to be done by hired animals, or by contract. As long as there are Indians in that country, it is necessary constantly for the government to send out expeditions in the summer among them; and experience has shown that it is better to keep animals for those expeditions than to hire them; and if they are kept, they ought to be kept during the winter where they could be cheaply kept, and then used during the winter for transporting supplies to those upper posts, thereby making them earn their keeping during the winter.

Examination by Mr. Faulkner.

Question 2363. How is the transportation effected from Fort Snelling to Fort Ripley?

Answer. By land altogether.

Question 2364. How, from Fort Snelling to Fort Ridgley?

Answer. Since I have been there, I have done it during the winter by the animals used during the summer by the expeditions into the Indian country. But there are from four to six weeks during the spring when the Minnesota river is navigable for small steamboats as far as Fort Ridgley. These stores, coming up the river in large boats, have to be reshipped at the head of navigation, at St. Paul or Fort Snelling. Most of the stores come from St. Louis.

Question 2365. When the river is navigable, would it not be better to have the supplies shipped directly from St. Louis?

Answer. Yes, sir; it would be decidedly cheaper; but if the government is to keep mules for summer expeditions, it would be better to make them pay for their keeping during the winter.

Question 2366. Is not Fort Ridgley between the bands of Indians and Fort Snelling?

Answer. Yes, sir. I think Fort Ridgley is within the Indian reserve, at the eastern extremity of it.

Question 2367. Would not Forts Ridgley and Ripley and the post in Pembina be better points from which to send out these expeditions of which you speak than Fort Snelling?

Answer. I think not. There is no post at Pembina. Most of the supplies to fit out those expeditions would have to go to Fort Snelling, and the animals could be kept at one-third of the expense at Fort Snelling than they could be kept at either of the other of those places. Fort Snelling would be the better point, unless the government gives up the keeping of its own animals altogether, and hires services for every expedition that goes out. Some years hence, when the country becomes more settled, and the people raise grain enough to supply the demand, I suppose it would be cheaper for expeditions to go out from those upper posts. But at this time the cost of transporting grain to either of those places is about $2\frac{1}{2}$ cents a pound.

Question 2368. Is not the country west and north of Fort Snelling being rapidly settled by persons engaged in agricultural pursuits?

Answer. Yes, sir; but they have not yet been able to raise enough for their own consumption; and then the farmers upon the Mississippi have, for the last two years, lost nearly everything by the grasshoppers.

Examination by Mr. Morrill.

Question 2369. Had you any conversation with Major Eastman as to the price he put upon the Fort Snelling reserve?

Answer. No, sir; nothing was said about the price. The only thing said about the sale was, that the Secretary asked him to sell it,

and he declined, saying at the same time that no officer would like to be connected with the sale.

Question 2370. Do you recollect at what time that conversation occurred?

Answer. It was within two or three days after Major Eastman arrived at St. Paul. But I cannot say when that was, whether early in May or early in June. It was probably somewhere between the first of May and the first of June.

Question 2371. His opinion, at the time you had that conversation, coincided with your own and with the Quartermaster General's, that the buildings and fort ought to be retained by the government?

Answer. I do not recollect that I have expressed any such opinion as that. Major Eastman did not make any objection to my opinion, nor did he express any opinion himself. He told me, in answer to my remarks, that the Quartermaster General had expressed some similar opinions, and that he was of the same opinion I was, except that he did not say anything about the building lot at the levee which I considered necessary.

Question 2372. What was the price of hay at Fort Snelling in the winter of 1856-'57?

Answer. I did not buy any. I was offered forty dollars a ton, during the spring, for some government hay I had there. I suppose when persons usually lay in a supply of hay, the ordinary price would be from five and six to ten dollars a ton, according to the distance it has to be hauled.

Question 2373. Has the government been able to cut all their necessary forage for their animals upon the Fort Snelling reservation?

Answer. I do not know. In the spring of 1857 the quartermaster whom I succeeded made a contract with parties to cut the hay upon the reserve, and to haul it in and pile it in the government yard adjacent to the stable; and he agreed to pay \$9 75 a ton of 2,240 pounds.

Question 2374. Does enough grass grow upon the reserve to supply the government wants?

Answer. Yes, sir. This last summer I made arrangements to cut enough upon the reservation, and I had cut two or three hundred tons when the order was made to transfer the property to Mr. Steele. I had a great number of animals, and a great number of teamsters, and they cut and hauled the hay, except what was cut and stacked on the ground, at \$2 50 a ton.

Question 2375. What did it cost?

Answer. It really cost nothing, for the men and animals were already there, and they had to be kept at all events. I suppose, if it had been reduced to its actual cost, it would have been from two and a half to three dollars a ton. I had some cut at two dollars and a half a ton, and put in three tons' stacks on the ground.

Question 2376. Did you have written instructions to make over the property to Mr. Steele?

Answer. It was a written order from the War Department, through the Adjutant General's office.

Question 2377. Can you state the terms of that order to the committee?

Answer. I could not with anything like precision.

Question 2378. Do you know the date of it?

Answer. I do not, and could not state it within a month or six weeks. I only know the substance of the order, which was, that \$30,000 having been paid in part for the reservation, it would be immediately turned over to Franklin Steele, except the fort and buildings, which would be retained until further orders.

Question 2379. You were at that time cutting grass upon the reservation?

Answer. Yes, sir.

Question 2380. Could you not fix the time from that circumstance?

Answer. No, sir. If it is a matter of any consequence to have it, it would be the easiest way to get it from the Adjutant General's office, in the War Department. I think it was some time in July, but I could not fix the date.

Question 2381. Did Mr. Steele, after the reservation was turned over to him, go on cutting the grass?

Answer. Yes, sir.

Question 2382. How large a quantity?

Answer. I suppose 250 or 300 tons. I think I bought 150 tons of him, as we calculated it.

Question 2383. At what price?

Answer. I think it was \$3 50 or \$4 50 per ton.

Question 2384. Delivered?

Answer. No, sir; we bought it on the ground, in stacks of two or three tons each.

Question 2385. What was the entire cost of the amount purchased?

Answer. About \$750, I think.

Examination by Mr. Morris.

Question 2386. Did you first learn that the sale was to be made before you received the order to turn the reservation over to Mr. Steele?

Answer. Yes, sir; I had heard it from rumor some eight or ten days before, perhaps.

Question. 2387. Did you learn that fact before from either Major Eastman or Mr. Heiskell?

Answer. No, sir.

Question 2388. Was Major Eastman mixing with you freely at the fort as an officer, and conversing with you in reference to military matters?

Answer. I saw Major Eastman constantly, and conversed with him occasionally. I never conversed with him in reference to the sale of Fort Snelling but once. He took me in to show me a map which he had made of his survey; but nothing was said about the sale of the reservation, or anything connected with the sale. He was at Fort Snel-

ling some five or six weeks, I suppose, and I saw him sometimes every day, and sometimes every two or three days.

Question 2389. You say you never saw Mr. Heiskell?

Answer. I may have seen him. I did not know him.

Question 2390. You do not know whether he was ever at the fort or not?

Answer. No, sir.

J. E. FLETCHER SWORN.

Examination by Mr. Faulkner.

Question 2391. Will you state to the committee where you reside, and what your occupation has been and is now?

Answer. I reside at the Winnebago agency, in Blue Earth county, Minnesota. My occupation is United States agent for the Winnebago Indians.

Question 2392. Are you acquainted with the tract of land embraced in the Fort Snelling military reservation; and if so, state what have been your opportunities of becoming acquainted with the value of that tract of land?

Answer. I only know the boundaries from information derived from others, and I am not certain whether I know them correctly. I am somewhat acquainted with the reservation. I landed my Indians there in 1848, and I have been on it, more or less, ever since. I have passed across it in different directions.

Question 2393. From your knowledge of that tract of land, comparing it with other lands in the vicinity, what, in your judgment, would be its fair value per acre, or in gross, supposing the tract to contain 8,000 acres?

Answer. I must answer, upon the supposition that my information of the boundaries of the reservation is correct. It would change the matter materially if the boundaries are different from what I suppose them to be. There is a difference in the quality of the land in different locations for farming or other purposes. It is difficult to say what is the value of lands either there or in any other place in Minnesota, or what it has been within the last eight months, since the embarrassment in money affairs. I have inquired considerably, and I find that the prices of land are still held up very high, but there are no sales. Those who are compelled to raise money do it upon bond and mortgage, or by other means. In my opinion, the lands in that vicinity have always been held much above their real value.

Question 2394. My question has reference to June, when the sale of this reservation took place?

Answer. When I understood the land was sold, I made up my opinion about it. I considered that the land was worth about \$12 50 per acre. At last I thought I should have been willing to have given that, provided I could have had time on a part of the payments. I would not have paid that for it cash down, for I could not have raised it; but I considered the land worth that then, and I consider it worth that now.

Question 2395. Would you have been willing to have given more than \$12 50 per acre for that tract of land?

Answer. I would not have been willing to have paid that if I had been compelled to pay for it in hand, because I could not have raised the money. I think, however, that it was worth that, in cash, for farming purposes. Some of it, though, is very poor land.

Question 2396. Had you any idea of becoming the purchaser of that property?

Answer. I had not. I did not know that it was for sale until after it had been sold.

Question 2397. Is it your opinion that the commissioners of the government, in making sale of that property at \$90,000, \$30,000 in cash, and the balance in one and two years, realized as much for the government, or nearly as much, as the land was worth?

Answer. Nearly as much. I should consider it a fair bargain.

Question 2398. Do you regard it as a fair bargain, both for the purchasers and for the government?

Answer. Yes, sir; I have stated that the land was, in my estimation, worth \$12 50 per acre. I have understood that it sold for about \$11 per acre.

Examination by Mr. Morris.

Question 2399. How long have you resided in Minnesota?

Answer. I went there at the time the Indians were removed in June, 1848. I resided there until 1851, when I was removed from office. I returned there in May, 1853, and have resided there ever since.

Question 2400. How far are you removed from Fort Snelling?

Answer. About one hundred miles. I think it is called one hundred miles to St. Paul.

Question 2401. Your business has been that of Indian agent all the time?

Answer. Yes, sir.

Question 2402. Have you been engaged in speculating to any extent in that Territory?

Answer. I do not own one foot of land in Minnesota, and never have; my instructions forbade it.

Question 2403. Then you have had no opportunities of learning the value of real estate in that Territory?

Answer. Only from information derived from others.

Question 2404. Do you know how you came to be subpoenaed here?

Answer. I do not. I had some curiosity to inquire of the commissioners, but I did not suppose it was a proper question.

Question 2405. You do not know, then, yourself, anything about it?

Answer. No, sir. The first information I had of it was, that the subpoena was brought in and laid on my table one Sunday morning. I supposed it was only a common letter, and broke the envelope and tore it in pieces.

Question 2406. Where were you subpoenaed?

Answer. At the Winnebago agency. I did not know whether I

had the right to come on without orders from the Indian Department, but I came on.

Question 2407. Do you know of any particular instances within the last eighteen months or two years where land in the neighborhood of Fort Snelling has been brought to sale?

Answer. The property immediately north of the reservation, I think, once belonged to the same reservation, and was sold at auction. I think it was more than two years ago.

Question 2408. I mean at private sale?

Answer. Not immediately adjoining the reservation. I heard a gentleman speak of selling land about the same distance from St. Paul which this was, which he said was as good land for farming purposes as this. I know nothing of it from my own knowledge. I was not there, and know nothing about it except what I heard from him.

Question 2409. Of your own knowledge, then, you know nothing of what has been the value of property in the vicinity of St. Paul, Fort Snelling, Minneapolis, or St. Anthony, within the last two or three years?

Answer. Only from the information I have derived from other persons who have been buying and selling.

Question 2410. Can you recollect the names of any of those persons?

Answer. I recollect that Mr. Forbes told me he had a farm about the same distance from St. Paul as Fort Snelling, in another direction, which he either said he would sell or had sold, I am not certain which, for \$12 50 per acre.

Question 2411. The distance from this farm would, then, be about ten or twelve miles from Fort Snelling?

Answer. Yes, sir.

Question 2412. Have you lived at any other place in Minnesota, except at your station at the agency of the Winnebago Indians?

Answer. Yes, sir; at a different place from the present agency. When I first moved the Indians, it was to a location north of the Watab river.

Question 2413. During your whole residence in Minnesota, you have not lived in St. Anthony or any of those places?

Answer. When I was removed from office I spent about two months in St. Paul.

Question 2414. How long ago?

Answer. It was in 1851.

Question 2415, (by Mr. Morrill.) Have you travelled over the Fort Snelling reservation frequently?

Answer. I have been at Fort Snelling frequently, and have travelled from there to St. Paul and St. Anthony, and I have travelled from the Minnesota river to the agency.

Question 2416, (by Mr. Morrill.) Have you ever had your attention called particularly to its value for agricultural purposes?

Answer. I have examined the land particularly, since the sale, and I have noticed it before.

Question 2417, (by Mr. Morrill.) For what purposes?

Answer. For no particular purpose. The location is a beautiful

one. From the fort to St. Anthony it is very good land. There is a scarcity of timber upon the reservation. I do not know where they get their timber without going a long distance. A part of the land is very sandy, and I would not give anything for it but for its location.

Question 2418, (by Mr. Morrill.) As a town site would that affect its value?

Answer. The sandy part of it extends further than a town would, unless it is a very large one. The sandy land extends, however, down near the fort.

Question 2419, (by Mr. Morris.) All you have seen of the reservation, then, has been as you travelled over it, along the road. You never examined it particularly for the purpose of ascertaining its value?

Answer. I never did.

Re-examination by Mr. Faulkner.

Question 2420. Can you state to what extent the country west and north of Fort Snelling has been settled by emigration from the United States or elsewhere?

Answer. There is considerable settlement north of it, though I have not been up the Mississippi river for two years. In fact, I have not been above St. Anthony since I moved the Indians in 1851, and I only know from information about the settlements there. The settlement up the Minnesota river I know in relation to from my own knowledge, and also in relation to that on the route to the agency through Faribault county; that county is not settled so densely as you would have the right to suppose from the newspapers. There may be as much land purchased by pre-emption as is represented, but there are not so many settlers.

Question 2421. What number of Indians are there at the Winnebago agency?

Answer. I think 1,887 is the largest number we have on the rolls; and I think that is about the number.

Question 2422. What is the extent of the Winnebago reserve?

Answer. It is nearly equal to nine townships. It is about 25 miles by 13.

Question 2423. Will you state its location in reference to Fort Snelling, and the distance?

Answer. Its distance by the nearest travelled road is about 95 miles. The direction to Fort Snelling is about northeast.

Question 2424. Is it the nearest Indian reservation to Fort Snelling?

Answer. Yes, sir.

WILLIAM KING HEISKELL recalled.

Question 2425, (by Mr. Pettit.) You have stated in your former testimony that when you and Mr. Steele were at Mr. Rice's house you thought there would have been a personal difficulty between you and Mr. Rice. Will you state the particulars in regard to that difficulty?

Answer. As I stated before, I went to Mr. Rice's house to see what claim he had against this property. He there stated that this man, McKenzie, had, or would have, a pre-emption right to 160 acres, and that he must have either the 160 acres or pay for the improvements. I remarked to him that I thought it strange that this claim had not been presented to the government before. In a very rough manner I said something about his bringing in a claim at that late day. I thought it strange that a man occupying the position that Rice did should do so at that late day, when he ought to know that that man had no pre-emption right. I do not recollect anything else about it. Just then Mr. Steele called him out, and the matter ended. I am hot-headed sometimes, and I may have thought there would be a personal difficulty when there was none near. I know if I had talked to some men in our country as I did there, there would probably have been some difficulty.

Question 2426. Is that all the conversation you had?

Answer. I think that is the substance of all the conversation. To tell the truth, I did not treat him very respectfully, for he came to my room afterwards, and I do not think I asked him to take a seat, because I do not like to have anything to do with a man who claims anything besides his own.

Question 2427. Was that Henry M. Rice?

Answer. I do not know his name. It was the delegate to Congress from that Territory.

Question 2428. Had you that conversation with him as the agent of McKenzie?

Answer. I do not know. I think he said that he was the agent of McKenzie. I am not certain about it.

TUESDAY, MARCH 9, 1858.

GEORGE CULVER SWORN.

Examination by Mr. Morris.

Question 2428. Will you state to the committee where you reside and what your occupation is?

Answer. I reside at St. Paul. I am a merchant.

Question 2429. How long have you lived there?

Answer. I moved to St. Paul in 1852. I have been in Minnesota since 1848.

Question 2430. Where else did you reside?

Answer. I resided at Long Prairie, at the Winnebago agency, 130 miles northwest of St. Paul.

Question 2431. Do you know anything in reference to the facts and circumstances connected with the sale of the military reservation at Fort Snelling?

Answer. No, sir; I know nothing in regard to the sale, except what I have heard. I have no personal knowledge.

Question 2432. State to the committee what in your estimation was the value of the reservation in June last?

Answer. There are portions of it which would be considered more valuable than others. Some sections would be considered as quite valuable, and others almost worthless. My judgment would be that a fair price for the whole property would be about \$10 per acre. I do not consider the improvements as of any value, or, at least, but of trifling value. The fort is in a dilapidated condition, and the stables are in the same condition.

Question 2433. If it had been divided up into small lots and a fair competition secured for it, do you think it would have brought more than \$10 per acre?

Answer. It is very difficult to say, from the fact that a former portion of the reservation, sold some years ago, only brought \$1 25 per acre.

Question 2434. Then you have no mode of judging of what would be the effect of a sale in the manner I have named, except what was done at the previous sale?

Answer. No, sir.

Question 2435. Do you not know that pre-emptions were allowed on a portion of the reserve?

Answer. Pre-emptions were allowed on the northern portion of it, but, I think, not on the eastern portion. The sale I speak of was at public auction, some years ago, in Stillwater. It has occurred in many instances that there has been a sort of understanding or arrangement among the operators in lands at these sales, and I presume that has had its effect.

Question 2435½. Do you know of any such understanding in this case?

Answer. I do not.

Question 2436. Were there persons in St. Paul at that time desirous of investing in real estate?

Answer. I heard persons, dealers in real estate, talking, before the sale, about it, and expressing the opinion that if it was sold in small lots they would like to obtain portions of it.

Question 2437. If you had been commissioned by the government to sell that property, and had been authorized to sell either at public or private sale, do you think you would have been exercising a prudent and sound discretion to have sold it to one individual privately, without letting any other person or persons know that you were authorized to sell?

Answer. I should have sold it at public auction, knowing that it would have given less satisfaction.

Question 2438. Do you think the commissioners, then, exercised a prudent and sound discretion in making sale of this property in the manner in which they sold it?

Answer. I should have sold it at public auction, though I don't know what influences might have been brought to bear.

Question 2439. Are you a property holder in St. Paul?

Answer. Yes, sir.

Question 2440. Do you know how you happened to be summoned here?

Answer. No, sir, unless it was through the committee; the first intimation I had of it was when the subpoena was given me by Mr. Mulloy.

Question 2441. Have you, in conversation, frequently expressed the opinion that the Fort Snelling property was worth not more than \$10 per acre?

Answer. I expressed the opinion, at the time it was sold, that Mr. Steele had given more for the property than it was worth; that was my opinion then, though property there was much higher than it is now.

Question 2442. Do you know of any property in the vicinity of St. Paul as eligibly located as that which sold for \$10 per acre, in June last?

Answer. I do not remember an instance of property immediately adjoining that being sold about that time.

Question 2443. What was the general value of property lying between St. Paul and Minneapolis and St. Anthony's Falls?

Answer. It was held at almost every price; it is mostly in the hands of speculators, who buy and sell at exorbitant prices, on credit; I think property on the main road ranges from \$30 to \$50 per acre.

Question 2444. Is that the main road which passes through Fort Snelling?

Answer. No, sir, on the other side of the river.

Question 2445. You do not know then whether any property on the west side of the river was sold?

Answer. I might, at the time, have been conversant with sales of property in that locality, but I have forgotten.

Question 2446. Have you been in the habit of dealing in real estate?

Answer. I have purchased a little for my own use.

Question 2447. Have you posted yourself particularly as to prices?

Answer. Not, except by observation.

Question 2448. Did you ever make an examination of the Fort Snelling reservation for the purpose of ascertaining its value?

Answer. I have been over it a good deal, and have camped on it; I consider myself a good judge of land; I was raised a farmer; there is a portion of the reservation which is worthless for farming purposes, or nearly so; I have not been over it with a view of purchasing it, but I always look at it when I pass over it.

Examination by Mr. Morrill.

Question 2449. What kind of soil has this reservation?

Answer. A portion of it is sand, that is poor; another portion is loam, that is good land.

Question 2450. Have you ever seen any part of it cultivated?

Answer. Yes, sir.

Question 2451. What is the character of the soil as it turns up?

Answer. It is a rich loam.

Question 2452. How large a portion is sandy?

Answer. I should think about one-fourth.

Question 2453. Is it of about the same character as the soil about St. Paul?

Answer. About the same.

Question 2454. Is the soil about St. Paul considered of the highest character?

Answer. It is not.

Question 2455. How is the Fort Snelling reservation situated for the purposes of building a town?

Answer. I think a town could only be built there with money. I do not think the site would build it.

Question 2456. Is that the general opinion of the people who reside in St. Paul?

Answer. Yes, sir.

Question 2457. Do the people who live away from St. Paul have a very different opinion from that?

Answer. I never heard one expressed differently.

Question 2458. Do you not know that there were many persons in that vicinity, in June or July last, who would have been glad to have become purchasers of the Fort Snelling property?

Answer. I think, after the sale had been made, I heard Mr. Brown, a dealer in real estate, say he would have been glad to have purchased a part of it; and I heard, perhaps, two or three others express the same opinion.

Question 2459. Is not the location considered one of the most beautiful for a town site in the west?

Answer. It is a very pretty location for a town site. Not more so, however, than St. Paul, and not as much so as Minneapolis and St. Anthony.

Question 2460. Is the water power at the Minnehaha Falls considered as of any value for manufacturing purposes?

Answer. I should not consider it of any great value. Water power is very abundant there, and it is too cold a latitude. Steam is considered far preferable.

Question 2461. Is the price you estimate the reservation at in consideration of its being valuable for agricultural purposes only?

Answer. Yes, sir, and for speculative purposes. There are a great many visionary men in that region as well as elsewhere.

Question 2462. Is not that land worth as much for agricultural purposes as the land on the other side of the river?

Answer. A portion of it may be.

Question 2463. Is it worth as much for speculative purposes?

Answer. I should think not at present. I do not know what it may be in the future.

Question 2464, (by Mr. Morris.) Is Mr. Steele regarded as a good judge of property in your country?

Answer. He has that reputation. He is quite a large landholder,

and has been very successful. He is a man who has a peculiar style of humbugging the people, and of telling a good yarn.

Question 2465, (by Mr. Morris.) I understand you to say he is pretty successful in humbugging?

Answer. I do not know that he is successful in humbugging. I mean in getting a good price for his land.

Major J. G. MARTIN recalled.

Examination by Mr. Morris.

Question 2466. Have you examined the report of the commissioners authorized to make the sale of Fort Snelling, which I placed in your hands yesterday, and which you have now before you; and if so, state whether the representations therein contained in regard to the fort, buildings, and other matters, are correct?

Answer. I have examined it. There are several points in the report that do not agree with my opinion and knowledge of the facts. The report speaking of the improvements made on the reservation by the United States and by citizens, says: "We find that those made by the government were for military purposes, and mostly of such a nature as to render them almost valueless for any other." "Almost valueless" is an indefinite phrase, but the buildings are valuable for any purpose requiring a large collection of buildings. The fort itself is of no value but for military purposes. A portion of the buildings, the officers' quarters, have been rebuilt since the fort was first built.

The report says that "The fort and outbuildings upon the reservation were erected many years ago, and owing to its then isolated condition, they could not have been built with any great degree of permanency, which with the great lapse of time since their erection, leaves them now in a dilapidated condition." The officers' quarters have been rebuilt since the fort was built, and none of them are in a dilapidated condition. The general condition of the quarters and barracks at Fort Snelling are as good as the average quarters and barracks in the United States. As to the price at which they could be sold as stated in the report, that is a mere matter of opinion. I know nothing of the sales of those forts referred to in the report as evidence of the price of the value of Fort Snelling.

The report says: "We find upon the reservation extensive improvements made by citizens, the cost of which cannot be less than \$30,000. They date back some twenty years; and we also find that they are all owned, and in possession of the post sutler, Franklin Steele, esq. Many of the improvements were made by himself, with the knowledge and consent of the officer in command at the time." All the improvements and buildings which were on the reserve did not belong to Mr. Steele.

Question 2467. To whom did they belong?

Answer. As quartermaster at Fort Snelling, I had intercourse with the person representing himself to be the agent of Mr. McKenzie, in

reference to the hotel. It was several times necessary for the commanding officer to displace men who occupied the hotel for selling liquor to the soldiers, and on each of those occasions, in behalf of the commanding officer, I had intercourse with that agent in St. Paul. In that way I know that the hotel property did not belong to Mr. Steele.

Question 2468. What do you say as to the value of those improvements spoken of in the report?

Answer. The report says that the cost could not have been less than \$30,000. I suppose, including the hotel, Mr. Steele's house, and the ferry house, they could not have cost less. Mr. Steele's house, and the stable attached, and the ferry house, were built, as stated, by the consent of the commanding officer.

The report states that the "fort is so situated at the junction of the Mississippi and Minnesota rivers, that a ferry for the accommodation of the fort, across each river, has been indispensable; and we find that Mr. Steele was authorized to establish and maintain said ferries, which he did, and has for years transported officers and men and munitions of war across, day and night, free of charge to the government. He has built ferry houses, put on and constantly kept boats of the best class, and had men constantly in attendance."

In reference to that matter, Mr. Steele had only one ferry—that across the Mississippi river—and there was a ferry house built there. Mr. Sibley had charge of the other ferry. I suppose he built the ferry house, though I never had occasion to ascertain that fact.

Question 2469. Did they do all the ferrying for the government free of charge?

Answer. Yes, sir; but the impression left by the report would be that Mr. Steele had given some benefit to the government, whereas his ferry was really an income to him.

Question 2470. How?

Answer. He received all the tolls from other persons passing the ferry, at the rates established by law for the ferry and bridge at St. Anthony.

Question 2471. Then the government merely gave him permission to run the ferry and to land upon the government property, upon condition that he would ferry for the government free of charge?

Answer. That was not merely the condition. The contract made between the quartermaster and Mr. Steele was made at a time when there was a ferry at St. Anthony, and the agreement was to ferry over things belonging to the government, at Fort Snelling, free of charge; and, in addition, he was to give the quartermaster the free use of the ferry at St. Anthony. In consideration of that, Mr. Steele was to receive all the tolls paid at Fort Snelling. I never knew how much they amounted to.

Question 2472. He landed upon government property?

Answer. Both ferries belonged to the government; the reservation extending on both sides of both rivers, with a view of keeping the entire control of the ferry, and that control was vested in the government until this sale.

Question 2473. What sort of a warehouse is that spoken of in the report?

Answer. It was a one story framed house, about 15 by 20 feet.

Question 2474. What sort of houses are the ferry houses spoken of?

Answer. The ferry house on the Mississippi is a pretty good one, better than the average run of farm houses in that country.

Question 2475. What are they kept for?

Answer. They were designed for the ferrymen to live in. A family has occupied the house upon the Mississippi river most of the time since I have been there, and the ferryman has lived with them, I believe.

Question 2476. But, I suppose, Mr. Steele gets the rent of the house?

Answer. I do not know. I ought to have added, in reference to those buildings at Fort Snelling, that I expended during the summer and fall, two years ago, \$5,000 in the repair, principally, of the two stone houses on the outside of the fort, and the building of a stable for one hundred mules.

