42D CONGRESS, 3d Session. } SENATE. { REPORT No. 482.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1873.—Ordered to be printed.

Mr. STEWART submitted the following

REPORT:

[To accompany bill H. R. 1665.]

The committee to whom was referred House bill 1665, *entitled "An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States," have had the same under consideration, and submit the following adverse report:*

That this bill, if enacted into a law, would provide for the disposition of at least three hundred and twenty millions of acres of selected public lands. That the whole area of the public domain, exclusive of Alaska, is less than one thousand millions of acres. From this must be deducted as valueless, or unsuitable for settlement, or reserved by law for other purposes, the lakes, the swamp-land grant of 1850, the railroad grants yet unpatented, the 16th and 36th sections of each township granted for common schools, the Indian Territory and other reservations for the Indians, the mineral lands, the uninhabitable mountains, the alkali deserts, and all other waste lands.

These deductions are variously estimated at from two-thirds to three-fourths of the whole amount of the public domain, or from six hundred and sixty-six millions to seven hundred and fifty millions of acres. This would leave from two hundred and fifty to two hundred and thirty-four millions of acres of public lands fit to be occupied by settlers. The highest, and probably a very exaggerated, estimate of the amount of such lands is four hundred millions of acres. If the three hundred and twenty millions of acres required to satisfy the terms of the bill under consideration could be found, exclusive of the necessary deduction above noted, all reasonable expectations would be answered. A minute discussion of the amount of the arable lands in the public domain is, however, unnecessary. It is quite evident that most, if not all, the public lands suitable for cultivation would be required to satisfy the terms of the bill, and there would be a strong probability that those who were unfortunate enough to be last would find no lands to enter.

The question is then squarely presented: Shall all legislation of Congress for homestead and pre-emption settlements be superseded, and in effect repealed, on account of the very uncertain benefit that the proposed law might confer on the soldiers and sailors?

The laws which would be superseded are, in the first place, the pre-emption laws. These laws provide that each head of a family, being a citizen of the United States, or a person who has declared his intention to become such, may enter upon the public lands, make improvements

thereon, and purchase 160 acres, outside of railroad and other grants, at the rate of $1.25 per acre, or of the even sections reserved within such grants, at the rate of $2.50 per acre.

The homestead laws would also be superseded. It is provided by these laws that the same class of persons who are entitled to make pre-emptions may enter upon the minimum lands, so called, outside of railroad grants, and, after five years residence thereon, receive title to 160 acres without the payment of the $1.25 per acre demanded of pre-emptioners. Or of the double minimum lands within the limits of railroad and other grants, 80 acres may be obtained on the same terms. These homestead laws have been amended to provide further that soldiers and sailors described in the bill under consideration may enter upon the public lands and receive title without payment, after a residence equal in time to the five years required of other homestead settlers, reduced by the length of each soldier's or sailor's service in the Army or Navy, provided such reduction shall not in any case make the length of residence required less than one year. And the soldiers and sailors are given the additional privilege of securing 160 acres of the double minimum lands within the limits of the railroad grants where other homestead settlers are confined to 80 acres. If the policy of the Government is to furnish homes for the soldiers and sailors, the brief time of residence required upon the land selected for a permanent home before a patent can be obtained, can be no hardship or serious inconvenience. The legislation of last session removed every obstruction which the homestead laws were supposed to throw in the way of the easy acquisition of 160 acres of public lands for a home by each soldier and sailor provided for in this bill, exacting only a short residence on the land to protect both the Government and the settler against the speculator.

It is believed by the committee that the last step has been taken in this direction, unless all the vitality of the homestead and pre-emption laws is to be destroyed.

The bill under consideration forbids the sale of the lands previous to the issue of the patents. The practical operation of this provision, if it could be executed, would be manifestly unequal, and other legislation providing for warrants, as in case of the Mexican war and in other cases, would shortly follow. The patent cannot be obtained until the lands have been surveyed. About 8,000,000 acres per year is the quantity annually surveyed, and it satisfies the demand for settlement. At this rate of survey, all the lands each year surveyed being absorbed by the soldiers and sailors, forty years would be required to patent the 320,000,000 of acres, estimated to be necessary to satisfy the law that is proposed. This would postpone the benefits designed to be conferred by the law, for the great mass of the soldiers, all the term of their natural lives.

But suppose that Congress should make sufficient appropriation to provide for the immediate, or most rapid possible survey of all the public lands, and between three and four hundred million acres should be patented within the next five or six years. This immense quantity of land all being on the market at once, and the greater part of it being located in such remote regions as not to be available for settlement for many years, but subject to immediate taxation, its price in the market would be merely nominal, if, indeed, it could be salable at all.

In case the system of bounty-land warrants were resorted to in order to equalize the benefits conferred by the bill—and, as above remarked, this course seems the most probable one to be adopted—warrants cover-

ing all the public domain fit for settlement would be thrown upon the market. As not more than 8,000,000 per year would be required for settlement, a large part, and, indeed, the larger part, of the warrants must be held by somebody for near a generation; and manifestly the discount upon them would be very great, reducing their value to a trifling sum. The warrants issued to the soldiers of the Mexican war and under the acts of 1850, 1852, and 1855, covering sixty and a quarter millions of acres, have not yet, in a period of more than twenty years, been located and absorbed. The number of warrants thrown on the market, under operation of the laws last mentioned, reduced the price of each warrant to a very low figure, often as low as 40 cents per acre; and now that the supply is nearly exhausted, the market value has not risen much above $1 per acre.

It is fair to presume that the law of demand and supply will operate upon the price of warrants in the future as in the past, and whether the system of bounty warrants be adopted, as in former cases, or the restriction against selling the lands in advance of the issue of patents, as proposed in the bill, be rigidly maintained, the result will be that the amount of money received by each soldier or sailor for the sale of his warrant or of his land would be very small, probably not exceeding the cost to the Government of surveying.

On the other hand the public domain would be transferred to speculators, with whom every pioneer, whether native-born or immigrant, would be compelled to negotiate for a home. It is manifest that no scheme whereby the soldiers and sailors are to be benefited by the disposition of the public lands without settlement by them, can be effective without the immediate sale of the lands, either by the beneficiaries themselves, or by the Government for them, and it is also obvious that the immediate sale of all the public lands, however effected, must be made at an enormous sacrifice, and must destroy the policy of the Government to furnish cheap homes to the people.

The money that the Government must expend to carry out any scheme for the immediate disposal of the public bonds would, without doubt, be as much as it would receive as the result of such a forced sale. Would it not then be far better that the Government should give this amount of money, and a great deal more, directly to the soldiers and sailors, and retain the lands for settlement under existing laws?

The committee do not underrate the great services of the soldiers and sailors of the war of the rebellion, in preserving our free institutions. Congress has endeavored to reward them in some degree by bounties and pensions, in addition to their regular pay, and has so modified the land-laws as to give each of them who desires to settle upon the public lands a free home with the least possible inconvenience.

But the aid hereafter to be granted to them should be extended in such a manner, under laws so guarded, that the benefit derived by them should equal the full value and cost to the Government of whatever it gives, without destroying its homestead and pre-emption policy for the disposition of the public lands for actual settlement.

The letter of the Commissioner of the General Land-Office, hereto attached, exhibits quite an extended history of the legislation upon this and kindred subjects from the foundation of the Government, and furnishes many illustrations against the policy of the proposed bill, together with the views of the Commissioner upon the same question. The committee commends this letter to the careful perusal of all who take an interest in the questions pertaining to the policy of the Government, in the disposition of the public lands.

A letter written by Hon. George W. Julian, for a long time chairman of the Committee on the Public Lands in the House of Representatives, who has given this subject much consideration, is appended; and the committee ask that it may be published with this report. For convenience of reference the bill (1665) is also attached, to be printed with the other papers accompanying the report.

