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Additional History of Old Fort Hays

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Kansas City, Missouri,
February 25, 1910

Mr. J. H. Beach,
Hays, Kansas.

Dear Sir:

Replying to yours of the 22nd inst., will say that Old Fort Hays was first established at a point several miles south and east of Hays City, the exact location of which you can probably determine by consulting Mr. John Schlyer or some other old resident of that locality. Government troops were stationed there during the spring of 1867 under the command of General Hancock, but suffered great loss and inconvenience because of high water during that spring, and were forced to seek a new location.

In June 1867 General Hancock selected the location south of Hays City, which was afterward, during the month of July 1867, surveyed and laid off by First Lieutenant M. R. Brown U. S. Corps of Engineers, Chief Engineer of Department of Missouri. This new location was designated by the Department and known as New Fort Hays. No actual survey was at the time made by Lieutenant Brown, excepting to run boundary lines and place marks or monuments showing the area including for military use.

A Government survey of township fourteen (14), ranges eighteen (18) and nineteen (19) was made July 23rd to 29th, 1867, and on September 22, 1868 the General Land Office at Washington directed the U. S. Survey General of Kansas to lay down upon the original township plats the Fort Hays Reservation, calculate the area of fractional sections made so by the location of the Reservation and furnish duplicate and triplicate plats of these amended township plats to the General Land Office and the proper Local Land Office.

This final survey, or what has been recognized as a final survey of the Reservation, was made by simply taking an ordinary township plat of the size used by government surveyors and trace with a blue pencil the outlines or boundary lines of the Reservation as fixed by Lieutenant Brown in his preliminary survey.

The so-called New Fort Hays was used and occupied as a military post from the time of its location by General Hancock until some time in 1889, when it was abandoned and the troops removed. By executive order of October 22, 1889, the tract, now known as the Abandoned Fort Hays Military Reservation, was transferred to the custody of the Department of the Interior for disposal under the provisions of the Act of Congress approved July 5, 1884, providing for the disposition of abandoned military reservations.

Immediately upon the abandonment of this Reservation by the War Department, efforts were made through Honorable E. J. Turner, (then representative of the Sixth Congressional District), to induce Congress to grant the entire tract to the State of Kansas for purposes similar to which it was later

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appropriated, and through his efforts the tract was withheld from disposition or settlement under the Act July 5, 1884, until Congress should have an opportunity to take action on the matter of its disposal.

In 1895 the Legislature of the State of Kansas by joint resolution, (Session Laws of Kansas, 1895, page 552), appealed to the Kansas Representatives in Congress to secure the passage of an act donating the Reservation to the State of Kansas for the purpose of establishing a branch of the State Agricultural College, a branch of the State Normal School and a public park.

As a result of such efforts, a measure providing for such donation was adopted by both Houses of Congress, but failed to become a law March 4, 1897, only because of the inability of the Chief Executive to approve the bills presented during the closing hours of his administration.

Our representatives immediately renewed their efforts which resulted in the approval on March 28, 1900 of a measure donating said Reservation to the State for the purposes named in the resolution above mentioned.

While the last measure was pending in Congress and for some reason, hard to explain, the Secretary of the Interior, on June 14, 1899 issued an order revoking previous orders, withdrawing the lands in the Fort Hays Reservation from settlement and entry, and directing the proper officers to cause the property to be appraised with a view of its disposal under the Act of July 5, 1884.

As a result of this order of the Interior Department conflicting with the Act of Donation subsequently approved March 28, 1900, an effort was made by homestead applicants to acquire all the land under the Homestead Laws, and from one to a half dozen applications for each and every tract was filed in the Local Land Office, all of which applications were rejected.

Some fifteen of these prospective homesteaders appealed to the Commissioner of the General Land Office, who by letter "C" of September 13, 1899, sustained the action of the Local Land Office and denied the right of the parties to make homestead entry on any part of the land within the Reservation.

