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Arid lands of the United States

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ARID LANDS OF THE UNITED STATES.

MARCH 9, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LANHAM, from the Select Committee on Irrigation of Arid Lands in the United States, submitted the following

REPORT:

[To accompany H. R. 6790.]

The Select Committee on Irrigation of Arid Lands in the United States, to whom was referred the bill (H. R. 6790) for the reclamation of the arid lands of the United States and for other purposes, report the same to the House and recommend its passage.

Sundry bills, resolutions, memorials, and petitions have been referred to this committee during the present Congress relating to the subject of irrigation and the proper disposition of arid lands, the general trend of which has been favorable to the proposition of relegating these lands and the problems involved to State and Territorial control and administration.

The greater number of them has been of a general character, while others have been of local application, but all have been marked with the same distinct feature and uniform object, discovering a noticeable concurrence of opinion upon a subject-matter of vast public importance.

The vacant public domain of the United States, exclusive of Alaska, the Cherokee Strip (not yet opened to settlement), and certain other lands now claimed by Indians, is estimated by the report of the Commissioner of the General Land Office at 579,664,683 acres, surveyed and unsurveyed, in approximately equal proportions. The principal amount of this land is situated within what is known as the arid region, embracing the greater portion of the territory west of the ninety-seventh meridian of longitude, and contained chiefly within the boundaries of the States and Territories named in the bill to which, respectively, it is proposed that cession shall be made by the United States.

According to the estimates of Government officials the arid region, including the semiarid plains, embraces 1,340,000 square miles. Of this about one-fourth lies in the Great Plains region east of the Rocky Mountains, which is principally arable land; another fourth is embraced in the Rocky Mountain belt, not more than one-third of which is arable; three-eighths lies in the Great Basin and Plateau region between the Rocky Mountains and Sierra Nevada, about one-half of which is arable; while the remaining one-eighth is embraced in ranges of the Sierras, and is in the main rocky and unsusceptible of cultivation. It is estimated that about one-fourth of the arid region is composed of rocky or mountainous nonarable land.

Maj. Powell, Director of the Geological Survey, has expressed the opinion that 100,000,000 acres of this arid region can be redeemed by irrigation through the utilization of stream waters.

Mr. Newell, as shown in Census bulletins, estimates that 70,000 acres of land are now irrigated in the semihumid plains region, and that about 4,000,000 acres are irrigated in the arid region proper. It can not be stated with accuracy what amount of irrigable lands yet remain unreclaimed.

The greater portion of the land proposed by the bill to be ceded is in its present condition of little practical value, but is capable of being appreciated beyond computation by processes of irrigation; but to accomplish its reclamation and successful development will require long time, careful treatment, and great expenditure of money. It is now comparatively an arid waste, forbidding to the home-seeker, though fraught with untold possibilities. This land, urged by the necessities of our mighty civilization—the demands of our large and constantly increasing population for homes—the necessary development of its latent, though incalculable resources, cries out for redemption from its now unprofitable condition.

It is not in keeping with the progress of the age, the growth and dignity of our country, and the wants of our people that it should remain in its present unproductive condition. It must be rendered habitable. It can not, and ought not to, remain a perpetual wilderness and destitute of useful results. Either the United States must sooner or later accomplish its reclamation by direct appropriations from the Federal Treasury, by the construction and maintenance of irrigation works and the operation of the multiplied and manifold agencies for its development, or, failing so to do, it must leave it to the States and Territories within which it is embraced, in their own way, to work out that salvation which is possible.

If the Federal Government is to do this work it may well take notice that the ultimate demands upon its Treasury will be enormous, far beyond any present accurate calculation, but certainly at an expense far in excess of anything it has yet encountered for any specific object of internal improvement, reaching even billions of dollars. Nor can the point be overlooked and ignored that, if the National Government shall undertake the execution of this immense enterprise, it must perform that function in an impartial and comprehensive manner; it can not afford to lavish its expenditures on any favored locality, but it will be constrained, in all fairness and propriety, to treat the distinct, special, and local problems of reclamation in a suitable way wherever they may arise, as well in one State or Territory as another.