DEPARTMENT OF THE INTERIOR, GENERAL LAND-OFFICE,
Washington, D. C., February 13, 1873.

SIR: I am in receipt of your letter of 28th ultimo, requesting—

First, a brief history of the legislation of Congress relating to bounty-land warrants, with references to the various acts;

Second, the amount of land-warrants issued from the beginning until now;

Third, the amount of land located with land-warrants;

Fourth, the amount of land located by the beneficiaries themselves, and the amount located by assignees, &c.;

Fifth, the laws under which Sioux Indian half-breed scrip was issued, and the regulations under which speculators were enabled to avail themselves of the same;

Sixth, the acts of Congress authorizing the issue of agricultural-college scrip; the amount of said scrip located, and what has been the effect thereof; and,

Seventh, my views upon House bill 1665.

In reply I have the honor to report—

First. That the military bounty-land system of the United States had its origin in the following resolution of the Continental Congress, adopted September 16, 1776:

"*Resolved*, That Congress make provision for granting lands in the following proportions to the officers and soldiers who shall so engage in the service, and continue therein to the close of the war, or until discharged by Congress, and the representatives of such officers and soldiers as shall be slain by the enemy.

"Such lands to be provided by the United States, and whatever expense shall be necessary to procure such land, the said expense shall be paid and borne by the States in the same proportion as the other expenses of the war, viz:

"To a colonel, 500 acres; to a lieutenant-colonel, 450; to a major, 400; to a captain, 300; to a lieutenant, 200; to an ensign, 150; each non-commissioned officer and soldier, 100."

This resolution was of the nature of a promissory bid for volunteers, which was extended and qualified from time to time by various resolutions, notably that of September 20, 1776, wherein it was—

"*Resolved*, That Congress will not grant lands to any person or persons claiming under the assignment of an officer or soldier."

The first provision for the satisfaction of military bounty-land claims occurs in the ordinance of May 20, 1785, "for ascertaining the mode of disposing of lands in the western territory." It is therein provided that as soon as seven ranges of townships and fractional parts of townships shall have been surveyed, plats of the same shall be transmitted to "the board of treasury," and there be made of record; that "the Secretary of War shall have recourse thereto, and shall take by lot therefrom a number of townships and fractional parts of townships, as well from those to be sold entire as from those to be sold in lots, as will be equal to one-seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late Continental Army; and he shall make a similar draft, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in manner hereinafter directed."

A subsequent clause of the ordinance directs in detail the manner in which bounty-land claims arising under the resolutions of September 16 and 18, 1776, and August 12, 1780, shall be adjusted and satisfied.

Following the said ordinance, there occurs a mass of resolutions, ordinances, and acts, of various dates, providing for increased issues of military bounty-land warrants to revolutionary soldies, Canadian refugees, soldiers of the State of Virginia, &c., &c., upon principles and by methods long since obsolete in the practice of this office. As these principles and methods were exceedingly complicated, and have but little, if any, relevancy to the points which I apprehend you desire to present to the committee, I proceed at once to the act of May 6, 1812, (U. S. Stats., vol. 2, p. 728,) wherein is authorized the survey of what was known as the military district in the Territories of Michigan, Illinois, and Arkansas, the same, except salt-springs, lead-mines, and lands adjacent thereto, and section sixteen to be set apart for the purpose of satisfying the bounties of 160 acres of land promised to the officers and soldiers of the United States, their heirs and legal representatives, by the acts of December 24, 1811, and January 11, 1812, (2 Stats., pp. 669 and 672;) also providing that the Secretary of War shall issue warrants therefor only in the names of the persons thus entitled, to be applied for by them, or their representatives, "within five years after the said persons shall

have become entitled thereto; and the said warrants shall not be assignable or transferable in any manner whatever." The warrants thus issued were required to be presented to the Secretary of the Treasury, "or such other officer as may at the time have by law the superintendence of the General Land-Office," whereupon the beneficiary was entitled to draw by lot one of the quarter-sections surveyed by virtue of the first section of the act. Thereafter a patent was required to issue to the party without fee. Section 4 of the said act reiterates the proviso, "That no claim for the military land-bounties aforesaid shall be assignable," &c.

The acts of December 12, 1812; January 20, 1813; July 5, 1813; January 28, 1814; February 24, 1814, increase the number of beneficiaries, and the act of July 5, 1813, extends the time within which warrants are required to be located.

The act of December 16, 1814, increased the amount of bounty-land to 320 acres in cases of future enlistment.

The acts of April 16, 1816; March 9, 1818; February 24, 1819; March 22, 1821; March 3, 1823; May 26, 1824; March 23, 1825; March 2, 1827; February 5, 1829; July 13, 1832; and January 27, 1835, still further increased the issue and extended the time for locating bounty-land warrants.

The act of May 30, 1830, provided for the issue of land-scrip, in lieu of unlocated Virginia and other revolutionary bounty-land warrants, the same to be assignable.

The act of January 27, 1835, extended the time for issuing revolutionary bounty-land warrants to January 1, 1840.

The act of July 27, 1842, repealed the restriction requiring all war of 1812 warrants to be located in the military district, and made the same applicable to any public lands subject to private entry, provided such warrants shall be located within five years from date. A provision was appended to this act prohibiting the assignment of certificates of location.

The act of February 11, 1847, (9 Stat., p. 123,) provided for the issue of non-assignable warrants of 160 acres each to certain non-commissioned officers, privates, &c., of the Mexican war, and of 40 acres each to certain others of the same war, and the distinction to be determined by certain circumstances therein specified. The said warrants were required to be located by the warrantee or his heirs-at-law.

The act of September 28, 1850, (9 Stat. p. 520,) provided for the issue of non-assignable warrants to non-commissioned officers, musicians, or privates, &c., of the war of 1812, or of any Indian war since 1790, and also to each of the commissioned officers who were engaged in the war with Mexico. Those who engaged to serve twelve months, or during the war, and who actually served nine months, to receive 160 acres; those who engaged to serve six months, and actually served four months, to receive 80 acres; and those who engaged to serve for any, or an indefinite period, and actually served one month, to receive 40 acres.

The act of March 22, 1852, provided "that all warrants for military-bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing, made and executed after the taking effect of this act, according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as to vest the assignee with all the rights of the original owner of the warrant or location." This act also provided for the application of bounty-land warrants to the payment of pre-emption claims, with the stipulation that, in cases where such claims covered lands subject to entry at a greater minimum than $1.25 per acre, the difference in price should be paid in cash.

Section 2 of the same directs that upon the location of all warrants issued since February 11, 1847, the registers and receivers of United States land-offices shall charge a fee or commission equivalent to the percentage to which they are entitled by law for sales of the public lands for cash, at the rate of $1.25 per acre, the same to be paid by the assignees or holders of such warrants.

Section 4 of the said act provides that the militia or volunteers or State troops of any State or Territory who were called into military service, and whose services have been paid by the United States subsequent to the 18th June, 1812, the officers and soldiers of such militia, &c., shall be entitled to all the benefits of the act of September 28, 1850.

The act of March 3, 1855, (10 Stats., p. 701,) provides for the issue of warrants graduated as to area by a prescribed scale, to various classes of officers, soldiers, sailors, marines, clerks, (in the Navy,) militia, wagon-masters, teamsters, &c., &c., who had served in any of the wars in which this country had been engaged since 1790.

Section 4 of the same provided "that said certificates or warrants may be assigned, transferred, and located by the warrantees, their assignees, or their heirs at law, according to the provisions of existing laws regulating the assignment, transfer, and location of bounty-land warrants."

This act closes the series of congressional bounty-land warrant grants, but the issue of warrants still continues thereunder from time to time.