Question 2477. By whose order was it done?

Answer. By permission of the Quartermaster General, and the order of the commanding officer. The report says: "Mr. Steele, having arranged with Mr. Kenneth McKenzie for this property," referring to the hotel property. I don't know what arrangement they made. I never had any intercourse with Mr. Steele as the owner of that property, but I had intercourse with a man who was recognized as the agent for Mr. McKenzie, and the fact is he does not own that property now. He did not when I left Fort Snelling. After the sale, the agent was up at the fort to see about some furniture which had been taken out of the hotel by the soldiers. There is, also, on the reserve a small house, built by the beef contractor, which did not belong to Mr. Steele, and which the contractor had to pull down when required. I gave him notice to pull it down before the property was transferred to Mr. Steele. He may have made arrangements with Mr. Steele afterward to keep the house; but I do not know how that is. The balance of the report is made up of the opinions of the commissioners; and if I did not agree with them it would be a mere difference of opinion. The report speaks of combinations, but I knew nothing of them; but my knowing nothing of them is no evidence that they did not exist. The report says that there is but one other military post in Minnesota Territory. There were two others. One of them was ordered to be abandoned, it may be, about the date of this sale. It was unoccupied about three months, but was afterwards reoccupied. Both are now occupied.

Question 2478. Are you still in command of Fort Snelling?

Answer. I never was in command of Fort Snelling, except for about twenty days. I am the quartermaster at Fort Snelling, and am still on duty there as such.

Question 2479. Have you any troops there at this time?

Answer. There are two companies there.

Question 2480. Any mules or horses?

Answer. There are about 200 animals—mules, horses, and oxen. In regard to the value of Fort Snelling, I ought to have stated yesterday, in answer to a question which was put to me, that I have understood, in the same way that I had understood the value of land adjacent to the reserve, that a part of this Fort Snelling reservation has been sold since the purchase by Mr. Steele, at the rate of \$10,000 for the one-thirty-sixth part of it; but whether it is so or not I do not know. I ought to have stated, too, that I gave Mr. Steele for the hay about a dollar above his expenses in cutting it.

Question 2481. They have been laying out the property into lots and blocks, have they not?

Answer. Yes, sir. A small part of the reserve has been laid out into a town, and the prices of lots fixed from \$100 to \$600 each, according to location.

Question 2482. Did I understand you yesterday to state that the part of the reservation which was most sandy lies next to the fort?

Answer. No, sir. I stated that there were 120 acres enclosed close to the fort, and that was the only land of which I knew the real quality. That yielded about thirty bushels of oats to the acre. I raised 1,300 bushels of oats last summer upon about forty acres of it.

Question 2483. Do you think that, for agricultural purposes, that 120 acres would be the average quality of the reserve, leaving out the swamp and the parts subject to overflow?

Answer. I never examined it so as to give an opinion upon it.

Question 2484. That 120 acres is all the portion which has been cultivated and ploughed, so that anybody could tell what the soil was?

Answer. That is the only part, to my knowledge.

Question 2485. Was it not a matter of surprise at Fort Snelling, among the officers and others there, they not having previously known anything about it, when they got the news of the sale of the property, and the manner in which it had been sold?

Answer. It had been talked about for weeks before anything was known about it. The officers were all surprised at the sale of the fort and buildings, as they supposed the place would be kept as a depot.

Question 2486. You do not know that any officer in command there had recommended to the Secretary of War that it should be abandoned?

Answer. No report was ever called for either from the commanding officer or from the quartermaster, while I was at Fort Snelling.

Question 2487. Do you know, from a survey, the number of acres in that reservation?

Answer. I do not; I never made a survey of it. The day I looked at the map with Major Eastman I asked him something about the quantity of land there, and he said he thought it had been underestimated, that he thought there must be nearly 11,000 acres.

Question 2488. Major Eastman never completed that survey, did he?

Answer. I cannot answer positively, but I think the survey was completed, but that the map was not completed.

Examination by Mr. Morrill.

Question 2489. If Fort Snelling should be abandoned, would it not subject the government, under the present system, to the expense of erecting new fortifications, stables, and other buildings, at some other point?

Answer. No new fortifications would be necessary in consequence of the sale. Warehouses would have to be built or rented, and, unless the government contracted to transport its provisions, stables would have to be built or hired. There would be no officers there but the quartermaster, and he could yet rent for quarters, or a house would have to be hired for him.

Question 2490. If the troops should be moved further towards the Indian settlements would it not become necessary to have some fortifications?

Answer. No fortifications would be necessary. Quarters and barracks would be, but they would not replace Fort Snelling at all; they would not be as a substitute for Fort Snelling. If the government builds a new post in the Indian country, that would not be as a substitute for, or in consequence of the evacuation of, Fort Snelling, but it would be because it was thought advisable to put a new post in a new place; but it would have no connexion with holding or not holding Fort Snelling.

Question 2491. Where the troops may be located would it not be necessary to have some sort of fortifications?

Answer. No, sir; there are no fortifications at either Forts Ridgely or Ripley. There are picket walls of wood begun around one of them, but they are not completed. There are nothing but barracks at either of those posts. One has a simple fence all around it; around the other there is a picket on one side, and a board and post fence on the other sides.

Question 2492. If, then, there were no fortifications erected, it would be necessary to have a sufficient number of troops always at the post to defend the buildings and other property belonging to the government?

Answer. Yes, sir.

Examination by Mr. Morris.

Question 2493. Who was in command of Fort Snelling in the spring and summer of 1857?

Answer. Colonel C. F. Smith had command of Fort Snelling in the spring, and remained in command until some time in June. When the headquarters of his regiment came to Fort Snelling, on its way to Fort Leavenworth, the command of the post fell into the hands of Colonel Alexander. He remained there about ten days, and then Major Sherman took command of the post.

Question 2494. Where are all those officers now?

Answer. In Utah, with the exception of Major Sherman, who is at

Fort Leavenworth. He did not succeed to the command of the post until about the 18th of June, and was in command until the 29th of June, when he went up to the Indian agencies, and I succeeded him until the 16th of July, I believe.

Question 2495. Do you know how long Colonel Smith was in command?

Answer. From the 1st of December, 1856, till some time about the 8th or 10th of June, 1857.

Examination by the chairman.

Question 2496. Have you any knowledge as to who had control of the improvements upon this reservation made by citizens about the time of this sale?

Answer. I have no other knowledge than what I expressed in what I said about the report, that the intercourse between the commanding officer of the fort was carried on through the quartermaster. I was quartermaster, and in that capacity I had occasion two or three times to communicate with the person representing himself to be the agent of Mr. McKenzie.

Question 2497. Where does Mr. McKenzie reside?

Answer. I do not know; I suppose in St. Louis.

Question 2498. Can you state whether there was not some arrangement between Mr. Steele and Mr. McKenzie about the control of this property?

Answer. No, sir. I stated before I do not know what arrangements may have been entered into between Mr. Steele and Mr. McKenzie. They may have concluded a bargain for the purchase of it for aught I know.

WEDNESDAY, MARCH 17, 1858.

FRANKLIN STEELE recalled.

Examination by Mr. Morris.

Question 2499. You stated in your former examination that you sold an undivided interest to Henry T. Wells, Richard Chute, and John S. Prince. Will you please to state more definitely what you mean by an undivided interest, and at what price you sold the same?

Answer. I think it was the one-twenty-seventh part of the whole purchase, or one-ninth of my interest. The undivided interest which I sold was a part of my undivided interest, but the lots sold were the property of the company. \$6,666 was, I think, the consideration for the one-twenty-seventh part.

Question 2500. Where did the gentlemen reside to whom you sold?

Answer. Mr. Prince resided at St. Paul, Mr. Chute in St. Anthony, and Mr. Wells at Minneapolis.

Examination by Mr. Faulkner.

Question 2501. What were the terms of payment for that one-twenty-seventh part?

Answer. The terms were considered as cash, though all was not paid in cash, for I took in part property in exchange, instead of cash.

Question 2502. State what was the value of the government buildings upon that portion of the reserve taken off by the act of 1852, and which was subsequently sold in 1854 and 1855?

Answer. The buildings were not of much value. There was some machinery attached to them. I suppose that \$5,000 would cover the value of the whole.

Question 2503. Can you state whether the land, including those buildings, was sold for \$1 25 an acre?

Answer. It was. That is, the government received but \$1 25 per acre.

Question 2504. Can you inform us who was the purchaser of that particular portion upon which the buildings were located?

Answer. I think it was obtained from the government by pre-emption, and then it was sold to Mr. Robert Smith, of Illinois. I am not certain that the whole tract upon which the buildings were located was sold to him, but a large portion of it was.

Question 2505, (by Mr. Morris.) Did Mr. Smith obtain it by pre-emption, or by second-hand purchase?

Answer. I think he obtained it by contract from the party who made the pre-emption.

Question 2506, (by Mr. Faulkner.) Have you any knowledge when the contract was made, whether before or after the pre-emption right was confirmed?

Answer. I think one contract was made before the pre-emption law passed Congress.

Examination by Mr. Morrill.

Question 2507. How soon after the sale was confirmed did you learn the fact?

Answer. I think immediately after.

Question 2508. Were you here in this city?

Answer. No, sir; I think I received a despatch from Mr. Mather, from New York, giving me the information.

Question 2509. Did you make the arrangement to purchase with Dr. Graham, Mr. Mather, and Mr. Schell—with Dr. Graham or with Mr. Mather?

Answer. With Dr. Graham, in the first instance. The first conversation on the subject was with Mr. Graham.

Question 2510. Was that conversation here in the city?

Answer. No, sir; I think it was in St. Paul.

Question 2511. What was the date of the payment on the purchase?

Answer. It was a few days after the 10th day of July. I do not recollect exactly the day. That was the day on which it ought to have been made.

Question 2512. Was that payment made at Fort Snelling?

Answer. It was made in New York at the sub-treasury.

Question 2513. Who made it?

Answer. I did.

Question 2514. From whom did you have the funds to make that payment, except what you furnished yourself?

Answer. From Mr. Mather—I believe the whole amount. It was by a draft given to me by Mr. Mather, but by whom the draft was drawn I do not recollect. I sent the draft out and obtained the specie, and carried it to the sub-treasury. I think it was probably Mr. Schell who drew the draft. I think it was Schell's draft that was used. I have data in my possession from which I could tell when the payment was made; but I have not got them here.

Question 2515. By the testimony of Schell he fixes the day of payment at about the 25th of July. Should you think that the correct date?

Answer. I should think it was about that time.

Question 2516. Here is what purports to be a copy of a contract between yourself, Graham, and Mather. Will you examine it, and state whether it is a correct copy or not?

Answer (after reading the contract.) I think it is a correct copy.

HENRY M. RICE.

Examination by Mr. Faulkner.

Question 2517. What have been your opportunities of becoming acquainted with the value of the Fort Snelling reservation, and of the lands in that neighborhood; and what has been the length of your residence in that section of the country?

Answer. I first resided at Fort Snelling, and wintered within the fort, in 1839 and 1840. I then left and went south, to the northern part of Iowa, and remained there several years, but was occasionally up at Fort Snelling. Most of my time since 1847 has been spent in the vicinity of the fort, excepting the time spent here. A part of that time I had a depot opposite, at Mendota. In 1849 I moved my depot from Mendota down to where St. Paul now is, where I now reside, and which has been my home ever since.

Question 2518. Can you state what was the extent of that entire reservation before it was divided in 1852?

Answer. I cannot. I have a map showing its extent. I think it was considered equal to ten miles square, though the lines were not regular, owing to rivers and lakes. I was there when it was first surveyed, in the fall of 1839 or spring of 1840.

Question 2519. Are you acquainted with the circumstances which led to the legislation of Congress cutting off a portion of that reserve in 1852?

Answer. I suppose I am.

Question 2520. Will you state the reasons which led to that division?

Answer. When I first went there, there were few white inhabitants in the country, and but very little of the land was surveyed. In

1848 settlers began to come into that region, and the reservation was considered too large for military uses, and, occupying the position it did at the junction of the two rivers, Mississippi and St. Peter's, it was the depot there for nearly all the trade, and it was a great detriment to the settlers. The inhabitants were exceedingly anxious to have it thrown into market and opened to settlement. A portion of it, lying between St. Paul and Fort Snelling, which is considered very valuable, is now included in the city of St. Paul. It was a spirit of speculation, perhaps, as much as anything else, that led to this movement. I, for one, was anxious to get the reserve reduced. I got up some petitions for it, and wrote some letters perhaps. Every one interested did what he could to get it reduced.

Question 2521. Did you conduct the sale of any portion of the reserve which was separated by the act of 1852?

Answer. I did not; I was here at the time of the sale.

Question 2522. Was a portion of that reserve sold at public sale?

Answer. Yes, sir. The bill passed in 1852, while Mr. Sibley was delegate to Congress from that Territory, reducing the reserve and giving to the proprietors the right to enter 320 acres, under the law of 1844, embracing the town site of Mendota, upon which, I suppose, had been expended from \$50,000 to \$100,000. The order was sent out that the land east of the Mississippi, in what is called the Stillwater land district, and that west of the Mississippi, in the Minneapolis land district, should be sold. Six months' notice was given that the sale would take place at those two places. The plats reached the Stillwater office in season, and every foot of land lying in that district was sold; but the plats did not reach the Minneapolis office by the time the sale was to take place, consequently no sale upon the west side of the river took place. After the law passed, reducing the reserve, it was covered with settlers; all went in and took a piece—some 40, some 80, and some 160 acres—no one, however, taking over 160 acres. In 1853 I was elected delegate, and came in the fall of that year. I think the sale took place in the spring of 1854. As the sale did not take place upon the west side of the river, the land had either to be re-offered, or a pre-emption law passed. I think the legislature of Minnesota memorialized Congress on the subject, and I know that many individuals came on here to urge the matter. I got up a bill, and succeeded in getting it through Congress, granting pre-emption to all those settled upon the west side of the river; they did preempt, accordingly, and all paid \$1 25 per acre.

Question 2523. Will you state what the lands in the Stillwater district yielded, at public auction, per acre?

Answer. One dollar and twenty-five cents.

Question 2524. Can you state what the entire reservation, separated by the act of 1852, yielded per acre?

Answer. One dollar and twenty-five cents.

Question 2525. How does the character of that land, cut off by the act of 1852, compare in quality with that retained for military purposes?

Answer. That which was cut off was worth four times as much, for

agricultural purposes, as the other. Much of that portion lying at the junction of the two rivers is sandy, and in the immediate vicinity of the fort every stick of timber is cut off, and 2,000 acres of it, probably, would not have been included in the government survey; it would have been considered as worthless, being subject to inundation.

Question 2526. Can you inform the committee whether the St. Anthony falls were included in the portion cut off by the act of 1852?

Answer. One-half of it; that on the west side of the river was cut off; that on the east side did not belong to the reservation.

Question 2527. Did it embrace that portion of it where the city of St. Anthony now is?

Answer. No, sir; that is on the east side of the river; that on the west side is called Minneapolis.

Question 2528. Please state to the committee your opinion of the value, per acre, of that portion of the reservation which was retained.

Answer. I do not know as I can answer that question in any better way than by saying that I have six or seven hundred acres of land, nearer St. Anthony than that is, which I would be glad to sell for five dollars an acre.

Question 2529. What amount of waste, unproductive, and unprofitable land is there upon the reservation?

Answer. I should think there are some one or two thousand acres which are overflowed at times. That is utterly worthless for agricultural purposes, though at certain seasons of the year it might be good for grass. A very large portion of the reserve is sandy.

Question 2530. What, in your opinion, is the value of that reserve as a site for a town or city?

Answer. Well, sir, I would not give for it, for that purpose, 50 cents per acre, were I compelled to grade the streets and put the lots in condition for buildings. It is less valuable for that purpose now than it was eight or ten years ago. In the summer of 1849 I left there. I then had my depot immediately across the Minnesota river, and for two or three months of the summer of 1848 steamboats were unable to get up there. They could go a short distance above St. Paul, but they could not get up to that point. I was then an owner in some of the boats which ran up there. They landed my freight three or four miles below the fort, and I had to send down flat-boats, at a heavy expense, to take it to Mendota. I then requested the officers of the boats to inform me what was the highest practicable point of navigation for large class boats. They made an examination, and then informed me that what is now known as the upper landing of St. Paul was the highest point of navigation for large class boats in low water; and though I had buildings at Mendota, with Mr. Sibley, I removed down the river and started my depot at St. Paul. I bought a portion of what is now St. Paul, and paid, I think, two dollars an acre for it, and put up my store-houses there.

Question 2531. What is your opinion of the judgment and discretion exercised by the commissioners of the government in making sale of that tract of land at \$90,000, and of the mode in which they made that sale—privately instead of publicly?

Answer. I have no doubt that it brought a much larger sum than if it had been sold at public sale ; but I disapproved of the mode of selling it. I have two reasons for that ; I wrote a letter recommending that it should be sold, I think, in forty acre tracts, so that men of small means might have an opportunity to purchase. I was anxious, first, that the settlers about there, who had for years been compelled to build bridges, open roads, and pay double taxes, in consequence of this reserve, should have the benefit of the sale, if there was any benefit to be derived from it, rather than that it should go into the hands of speculators. That was the practical object I had in view, so far as the inhabitants were concerned. I recommended that it should be sold at public sale.

Question 2532. Had the land been advertised and sold at public auction what, in your judgment, and from your knowledge of that country, would it have yielded to the government at public sale ?

Answer. I do not think it would have brought more than the minimum price ; I am satisfied it would not, for I advised the settlers about there to go in and buy it. I favored any plan which would keep it out of the hands of non-residents.

Question. 2533. While you disapproved of the mode of sale, is it your opinion that the commissioners adopted the mode best calculated to promote the pecuniary interest of the government ?

Answer. Undoubtedly ; there is no question about it. I might have done the same had I been appointed commissioner to sell ; but being a resident in that immediate region I did not like the mode in which it was sold.

Question 2534. The interest you felt, as I understand you, was an interest in behalf of the people rather than in behalf of the government, and in opposition to the pecuniary interests of the government ?

Answer. Yes, sir ; I did not care anything about the government. I would rather it had brought fifty cents an acre than what it did bring, so far as the government is concerned. I think the public lands should be held in trust by the government for the use of the people, and I do not think it proper for the government to speculate in them. The whole value of property in that vicinity was given to it by the settlers about there, and they have paid double taxes ever since they have been there, in consequence of this reserve having been exempt from taxation. They were refused permission by the government to build a bridge opposite the fort, and they had to travel at times eighteen miles to reach a point six miles distant.

Question. 2535. Were there any settlers upon that reserve other than Franklin Steele ?

Answer. There were other buildings there, but I do not think any of them were occupied. I have no knowledge of their being occupied at that time. There was a large hotel which had been occupied, belonging to a gentleman in St. Louis, Mr. McKenzie, and which he had furnished. I had been acting as his agent, and I went up there to attend to it. I found that the soldiers had broken in the windows and destroyed some furniture ; I took steps to preserve the property.

I do not recollect whether that was before or after the sale ; I think it was before.

Question 2536. What, in your opinion, was the value of all the private buildings on the reservation—I mean other than government buildings—at the time of this sale in June, 1857 ?

Answer. I suppose they cost from forty to fifty thousand dollars. Many of them were erected when lumber had to be brought from St. Louis. Probably they could be put up more cheaply now. There were two ferries on the reserve, and buildings for them.

Question 2537. Have you ever known, in your experience in that region of country, of any government land that has sold so near its intrinsic value as this tract sold for in 1857 ?

Answer. I have no knowledge of any public lands selling for over \$1 25 per acre, except some I sold in Wisconsin this last summer ; that brought only about three dollars an acre on an average.

Question 2538. Was that at a public sale ?

Answer. Yes, sir.

Question 2539. Was it a military reserve ?

Answer. Yes, sir.

Question 2540. How did that land compare with this Fort Snelling reservation in value ?

Answer. The land is much better for farming purposes, and is situated directly opposite a large town, in which a railroad terminates and is completed.

Question 2541. To what military reservation do you refer ?

Answer. To that part of the Fort Crawford reservation opposite to Prairie du Chien, in Iowa.

Question 2542. What is your opinion as to the propriety of having retained the buildings on that reservation for military purposes ?

Answer. Well, sir, it would have been an extra expense to the government of from ten to forty thousand dollars a year, if they had been retained, and they would have been of no earthly use. I was formerly a sutler in the army, and have transported an immense amount of government supplies. The fort is situated on a high hill, up which all the supplies have to be carried. Large boats cannot get up the river any higher than St. Paul in low stages of water. Goods must there be transhipped into boats which run up the Minnesota river, and which take supplies to Fort Ridgley. To send the goods directly from St. Paul would save the trouble of reshipping at Fort Snelling, save the expense of hauling the goods up that high hill and down again, save the expense of keeping soldiers there constantly to keep the buildings in repair, and save a great deal of time ; and as to the fort, it has been a great curse to us for the last four or five years. From the fort you can see the smoke from buildings that cover 20,000 white people ; Indians are now seldom seen there. The buildings are made of stone and are very old. They were commenced in 1819 or 1820, at which time all materials, except stone, had to be taken up in Mackinaw boats. The buildings were put up in a rough manner, and they are out of repair. I believe, however, one or two buildings have been put up since the fort was built.

Question 2543. Do you know whether it has been the habit of the government to supply those northern and northwestern forts from Fort Snelling?

Answer. I supplied Fort Ripley for several years from St. Paul. I received most of the supplies at St. Paul, and sent them from there to Fort Ripley direct; as to Fort Ridgley I cannot speak. I have been absent from St. Paul a considerable portion of the time since that fort was built. I know that, last spring, I saw a great many teams at St. Paul for supplies for Fort Ridgley. Whether they were purchased there or not I do not know.

Question 2544. Can you state the value of the government buildings upon that portion of the reserve which was cut off in 1852?

Answer. I think the amount expended by the government for the buildings and what machinery was in them would reach \$20,000, but at the time of the sale were not worth more than four or five thousand dollars; but there had been a new building put up, and several thousand dollars expended by other parties, prior to the government relinquishing its title.

Examination by the chairman.

Question 2545. Were you in the Territory at the time of the sale of this property by the commissioners?

Answer. I was.

Question 2546. Did you have any interview with them prior to, or just subsequent to, the sale?

Answer. I think I had. My recollection is that I saw but one of them about that time. I do not know whether it was before or after the sale, for I do not know the exact date of the sale. That commissioner was Mr. Heiskell.

Question 2547. Did you have any conversation with him touching this sale?

Answer. I think I did. I do not recollect the conversation distinctly. The amount of it was this: Major Eastman was first sent up there to survey the reservation out into 40 acre tracts, as I supposed, in accordance with the recommendation I had made. I notified him that he must not run the lines so as to interfere with the claim of Mr. McKenzie, of St. Louis—a gentleman with whom, when I was sutler in the army, I had large dealings, and from whom I had a power of attorney to transact his business. I told Major Eastman that the intention of the Secretary was that all persons who were on the reservation by authority of law, and had made valuable improvements, should be protected, and that he must not run his lines so as to interfere with Mr. McKenzie's claim. Soon after Mr. Steele set up a claim which conflicted with his—a claim to a building upon the same piece of ground. I do not know by whom the building was erected. Mr. Steele said it belonged to him, and he had something to say about running the lines. I told Major Eastman, if he did make the survey so as to injure that gentleman I should report the facts at once to

the Secretary of War ; that I had written to Mr. McKenzie, and when he came up he could attend to his own affairs.

Mr. Heiskell and Mr. Steele came to my house in St. Paul, and Mr. Heiskell wanted to know by what authority I set up a claim for Mr. McKenzie ; that Mr. McKenzie was not there by authority of law, and that he had no right to be protected. I replied to him that he was there by authority of law ; that he had the permission of the commanding officer ; that I thought it a singular position for him to take, when he saw buildings costing ten or fifteen thousand dollars, and well furnished, within sight of the walls of the fort, that they had been put up without authority. The interview was not a very pleasant one. I thought Mr. Heiskell did not understand western customs very well.

Mr. Steele called me out and wanted to know when McKenzie would be up. I told him he was expected up every day. He said his claim was as good as McKenzie's was. He wanted to know how far I was authorized to negotiate for McKenzie. I told him I had a power of attorney to transact all business for him, but that I had not seen him for a long time, and did not know his views in regard to this property ; but that if he could be protected, that was all he desired. He asked me if I was authorized to set a price. I told him that I presumed all he wanted was the money he had expended and the interest back. He asked me if I felt authorized to say so to him. I told him that if he would say he would pay McKenzie the amount he had expended there, and the interest on it, I would not get up any contest to his claim ; or, if McKenzie should come to him, he would make the matter satisfactory to McKenzie ; that he should be satisfied was all I desired. Steele said he would satisfy McKenzie. I said that was all I desired. I told him I wanted him to give me the agreement in writing, to provide against accident, in case McKenzie should not come up before I left ; but McKenzie came up soon after, and I turned him over to Mr. Steele.

That was the only conversation I had with Mr. Heiskell. I had several conversations with Major Eastman prior to the time when he was appointed commissioner. After he was appointed commissioner I do not recollect seeing him prior to the sale. I have not been upon the reservation more than three or four times during the season.

Question 2548. Do you know whether any other parties, except Mr. Steele, Mr. Schell, Mr. Mather, and Dr. Graham, were interested in the purchase of this property at the time of the sale ?

Answer. I did not learn at the time who was interested.

Re-examination by Mr. Faulkner.

Question 2549. Considering the payment of \$90,000 by Mr. Steele to the government, what he had to pay McKenzie for his buildings upon that property, and what he had himself expended in improvements upon it, can you give an estimate of what the cost of the entire property was thus to Franklin Steele ?

Answer. I should suppose that, with the McKenzie improvements,

it would be in the vicinity of from \$130,000 to \$150,000. I do not know that Mr. Steele has purchased Mr. McKenzie's improvements. When Mr. McKenzie came up he told me I had put his improvements too low at \$15,000; that the building and improvements alone cost a good deal more than that, and that he had several thousand dollars worth of furniture there.

Question 2550. What, in your opinion, is a fair value per acre of this Fort Snelling reservation, in view of its adaptation for agricultural purposes, as compared with the value of lands in that region of country?

Answer. The land, with the exception of a small portion where the government gardens are, is fourth or fifth rate land, and for agricultural purposes it would not, I suppose, as a whole, be worth more than \$3 or \$4 per acre. But for the fact that it lies near those large towns it would not be worth that. Much of it is very poor for agricultural purposes.

Question 2551. You stated that some years ago it might have been advantageously selected as a town site?

Answer. Yes, sir.

Question 2552. Would not the bluff you have described, 100 feet in height above the river, have prevented its being selected at any time for the site of a town, in view of the other locations in the neighborhood, such as St. Paul, which are better adapted for that purpose?

Answer. It would have cost a good many thousand dollars to have put it in shape for a city, and yet, from the fact of its situation at the fork of those rivers, public attention was directed only to that point. They did not, when they spoke of that country, speak of any other point than that for the town. They have gone to immense expenditures in St. Paul in the shape of grading. In the early days of the settlement of that region, the only boats which ran upon the Upper Mississippi were the smallest class. When the Galena packets commenced running in connexion with the railroad, they were unable to get above St. Paul in low water, and that very fact lowered the value of the Fort Snelling property in the public estimation more than anything else. In former times the boats running up to St. Paul were about such as now run on the Minnesota river, drawing 12 or 20 inches of water, and sometimes went on up to Fort Ridgely. The same boats could run up the Mississippi river, past the fort, to St. Anthony. During the last summer, many of the stern-wheel boats, designed mostly for carrying freight, went up to St. Anthony.

Examination by Mr. Morrill.

Question 2553. Did you have any personal interview with the Secretary of War, prior to the sale of Fort Snelling?

Answer. I did. It was a matter I have laid before both Secretaries for the last four or five years.