To do all that will be expected of it, and that the exigencies will require, will be simply impossible of accomplishment. Nor is it believed that the taxpayers of the country remote from the arid region will be induced to consent to the outlay necessary for such a purpose. When the magnitude and far-reaching consequences of such a proposition are considered and understood in all their phases, it is reasonable to assume that thoughtful, prudent, and economic men will conclude that the General Government, essaying this object, has a work upon its hands from which it may well pray deliverance, if that deliverance can be had in a manner consistent with sound public policy, just to the whole people, advantageous to the people most directly concerned, and upon their voluntary acceptance of the burden and assumption of the responsibility involved.

If the General Government, with full knowledge of the colossal

undertaking, will covenant with our Western people to go ahead with the enterprise, and prosecute the same to a successful conclusion, no serious objection is likely to be interposed by the States and Territories in the arid region. The immediate beneficiaries of such bounty would doubtless enter no protest. But the people of those States and Territories, recognizing the prevailing sentiment and realizing fully all the difficulties which encompass the situation, have reached the conclusion that the General Government will never do this work. They despair of any such prospect.

It would prolong this report too much to attempt an elaborate and detailed review of all the National Government has already done, the labor and money it has expended, the investigations it has conducted, the explorations it has made, the reconnaissances it has projected, the differentiations of irrigable lands it has disclosed, and the useful information and scientific *data* it has furnished in relation to the subject of irrigation and the reclamation of arid lands.

It has maintained bureaus. It has employed experts. It has made surveys, topographic and hydrographic. It has measured rainfall. It has gauged streams. It has defined catchment and drainage areas. It has located reservoir sites. It has investigated storm waters and their utilization, torrential flows and their conservation, the waters upon the earth and the waters under the earth, conditions of climate, the best methods of cultivating the soil by irrigation, and the agricultural results and possibilities which follow. It has even bombarded the skies and sought through explosives to wring waters from the reluctant clouds. It has experimented in every field and quarter where any promise was offered for valuable result. It has sent out special and select committees who have visited and examined the uttermost parts of the country in search of useful knowledge, as the basis of appropriate legislation; it has created and organized committees in both Houses of Congress, which have spent months of time in hearing and yet longer periods in deliberations; it has furnished exhaustive reports, compilations, statistics, and suggestions; it has printed books, published volumes containing information, foreign and domestic, and issued instructive maps; it has invested all sources of research; it has reserved from settlement certain irrigable lands, and then again it has reopened the lands to occupancy which it had formerly segregated; it has experimented in legislation as well as scientific examination, until it would seem that the era of education is completed and that the processes of national instruction may be discontinued without serious detriment to the Government.

It is not intended to underrate the importance and value of the great body of the work done by the Government in this connection; on the contrary, it must be conceded that much of it has been exceedingly useful and will be beneficially appropriated in the future. It has served to initiate careful inquiry and has apprised the people of what has been and may be accomplished in this and other countries. It has stimulated them by the wonderful solicitations to development and rewards to investment of effort and capital, which it has discovered.

Why should the Government desire to longer retain proprietorship of this arid region? Why, for that matter, should it now have a vast domain of unappropriated public land? It only holds lands as a trustee and until they can be suitably settled and occupied, and is presumptively interested only to the extent that actual, bona fide settlers may be accommodated. It is not supposed that it wants to retain them in order that they may be donated to corporations or given away as sub-

sides. Enough of that has already been done. Its administration of the land system in the past has not escaped severe censure.

The most valuable and desirable part of the public lands has long since been disposed of, and the time has come when the inducements to actual settlers upon the remaining portion must be supplemented by such development as will render it desirable for homes.

It must be tickled with water before it will smile in fertility and attraction to the homesteader, and yet the Government wants it to be occupied. The moment any settler perfects title to his homestead the government cheerfully makes its transfer, and that settler becomes a citizen of the State wherein his land is situate, adding his taxable values to the State, and his contributions to its material prosperity, maintaining his dual citizenship of the State and the United States. If the Government retains public lands for actual settlers, it is but a delusion, unless those lands are put in such condition as to make settlement possible. Having parted with its best lands, shall it continue to hold the refuse, when it is apparent there will be but few, if any, takers?

Is it economical for the Government to continue the administration of the arid lands and support the expensive machinery and supervision therewith connected in consideration of the proceeds derived from the sales of such lands for homestead purposes? Is not the outgo greater than the income from the standpoint of actual settlement? There is not likely to be any material diminution in the cost of such administration, while there is a comparative present exhaustion and will be a continued future limitation of lands available for actual occupancy, and must be a corresponding decrease of the amounts of money received from the sales of such lands.