The computation of the number of warrants, or rather of acres comprised in the same, issued under the various acts, extends only to June 30, 1872. At that date the records of the Pension-Office made the following exhibit:

	Acres.
Under the resolution of September 16, 1776	2,095,120
Under act of February 18, 1801, (Canadian refugees)	57,860
Under acts of 1830, 1832, 1833, 1835, and 1852	2,459,511
Under act of August 10, 1790, (Virginia military district, Ohio)	3,669,848
Under act of May 6, 1812, (war of 1812)	4,846,720
Under act of March 5, 1816, (Canadian volunteers)	75,792
Under acts of 1847, 1850, 1852, and 1855	60,259,110
	73,463,961
Amount issued in 1870–'71	784,810
Amount issued in 1871–'72	259,010
Aggregate of issues to June 30, 1872	73,989,761
Amount located to June 30, 1872	70,801,050
Amount lost, destroyed, and unlocated	3,188,711

The above is necessarily an approximate estimate, in so far as relates to the number of acres located. It is believed, however, that, did the exigencies of the case permit of an exact statement, the result would show no material difference.

By this hasty and meager sketch, which is, indeed, scarcely more than a chronological index to the history of the legislation of Congress in relation to bounty-land warrants, extending over a period of eighty years, you will perceive that during the comparatively early days of the Republic this class of benefits was confined to the soldiers themselves, or their immediate heirs. But as the nation grew, and its material interests extended and multiplied, the public lands became gradually the subject of speculation, and simultaneously the obstacles which Congress had from the first wisely interposed against the promiscuous use of bounty-land warrants, began to give way under the pressure of speculative influence, and the records of this office show that, long before Congress had in any degree abated the stringency of its prohibition against the transfer of these obligations of the Government, a practice had grown up under which these warrants illegally passed into second and third hands, were illegally located, and such locations recognized and passed to patent. Hundreds of thousands of acres of the public lands were disposed of in this illegal manner, until, finally, Congress succumbed to the speculative pressure so far as to declare, in the act of May 30, 1830, (4 Stats., p. 422,) that all holders of unsatisfied Virginia military warrants and other United States revolutionary bounty-land warrants shall be entitled to receive scrip in view thereof, *the same to be assignable*, by indorsement thereon, attested by two witnesses, and applicable to public lands subject to private entry.

Twenty years later all barriers gave way before the demands of speculation, and Congress, under date of March 22, 1852, (10 Stats., p. 3,) declared "that all warrants for military bounty-lands, which have been or may hereafter be issued under any law of the United States," should be assignable.

From that date to the present time warrants have had an unrestricted sale in the market, and have been disposed of (often before the issue thereof) for greater or less sums, *but always at a heavy discount on the cash price of the public lands.* Indeed, cases have come to the notice of this office within a few years in which the amount of consideration for the sale has been specified in the assignment as low as $30 for a 160-acre warrant, being a discount of $170 from the minimum price of lands.

It would be quite impossible, by anything less than a laborious and protracted examination of the records of the office, to form a correct estimate of what proportion of bounty-land warrants has been located by the beneficiaries themselves, or their heirs, and what proportion has been made to serve the purposes of speculation; I believe, however, the official records will sustain the assertion that, since the passage of the act of March 22, 1852, the proportion of locations of warrants by the beneficiaries thereof, or their heirs, *has not been as one to a hundred.*

I would remark here that, although the lands located in Illinois, in satisfaction of the warrants issued under the act of May 6, 1812, were in a very large measure drawn by lot, under the supervision of the Secretary of War, and the patents issued on the same day, and either delivered to the soldier in person or transmitted directly to him, yet numerous instances have incidentally come to the knowledge of this office in which the beneficiaries have been shown to have never gone upon the lands, never paid the taxes, and to have never made any effort to maintain their titles thereto. It is safe to say that thousands of acres of most valuable lands, in the military district of Illinois, are to-day held by tenures derived from tax-titles half a century old.

In thus reviewing the history of our bounty-land grants it has been impressed upon

my mind, more and more forcibly at each step of my progress, *first*, that, as a general proposition, the soldiers of the United States armies have never appreciated national benefactions in the form of public lands; *second*, that the bounty-land system has failed to answer, in any satisfactory degree, the design of its projectors, either as a means of securing the settlement of the public lands or of compensating our soldiers. It is manifest that the soldiers as a class have always preferred to sacrifice these valuable gifts, at an enormous discount, *for a sum of money in hand*, rather than to avail themselves of the greater prospective benefits to be derived from the settlement and cultivation of the public lands. The interests of the Government have undoubtedly been sacrificed to the extent of millions of dollars, which, in the form of these discounts, have been diverted from the soldier to the speculator.

Agricultural-college scrip.

Under the provisions of the acts of July 2, 1862, (12 Stats., p. 503,) April 14, 1864, (13 Stats., p. 47,) July 23, 1866, (14 Stats., p. 208,) agricultural-college scrip has been issued as follows:

	Acres.
Vermont accepted, December 1, 1862	150,000
Connecticut accepted, December 24, 1862	1-0,000
Rhode Island accepted, January 27, 1863	120,000
Kentucky accepted, January 27, 1863	330,000
Illinois accepted, February 14, 1863	480,000
New York accepted, March 14, 1863	990,000
Maine accepted, March 25, 1863	210,000
Pennsylvania accepted, April 1, 1863	780,000
New Jersey accepted, April 14, 1863	210,000
Massachusetts accepted, April 18, 1863	360,000
New Hampshire accepted, July 9, 1863	150,000
West Virginia accepted, October 3, 1863	150,000
Ohio accepted, February 9, 1864	630,000
Maryland accepted, February 17, 1864	210,000
Indiana accepted, March 6, 1865	390,000
Delaware accepted, February 7, 1867	90,000
Tennessee accepted, February 18, 1868	300,000
North Carolina accepted, February 24, 1866	270,000
Louisiana accepted, March 5, 1869	210,000
Virginia accepted, February 5, 1864	300,000
Georgia accepted, March 10, 1866	270,000
Texas accepted, November 1, 1866	180,000
Mississippi accepted, October 30, 1866	210,000
South Carolina accepted, December 10, 1868	180,000
Alabama accepted, December 31, 1868	240,000
Arkansas accepted, January 31, 1867	150,000
Florida accepted, January 30, 1869	90,000
Aggregate issue of scrip issued	7,830,000

The remaining States selected lands "in place," within the limits of their own boundaries, under the provisions of section 2 of the said act of July 2, 1862.

The records of this office show locations of the said scrip as follows:

	Acres.
For fiscal year ended June 30, 1864	214,418.14
For fiscal year ended June 30, 1865	460,130.27
For fiscal year ended June 30, 1866	615,066.60
For fiscal year ended June 30, 1867	2,420,072.73
For fiscal year ended June 30, 1868	1,942,889.08
For fiscal year ended June 30, 1869	352,664.86
For fiscal year ended June 30, 1870	192,848.21
For fiscal year ended June 30, 1871	192,688.21
For fiscal year ended June 30, 1872	693,613.37
Aggregate of scrip located	7,084,391.47
Number of acres unlocated to June 30, 1872	745,608.53
	7,830,000.00

When agricultural-college scrip first issued upon the market, the only restrictions to

its use were, that no location should be made until after the first day of January, 1863; that no State should be permitted to locate its scrip outside of its own boundaries; that locations of the same should not exceed 1,000,000 acres in any one State or Territory; and that it should be applicable only to lands subject to private entry at the minimum price of $1.25 per acre.