A further appeal was prosecuted to the Secretary of the Interior, who, on June 26, 1900, and after the approval of the Act of Congress granting the land to the State of Kansas, reversed the decision of the Honorable Commissioner, with directions to allow the homestead entries. The Legislature of 1901, by proper resolution, accepted the grant made under the Act of Congress on March 28, 1900 and made an appropriation for preliminary work on the Reservation, but with a provision that no part of the appropriation should be available until the Attorney General of the State of Kansas certified to the governor and to the regents of the two Colleges named that the title to the State of Kansas to such Reservation was perfect.

In the meantime, an effort was made by certain citizens of Hays City to procure a rehearing of the matters pending before the Interior Department, and by letter of January 30, 1901, the Secretary of the Interior handed down a decision reaffirming the decision of that Department of date June 26, 1900.

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Shortly thereafter, I was employed by a Citizen Committee, with the consent of the governor and attorney general of the State of Kansas, to attend as special counsel for the State, and if possible, procure a further rehearing of the matters involved.

I appeared before the Department at Washington and orally argued the questions involved on May 13 and 14, 1901, and on the last named date, succeeded in reopening the case and an order to that effect was made and effect was made and signed on that day by the Secretary of the Interior.

The entire matter involved was resubmitted and final decision obtained in favor of the State during the month of October 1901.

1868
I have no data as to who made the order for the first survey of the Reservation, but assume, from copies of correspondence before me, that it was made under the direction of General Hancock, although it appears that the Reservation was not finally established by executive order until August 28, 1869. I assume from this that the selection was made by General Hancock, and all preliminary action taken and the same reported to the War Department when the executive order of August 28, 1868 was made. I have examined the original plat of survey of the Reservation on file in Washington, and, as I have already suggested, it is merely an ordinary township plat with the boundary lines of the Reservation traced with a blue pencil, and I therefore assume that the survey was merely an office survey, and I am quite well satisfied that no survey of any kind, other than the one made by Lieutenant Brown in 1867, was ever made, the areas of fractional sections being calculated in the usual way, as compliance with the order of the General Land Office to "lay down upon the original township plats the Fort Hays Reservation."

In answer to your inquiry as to when the railroad company secured title, will say that I do not think the railroad company ever held title, to any land within the boundary of the Reservation, as I do not think a plat of definite location of the railroad survey west of Hays City was made or filed as early as June 1867, and if not, the appropriation of the land by the War Department would prevent the railroad company from ever acquiring title to that land under either the act of 1862 or 1864.

I have doubtless given you more data than you require for your purpose, but you can probably gather from this letter such information as you desire. I will probably be in Hays City during the early part of next week, and will be glad to talk to you personally if I can be of further service.

Respectfully,

(Signed)