Question 2554. Was your object to make sale of this property?

Answer. Yes, sir.

Question 2555. Do you know by what means the authority of Congress was inserted into that appropriation bill by which that sale was authorized?

Answer. I can give a general history of it; I had, probably, as much to do with it as any one else. Several years ago, our legislature chartered a company to build a suspension bridge opposite the fort. The bluffs are very high, and it is difficult to get up and down. In the spring and fall, when the ice is running, they have to go 18 miles to cross the river and reach a point only six miles distant. The stock for the bridge was all taken, the legislature, I think, sent on a memorial, and I made application to Mr. Davis, then Secretary of War, for permission for the bridge to strike the reserve on one side, the other side being owned by citizens. His reply was, that he had no authority to grant such permission; I think he mentioned a case then pending in the Supreme Court, in relation to a similar grant, at Rock island. I told him the reservation was a great injury to the community; that as long as it was kept as a fort they would have soldiers there; that we did not want them; there was no earthly use for them, and yet, as long as they remained there we could not have the frontier protected. I also represented, in relation to Fort Ripley, that the reserve was a long narrow tract, running twenty miles on the Mississippi, and about four miles wide, covering about half of one of our organized counties. I told him it was very desirable to have this reserve reduced. I addressed him a letter on the subject; I understood him to concur with me in the opinion I had expressed. In conversation he told me that there was then a bill before the Military Committee which would accomplish the very purpose I desired. I took occasion to examine the bill, and talk with some gentlemen about it. I thought there was an objection to it; I believe it was that the funds from the sale of reservations sold should be retained by the War Department, to be used in building new fortifications. I was favorable to the bill, and spoke to my friends about it, but I saw that it would not pass. They had the money all ready to build the bridge I have spoken of, and the people wanted to go on with the work. I then got up a bill extending the right of pre-emption there and upon the Fort Ripley reservation. That bill was before the Military Committee, and General Quitman reported it, I think, at the last session of Congress; but it was too late in the day—too near the close of the session of Congress, and found it could not pass. I then went to Mr. Weller, in the Senate, and spoke to him on the subject. I told him that whatever was done, I desired him to have done as an amendment to an appropriation bill. I believe his reply was, that he had had some consultation about it, that some papers from the Committee on Public Lands, on the same subject, had been referred to him, and that his committee then had the subject under consideration. I again urged upon him the importance of offering whatever they agreed on as an amendment to an appropriation bill, as it would come so near the close of the session, if placed in a separate bill, that there would be no possibility of passing it. I know I did all I could to have

it passed in the shape in which it did pass, and if I did not do more it was because I was unable to.

Question 2556. Did you inform Major Eastman that a combination would be formed if the sale was made in a public manner?

Answer. I do not know whether I informed him or not. I believed there would be one, and very likely I told him so at the time; if I did it was prior to his being appointed commissioner to sell, or prior to my knowing of his appointment. I have never known a sale take place in the west that these combinations were not formed.

Question 2557. If the sale had been made as you thought it ought to have been made, in tracts of 40 acres each, with ample time and notice given to purchasers, do you think a combination could have been formed that would have forced the price below that received by the government for it?

Answer. Yes, sir. The sale of which I have spoken, which took place on the east side of the river, was advertised in many of the principal papers in the United States for six months.

Question 2558. Did I not understand you to say that was claimed by pre-emptors?

Answer. That was on the west side, that part of the reserve on the east side of the river was sold at public auction.

Question 2559. Is there any way in which the government can make sale of valuable public lands without encountering these combinations?

Answer. It is very difficult, because, if they are encountered successfully, the people will always come to Congress for relief. Fort Atkinson, where I was stationed as sutler, cost more than \$100,000. It was sold at public sale with the improvements. The improvements sold, I think, for about \$3,000 or \$4,000. The purchaser the very next session came to Congress for permission to enter a half section of land including these improvements, for a dollar and a quarter per acre, and it was granted.

Question 2560. Have you any special reasons for supposing a combination would have been formed in this instance?

Answer. I have, and I think I so stated in a communication to the Secretary of War, in which I expressed the desire that the tract should be sold in lots of 40 acres each, so as to enable men of small means to purchase. I expressed the same opinion openly on all occasions when spoken to about it; and I was often spoken to in reference to it by men who had gone and made the improvements which had given it its value all around it. I wished that these men should have an opportunity to purchase.

Question 2561. Then your object was to enable your neighbors in that vicinity to purchase it at a dollar and a quarter per acre?

Answer. It was my object to enable them to purchase it at the lowest price. I had recommended, I do not know whether in writing or verbally, some time before, when they were anxious to build a bridge there, that the Secretary of War, if he would not give permission to build the bridge, that the reservation should be sold at private sale. It would then have gone into the hands of citizens, because they were the ones who were anxious to build the bridge.

Question 2562. (By Mr. Faulkner.) In the conversation with the present Secretary of War to which you allude, did you express to him any opinion of the value of the land, or what it ought to bring per acre?

Answer. I think all I said to him about the value or manner of sale was in writing, and I should prefer you would examine my letter if you have a copy of it, for I do not remember it with sufficient distinctness to undertake to state.

Question 2563. (By Mr. Faulkner.) Were you aware that this land could be sold independent of the act of 1857?

Answer. I did suppose it could have been sold under the act of 1818 or 1819, but I learned that the Attorney General had decided that that act applied only to such reservations as were useless at the time of its passage. It did not apply to those that should afterwards become useless.

Question 2564. (By Mr. Morrill.) Are you acquainted with any other parties who made this purchase except Mr. Steele?

Answer. I think I may have met Mr. Mather some two or three times, and I may have met Dr. Graham half a dozen times, but I do not know where he lives or what his business is.

Question 2565. Did you meet him before or since the sale?

Answer. I think I met Dr. Graham in this city before I went west last spring. He told me he talked of going west in the course of the summer. I only saw him for a few moments. I think that was the first time I ever saw him.

Question 2566. When did you first learn that he was interested in the purchase of this reservation?

Answer. I cannot say as to that. I do not think I heard Mr. Schell's name mentioned in connexion with the matter until I returned here.

Question 2567. What conversation occurred before or since the sale between you and any of the parties interested in reference to the sale?

Answer. I do not recollect. My conversation with Dr. Graham was mostly in regard to the way in which he could make it the most valuable. He spoke about taking his family up there. I have met him once since I have been here, but I had no conversation with him in regard to the manner of purchase.

Question 2568. You may state what opinions you gave him as to the way to make the land the most valuable.

Answer. I think the opinion I gave him was this: that it would require the expenditure of an immense amount of money there to build a town, and that if it was done it must be in the hands of some one who understood the management of that kind of property; that the day was past for the natural advantages of the place to build it up. If a town was built it had got to be forced, and it required the expenditure of a good deal of money. He asked me how St. Paul and how Minneapolis were started, and how western towns were built up, and I gave him my opinion on those subjects. I think I told him to build a bridge across the river at that point, and when St.

Paul got to be a city of one or two hundred thousand inhabitants, and omnibuses were running every three or five minutes, he might sell off the reservation in five or ten acre lots, perhaps, to very good advantage.

H. M. RICE.

The above testimony of Hon. H. M. Rice was duly verified, under oath, administered by the chairman of the committee.

TUESDAY, MARCH 23, 1858.

AUGUSTUS SCHELL sworn.

Examination by Mr. Faulkner.

Question 2569. Have you any knowledge of the facts and circumstances connected with the sale of the military reservation at Fort Snelling?

Answer. I have no knowledge of the facts and circumstances connected with that sale.

Question 2570. Have you any knowledge of the value of that reservation?

Answer. I have no knowledge of the value of the Fort Snelling reservation.

Question 2571. Have you any interest in the purchase of the Fort Snelling reserve?

Answer. I have no interest in that purchase.

Question 2572. Have you ever had any interest in it as a joint purchase?

Answer. I never had any interest in it, directly or indirectly.

Question 2573. Were you ever requested by any parties interested in the matter to have any conversation with the Secretary of War in regard to this sale?

Answer. No, sir.

Question 2574. Had you ever any conversation with him upon the subject of that sale?

Answer. I never exchanged a word with him upon the subject.

Examination by Mr. Morrill.

Question 2575. Did any of the parties to this purchase ever offer any part of it to you for sale?

Answer. Some time during the last year Mr. Mather, who I understood had an interest in it, offered me an interest in some purchase he had made in Minnesota.

Question 2576. On what terms?

Answer. No terms were specified.

Question 2577. Do you recollect the amount of interest he offered you?

Answer. I do not.

Question 2578. Did you decline his proposition?

Answer. I did.

Question 2579. Will you state your reasons for declining it?

Answer. I had been appointed a government officer, the duties of which I was to assume in a few days thereafter. I did not desire to be engaged in any operation or speculation, both from the fact of being an officer and not having time to attend to it.

Question 2580. Did you furnish Mr. Mather, or any of the parties, with any portion of the fund with which the purchase was made?

Answer. I did not.

Question 2581. Did you furnish your brother's wife with a part of the money with which the purchase was made?

Answer. I loaned her some money during the month of August.

Question 2582. Did you not understand at the time that it was to be used in payment for this purchase?

Answer. I do not recollect whether I did or not. I think I loaned her \$5,000. I may have been informed of that fact, but the mere loaning of it did not depend upon its application at all.

Question 2583. Have you ever had any conversation or correspondence with the Secretary of War in relation to the sale, prior or subsequent thereto?

Answer. I never have had any correspondence, of any kind or any conversation upon the subject with him at any time.

Question 2584. Was Mr. Mather recommended by you to the Secretary of War as a suitable person to make the sale of Fort Ripley?

Answer. If I did it was done in writing, but I have no recollection of it.

Question 2585. Has the money which you loaned to your brother's wife been repaid?

Answer. No, sir.

Question 2586. Are you acquainted with Dr. Graham or Mr. Heiskell?

Answer. I have met them.

Question 2587. Where did you meet them?

Answer. I met Dr. Graham in New York last summer. I think I had been introduced to him previously in Virginia.

Question 2589. Did you have any conversation with Dr. Graham in relation to this purchase?

Answer. No, sir.

Question 2590. Were you aware that he was a purchaser?

Answer. Not at that time.

Question 2591. Where did you become acquainted with Mr. Heiskell?

Answer. I met him in New York shortly afterwards.

Question 2592. Did you have any conversation with him in relation to the purchase?

Answer. I think not.

Question 2593. Do you know the time at which the money was paid over—the \$30,000?

Answer. I do not.

Question 2594. Could you fix the time by the loan made to your brother's wife?

Answer. Yes, sir; it was between the fifth and tenth of August.

THURSDAY, MARCH 25, 1858.

Captain JAMES H. SIMPSON sworn.

Examination by Mr. Faulkner.

Question 2595. Are you an officer of the army? if so, what is your grade, and where were you stationed in June, 1857?

Answer. I am captain of the corps of topographical engineers of the United States army. I was on the coast survey at that time, but was on a visit to St. Paul, in Minnesota.

Question 2596. Have you any knowledge of the facts and circumstances connected with the recent sale of the Fort Snelling reservation?

Answer. Nothing, except what I heard at the time from general rumor.

Question 2597. Had you any interview with either of the commissioners who were sent there for the purpose of selling that reservation?

Answer. Not previous to the sale, for I was not up at the fort; but subsequent to the sale I saw Major Eastman and had some conversation about it.

Question 2598. What was it?

Answer. He admitted that the sale had taken place, and he thought the government had received a fair price for the land. I told him he could not talk in that way to me, a person who had lived five years in Minnesota, and who therefore knew more about the value of land there than he did.

Question 2599. What were your opportunities of becoming acquainted with the value of the Fort Snelling reservation?

Answer. I was stationed in Minnesota, and had charge of the government roads, from May, 1851, until June, 1856.

Question 2600. Did that service give you an opportunity of becoming acquainted with the quality and advantages of the reservation?

Answer. Well, situated as I was at St. Paul, and being at Fort Snelling repeatedly, and knowing as much about the Territory as any other man in it, I think I was as well qualified to judge of the value of it as anybody.

Question 2601. Have you the means of ascertaining how much of that reserve is fit for cultivation, how much is swamp, and how much sandy?

Answer. I never went over the land with a view particularly to examine it. My view of it was cursory, in passing along on the main road.

Question 2602. What, in your opinion, was the value of that tract of land by the acre, taking it as a whole, in June, 1857.

Answer. If it had been put up in small parcels, I think some portions of it would have brought \$200 per acre, and the lowest price realized for any of it would have been, I think, about \$20 an acre. The reason why I say \$200 an acre is on account of the peculiarity of the site, being such as under a proper application of means might develop it, and make it a proper point; and, therefore, those portions of it near the river which could be made available for wharf purposes might bring at the rate of \$200 an acre.

Question 2603. How much of that land do you suppose would have brought \$200 an acre.

Answer. Well, I do not know; the margin was limited. There is a precipice approximating the Mississippi river, though there is a flat upon the St. Peter's. I could not say how much; it was limited in extent.

Question 2604. What would you suppose to have been the value of that land per acre in view of its agricultural capabilities, judging from the quality of its soil, compared to that of contiguous lands and other lands you have known in the northwest.

Answer. I do not think its capabilities in that respect were as great as other lands around; but the value of the land depended not so much upon that as upon its particular location. I was told by a gentleman that he had been offered \$200 an acre for land lying one mile from Fort Snelling, towards St. Paul.

Question 2605. What would be your own opinion, for we do not want hearsay testimony; what would have been the value of this land for agricultural purposes?

Answer. I cannot divest it from the position it holds. If I look at it merely in regard to its agricultural advantages, independent of its position, it has a certain value; and then, looking at it as regards its capability of being developed and made an important point, it has an increased value. There is land in the State which I can get for \$1 25 an acre, which is much better land; but the reason of that is, that it is in a position where it is not likely to be valuable on account of its proximity to any important point.

Question 2606. Does your opinion of the value you attach to this property grow out of the fact that it might be made a city?

Answer. It does.

Question 2607. Is it your opinion that this land would have sold for a better price if sold at public auction?

Answer. If it had been put up in small parcels, and exposed to sale under sealed bids, I think it would have brought more.

Question 2608. Why do you suppose it would have brought more under sealed bids than at public auction?

Answer. For the reason that I believe combinations would have been formed there, as they were formed in the case of the sale of the old reserve, by which persons were prevented from giving more than \$1 25 an acre, and they were only squatters at that.

Question 2609. Is it your opinion, then, that if this reserve had been exposed to sale in small parcels, combinations would have been formed to reduce the sale down to the minimum price?

Answer. No, sir; and yet I must qualify that answer. I do not think that there would have been as great danger there for the reason that in this case there were no squatters upon the land, and therefore I do not think the spirit for forming a combination would have been the same as that which obtained in the case of the sale of the old reserve. On that account I think the land would have brought more than \$1 25 an acre; and still I think the matter might have been so managed as to have deterred some parties from giving its full value.

Question 2610. Were there squatters on that portion of the reserve which is called the Stillwater district?

Answer. There were squatters upon it; what right they had, I do not know. I was under the impression that they had no pre-emption claim whatever.

Question 2611. Do you know whether they asserted any such right, and whether the land was not put up at public auction and sold to the highest bidder without reference to any pre-emption claim at all?

Answer. I think so; but at the same time there was such a combination that nobody dared to show his head and bid over them.

Question 2612. If such a combination could be formed at public auction in the Stillwater district, why could not such a combination have been formed equally as well at Fort Snelling?

Answer. For the reason that there were no squatters on the Fort Snelling reservation, and the same spirit would not obtain. Squatters upon land think it is their property, and that they have the right to it, and combinations formed under such circumstances have a power which would not exist where there are not squatters upon the land at all.

Question 2613. Are you able to say that there were any squatters upon that portion of the land embraced in what was called the Stillwater district?

Answer. There were claim makers there, having such shanties as are put up for that purpose, just sufficient to bring them within the law. As soon as the sale was made they quit the pre-emption.

Question 2614. Have you ever known an instance where lands belonging to the United States, and sold at public auction, have brought more than the minimum price?

Answer. I am not cognizant of those things at all. I have not been thrown in contact with any sales of that kind; but I have been under the impression that it was a difficult matter for the government to get a full price for its lands under certain circumstances.

Question 2615. Would not the same difficulties exist in the government getting a good price under sealed proposals as at public auction? might there not have been the same combination among those who wished to purchase?

Answer. I do not see how there could be; for those who were sincere and conscientious in doing what is right would have made their bids irrespective of others.

Question 2616. Could it not have been ascertained among themselves that one person wanted this piece and another person that,

and arrangements made for the purpose of getting it at the lowest price?

Answer. Such a combination would have defeated the purchase so far as they were concerned, as the object of the combination would be to depress the price, and others, who had a proper view of the value of the land, would make their bids irrespective of any such combination, and such bids being higher, the other bids would be rejected.

Question 2617. Have you ever known of an instance where that mode of making sale of public property has been resorted to successfully?

Answer. I do not. That is the way in which I issued proposals for bids in regard to the public roads—sealed bids.

Question 2618. Then your judgment in regard to that mode is founded altogether upon the practice you have observed in regard to the construction of roads?

Answer. Yes, sir.

Question 2619. Are you prepared to express any opinion as to the propriety of the sale of Fort Snelling in a military point of view, and how far the government should have retained or dispensed with it as a military post, either of defence or supply?

Answer. It occurred to me that the time had not yet come for the sale of it. There are very many valuable public buildings there which served as a depot for subsistence and quartermaster's stores, and also for officers' quarters, which made it convenient for the extension of posts up the Minnesota, as also up the Upper Mississippi.

Question 2620. Do you know what would be the annual cost to the government of keeping up Fort Snelling as a military post of supply or defence?

Answer. I do not; but under the circumstances, it occurred to me that it was the most independent, safe and efficient mode of acting to have retained the place as a military depot.

Question 2621. Do you know whether it has been the practice of the government to use Fort Snelling as a point of supply for Fort Ridgely and Fort Ripley?

Answer. I believe it has always been used as such.

Question 2622. Have you any knowledge of the fact?

Answer. I have no personal knowledge, but I have never had any reason to believe to the contrary. I am not an officer of the post, but I should think supplies would be sent there in steamers from below and then forwarded to the proper points.

Question 2623. Would it not be more economical to send supplies direct from St. Louis to Fort Ridgely?

Answer. As a general thing, the class of steamers that would come from St. Louis to Fort Snelling would not be able to run up the Minnesota river to Fort Ridgely.

Question 2624. Are there not seasons of the year when small steamers run up the Minnesota river as far as Fort Ridgely?

Answer. Yes, sir.

Question 2625. Is it necessary to send supplies to these points more than once a year?

Answer. That depends upon circumstances. The government sometimes sends supplies at one time enough to last for a year; but there are sudden emergencies calling for troops, when additional supplies must be furnished. There may be outbreaks of the Indians, when troops are ordered forward and supplies must be furnished, whether by steamer or land transportation.

Interrogatories in writing propounded to the Hon. Stephen A. Douglas.

1. Have you any knowledge of the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling?

2. Are you acquainted with the tract of land embraced in that reservation, with the character and quality of the soil, with its agricultural, manufacturing, or commercial advantages; if so, state what, in your opinion, would be a fair price for the same, per acre or in gross?

3. What, in your opinion, would be a fair price for that land for agricultural purposes only?

4. Has it any advantages as a site for a town or city, and what are the inducements for its purchase in that view?

5. The Secretary of War having fixed the minimum price of that land at \$7 50 per acre, and authorized the commissioners to make sale of it, at a price not less than \$7 50 per acre, either at public or private sale, as the interests of the government may be best promoted, is it your opinion, in view of the actual results of former sales, by the government agents, in view of possible or probable combinations amongst purchasers to reduce the price, and in view of the varied character of the soil and advantages of the tract, that the commissioners exercised a wise discretion in making sale of the entire tract at \$90,000, (the tract being about eight thousand acres in quantity,) or would they have advanced the pecuniary interests of the government by making sale of it in small parcels and subdivisions, at public auction?

6. Have you any knowledge of any military or Indian reservation, belonging to the government, which has ever sold for as high a price as the Fort Snelling reservation, or a price so near to its real intrinsic value; in this connexion, please name any such sales and the prices which they respectively brought?

7. The law of Congress having authorized the Secretary of War to make sale of all military sites not required for the uses of the government, what is your opinion of the exercise of that authority in the case of the Fort Snelling reservation; should it still have been retained for the purposes for which it had originally been set apart, or was it a proper exercise of discretion to dispose of it; and if, in your opinion, no longer necessary to the government for military purposes, would it have been better to have advertised the property and

offered it in small parcels, at public sale, or for the reception of bids in writing?

8. Do you know how the clause in the appropriation bill, authorizing the sale of Fort Snelling, came to be incorporated in the act?

9. What opportunities of personal knowledge have you had of the reservation, its use and value for military purposes, its value with reference to surrounding lands, and, especially, its value as a town site?

Answer of the Hon. Stephen A. Douglas, submitted in writing, to the foregoing interrogatories.

FEBRUARY 23, 1858.

SIR: In reply to your note propounding certain inquiries on behalf of the special committee appointed to investigate the recent sale of the military reservation of Fort Snelling, I submit the following answers:

In reply to question first, I have no knowledge of the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling, except from newspapers and rumors subsequent to the sale. I did not know that the War Department had abandoned, or intended to abandon, the use of the fort and reservation for military purposes; had never heard that the sale was to take place, and was surprised when I heard that it had been sold, and did not believe the report at first, for I was not aware that there was any law authorizing or permitting the sale.

In reply to the second question, I can state that I had never seen the military reservation but once, and that was in the summer of 1847, being ten years before the sale, and prior to the organization of the Territory of Minnesota, when I visited Fort Snelling and the surrounding country with a pleasure party, but paid no particular attention and formed no definite opinion about the value of the reservation. Last summer, about a month after the sale of Fort Snelling, I again visited that country for the first time in ten years. In making excursions into the country from St. Paul, I crossed the reservation twice from St. Anthony and Minneapolis, via Minnehaha, (or Little Falls,) to Fort Snelling, and crossing the river at that point, returned to St. Paul.

In these trips, following each time on the same track, and seeing but a small portion of the reservation, I could not form any definite opinion in regard to the value of the property, or of its agricultural, manufacturing and commercial advantages. That portion of the tract over which I passed was beautifully situated, but I was not favorably impressed with the quality of the soil.

Not knowing the selling price of the surrounding lands similarly situated, and having no reasons for making inquiries on the subject, I am unable to fix a price per acre, and in regard to the gross amount for which the property ought to have sold, I can only say that the opinions which I heard expressed by others differed so widely that I placed very little reliance upon them. My impression then was, and

now is, that public opinion attached a far greater value to the property than it was really worth.

In reply to the third question, I must say that my opinion is of very little value in respect to what would be a fair price for the land for agricultural purposes, for the reason that I did not see but a small portion of the reservation, and did not know the selling price of the surrounding agricultural lands ; but if I were to hazard an opinion, I should say that I would not deem those lands worth more than ten dollars per acre for agricultural purposes, and doubt whether I would have deemed them desirable for that purpose at that price.

In reply to the fourth question, the site of the fort and the lands around it, and running up the Mississippi towards Minnehaha, was beautifully situated for a town, and would have been of immense value for that purpose had it been laid out and sold in town lots some years ago, before the cities of St. Paul, St. Anthony, and Minneapolis had become permanently established as manufacturing and commercial cities. But I think it is now too late to start a new town so near to those, with the hope of fairly competing with them. The reservation is too near those other towns to become their rival, and too far off to be laid out as an addition to either of them. The Falls of Minnehaha are a charming resort as a watering place, and may become valuable on that account. Indeed, I do not doubt that the lands immediately around those falls would now command several hundred dollars per acre ; but this consideration would extend to but a very small portion of the reservation.

In reply to the fifth question, I must say that it is not my opinion that the commissioners exercised a wise discretion in accepting \$90,000 in gross for the whole reservation instead of subdividing it into small parcels and selling each separately. It is possible and perhaps probable that if a uniform minimum of \$7 50 had been fixed, and then the whole sold at public auction, combinations might have been formed so as to have prevented all competition ; but I am equally well satisfied that if sealed proposals had been required on each forty acre tract separately, or if the minimum price had been set on each forty acre tract according to its estimated value and then set up at public auction, the whole reservation would have brought a much higher sum than it sold for. I do not wish to be understood as expressing any opinion that the tract is worth so much more than it sold for. I believe the value of it has been greatly over-estimated. I would not deem it a very great speculation at \$90,000 for the whole reservation, for I believe that a sagacious man could do quite as well with his money by making other purchases of private individuals. But while this was and is my opinion, it is certain that other persons attached a much higher value to it, and would probably have been glad of the opportunity of buying at a much higher price. But I do not deem it of so much importance whether the government should have received more or less for the land as it was that there should be no doubt of the entire disinterestedness and impartiality of the agents and the fairness of the sale : and for this reason particularly I re-

garded the sale as unfortunate, even if the purchaser paid all that it was worth, and as much as others would have given.

In reply to the sixth question, I will state that I have no personal knowledge of the sale of any military or Indian reservation, never having been present at any such sale or had any occasion to examine into the circumstances of such sale or the prices for which the lands were sold.

In reply to the seventh question, I will state that, with great deference for the opinion of the Secretary of War, I was surprised when I heard of the sale of Fort Snelling, for the reason that I did not think it ought to have been abandoned and sold. My opinion was, and now is, that the government ought to have retained the fort and fifty or one hundred acres of land, at least, around it, for a depot for arms, munitions, provisions and all kinds of supplies, to be forwarded up the Minnesota river to Fort Ridgely or up the Mississippi to Fort Ripley, or to the Red river of the North, or wherever else the government might keep troops on the frontier beyond Fort Snelling. I thought Fort Snelling as important and even more important to be retained than Jefferson barracks or Fort Leavenworth. I supposed that it was more convenient to receive and forward supplies to the posts beyond than St. Paul, being six miles further up and on the west side of the river, and having ample and convenient storehouses and powder magazines, and all the necessary conveniences for receiving and forwarding supplies. But while this was and is my opinion on the subject, as it is a military question, I was not disposed to criticise the action of those whose business it was to decide the question, and who have decided it as they believe for the good of the service.

In reply to the eighth question, I will state that I do not know how the clause in the appropriation bill authorizing the sale of Fort Snelling came to be incorporated into the act. I have no knowledge on the subject except what I have heard and seen in the newspapers since the sale. I presume I was not in the Senate when it was done, as I have no recollection upon the subject, and did not know that any such law had passed until after the sale, and then expressed my belief that the report of the sale was unfounded, for the reason that there was no law, so far as I knew, authorizing the sale. I presume that the clause must have been inserted in the appropriation bill in my absence, as I was engaged on several committees of conference near the close of that session, which kept me away from the hall when many of the appropriations were considered and most of the amendments adopted.

In reply to the ninth question, I can only say that I have had no other opportunities of personal knowledge of the reservation and its use and value for any of the purposes named than those which I have stated, and those opportunities being so limited impart very little or no value to the opinions which I have expressed with so much diffidence, and which I would have withheld as being of no value in deciding the question of the propriety of the sale, if I could have done

so without seeming to be disrespectful to a committee for whose members I have entire respect.

S. A. DOUGLAS.

HON. CHARLES J. FAULKNER,
Chairman Committee.

Answers of the Hon. Charles E. Stuart, to interrogatories in writing, the same as those propounded to the Hon. S. A. Douglas.

To the first interrogatory, I answer that I have no knowledge of the facts and circumstances connected with the recent sale of the military reservation at Fort Snelling, except such as were made public by the commissioners, subsequent to the sale.

To the second interrogatory, I answer that the only personal knowledge I have of the property is such as I derived in passing over that part of it which adjoins the Mississippi river, while traveling from St. Paul to St. Anthony. This knowledge is not such as to authorize me to give an opinion of its value as a *whole* tract, for any purpose.