The scrip was offered for sale in the market at from 60 cents to 65 cents per acre, and as there were at that date large bodies of public lands in Wisconsin, Minnesota, Kansas, Nebraska, and California, of the class to which it was legally applicable, it was eagerly sought, and within a space of three or four years, vast quantities were located by speculators upon valuable "pine-lands," in the two first-named States, and upon the choicest agricultural lands in the others. Indeed, the maximum of locations, as fixed by the law, was exceeded in the State of Wisconsin before the close of the year 1867, and the excessive locations, amounting to some 80,000 acres, were legalized by the act of May 5, 1870, (16 Stats., p. 116.)

The evil results of this wholesale absorption of entire townships of the public lands in the interests of speculation became so manifest that, under date of July 27, 1868, (15 Stats., p. 227,) Congress passed an act providing "that in no case shall more than three sections of public lands of the United States be entered in any one township by scrip issued to any State under the act approved July 2, 1862, for the establishment of an agricultural college therein."

As the Government, in the interests of actual settlers, changed its public-land policy at about this period, and declined to proclaim further offerings at public sale, and as the class of "offered" lands (to which the locations of this scrip were restricted) had become pretty thoroughly culled, the traffic in scrip declined, until Congress, under date of July 1, 1870, (16 Stats., p. 186,) enlarged the scope and greatly enhanced the value thereof by an act amendatory of the act of July 27, 1868, in which it was provided "that all such agricultural-college scrip shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as is now authorized by law in case of military bounty-land warrants."

The effect of the said act of July 1, 1870, was to cause an increase of the locations of scrip during the fiscal year of 1871-'72 from 192,688 acres (which was the amount located during 1870-'71) to 693,613 acres; and the probabilities are that the locations of the current year will exhaust the entire remainder of outstanding, unsatisfied scrip, which, as shown by table herein, was only 745,608 acres on June 30 last.

Although it is not a matter of official record, I may state that for some years past a monopoly has been maintained in this scrip, one individual having latterly purchased the apportionment of each State in its entirety, as issued from this Office. The latest quotations of the market price, at first hands, I understand to be $175 for a single piece, or 160 acres; $170 per piece for four pieces or more, of 160 acres each; and special terms for larger quantities.

Before leaving this branch of my report permit me to present, in illustration of the practical results of the issue of agricultural-college scrip, an extract from a letter received at this office from Ezra Cornell, of New York, under date of January 15, 1872:

"The State of New York received from Government 990,000 acres of land represented by 'college land scrip.' The proceeds of the sale of this scrip was donated by the State of New York to the Cornell University on the condition that I, Ezra Cornell, would give to the said university $500,000. I accepted the proffer and paid over the half million. College land scrip was selling at the time at fifty to sixty cents per acre. I believe that *pine-land* was worth much more than that; and I was informed that, with the scrip, I had the legal right to locate and enter *the very best land* that Uncle Sam held for sale at ten shillings per acre. I therefore purchased the scrip of the State at sixty cents per acre, and employed the best men I could find to go to Wisconsin and go into the woods and hunt up for me *the very best pine-lands there was*, and at the same time they were instructed to mind their business, and not to go brawling about the streets so everybody would know what they were about. My men thus went to work and hunted up half a million of acres of land in the Eau Claire district, which they assured me was the very best in the State, and I had it entered with college scrip. One-fifth of this was farming lands and four-fifths pine-lands. When this land is sold the profits arising therefrom will be paid over to the Cornell University, not even retaining a dime for my own services."

I may add that these lands are probably worth to-day not less than from $5 to $15 per acre.

While the rare philanthropy of Mr. Cornell in bestowing the profits of these locations upon so worthy an object is entitled to the highest commendation, yet the history of the transaction illustrates none the less forcibly the enormous scope for selfish speculation afforded by this scrip, and which has been only partially contracted by the act of July 27, 1868, and the cessation of offerings of the public lands.

Sioux half-breed scrip.

Relative to Sioux half-breed scrip, I have the honor to report that, under the act

of July 17, 1854, (10 Stats., p. 304,) the President was authorized to cause the issue of scrip to the half-breeds or mixed-bloods of the Dakota or Sioux nation of Indians, who were entitled to an interest in "the tract of land lying on the west side of Lake Pepin and the Mississippi River, in the (then) Territory of Minnesota, which was set apart and granted for their use and benefit by the ninth article of the treaty of Prairie du Chien of July 15, 1830; and for that purpose he is hereby authorized to cause to be issued to said persons, on the execution by them or by the legal representatives of such as may be minors, of a full and complete relinquishment by them to the United States of all their right, title, and interest, according to such form as shall be prescribed by the Commissioner of the General Land-Office, in and to said tract of land or reservation, certificates of scrip for the same amount of land to which each individual would be entitled in case of a division of the said grant or reservation, *pro rata*, among the claimants, which said certificates or scrip may be located upon any of the lands within said reservation not now occupied by actual and *bona-fide* settlers of the half-breeds or mixed-bloods, or such other persons as have gone into said Territory by authority of law, or upon any other unoccupied lands, subject to pre-emption or private sale, or upon any other unsurveyed lands, not reserved by Government, upon which they have respectively made improvements: *Provided*, That said certificates or scrip shall not embrace more than 640 nor less than 40 acres each, and provided that the same shall be equally apportioned, as nearly as practicable, among those entitled to an interest in said reservation: *And provided further*, That no transfer or conveyance of any of said certificates or scrip shall be valid."

Under date of February 25, 1857, the Commissioner of Indian Affairs notified this Office that, in pursuance of the provisions of the said act of July 17, 1854, he had prepared scrip for 640 persons as Dakota or Sioux half-breeds or mixed-bloods; that five pieces of scrip would be issued to each person, as follows:

Two pieces calling for 40 acres each; one piece calling for 80 acres; two pieces calling for 160 acres each; making an aggregate of 480 acres, designated, for example, No. 1 "A," for 40 acres; No. 1 "B," for 40 acres; No. 1 "C," for 80 acres; No. 1 "D," for 160 acres; No. 1 "E," for 160 acres.

Each piece of scrip bore upon its face the declaration that the same was locatable "upon any of the lands within the said reservation that were not occupied on the 17th July, 1854, by actual and *bona-fide* settlers of the said half-breeds or mixed-bloods, or such other persons as had at that date, or prior thereto, gone into said Territory by authority of law, or upon any other unoccupied lands subject to pre-emption or private sale, or upon any other unsurveyed lands, not reserved by Government, upon which they have respectively made improvements.

"*The certificate or scrip is not by law transferable, and any assignment or conveyance of the same is therefore void.*"

Under date of March 21, 1857, this Office issued a circular of instructions to the registers and receivers of the United States announcing the issue of the said scrip, describing the same, and calling particular attention to the peculiar conditions to which its use was subject, in the following words:

"Where the scrip may be located on unsurveyed land, outside of the reservation, on which the half-breed has improvements, and which is not reserved by Government, his application for location should be accompanied by a diagram and description denoting natural objects and distances, so as to fix with certainty the exact locality wanted, serve as the best notice in our power to settlers, that conflict may be avoided, and enable you, when the public surveys are made, to designate the legal subdivisions embracing the location.

"The land selected in satisfaction of a certificate of scrip must be located in the name of the party in whose favor the scrip is issued, and the location may be made by him, or her, in person, or by his or her guardian or duly authorized agent. The application should be duly attested in each case by the register and receiver."

The issue of a duplicate certificate was interdicted, and likewise the issue of a duplicate receipt, except in cases of location of fractional subdivisions where an excess of area might occur, and then *only for such excess.*

The fact that said scrip was not assignable was still further impressed upon the minds of local land-officers by the following paragraph:

"You will observe that this scrip is *not assignable*, transfers of the same being held void; consequently, each certificate, as hereinbefore stated, can only be located in the name of the half-breed; and such certificates or scrip are not to be treated as money, but located acre for acre."

Under date of February 22, 1864, this office issued a second circular (copy herewith) reciting in fuller detail, and with stronger emphasis, the conditions upon which this scrip might be located.

