

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

FEBRUARY 9, 1887.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HOLMAN, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 11028.]

The Committee on Appropriations submit the following as part 2 of the report presented to the House on the 3d instant, accompanying the bill making appropriations for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1888.

By direction of the committee the following letter was addressed to the Commissioner of the General Land Office:

DECEMBER 18, 1886.

DEAR SIR: I am directed by the Committee on Appropriations to hand you herewith a copy of a resolution adopted by the House of Representatives on the 17th instant, and in connection therewith to request that you will, as soon as may be practicable, furnish them with a draft of such legislation as you may deem sufficient to clothe the General Land Office at Washington with power to survey public lands in States and Territories without the agency of the office of surveyor-general; also to provide for the care and safe-keeping of the records of the office of any surveyor-general that may be abolished, together with an estimate of any appropriation that may be necessary and incident to such legislation.

Very respectfully,

JAMES C. COURTS,

Clerk Committee on Appropriations, House of Representatives.

Hon. W. A. J. SPARKS,
Commissioner General Land Office.

[Copy of resolution.]

Whereas it is proposed by the Department of the Interior, in the estimates submitted to Congress for the fiscal year 1888, to consolidate certain of the offices of the surveyors-general: Therefore,

Resolved, That the Committee on Appropriations be, and hereby is, instructed to inquire fully into said recommendation; and that it shall be in order to propose reduction by abolition or consolidation of any of the offices of the surveyors-general on an appropriation bill.

To the foregoing letter the following reply was received:

DEPARTMENT OF THE INTERIOR,
Washington, December 28, 1886.

SIR: I have the honor to transmit herewith, for the use of your committee, a copy of a communication from the Commissioner of the General Land Office dated the 23d instant, in reply to a letter from the clerk of said committee dated the 18th instant, inclosing a copy of a resolution passed by the House December 17, relative to the re-

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duction, by abolition or consolidation, of any of the offices of surveyors-general for the States or Territories, and requesting the Commissioner to furnish the committee with a draft of such legislation as he might deem sufficient and proper to meet the question involved.

Very respectfully,

H. L. MULDROW,
Acting Secretary.

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 23, 1886.

SIR: I have received from the clerk to House Committee on Appropriations the inclosed letter, dated December 18, 1886, stating that by direction of that committee he had transmitted a copy of a resolution adopted by the House of Representatives on the 17th instant, as follows:

"Whereas it is proposed by the Department of the Interior, in the estimates submitted to Congress for the fiscal year 1886, to consolidate certain of the offices of the surveyors-general: Therefore,

"Resolved, That the Committee on Appropriations be, and hereby is, instructed to inquire fully into said recommendation; and that it shall be in order to propose reduction by abolition or consolidation of any of the offices of the surveyors-general on an appropriation bill."

In connection with said resolution said committee requests me to furnish them with a draft of such legislation as I may deem sufficient to clothe this office with power to "survey public lands in States and Territories without the agency of the office of surveyor-general; also to provide for the care and safe-keeping of the records of the office of any surveyor-general that may be abolished, together with an estimate of any appropriation that may be necessary and incident to such legislation."

In reply I have the honor to state that the only office of surveyor-general which in the said estimates it was proposed to abolish was that for Minnesota, where the surveys have been so far completed that the remaining unsurveyed area can as well be surveyed under the direction of the surveyor-general for Dakota, and the only legislation necessary to provide for such action is to enact into law the measure proposed in said estimates, as follows:

"Provided, That it shall be the duty of the Secretary of the Interior, as soon after the passage of this act as may be, to cause the office of surveyor-general of Minnesota to be removed to Huron, Dak., and when so removed the duties and jurisdiction of the surveyor-general of Dakota and Minnesota shall be coextensive with the limits of the Territory of Dakota and the State of Minnesota, and the same shall constitute a surveying district: *And be it further provided,* That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed."

In case such a measure is enacted into law, the records of the office of surveyor-general for Minnesota would necessarily be transferred to the office of surveyor-general for Dakota, and the expense of such transfer could be paid out of the contingent fund of the former office if done during the present fiscal year.

In case the proposed measure does not become a law, provision should be made for maintaining the office of surveyor-general for Minnesota (not in the estimates as submitted) by an appropriation of \$1,800 for the surveyor-general; for clerks in his office, \$2,000; and for fuel, books, stationery, and other incidental expenses, \$1,000, for the year ending June 30, 1888.

Inasmuch as no recommendation has been made for surveys to be executed under the direction of this office in districts where there are surveyors-general, and serious objections exist to such a course of proceeding, no draft of legislation to accomplish such object is submitted.

Very respectfully,

WM. A. J. SPARKS,
Commissioner.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

By direction of the subcommittee charged with the preparation of the legislative, &c., appropriation bill, the following telegram was sent to the Commissioner of the General Land Office:

[Departmental telegraph lines. For Government business only.]