And this answer is, I think, a substantial response to the third interrogatory.

To the fourth interrogatory, I answer that it has, in my opinion, some advantages as a town site. But the extent of those is a question so speculative in its character, resting, as it does, on the future improvement of the river navigation, and construction of railroads, that I do not feel authorized to give the committee a more definite response.

To the fifth interrogatory, I answer that in view of the instructions therein stated, and the circumstances and contingencies therein alluded to, I am of the opinion that the commissioners did exercise a wise discretion in making sale of the entire tract at the sum of \$90,000. They might possibly have realized more by a public sale, in small parcels, but such were not the probabilities at the time of the sale, nor would such have been the result, in my opinion.

To the sixth interrogatory, I answer that, as before stated, my *personal* knowledge of this property is somewhat limited; nor am I certain that I have a knowledge of all the sales of Indian and military reservations which have been made by the United States. Having been, however, for some time a member of the Committee on Public Lands, of the Senate, a very considerable number of such sales have attracted my attention.

From that knowledge, and from the description of the Fort Snelling tract, as given me by those acquainted with the whole, I am of opinion that this sale was, comparatively, a better one for the United States than any other I now think of.

Without the opportunity to recur to the reports, I will mention the sales in Kansas; I think they all justify this opinion. But Leavenworth city is especially referred to. That was sold, after a very full

examination of the case by President Pierce and his cabinet, (as the commissioner informed me at the time,) for about \$30,000, more or less. So, also, I may mention that part of Fort Snelling reserve, including Minneapolis, released and sold some two years previously, and including also some of the most valuable lands on it, for agricultural purposes. Much the larger part of that, not held by pre-emption, was sold at public sale, at \$1 25 per acre.

To the seventh interrogatory, I answer that, in my opinion, the reservation was not then, and will not be, needed for military purposes, and consequently that it was a proper exercise of authority by the Secretary of War, under the law, to dispose of it. The other branch of this interrogatory rests much in opinion, but I think it substantially answered in my reply to the fifth.

To the eighth interrogatory, I answer that the clause in the appropriation bill authorizing the sale was introduced (I speak from recollection) by Colonel Weller, then the Chairman of the Committee on Military Affairs, of the Senate. Such, however, was the belief in the necessity of disposing of several of these reservations, that the Committee on Public Lands had instructed me to offer a similar amendment, if none should be offered by the Military Committee.

To the ninth and last interrogatory, I answer that my personal knowledge being only that described in my reply to the second interrogatory, I am not able to add anything of value in replying to this interrogatory which I have not stated in my answers already given.

CHAS. E. STUART.

APPENDIX.

A.

Letter of Secretary of War.

WAR DEPARTMENT,
Washington, January 16, 1858.

SIR: I have the honor to transmit herewith copies of all letters, instructions, and other papers relating to the recent sale of the military reservation at Fort Snelling, in compliance with a resolution of the special committee appointed to investigate the facts in the case transmitted in yours of the 9th instant.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

HON. H. C. BURNETT,
Special committee, House of Representatives.

Commission of Major Eastman.

WAR DEPARTMENT,
Washington, May 25, 1857.

SIR: You are hereby appointed agent of this department, and associated with William King Heiskell, esq., to execute the accompanying instructions of this date with regard to disposing of the lands reserved for military purposes at Fort Snelling.

You will be paid your necessary travelling expenses while in the performance of the aforesaid duty.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

MAJOR SETH EASTMAN, *United States Army.*

Commission of Mr. Heiskell.

WAR DEPARTMENT,
Washington, May 25, 1857.

SIR: You are hereby appointed the agent of this department, and will be associated with Major Seth Eastman, United States army, to

execute the accompanying instructions of this date, with regard to disposing of the lands reserved for military purposes at Fort Snelling.

Your compensation will be at the rate of eight dollars per day for every day you are actually and necessarily employed on this duty, and your necessary expenses.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

WILLIAM KING HEISKELL, Esq., *Washington.*

Instructions to Commissioners.

WAR DEPARTMENT,
Washington, May 25, 1857.

GENTLEMEN: You are hereby requested and instructed to visit, in person, the military reservation made by the Executive at Fort Snelling, in the Territory of Minnesota, and examine and ascertain how far it has been made valuable by government improvements. Also, whether there are any actual *bona fide* settlers upon the reserve, who have made valuable improvements thereon, and who settled there with the expectation, superinduced by the action of the government agents, of having pre-emption rights extended to them; and whether, under the circumstances, they should be allowed to purchase not exceeding one hundred and sixty acres each, covering their improvements, at the government price of one dollar and twenty-five cents per acre.

Upon the above points you will report to this department as soon as practicable after you have obtained the desired information, so that you may receive further instructions in regard thereto.

You will sell all that part of the reservation not included in any tract to which an actual settler may have a just claim, either at public auction, after giving due notice in the principal papers in the northwest, or at private sale, in tracts or lots of forty acres each, so as to enable persons of small means to purchase, or in whole, whichever, in your judgment, may be deemed best, but in neither case at less than \$7 50 per acre.

You will examine Fort Snelling, with reference to its being retained as a military depot for the use of the government.

If you should deem it necessary for such purpose, you will reserve from sale the buildings and such land as you may consider suitable, not less than forty acres.

You will not expose to sale that part of the reserve which extends over a graveyard and church belonging to, and claimed by, the Catholic congregation worshipping there, not exceeding twenty-five acres, but allow the same to remain in possession and under the con-

trol of said congregation, with the understanding that it is not to be used or disposed of for any other purposes.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Major SETH EASTMAN, *U. S. A.*,
WILLIAM KING HEISKELL, *Esq.*,
Washington.

Report of Commissioners.

FORT SNELLING, MIN. TER.,
June 10, 1857.

SIR: Agreeable to your instructions of 25th May last, we have visited and carefully examined the military reservation at this place, and the improvements thereon, made by the United States and by citizens. We find that those made by the government were for military purposes, and mostly of such a nature as to render them almost valueless for any other. The fort and outbuildings upon the reserve were erected many years ago; and, owing to its then isolated condition they could not have been built with any great degree of permanency, which, with the great lapse of time since their erection, leaves them now in a dilapidated condition, we are confident that all of the improvements could not be sold for more than \$20,000; and am of the opinion that were they to be sold by themselves, that they would not bring more than half that sum. As an evidence of this, we respectfully refer to the sale of Fort Atkinson, which sold some three years ago, at public sale, for less than \$4,000; would also refer to the improvements at the late Winnebago agency, which sold, two years ago, for about \$7,000, and this, too, with a guarantee that the purchaser should have the right to enter the land at \$1 25 per acre; these improvements cost the Indian Department over \$100,000, and were all made since 1848; and the military reserve at Fort Winnebago was sold lately at \$2 50 per acre, whilst the land owners were asking and selling their land, in the neighborhood, at \$50 or upwards per acre. We find upon the reservation extensive improvements made by citizens, the cost of which cannot be less than \$30,000; they date back some twenty years. And we also find that they are *all* owned and in possession of the post sutler, Franklin Steele, esq. *Many* of the improvements were made by himself, with the knowledge and consent of the officer in command at the time. He has a large and elegant dwelling, with houses corresponding. The fort is so situated at the junction of the Mississippi and Minnesota rivers, that a ferry for the accommodation of the fort, across each river, has been indispensable. And we find that Mr. Steele was authorized to establish and maintain said ferries, which he did; and has, for years, transported officers and men and munitions of war across, day and night, free of charge to the government. He has built ferry houses, put on and

constantly kept boats of the best class, and had men constantly in attendance. He has, also, built a warehouse. There is a large and valuable stone building with a frame addition, making an extensive house, which has been furnished and used as a hotel, which could not have cost less than \$15,000. The stone part was built in the year 1837, by a Mr. Baker, afterwards sutler at Fort Snelling; it was sold to Kenneth McKenzie, esq., who, in 1853, put on the extensive addition alluded to—put the entire building in good order and furnished it for a house of accommodation; Mr. Steele having arranged with Mr. Kenneth McKenzie for this property, and secured the government from all claims from this source. We are positive, therefore, in saying that Mr. Steele is the only claimant to the improvements upon the same, made by citizens. Upon questioning Mr. Steele, he very frankly said that he did not go on the said reservation, neither did he make or purchase improvements upon the same, with the expectation of having the pre-emption right extended to him; and we could not come to the conclusion that he should have the right to purchase the lands covering his improvements at \$1 25 per acre. It is true that his improvements have cost a large amount, but then, for each separate and valuable one to permit him to purchase 160 acres, the amount of land he would be thus enabled to obtain, at that price, would amount to nearly 1,000 acres, or one-seventh of the reservation.

With a view to ascertain the best manner of disposing of this reservation under your instruction, we come to the conclusion that, unless we sold the same at private sale, it would all, probably, be sold at little, if any, over one dollar and twenty-five cents per acre, and for the following reasons:

First. In 1852, 26th August, Statutes at Large, vol. 10, page 36, Congress passed a law reducing the then reservation—of which this is part—and directed that the commissioner of the General Land Office should sell that not then wanted for military purposes, at public sale; the same was surveyed and advertised for sale in the principal papers throughout the country. Three months' notice was given, and the lands proclaimed for sale, in 1853, at Stillwater, and all then offered were sold for one dollar and twenty-five cents per acre. That part of the old reservation on the west side of the river was not sold, in consequence of the maps not having reached the land office on the day of sale. Persons went on and made claims without the authority of law, and then appealed to Congress for relief; and that, on the 2d of March, 1855, an act was passed allowing each claimant to pre-emption not exceeding 160 acres each, at \$1 25 per acre. Some of this land embraces a portion of the Falls of St. Anthony, and had improvements made upon the same by the government, and were much more valuable than any part of the present reservation. We also collected such information, in regard to the sales of other reservations, as our time, under the circumstances, would admit, and found that they seldom brought over \$1 25 per acre when sold at private sale. We also, upon good authority, ascertained that combinations were being formed for the purpose of purchasing these lands at the usual government price; and when satisfied that justice could not be done the

government unless we sold at private sale, and after a careful examination of the property, we estimated its value at \$90,000, which is more than twelve dollars per acre, and five dollars more per acre than the minimum fixed by the Secretary of War.

The question then arose as to the improvements made by Mr. Steele. We could not admit that he was such a settler as would come under your instructions, for he admitted that he had never been induced to believe the pre-emption right would be extended to him; but we could not conceal the fact that he had expended in improvements a large amount of money, and that to give another the right to purchase the reservation would effectually compel him to lose all he had expended; we therefore came to the conclusion that justice required us to give Mr. Steele the refusal at the price we had agreed upon. We accordingly made him the offer. He proposed to give seventy-five thousand dollars, (\$75,000.) We informed him that we should not dispose of it for a less sum than we had estimated it at, viz: \$90,000, at which price he accepted it, and we closed a contract for the same, a copy of which we herewith transmit for your action thereon.

We have further to report, that we examined Fort Snelling, with reference to its being retained as a military depot, and became satisfied that the time has passed for it to be useful as a military depot or fort. It is so far from the frontier that it is utterly useless for a fort, and to keep it for a depot would subject the United States to a heavy annual expense, and the government can have their stores forwarded, if necessary, through a commission merchant cheaper than by keeping this point as a depot. There is but one other military post in Minnesota Territory, which is situated on Minnesota river, above Fort Snelling, and steamboats run up to that post, and, therefore, it does not appear necessary for a reshipment at Fort Snelling.

We have, as instructed, reserved from the sale, as will be seen from the contract, twenty acres, upon which the Catholics have built a church and have a burial ground, and have reserved for the Protestants, for a burial ground, ten acres. No mention was made of this in our instructions, but we came to the conclusion that your attention had not been called to the circumstances. We would respectfully recommend that both of these reservations be conveyed to their respective denominations at one dollar and twenty-five cents per acre.

Respectfully, your obedient servant,

SETH EASTMAN,
Major U. S. A. Agent.
WM. KING HEISKELL,
Agent, &c.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT, *July 2, 1857.*

Submitted to the President of the United States on the 17th of June, 1857.

Approved:

J. B. FLOYD,
Secretary of War.

Contract of sale of Fort Snelling.

Articles of agreement made and entered into this 6th day of June, 1857, by and between Seth Eastman, major United States army, and Wm. King Heiskell, agents of the United States government, of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part, to wit: The party of the first part have this day sold to the party of the second part all that tract or reserve of land known as the military reservation of Fort Snelling, with the improvements thereon, excepting and reserving twenty (20) acres described as follows, to wit: commencing at the southeast corner of fraction No. (1) one, in section No. (28) twenty-eight, in township (28) twenty-eight, in range (23) twenty-three, running north forty (40) rods, thence west (80) eighty rods, thence south (40) forty rods, thence east (80) eighty rods, to the place of beginning, the same being reserved for a Catholic church and burial ground, where the church and burial ground now is; also, excepting and reserving the northwest quarter of section (20) twenty, in township (28) twenty-eight, in range (23) twenty-three, containing ten acres, the same being reserved for a Protestant grave-yard. For and in consideration of the above, the party of the second part agrees, and hereby binds himself, heirs, executors, administrators, &c., to pay to the United States government, or authorized agent or agents, the sum of ninety thousand dollars—one third of said sum payable on the 10th day of July next, and the residue in two equal annual payments thereafter. The said tract of land, or reservation, contains about seven thousand acres. Possession of the said lands and improvements to be given as soon as the Secretary of War can dispense with it for military purposes, and a deed given when the first payment aforesaid is made, and satisfactory security for the deferred payments given, and approved by the Secretary of War, or agents appointed for that purpose.

As witness our hands and seals the day and year above written.

SETH EASTMAN, [SEAL.]

Major U. S. A., agent.

WM. KING HEISKELL, [SEAL.]

Agent, &c.

FRANKLIN STEELE. [SEAL.]

Letter of W. K. Heiskell.

WASHINGTON CITY, D. C., June 17, 1857.

SIR: I had the honor to hand you our report this morning and contract for the sale of the Fort Snelling property, and was sorry that the press of business upon you prevented my being able to converse with you upon the subject and give you some information not con-

tained in our report. Major Eastman had been on the ground for some time, and was fully aware of all the movements going on, and the combinations being formed to get the property for at least one fifth of the price at which we sold it, if the sale was made in small lots, and at about one half of what it brought if sold at public auction altogether. I found, in mixing with the people, (to whom I was entirely unknown,) that the subject of the sale was discussed at the dinner table, and on the streets, and the plan of operations appeared to be settled, that the lots should bring from \$1 25 to \$2 50 per acre, not to exceed \$2 50 ; and if all the property should be offered together, they stated the price should not exceed fifty thousand dollars. As we were limited in the price to seven dollars and fifty cents per acre, the combination that had been formed would have prevented any sale whatever. We consider this the best sale that has ever been made of public lands, as may be seen from the records.

There is one fact to which I would call your attention, and that is, the great prejudice existing in the public mind against the sale of any land belonging to the United States at more than \$1 25 per acre ; where such land is located, even the best and most respectable persons will unite to prevent the sale at over \$1 25 per acre. The party to whom we sold the property, after the closest investigation, we find to be responsible in every respect, and can and will give the government any security required. Had we sold to any one else, justice would require that this party should receive from the government from twenty-five thousand to thirty thousand dollars for the improvements which he owned upon the property, and which had been placed there for the accommodation of the government officers.

The parties forming the combination, being disappointed in their scheme, will, in all probability, make complaint of the sale ; but it will be only the complaint of the disappointed in obtaining the property for much less than its value.

It is not necessary for me to state to you that I looked alone to the interest of the government in this matter.

Very respectfully, your obedient servant,

WM. KING HEISKELL.

Hon. JOHN B. FLOYD,
Secretary of War.

B.

Letter of Secretary of War.

WAR DEPARTMENT,
Washington, January 22, 1858.

SIR: I have the honor herewith to enclose a copy of the map of the Fort Snelling reservation, and also a copy of a letter addressed

to this department by the Hon. H. M. Rice, recommending the sale of that property, and the remarks of the Quartermaster General thereon. The other papers called for by the last resolution of your committee shall be furnished as soon as practicable.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

HON. HENRY C. BURNETT,
Chairman Committee, &c., House of Representatives.

Letter of Henry M. Rice.

WASHINGTON, *April 7, 1857.*

SIR: Believing that the interests of the people of Minnesota would be promoted by the sale of the Forts Snelling and Ripley reservations, I most respectfully recommend that they be sold, the former under the act "authorizing the sale of certain military sites," approved March 3, 1819, and the latter under a supplemental act, (section 4 of the act "making appropriations for the support of the army," approved March 3, 1857.) Fort Snelling will probably be required for a depot, and with it say forty acres of the present reservation. Large reservations are injurious to the interests of the citizens, often preventing improvements by the State, county, or town. Fort Ripley cannot be longer wanted by the United States for any purpose, and I respectfully suggest that an officer of the army be sent to survey these reservations, and divide them into lots or quarter sections not exceeding one hundred and sixty acres each; the surveys, if practicable, to conform with those made under the general land system. An agent should advertise these lands for sale, in the principal papers of the northwest, at public auction, to the highest bidder; and, to prevent combinations among purchasers, a minimum price might be fixed by the War Department.

There are persons now residing upon each of these reservations who have made very large improvements. Some of them have resided on them for over twenty years. Upon Fort Ripley reservation some of the locations were made long before it was selected for a military site. These settlers should not be forced to bid against their own improvements. They should be allowed to purchase of the agent at one dollar and twenty-five cents per acre (which is more than the land was worth when they first became residents upon it) the land they have improved or built upon—say not more than three hundred and twenty acres each. This may seem to be a large quantity, but when the facts are duly considered that these very persons were the first pioneers into what was then a wild and unknown region; that they have spent their time and their means upon this land, and that too under the most trying circumstances, at a period when the country was considered valueless, and that by their sufferings they

have opened up and made valuable what was then a wilderness, their labors will be but poorly recompensed. The first among this class are the old traders of the northwest, the missionaries, the sutlers, and those who, by the permission of the department, established ferries, opened fields, &c., for the convenience of the troops.

At Fort Snelling a part of the reserve extends over a grave yard, including a Catholic church, a map of which is on file in your department. This case is one which particularly merits the attention of the War Department; the congregation claim only twenty-five acres of the reserve to enable them to cover their improvements, most of them being outside.

The whole number of persons entitled to consideration as settlers on these reservations will not, I think, exceed ten. I hope that early action may be taken in these matters, as large bodies of unsettled lands, over which our citizens cannot exercise control, make roads, build bridges or school houses, are of great annoyance. The Fort Ripley reservation embraces nearly a half of one of our counties, and on the Mississippi river extends over twenty-five miles, thus effectually locking up that stream from the people of the county. I will here state that land adjoining this reserve can yet be had for one dollar and twenty-five cents per acre.

With great respect, your obedient servant,

HENRY M. RICE.

Endorsement of Quartermaster General.

The following is a copy of the endorsement of the Quartermaster General on the foregoing letter :

Respectfully returned to the Secretary of War. In regard to the reduction of the reserve and the sale of any part of the site of Fort Snelling, I have the honor to state that the propriety of either will depend upon the military policy adopted by the administration.

If the troops are to be kept as much as possible concentrated at central points, where they can be cheaply supplied when not in the field, there is no place near the northern frontier so suitable as Fort Snelling. Troops can have their winter quarters there, and when operations become necessary can be thrown forward with all necessary supplies, and in numbers to insure the best moral as well as physical effect. To an Indian enemy our troops should never be shown except in imposing numbers. If this policy is to be adopted, and it is certainly the true policy, not a foot of the site of Fort Snelling can be spared, without weakening the defence of the frontier.

If, however, a different policy is to prevail, and the troops are to be thrown out along the extreme frontier, separated in small detachments, then a quarter section of land, with the buildings, and the control of the ferries on the public lands, will be sufficient for a mere depot of supplies; but the persons alluded to by Mr. Rice have no

claim to any part of the site ; that site derives its present value from the expenditures of the government and the labors of the troops. Sutlers and ferrymen who have settled around the post did so for their own advantage, and ought not to have any preference over others. If the site be divided and sold it would be unjust to the whole country to give them an advantage over any other citizens. If any one class should have a preference over other classes, it should be the private soldiers who first gave value to the place, or their descendants.

As to the site of Fort Ripley, I recommend that the reserve be reduced to a section or a half section around the barracks and other buildings, but that all the buildings be retained until it be ascertained whether they may not be required for winter quarters for the troops.

THOMAS S. JESUP,
Quartermaster General.

C.

Letter of the Secretary of War.

WAR DEPARTMENT,
Washington, February 1, 1858.

SIR: I have this day received from the Quartermaster General the enclosed papers, in response to a resolution of your committee which I had the honor to receive in your letter of the 16th ultimo.

The other papers called for in that resolution were forwarded to you some days since.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. H. C. BURNETT,
*Chairman of Special Committee, &c.,
House of Representatives.*

Letter of Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE,
Washington city, January 31, 1858.

SIR: In answer to so much of the letter of the honorable chairman of the special committee on the subject of the sale of the site of Fort Snelling, dated the 16th instant, as relates to this office, I have the honor to report that the map of the reservation appears to have been sent to the War Office ; that the public improvements at Fort Snelling, though valuable for military purposes at the time, were made by the labor of the troops, at but little cost to the treasury ; that, from an examination of the records of this office as far back as the year 1825, the aggregate of expenditure for improvements and repairs, from that

date to the sale of the site, amounted, as far as can be now ascertained, to fifty-four thousand seven hundred and one dollars and fifteen cents. The expenditures prior to 1825 can be obtained only from the treasury. They were principally for tools, glass, nails, iron, and other necessary articles used in building.

As to the kind and extent of the public improvements at the place, the accompanying paper marked A, being a copy of a report from the late commanding officer of the troops at Fort Snelling, dated the 28th of August, 1856, gives the best information available.

There are no letters on the files of this office, from officers, before the sale, in regard to its propriety. The subject of the sale of the site was several times discussed, and a proposition was made to your predecessor for the purchase of it, which was sent to me for a report. Paper marked B is a copy of my report.

I owe you an apology for the delay in making this report; but employed, as I have been, in the discharge of duties which could not be postponed, and the necessity of examining records going back more than thirty years, has put it out of my power to prepare it a moment sooner.

I have the honor to be, sir, your obedient servant,

THOMAS S. JESUP,
Quartermaster General.

Hon. JOHN B. FLOYD,
Secretary of War, Washington City.

(A.)

GOVERNMENT IMPROVEMENTS AT FORT SNELLING.

Report of the capacity and condition of the barracks, quarters, hospital, storehouses, &c., at Fort Snelling, Minnesota Territory, made to the Quartermaster General.

FORT SNELLING, MINNESOTA,
August 23, 1856.

CAPACITY.

1. *Barracks.*—The barracks consist of two blocks of one story stone buildings, the interior arrangements of which are shown by the accompanying plans, No. 1, A and B, and No. 2.

Block No. 1 was intended for the accommodation of two companies, each of the sets into which it is divided consisting of an orderly-room and three squad-rooms on the principal floor, and a mess-room and kitchen in the basement. The squad-rooms measure 1,836 superficial feet, and with the orderly-room (273 feet) make the regulation allowance of fifty-six men, a little more than the authorized strength, (fifty-two rank and file,) of companies at the time this block was rebuilt. The mess-rooms contain 612 and the kitchens 273 feet each.

Block No. 2 was intended for the accommodation of one company, and has an orderly-room, three squad-rooms, a mess-room, and a kitchen on the same floor. The squad-rooms contain 1,719 superficial feet, and with the orderly room (256) make the regulation allowance of fifty-three men. The mess-room corresponds in size with the squad-rooms, and the kitchen with the orderly-room.

There is no basement to this building, and the cellars cannot be lighted or ventilated, or used for any purpose except the storage of property not liable to injury from exposure to dampness.

2. *Hospital*.—A part of the hospital is at present occupied by officers as quarters, but the remainder is sufficiently capacious for the ordinary wants of the garrison, and by displacing the officers quartered in it for any probable emergency.

3. *Officers' quarters*.—These consist of two blocks of one-story buildings. The first, known as the commanding officer's quarters, contains four rooms on the principal floor, with kitchens and pantries in the basement. The other block contains six double or twelve single sets of quarters. Each single set consists of one front room, 16 by 14 feet, and one back room, 8 by 15½ feet, with a kitchen for each set in the basement. The double sets contain rather more than a field officer's and the single sets less than a captain's allowance.

Besides these, there are three rooms and kitchens in the hospital, now used as officers' quarters, but these cannot be relied on, as they will be required for the hospital if any unusual degree of sickness should prevail.

4. *Officers' and laundress' quarters*.—These are in the same building, which contains eight rooms and two basement rooms. Three of these are now occupied by the commanding officer, the paymaster, and the quartermaster and the commissary's office, one as a harness-room, one as the post school, and the remainder as quarters for the ordnance sergeant and five laundresses.

5. *Storehouses*.—The quartermaster and commissary stores are in the same building, and are entirely insufficient for the present wants of this post. A large quantity of the public property now here is stored in the block-houses and in a shed, where it is liable to injury and deterioration from exposure to the weather. The clothing recently received is now stored in one of the barrack-rooms, from which it must be removed before the arrival of the troops expected here shortly. A suitable clothing-room is very much needed, and provision for it must be made as soon as possible. If it is intended to make this post a depot to any greater extent than it is now for the more advanced posts on this frontier, an additional storehouse will be indispensable.

6. *Stables, workshops, &c.*—These are sufficient for the present wants of the post, but they will not be if the operations here should be at all extended.

CONDITION.

The condition of the public buildings at this post has already been reported, and the summary given below is simply to indicate the repairs and improvements contemplated in the accompanying estimates.

1. *Barracks—block No. 1.*—The floors of the squad and mess-rooms require extensive repairs, and those of the kitchens entire removal; the stairways, doors, and window casings, and the interior woodwork generally, require slight repairs. A large portion of the ceiling and walls require replastering, and the posts supporting the piazzas should be renewed.

Block No. 2.—The floors of all the rooms require considerable repairs. The doors and windows, (including sash and glass,) should be entirely renewed. The posts supporting the piazzas should also be renewed.

2. *Hospital.*—This building requires general, but slight repairs of the interior woodwork and plastering, &c., and the posts supporting the piazzas should be renewed.

3. *Officers' quarters.*—The commanding officer's quarters require extensive repairs of the interior woodwork of the basement, renewing the windows, (sash and glass,) repairing door and window casings, and painting the stonework of a portion of the exterior walls.

The most necessary repairs of the other block of officers' quarters have already been made; but some additional repairs to the quarters and some improvements of the outhouses will be necessary to make them comfortable for the winter.

The buildings into which it is proposed to quarter the assistant quartermaster and chaplain will require extensive repairs of the roof, floors, doors, and windows, replastering the ceilings and walls, and the construction of the necessary outhouses and fences; but the cost of these repairs and improvements will probably not exceed the expense of hiring quarters during the winter for those officers, while the improvements will be of permanent benefit.

4. *Officers' and laundress' quarters.*—The rooms in this building require slight repairs for the interior woodwork, and renewal of some of the doors and windows.

5. *Storehouses.*—Both the commissary and quartermaster storehouses require considerable repairs, and it is important that a proper and secure room should be fitted up immediately for the clothing in the possession of the quartermaster at this post. The block houses, in which a large amount of the public property is now stored, will also require extensive repairs.

6. *Stables, &c.*—Will require occasional, but generally slight repairs of the floors, stalls, &c.

ED. R. S. CANBY,

Major 10th Infantry, and Brev. Lieut. Col. Commanding.

R. B. AYRES,

First Lieutenant 3d Artillery, Act. Asst. Qr. Mr.

(B.)

ENDORSEMENT ON LETTER OF HON. H. M. RICE.