After the survey of the Lake Pepin reservation, it was discovered that the quantity of land embraced therein was in excess of the amount apportioned to the 640 persons hereinbefore mentioned. The Commissioner of Indian Affairs thereupon caused a supplemental issue of three pieces of scrip to each of 38 persons:

One piece calling for 40 acres.

Two pieces calling for 160 acres each.

This issue bore the date October 10, 1860, and was the final apportionment under the said act.

The intention of Congress in the said act of July 17, 1854, was obviously to make the half-breeds the exclusive recipients of all the benefits to be derived from the use of the scrip. In consideration of their relinquishment of the Lake Pepin reservation, it was designed that they, and they only, should by means of this scrip be enabled to secure immediate possession of, and ultimate title to, the choicest lands they could select from the Government possessions, whether "offered" or "unoffered," surveyed or unsurveyed. To this end, the act in the strongest terms prohibited any assignment or transfer of the scrip; and in furtherance of that object this Office taxed the limits of its authority to enforce the provisions of the act, by requiring that, in all cases, the location should be made only in the name of the half-breed, interdicting the issue or duplicate certificates or receipts, (with a view to prevent the assignment or transfer thereof,) and *invariably* causing patent to issue in the name of the scripee.

Unfortunately, the very qualities which were imparted to this scrip by Congress, for the purpose of embracing its benefits to the half-breeds, were the means of defeating that purpose, for the reason that these were the qualities which invested it with a peculiar attraction for speculators. Neither cash, nor bounty-land warrants, nor agricultural-college scrip, could enable this irrepressible class of persons to appropriate even "unoffered" lands, without fulfillment of the condition of actual settlement. Through the medium of Sioux half-breed scrip, however, speculation could not only reach "unoffered" lands, but could even anticipate the Government surveys, and seize whatever, under the description of land, appeared to possess a special value, whether immediate or prospective.

The certificates had hardly issued from the Office of Indian Affairs before, under a thin disguise of *agency*, in the shape of powers of attorney from the half-breeds, or their parents or guardians, they passed from hand to hand, and were even received in the banking-houses of Minnesota, as cash—at a certain ratability per acre. They were, in fact, a merchantable commodity, purchasable by any and every one who desired to obtain a valuable tract of land not accessible to any other form of entry or location.

In some instances, a power of attorney to locate the scrip and receive patent was taken from the half-breed, and after the issue of patent a quit-claim deed was obtained from him, but the uncertainties attending the residence of these half-civilized people were so great that two powers of attorney were usually taken—one authorizing the attorney to locate the scrip and receive patent from this Office, and the other to convey the land after the issue of patent; and to facilitate traffic in the scrip, the spaces in the instrument, designed for the name of the attorney, were left in blank until the location should be made, when they were filled with the name of the party making the location.

These powers of attorney were executed in strict form and acknowledged before duly authorized notaries public, with seal and witnesses, and while this Office might be fully convinced of the presence of irregularities and frauds in the premises, yet owing to the nomadic habits of the half-breeds, the unscrupulous character of the *pseudo* attorneys, and the great amount of time and labor required for an investigation, it was impossible for it, with its overweight of labor, to test the *bona fides* of locations; and so, of necessity, patents were issued and delivered. In many cases exception was taken to the manner of locations, and they were suspended here for further proof, but the reckless facility with which affidavits, of whatsoever nature, were executed to fit the requirements of this Office, demonstrated the utter futility of attempting to establish the true nature of the transactions by anything short of an investigation of each individual case, with the parties in interest confronted; and such a course, as I have before stated, this Office had neither the time nor the means to undertake.

In hundreds of cases both scrip and powers of attorney were obtained from the half-breeds for a mere shadow of consideration; a bottle of whisky or $10 in money would, and did, in many instances, secure hundreds of acres of this scrip. A large proportion of the same was issued in the names of minors, ranging from three months to seventeen years of age, and instances were not infrequent in which a father, after obtaining the scrip to which himself and, perhaps, a half a dozen children were each entitled, would, in a fit of drunkenness, be defrauded of the whole of it, comprising 2,000 or 3,000 acres.

Although, as I have aimed to show, the resources of legislation and the authority of this Office were strenuously exerted to encompass the design of Congress, with defenses against the possibility of a diversion or perversion thereof by speculators, yet the practical result is, that to-day probably not one Sioux half-breed in fifty possesses one acre of land derived through his scrip, or one dollar in money received as consideration therefor. The result is, in fact, an utter defeat of the whole object of the act, so far

as regards the interest of the half-breeds, while the scrip has wrought incalculable injury, both to the Government and to local communities, in furnishing speculators with a means of obtaining possession of exceptionally valuable portions of the public domain, including mill-sites, eligible town-sites, and more especially of pine-lands, which it has been, and is, the object of general legislation, and the policy of this Office as well, to preserve for public sale in open market, that the Government may receive the true value thereof. The celebrated "geysers" of California were located with a piece of Sioux half-breed scrip, under a power of attorney from the half-breed.

Happily, but little of this scrip is now outstanding, and the locations thereof are, comparatively speaking, so few and infrequent, and the regulations which have recently been instituted involve so close a scrutiny of each case, that it is believed but few frauds are consummated.

Chippewa half-breed scrip.

By the seventh clause of the second article of the treaty of September 30, 1854, between the United States and the Chippewa Indians of Lake Superior, it was stipulated that "each head of a family or single person over 21 years of age, at the present time, of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected under the direction of the President, and which shall be secured to them by patent in the usual form."

In pursuance of the above there were issued from time to time, under the direction of the Commissioner of Indian Affairs, some eleven hundred certificates in the following forms:

FIRST FORM.

Chippewa Indians of Lake Superior.

Treaty of September 30, 1854, article 2d, clause 7, "Each head of a family, or single person over twenty-one years of age, at the present time, of the mixed-bloods belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land; to be selected by them, under the direction of the President, and which shall be secured to them by patent in the usual form."

No. —. OFFICE MICHIGAN INDIAN AGENCY,
Detroit, October 10, 1854.

I do hereby certify that ——— ———, of ———, in the State of ———, is one of the persons described in the above provision contained in the treaty of September 30, 1854, with the Chippewas of Lake Superior, and that the said ——— ——— is entitled to eighty acres of land as therein provided. It is hereby expressly declared that any sale, transfer, mortgage, assignment, or pledge of this certificate, or of any right accruing under it, will not be recognized as valid by the United States; and that the patent for lands located by virtue thereof shall be issued directly to the above-named reservee or his heirs, and shall in nowise inure to the benefit of any other person or persons; and that the object and purpose of this certificate is to identify the said above-named ——— ——— as one of the persons entitled to the benefit of the provisions of the said 7th clause of the 2d article of the treaty aforesaid.

———, ———,
Indian Agent.

SECOND FORM.

No. — DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
———————, 186—.

I hereby certify that ——— ———, of ———, in the State of ———, is one of the persons described in the provision contained in the treaty of September 30, 1854, with the Chippewas of Lake Superior, and that the said ——— ——— is entitled to eighty acres of land, as therein provided.

It is hereby expressly declared that any sale, transfer, mortgage, assignment, or pledge of this certificate, or of any right accruing under it, will not be recognized as valid by the United States; and that the patent for lands located by virtue thereof shall be issued directly to the above-named reservee, or his or her heirs, and shall in nowise inure to the benefit of any other person or persons; and that the object and purpose of this certificate is to identify the said above-named ——— ——— as one of the persons entitled to the benefit of the provisions of the seventh clause of the second article of the treaty aforesaid.

Given under my hand and the seal of the Department of the Interior this day and year above written.

———, ———,
Commissioner.

