

REPORT

OF

PROF. N. H. WINCHELL,

CONCERNING THE

SALT SPRING LANDS,

DUE TO THE

Minnesota Geological Survey

LIBRARY

STATE OF MINNESOTA.

PUBLISHED BY ORDER OF THE BOARD OF REGENTS.

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Minnesota Geological Survey
LIBRARY

SALT SPRING LANDS.

To The Board of Regents of the University of Minnesota:

The whole of the State Salt Spring Lands have been appropriated by the Legislature to the prosecution of the Geological and Natural History Survey of the State of Minnesota, under the direction of the Board of Regents of the State University. Upon investigating the condition of these lands, it has been ascertained that there is a large deficit in the amount granted by the General Government. This deficit arises from no fault of the State, or of its officers. The following history is sufficient to show that every step required by the terms of the grant was carefully taken. It is presented to the Board of Regents for their information, and for the purpose of calling the attention of the proper officers to the necessity of taking such measures as will secure to the work for which these lands have been set aside, the whole of the original grant :

N. H. WINCHELL,
State Geologist.

(a). SELECTION OF THE LANDS UNDER GOV. SIBLEY.

An Act of the United States Congress, approved Feb. 26, 1857, authorized the people of the Territory of Minnesota to form a constitution preparatory to their admission into the Union. This act, well known as the Minnesota "Enabling Act," contained a clause granting to the new State, on its admission,

certain amounts of land for different purposes. Among these were "twelve salt springs, with six sections of land adjoining or as contiguous as may be, to each." In compliance with this enabling act Minnesota became a State May 11th, 1858, the first governor being H. H. Sibley. The terms of the grant made it obligatory on the state to select the lands [within two years after its admission into the Union.

In the latter part of August of the same year, Governor Sibley addressed the following letter to the commissioners appointed to select the salt spring lands.

EXECUTIVE OFFICE, ST. PAUL, }
August 23, 1858. }

GENTLEMEN:—I have appointed you to select the lands of the State granted by the Enabling Act of Congress, approved Feb. 26, 1857:

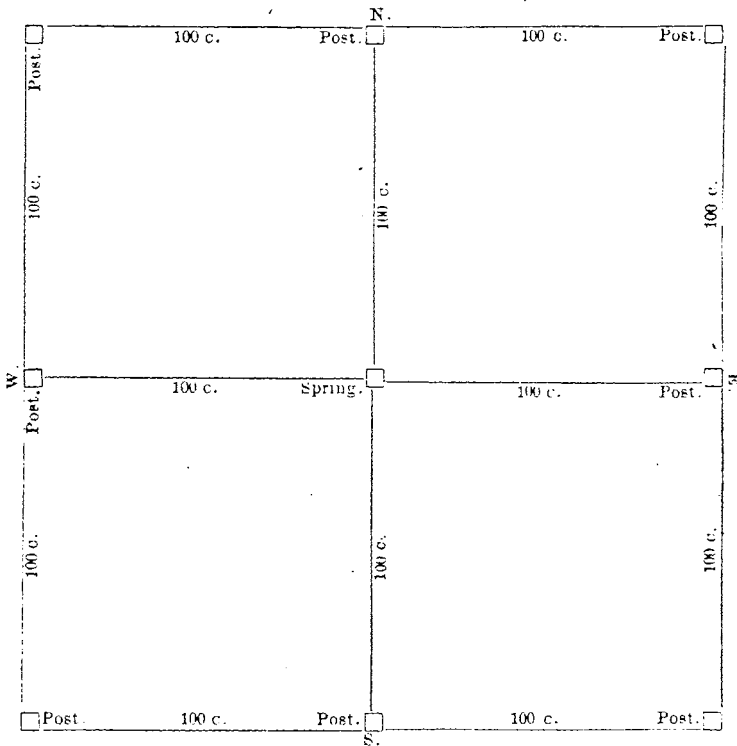
They consist of the following tracts:

First. Seventy-two sections of land for the use and support of the State University. * * * *

Second. Ten sections of land, to be selected in legal subdivisions, "for the purpose of completing the public buildings, or for the erection of others at the seat of government." It is highly desirable, &c. * * * *

Third. Twelve salt springs, with six sections of land adjoining, or as contiguous as may be to each. On the discovery of a salt spring, you will proceed to identify the same as claimed by the State, in the following manner, to wit: By the establishment, as near as may be to the spring itself, of four substantial posts, firmly driven into and not less than three feet above the ground, in a direction corresponding to the cardinal points. Mark the same distinctly (with a proper marking iron) with the letters $\frac{SS}{S}$ then take the bearings, distance and size of at least two trees from each post so established, cutting from the same a good clear *blaze* and marking thereon the letters $\frac{BT}{S}$ then proceed to mark out by means of blazed lines running east, west, north and south, from the spring as a

centre, a piece of land as per figure. At a distance of about 100 chains from the spring, or centre, on such blazed lines, as also at the respective corners of the square, to be described or marked out, you will establish a post and take therefrom two bearings, all to be marked as before directed. Let your lines be well blazed and marked, so as to be plainly distinguished and observed by persons looking up land, and full notes kept of the bearings to the different posts set.