Endorsement on letter of Hon. H. M. Rice, dated Washington, April 24, 1856, enclosing proposition for the purchase of the reserve at Fort Snelling, and letter of Franklin Steele, (2 enclosures) referred by honorable Secretary of War, April 24, 1856; respectfully returned to the Secretary of War:

“MAY 3, 1856.

“The offer made for the lands at Fort Snelling is far below their real value, but it is more than they would probably bring at public sale, banded together as the speculators are reported to be in the northwest for the purpose of obtaining all public property at less than its value.

“The site is no longer of any value as a position for defence. Its only value now is as a depot of supplies for the frontier posts in advance of it. If the lands be sold, the fort, wharf, and the ground between the fort and the water, with about 150 acres, should be retained for public use, not temporarily, but in fee. I have been informed to-day that a higher bid may be expected.

“TH. S. JESUP,
“Quartermaster General.

“HON. JEFFERSON DAVIS,
“Secretary of War.”

D.

Letter of the Secretary of War.

WAR DEPARTMENT,
Washington, February 8, 1858.

SIR: I have received yours of the 5th instant, transmitting a copy of a resolution of your committee asking for copies of certain papers relating to the sale of the Fort Snelling reservation; and in reply, I have the honor, herewith, to enclose copies of all the papers referred to that are on file in this department. Copies of the replies to Mr. Smith and others were not retained, but the character of those replies may be inferred from the following copy of a memorandum of the material part of my instructions to the agents, which was written by my direction upon the letter of Mr. Smith, dated the 21st April, 1857, as the substance of my reply to that and similar inquiries: “Have it carefully surveyed first. Divided into lots of forty acres each. The object, to obtain the largest amount for the government, and give all who desire it an opportunity to purchase.”

I also enclose, herewith, a copy of a letter which I addressed to Mr. Smith on the 21st of July last, on the same subject.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. H. C. BURNETT,
Chairman Special Com., &c., House of Reps.

Letter of Robert Smith.

ST. PAUL, MINNESOTA, April 21, 1857.

DEAR SIR: I see that, by the late acts of Congress, you are authorized to sell the military reserve at Fort Snelling. I am desirous of purchasing a portion, or all of this reserve, and would respectfully request that you will inform me in what manner you will offer the same for sale, whether at public auction, in tracts of 80 or 160 acres, or by bids, in writing, for the whole tract. The property is very desirable, and there are many persons in this region who want to buy portions of the land.

Will you please address me, in reply, at Alton, Illinois.

I have the honor to be your obedient servant,

ROBERT SMITH.

Hon. JOHN B. FLOYD,
Secretary of War.

Letter of the Secretary of War.

WAR DEPARTMENT,
Washington, July 21, 1857.

DEAR SIR: I sincerely regret that, in consequence of the press of my official duties, an answer to yours of the 2d instant has been so long delayed. This regret is enhanced because of a declaration in that letter to the effect that you had received no reply to a communication which you addressed to me in April last from Minnesota; thus giving you apparent cause to suppose that there was an indisposition in this department to treat you with the courtesy due to your position as a gentleman, and, indeed, due to all who think proper to apply for information in regard to public matters.

I beg to assure you that no such sentiment has influenced my conduct in the premises, and that if, in this transaction, there has been neglect, it was purely unintentional and accidental.

The letter which you wrote from Minnesota was received, and, I am assured, was answered with three others from different individuals on the same subject. That you did not receive it was not the fault of this department. In it you were informed that I had appointed agents to sell the military reserve at Fort Snelling under

certain instructions, and that a part of those instructions directed them to sell "all that part of the reservation not included in any tract to which an actual settler may have a just claim, either at public auction, after giving due notice in the principal papers of the northwest, or at private sale, in tracts or lots of forty acres each, so as to enable persons of small means to purchase, or in whole, whichever in your (their) judgment may be deemed best, but in neither case at less than \$7 50 per acre."

Under these instructions, the sale was made previous to the receipt of your letter of the 2d instant, and the report of the agents, Wm. King Heiskell, esq., and Major Seth Eastman, United States army, was submitted to the President; and, after mature deliberation, the sale effected by them was approved by him.

Regretting the accident that deprived you of an opportunity to become a bidder for the property, and again expressing my unaffected regret at the delay in making this reply, I have the honor to be, very respectfully, your obedient servant,

JNO. B. FLOYD,
Secretary of War.

Hon. ROBERT SMITH.

Letter of the Quartermaster General.

QUARTERMASTER GENERAL'S OFFICE,
Washington city, February 5, 1858.

SIR: In compliance with so much of the resolution of the special committee of the House of Representatives on the subject of the sale of Fort Snelling as refers to this office, and which was received this morning, I have the honor to enclose, herewith, a copy of the letter of the Hon. Henry M. Rice, of the 24th April, 1856, communicating the proposition of Franklin Steele to purchase the lands included in the Fort Snelling reservation, a copy of which is also enclosed, together with a copy of the reply of the late Secretary of War to that proposition.

I also enclose a statement of expenditures made by this department at the post of Fort Snelling, on account of construction and repairs, for "the five years previous to the said sale." These expenditures are given for the different quarters of the year in which they were made, as shown by the books of this office. The particulars of the expenditures can only be ascertained at the office of the Third Auditor of the Treasury, where the accounts are filed.

I have the honor to be, very respectfully, your obedient servant,

TH. S. JESUP,
Quartermaster General.

Hon. J. B. FLOYD,
Secretary of War, Washington City.

Letter of the Hon. H. M. Rice.

WASHINGTON, April 24, 1856.

SIR: I have the honor to enfold a proposition for the purchase of the military reservation at Fort Snelling. The reservation is large, and situated as it is in the midst of our heavy settlements, is a very great detriment to the growth of the country.

I enfold Mr. Steele's letter to me, and will express the wish that the honorable Secretary of War will give an early response.

With great respect, your obedient servant,

HENRY M. RICE.

Hon. JEFFERSON DAVIS,
Secretary of War.

Proposition of Franklin Steele.

WASHINGTON CITY, April 23, 1856.

The undersigned, for himself and others, propose to pay, and hereby offer, the Honorable Secretary of War for the lands included in the Fort Snelling reservation *fifteen dollars per acre.*

Said purchase to include all improvements on said reservation; the United States to have, free of charge, the use of the fort and all other buildings belonging to the government, including _____ acres of land, so long as, in the opinion of the War Department, they shall be required for military purposes; said fort, buildings, improvements, and land so reserved to be under the full and entire control of the department during said term.

The reservation, including the overflowed lands, amounting to about *five thousand* acres, at \$15 per acre, will amount to \$75,000.

The undersigned, for himself and others, also propose to take it at the above estimate, and pay therefor the sum of *seventy-five thousand dollars*; payment for the whole to be made at once, if the proposition is accepted.

FRANKLIN STEELE.

Reply of Secretary of War.

WAR DEPARTMENT,
Washington, May 6, 1856.

SIR: I duly received your letter of the 24th ultimo, enclosing an offer of Mr. Franklin Steele to purchase the military reservation at Fort Snelling, at fifteen dollars per acre.

In reply I have to say that the reservation is still needed for military purposes, and Mr. Steele's offer cannot, therefore, be entertained. His letter to you is herewith returned.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Hon H. M. RICE, *House of Representatives.*

Expenditures at Fort Snelling.

Statement of expenditure made by the Quartermaster General's Department at the post of Fort Snelling, on account of repairs and construction of barracks, &c., viz :

1852.—First quarter.....	\$215 62	
Second quarter.....	206 47	
Third quarter.....	215 62	
Fourth quarter.....	229 00	
		\$866 71
1853.—First quarter.....	314 07	
Second quarter.....	129 82	
Third quarter.....	1,906 22	
Fourth quarter.....	1,944 85	
		4,294 96
1854.—First quarter.....	247 22	
Second quarter.....	225 99	
Third quarter.....	8 40	
Fourth quarter.....	137 93	
		619 54
1855.—First quarter.....	154 10	
Second quarter.....	52 06	
Third quarter.....	224 52	
Fourth quarter.....	1,317 66	
		1,748 34
1856.—Third quarter.....	1,177 89	
Fourth quarter.....	7,545 15	
		8,723 04
1857.—First quarter.....	735 64	
Second quarter.....	699 23	
		1,434 87
Total in five years.....		17,687 46

Letter of John G. Sherburne.

MINNEAPOLIS, M. T., *April 20, 1857.*

SIR: Having recently learned, through friends at Washington, that the reservation at Fort Snelling, M. T., was to be sold under and by virtue of an act of Congress passed at its last session, and being desirous of becoming a purchaser of it, should the same be offered for sale, will you do me the favor to inform me at your earliest convenience as to the manner in which such sale will be conducted, whether at public or private sale, and when and where proposals or

bids will be received by the department, and such other information as will enable me to act in the premises.

I am, with great respect, your obedient servant,
JOHN G. SHERBURNE.

Hon. JOHN B. FLOYD,
Secretary of War, Washington, D. C.

Letter of Paul Dillingham.

WATERBURY, VERMONT, *May 1, 1857.*

SIR: As a stranger to you, permit me to introduce myself as Mr. Dillingham, of Vermont. I have lived here from infancy, am of good standing at the bar in this State, and always have been, and am yet, a sound, reliable democrat; and though I never asked an office of the general government, and don't mean to now, yet am none the worse for that. I possess some pecuniary ability, and have several relatives and acquaintances in Minnesota Territory, where I want to remove myself, so as to get out of a State where genuine democracy is poorly thought of by the great colored party who rule, and always will here.

I notice that, by the legislation of the past winter, the Secretary of War is authorized to sell such lands and forts belonging to the United States as are not longer needed by them; and it has occurred to me that, under the authority, you will sell Fort Snelling, near where I would like to locate in that Territory. When I say Fort Snelling, I mean the land owned by the government in connexion with the fort.

If this property is to be sold, I very much desire to purchase the whole or a part of it; and may I not ask that if it is to be sold you will have the goodness to apprise me of the fact; also of the mode I can adopt to make a definite offer? If it is for sale, I should esteem it a favor—perhaps it is my right, but that I do not discuss now—to be so informed, that I may have a chance for a bargain, and think I should come to Washington to confer personally with you.

Let me add another word as to myself. I was a member of the 28th and 29th Congress (I think) from Vermont, and was very well acquainted with several members from Virginia, among whom were George W. Hopkins and Governor McDowell. Mr. Cobb, the present Secretary of the Treasury, and Mr. Thompson, Secretary of the Interior, will remember me well; so, I believe, the Postmaster General; so of any and all the United States officers at Vermont, and I believe, on being referred to, will any or all vouch for me as a man standing well wherever known.

Do you want to know why I am anxious to get a good foothold in the west? I give the reason in few words. I have four fine boys, the oldest of which is now twenty years, the youngest eight years, and if this is not enough I will speak again.

Very respectfully, your obedient servant,
PAUL DILLINGHAM.

To the SECRETARY OF WAR.

Report of Assistant Adjutant General Thomas.

INDIAN AFFAIRS.

The Sioux Indians, who, by treaty some four years since, gave up their lands, are now located on a reserve ten miles wide, lying on both sides of the Minnesota river, extending from below Fort Ridgely a few miles, to Lake Travers. They are in bands as follows:

Munda Wak-kan-tons, in seven bands, and number about 2,200, called lower bands, and they occupy the lower part of the reserve; their agency is twelve miles above Fort Ridgely. *Ink-pa-duta* and his people are of one of their bands, outcasts from the tribe. He, sometime since, killed the chief of his band.

Wah-pa-tons, number about 500.

Wah-pa-cootahs, number about 150.

Sissitons, number about 350.

These three latter named bands occupy the upper part of the reserve, and have their agency at the mouth of the Yellow Medicine river. These Indians are peaceably disposed towards the whites. They have been held accountable for the murders of *Ink-pa-duta's* people, and their annuities, in money, have been withheld until the murderers are brought in. This measure caused the recent threatening attitude at the agency. They were finally pacified and are still quiet. Parties, under Little Crow, are now out in search of *Ink-pa-duta* and his small band.

The reserve is destitute of game, and the Indians must leave it to obtain food. If they remain on their own ground, their sufferings will be great, for they planted but little, and much of that was destroyed by grasshoppers; and what was left to the *Sissitons* by these insects was pretty much destroyed by the *Yanktons* returning in bad humor from the council. On ducks and fish they can subsist until the depths of winter, but then they will pass through the country for food, and may thus be brought into difficulties with the whites. I earnestly recommend that some provision be made for them—humanity demands it. I mentioned these views to the superintendent, Mr. Cullom, who cordially approved of them. The governor of the Territory, also, approves of the measure. The enemies of these Sioux are the *Chippewas*, who occupy the northeastern part of Minnesota.

Yanktons and *Yanktonees*, also Sioux.

They occupy the large extent of country between the Big Sioux river and Missouri, and up to the British possessions. Their number is not known. They are mounted and hunt the buffalo. They receive no annuities; only one treaty has ever been made with them—a treaty of peace made in 1825, by the late General Atkinson. They claim that portion of country sold by the *Sissitons*, in which is situated the pipe-stone quarry. This caused them to appear at the council and demand from the *Sissitons* part of the annuity. At the former payment they received part of the goods, but this time they claimed a part of the money. The *Sissitons* dare not refuse, for the *Yanktons*

are warlike and numerous. The Yanktons complain of a road being made through their country by Mr. Nobles, and also that the whites are settling on their lands. This is supposed to refer principally to the lands sold by the Sissitons. The Yanktons and Chippewas are enemies. The governor of Minnesota is anxious that a treaty be made with these Indians for the southern part of their country.

Winnebagoes, number about 2,100. They occupy, as a reserve, eighteen townships of land on the Blue Earth river, south of the town of Mankato. They are building houses and cultivating the land. They are perfectly peaceable; but if disposed to be hostile, the troops at Fort Ridgely would soon be in their country. The Winnebagoes are perfectly friendly with the Sioux, but are in enmity with the Chippewas. The country between them and the Chippewas is now too thickly settled with whites to admit of either nation sending out war parties.

Chippewas.—They number about 5,000, and are located on about seven reserves: Gull lake, Leach lake, Red lake, Mille Lac, and Sandy lake, a reserve on each, and one or two on Lake Superior. They are enemies both of the Sioux and Winnebagoes, and against the former send out war parties. Since the withdrawal of the troops from Fort Ripley they are said to have assumed a more defiant tone towards the white settlers near their reserves. The town of Crow Wing is near the reserve on Gull lake, where the Indians resort in numbers to obtain spirituous liquors. After the payment of their annuity, in the early part of the month, in their drunken frolics several Indians were killed, and, it is said, one white man. The Rev. Mr. Breck felt compelled to abandon his mission at Leach lake, in consequence of the threats of the Indians; and the Rev. Mr. Peet, at the Gull lake mission, fears he may have to abandon his mission. Already some cattle have been killed. It is stated, also, that depredations have been committed upon a party cutting lumber. Some of the people are excited on the subject, and they fear difficulties with these Indians.

I consider that Fort Ripley should be re-garrisoned by, at least, one company—preferably dragoons; but such troops cannot be sent to this post this winter. Troops at Fort Ripley will control the Chippewas and quiet the fears of the people.

Fort Ridgely should be maintained with its present garrison of three companies. When mounted companies can be sent, two companies of dragoons should replace two companies of infantry.

A military post is required on Lake Travers, or, if building materials cannot be obtained, on Graham's point, on the Red river. This position would guard the passway to the buffalo range, west of that river. Colonel Smith's report of his exploration to Pembina will give valuable information on this point. There is no necessity whatever, in a military point of view, in the establishment of a military post, above this point on the Red river.

It may be necessary, next year, to establish a post on the Big Sioux, at the junction of Red Pipestone creek, where timber is said to be abundant. On the James river, west of that, there is no timber. The post would have to be supplied from the Missouri. The whites

are already pressing to the Sioux river, and collisions may take place between them and the Yanktons.

So long as the Indians remain in Minnesota, so long must troops be kept in the Territory. To supply the troops a depot is essentially necessary at Fort Snelling, and I consider that the post should not have been sold. All the necessary buildings were here, with a reserve ample for any purpose. A condition of the sale I understand is, that the buildings shall be kept as long as required. They should not be given up, and, if possible, from 500 to 1,000 acres of land should be reserved. A wagon train must be kept up, and at no point can the animals be kept at so cheap a rate as here. Hay can be cut and stacked at \$4 per ton, and grain be purchased cheaper than in the interior. If a depot is not kept here, it must be established in St. Paul, and at a largely increased expense.

The mounted troops necessary for this region, (and there should be three or four companies,) could be kept at Fort Snelling at less cost than elsewhere, and be in high condition to make an excursion into the Yankton country during the hunting season, when a good impression would be made upon the Indians.

I do not know under what circumstances the post of Fort Snelling was sold, but I am perfectly certain that no military man on the spot, at all acquainted with the state of affairs, would have recommended the measure.

Hitherto, when an annuity was to be paid, a small number of men were ordered to be present to keep the peace; but as all the Indians are congregated on such an occasion, I think this is a proper time for a large display of troops, and at the next payment to the Sioux all the disposable force should be sent to the agency. The effect would be highly beneficial.

In regard to the four artillery companies at Fort Snelling, although they may not be required to quell Indian disturbances, being here and in position, they might be kept until the spring, and, in conjunction with the other troops, make an excursion into the Indian country. Whatever is to be done in regard to them should be determined at once, as winter in this climate will soon come round.

I shall leave this post for Fort Brady to-morrow.

I have the honor to be, very respectfully, your obedient servant,
L. THOMAS,
Assistant Adjutant General.

Lieut. General WINFIELD SCOTT,
Commanding in Chief, West Point, N. Y.

August 28, 1857.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

ENDORSEMENT OF THE SECRETARY OF WAR.

Endorsement of the Secretary of War on the foregoing:

WAR DEPARTMENT,
August 29, 1857.

This report is sufficiently clear in its statement of facts connected with the Indian tribes. The dissertation about Fort Snelling, its sale, and the importance of it for a military depot, is a gratuitous intermeddling in a matter already disposed of by competent authority.

Whatever may be the opinion of a "military man" as to keeping up a military post in the heart of a settled country, to hold Indians in subjection who roam through the forests many days' journey away from it, a man of common apprehension would conclude that the proper place for forts and troops was *amongst* the Indians to be held in subjection. When the United States army are set to "cutting and stacking hay" it is possible a still more eligible point may be selected for the purpose, near to the Indian settlements, where the troops would need those supplies.

When this department is required to report to subordinates "under what circumstances the post at Fort Snelling was sold," or any other act was done, the duty shall be performed; but, until then, a "military man" will probably understand that a superior in authority is not to be called on for an explanation of any order.

J. B. FLOYD,
Secretary of War.

Cost of maintaining a company of infantry.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, January 30, 1858.

SIR: I have the honor to enclose, herewith, a statement, prepared by your direction, showing the expense of maintaining a company of infantry at each of the several posts therein named. It may be as well to mention that the statement shows the expense of a company merely, and does not embrace the expenditures of the Quartermaster's Department at the post at which it may be stationed, except the wagon, mules and forage.

Very respectfully, your obedient servant,

E. S. SIBLEY,
Major and Quartermaster.

Hon. JOHN B. FLOYD,
Secretary of War, Washington, D. C.

QUARTERMASTER GENERAL'S OFFICE,
Washington, January 30, 1858.

Expense of maintaining a company of infantry, consisting of three officers and eighty-four enlisted men, at the posts hereinafter named, for one year.

JEFFERSON BARRACKS.

Pay of officers and enlisted men	\$15,618 00
Subsistence of enlisted men and the transportation of the same	4,736 97
Clothing, including transportation	2,712 86
Fuel	1,899 50
Straw	60 48
Stationery	20 72
One wagon, six mules and harness, complete	1,230 00
Forage for one six-mule team	635 90
Services of a teamster, (extra duty man)	91 25
	<hr/>
	27,005 68
	<hr/> <hr/>

FORT LEAVENWORTH.

Pay of officers and enlisted men	\$15,618 00
Subsistence of enlisted men and the transportation of the same	5,288 85
Clothing, including transportation	2,728 04
Fuel	2,236 00
Straw	60 48
Stationery	20 72
One wagon, six mules and harness, complete	1,240 00
Forage for one six-mule team	340 90
Services of a teamster, (extra duty man)	91 25
	<hr/>
	27,624 24
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FORT SNELLING.

Pay of officers and enlisted men	\$15,618 00
Subsistence of enlisted men and the transportation of the same	5,058 90
Clothing, including transportation	2,721 72
Fuel	2,281 25
Straw	60 48
Stationery	20 72
One wagon, six mules and harness, complete	1,240 00
Forage of one six-mule team	528 50
Services of one teamster, (extra duty man)	91 25
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	27,620 82
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FORT RIDGELY.

Pay of officers and enlisted men	\$15,618 00
Subsistence of enlisted men and the transportation of the same	5,518 80
Clothing, including transportation	2,734 37
Fuel	365 00
Straw	60 48
Stationery	20 72
One wagon, six mules and harness, complete	1,240 00
Forage for one six-mule team	1,081 92
Services of a teamster, (extra duty man)	91 25
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	26,730 54
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FORT RANDALL.

Pay of officers and enlisted men	\$15,618 00
Subsistence of enlisted men and the transportation of the same	6,438 60
Clothing, including transportation	2,760 67
Fuel	365 00
Straw	60 48
Stationery	20 72
One wagon, six mules and harness, complete	1,250 00
Forage for one six-mule team	584 78
Services of a teamster, (extra duty man)	91 25
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	27,189 50
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FORT RIPLEY.

Pay of officers and enlisted men	\$15,618 00
Subsistence of enlisted men and the transportation of the same	5,518 80
Clothing, and transportation of same	2,734 37
Fuel	1,095 00
Straw	60 48
Stationery	20 72
One wagon, six mules and harness, complete	1,240 00
Forage for one six-mule team	575 40
Services of teamster, (extra duty man)	91 25
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	26,954 02
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NOTE.—An additional ration is allowed to each officer of the army for every five years' service.

E.

Letter of the Secretary of the Interior and statement enclosed.

DEPARTMENT OF THE INTERIOR,
Washington, February 22, 1858

SIR: In reply to your letter of the 9th instant, requesting the same, I have the honor, herewith, to enclose to you a statement of "the quantity of land separated from the Fort Snelling reservation, by the act of the 26th August, 1852, when the land was sold, by whom and at what price," which has been prepared in the office of the Commissioner of Public Lands.

Very respectfully, your obedient servant,

J. THOMPSON,
Secretary.

Hon. H. C. BURNETT,
*Chairman of the Select Committee of the
United States House of Representatives.*

MINNEAPOLIS AND STILLWATER DISTRICTS.

STATEMENT

SHOWING

The number of acres, the quantity sold, purchasers, and price of the land separated, under act approved August 26, 1852, from the late Fort Snelling reservation, Minnesota.

MINNEAPOLIS DISTRICT.

Statement showing the number of acres, the quantity sold, purchasers, and price of the land separated, under act approved August 26, 1852, from the late Fort Snelling reservation, Minnesota.

Description of the tract.				Contents.	Rate per acre.	Purchase money.	Name of purchaser.	Date of sale.	
Part of section.	Section.	Town'p.	Range.	Acres.					
Pre. E., lots Nos. 2 and 3	7	28	22	119.55	\$1 25	\$149 43½	Henry Belland	April	23, 1855.
Pre. E., lot No 4, and	7	28	22	143.16	1 25	178 95	George Thomas May	April	23, 1855.
Lot No. 8, and SE. ¼, SE. ¼	12	28	23						
Pre. E., NE. ¼, NE. ¼, and	13	28	23	97.70	1 25	122 12½	John Wm. Peirce	May	12, 1855.
Lot No. 2	18	28	22						
Pre. E., SE. ¼, NW. ¼, and lot 4	4	27	23	67.10	1 25	83 87½	Alex. D. Campbell	May	4, 1855.
Pre. E., lot No. 3	4	27	23	56.26	1 25	70 32½	Jean B. Belcourt	July	7, 1855.
Pre. E., lot 7, NW. ¼, SW. ¼	4	27	23	81.40	1 25	101 75	Docite Ange, jr	July	11, 1855.
P. S. SW. ¼, NW. ¼	4	27	23	40.00	1 90	76 00	Melville C. Smith	October	25, 1855.
Pre. E., lot No. 8	4	27	23	55.45	1 25	69 31	Docite Ange, jr	May	29, 1855.
Pre. E., lot No. 2	4	27	23	44.32	1 25	55 40	Eustache Belcourt	May	22, 1855.
P. S., lots Nos. 1 and 2	5	27	23	73.50	1 25	91 87½	Franklin Chase	October	25, 1855.
P. S., lots No. 3 and 4	5	27	23	86.45	1 25	108 06	Henry H. Sibley	October	25, 1855.
P. S., lots 1, 2, and 3, and SE. ¼, SE. ¼	7	27	23	243.00	1 25	303 75	Michael Holmes	October	25, 1855.
Lot 2, and SE. ¼, NW. ¼	8								
P. S., lot No. 1	8	27	23	67.00	1 31	87 77	Henry H Sibley	October	25, 1855.
Pre. E., lot No. 2	9	27	23	152.84	1 25	191 05	Treffle Ange	May	2, 1855.
Lot 3, NE. ¼, NE. ¼, and SW. ¼, NE. ¼	8	27	23						
Private E., NW. ¼, NE. ¼	8	27	23	40.00	1 25	50 00	Wm. and Thos. Fowlerton	January	14, 1856.
P. S., N. ½, SW. ¼	8	27	23	80.00	1 29	103 20	Carlos Wilcox	February	23, 1856.
Pre. E., W. ½, NW. ¼	17	27	23	160.00	1 25	200 00	J St. Clair Ports	August	18, 1855.
S. ½, SW. ¼	8								
Pre. E., lot No. 2	17	27	23	64.40	1 25	80 50	John W. Brown	October	13, 1855.
Pre. E., lot No. 5	17	27	23	38.36	1 25	48 95	John R. Brown	August	11, 1855.
P. S., lot No. 1, and NE. ¼, NE. ¼	18	27	23	99.00	2 50	247 50	William R. Brown	October	25, 1855.
Pre. E., S. ½, NE. ¼	18	27	23	150.80	1 25	188 50	William Hayne Harris	October	19, 1855.
SE. ¼, NW. ¼, and lot 2									

Private E., lot No. 3	18	27	23	48.00	1 25	60 00	Francis M. Kingsbury	August	1, 1856.
P. S., lot No. 4	18	27	23	53.00	1 35	71 55	Thomas Daly	October	25, 1855.
Pre. E., lots Nos. 5, 6, and 7	18	27	23	160.00	1 25	200 00	William Monk	June	12, 1855.
Pre. E., lot No. 7	12	28	23	40.40	1 25	50 50	William Henry Acker	April	23, 1855.
Pre. E., lot No. 6	12								
Lot No. 1, and	13	28	23	117.18	1 25	146 47½	John Nusser	April	27, 1855.
Lot No. 8	14								
Pre. E., lot No. 2	13	28	23	37.30	1 25	46 62½	Michael Kennedy	July	18, 1855.
Pre. E., lot No. 3	13	28	23	33.50	1 25	41 87½	Edward Riter	August	4, 1855.
Pre. E., SW. ¼, NE. ¼, and lot 4	13	28	23	77.18	1 25	96 47½	Jesse B. Shelhamer	August	8, 1855.
Pre. E., NE. ¼, SW. ¼, and lots 5 and 6	13	28	23	147.60	1 25	184 50	Louis Fourcier	August	8, 1855.
Pre. E., lot No. 7	13	28	23	39.67	1 25	49 58½	Hilaire Lagrie	May	3, 1855.
Pre. E., SW. ¼, SW. ¼	13								
Lots Nos. 2 and 3	24	28	23	113.90	1 25	142 37½	Clement Vandal	May	3, 1855.
Pre. E., lots Nos. 6 and 7	14	28	23	123.52	1 25	154 40	Anthony Bettinger	January	19, 1856.
Pre. E., lot No. 6	22								
Lot 2, and NE. ¼, NE. ¼	27	28	23	137.43	1 25	171 78½	Joseph Beaudet	May	22, 1855.
Pre. E., lots 3, 4, and 5, and NE. ¼, SW. ¼	23	28	23	152.20	1 25	190 25	Hypolite Dupuis	April	26, 1855.
Pre. E., lots 6 and 7, and S. ¼, SW. ¼	23	28	23	159.48	1 25	199 35	Thelesfort Le May	May	1, 1855.
Pre. E., lots Nos. 1 and 2	26	28	23	85.40	1 25	106 75	Michael Donais	August	17, 1855.
Pre. E., S. ½, NE. ¼	27	28	23	80.00	1 25	100 00	James Thompson	April	26, 1855.
Pre. E., lots Nos. 5 and 6	27	28	23	90.00	1 25	112 50	Francois X. L. May	May	1, 1855.
Pre. E., (act 1852,) lots Nos. 3 and 4, SW. ¼, and NE. ¼, SE. ¼	28	28	23	333.20	1 25	416 50	Town site of Mendota	November	19, 1855.
Pre. E., lot No. 5, and SE. ¼, SE. ¼	28	28	23	107.50	1 25	134 37½	Francois Gamelle	May	1, 1855.
Pre. E., lots Nos. 5 and 6	5	27	23						
Lot No. 7, and	33								
Lots Nos. 1, 2, and 3	32	28	23	151.20	1 25	189 00	Francois Trudelle	May	31, 1855.
Pre. E., lot No. 6, and E. ½, NE. ¼	33	28	23	130.20	1 25	162 75	George Bouthiette	May	1, 1855.
Pre. E., SW. ¼, SE. ¼	33	28	23	40.00	1 25	50 00	Francis Gervais	May	19, 1855.
Pre. E., lot No. 5	33	28	23	31.24	1 25	39 05	Francis Le Claire, sen.	May	19, 1855.
Pre. E., lot Nos. 2 and 4	33	28	23	119.60	1 25	149 50	Pierre Felix	May	21, 1855.
P. S., lot No. 3	33	28	23	42.20	1 25	52 75	Henry H. Sibley	October	25, 1855.
Pre. E., NW. ¼, NW. ¼, and lots 1 & 2	34	28	23	100.26	1 25	125 32½	Amable Dufort	May	1, 1855.
Pre. E., lot No. 3	34	28	23	22.00	1 25	27 50	Pierre Gameile	June	11, 1855.
Pre. E., lots Nos. 1, 2, and SW. ¼, NW. ¼	1	27	24	149.98	1 25	187 47½	William Blain	June	1, 1855.
Pre. E., lot No. 3	1	27	24	40.69	1 25	50 86	Solomon Water	October	16, 1855.
Pre. E., W. ½, SW. ¼, and lot No. 4	1	27	24	120.59	1 25	150 73½	Benjamin Cooley	April	30, 1856.