It would seem that the Government is now engaged in a losing business from this point of view and that such loss will continually enlarge and grow more serious by pursuing the existing policy, until all the supposed heritage in these lands will have been absorbed and consumed by the cost of their administration. In this view of the case, it would appear advisable for the General Government to relieve itself of the embarrassment under which it labors, if it can find some competent authority willing to assume the responsibility and to which the matter can be legitimately committed.

Attention is invited to that portion of the last Report of the Commissioner of the Land Office under the title of "The irrigation of the public lands," and especially to the following recommendation:

A wiser plan, it seems to me, would be the transfer of the land and water to the direct control of the States, subject to such limitations and restrictions as would insure the reclamation of the land by the States and the transfer of title from the State in the first instance to actual settlers in quantity not exceeding, say, 160 acres of land to each settler.

Notice is also directed to his statement in the same connection in relation to the previous granting of "swamp lands" by the General Government and the unsatisfactory experience which ensued, as a sufficient argument in response to the alleged danger of the policy involved in the cession contemplated by the provisions of the bill now reported.

After a careful review of the whole question, we have arrived at the conclusion that the General Government will be benefited—that it will gain rather than lose by the proposed cession; that it will gain in the speedy reclamation of and settlement upon these lands; that it will gain in the acquisition and increase of a strong and self-supporting western population; that it will be benefited in the opportunity that

will be afforded for an outlet for its present and prospective millions of landless and homeless people, who now crowd, and will in future overflow, its dense and more populous Eastern States; that additions to popular well-being and prosperity will ensue; that fresh stimulus will be given to the States and Territories immediately interested to earnest endeavor for their own development; that local self-government, in all the problems involved, will assert its forces; that civilization will be advanced; that rich, waving fields and comfortable homes will make glad the solitary places which now abound in this dormant and unproductive region.

What will, what can the Government lose? What citizen, what State will begrudge their proportionate contribution of the heritage remaining in this fragment of the public domain to the people who are to redeem it? What sacrifice to either will be involved in surrendering these now barren wastes and hills and mountains? They will not go to aliens, but to our own people. It is worthy of notice that no serious protests from any Eastern State against the objects sought to be accomplished by this bill have found their way to your committee, notwithstanding the long time they have had the subject under consideration and the public notice which has been given concerning the character of the measures upon which they have been deliberating.

We have been forcibly impressed with the conviction that suitable legislation upon this subject is imperatively demanded and can not well be longer postponed. Our conclusion is, that the only solution of the question will be found in ceding these lands to the States and Territories. That this policy will ultimately prevail we confidently predict.

Can the States and Territories administer the trust which it is proposed to commit to their hands? Will they do so wisely and well? It is not contemplated that the burden shall be forced upon them. Their voluntary acceptance must precede the actual cession. It will be left to them, in their own sovereign capacity, to determine for themselves as to whether they will receive the grant.

We are led to believe that they will accept, with the conditions and reservations defined and stipulated. The western people, almost with one accord, have united in asking this cession; they have signified their purpose and desire thorough legislative memorials; through the expression of large and representative conventions; through the resolutions of the great irrigation congress held at Salt Lake City, in last September, composed of delegates from ten States and two Territories, and through numerous petitions from different parts of the country. That they are in earnest about the matter there seems to be no room for doubt.

A sufficient answer to the inquiry as to the ability and competency of the States to deal with this question is the fact that they are States, clothed with all the paraphernalia of statehood, invested with the power and charged with the responsibility of conducting their own affairs and conserving the liberties, property, and happiness of their people. If they can not be safely trusted in all that concerns the well-being of their citizens within the sphere of State legislation, then their existence as States is a blunder and a reproach and they ought to be remitted to mere dependences upon the Federal Government. They are presumed to be intimately conversant with their own immediate necessities and conditions, and confidence must be reposed in the virtue and intelligence of their people.

If their legislatures are accessible to corrupt compassings, the responsibility will rest upon the people who choose them. If the voters

of a State can make a wise selection in the case of a member of Congress, no reason is perceived why they can not exercise the same judgment in the election of a State legislator. Western men, as a rule, reflect as high types of real manhood, in all its better elements, as adorn American character in any quarter of the Union. They are heroic, patriotic, energetic, and self-reliant, and can be depended upon for the performance of all the duties and obligations which devolve upon them.