*From House to Hon. W. A. J. Sparks.*DEPARTMENT OF THE INTERIOR, *January 26, 1887.*

The subcommittee on the legislative, &c., bill request that you will meet them at the committee-room at 2 o'clock to-day. They desire to confer with you touching the consolidation of and abolition of surveyor-generalship, and request that you will bring with you any officers of your Bureau whom you desire that may be particularly well versed with the business and duties of each of the surveyors-general.

J. C. COURTS.

In response to the foregoing request, Hon. S. M. Stockslager, Assistant Commissioner of the General Land Office, and Mr. James Edmunds appeared before the subcommittee. Mr. Stockslager stated that the Commissioner was not well and hence could not appear as requested.

The examination of Mr. Edmunds, which appears in the report, pages 31 to 41, submitted with the legislative, &c., bill on the 3d instant, was reported by one of the official committee stenographers of the House.

On the 8th instant the following letter and inclosure were received from the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 8, 1887.

DEAR SIR: I see that about one-third of the report on the legislative, executive, and judicial bill of the Committee on Appropriations is composed of an interview with Mr. James Edmunds, a fourth-class clerk and assistant chief of the division on the public surveys of this office. Mr. Edmunds finds many errors in said reported interview, and addressed me the inclosed letter of correction.

I respectfully request, and shall expect, you to make known to the committee and the House the contents of this letter in connection with his interview.

Very truly, yours,

WM. A. J. SPARKS,
*Commissioner.*Hon. WM. S. HOLMAN,
*House of Representatives.*DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 7, 1887.

SIR: I have received a printed copy of the report submitted by the House Committee on Appropriations to accompany House bill No. 11028, making appropriations for the legislative, executive, and judicial expenses of the Government for the ensuing fiscal year.

The appendix to said report contains an account of an interview between the Subcommittee on Appropriations and Hon. S. M. Stockslager, Assistant Commissioner of the General Land Office, and myself. The questions which were propounded to me by members of the subcommittee, and my answers thereto, are given as reported by the stenographer of the committee.

I have carefully perused this report of questions and replies, and I find therein a number of replies which would in some cases have been different and in others more full and explicit had there been time for reflection before making reply.

The requirement to appear before the honorable committee was entirely unexpected; I had no intimation as to the subjects upon which I was to be interrogated, and therefore had no opportunity to make any memoranda to aid me in making proper replies. Such being the case, I felt illy prepared for responding to the numerous interrogatories propounded by the gentlemen of the committee, and this feeling resulted in an embarrassed state of mind and imperfect and in some cases improper answers.

Referring now to the questions and answers as reported, I desire to make the following explanations and corrections:

(Page 31 of report.)

"Question. What unoccupied lands were surveyed last year?"

To this inquiry my reply was that tabular statement No. 1 in Land Office Report for 1886 showed that but 6,000 acres were surveyed. This tabular statement is made

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up from data obtained from the book of *returns of surveys* in the accounting division of this office, and covers only those surveys under contracts made during the last fiscal year *which had been accepted and paid for* up to June 30, 1886. The approved contracts for the year amounted in the aggregate to \$126,559.17, but the surveys thereunder, with the exception of the area noted in said statement, had either not yet been returned, or, having been returned, had not yet been examined and accepted.

(Page 32 of report.)

“Question. What amount of public lands are being surveyed this year?”

I think the stenographer failed to catch my exact words in the reply to this question. My intention was to state that contracts had been let to the extent of 3,000 or 4,000 *dollars* (not acres), and that the surveyor-general of New Mexico had been *authorized to contract for surveys* to the extent of \$5,000, making about \$9,000 liability incurred or authorized. In making this reply I referred only to the *regular* appropriation, and it did not occur to me to mention the special appropriation for surveys in Nevada, \$30,000, contracts for nearly the whole of which have been entered into by the surveyor-general, and approval thereof is now pending.

(Page 32 of report.)

“Question. What do you know of the policy of the office touching surveys for the coming year?”

The first clause of the reply to this question was based upon the supposition on my part that the present policy of confining *original* surveys to lands demanded by actual settlers would not be changed, but I had no authority to speak for the Commissioner on this point, and should have so stated.

(Pages 34 and 35 of report.)

Questions relating to the proposed consolidation of offices of surveyors-general.

My answers to these questions are not such as I would have made had time been given for reflection. The most of these questions require time for consideration and proper reply, and I should have demanded that time be given for such consideration. A few days subsequent to this interview a letter was addressed by this office to Hon. Mr. Holman, chairman of the subcommittee, embodying the main objections to the proposed consolidation of the offices of surveyors-general. This letter I prepared, and my answers before the committee, so far as they conflict with said letter, may be attributed to the embarrassment caused by the number and character of the questions propounded within the short time I was in the committee-room.