Whenever the land is of an open character, and bearing trees not to be obtained, you will establish your posts in mounds of stone, if convenient, otherwise of earth taken from a trench dug around the post, and covered with the sod taken therefrom; and it will be necessary where blazed lines, from the absence of timber, cannot be made, to mark such lines by means of either

earth or stone, of a distance apart of not more than 20 chains.

You will also note a full description of quality and nature of the soil, timber, &c., of the land so marked out, together with any other natural objects that would be of value or importance, to be known in view of prospective settlement.

It will be desirable that the springs should be located as near as possible to some one or more known lakes, rivers or streams, with the distance or direction therefrom, so that they may be easily found, and their position shown on the map furnished you herewith, which has been prepared for the purpose of exhibiting the country lying between the line of the Government surveys and our national boundary, it being distinctly understood that all springs found situated within the lines of the government surveys must be carefully connected therewith by giving the true source and distance to two or more of the section corners established on the same, so that they can be correctly located on the township plats, and in all such cases it will not be necessary to run out the lines to embrace the quantity of land that would inure to the State, but merely marking the State's claim thereto by the establishment of four posts, and their respective bearing trees in the manner hereinbefore directed—immediately around the spring.

In case you shall fail to discover the number of salt springs (twelve) to which the State is entitled, so distinctive in their character as to admit of no doubt, you will then turn your attention to the salt lakes, in order to discover, if possible, if such are fed by springs. It will be necessary for you to satisfy yourselves of the fact sufficiently to enable you to make affidavit that such springs do exist as feeders to the lakes. The smaller the lakes thus fed by salt springs, the more advantageous it will be to the State, as it may be required by the general Land Office that the surface of the lake be included in the six sections donated. Whether this should be the construction or not, it is desirable that all points to which objection may be made, be avoided as far as possible. * * * * *

Accompanying this letter of instructions was a letter to Mr. Bottineau, (of Bottineau's settlement,) requesting him to act as guide to the party, and as interpreter to the Indians of the objects of the exploration.

EXECUTIVE OFFICE, 3d Sept. 1858, }
 ST. PAUL, Minnesota. }

HON. JOSEPH ROLETTE.

SIR:—I am informed you are aware of the existence of a salt spring in the vicinity of your residence within the boundaries of this State, and I desire that you should secure it with an amount of land equal to six sections adjoining it, as the property of the State. Congress, in the enabling act, granted to Minnesota (12) Twelve Salt Springs, with six sections of land adjoining each.

On arriving at the spring in question, (here is quoted literally all on page 46 (above) included between the brackets [thus].

You will please give the direction and distance of the spring from the nearest known lakes or rivers or settlement, so that it may be easily found and its position shown on the map. You must be certain that the spring (or springs) is east of the Red river and south of the north line of this State.

You will forward all of your proceedings, sealed up, to me at this place, by mail or other safe conveyance, and you will be reasonably compensated for your labors.

Very respectfully yours,

HENRY H. SIBLEY.

P. S.—You will please communicate with Mr. N. W. Kittson before taking any steps to secure the spring as above, as he was requested to attend to the matter.

EXECUTIVE OFFICE, ST. PAUL, MINN., }
 25th Sept., 1858. }

MR. PIERRE BOTTINEAU.

SIR:—You are hereby appointed a Commissioner to select in company with Mr. James D. Skinner, the lands to which the State is entitled under the enabling act of Congress. Your term will commence on the 27th instant, when you will proceed

to join the party already dispatched and which you will probably fall in with at or near Breckenridge. On your arrival, Messrs. Johnson and Boyle will at once return to this place, as I have explained in my letter to them which you will deliver as soon as you come up with the party. The objects of the expedition has been made known to you by me, and fully embodied in the instructions to the gentlemen already sent out, and they will be communicated to you by Mr. Skinner. I depend much upon your experience and knowledge of the country, and have written Mr. Skinner that the party is to be guided by you in its movements, while Mr. S. will be particularly in charge of the surveys of the land &c. You will be particular to progress as rapidly and to return as soon as possible.

Yours respectfully,

H. H. SIBLEY.

EXECUTIVE OFFICE,
ST. PAUL, MINN., 25 Sept. 1858. }

MESSRS. SKINNER, JOHNSON & BOYLE,

Commissioners to select lands,

GENTLEMEN: This will be handed you by Mr. Pierre Bottineau, whom I have engaged and despatched to join the expedition and direct its course and movements, &c., directing the return and route of Messrs. Johnson and Boyle to St. Paul.

(b). SALT SPRING LANDS SELECTED BY THE COMMISSIONERS.

The Commissioners appointed by the Governor to make selections of salt springs and lands for the State were Pierre Bottineau and James D. Skinner. Their report, attested by Wm. F. Wheeler, Notary Public of Ramsey County, and Wm. F. Wheeler, Private Secretary of the Governor, is recorded in the executive record (Journal A., p. 65,) under the date of 27 Nov., 1858, as follows, to wit:

STATE OF MINNESOTA, {
COUNTY OF RAMSEY. } ss.