STATEMENT—Continued.

Description of tract.				Contents.	Rate per acre.	Amount.	Name of purchaser.	Date of sale.	
<i>Part of section.</i>				<i>Acres.</i>					
Pre. E., NE. $\frac{1}{4}$ -----	2	27	24	149.25	\$1 25	\$186 56 $\frac{1}{2}$	Donald McCollum-----	April	28, 1855
Pre. E. NW. $\frac{1}{4}$ -----	2	27	24	160.00	1 25	200 00	Alexander Scott-----	May	4, 1855
Pre. E., SE. $\frac{1}{4}$ -----	2	27	24	160.00	1 25	200 00	William Carlin-----	July	10, 1855
Pre. E., lots 1, 2, and NE. $\frac{1}{4}$, SW. $\frac{1}{4}$ -----	2	27	24	144.23	1 25	180 23 $\frac{3}{4}$	James R. Browne-----	May	7, 1855
Pre. E., lot No. 3-----	3	27	24	70.28	1 25	87 85	Benjamin Lampman-----	October	11, 1855
Pre. E., NE. $\frac{1}{4}$ -----	11	27	24	160.00	1 25	200 00	Davis Newell-----	May	10, 1855
Pre. E., lot No. 1-----	11	27	24	68.20	1 25	85 25	John T. Palmer-----	August	11, 1855
Pre. E., lots 2, 3, and NE. $\frac{1}{4}$ -----	11	27	24	145.70	1 25	182 12 $\frac{1}{2}$	Edward Austin-----	June	11, 1855
Pre. E., lots 1, 2, 3, and 4-----	12	27	24	149.32	1 25	186 65	Miles B. Tainter-----	June	18, 1855
Pre. E., W. $\frac{1}{2}$, NW. $\frac{1}{4}$, and W. $\frac{1}{4}$, SW. $\frac{1}{4}$ -----	12	27	24	160.00	1 25	200 00	Peter Tierney-----	July	14, 1855
P. S., lot No. 5-----	13	27	24	7.10	1 25	8 87 $\frac{1}{2}$	Francis R. E. Cornell-----	October	25, 1855
Pre. E., lot No. 6-----	13	27	24	51.10	1 25	63 87 $\frac{1}{2}$	Alexander R. Crawley-----	July	17, 1855
Prev. loc., lot No. 2-----	13	27	24	67.80	Located by M. B. land warrant			July	21, 1856
Pre. E., lot No. 1-----	14	27	24	63.26	1 25	79 07 $\frac{1}{2}$	Samuel J. Findley-----	May	31, 1855
Pre. E., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	1	28	24	77.61	1 25	97 01 $\frac{1}{2}$	Charles A. Brown-----	April	21, 1855
Pre. E., W. $\frac{1}{2}$, NE. $\frac{1}{4}$, and E. $\frac{1}{4}$, NW. $\frac{1}{4}$ -----	1	28	24	155.44	1 25	194 30	James Parker, jr.-----	October	16, 1855
Pre. E., W. $\frac{1}{2}$, NW. $\frac{1}{4}$, and E. $\frac{1}{4}$, NE. $\frac{1}{4}$ -----	1 } 2 }	28	24	155.60	1 25	194 50	John Geo. Lennon-----	May	4, 1855
Pre. E., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	1	28	24	80.00	1 25	100 00	Simeon K. Odell-----	April	26, 1855
Pre. E., W. $\frac{1}{2}$, SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ -----	1	28	24	160.00	1 25	200 00	Edgar Folsom-----	January	16, 1856
Pre. E., W. $\frac{1}{2}$, SW. $\frac{1}{4}$, and E. $\frac{1}{4}$, SE. $\frac{1}{4}$ -----	1 } 2 }	28	24	160.00	1 25	200 00	Amasa Crafts-----	May	7, 1855
Pre. E., E. $\frac{1}{2}$, NW. $\frac{1}{4}$, and W. $\frac{1}{4}$, NE. $\frac{1}{4}$ -----	2	28	24	155.15	1 25	193 93 $\frac{3}{4}$	Sweet William Case-----	April	28, 1855
Pre. E., W. $\frac{1}{2}$, NW. $\frac{1}{4}$, and E. $\frac{1}{4}$, NE. $\frac{1}{4}$ -----	2 } 3 }	28	24	154.85	1 25	193 56 $\frac{1}{4}$	Joseph C. Hutchins-----	June	23, 1855
Pre. E., E. $\frac{1}{4}$, SW. $\frac{1}{4}$, and W. $\frac{1}{4}$, SE. $\frac{1}{4}$ -----	3	28	24	160.00	1 25	200 00	William Blaisdell-----	July	9, 1855
Pre. E., E. $\frac{1}{2}$, SE. $\frac{1}{4}$, and W. $\frac{1}{4}$, SW. $\frac{1}{4}$ -----	3 } 2 }	28	24	160.00	1 25	200 00	Cyrus H. Hutchins-----	April	28, 1855
Pre. E., W. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	3	28	24	77.66	1 25	97 07 $\frac{1}{2}$	Benjamin F. Cormick-----	May	23, 1855
Pre. E., E. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	3	28	24	77.84	1 25	97 30	Alexander Moore-----	September 10,	1855

Pre. E., W. $\frac{1}{2}$, NW. $\frac{1}{4}$, and	3	} 28	24	156.09	1 25	195 11 $\frac{1}{4}$	Geo. Eckart Hug	April	27, 1855
E. $\frac{1}{2}$, NE. $\frac{1}{4}$	4								
Pre. E., W. $\frac{1}{2}$, SE. $\frac{1}{4}$, and	3	} 28	24	160.00	1 25	200 00	David T. Day	April	30, 1855
W. $\frac{1}{2}$, NE. $\frac{1}{4}$	10								
Pre. E., SW. $\frac{1}{4}$	3	28	24	160.00	1 25	200 00	Moses W. Getchell	May	2, 1855
Pre. E., lot No. 2, W. $\frac{1}{2}$, NE. $\frac{1}{4}$	4	28	24	175.41	1 25	219 26 $\frac{1}{4}$	Ezekial G. Gear	April	21, 1855
Pre. E., S. $\frac{1}{2}$, SE. $\frac{1}{4}$, and NE. $\frac{1}{4}$, SE. $\frac{1}{4}$	4	28	24	120.00	1 25	150 00	Henry Hill Angel	May	3, 1855
Pre. E., lots 3, 4, NW. $\frac{1}{4}$, SE. $\frac{1}{4}$	4	28	24	137.15	1 25	171 43 $\frac{3}{4}$	Thos. Mousseaux	April	30, 1855
Pre. E., NE. $\frac{1}{4}$	9	28	24	160.00	1 25	200 00	John Scott Mann	May	8, 1855
Pre. E., lots 2, 3, and NE. $\frac{1}{4}$, NW. $\frac{1}{4}$	9	28	24	117.18	1 25	146 47 $\frac{1}{2}$	James A. Lennon	September 26,	1855
Pre E., E. $\frac{1}{2}$, SE. $\frac{1}{4}$, and lots 4 and 5	9	28	24	141.70	1 25	177 12	William Dickey	June	1, 1855
Pre. E., NW. $\frac{1}{4}$	10	28	24	160.00	1 25	200 00	Thomas H. Perkins	May	30, 1855
Pre. E., SE. $\frac{1}{4}$	10	28	24	160.00	1 25	200 00	William Adams	May	2, 1855
Pre. E., N. $\frac{1}{2}$, SW. $\frac{1}{4}$, and SE. $\frac{1}{4}$, SW. $\frac{1}{4}$	10	28	24	120.00	1 25	150 00	Josiah P. Harrison	May	14, 1855
Pre. E., SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, and	10	} 28	24	120.00	1 25	150 00	Christopher C Garvey	May	11, 1855
W. $\frac{1}{2}$, NW. $\frac{1}{4}$	15								
Pre. E., W. $\frac{1}{2}$, NW. $\frac{1}{4}$, and	12	} 28	24	160.00	1 25	200 00	Isaiah Tiddson	June	19, 1855
E. $\frac{1}{2}$, NE. $\frac{1}{4}$	11								
Pre. E., SE. $\frac{1}{4}$, NW. $\frac{1}{4}$, and W. $\frac{1}{2}$, NE. $\frac{1}{4}$	11	28	24	120.00	1 25	150 00	Leonard Day	May	14, 1855
Pre loc., NE. $\frac{1}{2}$, NW. $\frac{1}{4}$	11	28	24	40.00	Located by M. B. land	warrant	May	14, 1855	
Pre. E., E. $\frac{1}{2}$, NE. $\frac{1}{4}$, and	10	} 28	24	160.00	1 25	200 00	Wm. Perry Day	May	11, 1855
W. $\frac{1}{2}$, NW. $\frac{1}{4}$	11								
Pre. E., NW. $\frac{1}{4}$, SW. $\frac{1}{4}$, and	12	} 28	24	80.00	1 25	100 00	Angus McLeod	June	19, 1855
NE. $\frac{1}{4}$, SE. $\frac{1}{4}$	11								
Pre. E., SE. $\frac{1}{4}$, SE. $\frac{1}{4}$	11	} 28	24	152.70	1 25	190.87 $\frac{1}{2}$	Rufus F. Elliott	May	24, 1855
Lot No. 4, and	12								
Lots Nos. 2 and 3	13								
Pre. E., E. $\frac{1}{2}$, SW. $\frac{1}{4}$, and W. $\frac{1}{2}$, SE. $\frac{1}{4}$	11	28	24	160.00	1 25	200 00	Wm. Richardson	April	25, 1855
Pre. E., W. $\frac{1}{2}$, SW. $\frac{1}{4}$	11	28	24	80.00	1 25	100 00	George W. Lowd	July	7, 1855
Pre. E., E. $\frac{1}{2}$, NE. $\frac{1}{4}$	12	28	24	80.00	1 25	100 00	Titus Pettyjohn	May	2, 1855
Pre. E., E. $\frac{1}{2}$, NW. $\frac{1}{4}$, and W. $\frac{1}{2}$, NE. $\frac{1}{4}$	12	28	24	160.00	1 25	200 00	Robert Blaisdell, sr	April	23, 1855
Pre. E., lot 1, and NE. $\frac{1}{4}$, SE. $\frac{1}{4}$, and	12	} 28	24	103.53	1 25	129 41 $\frac{1}{4}$	Eli B. Gifford	July	14, 1855
Lot No. 1	13								
Pre. E., lots Nos. 2 and 3	12	28	24	67.60	1 25	84 50	Benj. F. Foster	June	20, 1855
Pre. E., NE. $\frac{1}{4}$	14	28	24	160.00	1 25	200 00	Samuel H. Clark	May	8, 1855
Pre. E., NW. $\frac{1}{4}$	14	28	24	160.00	1 25	200 00	Jesse N. Richardson	April	25, 1855
Pre. E., lots 1 and 2, and NW. $\frac{1}{4}$, SE. $\frac{1}{4}$	14	28	24	140.12	1 25	175 15	Abram B. Hanscom	May	3, 1855
Pre. E., E. $\frac{1}{2}$, SE. $\frac{1}{4}$	14	28	24	80.00	1 25	100 00	Nathaniel J. Grover	April	25, 1855
Pre. E., lots Nos. 3 and 4	14	28	24	72.30	1 25	90 37 $\frac{1}{2}$	John W. Brown	April	27, 1855

STATEMENT—Continued.

Description of tract.				Contents.	Rate per acre.	Amount.	Name of purchaser.	Date of sale.	
<i>Part of section.</i>	<i>Section.</i>	<i>Town'p.</i>	<i>Range.</i>	<i>Acres.</i>					
Pre. E., N. $\frac{1}{2}$, NE. $\frac{1}{4}$, and E. $\frac{1}{2}$, NW. $\frac{1}{4}$ —	15	28	24	160.00	\$1 25	\$200 00	William Dunsmore -----	May	9, 1855
Pre. E., S. $\frac{1}{2}$, NE. $\frac{1}{4}$, NW. $\frac{1}{4}$, SE. $\frac{1}{4}$, and lot 1 -----	15	28	24	157.60	1 25	197 00	Humphrey White -----	May	2, 1855
Pre. E., lot No. 2 -----	15	23	24	65.12	1 15	81 40	Elvira Has -----	July	3, 1855
Pre. E., N. $\frac{1}{2}$, SW. $\frac{1}{4}$, and SW. $\frac{1}{4}$, SW. $\frac{1}{4}$ —	15	28	24	160.00	1 25	200 00	James A. Dunsmore -----	May	18, 1855
and NW. $\frac{1}{4}$, NW. $\frac{1}{4}$ -----	22								
Pre. E., S. $\frac{1}{2}$, NW. $\frac{1}{4}$, and NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ —	22	28	24	160.00	1 25	200 00	Job Pratt -----	May	25, 1855
and SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ -----	15								
Pre. E., NE. $\frac{1}{4}$ -----	21	28	24	160.00	1 25	200 00	William W. Getchell -----	May	18, 1855
Pre. E., NE. $\frac{1}{4}$, SE. $\frac{1}{4}$, and lots 1 and 2 -----	21	28	24	145.98	1 25	182 47 $\frac{1}{2}$	Henry Townsend -----	May	8, 1855
P.S., lot No. 4 -----	21	28	24	47.06	1 25	58 82 $\frac{1}{2}$	John H. Richardson -----	October	25, 1855
Pre. E., lot No. 3 -----	21	28	24	26.60	1 25	33 25	Eleazer Snell -----	July	11, 1855
Private E., lot No. 1 -----	22	28	24	.70	1 25	87 $\frac{1}{2}$	Robert B. Allison -----	November	5, 1855
Pre. E., lots Nos. 2 and 3 -----	22	28	24	107.70	1 25	134 62 $\frac{1}{2}$	Otis C. Whitney -----	May	19, 1855
Pre. E., lot No. 4, W. $\frac{1}{2}$, SE. $\frac{1}{4}$, and SE. $\frac{1}{4}$, SE. $\frac{1}{4}$ -----	22	28	24	152.47	1 25	190 33 $\frac{3}{8}$	Daniel T. Stinson -----	April	30, 1855
Pre. E., SW. $\frac{1}{4}$ -----	22	28	24	160.00	1 25	200 00	Nathaniel Moores -----	May	9, 1855
Pre. E., lots Nos. 1 and 2 -----	23	28	24	114.04	1 25	142 55	John B. Hanscomb -----	May	21, 1855
Pre. Loc., NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ -----	23	28	24	40.00			Located by M. land warrant.	May	29, 1855
Pre. E., lots Nos. 7, 8, and 9 -----	23	28	24	88.95	1 25	111 18 $\frac{1}{2}$	John W. Day -----	May	29, 1855
Pre. E., N. $\frac{1}{2}$, SW. $\frac{1}{4}$, and lot 3 -----	23	28	24	132.68	1 25	165 85	John Hatty -----	May	5, 1855
Pre. E., lots 4, 5, and 6 -----	23	28	24	127.27	1 25	159 08 $\frac{1}{2}$	James B. Hunt -----	May	9, 1855
Pre. E., lots 1, 2, and NW. $\frac{1}{4}$, SW. $\frac{1}{4}$ -----	25	28	24	154.32	1 25	192 90	Ezra Hubbard -----	May	9, 1855
Pre. E., SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, and lots 3 and 4 -----	25	28	24	121.20	1 25	151 50	Seth S. Slater -----	October	13, 1855
Pre. E., NE. $\frac{1}{4}$ -----	27	28	24	160.00	1 25	200 00	Robert Parslow -----	June	19, 1855
Pre. E., E. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	27	28	24	80.00	1 25	100 00	Benjamin Bartholomew -----	May	4, 1855
Pre. E., lot No. 3 -----	28	28	24	105.50	1 25	131 87 $\frac{1}{2}$	William W. Gilmore -----	July	12, 1855
NW. $\frac{1}{4}$, NW. $\frac{1}{4}$, and lot 1 -----	27								
Pre. E., SE. $\frac{1}{4}$ -----	27	28	24	160.00	1 25	200 00	B. F. Bartholomew -----	May	16, 1855

Pre. E., NE. $\frac{1}{4}$, SW. $\frac{1}{4}$, and lots 2 and 3. and lot No. 2	27	28	24	148. 63	1 25	185 78 $\frac{1}{2}$	Cincinnatus Gregory	May	4, 1855
Pre. E., NE. $\frac{1}{4}$	34	28	24	160. 00	1 25	200 00	Cornelius Couillard	May	29, 1855
Pre. E., lots 3 and 4.	34	28	24	68. 30	1 25	85 37 $\frac{1}{2}$	Silas M. Ricker	May	23, 1855
Pre. E., NE. $\frac{1}{4}$, SE $\frac{1}{4}$, and lots 1 and 2.	34	28	24	146. 66	1 25	183 32 $\frac{1}{2}$	Hiram Layman	October	11, 1855
Pre. E., NE. $\frac{1}{4}$	35	28	24	160. 00	1 25	200 00	William Buck	May	14, 1855
Pre. E., NW. $\frac{1}{4}$	35	28	24	160. 00	1 25	200 00	John Oxborough	June	18, 1855
Pre. E., SE. $\frac{1}{4}$	35	28	24	160. 00	1 25	200 00	A. L. Cummings	May	3, 1855
Pre. E., SW. $\frac{1}{4}$	35	28	24	160. 00	1 25	200 00	J. C. Hamilton	May	1, 1855
Pre. E., SW. $\frac{1}{4}$, SW. $\frac{1}{4}$	22	29	24	136. 80	1 25	171 00	Waterman Stinson	April	28, 1855
SE $\frac{1}{4}$, SE. $\frac{1}{4}$, and lot 5.	21								
Pre. E., NW. $\frac{1}{4}$, SW. $\frac{1}{4}$	22	29	24	112. 80	1 25	141 00	Thomas Stinson	April	25, 1855
NE. $\frac{1}{4}$, SE. $\frac{1}{4}$, and lot 6.	21								
Pre. E., lot No. 7	21	29	24	57. 10	1 25	71 37 $\frac{1}{2}$	Samuel A. Jewett	April	28, 1855
Pre. E., lot 2, and SW. $\frac{1}{4}$, NE. $\frac{1}{4}$	22	29	24	101. 90	1 25	127 37 $\frac{1}{2}$	David Bickford	April	24, 1855
Pre. E., lots 3, 4, and 5.	22	29	24	154. 70	1 25	193 37 $\frac{1}{2}$	Joel B. Bassett	April	27, 1855
Pre. E., lot No. 9, and NE. $\frac{1}{4}$, SE. $\frac{1}{4}$	22	29	24	86. 20	1 25	107 75	John H. Stevens	April	28, 1855
Pre. E., SE. $\frac{1}{4}$, SE. $\frac{1}{4}$, and NW. $\frac{1}{4}$, NE. $\frac{1}{4}$	22	29	24	80. 00	1 25	100 00	John Jackins	August	6, 1855
Pre. Loc., E. $\frac{1}{2}$, SW. $\frac{1}{4}$, and W. $\frac{1}{2}$, SE. $\frac{1}{4}$	23	29	24	160. 00			Located by M. B. land warrant	January	12, 1856
Pre. E., lot No. 10	23	29	24	48. 10	1 25	60 12 $\frac{1}{2}$	Anson Northup	April	28, 1855
Pre. E., lot No. 11	23	29	24	26. 20	1 25	32 75	Charles B. Russell	April	30, 1855
Pre. E., lot No. 12, and Lot No. 3.	23	29	24	23. 04	1 25	28 80	Edwin Hedderly	April	21, 1855
Pre. E., SW. $\frac{1}{4}$, SW. $\frac{1}{4}$	24								
Pre. E., lot No. 4	23	29	24	40. 00	1 25	50 00	Adelbert Hartwell	April	30, 1855
Pre. E., lot 5, and S. $\frac{1}{2}$, SW. $\frac{1}{4}$	25	29	24	45. 40	1 25	56 75	William G. Murphy	May	7, 1855
Pre. E., lots 6, 7, and NW. $\frac{1}{4}$, SW. $\frac{1}{4}$	25	29	24	139. 30	1 25	174 12 $\frac{1}{2}$	Edward Murphy	December	4, 1856
Pre. E., lot No. 8	25	29	24	130. 00	1 25	162 50	Joseph Le Duc	May	28, 1855
Pre. E., E. $\frac{1}{2}$, NE. $\frac{1}{4}$	25	29	24	53. 20	1 25	66 55	Alfred C. Godfrey	April	23, 1855
Pre. E., W. $\frac{1}{2}$, NE. $\frac{1}{4}$	26	29	24	80. 00	1 25	100 00	D. M. Hansom	April	23, 1855
Pre. E., E. $\frac{1}{2}$, NW. $\frac{1}{4}$	26	29	24	80. 00	1 25	100 00	Gilbert S. Hansom	April	24, 1855
Pre. E., W. $\frac{1}{2}$, NW. $\frac{1}{4}$	26	29	24	80. 00	1 25	100 00	Alfred E. Ames	April	21, 1855
Pre. E., SE. $\frac{1}{4}$	26	29	24	80. 00	1 25	100 00	D. M. Coobaugh	May	8, 1855
Pre. E., SW. $\frac{1}{4}$	26	29	24	160. 00	1 25	200 00	Isaac Atwater	May	2, 1855
Pre. E., NE. $\frac{1}{4}$, NE. $\frac{1}{4}$	26	29	24	160. 00	1 25	200 00	Daniel Elliott	April	21, 1855
Pre. E., S. $\frac{1}{2}$, NE. $\frac{1}{4}$	27	29	24	40. 00	1 25	50 00	Isaac Brown & John Jackins	August	6, 1855
Pre. E., NW. $\frac{1}{4}$	27	29	24	80. 00	1 25	100 00	Edwin Stone	September	7, 1855
Pre. F., NW. $\frac{1}{4}$	27	29	24	160. 00	1 25	200 00	Allen Harmon	May	7, 1855

STATEMENT—Continued.

Description of tract				Contents.	Rate per acre.	Amount.	Name of purchaser.	Date of sale.	
<i>Part of section.</i>				<i>Acres.</i>					
	<i>Sec.</i>	<i>Town'p.</i>	<i>Range.</i>						
Pre. E., N. $\frac{1}{2}$, SE $\frac{1}{4}$ -----	27	29	24	80.00	\$1 25	\$100 00	Moses C. Baker-----	May	15, 1855
Pre. E., S. $\frac{1}{2}$, SE $\frac{1}{4}$ -----	27	29	24	80.00	1 25	100 00	Richard Jackson-----	February	6, 1856
Pre. E., SW. $\frac{1}{4}$ -----	27	29	24	160.00	1 25	200 00	Jos. S. Johnson-----	April	21, 1855
Pre. E., NE $\frac{1}{4}$ -----	28	29	24	160.00	1 25	200 00	Zadock M. Brown-----	May	21, 1855
Pre. E., lots 5 and 6-----	28	29	24	104.40	1 25	130 50	Wm. Worthingham-----	June	13, 1855
Pre. E., lots 3 and 4-----	28	29	24	133.85	1 25	167 31 $\frac{1}{2}$	John Green-----	August	24, 1855
Pre. E., SE. $\frac{1}{4}$ -----	28	29	24	160.00	1 25	200 00	Dennis Peters-----	May	25, 1855
Pre. E., E. $\frac{1}{2}$, NE. $\frac{1}{4}$, and NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ -----	33	29	24	120.00	1 25	150 00	François Garon-----	May	5, 1855
Pre. E., lots 9 and 10, and W. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	33	29	24	148.45	1 25	185 56 $\frac{1}{2}$	George Parks-----	April	28, 1855
Pre. E., lots 3, 11, and 12, and NW $\frac{1}{4}$, SE. $\frac{1}{4}$ -----	33	29	24	127.76	1 25	159 70	Lyman K. Russell-----	August	24, 1855
Pre. E., S. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	33	29	24	80.00	1 25	100 00	François Gagne-----	May	9, 1855
P. S., lot No. 6-----	33	29	24	.23	1 25	28 $\frac{1}{2}$	Roswell P. Russell-----	October	25, 1855
Pre. E., lot No. 8-----	33	29	24	29.80	1 25	37 50	Michael Cassady-----	July	10, 1855
Pre. E., N. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	34	29	24	80.00	1 25	100 00	Samuel Franklin-----	April	30, 1855
Pre. E., S. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	34	29	24	80.00	1 25	100 00	Joshua Draper-----	April	24, 1855
Pre. E., NW. $\frac{1}{4}$ -----	34	29	24	160.00	1 25	200 00	John T. Blaisdell-----	April	21, 1855
Pre. E., N. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	34	29	24	80.00	1 25	100 00	Arthur H. Mills-----	May	3, 1855
Pre. E., N. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	34	29	24	80.00	1 25	100 00	Gordon Jackins-----	August	7, 1855
Pre. E., SW. $\frac{1}{4}$ -----	34	29	24	160.00	1 25	200 00	Robert Blaisdell, jr.-----	April	28, 1855
Pre. E., N. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	35	29	24	80.00	1 25	100 00	Andrew J. Foster-----	May	3, 1855
Pre. E., S. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	35	29	24	80.00	1 25	100 00	Charles Gilpatrick-----	May	4, 1855
Pre. E., N. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	35	29	24	80.00	1 25	100 00	Wm. H. Goodwin-----	April	28, 1855
Pre. E., S. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	35	29	24	80.00	1 25	100 00	Nicholas Idoux-----	August	17, 1855
Pre. E., N. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	35	29	24	80.00	1 25	100 00	Ezra Foster-----	April	26, 1855
Pre. E., S. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	35	29	24	80.00	1 25	100 00	Judith A. Sayre-----	May	5, 1855
Pre. E., SW. $\frac{1}{4}$ -----	35	29	24	160.00	1 25	200 00	Horace Shipley-----	April	25, 1855
Total-----				20,661.11		25,989 69			

STILLWATER DISTRICT.