If an illustration be required of the capacity of a State to administer its land system without supervision or interference upon the part of the General Government, the State of Texas, with its immense area, will furnish an instructive example. It has held out its own encouragement to immigration; it has invited capital in its own way; it has granted its lands at its own pleasure, both in preëmptions in aid of education and for internal improvement; it has issued its own patents and exercised, without restraint, its own judgment in the disposition of its public domain.

It is content with its own management and would revolt at interference. It retained its lands when it entered the Union, without limitation or restriction upon its power of administration and disposition. It is proud in its sovereignty of the soil and has demonstrated its ability to regulate its own affairs and execute its own land policies. It may be well argued that, with all the experience of the past and the benefits to be derived from the many lessons which that experience will afford, the States to which the cession may be made will prove themselves equal to the task they undertake. There is no apparent hazard in allowing them to make the experiment.

The objection which may be urged against the cession to the Territories before they are admitted as States of the Union, the doubt that the people would act wisely in the discharge of the trust, that the legislation on the subject might be reckless, and thus defeat the object to be attained, is largely met by pointing to the success which has attended the irrigation and reclamation of arid lands in the Territory of Utah. Irrigation in the United States by white men began in Utah in 1847 and has proved a most gratifying success under wise and conservative legislation, based largely upon actual experience. The waters have been so distributed and utilized by the settlers as to produce the very best results. Considering the scarcity of water and the vast area irrigated, there have been comparatively few conflicts over water rights.

The showing in the recent United States census of agricultural development gives a fair conception of what has been accomplished in that Territory. Crops were raised by irrigation in the census year ending June 30, 1890, on 263,473 acres, or 411.68 square miles, a trifle over five-tenths of 1 per cent of the entire area of the Territory. The aggregate number of farms was 10,757, and of these 9,724, or about nine-tenths, depended on irrigation, the remaining tenth being either stock ranches or farms in the northern end of the Territory, where the climate is less arid, or situated so high on the mountain sides that crops can be raised by what is known as "dry farming."

The irrigated farms in Utah are small, averaging from 20 to 30 acres each. It has not been the policy of the people of Utah to encourage the acquisition of large bodies of land, and the monopoly of water has been impossible. The laws were made to encourage and protect the settlers. The small holder had an equal opportunity for his proportionate share of water with the large holder. "The greatest good to the greatest number" is the prevailing idea and has always been

strictly enforced. Water rights are considered sacred, and no theft is regarded more despicable than the theft of water in the irrigating season; no misdemeanor is more quickly or severely punished.

A people who in the past, under the most adverse circumstances, have done so much to reclaim the arid lands, who have turned what had been considered deserts into fruitful fields, may be trusted to manage the arid lands within their borders; besides the power will still remain in Congress to disapprove any legislation which the Territories may enact. These considerations would seem to remove any serious apprehensions in regard to making cession to the Territories. It has not been thought advisable to impose too many restrictions upon freedom of action by the States and Territories which may accept the provisions of the bill; all necessary power and discretion ought to be left with them.

The *quantum* of land that may be disposed of to any person, corporation, or association is limited to 160 acres. This, it was believed, would have the effect of preventing monopolies and syndicates from securing possession of large bodies of these lands to the detriment of the rest of the people, and might serve as a restraint upon rash legislation in this respect should the same be attempted.

The mineral lands are reserved to the United States. These lands have not been distinctively classified, and the special localities where minerals may exist can not be satisfactorily designated, but must be left in a great measure to the discoveries of prospectors. From the nature of the case it is impossible to specify the extent of these lands. They are usually found in mountainous localities unsuited to agriculture. It is not believed that material confusion and conflicts of jurisdiction are likely to arise in consequence of this reservation. Some advantage may result by the General Government's maintaining a uniform system of mining laws, applicable alike to all the States and Territories.

The forests and timbered lands are included in the cession. The following extract from the memorial of the Salt Lake City irrigation congress is a strong statement of the relation of the forests to the subject of irrigation, and presents, in brief, cogent reasons for embracing these lands in the grant:

No mention is made in the resolutions of the congress of the preservation of the forests, but the subject is too intimately associated with that of irrigation to be divorced. The coniferous trees, such as constitute the timber growth on the mountains and elevated plateaus of the West, are exceedingly inflammable, and when once fire is communicated to them a vast destruction of values ensues. The loss from this cause, measured by the stumpage value of the timber alone, may be estimated without extravagance at \$100,000,000 per year. The Federal Government has made some efforts to arrest this destruction, but wholly without success.