(Page 36 of report.)

“Question. Then the only matters that can be urged in favor of continuing surveyors-general in the Territories (the present system) is the supervision of the work by the surveyors-general, upon the one hand, and the convenience of storing the records in the Territory, upon the other?”

I did not at the moment take cognizance of the full import of this question, and without due consideration replied in the affirmative. This is not correct, and I would again refer to the objections in the letter to Mr. Holman relating to the consolidation of offices, as a more proper reply.

(Page 37 of report.)

“Question. Now, is it not your opinion that the surveyor-general's presence in the Territory is of no value so far as supervising the work is concerned, and that he might as well be in Washington as in the Territory?”

“Answer. Well, unless he was permitted to inspect the work he might, perhaps.”

This answer was not well considered. What I meant was that the surveyor-general could have no knowledge of the character of the work in the field unless permitted to inspect the same, and, so far as that knowledge is concerned, the location of his office would make no difference; but I should have added that there is often a necessity for prompt communication between the deputy and surveyor-general in matters pertaining to the work in the field, and the location of an office at a point remote from the field of operation might in many cases subject the deputy to grievous delay and expense in the field while awaiting the receipt of such supplemental instructions as might be necessary to enable him to continue and complete his work.

(Page 37 of report.)

“Question. Then it is true, as a general rule, that the surveyor-general does not give personal attention to the work in the field?”

"Answer. No, sir; he does not."

While this reply is true so far as the *presence* of the surveyor-general in the field is concerned, it is not wholly correct, for he does, or should, give personal attention to questions that arise in the course of the execution of the surveys. Supplementary instructions are often required where difficulties occur in closing new surveys on old work and in the resurvey of lines found to be necessary. Questions also arise in the survey of mining claims and private land claims; and if in platting the returns in the office serious errors are discovered, the surveyor-general requires the deputy to return to the field and correct his work, without awaiting the result of the examination by special agents of the Department.

(Page 39 of report.)

"Question. A duplicate of all that is valuable in fact? (Referring to the evidences of survey forwarded by the surveyor-general to the General Land Office.)

"Answer. It is an entire duplication [except of the notices of proof and orders and so on]."

There was evidently a misunderstanding of my language here by the stenographer; I have no recollection of using the words which I have inclosed in brackets. In any event they are irrelevant; the words "entire duplication" cover the ground.

(Page 39 of report.)

"Question. They cease to be of any value after the land is disposed of. As soon as a given section of country is surveyed, the field-notes of which are entered in a book or series of books, and that land is all entered, why this book ceases to be of any value to the surveyor-general?

"Answer. The surveyor-general has no record of entries: that is with the register.

"Mr. HOLMAN. But as soon as they are entered, giving all the lands embraced in a certain region of country, and the field-notes are recorded in a book, the surveyor-general has no further use for that book?

"Answer. The surveyor-general does not have these books. [This referred to record of entries.] He has no further use for the field-notes.

"Mr. HOLMAN. When the fact transpires that all the lands are entered up in the volume, and his records have been disposed of at the proper land office, he has no further use of these records?

"Answer. So far as the entries are concerned; he knows nothing whatever about the entries."

These questions, having reference both to the disposal of lands and of surveys, were somewhat confusing. In regard to the use the surveyor-general has for the field-books when *all* the surveys in a given section of his district are complete, it is true that these notes are not of further use, so far as the continuation of surveys is concerned; but they must of necessity be referred to in furnishing county and local surveyors with data for making their surveys, and sometimes the duplicates at the Department are lost or destroyed by accident, and it is then necessary to furnish a second transcript. There have been cases where the duplicate *plats* have been destroyed or lost, and in such cases the surveyor-general is called upon to replace them. Individuals interested in lands situated in those portions of the district where the surveys are complete frequently call upon the surveyor-general for copies of his records, and in many cases where individuals call upon our office for copies they are referred to surveyors-general, for the reason the pressure of business prevents us from furnishing the copies within a reasonable time. In many districts there are tracts of country or portions of townships left unsurveyed when the lines are originally run, and it becomes necessary to survey these omitted portions. It is then necessary for the surveyor-general to have the old notes in his possession, in order that he may furnish proper data to the deputies delegated to close up the work. It is always necessary that the surveyor-general should have the original notes of lines bordering upon the lands remaining unsurveyed, for the purpose of properly instructing deputies engaged in the further extension of lines. The original records of surveys in any surveying district should always remain in the possession of the surveyor-general until the surveys are completed in such district, that they may be carefully preserved, and the complete evidences of the surveys turned over, in proper order, to the State, at the proper time, as required by law.

Respectfully submitted.

JAS. EDMUNDS.

Hon. WM. A. J. SPARKS,
Commissioner of the General Land Office.