Statement showing the number of acres, the quantity sold, purchasers, and price of the land separated, under act approved August 26, 1852, from the late Fort Snelling reservation, Minnesota.

Description of the tract.				Contents.	Rate per acre.	Purchase money.	Name of purchaser.	Date of sale.
<i>Part of section.</i>	Sec.	Town'p.	Range.	Acres.				
P. S., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	4	28	23	80.00	\$1 25	\$100 00	Isaac Rose-----	September 11, 1854
P. S., W. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	4	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	4	28	23	80.00	1 25	100 00	do-----	do-----
P. S., W. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	4	28	23	80.00	1 25	100 00	William Finn-----	do-----
P. S., lot No. 3-----	5	28	23	50.58	1 25	63 22	John Williams-----	do-----
P. S., lot No. 4-----	5	28	23	52.18	1 25	65 22	Joshua Robertson-----	do-----
P. S., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	5	28	23	80.00	1 25	100 00	John Williams-----	do-----
P. S., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	8	28	23	80.00	1 25	100 00	Wm. R. Marshall-----	do-----
P. S., lot No. 1-----	8	28	23	52.25	1 25	65 31	Wm. R. Quinn-----	do-----
P. S., lot No. 2-----	8	28	23	44.75	1 25	55 94	Rudolph Knapheide-----	do-----
P. S., lot No. 3-----	8	28	23	44.25	1 25	55 31	Alpheus G. Fulton-----	do-----
P. S., lot No. 4-----	8	28	23	53.07	1 25	66 33	Wm. R. Marshall-----	do-----
P. S., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	8	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	Lyman L. Benson-----	do-----
P. S., W. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	Wm. R. Marshall-----	do-----
P. S., W. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	do-----	do-----
P. S., W. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	do-----	do-----
P. S., W. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	9	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	George C. Merrifield-----	do-----
P. S., W. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	Wm. R. Marshall-----	do-----
P. S., W. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	Wm. E. Brimhall-----	do-----
P. S., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	Geo. L. Becker-----	do-----
P. S., W. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	do-----	do-----

STATEMENT—Continued.

Description of tract.				Contents.	Rate per acre.	Amount.	Name of purchaser.	Date of sale.
<i>Part of section.</i>	<i>Sec.</i>	<i>Town p.</i>	<i>Range.</i>	<i>Acres.</i>				
P. S., E. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	10	28	23	80.00	\$1 25	\$100 00	Wm. R. Marshall-----	September 11, 1854
P. S., W. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	10	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	11	28	23	80.00	1 25	100 00	John K. Ayd-----	do-----
P. S., W. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	11	28	23	80.00	1 25	100 00	John K. Ayd-----	do-----
P. S., NE. $\frac{1}{2}$, SE. $\frac{1}{4}$ and lot No. 1-----	11	28	23	67.40	1 25	84 25	Charles B. Rice-----	do-----
P. S., W. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	11	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	11	28	23	80.00	1 25	100 00	Wm. R. Marshall-----	do-----
P. S., W. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	11	28	23	80.00	1 25	100 00	do-----	do-----
(Confirmed, act March 3, '53.) Lot No. 4.	12	28	23	39.58	1 25	49 47	Henry M. Rice-----	February 4, 1852
P. S., lot No. 1-----	14	28	23	30 24	1 25	37 80	Wm. R. Marshall-----	September 11, 1854
P. S., lot No. 2-----	14	28	23	45.05	1 25	56 31	do-----	do-----
P. S., lot No. 3-----	14	28	23	57.65	1 25	72 06	do-----	do-----
P. S., lot No. 4-----	14	28	23	34.35	1 25	42 93	do-----	do-----
P. S., NE $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	14	28	23	40 00	1 25	50 00	James D. Williams-----	do-----
P. S., W. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	14	28	23	80.00	1 25	100 00	John W. Bond-----	do-----
P. S., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	John Kent-----	do-----
P. S., W. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	Wm. R. Marshall-----	do-----
P. S., W. $\frac{1}{2}$, NW. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	do-----	do-----
P. S., W. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	do-----	do-----
P. S., E. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	John Kennedy-----	do-----
P. S., W. $\frac{1}{2}$, SW. $\frac{1}{4}$ -----	15	28	23	80.00	1 25	100 00	Wm. R. Marshall-----	do-----
P. S., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	17	28	23	80.00	1 25	100 00	do-----	do-----
P. S., lot No. 1-----	17	28	23	56.40	1 25	70 50	do-----	do-----
P. S., lot No. 2-----	17	28	23	50.24	1 25	62 80	Michael Young-----	do-----
P. S., lot No. 3-----	17	28	23	32.15	1 25	40 19	Wm. R. Marshall-----	do-----
P. S., NE. $\frac{1}{2}$, SE. $\frac{1}{4}$ -----	17	28	23	40.00	1 25	50 00	do-----	do-----
P. S., lot No. 4-----	17	28	23	47.47	1 25	59 33	do-----	do-----
P. S., E. $\frac{1}{2}$, NE. $\frac{1}{4}$ -----	21	28	23	80.00	1 25	100 00	Geo. H. Biddle-----	do-----

P. S., W. $\frac{1}{4}$, NE. $\frac{1}{4}$	21	28	23	80.00	1 25	100 00	Wm. R. Marshall.....	do.....
P. S., lot No. 4	21	28	23	30.84	1 25	38 55	do.....	do.....
P. S., E. $\frac{1}{4}$, NW. $\frac{1}{4}$	21	28	23	80.00	1 25	100 00	do.....	do.....
P. S., NW. $\frac{1}{4}$, NW. $\frac{1}{4}$	21	28	23	40.00	1 25	50 00	Philip Ross.....	do.....
P. S., NE. $\frac{1}{4}$, NE. $\frac{1}{4}$	22	28	23	40.00	1 25	50 00	Patrick Ryan.....	do.....
P. S., NW. $\frac{1}{4}$, NE. $\frac{1}{4}$	22	28	23	40.00	1 25	50 00	do.....	do.....
P. S., N. $\frac{1}{2}$, NW. $\frac{1}{4}$	22	28	23	80.00	1 25	100 00	Geo. W. Biddle.....	do.....
P. S., lot No. 1	22	28	23	56.30	1 25	70 37	William S. Combs.....	do.....
P. S., lot No. 2	22	28	23	43.30	1 25	54 12	do.....	do.....
P. S., lot No. 3	22	28	23	43.92	1 25	54 90	Wm. R. Marshall.....	do.....
P. S., lot No. 4	22	28	23	31.50	1 25	39 37	do.....	do.....
Stillwater total				4,523.47		5,654 28		
Minneapolis total				20,661.11		25,989 69		
				25,184.58		31,643 97		
Pre-emption entries				19,733.87		\$24,668 37		
Public sale				5,362.01		6,864 72 $\frac{1}{2}$		
Private entries.....				88.70		110 87 $\frac{1}{2}$		
				25,184.58		31,643 97		
Warrant locations.....				307.80				

F.

Letter from the Secretary of War.

WAR DEPARTMENT,
Washington, March 9, 1858.

SIR: In answer to your communication of the 23d ultimo, I have the honor herewith to transmit, for the use of the select committee of the House of Representatives appointed to investigate the facts and circumstances connected with the sale of the military reservation at Fort Snelling, copies of certain papers that relate to the sale of the Fort Dearborn reservation, which contain all the information on that subject, as far as known, in the possession of this department.

In answer to that portion of your letter relating to the one addressed to this department by the Hon. Paul Dillingham, I beg leave to refer you to my letter to you, dated the 8th ultimo, a copy of which is herewith enclosed.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. H. C. BURNETT,
Chairman Select Committee House of Representatives.

Fort Dearborn sale.

WAR DEPARTMENT, *April 23, 1839.*

SIR: Enclosed you will receive an appointment to act as the agent of this department in selling the military reservation at Fort Dearborn, and which confers upon you authority to procure and execute the necessary survey and plat thereof.

Before recording the plat, you will reserve the light-house and buildings connected with it, and such quantity of land as you may think it necessary to retain for the use of the light-house; and the land so reserved will be designated on the plat and withheld from sale.

I advise that you make an estimate of the value of each lot before the sales commence, availing yourself, for this purpose, of the best information you can obtain at Chicago. Should bids be offered at a price manifestly inadequate, you are authorized to decline them. Upon this point much is necessarily left to your discretion, but I think a bid which does not amount to one-fourth the cash value of a lot should be regarded as frivolous, and rejected accordingly. In conducting the sale you will be governed generally by the terms of the advertisement.

After the acceptance of a proposal, you will require the purchaser to produce a certificate from the cashier of the bank which, on con-

sultation with the Secretary of the Treasury, you may deem it best to select as the depository of the purchase money; that the money to be paid down has been specially deposited in said bank to the credit of the Treasurer of the United States; and where the amount so deposited completes the payment, you will issue a final certificate. In cases where a credit is granted for a part of the consideration to be paid, and good security is given therefor, you will issue the certificates so as to correspond with the facts. It is not expected that any money will be paid into your hands.

For the convenience of the Treasury Department, you will return to the bank the several small certificates of deposit, and receive in lieu thereof a large certificate in duplicate, covering the aggregate amount. One of these you will forthwith transmit by mail to this department, and the other you will bring with you on your return to this city.

Should any emergency arise which will prevent the sale of the land taking place at Chicago, without prejudice to the public interest, you are authorized to adjourn it to Detroit or to the city of New York, as you may deem most expedient on a full consideration of the subject, and to such a period as you may judge to be most advantageous to the government.

You will keep this department advised of your proceedings, and of any difficulties you may encounter after your arrival at Chicago.

Nothing can be allowed you for your services beyond your salary as solicitor of the General Land Office, but your actual travelling and other necessary expenses while engaged in this business will be paid on your certificate of honor that they were actually and necessarily incurred.

Very respectfully, your obedient servant,

J. R. POINSETT.

MATTHEW BIRCHARD, Esq.,
Washington City, D. C.

WASHINGTON, *November 21, 1840.*

SIR: I have the honor to transmit, herewith, a report of my proceedings, under your instructions, of the 23d of April, 1839, directing a sale of the military site of Fort Dearborn.

On the 25th day of May, 1839, I arrived at Chicago, examined the records of Cook county, and ascertained that a survey and plat were necessary.

The city and county surveyor who, by a law of Illinois, could alone execute the plat, was unable, from sickness, to undertake the field work in person, therefore, upon his recommendation, Mr. Prescott was employed as his deputy, and Captain J. B. F. Russell was engaged to assist him.

Some increase of expense was caused by employing two surveyors, but as my time was limited, and the ground covered with buildings and timber, rendering a survey difficult, it became evident that any

serious interruption would prevent a single person from completing the survey and platting in season for the sale. Besides, the feeling manifested by a few individuals who were avowedly and apparently determined to prevent the sale, admonished me of the propriety of omitting no proper precautionary means of accomplishing the objects of my mission.

In running and retracing the exterior lines of the fraction, we commenced at a permanent monument, established by the canal commissioners, at the southwest corner of the section, and found the area, including all the land to the foot of the high bank on the margin of the lake, to be fifty-three and one-fourth acres, being four and one-fourth acres less than the contents marked upon the official plat of 1820, and twenty-one and one-fourth less than the contents of the certificate issued to J. B. Beaubien. The extent of this difference, the value of the land and the importance to the city of a correct survey, induced us to retrace the west and southern lines through adjacent sections, in order to discover some of the corners and true bearings of the original lines. This undertaking was prosecuted about three days, until I became entirely satisfied that the monument above mentioned was placed at the true corner of the section, and that the variation from the old survey, in the contents of the tract, had been caused by the action of the waters of the lake, which had gradually abraded the bank and thus diminished the area.

In the meantime, the common council of the city appointed a committee to make known their wishes, and to advise with me as to the proper manner of subdividing the tract and laying out the streets and alleys.

This committee having examined the ground, presented the lithographed plat enclosed, marked A, and requested me to continue the principal streets of the city through the tract, of the same width given to them in the surveys of the adjoining portion of the city, to give to State street the width originally designed, to reserve a public square at the foot of Randolph street, and to leave vacant to that point the margin of the lake. Concurring in the propriety of their views, the plan, as will be seen by the plat, was adopted.

The propriety of making the lots of a size suitable to the business likely to be prosecuted upon them was also suggested, as a matter worthy of consideration, by the committee from the common council. In other business parts of the town the lots generally have fronts of eighty feet, and the owners usually subdivided them so as to make four building lots out of each. Opinions concerning the necessary front for such purposes were quite variant; some considered 22, others 23-4-5 or even 30 feet in front to be the most suitable size, while nearly all agreed that 20 feet was inconvenient, and urged the making of the lots of the proper size in the original survey, so that a person desirous of accommodating his purchases to his means could accomplish the object without buying more land than his business required.

In complying with these wishes, which I considered reasonable, the governing object was to give to each business lot a front of twenty-

five feet, or as near that as the shape and size of the blocks would permit and to other lots, double the same width in front.

Previous to and at the time of my arrival at Chicago, sundry persons were actively engaged in attempts to create such a state of public feeling as would effectually prevent all my proceedings. Numerous and various representations and efforts were resorted to, with a view of accomplishing this object; happily, they had no influence upon a large majority of the people of Chicago, who, when the motive became known, ultimately treated their conduct according to its merits.

Among the means used to deter me from duty, was a notice, which was served by a deputy sheriff, informing me that an injunction had been granted against one of the officers of the army, to which I paid no attention. Not being a party to the suit therein mentioned, and the proceeding being, according to the principles of the decision of the Supreme Court of the United States in the case of *Wilcox vs. McConnell*, as applicable to me, wholly without the jurisdiction of a State court.

A few days afterwards I was notified that the Hon. Theophilus W. Smith, one of the judges of the supreme court of Illinois, would be applied to and asked to grant an injunction against any further proceedings on my part. I immediately notified Judge Smith of my desire and readiness to resist the prayer of the bill, and employed Messrs. Butterfield & Collins, who, under the engagement made with the Solicitor of the Treasury, had possession of the evidence necessary to enable me to make a successful resistance.

We spent more than a day in preparing for a hearing, and attended at the place appointed for that purpose, on the two different days assigned for a hearing of the motion; but owing to sickness in his family, or other cause, the judge was absent, and we were prevented from being heard in public, which, under the circumstances, was a subject of regret, as I felt confident that a full and public examination of the law and evidence bearing upon the case would have proved salutary, and would have effectually quieted all the excitement that had been produced by the incorrect reports constantly circulated by misinformed, interested, or evil-minded men.

The application was, notwithstanding, subsequently made at the judge's residence, eight miles from the city, late on the Saturday previous to the commencement of the sale, in our absence, and without our knowledge of the movement. It was refused, and with the refusal terminated the hopes of a successful resistance, and much of the false clamor and excitement which had been created.

The lots were offered on the several days named in the notices, copies of which are enclosed. Transcript B is a register of the highest bids, showing those accepted, the rejections, the forfeited bids, and the sales and the amount of receipts.

I was assisted in opening and accepting proposals by Mr. Raymond, mayor of the city; Mr. Prescott, one of the aldermen, and Captain Leavenworth, superintendent of public works. They were men commanding the general confidence of the citizens, and of strict integrity. It having been frequently stated, and openly charged in the columns

of a public press, that the design of the government was to conduct the sale with favoritism, fraud, and unfairness, I considered it alike due to the department and myself to conduct in this behalf in such a manner as to furnish the people of Chicago and Illinois ample evidence of the falsity of all the unjust insinuations and imputations with which their atmosphere had been poisoned. To this end I solicited the assistance of the gentlemen abovenamed, and have the satisfaction of believing that the precaution accomplished the desired result.

Previous to commencing the sale, I made a comparative estimate of the value of each lot, availing myself for this purpose of all the means of information in my power, and, in the acceptance or rejection of offers, was governed by this estimate throughout the sale. The discretion given me for this purpose burdened me with a responsibility more unpleasant than any other portion of my business.

An inspection of the proposals offered will show that the discretion was necessary and useful. Without it I much doubt whether the sales would have amounted to one-fourth the sum which has been realized. It was the only means that I possessed of preventing combinations to purchase at prices merely nominal.

Many complaints were made against the plan of selling by sealed proposals, and many no doubt fully believe that the reservation would have brought a much larger sum at auction.

In my judgment, it would either have brought only a nominal price, or it would have remained unsold. At auction, one person could have bid off every tract offered during a day at a price much above the real value. He, of course, would have failed in payment, but his forfeiture would have only prevented his bidding in future, while an accomplice might, on the next day, enact over the same scene, and so have continued *ad infinitum*.

Thus, by a combination of only twelve out of the hundred purchasers from Mr. Beaubien a sale at auction might have been defeated, and, in all probability, would; and the two weeks would have expired without disposing of a single lot, to the manifest injury of the United States, as well as the city of Chicago. On the other hand, at auction, those opposed to a sale, by combining with all persons willing to secure a lot at a nominal price, might have united a sufficient force to have obstructed all fair competition.

Herewith I enclose an account current, with its accompanying vouchers, showing the amount of sales to be \$106,042, and that the credits to which I am entitled balance the same. Of this amount, the sum of \$96,035 99 was deposited to the credit of the Treasurer of the United States, at the branch bank of the State of Illinois, at Chicago, \$538 in like manner at the Bank of the Metropolis, in Washington, and \$8,498 was returned to the Secretary of War, in notes payable to the Treasurer, with my letter of the 27th June last; making, in all, the sum of \$104,533 99 which has been and will be paid into the treasury as the net receipts of that part of the reservation which has been disposed of.

By the official plat herewith enclosed, it will be seen that block 1,

and lots 8, 9, and 10 in block 2, lots 1, 2, 3, 4, 5, and 6 in block 4, and lots 1, 2, 3, 4, and 5 in block 5, are colored blue. These were reserved from sale, and embrace all the ground occupied by the light-house, keeper's dwelling, and fortress of Fort Dearborn, within the pickets, including the officers' quarters and barracks. This ground is all very valuable. My object in reserving so much property was to secure and protect the light, which is situate on lot 8 of block 2, from obstruction by private buildings, which otherwise might have been erected between its present position and Lake Michigan, also to afford room and shops for the superintendent of the public works at the harbor. Ultimately it may, and doubtless will be, found necessary to remove the tower for the light on to higher and more permanent ground, nearer to the entrance of the harbor. A suitable spot for this purpose will be found in block 1, which should have been retained by the government for this, if for no other purpose. The property thus reserved, aside from the buildings and other structures erected upon it, would, at the rate at which other lots sold, have brought from thirty to forty thousand dollars. I have no doubt but that in a few years the United States, if disposed to sell it, will be able to realize twice or thrice that amount. The bound book — contains the records of the patents that have been issued, and a record of the letters transmitting the same.

Package 1 contains receipts which have been returned to me on which patents have been delivered.

The certificates numbered 88, 82, 83, 85, 12, 92, 84, 37, 40, 74, 59, 49, 53, 55, 48, 63, 54, 169, 191, 190, 129, 187, 146, 188, 160, 142, 194, 170, 177, 73, 60, 62, 64, 67, are yet outstanding; but patents have been prepared, which are also herewith transmitted, ready for delivery when the certificates shall be presented.

Package 2 contains the letters received, enclosing certificates surrendered for patents, and those acknowledging the same.

I also transmit several printed blanks for patents and certificates.

The Secretary of War will much oblige me by submitting my account to the proper auditor, in order that it may be finally settled while the whole transaction is fresh in my memory, and further explanation may be readily given without difficulty, should such be needed.

All which is respectfully submitted.

J. W. BIRCHARD.

Hon. J. R. POINSETT,
Secretary of War.

Certificates issued for lots in the Fort Dearborn reservation.

Cert.	Lots.	Block.	Price.	Purchaser.
1	4	3	\$2,000 00	Hosea Webster.
2	1, 2, 3,	3	6,500 00	Charles M. Reed.
3	24	8	400 00	T. King.
4	30	8	812 00	Simeon N. Beers.
5	7	3	2,100 00	E. B. Hulbert.
6	25	8	527 00	Isaac B. Collins.
7	27	8	510 00	John J. Phelps.
8	6	3	233 00	Arthur Bronson.
9	29	8	475 00	John Fennerty.
10	26	8	565 00	Flavel Morely and Jason McCord.
11	8	3	4,150 00	Isaac Cook and James Turney.
12	16, 17, 18, 19	8	2,040 00	Charles Phelps.
13	7	4	206 00	Patrick Strahn
14	8	4	303 00	Arthur Bronson and Charles M. Reed.
15	10	4	303 00	Same.
16	11	4	303 00	Same.
17	12	4	303 00	Same.
18	13	4	303 00	Same.
19	14	4	303 00	Same.
20	15	4	333 00	Same.
21	16	4	267 00	Same.
22	17	4	303 00	Same.
23	18	4	333 00	Same.
24	19	4	433 00	Same.
25	20	4	363 00	Same.
26	21	4	303 00	Same.
27	22	4	583 00	Same.
28	5	12	564 00	John J. Phelps.
29	1	12	501 00	S. Willard and J. Wardsworth.
30	2	12	401 00	Same.
31	7	12	401 00	Same.
32	8	12	551 00	Same.
33	1	13	451 00	Same.
34	2	13	401 00	Same.
35	7	13	401 00	Same.
36	8	13	503 00	Same.
37	14	13	403 00	Same.
38	15, 16	13	1,040 00	Amasa Wright.
39	7	15	263 00	
40	3	15	251 00	Luther Saffling.
41	1	15	375 00	S. Willard and J. Wardsworth.
42	2	15	317 00	Same.
43	4	9	570 00	Thomas Church, jr.
44	5	9	480 00	Thomas Church, jr., and M. L. Satterlee.
45	1	9	712 00	Stiles Benton.
46	2	9	612 00	Same.
47	3	9	555 00	Same.
48	6	9	429 00	S. Newton Dexter.
49	7	9	455 00	Richard T. Haines.
50	9	15	355 00	Samuel C. Clark.
51	8	15	303 00	W. C. Watson.
52	15	10	215 00	C. T. Stanton and Fras. Black.
53	8	9	406 00	John Davlin.
54	28	7	303 00	S. N. Dexter.
55	27	7	312 00	Same.
56	3	7	290 00	S. Willard.
57	4	7	225 00	Dyer, Willard and Wadsworth.
58	5	7	225 00	Same.

CERTIFICATES—Continued.

Cert.	Lots.	Block.	Price.	Purchaser.
59	9	7	\$303 00	John Oades.
60	31	7	476 00	M. Ayres.
61	10, 11	10	516 00	S. B. Cobb.
62	6	11	51 00	J. M. Morrison.
63	5	11	51 00	T. Church, jr.
64	7	11	51 00	H. S. Bond.
65	14	10	150 00	P. Melvill.
66	8	11	65 00	John Wright.
67	1	11	103 00	John C. Gibson.
68	12, 13	10	302 00	E. H. Haddock.
69	23	8	506 00	D. Taylor.
70	8	8	433 00	Same.
71	10	8	461 00	W. Crafts.
72	6	8	477 00	S. B. Collins.
	{ 2, 3, 4	11	153 00	Adam Stewart.
73	{ 10, 11,	7	1,301 00	Same.
	{ 21, 22,			
	{ 30			
	{ 26, 27	10	445 00	Same.
74	1, 2	8	1,486 00	John Bowen.
75	21	8	466 00	S. Willard, T. Dyer, and J. Wadsworth.
76	28	10	216 00	J. Wadsworth.
77	33	10	227 00	Same.
78	24, 25	10	420 00	J. Young Scannon.
79				
80				
81	4	8	507 00	F. Mosely and J. McCord.
82	1, 2, 3, 4, 5	10	1,734 00	R. T. Haines.
83	31, 32	10	413 00	Same.
84	29, 30	10	420 00	S. N. Dexter.
85	3	8	556 00	S. J. Lowe.
86	1	7	600 00	N. M. Woodruff.
87	{ 20	8	503 00	Albert G. Hobbie.
	{ 34	10	305 00	Same.
88	22	8	511 00	P. F. W. Peck.
89	9	8	450 00	James Carney.
90	28	8	776 00	F. Walker.
91	13, 14, 15	8	1,969 00	O. H. Thompson.
92	6	10	331 00	B. McDonnell.
93	5	8	506 00	C. McDonnell.
94	12	8	451 00	J. R. Gavin.
95	11	8	404 00	P. Strachn.
96	9	10	300 00	J. F. Massey.
97	3	13	470 00	C. Beers.
98	4	13	470 00	J. K. Botsford.
99	7	7	251 00	T. Dyer, S. Willard, and J. Wadsworth.
100	8	7	235 00	Same.
101	9	9	503 00	Same.
102	27	9	217 00	Same.
103	28	9	217 00	Same.
104	29	9	217 00	Same.
105	14	9	485 00	Same.
106	1	14	427 00	Same.
107	2	14	403 00	Same.
108	3	14	327 00	Same.
109	6	14	257 00	S. Willard.
110	7	14	307 00	Same.
111	8	14	327 00	Same.
112	9	14	307 00	Same.

CERTIFICATES—Continued.

Cert.	Lots.	Block.	Price.	Purchaser.
113	10	14	\$257 00	T. Dyer.
114	11	14	257 00	Same.
115	12	14	276 00	Dyer, Willard and Wadsworth.
116	13	14	317 00	Same.
117	14	14	357 00	Same.
118	6	13	376 00	S. Willard.
119	9	13	415 00	Same.
120	10	13	403 00	Same.
121	11	13	376 00	Same.
122	12	13	362 00	Same.
123	13	13	361 00	Dyer, Willard and Wadsworth.
124	11	15	317 00	S. Willard.
125	12	15	307 00	Same.
126	7	8	527 00	D. Taylor.
127	5	3	1,077 00	Thomas Church and H. O. Stone.
128	15	15	357 00	M. Skinner.
129	25	9	276 00	J. D. Merritt.
130	2	7	450 00	N. M. Woodruff.
131	6	7	238 00	J. N. Arnold.
132	5	15	279 00	W. H. Stow.
133	5	14	319 00	John Calhoun.
134	{ 11,12,13, 15 }	{ 9 }	1,956 00	S. F. Smith.
135	10	9	530 00	S. Paine and T. Norton.
136	3,4	12	930 00	Ch. M. Regd.
137	4	14	305 00	F. A. Marshall.
138	38	4	226 00	John Burgess.
139	5	13	380 00	A. G. Hobbie.
140	4	15	300 00	Chris. Smith.
141	6	12	465 00	S. Burton.
142	26	9	215 00	L. Woodworth and M. L. Shapley.
143				
144	{ 7,8 23,24,25 26 }	{ 10 }	1,994 00	Justin Butterfield and J. H. Collins.
145	27	4	262 00	Tuthil King.
146	39,40	4	408 00	Charles Walker.
147	32,33	4	831 00	H. Humphreys.
148	29	4	276 00	P. Fitzgibbons.
149	35	4	265 00	M. Mooney.
150	29	7	426 00	T. King and O. Follansbee.
151	41	4	195 00	Sol. Pitkins.
152	43	4	150 00	Nat. King.
153	16	10	175 00	Erast. Brown.
154	19	7	167 00	Jas. Kelley.
155	22	10	161 00	John M. Underwood.
156	42	4	153 00	S. Pitkins.
157	15	7	220 00	Same.
158	16	7	221 00	Same.
159	17	7	212 00	Same.
160	20	7	151 00	A. D. Stewart.
161	6,7,8,9, 10	5	1,049 00	J. H. Collins.
162	12,13,14	7	645 00	Geo. L. Campbell.
163	1,2	2	4,208 00	Horace Norton.
164	11	5	225 00	E. Brown.
165	23	10	153 00	J. T. Scammon.
166	2	6	263 00	P. Strachn.
167	1	6	351 00	Same.