These certificates became known as "Chippewa half-breed scrip," and were applicable to "unoffered" lands. Although the conditions of their location, as expressed on their face, were repeated in the most emphatic terms in the instructions issued by this Office to registers and receivers of the United States, yet they immediately became the subject of absolute purchase, in utter defiance of the law, and the face of the scrip itself. In hundreds of cases, among the later issues, the half-breeds never even saw the certificates issued in their names.

As in the case of Sioux half-breed scrip, powers of attorney were usually the means used by speculators in availing themselves of the advantages of this scrip; but frequently, instead of a power of attorney to locate, the signature or mark of the scripee was obtained to a blank form of application to locate. This was attached to the scrip together with a power of attorney to convey the land. With these adjuncts, the scrip passed from hand to hand with the same facility as bounty-land warrants.

While the half-breeds were confined to the States of Michigan, Wisconsin, and Minnesota, locations of these certificates were made in nearly all the public-land States and Territories, from Michigan to California; improvements upon lands thus located were sworn to, by pretended attorneys, as having been made for the exclusive benefit of the half-breeds, and the said attorneys, in some instances, disclaimed, under oath, all interest in the scrip or in the land sought to be located therewith.

The principal use of this scrip was in the location of valuable pine-lands, and frequently in such cases no power of attorney was taken to convey the land, for the reason that, pending the examination of the case by this Office and the issue of patent, the locator designed to cut and remove the timber, which constitutes the sole value of such lands, and thereafter the question of the issue of a patent was a matter of entire indifference to him.

For the same reasons that obtained in the case of Sioux half-breed scrip, it was entirely impracticable for this Office to enter upon such extensive and protracted investigations as would have been necessary to establish as facts the multiform frauds of which a conviction had long prevailed here. In the general business of this Office, however, so much proof of these frauds had incidentally accumulated, that early in the year 1871 the Secretary of the Interior was induced to appoint a special commission to proceed to Michigan, Wisconsin, and Minnesota, in which States the greater portion of this scrip had been and was being located, and make a thorough investigation of all the facts in the premises.

During the operations of the said commission, which extended through several months, the flagrant character of the said frauds had become a matter of such wide notoriety that the attention of Congress was directed to the same, and under date of December 20, 1871, the House of Representatives adopted a resolution calling upon the Secretary of the Interior for a detailed report of the facts and circumstances attending the issue and location of the said scrip. Under date of March 12, 1872, the Secretary, in response to the said resolution, submitted a very elaborate report, which was printed as "House of Representatives, Executive Document No. 193," and to which I have the honor to refer you for an explicit presentation of facts relating to this branch of my subject. A copy of said report is herewith transmitted.

House of Representatives act 1665.

This act provides that every private soldier, musician, and officer who served in the Army of the United States during the late war for ninety days, and was honorably discharged; and every seaman, marine, and officer, and other person who served in the Navy of the United States, or in the Marine Corps, during the late war, for ninety days, and who was honorably discharged; and the widow of any such soldier, musician, seaman, or officer, or if there be no such widow, his orphan children under twenty-one years of age, shall be entitled to enter a quantity of public land (not mineral) not exceeding one hundred and sixty acres, or one quarter-section, which shall be composed of contiguous tracts, according to legal subdivisions including the alternate reserved sections of public lands along the line of any railroad or other public work, or other lands subject to entry under the homestead laws of the United States, and receive a certificate of such entry without the payment of any Government fees.

That such entry shall be made in the name of the person entitled as above to make the same, by application in person, or by agent, under such regulations as the Secretary of the Interior shall prescribe; and the patent shall be issued only to such soldier, musician, seaman, or officer, or to his widow or orphan children, provided for in the first section of this act, who made the entry; but no sale of such land, or of any interest therein, or power of attorney authorizing such sale, or other contract or agreement in anywise affecting or concerning any such land, made, executed, or entered into prior to the issuing of the patent therefor and the actual delivery of such patent to the person to whom issued, shall be of any effect whatever, but every such sale, power of attorney, contract, or agreement, shall be null and void.

Under date of the 8th ultimo, in a letter addressed to the Hon. D. D. Pratt, (copy

herewith,) I estimated, by approximation, the number of claims that may be expected to arise under this act to be 2,000,000. Taking this estimate as a basis, and conceding that the provisions of the said act, in the event of its becoming a law, can be carried into practice in exact conformity with their intent, the result would be 320,000,000 of acres of selected public lands, or an area equal to that of the States of Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska, sequestered from the public domain, with no requirement of residence or improvement—three hundred and twenty millions of acres comprised within the limits of, say, a dozen young States and Territories, and held by non-residents, who are to reap such profit as the struggling, tax-burdened actual settler upon adjacent lands may impart to them. This is practically the theory of the act, viz: ownership without residence, possession without community of local interest, and profit without labor! Would not this be to inaugurate upon a scale of magnitude hitherto unknown a system of absenteeism worse than that which has universally been pronounced to be the blight and curse of Ireland?

As an element of political economy land is valuable to the State only as a means of production, and undoubtedly it has been with this principle in view that, hitherto, the policy of the Government has tended more and more persistently to the requirements of settlement and improvement of the public lands as conditions to obtaining title to the same. Our active *general* laws pertaining to the public lands declare that in acquiring title thereto settlement and cultivation are in all cases indispensable; this act requires neither. It authorizes the issue of patent immediately after an entry shall have been made by the beneficiary in person, or by an agent.

The records of this Office show that a considerable percentage of the class to be benefited by this act have already availed themselves of existing homestead laws, and are at this time *bona-fide* settlers upon the public domain. These must either abandon their present tracts, after obtaining title thereto, and transfer residence and labor to the new acquisition, or hold the later acquisition for purposes of speculation—in either case each controlling his quota of non-producing lands and thus increasing the ratio of local taxation, while diminishing, with inverse correspondence, the local resources of civilization and education.

Probably no feature of our national institutions furnishes so powerful a stimulus to emigration as does the fact (which it has been my business to largely disseminate in several European languages) that a homestead of 160 acres can here be obtained, in fee, on the simple conditions of residence and labor; and to the results of this beneficent policy of cheap lands is to be largely attributed the rapid growth and prosperity of our frontier States and Territories. Can it be doubted that the alienation by the Government of so vast a proportion of its tillable lands will exert a strongly repressive influence upon the present tide of emigration, from which we derive so many millions of immediate capital and such incalculable prospective wealth?

These objections to the act in question have suggested themselves to me as concomitants of the assumption that the meaning and intent of its provisions could be strictly carried into practice, which, in my opinion, is not within the range of possibility. I have shown that at a period of our history when land speculation was but as the acorn to the tree of its present proportions, it was found to be utterly impracticable on the part of this Office to prevent frauds, and evasions of laws possessing the same restrictions and prohibitions as this, even when dealing with the comparatively petty sum of the transactions of that period. How much more impracticable will it be, then, to compel compliance with the provisions of an act of such boundless scope as this, and in the face of the prevailing spirit of speculation! A mere attempt at this would submerge this Office beneath an inevitable mass of "suspended cases."

If over eighty years' experience in public-land matters teaches anything, it is that, *first*, the bounty-land system was founded upon and has been perpetuated in a misconception of the needs of our soldiers; for, as a class, their practice has invariably been to convert the land or its representative warrant into money at an enormous discount; and, *second*, the practical operation of the system has resulted in the utter failure of its object first, last, and always—a failure involving great detriment to the national interests and innumerable complexities of fraud; for these representative obligations of the Government have been the chief instruments wherewith speculators have possessed themselves of vast bodies of the very best lands, without settlement and without improvement, and at half the price which has been required of the poor, hard-working actual settler, whose presence and whose labor constitute the vital existence of our young States and Territories. Is it consistent with equity and justice, is it good policy even, to require under our *general* land laws, that the purchase of his home, which his own labor has created, by a poor actual pre-emption settler, shall not be permitted at a less price than $1.25 per acre, while, as I have shown in a practical instance, an alien capitalist, by means of these representative obligations, may possess himself of an empire at sixty cents per acre, which he despoils of its only value, deriving millions of profit thereby, and then leaves it a dead weight of desolation upon the State, not worth the taxes?