It is from the States, or local agencies created by the States, that protection must be sought. To the settlers the preservation of the forests is a matter of grave importance. They are dependent upon them for fuel, fencing, and building materials; but this is by no means the limit of their interest. The forests on the mountain tops are the chief conservators of the waters that are to irrigate the valleys below. With their destruction the reclamation of the arid lands ceases to be a problem and becomes an impossibility. An efficient and just system of preserving the forests from destruction by fire and applying them under proper restrictions to the use of settlers can not be otherwise provided and administered than by the States.

These are not the only reasons which support the proposition, but are deemed sufficient for the purpose of this report and to serve as a basis for more extended future discussion.

The committee, in their deliberations, have not overlooked the difficulties in the matter of interstate waters—the possible exhaustion, for irrigation purposes, of the waters of streams rising in and flowing through

and from one State to another State or Territory before they reach the boundary line which divides them. They have realized the trouble involved in equitable distribution and prior appropriation of such stream waters, as well as the conflicting interests which may arise. Illustrations and object lessons in this connection, both of an interstate and international character, have not been wanting. These difficulties and conflicts, in the opinion of the committee, can not be removed nor obviated in any satisfactory manner by legislative enactment.

One State may possess natural advantages as to water and otherwise, which have not been provided for its adjoining neighbor, nor can the fortunate possessor of such natural advantages be debarred from the reasonable and necessary enjoyment which they afford. No legislation can equalize these conditions; nor is it probable that one State, knowing its natural advantages, would enter into any agreement with its less favored neighbors which might involve the surrender or diminution of its existing superior conditions. Voluntary arbitration of differences are improbable, and appointive commissions could not adjust the inequalities.

There are periods of scarcity of water in these interstate streams, as well as flood times, attributable to natural causes. In the one case, the supply is wholly inadequate to the necessities of any considerable number of settlers upon their courses, even near the sources; in the other case, there is such a superabundance as to be even dangerous and destructive in localities remote from the sources. Statutes can not regulate these conditions, nor can interstate agreements control them. It will require more work and greater expenditure upon the part of some of the States and Territories than others to conserve and utilize the the waters necessary for irrigation. More artificial agencies, such as constructing reservoirs, impounding storm waters, building dams, restraining and diverting torrential flows, and boring artesian wells, will have to be employed by one State or Territory than another, dependent upon its peculiar situation and environments.

Irrigation conveys the idea of supplementing and relieving natural wants by artificial means. The less favor nature has extended any given State or locality in affording it permanent water supply, the greater will be the burden to be overcome and the more exertion and expense will be required to cure the defect. Each State and Territory affected by the bill will, it is believed, better understand and more thoroughly appreciate its own peculiar condition and the specific problems which require solution, than it will be possible for Congress to do, and when it accepts the cession proposed it will do so with full knowledge of the responsibility assumed; it will take the grant *cum onere*, and upon its wise administration of the power conferred will depend its own prosperity and future success.

The lands which will be ceded if the bill becomes a law and its provisions are accepted by all the States and Territories therein named will amount to 558,141,374 acres, less whatever number of acres may have been taken up since the estimate in the report of the Commissioner, dated September 23, 1891, and deducting also the mineral lands, which, for the reasons before stated, can not be differentiated nor their extent determined, and are distributed as follows:

	Acres.
Arizona	55,061,005
California	52,299,499
Colorado	42,167,030
Idaho	33,781,851
Kansas	799,078

	Acres.
Montana	74, 372, 769
Nebraska	11, 460, 436
New Mexico	54, 893, 679
Nevada	53, 689, 524
North Dakota	16, 135, 440
Oklahoma	3, 502, 406
Oregon	39, 220, 151
South Dakota	14, 085, 394
Utah	35, 428, 987
Washington	20, 401, 691
Wyoming	50, 842, 434