Before me, a notary public, in and for said county, personally came James D. Skinner and Pierre Bottineau, who being duly

sworn according to law, did depose and say: That in the month of September last, (1858), they were appointed by Henry H. Sibley, Governor of the State of Minnesota, commissioners on the part of said state to select and mark out the twelve salt springs with the land adjoining, granted by act of Congress, approved March 3d, 1857, to the said state,—that they have discharged the duty thus imposed upon them, and have found salt springs on or adjacent to the following described tracts or parcels of land included in the U. S. Government surveys, and which said tracts and parcels of land they have reported to the said governor as claimed for and in behalf of said state under the act of Congress referred to, to wit: South half of section 23, south half of section 22, and sections 25, 26, 27, 34 and 35, in township 136, north of range 45, west; sections 2, 3, 10 and 11, west half of section 1, west half of section 12, north half of section 14, north half of section 15, township 135, range 45; south half of section 20, south half of section 21, east half of section 30, east half of section 31, and sections 28, 29, 32 and 33, township 136, range 45; south half of section 19, south half of section 20, west half of section 28, and sections 30, 31, 32 and 29, and west half of section 33, township 136, range 44; sections 4, 5, 8, 9, east half of section 6, east half of section 7, and section 17, township 135, range 45; sections 12, 13, and north half of section 24, township 133, range 44; sections 1, 2, 11, 12, north half of section 13, north half of section 14, township 135, range 46; sections 7, 18 and west half of section 8, north half of section 19, west half of section 20, township 133, range 43; west half of section 6, west half of section 7, township 135, range 45; sections 7 and 18, township 131, range 42, sections 12, 13, east half of section 11, east half of section 14, township 131, range 43; west half of section 8, west half of section 17, township 131, range 42; section 6, and west half of section 5, township 131, range 42; west half of section 32 and section 31 in township 132, range 42; section 1 and section 2, township 131, range 43; section 35, township 132, range 43; also three

salt springs outside of the lines of the government surveys, with six sections of land to each, marked out by metes and bounds and described as "eighteen sections of land lying south from the Wild Rice river and traversed by the south branch of the said Wild Rice river, which rises along the eastern boundary of said tract, and closely adjoining, and northwest from the crossing of the Red river trail, (so called). At said branch posts were set and lines run out as per letter of instructions of the said governor, and a map or diagram of which selections accompanies this affidavit, marked "A." And deponents further say that, according to the best of their knowledge and belief, no right to any of the said salt springs or lands claimed for the state as aforesaid, has vested in any individual or individuals by reason of prior claim of settlement or pre-emption, or by any grant from the government of the United States. That they have visited in person and examined said salt springs, and that they do exist on or adjacent to the lands above designated, and are of the kind or description contemplated by the act of Congress above referred to. And the said deponents further say that they have delivered to the said governor a general map of the country, which map or draft contains a designation of the particular location of the several salt springs so selected by them for the state as aforesaid, which correctly describes the location of the salt springs as they are marked on the said map or draft, and further deponents say not.

PIERRE ^{His} BOTTINEAU,
 JAMES D. SKINNER. _{mark.}

Attest :

W. F. WHEELER.

Sworn and subscribed before me this 27th day of November, 1858. Witness my hand and notarial seal.

{ L. S. }

WM. F. WHEELER,
 Notary Public,
 Minnesota.

Attest : WM. F. WHEELER,

Private Secretary.

(c). THE LOCATION AND EXISTENCE OF THE SALT SPRINGS.

Compilation of the Report of the Commissioners for the selection of Salt Springs for the State of Minnesota, under the Enabling Act (so called) of Congress, approved Feb. 26, 1857, so far as it relates to the location and existence of such Springs.

To His Excellency H. H. SIBLEY,

Governor of the State of Minnesota.

The undersigned, Commissioners appointed by your Excellency to locate public lands for State purposes, beg leave respectfully to submit the following report :

* * * * *

At Otter Tail City we obtained some valuable information from the Deputy Surveyor, to whom we delivered our letters from the Surveyor General's office. We learned from him the locality of two salt springs which he had discovered, and this information proved the means of our finding others. We also, through Mr. Bottineau's knowledge of the Chippeway language, derived important information from the Indians who were encamped at this point. This information proved to be of the greatest value in our explorations, and in no one instance did we find that the Indians misled us.

* * * * *

After finally crossing the river (Otter Tail), the character of the country changed, the land rising into high bluffs heavily timbered along the river, among which I noticed a large quantity of pine. The road here strikes through heavy timber, and leads for six miles through a dense forest to *Lac Detroit*—so called from its peculiar conformation. Thence following the lake shore for a distance of three miles, we emerged again upon the prairie, over which we travelled until we reached *Eagle's Nest Lake*, about seven miles north of *Lac Detroit*.

At this point we diverged from the trail, and travelled westward until we struck the St. Cloud trail, leading, *via* Dayton, to Pembina; this we followed until we crossed the Buffalo river.

Leaving the trail on the west side of this stream, we travelled westward across the country until we reached a creek not laid down on any of the maps, but which subsequent explorations proved to be the south branch of Wild Rice river.

