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Homestead settlers on the Great Sioux Reservation in Nebraska

55TH CONGRESS, 1st Session. | SENATE. | REPORT No. 3.

HOMESTEAD SETTLERS ON THE GREAT SIOUX RESERVATION IN NEBRASKA.

MARCH 22, 1897.—Ordered to be printed.

Mr. ALLEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 83.]

The Committee on Indian Affairs, to whom was referred the bill (S. 83) for the relief of the homestead settlers on that portion of the Great Sioux Reservation lying and being in the State of Nebraska, formerly in the Territory of Dakota (now State of South Dakota), and for other purposes, beg leave to report the same back to the Senate favorably, with the following amendments, viz:

Amend by striking out the words and parentheses, as follows: "and formerly lying and being in the Territory of Dakota (now State of South Dakota)," and insert in lieu thereof the words "North Dakota, and South Dakota."

Amend the title to read: "An act for the relief of the homestead settlers on the Great Sioux Reservation lying and being in the States of Nebraska, North Dakota, and South Dakota, and for other purposes," so that the bill when amended will read as follows:

A BILL for the relief of the homestead settlers on the Great Sioux Reservation lying and being in the States of Nebraska, North Dakota, and South Dakota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force respecting that portion of the Great Sioux Reservation now lying and being within the States of Nebraska, North Dakota, and South Dakota, be, and the same are hereby, so amended and modified as to relieve the homestead settlers thereon from the payment of one dollar and twenty-five cents per acre for the same, and said homestead settlers, respectively, shall receive a patent for their homestead entries thereon, on the payment of the usual land office fees, without being required to pay any other or additional sum or sums: *Provided,* That said homestead settlers shall be required to fulfill all other requirements of any act or acts of Congress now in force on the subject, as conditions precedent to the receipt of patents for their said lands.

The history of homestead legislation in this country is of absorbing interest, and especially when viewed from a standpoint that brings into full view the trend of public sentiment of providing free homes for actual settlers on our Western lands.

Early in the history of the United States public attention was sharply drawn to the desirability, if not the absolute necessity, of "peopling the public domain." Vast quantities of fertile lands would lie idle

possibly for centuries, unless a portion of the people could be induced to eschew the conveniences and comforts of the older and more thickly settled communities and brave the ills and obstacles incident to the founding of new States; and for the purpose of inducing settlement of the prairie States, Congress, in 1862, passed a general homestead law.

One who has lived in the West forty years or more well understands, from observation and experience, the difficulties to be encountered in the founding of new communities and subduing the soil of a new and strange land. Towns and cities, counties and States, and groups of States are formed from the virgin soil, under privations of the most exacting character; and it goes without saying that it requires a brave, patient, and hardy race to successfully accomplish such a stupendous work. The generation upon whom the burden rests in the first instance must, perforce of circumstances, pass away with but little accomplished, and that of the rudest character, while to succeeding generations falls a full share of the labor of perfecting such communities and building up institutions that will afford their children the opportunities of life enjoyed by those of parents occupying the older and more thickly settled States.

While it would be of deep interest to many to expand on the subject, it is perhaps not necessary for your committee to do more at this time than to refer briefly to the history and necessity of legislation of this character.

In Senate Report No. 964, first session, Fifty-fourth Congress, this committee set forth the desirability and necessity of a general homestead law in the following language:

> In seeking to change the act from one of limited scope to one of general application, your committee are actuated by a belief that its just provisions should not be confined to a circumscribed area or to a selected number of people, but should cover all of that class to whom, in its original form, it was made locally applicable.
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> The measure involves no new principle of legislation, but is sustained by precedents numerous in the statute books of the nation. It aims merely to bring newly acquired public domain under the beneficent provisions of the homestead law, an enactment which has in years of our past extended westward from congested population centers those energetic millions of our own and other races who required only room and a place to toil that the fruits of their labor might fall into the lap of the world. It is hardly necessary to go into details and statistics in support of the achievements of the homestead law. They have been repeatedly uttered and printed in connection with measures before this body, and they justify the wisdom of the framers of that enactment.
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> The contention of your committee is that in the application of the homestead law there should be no discrimination—that it should be applied to every portion of the public domain and to all the people who go out to subdue the wilderness. The argument that these lands were bought for a price from the Indians, and that it was provided that the ultimate white owners of the land should compensate the General Government for its outlay, has been given due consideration. The only possible conclusion, within lines of equity, is that the provision was an erroneous one, and that its elimination from the statutes has been already too long delayed. Our entire national domain was originally purchased from the Indians, either for a cash or commodity price or through the cost of conquest, and much of it has been twice bought, because of its ancient occupancy by foreign nations. Yet in the parceling of the domain, under the operation of the homestead act, the proposition that the Government should exact the cost of land from its former occupants never found the form of law until it came to be applied to these recently acquired infinitesimal remnants of a governmental area that once reached westward from the Mississippi to the Pacific.
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> In connection with a measure similar to the one reported herewith, the Secretary of the Interior has submitted a report, and, through a tabulated statement therein embodied, exhibits the conclusion that the enactment of the bill under consideration would deprive the Government of some $35,000,000. This statement of the pecuniary benefit to come to the nation can never be fulfilled under conditions now existing and which have existed since the land was thrown upon the market. Much of the