It is deemed unnecessary to attempt any further analysis of the bill at this time. It is here subjoined for examination in connection with this report.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That, subject to all rights, inchoate or perfected thereto, all the lands of whatever nature or description and rights thereto, including water rights, now belonging or appertaining to the United States, lying and being situated in the States of Nebraska, Nevada, South Dakota, North Dakota, Montana, Washington, Oregon, Wyoming, Idaho, Colorado, Kansas, and California, and in the Territories of New Mexico, Arizona, Oklahoma, and Utah, severally, with full and complete jurisdiction thereover, be, and are hereby, granted, ceded, and confirmed to said several States and Territories, the grant to each of said States and Territories to be of the lands contained within its present boundaries and territorial limits. And the President of the United States shall issue letters patent for the same to the said several States and Territories in this section designated whenever and as any of said States and Territories shall by an act of its legislature accept the disposition of the lands as herein provided, within the time hereinafter specified. This act shall in no manner affect any of the lands held by the United States for parks, naval, military, or other public purposes, nor any Indian lands, nor lands held in trust for or for use by Indians, nor mineral lands, nor shall it apply in any manner to the Territory of Alaska.

SEC. 2. That the governors of the Territories of Utah, Arizona, Oklahoma, and New Mexico shall, within a reasonable time after the passage of this act, call special sessions, if need be, of their several legislatures, to take into consideration and pass upon the provisions of this act and the questions herein submitted to them, and may from time to time call such other sessions of their respective legislatures as may be rendered necessary; and the benefits of this act shall not accrue to any State or Territory which shall not have accepted the provisions thereof within four years from its approval.

SEC. 3. That as soon as practicable after the issuance of letters patent to any State or Territory herein mentioned, for the lands therein situate, and from time to time thereafter as occasion may require, it shall be the duty of the Secretary of the Interior, at the expense of the United States, to cause to be delivered to the proper authorities of such State or Territory all maps, records, books, and papers, or certified copies thereof in case it may be necessary to retain the originals in the General Land Office, which may be necessary to such State or Territory for the proper control, administration, and disposition of such lands.

SEC. 4. That no State or Territory accepting the cession of lands as herein provided shall in any case sell, lease, or dispose of said lands in greater quantity than one hundred and sixty acres to any one person, corporation, or association, nor shall any such State or Territory in any manner impair or abridge the homestead privileges now granted to soldiers and sailors under the land laws of the United States.

VIEWS OF THE MINORITY.

The proposition of the majority of the committee is to cede to the several States and Territories, wherein it is situate, all that part of the remaining public domain known as arid lands. No sufficient reason in the judgment of the minority is given why such a radical change from the well-known and well-defined path of the past should be taken in the disposition of a great part of what remains of our public lands, the common heritage of all the people alike, and we are therefore constrained to dissent from the views of the majority and oppose the passage of the bill reported. Of the public domain there yet remains undisposed of, according to the report of the Commissioner of the General Land Office for the year 1891, 579,664,683 acres.

This estimate does not include any public lands which may now remain in Ohio, Indiana, or Illinois, which is no more, perhaps, than a few isolated tracts in these States. It will also be borne in mind that the above estimate of the remaining public lands does not include any part of the Cherokee Strip, containing 8,044,644 acres, nor any of the lands owned or claimed by the Indians in the Indian Territory west of the ninety-sixth degree of longitude, which, by act of Congress of March 2, 1889, it is intended to make a part of the public domain also. Neither does said estimate include any part of Alaska, which contains 369,529,600 acres, on which 1,000 acres have been taken up as mineral lands.

The estimated area of arid lands in the United States and Territories, exclusive of Alaska, is 1,340,000 square miles, or 857,600,000 acres. In 1890 it was estimated that 8,057,000 acres of these arid lands had been irrigated and were under cultivation, and that from 2,000,000 to 4,000,000 acres more were then under canals and ditches, and would soon be under cultivation also. This amount has no doubt been largely increased since that estimate was made in the early part of 1890. Of this 1,340,000 square miles of arid lands, 258,070 square miles, or 165,164,800 acres, are timber lands, of which 125,770 square miles, or 80,392,800 acres, are valuable merchantable timber lands. It is also estimated that a vast portion of what is claimed as arid lands is valuable pasture lands. In Wyoming alone, 90 per cent of all the arid region is pasture lands.

It is proposed by the bill reported to make an absolute cession of all these lands to the several States and Territories wherein it is situate, viz: Nebraska, Nevada, South Dakota, North Dakota, Montana, Washington, Oregon, Wyoming, Idaho, Colorado, Kansas, and California, and in the Territories of New Mexico, Arizona, Oklahoma, and Utah, with these exceptions:

This act shall in no manner affect any of the lands held by the United States for parks, naval, military, or other public purposes, nor any Indian lands, nor lands held in trust for or for use by Indians, nor mineral lands, nor shall it apply in any manner to the Territory of Alaska.