We were now in the vicinity of a salt region, descriptions of which had been given us by the Indians, and at once began a search for springs.

Following the creek last mentioned for about twelve miles we reached the crossing of the trail. There dividing the party, we instituted a thorough search, and soon discovered three salt springs, one and one-half miles distant, and bearing north-west from the crossing. These were so situated as each to carry with it its six sections of land, without interfering one with the other. Encamping here we prepared to make the necessary examinations and surveys.

These lakes we ascertained to have neither inlet nor outlet, and to be of a decidedly saline character. In every instance they were fed by springs situated near to and connected with the lake. These springs varied from six to thirty-six feet in diameter, and their waters were much more highly impregnated with salt than were those of the lakes which they fed, thus proving their distinctive character as salt springs.

The lakes themselves were from ten to thirty acres in area, as nearly as could be determined without actual measurement.

The soil around was the richest I had yet set seen, being level prairie, with a fine growth of grass, but entirely without timber, although four miles to the eastward extended a long ridge well wooded along its crest.

Beginning on the morning of October 15, I proceeded to lay out the land, accompanying the springs as per letter of instructions from your Excellency, and closed up the survey on the evening of the 18th, having run in all about thirty two miles of line. The manner in which the land is laid out will be seen by a diagram hereto annexed marked "A."

* * * * *

On this range (of bluffs) we once more struck the St. Cloud trail which we followed southward until I found from the section posts, on the township lines, that we were near the springs described to us by the deputy surveyor. We then encamped on the ridge, which is here known as the Leaf Mountain.

The next day we discovered the springs referred to, and found them to be more abundant than we had supposed. We found here five distinct spring, of a highly saline character, and were able very advantageously to locate the lands to which the State is entitled. These springs lie in a level prairie, and are surrounded by salt marshes. In every instance the springs lie considerably above the level of the adjoining soil. A saline deposit is found on their margins, and also on the surface of the ground adjacent.

* * * * *

Leaving this locality we returned to our camp on the ridge, near which we discovered another salt spring. The land around this consists of fine rolling prairie, and possesses the advantage of being well timbered in part. This was surveyed and we proceeded on our way, having thus far found nine springs with the lands attached.

Starting from this point on the morning of November 1st, we left the ridge, and, following the Red river road which runs at its foot, we crossed the Leaf Mountain, properly so called. Here the bluffs rise very high, some of them being three hundred feet above the ground level; passing beyond these, we traveled over a rolling country well interspersed with lakes and timber, in which we discovered the tenth salt spring, which was a feeder to an adjoining salt lake.

The selections here were very desirable, being rich prairie with a sufficiency of good timber. The survey made, I proceeded with as great dispatch as the lateness of the season and the enfeebled condition of our animals—owing to the utter absence of proper food—would allow, to the large salt lake described to us by the Chippewa Indians. This lies about eight

miles east of the crossing of the St. Cloud trail at the town site of Dayton, and is one of a long series of lakes. On our way thither we fortunately fell in with an Indian who had been one of a party engaged the previous winter in the manufacture of salt, at the lake. Under his guidance we reached the lake, and at once made the necessary examinations and surveys. The waters of this lake—which was of irregular shape, and some two miles in length—were strongly impregnated with salt, indeed more strongly impregnated than any I had yet tasted. The lake is fed by springs a little removed from and connected with it by a narrow channel. We here secured two springs, thus completing the number granted by Act of Congress, and fulfilling all the objects of the expedition.

The selections here made were very valuable, being well supplied with good timber.

* * * * *

(d) THE SITUATION OF THE SALT SPRINGS, AND THE AREAS OF LAND APPERTAINING TO EACH.

Number of Spring.	LOCATION.	Area of Selections in ACRES.
1	N E corner of N E $\frac{1}{4}$ of Sec. 7, T 131, R 42.....	3081.72
2	S E corner of S E $\frac{1}{4}$ of Sec. 6, T 131, R 42.....	2670.64
3	S W $\frac{1}{4}$ Sec. 12, or N W $\frac{1}{4}$ Sec. 13, T 133, R 44.....	3760.52
4	Near Center Sec. 32, T 136, R 44.....	3757.90
5	S W $\frac{1}{4}$ Sec. 34, T 136, R 45.....	3840.00
6	S E $\frac{1}{4}$ Sec. 33, T 136, R 45.....	3840.00
7	N E $\frac{1}{4}$ Sec. 4, T 135, R 45.....	3837.44
8	N W $\frac{1}{4}$ Sec. 3, T 135, R 45.....	3834.19
9	On Range line bet. Sec. 6, T. 135, R 45, and Sec. 1, T 135, R 46.....	3645.05
10	In unsurveyed country on S Branch of Wild Rice River.*.....	about 4000.00
11	" " " " " " " ".....	" 4000.00
12	" " " " " " " ".....	" 4000.00

* See diagram of the special survey by Commissioners, locating these lands in 1855, on file in the Governor's office, St. Paul.

(e) CORRESPONDENCE OF GOV. SIBLEY.

EXECUTIVE OFFICE, 30th Nov. 1858, }
 St. PAUL, Minnesota. }

To the Register and Receiver of the U. S. Land Office at Otter Tail City.