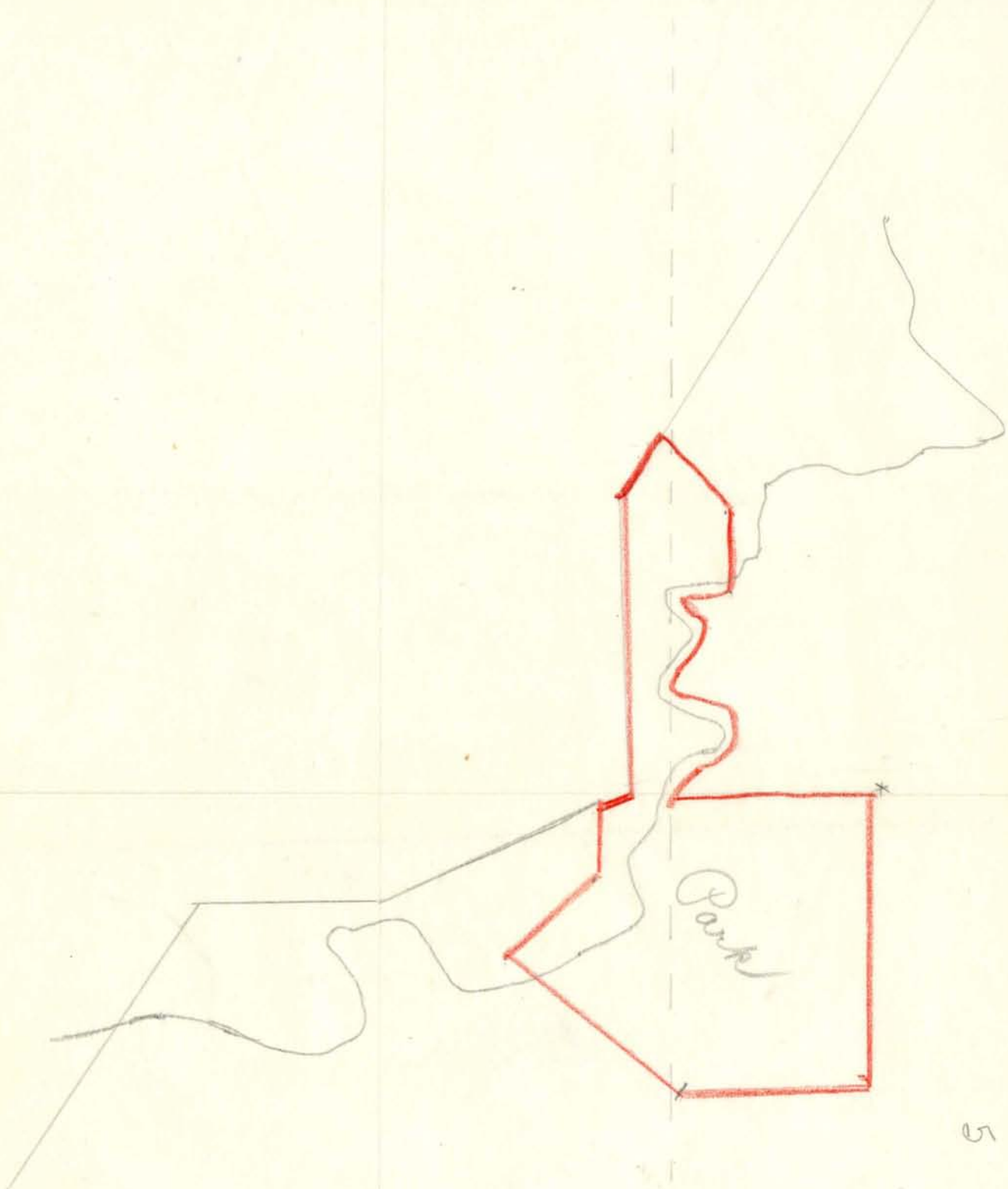
W. E. Sams

Sams

WES:HS

P. S. Since dictating the above, I have prepared an additional memoranda which will perhaps be of more value to you and which I enclose herewith.

W. E. S.



Park

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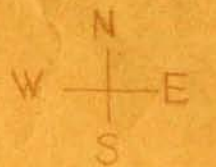
Beginning at a point on the west line of Section 4, T 14 S. R. 18 W., 846 feet north of the southwest corner of said Section 4, thence north along west line of Section 4, 1362 feet, thence north $89^{\circ} 25'$ E, to east line that intersects the north and south center line of said section 4, at a point 337 feet south of the center of section 4, thence north $53^{\circ} 0'$ 792 feet to intersect north line of military reservation, thence N $32^{\circ} 0'$ W 666 feet along the said north line of military reservation to a point 440 feet north of the center of said section 4, thence west 2640 feet to a point on the west line of section 4, 440 feet north of the southwest corner of the northwest quarter of section 4, thence north $23^{\circ} 30'$ W 221 feet thence S $87^{\circ} 15'$ W. 587 feet thence N $40^{\circ} 8'$ W 1220 feet thence S $38^{\circ} 38'$ W. 1914 feet to center of Section 5, T. 14 S R. 18 W thence south 1794 feet along the north and south center line of said section 5, thence east one half mile to intersect west line of Section 4-14-18 at the place of beginning.

Sec 32

Sec 33

R. 18 West

T. 14 South



1/8" = 1 Chain



Center Sec 32

Center Sec 4

90-10-199

Sec. 9