CERTIFICATES—Continued.

Cert.	Lots.	Block.	Price.	Purchaser.
168	6	15	\$306 00	James Gregg.
169	13, 14	15	778 00	John Moore.
170	19, 20, 21, 22, 23, 24	9	1,348 00	N. Richardson.
171	16, 17, 18	9	718 00	John Frack and Charles K. Bingham.
172	5	2	1,400 00	L. R. Lyon and D. S. Howard.
173	6	2	1,500 00	Same.
174	9	4	150 00	Same.
175	25	4	300 00	Same.
176	26	4	250 00	Same.
177	30, 31	9	495 00	P. F. W. Peck.
178	28	4	250 00	D. S. Howard and L. R. Lyon.
179	30	4	325 00	Same.
180	31	4	325 00	Same.
181	34	4	200 00	Same.
182	36	4	200 00	Same.
183				
184	18	7	137 00	E. S. Prescott.
185	17, 18	10	462 00	S. Pitkin.
186	3, 4	6	326 00	F. C. Sherman.
187	44	4	152 00	P. F. W. Peck.
188	20, 21	10	394 00	B. M. Wilson.
189	7	2	1,509 00	S. F. Smith.
190	24	4	351 00	Caleb Lyon.
191	5	6	165 00	John C. Gibson.
192	27	4	230 00	D. Brainard.
193	23	4	630 00	P. Strachan.
194	3, 4	2	3,012 00	A. J. Underhill.
195	19	10	127 00	J. W. Eldredge.
196	6	6	301 00	Chicago Hydraulic Company.
			106,042 00	Total proceeds of sale.

Of this amount \$8,498 were received in notes, viz :

For certificate No. 5, E. B. Hulbert, endorsed by Chs. Walker.....	\$1,400 00
For certificate No. 11, Jas. Turney and Isaac Cook, endorsed by Jas. Curtis and B. Wilder.....	2,766 66
For certificate No. 133, Jno. Calhoun, endorsed J. B. Eddy and C. Beers.....	200 00
For certificate 144, Butterfield & Collins.....	1,326 00
For certificate 163, H. Norton, endorsed O. H. Thompson	2,805 34
	<u>8,498 00</u>

These notes, ten in number, (two from each of the parties above,) one-half of which were payable 12th December, 1839, the others 12th June, 1840, were received in a letter from M. Birchard, of November 27, 1839, (B. 406, now on file,) and sent to W. H. Brown, cashier, Branch Bank Illinois, at Chicago, December 3, 1839, (M. B. 21, p. 227,) who, on the 17th June, 1840, advises of certain pay-

ments, (Bk. 53, B. 260.) By the advice of the Solicitor of the Treasury, (S. 319, Bk. 53,) the protested notes were sent for, 3d July, (M. B. 22, p. 313,) and returned to the War Department, 13th July, 1840, (B. 298, Bk. 53,) and turned over to the Solicitor of the Treasury, 25th July, 1840, (M. B. 22, p. 374,) who acknowledges the receipt (by letter now on file) of two notes of Butterfield & Collins, \$663 each, one note of E. B. Hulbert, \$700, and two notes of James Turney, \$1,383 33 each. Butterfield & Collins' notes have since been settled, and patent issued, *I believe*.

By public accounts for 1839, under the head of land sales, last item, it appears the amount paid into the treasury from this sale was, in that year	\$2,569 75
And in 1840	100,528 29
	<hr/>
	103,098 04
	<hr/> <hr/>

In Mr. Birchard's report of December 18, 1840, (B. 415, Bk. 54.) he states the proceeds of the sale at	\$106,042 00
Error in favor of Mr. B.	99
1. Deposited in the bank at Chicago	96,035 99
2. Deposited in the Bank of Metropolis . .	538 00
3. Notes turned over to the department .	8,498 00
4. Balance, probable amount of expenses	971 00
	<hr/>
	106,042 99
	<hr/> <hr/>

The net proceeds of the reservation amount to \$105,071 99. (Mr. B. states it at \$104,533 99, probably omitting, by mistake the second item above.)

B. 276. Deposited while at Chicago	\$95,734 99
Lot sold to Hydraulic Co. (196)	301 00
	<hr/>
	\$96,035 99
Kept in cash	1,500 00
Deposited in Bank of Metropolis	538 00
Expenses	971 00

See letter to First Auditor, June 15, 1841, and especially B. 415, Bk. 54, and endorsement at the close of letter B in that book.

A full report of proceedings, reservations, &c., will be found in Mr. B.'s report of December 19, 1840, B. 415, now on file.

G.

Letter from the Secretary of War.

WAR DEPARTMENT,
Washington, March 11, 1858.

SIR: In compliance with the request contained in yours of the 9th instant, I have the honor to enclose herewith, for the use of the select

committee appointed by the House of Representatives to investigate the facts and circumstances connected with the sale of the military reservation at Fort Snelling, "a copy of the order issued from the Adjutant General's office for the transfer of said reservation to Franklin Steele."

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. H. C. BURNETT,
Chairman, &c., House of Representatives.

Orders for transfer of Fort Snelling.

SPECIAL ORDERS—No. 109.

WAR DEPARTMENT,
Adjutant General's Office, Washington, July 31, 1857.

I. The first installment of the purchase money of Fort Snelling having been paid into the treasury, the military reservation and property pertaining thereto, excepting the fort and other buildings which are required for the use of the troops at the post, will be put in the immediate possession of Mr. Franklin Steele. The military post will be maintained until further orders.

* * * * *

By order of the Secretary of War:

S. COOPER, *Adjutant General.*

ADJUTANT GENERAL'S OFFICE, *March 10, 1858.*

Official copy.

S. COOPER, *Adjutant General.*

I.

Letter from the Secretary of War.

WAR DEPARTMENT,
Washington, March 16, 1858.

SIR: I herewith transmit copies of all the papers called for by the resolution adopted by your committee on the 13th ultimo which are on file in this department.

No letter has been received from Mr. Reynolds, of Missouri, "making inquiries in regard to the Fort Snelling property." I will state, for the third time, to the committee, that circular letters were

sent to all persons making inquiries about the sale of the Fort Snelling reservation similar to that which was addressed to Robert Smith.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. H. C. BURNETT,
Chairman Select Committee, &c., House of Representatives.

APPOINTMENT OF COMMISSIONERS TO EXAMINE FORT RIPLEY.

WAR DEPARTMENT,
Washington, May 26, 1857.

SIR: You are hereby appointed agent of this department, to make an examination, with a view to a sale of the military reserve, made by the Executive, at Fort Ripley, in Minnesota Territory; and you will receive as compensation for your services at the rate of eight dollars per day for every day actually employed, and your necessary travelling expenses.

In the discharge of this duty, you will observe the following instructions:

You will visit the said reserve in person, and examine and ascertain how far it has been made valuable by government improvements. Also, whether there are any actual *bona fide* settlers upon it, who have settled there with the expectation, superinduced by the action of the government agents, of having the pre-emption right extended to them; and whether, under all the circumstances, they should be allowed to purchase not exceeding one hundred and sixty acres each, covering their improvements, at the government price of one dollar and twenty-five cents per acre.

You will also ascertain, as precisely as may be practicable, the proportion of the reserve that is now in the occupancy of actual settlers as aforesaid.

You will further ascertain the character and value of that part of the reserve not included in any tract to which an actual settler may have a just claim, and report the best mode, in your opinion, of disposing of the same for the benefit of the government, and in justice to all parties who may desire to become purchasers. To this end express your views as to the minimum price per acre for which the land should be sold, and the number of acres that should be comprised in one tract.

You will, as early as practicable after making the needful examinations, report to this department upon the foregoing facts, and any others that you may deem pertinent, in order that instructions for a sale of said property may be prepared for your observance.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

JOHN C. MATHER, Esq., *Washington.*

REPORT OF J. C. MATHER.

NEW YORK, July 6, 1857.

SIR: In obedience to the instructions contained in your communication of the 26th May last, appointing me agent of your department, to make an examination, with the view to the sale of the military reserve at Fort Ripley, in Minnesota Territory, I have the honor to report, that on receipt of said instructions, I proceeded to Minnesota Territory for the purpose of making the examination in person of the premises, and of obtaining the information desired by the department, with a view to its sale and final disposition.

The reserve is situated, as will appear by reference to the maps, plans, &c., on file in your department, about one hundred and twenty-five miles northwest from St. Anthony's Falls, on the Mississippi river.

The exact quantity of land contained in it I was unable to ascertain, though I made application to the surveyor general of Minnesota, (who has but recently entered upon his duties,) and then proceeded to Dubuque, Iowa, for the purpose of making an examination at the office of the surveyor general of Iowa, but was unable to obtain any definite information on the subject.

It seems that instructions had been given some time since by the latter officer to a person in the employ of the department to make the necessary surveys, but on examination of his report it was found so inaccurate and unreliable that it was rejected, and since that time no further effort has been made to secure that object. There is, however, on file at Dubuque, a profile and plat of the land set apart by the government for the reserve, which indicates that the reserve is some four and a half miles in width, and about sixteen miles in length on the east side of the river, and on the west side of the river, where the fort buildings are located, there are about six hundred and forty acres of land.

It is important, of course, in order that the department may be enabled to act understandingly in the disposition of the reserve, that an accurate survey be made of it at an early day.

I am instructed by you to ascertain how far the reserve has been made valuable by government improvements; also, whether there are any actual *bona fide* settlers upon it, who settled there with the expectation—superinduced by the action of the government agents—of having the pre-emption right extended to them; and whether, under all the circumstances, they should be allowed to purchase not exceeding one hundred and sixty acres each, covering their improvements, at the government price of one dollar and twenty-five cents per acre.

As previously stated, the reservation is mainly situated on the east side of the river, while the fort is located on the west side, where there is not to exceed six hundred and forty acres of land. Had the buildings been erected on the east side of the river, they could have been used to great advantage by parties purchasing the reserve; but, situated as they are, on the opposite side of the river, away from the public travel, and upon so small a portion of the reserve, and upon

lands of inferior quality, they will, of course, be rendered less valuable to the purchaser than if more advantageously located.

The buildings, though constructed of wood, seem to be well built; and, in the sale of the property, their value should not be overlooked.

In regard to the application of parties claiming pre-emption rights upon the reserve, I have to state that I had personal interviews with all of them, and, I believe, obtained such information from them, and from reliable sources elsewhere, as placed me in full possession of all the material facts connected with their claims. It is proper, in this connexion, to state that most of the land claimed by these parties at the government price is situated at the extreme northwest portion of the reserve, on the east side of the river, contiguous to, and in fact a part of, the Crow Wing settlement, which has for a long time been an Indian trading post of some importance.

The parties have erected buildings (built mainly of logs) upon their premises, and their claims extend something like a mile and a half from, and including a portion of said settlement, along the banks of the Mississippi river.

Mr. McDonald, or his assignees, claim the right to purchase the premises now occupied by him at this point at the government price, on the ground of having occupied it for some twenty years. He claims one hundred and sixty acres.

Samuel B. Abbe claims one hundred and sixty acres adjoining Mr. McDonald's. These premises were occupied by Antonio Montmille for some time previous to the establishment of the reserve, and by him sold to Mr. Abbe, in September, 1853. Mrs. McFarland, the former reputed wife of Mr. Montmille, makes a claim for the same premises, but I am satisfied, from an examination of the matter, that all the rights possessed by Mr. Montmille were conveyed to Mr. Abbe, and that Mrs. McFarland had no separate rights from her husband to this claim.

Crittenden and Lynde make a claim for one hundred and sixty acres at this point. They have occupied the premises now claimed since 1847, which was prior to its appropriation for the reserve.

Mr. Morrison is the next claimant at this point; he has been in possession of his premises for about twenty years. He and his assignees ask for one hundred and sixty acres on the same terms. These parties, having all remained in undisputed possession of their premises for some time prior to their appropriation for military purposes, and up to the present time, though their claims cover by far the most valuable portion of the reserve, present strong equitable claims to the consideration of your department. Indeed, it seems to me that the government ought not only to accede to their very reasonable demands in this particular, but should award to each of the claimants a pension for life, for having consented to live so long among their great enemies—the Indians and the musquitoses—away, almost, beyond the bounds of civilized life, and deprived of all its comforts and luxuries.

For some six years past, Mr. C. H. Beaulin has, by permission of the officer in charge, cultivated a few acres of land on the reserve. He thinks himself entitled to purchase either forty, or eighty acres, of the government, at one dollar and twenty-five cents per acre.

Samuel B. Olmstead also occupies, by permission of the government officers, one hundred and sixty acres, upon which he has erected buildings and made other improvements. He thinks himself fully entitled to purchase it at the government price. His premises are located on the east side of the river, opposite the fort. While these gentlemen do not present as strong a case as those occupying land before the appropriation was made for military purposes, I think their application should be granted.

I have to state also, that on the premises occupied by Mr. McDonald, a small Catholic church has been erected, under the direction of the Rev. "François Pierz," with a graveyard adjoining it, with the approval, as I am informed, by the officers in charge of the fort. I suggest the propriety of ceding to the church one or two acres, including the church and graveyard. To do more than this would be doing injustice to the owners of the McDonald claim. Indeed, justice to all parties would be best subserved by ceding to the church more land at some other point, without interfering with the rights of other claimants.

A communication on the subject, addressed to me by the Rev. "François Pierz," is herewith enclosed.

You desire me also to express my views as to the best mode of disposing of the property, and the minimum price at which it should be sold. I am of the opinion, so far as the government is concerned, that it is a matter of little importance whether it is sold at public or private sale; for, I do not believe, if sold at auction, it would bring to exceed the government price of one dollar and twenty-five cents per acre. It must be borne in mind that there is a vast amount of land yet to be surveyed in this Territory, and to come into market at the government price, equal, if not superior, to this land for farming purposes; besides, it seems to be the invariable rule, so far as I could ascertain, when government lands are put up at auction, that combinations are formed by purchasers to prevent any sales exceeding that sum, however valuable the land, or advantageously located.

In that section of the Territory, especially, there is a vast amount of land lying in an uncultivated and unproductive state. The government would act wisely, in my judgment, should it dispose of this tract of land to persons of enterprise, who would see that its resources were developed, and who would be enabled to offer inducements to actual settlers to come and settle upon it and cultivate the soil.

If this course were pursued, there is no reason why it may not yet become an important and flourishing portion of the Territory.

As intimated before, while I would fix the minimum price of the land at the government price of one dollar and twenty-five cents, the government should realize from the improvements from five to ten thousand dollars.

I have the honor to be, &c.,

JOHN C. MATHER.

Hon. JOHN B. FLOYD,
Secretary of War.

H. Rep. Com. 351—29

APPOINTMENT OF J. C. MATHER TO SELL FORT RIPLEY.

WAR DEPARTMENT,
Washington, August 27, 1857.

SIR: Your report of the 6th of July last of the examination, with a view to a sale, of the military reservation at Fort Ripley, in the Territory of Minnesota has been duly considered, and its views, with the exception of those in respect to the pre-emption claim of missionary François Pierz, which this department intends to recognize, in common with the claims of the other pre-emptors on the reservation, are approved.

You are hereby appointed the agent of this department to make a sale of the said reserve, and for your services in this respect you will be allowed eight dollars per day, and your necessary travelling expenses.

That portion occupied by the settlers whom you have named, including the reverend François Pierz, you will allow said settlers to purchase at the government price of one dollar and twenty-five cents per acre.

The balance of the reservation you will sell at public auction, after giving due notice in the principal papers of the northwest, in tracts or lots of forty acres each, unless special reasons, which you will state, may require that eighty acres may be sold in a single lot.

Major Seth Eastman, of the United States army, will be directed forthwith to survey the reserve, and lay it out in lots as above designated, and prepare a plat of the same for your use, and for the inspection of all persons who may desire to become purchasers.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

JOHN C. MATHER, Esq.,
New York City.

APPOINTMENT OF MAJOR EASTMAN.

WAR DEPARTMENT,
Washington, September 9, 1857.

SIR: I have this day appointed Major Seth Eastman, U. S. A., the agent of this department, to be associated with you to execute my instructions to you of the 27th and 29th ultimo, in regard to the sale of the military reservation at Fort Ripley, Minnesota Territory.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

JOHN C. MATHER, Esq.,
New York City.

*Letter of Catholic Missionary at Crow Wing.*CROW WING, *June 15, 1857.*

HONORABLE MONSIEUR : Pardonez moi la liberté que je m'ose de vous déclarer que je ne suis pas consentant avec votre déclaration, que je ne pouvois point avoir droit a mon claim de terre personnel dans ma mission à Crow Wing, que la loi national de traité avec les sauvages de 22 Fevrier, 1855, me donet, parsque selon la traité de 1837, cette terre apertenait encore aux sauvages, jusque au bouchire de Crow Wing river, en Mississipi que est plus bas que la place de ma mission.

J'espère que les officiers du gouvernement me feront la justice que je demande humblement ce qu'il est equitable, de me livre ce claim, que j'auvois un soulagement necessoir dans mon age, après que j'ai travaillé depuis 20 ans, avec grand fatigue, pour l' education des sauvages, sans aucun solair personnelle. Que j'ai bien civilisé plus que 3,000 payens de l'Ottawa et Otchipwe nation, comme il est cognu au gouvernement.

Je suis, avec grand respect et reverence, votre serviteur,

FRANCOIS PIERZ,

Catholic Missionaire.

JOHN C. EMATHEA.

[Translation.]

CROW WING, *June 15, 1857.*

HONORABLE SIR : Pardon me the liberty I presume to take in declaring to you that I cannot consent to your declaration, that I have no right to my personal claim to the land appertaining to my mission at Crow Wing, which the national law of the treaty with the Indians of the 22d February, 1855, gave to me, because, according to the treaty of 1837, this land belonged still to the Indians, as far as the mouth of the Crow river, which empties into the Mississippi below the place of my mission.

I hope that the officers of government will accord me the justice which I humbly suggest is equitable, and allow me my claim, that I may have the necessary support and consolation in my age, after having toiled 20 years with great fatigue for the education of the Indians, without any personal comfort or reward. I have civilized more than 3,000 pagans, as is known to the government.

I am, with great respect and reverence, your servant,

FRANCOIS PIERZ,

Catholic Missionary.

JOHN C. MATHER.

Account of J. C. Mather.

WASHINGTON, July 7, 1857.

*The United States War Department,**To John C. Mather, DR.*

For thirty-five days' services in visiting Fort Ripley, Minnesota Territory, and making the examinations required by the instructions contained in the letter of the Secretary of War, of the 26th of May, 1857, at \$8 per day	\$280 00
Expenses incurred	195 00
	<hr/>
	475 00
	<hr/> <hr/>

Approved: Charge army contingencies.

JOHN B. FLOYD,
Secretary of War.

WAR DEPARTMENT, July 10, 1857.

*Partial revocation of J. C. Mather's authority.*WAR DEPARTMENT,
Washington, August 29, 1857.

SIR: I hereby revoke so much of the authority conferred upon you by my letter of the 27th instant as relates to the sale of the government buildings on the reservation at Fort Ripley, and that part of the land lying on the west side of the river, being about six hundred and forty acres, as reported by you.

It is my intention to reserve said buildings and land for military purposes during this winter.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
*Secretary of War.*JOHN C. MATHER, Esq.,
New York City.

H.WAR DEPARTMENT,
Washington, March 29, 1858.

SIR: I have received yours of the 26th instant, written by direction of the committee appointed by the House of Representatives to investigate the facts and circumstances connected with the sale of the military reservation at Fort Snelling, calling my attention to so much of your communication of the 13th instant asking me "to communicate to said committee the recommendations on which Mr. John C.

Mather's appointment for the examination of the Fort Ripley military reservation was made ; asking answer thereto, especially as to whether the same was solicited by Mr. Mather and others ; and, if so, what suggestions or recommendations were made to the War Department to induce the appointment."

In reply I have the honor to say : The appointment of Mr. Mather was the suggestion of no one. Having known him for some time, I neither asked nor wished for recommendations as to him.

The examination of the reservation at Fort Ripley presented an opportunity to give him a slight indication of my regard and confidence. If I could have commanded one the duties of which had been more important and the compensation larger, the pleasure of conferring the appointment on him would have been proportionately enhanced, because I looked upon him as an honest, competent man, and my friend.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,

Secretary of War.

Hon. H. C. BURNETT,

Chairman Special Committee, &c., House of Representatives.

I.

ST. LOUIS, MISSOURI, *March 31, 1858.*

DEAR SIR : I have the honor to acknowledge the receipt of your letter to me of the 27th instant, on behalf of the committee appointed by the House of Representatives to investigate the facts and circumstances connected with the sale of the military reservation at Fort Snelling.

I have no objection whatever (and I cannot suppose that the Secretary of War has any) to the presentation to the committee of the short and unimportant correspondence between him and myself, an entire stranger to him, in relation to that sale. But courtesy to him, both personally and as head of his department, would advise that, in a matter in which I have no controversy with him, I should leave it to him to decide whether any of his official correspondence should be shown to those not parties to it. Any copies I could send to the committee would also be only secondary evidence, and it is but respectful to the Secretary of War that, under the circumstances of the case, I should be guided by the rule of law which excludes such evidence ; for the correspondence itself, being unquestionably on file at the War Department in Washington, will be, for aught that appears to the contrary, entirely accessible to the committee on their requesting to see it.

I feel under more than ordinary obligations to observe in this matter the strictest courtesy towards the War Department and its head, because a gentleman of this city, in reluctant obedience to his strict sense of the obligations of his oath as a witness before the committee,

made to them an unnecessary and irrelevant, as well as (of course unintentionally) inexact and incomplete statement of a hurried and casual street conversation with me, originating in mere curiosity on my part, and the less guarded as the correspondence alluded to was, in my view, of no importance whatever ; but which statement might possibly be misconstrued as placing me in the attitude I do not at all occupy, of a voluntary intervenor in this matter, in which I have no concern, and with the parties to which I have no controversy.

For these reasons, but with entire respect and deference to the committee, I must decline answering the questions propounded in your letter, (except, of course, so far as this answer admits the fact already communicated to the committee, without my consent, by the witness above mentioned, that the correspondence in question took place.)

I have the honor to be, dear sir, very respectfully, your obedient servant,

THOMAS C. REYNOLDS.

Hon. H. C. BURNETT,

Chairman Select Committee, &c., House of Representatives.

WAR DEPARTMENT,
Washington, April 6, 1828.

SIR: Having perused a letter addressed to you by Thomas C. Reynolds, Esq., of St. Louis, Missouri, in which he declines to furnish your committee with a copy of the correspondence he had with me last summer, in regard to the sale of the military reservation at Fort Snelling, I herewith enclose the letters of Mr. Reynolds and a copy of my reply, with the remark that I have not the slightest objection to their being submitted to the inspection of the committee.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. H. C. BURNETT,

Chairman Select Committee, &c., House of Representatives.

ST. LOUIS, MO., *August 19, 1857.*

SIR: I will be much obliged to you if you will inform me whether the site of Fort Snelling, or any part thereof, is intended to be sold, or has been sold by the government of the United States.

My reason for asking this information is, that in the event that the site of that post has not been sold, and the government is willing to dispose of it, I desire, in conjunction with some St. Louis capitalists, to make a bid for a portion (or, if necessary, for all) of it, either at private or public sale.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS C. REYNOLDS.

Hon. JOHN B. FLOYD,

Secretary of War.

WAR DEPARTMENT,
Washington, September 21, 1857.

SIR: Yours of the 19th August was not received until the 3d instant, and has remained, through inadvertence, unanswered to the present moment. As, however, the military reserve at Fort Snelling was sold several weeks before the date of your letter, I am gratified that no injury could result to you in consequence of your not receiving a more prompt reply.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

THOMAS C. REYNOLDS, Esq.,
St. Louis, Missouri.

ST. LOUIS, MO., *September 26, 1857.*

SIR: I have the honor to acknowledge the receipt of your obliging letter of the 21st instant, and to return you my acknowledgements therefor. When I wrote my letter of August 19 the sources of information within my reach could not apprise me, with certainty, whether the sale of Fort Snelling had been merely advised by the commissioners in charge of the matter, or had been finally concluded. That uncertainty forms my excuse for having trespassed on your time by my inquiry.

I have the honor to be, sir, very respectfully, your obedient servant,
THOS. C. REYNOLDS.

Hon. JOHN B. FLOYD,
Secretary of War.

Article of agreement concluded this 6th day of June, 1857, between Franklin Steele, of the Territory of Minnesota, Archibald Graham, of the State of Virginia, and John C. Mather, of the State of New York, to wit:

The said Franklin Steele hereby agrees to purchase of the United States, through their agents, employed by the Secretary of War, viz: Major Seth Eastman, of the United States army, and King Heiskell, of Virginia, all that tract of land known as the Fort Snelling reservation, situated in the Territory of Minnesota, said to contain between seven and eight thousand acres, more or less. Said land is to be purchased by the said Steele, (with all the buildings thereon,) in his name, for the joint benefit of the said Graham, Steele and Mather; and when so purchased, is to become the joint property of the said Graham, Steele and Mather; and when the said Steele shall receive a title for the said property, one equal undivided third of the same shall be conveyed each to the said Archibald Graham and John C.

Mather, reserving the same share for himself, to be held jointly and in common by the parties aforesaid. Each of the said parties hereby agreeing to pay to the United States government, or their authorized agents, one-third of the purchase money required by the contract for the purchase of the said property. As witness our hands and seals this day and year before mentioned.

FRANKLIN STEELE.
ARCHIBALD GRAHAM.
JOHN C. MATHER.

The above described property having been purchased by the said Steele, for the joint benefit of the undersigned, it is hereby further agreed that the said Steele is authorized, before making the division above described, to arrange the claim of Henry H. Sibley, by selling to him, at the same price per acre paid to the government, the following described land, to wit: commencing at a point on the Minnesota river, opposite the west end of his stable, at the ferry, running back from the river, and then parallel thereto down to the town line of Mendota, so as to include not exceeding in all thirty acres; also to settle the claim of Margaret Breauseau, by paying her fifteen hundred dollars, for and in behalf of the undersigned, for her interest in the ferry and premises, which premises and ferry are then to belong to us jointly. The said Steele is also further authorized to arrange with Kenneth McKenzie, for his claim, and if he requires one hundred and sixty acres of land, (and in no case is it to exceed that amount,) he is to be confined to what is known as the Baker claim; and should the said Steele deem it advisable, he is authorized, instead of deeding him the land aforesaid, to pay him for the relinquishment of his entire claim, a sum not exceeding fifteen thousand dollars.

It is further understood and agreed that the said Steele is to reserve for himself the house and lot occupied by him, supposed to be about ninety by one hundred and ten feet, more or less, which property is to belong exclusively to the said Steele, and is also to have the privilege of occupying the stable built by him, or removing it at his pleasure.

Witness our hands and seals this 9th day of June, 1857.

FRANKLIN STEELE.
ARCHIBALD GRAHAM.
JOHN C. MATHER.