It will be seen that the principal exception made in the cession is the mineral lands.

Now what are mineral lands and where are they? What are mineral lands to-day may soon cease to be such by reason of the exhaustion of their products, and as soon as their treasures have been exhausted they are at once abandoned and the State or Territory wherein these now known mineral lands lie will have to make an acceptance of them by act of their respective legislatures or they will revert back to the General Government.

Again, what are not thought to be mineral lands to-day may to-morrow prove to be very rich in mineral deposits by some discovery; so that by the reservation as to mineral lands, in this bill, at once a door is opened to a never-ending dispute and contention between the Government and the State or Territory wherein these newly discovered mineral lands lie as to their ownership. We think that, before this wholesale and radical disposition, by gift, of the people's natural heritage is made, cool and deliberate thought should be had.

The passage of this bill will lead to another equally complicated and vexatious question, and probably a very expensive one. It is tacitly admitted that not all of our remaining public domain is arid and unfit for cultivation without irrigation. The arid region has by no means been strictly-defined, so that Congress will know how much it has given, nor will any State or Territory know how much has been ceded to it, so that at once there arises a complication of facts and a dispute which to settle will require time and a vast expenditure of money both by the Government and the contending State or Territory.

It will also be seen that the bill attempts to couple with the gift a limitation or restriction that no State or Territory accepting the cession "shall in any case sell, lease, or dispose of said lands in a greater quantity than 160 acres to any one person, corporation, or association," etc., with no kind of a forfeiture for any violation. Now, after the cession is made and accepted by the several States and Territories, the title to the land passes from the donor and vests in the donee as soon as accepted, and the Government has no further claim or control over it and can not prevent the sale of every acre of the land to one man, except in the action of the Territorial legislatures. Our experience in the past under similar grants has taught us that such is not impossible.

The minority opposes the passage of the bill for another reason. The bill, it will be seen, proposes to dispose of about one-half of our remaining public domain except Alaska, for it will be borne in mind that we have remaining but 579,664,683 acres, exclusive of the Cherokee Strip and some other Indian lands now in dispute, and that the estimated area of arid lands is 277,935,317 acres, and to the extent of the cession the bill will change entirely the heretofore satisfactory management of our public lands in the United States. It is true, as contended by some, that in the management of our public lands in the past by the Government, some frauds and abuses have been indulged in, but will you better its management by transferring it to the States and Territories? Will you not multiply the opportunities of the land-grabber for every division you make of the controlling power of the public lands?

Heretofore Congress has been induced by arguments no more plausible than those presented now to make large grants of swamp lands to several States, claiming that it was indispensably necessary to make the grants so that the land could be reclaimed by ditching, etc., to furnish houses for the homeless, and yet no sooner were these grants made than without a single exception known to us almost all of these large grants passed into the hands of the ever-present land-grabber, and by all man-

ner of frauds these men made themselves rich at the expense of the very persons intended to be benefited by the grants.

It is a melancholy fact, also, that not even our school lands escaped the greed of the land-grabber. Who knows but that this same régime will be resorted to and repeated with our arid lands with the same disastrous effects? Who can give that positive assurance, such as a prudent man would feel safe in acting in this matter, that these same inexcusable frauds will not be repeated in this instance? Had we not better profit by our past experience in similar cases, as well as to refrain from giving away such a vast amount of our public lands?

Information furnished us from a reliable source shows that these arid regions are being rapidly reclaimed by irrigation under the present law, and by consulting the records it is very apparent that the work of irrigation is now going on in almost every place in these several States and Territories where irrigation is possible and that vested rights have been acquired, which this bill does not seek to disturb, and could not if it attempted so to do.

The minority oppose the passage of this bill for another reason. The people of all the other States and Territories have purchased their lands, except grants of swamp lands, which were a detriment instead of a blessing, and paid many hundred millions of dollars into the United States Treasury, and have a right now to demand that the same policy shall be pursued with reference to the remainder of our public lands instead of giving to some of the States and Territories one-half of our remaining public domain for no other consideration than the mere asking for it.

In view of the facts the minority feel compelled to protest against the passage of this bill.

JOHN L. BRETZ.
JERRY SIMPSON.