So far as my experience extends it is not our soldiers who are pressing this act upon the attention of Congress, nor is the pressure being brought in the interest of the soldiers. My observation leads me to the conclusion that such of our soldiers who desire land *for legitimate purposes* find most generous advantages in the existing soldiers and sailors' homestead act of June 8, 1872, and that they are rapidly availing themselves of the provisions thereof. I am led to believe that this proposed act has its origin in the interest of land speculation, which has assumed this popular disguise with a view to the overthrow of that wise policy of the Government which now insists upon actual settlement and cultivation as the *sine qua non* of titles to the public lands.

I have shown, under another head of this report, that the various issues of bounty-land warrants are well-nigh exhausted. I have shown also that the current year will probably exhaust all the issues of agricultural-college scrip. Do not these facts naturally suggest the reflection that the speculators who have enriched themselves by traffic in this form of land obligations will speedily be left with no "stock in trade" unless this act shall become a law?

Judging from the facts herein recited, I fear that this act, although designed by its authors to furnish a bounty to soldiers, will prove to be but a preliminary movement, an "opening-wedge," in the interests of speculation, to be speedily followed by a repeal of the restrictive clause relating to transfers and assignments. But even if it be not so followed, I am led to believe that the power of this Office will be found entirely inadequate to repress the multitudinous evasions and frauds which may be anticipated under the practical operation of the act.

These several objections to the act under consideration, weighty as they seem to me to be, are yet trivial beside that which is suggested by a reference to page 3 of my official report for 1872, just issued. It is therein shown, *first*, that the total area of all our land States and Territories is 1,334,998,400 acres; *second*, that the entire area of lands surveyed by the Government from the first institution of a method of public surveys by the ordinance of May 25, 1785, to June 30, 1872, was 583,364,780 acres; *third*, that the entire area of public lands yet to be surveyed in all the land States and Territories is 1,251,633,620 acres.

By a logical deduction from this exhibit it would appear that, should the future surveys of the public lands be prosecuted at the average rate of the past eighty-seven years, *more than half a century will be required to complete surveys sufficient to satisfy the claims arising under the proposed act.*

But a graver reflection even than this arises from the contemplation of these figures. Taking into consideration the character of a very large proportion of the public lands yet to be surveyed, the vast chains of mountains, the numberless river-beds, the myriads of lakes and swamps, the almost boundless area of alkali, sand, and sage deserts, and adding the sum of these impracticable lands to the sum of the claims, contingent and absolute, upon the public domain under existing acts of Congress, such as the grants to prospective States of the sixteenth and thirty-sixth sections of each township for school purposes, grants for agricultural colleges, the grants of saline lands, the unsatisfied grants to railroads extending, and yet to extend, through lands now unsurveyed, notably, the Union Pacific, the Northern Pacific, the Atlantic and Pacific, the Texas Pacific, the Atchison, Topeka and Santa Fé, &c.; then deducting the enormous aggregate comprised under these various heads, as also all mineral lands, from the total of lands yet to be surveyed, does it not become a question of the highest moment whether, after satisfying the requirements of this act, any arable lands would be left to meet the demands of emigrants and other actual settlers?

Other reasons adverse to the passage of this act might be urged, but my report has already grown to undue dimensions. Therefore, calling your attention to a copy (herewith) of my letter of 22d ultimo, addressed to the Hon. H. W. Corbett, as bearing upon the subject under consideration,

I have the honor to be, very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. W. M. STEWART,
United States Senate.

LETTER FROM THE HON. GEO. W. JULIAN.

THE SOLDIERS' BOUNTY BILL—A PROPOSITION TO BENEFIT SPECULATORS.

To the Editor of the Tribune:

SIR: In a recent communication I referred to the gratifying fact that all parties have at last committed themselves distinctly to the policy of reserving the remainder of our public lands for actual settlers only, and I confidently predicted the early embodiment of this policy in the legislation of Congress. Finding our political parties in perfect

accord respecting it, I thought it safe to infer that the people themselves were so entirely united that politicians would no longer venture to oppose their purpose. In this, I fear, I was sadly mistaken. Several new raids upon the public domain have already been organized since the beginning of the present session of Congress, and chief among these is the bill which recently passed the House, giving 160 acres of land to every honorably discharged soldier and seaman who served 90 days in the late war for the Union, or to his widow or minor children, if deceased. I invite particular attention to this most remarkable measure.

The aggregate of soldiers and sailors who served in the late war is about 2,638,000. After making a liberal deduction for those who have died leaving no widow or heirs, the requirements of the bill would still call for at least 400,000,000 acres. This is a moderate estimate, and will be so regarded on all sides. Our public domain, outside of our Russian possessions, which are worthless for agriculture, aggregates, say, 1,000,000.000 acres. From this very large deductions are to be made. It includes the lands granted to railroad and other corporations, which have not yet been patented, amounting to not far from 200,000,000 acres. It includes the unpatented swamp-lands, being indefinite millions of acres, which must yet pass from the jurisdiction of the General Government under the act of 1850. It includes the water-surface of the land States and Territories, amounting to many millions of acres, that of California alone being estimated at 5,000,000. It includes the amount which must be given under existing laws to the new States and Territories, and which has been granted or reserved for other purposes, aggregating probably at least 100,000,000 acres. It includes the great mountain chains of the continent, and the great alkali stretches of the interior basin, covering no one knows how many millions of acres that can never be tilled. It includes the mineral lands of the Government, which are disposed of under special laws, and very large portions of which are unfit for cultivation and homesteads. It includes also our vast Indian Territory, and numerous Indian reservations, covering in all about 180,000,000 acres, which for some time to come must be incumbered by the Indian title of occupancy, and can only gradually be brought under complete national control. If we take these qualifying facts into the account, and make the deductions which they require, it will be a very liberal if not an extravagant estimate to put the entire residue of our agricultural public lands at 400,000,000 acres, the amount voted away by this bounty bill. Indeed, such an estimate can only be possibly justified by including in the term agricultural lands many millions of acres which are fit only for grazing.

Here, then, we find Congress making an absolute gift of the entire public domain of the country, which is fit for homesteads, to a particular class of men, namely, the soldiers and seamen who served their country ninety days in the late war. It is not given to actual settlers and tillers of the soil, who will transmute their labor into national wealth, and thus re-imburse the nation for its liberality. It is not given to men who are hungering for homes, or whose valor and self-sacrifice are to be rewarded by making them owners and occupiers of the soil. It is not pretended that these soldiers and seamen will occupy and improve the lands which are to be given them. The friends of land bounties, in the recent debate on the question in the House of Representatives, admitted that not one in one hundred will ever settle on his land if the bill should become a law. No argument is needed to prove this. Soldiers and sailors who want homes on the public lands can have them under the homestead law, which has been at their service at all times; and now, under the act of last session, the five years' settlement required as a condition of title, is reduced in the case of soldiers and sailors by the time of their service in the Army or Navy. It is conceded by the friends of land bounties that even under this act, which in very many cases would reduce the settlement required to one year, our soldiers do not care to avail themselves of the chances afforded to get homesteads. The object is to put money in their pockets through the sale of their lands. This is the sole and undisguised purpose of the bill, and its title simply sets forth a falsehood in claiming to be "a bill to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands." That this is a false title, and a false pretense, I think no fair-minded friend of the measure will deny.