GENTLEMEN: You are aware that by the terms of the Enabl-

ing Act (so called) of Congress this state is secured in the possession of twelve salt springs, with six sections of land "adjoining or as contiguous as may be to each." Also to, "ten entire sections of land to be selected by the Governor of said state, in legal subdivisions" for the purpose of completing the public buildings or for the erection of others at the seat of government. I despatched commissioners on the part of the state to select these salt springs with the lands mentioned, and they have discharged their duty and reported to me. The lands indicated in the schedule herewith sent are those claimed for the state for the purposes above stated, and I have the honor to request that they may be noted as so claimed on the government surveys in your office, and reserved from pre-emption and sale. I have addressed a communication of this date to the Commissioner of the General Land Office on the same subject.

Very respectfully

Your obedient servant,

HENRY H. SIBLEY.

EXECUTIVE OFFICE, Dec 1, 1858.

Hon. A. P. HENDRICKS, Commissioner General Land Office,
Washington City.

SIR: I have the honor to state that I have this day addressed a communication to the Register and Receiver of the land office at Otter Tail, in this state, designating as nearly as possible the location of the twelve salt springs with the land adjoining or contiguous thereto to which the state is entitled by the terms of the Enabling Act (so called) of Congress, approved Feb. 26, 1857.

* * * * *

These salt springs and lands lie in the land districts respectively of the officers to whom the communications are made, and I have requested that the lands specified be reserved from pre-emption and sale, as they are claimed by me for the state. So

soon as the formal report and accompanying map or diagrams can be prepared by the agents appointed by me to make the selections, I will transmit to you a copy of the latter, and meanwhile have the honor to request that you will instruct the several land officers to respect the selections made, and to mark upon the maps of the government surveys those portions of the lands claimed by the state as may be found within the lines of such surveys, and to designate also upon the permanent records of the offices such lands, so claimed, as are outside of such limits.

It will be found that these salt springs with eighteen sections of land adjacent thereto have been selected within the country as yet unceded by the Indian tribe to which it belongs, to the government, as it was necessary so to secure the whole of the twelve salt springs granted to the state. I am aware that the state cannot take possession of these before the extinguishment of the Indian title, but they can be so designated as to inure to the benefit of the state so soon as that event shall take place.

I am desirous to have all the questions connected with the selection of these salt springs and lands settled as soon as practicable, and it is with a view to a speedy consummation that I have the honor to request a reply, at your convenience, to the contents of this communication.

Very respectfully, your obedient servant,

HENRY H. SIBLEY.

To the above letter of Gov. Sibley, the Commissioner of the General Land Office, at Washington, replied that a letter of instructions to the local officers at Otter Tail had been dispatched requiring them to make such notes on their records as will clearly designate the lands selected, and to await further instructions. A copy of this letter was sent by Hon. J. S. Wilson to the Hon. Chas. McIlrath in a later correspondence, dated November 25, 1868, but it cannot be found in the records of the Auditor at St. Paul.*

*It was forwarded by Auditor McIlrath to the land office at Alexandria.

(f) CORRESPONDENCE OF AUDITOR MC'ILRATH.

Gov. Sibley's term soon expiring, nothing further was done towards securing the title to these lands to the state, till the twentieth day of November, 1868, when the state Auditor addressed the commissioner of the General Land Office a letter which received the following response. This, and the subsequent correspondence, will show the attempts made by the state Auditor to secure to the state of Minnesota the title to the lands originally selected by the commissioners under Governor Sibley.

Copy of a letter from Hon. J. S. Wilson, 89-419, Department of the Interior, General Land Office, Nov. 25, 1868.

Hon. CHAS. MCILRATH,
Auditor and Land Commissioner,
St. Paul, Minnesota.

SIR: I have to acknowledge yours of 20th instant, making inquiry about the selections of "salt spring lands" for the state of Minnesota.

In reply I state that on 1st December, 1858, the Governor of the state wrote to this office to the effect that he had written to the Otter Tail land office designating as nearly as possible the location of the twelve salt springs with the lands adjoining or contiguous thereto, to which the state is entitled by the terms of the Enabling Act (so called) of Congress, approved February 26, 1867. In reply thereto we addressed a letter of instructions to the local officers at Otter Tail City to make such notes on their records as will clearly designate the lands selected, and to await further instructions. I enclose a copy of this letter. No further action has been taken by the state authorities toward obtaining title to the lands, nor has this office issued any further instructions.

To bring the matter now properly before the Department, it is requested that the state will present through the local officers a list of the lands claimed for salt springs, with evidence of the existence of such springs, and if any other springs are still

within an unsurveyed region, diagrams should be forwarded showing their locality by proper metes and bounds. When these are received we will be enabled to take definite action.

Very respectfully your obedient servant,

J. S. WILSON.

Commissioner.

STATE LAND OFFICE, ST. PAUL, MINN., }
March 13, 1869. }

HON. JAS. S. WILSON,

Com. General Land Office,

Washington, D. C.