area to be disposed of lies within the semiarid region of the far West. It is not worth to the settler the price asked for it. For example, there were 9,500,000 acres released in 1889 from Indian jurisdiction in the Great Sioux Reservation of the Dakotas. Of this total only a little over 700,000 acres has been taken, for which the occupants have agreed to pay about $825,000. This leaves 8,800,000 acres undisposed of, and under the terms of the treaty with the Indians, the Government is bound to pay, at the expiration of ten years from March 2, 1889, to the Indians 50 cents per acre, whether any of it is sold to settlers or not. Unsalable real estate should not be figured in as prospective cash assets. And the land not taken is practically unsalable. The 700,000 acres occupied by settlers represent all that will ever be attractive to producers. The balance is ranging grounds for herds, and is available without entry or purchase for that purpose.

The same line of reasoning will apply to the ceded lands of Oklahoma, of which there are over $15,000,000 worth entered in the tabulated statement of the Secretary of the Interior.

On the other hand, there are ceded reservation lands in Idaho, Washington, and Montana that will not be affected by the measure recommended by your committee, because of their mineral character. They will remain under the operation of the mineral-land laws and will become readily salable as such. Their value must therefore be deducted from the loss estimate of the Interior Department.

Of the worthless desert land there is an area sufficient within the ceded fractions of Indian reservations enumerated in the report of the Secretary of the Interior to materially reduce the aggregate of his estimate. Land of this character can never be sold to farmers or stock growers, or to any other class of producers; and for so much of it as the Government has purchased from the Indians it can not expect to be compensated.

It is the conclusion of your committee, upon the reasonable basis above outlined, that the Department's alleged loss estimate under the provisions of this bill should be reduced at least one-half, or to about $17,500,000. But your committee can not admit that this money total should be considered as lost revenue. It represents an exaction not before imposed upon agricultural producers who, through toil and the privations of extreme poverty upon the frontier, plant the foundation stones of wealth-teeming Commonwealths so firmly that they will endure as long as the rains fall and the sun endows life with the energy of its rays.

The House Committee on the Public Lands, in Report No. 147, Fifty-fourth Congress, first session, to accompany H. R. 3948, said:

The proposed bill does not involve any new and untried principle of legislation, but is only a return to the homestead law in its original form and purpose.

It will be proper to review briefly in this connection the history of the homestead act, which, after some years of discussion, finally became a part of the laws and marked a new epoch in the country's history when it finally became a law, May 27, 1862.

In 1852 the Free Soil Democracy, in their platform at Pittsburg, declared the public lands to be a "sacred trust," and that they "should be granted in limited quantities free of cost to landless settlers."

In 1852 and until its final passage Hon. Galusha A. Grow, now again a Member of this House, appeared as the champion of this great change in the land policy of the nation. A bill was lost January 20, 1859, in the House, by a vote of 91 to 95.

On February 1, 1859, a homestead bill passed the House by a vote of 120 to 76. February 17, 1859, it was taken up in the Senate by a vote of 26 to 23.

Mr. Slidell antagonized the bill in the Senate and called up the bill for the purchase of Cuba in its stead.

The proposal to open free homes to the landless on the public domain gave way to a proposition to strengthen slavery by the purchase of more territory already fully occupied with slave labor. On a previous motion to postpone the consideration of the homestead bill the vote stood 28 to 28, and Vice-President Breckinridge gave the casting vote against the bill.

The bill was lost, but the agitation in its favor largely influenced subsequent political events.

March 6, 1860, Mr. Lovejoy, of Illinois, reported the Grow homestead bill favorably. March 12, 1860, it passed the House by a vote of 115 to 65.

In the Senate Mr. Andrew Johnson, of Tennessee, reported a substitute requiring homestead settlers to buy their land at 25 cents an acre at the end of five years' settlement. Senator Ben Wade moved to amend by substituting the House bill. The motion was lost by a vote of 31 to 26. May 10, 1860, the Senate passed Senator Johnson's substitute by a vote of 44 to 8.

The House refused to concur and a conference was ordered and the conference

committee, after twelve meetings, accepted the Senate substitute. As expressed by Mr. Grow, it was "a half loaf."

The conference report was adopted by a vote of 115 to 51 in the House, and 36 to 2 in the Senate. Mr. Colfax stated that the proposed cost of 25 cents an acre to the homesteader was equal to the average cost of the land to the Government.