But if a bounty in money is the object, why not provide it directly, and apportion it according to service? Let me suppose the bill to become a law, and the exceedingly improbable fact that every soldier would be able to sell his quarter-section for $200. Would this be justice? Some of our soldiers enlisted early in the war, and others near its close. Some received large bounties, and rendered only a brief service, while others received small bounties or none at all, and yet served during the war, or the greater portion of it. A law giving bounties should be based on the principle of equality, which is justice. The bounty should be graded in amount by the time of service and the bounties already received, instead of totally disregarding these facts, and placing all on precisely the same footing. This graded bounty cannot be given in land, but it can be given in money, and our soldiers should have it. They should press their demand for it till it shall be granted. No plea of national poverty should be heeded. The amount required for this equalization is uniformly overstated; but what-

ever it may be, the nation, whose life was saved by its heroic defenders, can afford to do them justice, and cannot refuse it with any show of decency, while subsidizing railroad corporations and steamship companies are squandering the people's money in so many other forms.

But would the soldier get money under this bill? It makes the land an absolute gift. Not even Government fees are exacted. Every soldier, therefore, or his widow or heirs, would select a quarter-section at the earliest moment, and obtain a certificate of purchase. By the terms of the bill, no disposition of the land is possible till the issue of the patent. While the whole of the agricultural public domain would thus be absorbed by these certificates as fast as surveyed, it would be perfectly tied up from all uses (since the soldiers do not want to live on it) till the patent is issued. Of course this would bring the settlement and tillage of the public lands to a dead halt; but I shall refer to this presently. As soon as the patent is issued the soldier is as free to dispose of his land as was the soldier of the Mexican war to assign his warrant. The transfer will be quite as easy, and his desire for ready money will be as great. The entire public domain, the title to which the Government will have abdicated, will be thrown upon the market. If 400,000,000 acres of lands fit for tillage can be found, and their survey can be provided for, they will be for sale by their millions of owners. What will they bring? The Mexican war land-warrants only covered about 60,000,000 acres, and yet, even before the homestead law was enacted, the price fell as low at one time as 30 to 40 cents per acre. Would not the price fall still lower under this bill, with 300,000,000 or 400,000,000 acres thrown upon the market by men mostly poor, and who want money and not land? Would it not be a pitiful mockery of the just claim of the soldier, and profitable only to the speculator and shark?

In what I have said thus far I have supposed the bill capable of being executed. But even this must be denied. A large portion of our soldiers could never get the land which it proposes to give. It could not be selected and patented till surveyed. The Government, with its present force, is able to survey only about eight million acres per annum, and this is deemed sufficient to meet the demands of settlers and the development of our western territory. At this rate it would take fifty years to survey the land required by the bill; and as its effect would be to stop all settlements under the pre-emption and homestead law, there would be no motive whatever to push the surveys prematurely into the frontier. If, however, the Government could afford largely to increase the surveying force, and it were practicable and desirable to do so without reference to the demands of settlement, but solely in the interest of the soldier, it would still be found impossible to provide lands for all or nearly all of the men who would seek them under this bill. Every acre of the public domain, as fast as it could possibly be surveyed, would be taken, while a considerable per cent. of our soldiers and seamen would have to go down to their graves unaided.

But by far the most formidable objection to the bill remains to be stated. It hands over to non-resident owners, for speculative purposes, the whole public domain of the United States which is fit for occupancy and cultivation. It sets at defiance the well-known purpose of the people to attach the principle of settlement to all further dispositions of the public lands, and treats with contempt the platforms of all parties in that issue. It destroys the homestead law, by withdrawing the only lands to which it can apply, and surrendering them to the speculator and monopolist. It nullifies the pre-emption law also, for while the settler could still select his home on the unsurveyed lands, he would not be crazy enough to do it when better lands, already surveyed, could be bought for a trifle from the soldier and without any obligation to settle on them. The enactment of this bill would be practically equivalent to throwing more than two millions of land warrants on the market, cheating the soldier out of the bounty which is justly his due, while organizing land monopoly and public plunder into an institution. It would inaugurate a scheme of national spoliation, in comparison with which our land-grants to railroads, our Indian treaty swindles, and our swamp-land thieving would become decent and respectable. It would fatally stay the progress of the nation in industrial developments, and lavish curses innumerable upon the land, on the false and flimsy pretext of honoring the soldier. It is said, I know, that land bounties have been voted to the soldiers of all our former wars, and that it is but just that this traditional policy should be carried out as to the soldiers of our latest and grandest war. The answer to this is that our traditional policy has been a mischievous blunder, and ought not to be further followed. Some 73,000,000 acres of lands have been appropriated in all as military bounties, with very little profit to our soldiers, and at a most ruinous cost to the country. Of the land-warrants issued to the soldiers of the Mexican war the Commissioner of the General Land-Office estimates that not to exceed 10 per cent. of them have been used by actual settlers, and that not one in 500 has been located by soldiers or their heirs; speculators and monopolists having used them in growing rich by retarding the settlement of the country, and imposing their exactions upon the poor, to whom the public domain should have remained free. It is impossible to compute the wide-spread mischiefs inflicted upon the country through the agency of these Mexican war land-warrants, for which the soldier received a comparative trifle;

but these mischiefs would be a mere drop in the bucket in comparison with those inflicted by this bill, should it become a law. Our traditional policy as to land-bounties was, no doubt, well meant; but the lesson which it clearly teaches to-day, and has written down in its tracks, is, not to repeat that policy, but to shun it. Let the nation testify its regard for the soldier by a liberal, ample bounty in money, which is the thing he needs; but let the land, which was made to be tilled, be sacredly dedicated to the purpose of its creation. I do not believe our soldiers and seamen have asked for the enactment of this bill. I have seen no evidence of it in the action of any body or organization of them in any quarter of our country; and I am sure, at all events, that no class of intelligent men, whether soldiers or civilians, who will duly consider the subject, will demand the enactment of a measure which, I am convinced, would prove a wanton conspiracy against the rights of the people and the welfare of coming generations.

GEORGE W. JULIAN.

Published by order of the Land Reform Association.

HENRY BEENY, Secretary. Office 510 Pearl Street, New York.

AN ACT to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every private soldier, musician, and officer who served in the Army of the United States, during the late war, for ninety days, and was honorably discharged, including the troops mustered into the service of the United States by virtue of the third section of an act entitled "An act making appropriations for completing the defenses of Washington, and for other purposes," approved February thirteenth, eighteen hundred and sixty-two; and every seaman, marine, and officer, and other person who served in the Navy of the United States or in the Marine Corps, during the late war, for ninety days, and who was honorably discharged; and the widow of any such soldier, musician, seaman, or officer, or, if there be no such widow, his orphan children under twenty-one years of age, shall be entitled to enter a quantity of public lands (not mineral) not exceeding one hundred and sixty acres, or one quarter-section, which shall be composed of contiguous tracts, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, or other lands subject to entry under the homestead laws of the United States, and receive a certificate of such entry, without the payment of any Government fees.

SEC. 2. That such entry shall be made in the name of the person entitled as above to make the same by application in person, or by agent, under such regulations as the Secretary of the Interior shall prescribe; and the patent for the land so entered shall be issued only to such soldier, musician, seaman, or officer, or to his widow or orphan children, provided for in the first section of this act, who made the entry; but no sale of such land, or of any interest therein, or power of attorney authorizing such sale, or other contract or agreement in anywise affecting or concerning any such land, made, executed, or entered into prior to the issuing of the patent therefor, and the actual delivery of such patent to the person to whom issued, shall be of any effect whatever, but every such sale, power of attorney, contract, or agreement shall be null and void.

SEC. 3. That the Secretary of the Interior shall prescribe rules and regulations to carry the several provisions of this act into effect.

Passed the House of Representatives December 12, 1872.

Attest:

EDWARD McPHERSON, *Clerk.*