SIR: In compliance with the instructions contained in your letter of the 25th of November, 1858, ("89-419" relating to the selections of "salt spring lands" for the state of Minnesota, I herewith enclose the following papers, and respectfully request the action of the Department thereon, viz:

1. Copy of the affidavit of the commissioners who selected the said lands in 1858, certified to by the Governor and attested by the Secretary of said state, designating the lands by U. S. subdivisions where surveyed, and where not surveyed describing the same by metes and bounds.

2. Map of the lands with field notes of surveys by said commissioners, showing positions of said springs in reference to the U. S. section corners.

I have also sent to the local land officers at Alexandria, the copy of the letter from your office to the officers at Otter Tail land office, dated December 14, 1858, requiring them to mark on their plats and tract books said salt spring lands, and accompanied the same by a similar list to the one herewith transmitted, and a diagram of the selections beyond the surveys.

Very respectfully your obedient servant,

CHAS. McILRATH,

Com. State Land Office.

Copies of the foregoing affidavits may be seen in the records of the land office at St. Paul.

STATE LAND OFFICE, ST. PAUL, MINN., }
 March 30, 1869. }

Register and Receiver of the U. S. Land Office, Alexandria
 Minnesota.

SIR: Herewith please find enclosed a copy of a letter from the General Land Office to the land officers of Otter Tail District, dated December 14, 1858, in relation to the state salt spring lands, also a list of said lands, and a diagram of selections beyond the surveys.

I have to respectfully request that you will examine your plats, and mark on them said lands, and file said diagram as presented in copy of letter referred to, and if in the change of the office from Otter Tail to St. Cloud and from thence to Alexandria, any of the lands have been entered, or the marks of selections obliterated on the plats, please let me know it.

Yours respectfully,

CHAS. McILRATH,
 Com. State Land Office.

STATE OF MINNESOTA, AUDITORS' OFFICE, }
 St. Paul, September 18, 1869. }

HON L. K. AAKER,
 Register U. S. Land Office,
 Alexandria, Minn.

SIR: On the 30th of last March I sent to the Register and Receiver of the Alexandria office diagrams and lists of lands selected contiguous to salt springs by the state under the Enabling Act; also a copy of a letter dated December 14, 1858, from the Commissioner of the General Land Office, "directing them to make such notes on their records as will clearly designate the lands selected;" &c., and requested that in case the change of the office from Otter Tail to St. Cloud, and from thence to Alexandria, had obliterated those notes or marks of selections on the plats or files of the office, they should re-mark them, and file the diagrams and lists of selections in the office as evidence of the compliance of the state with the terms of

the grant. I also asked to be informed if any of the lands mentioned in the lists had been entered or applied for under any of the acts of Congress for disposing of the public lands.

To that letter I have received no reply. I therefore desire to again call the attention of the office to this matter, and to respectfully ask that proper means be taken to set apart the lands mentioned in the diagrams and schedules referred to, to the state for the purposes mentioned in the act, and that all settlement or entry of the lands be prohibited until the General Land Office has time to finally adjust the grant to the state; and if any of the lands have been entered or applied for under the laws of Congress, I wish you would send me a list of the descriptions and the dates when claimed so that I may take the necessary steps to secure the interest of the state.

Respectfully yours,

CHARLES McILRATH,

Auditor of State.

U. S. LAND OFFICE, ALEXANDRIA, MINN., {
September 28, 1869. }

CHAS. McILRATH, State Auditor.

DEAR SIR: I have received your letter dated September 18, 1869, and will state in reply that I find the diagrams and lists of which you speak on file in this office, and also that the lands embraced in said lists and diagrams have been marked on the plats as desired. I am informed by the receiver that a letter containing an abstract of said lands was transmitted to the Commissioner of the General Land Office, and also one to your office, but I can find no copy of any such letters as there should have been if written.

I will, if desired, make out such an abstract and transmit it to your office as soon as possible, but we are at present engaged in making out our monthly returns

Yours truly,

L. K. AAKER, Register.

(g) CONFLICTS WITH THE SALT SPRING LANDS.

R. R. No.	Name	Date of Entry.	Description.	Sec.	Town	Range
1560	T C McClure.....	April 12, 1867..	S W ¼ N E ¼ Lots 7 & 8.	18	131	42
2083	Ole J Larson.....	June 26, 1867..	S W ¼	15		
3546	Ole J Larson.....	June 26, 1867..	Lots 4 & 5.	15		
3356	T C McClure.....	April 13, 1867..	Lot 6.	15		
4605	K Gunderson.....	June 11, 1868..	Lots 1, 2, 3, 4.	15		
5956	F B Van Hoesen.....	April 18, 1868..	S W ¼ N W ¼ Lot 4	15		
3974 (Home)	James Woodworth.....	July 5, 1867..	W ½ S W ¼ Lots 6 & 7.	17		
No number	Geo. A McComber.....	No date	S E ¼	6		
2829	Chas. S Wells.....	Dec. 11, 1867..	W ¼	6		
	Swamp.....		N W ¼	6		
2881	Gunder Gullekson.....	June 11, 1868..	E ¼	11		43
2573	Thos. Brennan.....	Oct. 4, 1867..	W ¼	12		
5408 (Home)	Henry Olesen.....	August 6, 1868..	S E ¼ Lots 1 & 2.	12		
2572	Thos. Brennan.....	Oct. 1, 1868..	W ¼	13		
5409 (Home)	Eilend Batholfson.....	August 6, 1868..	S E ¼ Lots 2 & 3.	13		
5235 (Home)	Peter Horstad.....	July 3, 1868..	W ¼	13		
5234 (Home)	Ole P Backe.....	July 3, 1868..	E ½ N E ¼ N ½ S E ¼	14		
4010	John Nilson.....	July 24, 1868..	S E ¼	14		
2079	Dorte Maria Larson.....	July 26, 1867..	E ¼	1		
2076	Andrew Olsen.....	June 26, 1867..	N W ¼	1		
2077	Christian H Est.....	June 26, 1867..	S W ¼	1		
2078	Ole J Larson.....	June 26, 1867..	S E ¼	1		
2769	C J Salter.....	Oct. 23, 1867..	N E ¼	2		
2880	Osten Aslavszen.....	June 11, 1868..	N W ¼	2		34
2781	Geo. B Wright.....	Nov. 9, 1867..	N W ¼	31	13	42

