
IN THE SENATE OF THE UNITED STATES.

JULY 18, 1892.—Ordered to be printed.

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

REPORT:

[To accompany S. 2931.]

The Committee on Public Lands having had under consideration the bill (S. 2931) to provide for the survey and transfer of that part of the Fort Randall military reservation in the State of Nebraska to said State for school purposes, return the same to the Senate with an amendment in the nature of a substitute, and recommend its passage.

The original bill was referred to the Secretary of the Interior for report as to its provisions. In a communication of date May 14, 1892, the Secretary returned the same to the committee inclosing a letter of the Commissioner of the General Land Office, of date May 5, expressing the opinion that certain provisions of the original bill were not satisfactory, and inclosing a new draft, in the nature of a substitute for the same, which is that herewith presented with the unanimous indorsement and approval of the committee.

The Commissioner states that a substantial settlement has been made as to all selections of school lands for the State of Nebraska, except as to certain Indian lands in the northern part of the State, concerning which he says:

No other claims by the State for school-land indemnity in any considerable amount, except those referred to above, are known to exist, except that the State is entitled for lands in the school sections allotted to Indians in that portion of Nebraska recently taken from Dakota and added to it under the provisions of the act of March 28, 1882 (22 U. S. Stat., 35), and of the 13th section of the act of March 2, 1889 (25 U. S. Stat., 892), and for all other losses of, and deficiencies in school lands in the townships in that country. Just how much land as school indemnity the State will be entitled to on account of this country can not be definitely stated, because the State has notified this office that it claims the school sections in place in that part of it which formerly belonged to the Great Sioux Reservation, notwithstanding my predecessor's opinion (annual report of the General Land Office for 1890, p. 243) that these sections, as also those in the Ponca Reserve not allotted to Indians, must be sold under the provisions of the act of 1889, above cited, but if, finally, the State should be required to take indemnity instead of the lands in place, its claim, so far as this country is concerned, would aggregate about 16,000 acres, 2,666 acres of which have already been selected.

It will be observed by the above that the State will not be entitled to all of the said military reserve to satisfy any claim for school indemnity that exists or may arise should the bill become a law.

The maximum number of acres, therefore, subject to claim from the State for school land indemnity can in no case exceed about 13,333 acres. As to these lands the Commissioner says:

Unless there should be reasons of a military character why this tract should not be opened to selection as proposed (as to the existence of which I am unadvised, and regarding which I would suggest a reference of the bill to the War Department),

I know of no reason why the State might not be allowed by law a preference right for one year from the date of the filing of the official plats of survey in the district land office in which to make selections in satisfaction of any ascertained school land deficiency in the State.

The second section of the bill contains a necessary provision authorizing the survey of the tract described in the first section, and is unobjectionable.

Afterwards, on May 18, in consonance with the suggestion of the Interior Department that the bill should be referred to the War Department for information as to any reasons of a military character that exist as to the necessity of retaining this reservation under the control of the War Department, by order of the committee the substitute bill recommended by the Interior Department was referred to the Secretary of War for the views of that Department, and in response thereto the Acting Secretary of War sent to the committee the following letter addressed to him by Gen. J. M. Schofield:

HEADQUARTERS OF THE ARMY,
Washington, D. C., May 18, 1892.

Honorable L. A. GRANT,
Acting Secretary of War:

SIR: Referring to Senate bill 2931, entitled "A bill to provide for the survey and transfer of that part of the Fort Randall military reservation in the State of Nebraska to said State for school purposes," and the indorsement relative thereto of the Hon. A. S. Paddock, United States Senate, I have the honor to report as follows:

In accordance with a plan long contemplated, it has recently been decided to relinquish the Fort Randall military reservation as being no longer necessary for military purposes, and the order of the Secretary of War has already been given for the transfer of the custody of that property to the Interior Department for such use or disposition as may be desirable and authorized by law. It is understood that the buildings of the post of Fort Randall are to be used for Indian school purposes, but it is believed that no part of these buildings are on that portion of the reservation which lies in the State of Nebraska.

There is no military reason known to me why this portion of the reservation, it being no longer needed for military purposes, may not be disposed of as proposed in the bill herein referred to.

Very respectfully,

J. M. SCHOFIELD,
Major General, Commanding.

With the following indorsement:

Inviting attention to the inclosed report of the Major-General Commanding the Army, of this date.

Concurring in the views expressed in that report, this Department knows of no objection to the passage of the bill.

This measure involves no new grant of lands to the State of Nebraska for school purposes. It simply provides for indemnity lands in the same section of the country where it has sustained its losses of such lands. The character and value of the lands thus to be conveyed to the State in place of those lost are the same, none of either of these classes of lands being in any respect more desirable than agricultural lands generally in that section of the country. They are removed from settlements, there being no town within 50 to 75 miles therefrom.

There appears to be no reason why that part of these lands not required for school indemnity, as before stated, should not pass into the body of the public lands, to be acquired under homestead settlement, in consonance with recent legislation and the present view of Congress as to the disposition of the public lands.