Settlers also claim this:

- South half south-east quarter, sec. 26, T. 136, R. 44.
- North-west quarter section 28, T. 136, R. 44.
- South-west quarter section 28, T. 136, R. 44.
- North half north-west quarter sec. 29, T. 136, R. 44.
- North-east quarter section 29, T. 136, R. 44.
- East half north-west quarter sec. 29, T. 136, R. 44.
- South-west quarter section 29, T. 136, R. 44.

(h) THE SALT LANDS IN THE AUDITOR'S REPORTS.

The Auditor's report for the session of 1863 contains the following classification of the public lands.

- 1st. Sections 16 and 36 in each and every township for the use of schools.
- 2d. Seventy-two sections of land for the use and support of a state university.
- 3d. Ten entire sections of land for the purpose of erecting state buildings.
- 4th. All the salt springs in the state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous

These lands were made out as a result of the proceedings of a court holding the

as may be, for the use of the state, as the legislature may direct.

5th. The whole of those swamp and overflowed lands made unfit thereby for cultivation, the consideration of the grant being that the proceeds of the lands be applied exclusively to their reclamation.

6th. 120,000 acres donated to the state to provide colleges for the benefit of agriculture and the mechanic arts.

The Auditor's report for the session of 1864, says (p. 22) that 46,080 acres of land have been donated by Congress under the designation of salt spring lands, to be used as the legislature may direct.

This statement is repeated in the following report (1865).

In this report (1865) the approval of the swamp lands selected is anticipated, the selections all having been duly forwarded to the Commissioner of the General Land Office.

The amount of said land is again given as above in report of 1866.

The Auditor also says "no policy has been indicated by the legislature for the disposal of the state building and salt spring lands." The Auditor then mentions certain legislative acts for disposing of swamp lands.

Of the swamp lands 721,204.77 acres had been certified to the state, but the state had granted from the swamp lands the amount 2,197,791.52 to railroads and other purposes. The Auditor says, "allowing that the lands already certified are equal to one-half of the gross amount the state will ultimately receive, which is a liberal estimate, there will still be a deficiency of over seven hundred thousand acres in the grants already made. consequently we may safely conclude that the legislature has anticipated by far the amount of swamp lands likely to accrue to the state under the act of Congress.

In 1867 his report says: "No accessions to the swamp lands have been made during the year." He also announces the "Internal improvement lands," obtained through E. F. Drake.

In 1868, in reference to swamp lands, he says: "Application

will be made for the lands contained in the recent surveys, during the present year." No mention of the salt spring lands.

No mention of the salt lands in 1869.

In the report for the session of 1870, the state Auditor mentions the internal improvement lands, and the swamp lands, reviewing the state of the latter. He says additional certificates have been received. There is no mention of the salt spring lands.

In the report transmitted to the session of 1871, the Auditor makes the following mention of the salt spring lands:

"Certified lists have been received for 26,435 acres of lands, pertaining to seven of the salt springs granted to the state under the organic act of 1858. The whole number of springs allowed to be selected was twelve, and the total amount of lands pertaining thereto 46,080 acres, which were to be selected within two years after the meeting of the first legislature of the state. The selections were attempted in 1858, but a number of the springs were found outside of the surveys, and yet remain so. In the destruction of the U. S. land office at Otter Tail in 1862, the records were destroyed, and when subsequently duplicated, the salt spring entries were omitted for a number of years, and in the meantime some of the lands were settled upon. Of the lands which have been certified to the state 3843 acres have been selected by the Belle Plaine Salt Company under the act of February 28, 1870, and set apart for its use. The description of the lands so set apart, and those remaining to the state, will be found in the appendix. Of the balance of the grant within the surveyed limits of the state 6752 acres are occupied by settlers, and about 1600 acres are found to come within the terms of the act granting swamp lands. A memorial should be presented to Congress showing the condition of the grant, and asking the privilege of relinquishing the lands settled upon, and covered by other grants, and of selecting other lands in place thereof."

In the appendix to the Auditor's Report for 1871, the following statement is given, being a list of the Salt Spring Lands

inuring to the State of Minnesota, under the Act of Congress approved February 26th, 1857, so far as they have been certified.

1st. THE TRACTS SELECTED BY THE BELLE PLAINE SALT CO.

Parts of Section.	Section.	Town.	Range.	Acres.
All of.....	7	133	43	627.24
W hf.....	8	133	43	320.00
All of.....	18	133	43	645.60
W hf.....	20	133	43	320.00
S W qr of N W qr. and S W qr.....	29	136	44	200.00
S hf.....	30	136	44	311.37
All of.....	31	136	44	619.52
S W qr.....	33	136	44	160.00
All of.....	25	136	45	640.00
Total.....				3843.73

2nd. THE TRACTS REMAINING UNDISPOSED OF BY THE STATE.

Parts of Section.	Section.	Town.	Range.	Acres.
N hf.....	19	133	43	322.40
*All of.....	12	133	44	565.28
*All of.....	13	132	44	640.00
N hf of N E qr. and N W qr.....	24	133	44	240.00
S hf.....	19	136	44	310.12
S hf.....	20	136	44	320.00
W hf.....	28	136	44	285.55
N E qr. N hf N W qr. S E qr N W qr. & S E qr	29	136	44	440.00
N hf.....	30	136	44	311.34
*All of.....	32	136	44	640.00
N W qr.....	33	136	44	160.00
W hf.....	1	135	45	319.95
All of.....	2	135	45	634.72
*All of.....	3	135	45	639.52
*All of.....	4	135	45	645.28
All of.....	5	135	45	635.76
*All of.....	6	135	45	536.97
All of.....	7	135	45	546.40
All of.....	8	135	45	640.00
All of.....	9	135	45	640.00
All of.....	10	135	45	640.00
All of.....	11	135	45	640.00
W hf.....	12	135	45	320.00
N hf.....	14	135	45	320.00
N hf.....	15	135	45	320.00
All of.....	17	135	45	640.00
S hf.....	20	136	45	320.00
S hf.....	21	136	45	320.00
S hf.....	22	136	45	320.00
S hf.....	23	136	45	320.00
All of.....	26	136	45	640.00
All of.....	27	136	45	640.00
All of.....	28	136	45	640.00
All of.....	29	136	45	640.00
E hf.....	30	136	45	320.00
E hf.....	31	136	45	320.00
All of.....	32	136	45	640.00
*All of.....	33	136	45	640.00
*All of.....	34	136	45	640.00
All of.....	35	136	45	640.00
*All of.....	1	135	46	638.07
All of.....	2	135	46	628.89
All of.....	11	135	46	640.00
All of.....	12	135	46	640.00
N hf.....	13	135	46	320.00
N hf.....	14	135	46	320.00
Total.....				22571.35

*Sections reserved by reason of the salt springs themselves being within their limits.

The report of the State Auditor for the year 1872 makes the following statement concerning the Salt Spring Lands.

"The Belle Plaine Salt Company having complied with the conditions of the Act of Feb. 29, 1872, the Governor notified the State Land Commissioner of the same, and thereupon the said Company, on the 17th day of August filed the following list of selections, viz.

Parts of Sections.	Section.	Town.	Range.	Acres.
E hf.....	29	136	44	320.00
N hf N W qr.....	29	136	44	80.00
S E qr N W qr.....	29	136	44	40.00
N W qr.....	33	136	44	160.00
Whole.....	17	135	45	540.00
S hf.....	22	136	45	320.00
S hf.....	23	136	45	320.00
Whole.....	26	136	44	640.00
Whole.....	28	136	45	640.00
Whole.....	32	136	45	640.00
Total.....				3800.00

"These selections have all been recorded in the book kept for that purpose, and the lands now belong to the company.

"I refer to my last report for full information concerning the history of this grant, and for a description of the lands yet unappropriated."

(i) RECAPITULATION, SHOWING THE PRESENT CONDITION OF THE SALT SPRING LANDS.

The original grant covered 46,080 acres. Of this the state was unable to avail itself of 11,520 acres, that amount being situated outside the area surveyed by the general government. This fact reduced the original available grant to 34,560 acres. As the U. S. government was tardy in certifying the selected lands to the state, settlers were allowed to occupy, and received patents for 6,752 acres. About 1600 acres were also previously covered by the terms of the act granting swamp lands to the state. The remainder, 26,435 acres, have been certified to the state. Of this amount the Belle Plaine Salt Company were granted 7,643 acres, on complying with the acts of the legisla-

ture. The rest of the certified lands, amounting to 18,771 acres, are now available for the prosecution of the survey. Of the uncertified portion of the original grant, aggregating 19,872 acres, the various sums lost to the state were as follows:

Situated outside of the surveyed portion,	-	11,520	acres.
Patented to settlers,	- - - -	6,752	"
Previously covered by swamp land grant,	-	1,600	"

Total	- - - - -	19,872	acres.
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The terms of the enabling act were strictly complied with in the selection and location of all these lands. This deficiency is still due to the state. The tardiness of the officers of the general government in certifying them to the state is the only cause of the deficit.