Mr. Colfax and Mr. Windom announced that this bill was only the first onward step in the line of a new policy. But on June 23, 1860, James Buchanan, President of the United States, vetoed the bill and it failed to pass over his veto, the vote in the Senate being 28 yeas and 18 nays, 8 votes less than a two-thirds majority.

Mr. Buchanan declared the bill to be unconstitutional. He said that 25 cents an acre was a mere nominal price, and that it was equivalent to giving the land away. He declared that Congress had no power to grant free homes on the public domain or to grant land for use in the education of the people.

The land, he said, was like money in the Treasury, and was a sacred fund that could only be disposed of by being sold for cash or for land warrants. The Louisiana purchase was paid for out of the National Treasury, and Congress had no more power to give it away than they would have had to give the money away that had been paid to Napoleon for its purchase. The proceeds of land sales he looked upon as a source of revenue long to be enjoyed by the nation.

He did not recognize the benefits that might result to the people at large by the transfer of an uninhabited wilderness into a populous and prosperous commonwealth.

The benefits to the old States by the addition of new taxpayers to the population did not seem to be appreciated by the President. The President did not realize that in this new homestead policy lay a germ of national growth of untold value, in which the old States would share the wealth to be added by the new members of the national confederation.

The idea that an uninhabited public domain was a sacred trust which should be kept as a solitude until it could be sold for cash seems to have fully entered the mind of the Executive.

He was willing and desirous of paying $100,000,000 out of the funds in the Treasury for the purchase of Cuba, which would add new power to the cause of slavery, and he might well understand that a different result would follow the building up of new States in the West under a system of free homes.

The bill was lost, and the war of 1861 soon followed. The friends of the homestead law did not despair.

When Hannibal was besieging Rome his camp near the city was sold at public sale in the forum, and in the darkest hours of 1861 and 1862 the homestead bill was considered almost within the sound of hostile guns.

Mr. Aldrich introduced the bill July 8, 1861, and it was referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy reported it favorably.

It was again referred to the Committee on Public Lands.

On February 28, 1862, it passed the House by a vote of 107 to 16.

March 25, 1862, Senator Harlan reported it favorably in the Senate, with amendments, and it passed as amended May 5, 1862, by a vote of 33 to 7.

The two Houses agreed upon a conference, and on May 27, 1862, after the details were finally agreed upon, Mr. Lincoln added another chapter to the great history of his life by approving the bill.

From that time until the present the general policy of the homestead law has been accepted without question. Occasional amendments and modifications have been made, but the bill in its substance has been unchanged.

On June 8, 1872, the soldiers and sailors were accorded the privilege of deducting the time of their service in the Army or Navy from the five years necessary to acquire their patents.

These homes were exempt from execution against all prior debts, and the unfortunate debtor was given another opportunity to regain a home in the new lands of the far West.

Substantially all the lands embraced in the area subject to homesteads has at some time been purchased from France, Mexico, Spain, or the Indians. The only difference was that some portions cost more than others.

The purchase from France in 1803 cost 3¾ cents per acre. The purchase from Spain in 1819 cost 17.1 cents per acre. The purchase from Mexico in 1848 cost 4½ cents per acre. The Gadsden purchase in 1853 cost 34.3 cents per acre. The purchase from Texas in 1850 cost 25.17 cents per acre. Alaska, bought in 1867, cost 1.19 cents per acre.

The State cessions from Georgia cost 10.10 cents per acre.

The entire public domain up to 1880 had cost $88,157,389.98, or 4.7 cents per acre.

Up to 1880 the Government had sold or disposed of land to the amount in value of $200,702,849.11. This included extensive grants to the new States for school and

other purposes. The average amount realized per acre, including these grants for public purposes, was $36\frac{9}{10}$ cents.

After charging up all the expenses of surveys, Indians, cost of administration, etc., the Government, on June 30, 1880, lacked $121,346,746.85 of having been fully reimbursed; its total outlays up to that time being $322,049,595.96.

The total actual cost, after adding those expenses, was $17\frac{7}{8}$ cents per acre.

The splendid States and Territories of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Florida, Alabama, Mississippi, Louisiana, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Utah, Idaho, Washington, Oregon, Nevada, California, Oklahoma, Indian Territory, New Mexico, and Arizona have thus been added to the Union at a cost of but little over $120,000,000. The census of 1890 showed these States to have wealth, real and personal, in the following amounts:

Michigan	$2,095,016,272	Florida	$389,489,388
Wisconsin	1,833,308,523	Montana	453,135,209
Minnesota	1,695,831,927	Wyoming	169,773,710
Iowa	2,287,348,333	Colorado	1,145,712,267
Missouri	2,397,902,945	New Mexico	231,459,897
North Dakota	337,006,506	Arizona	188,880,976
South Dakota	425,141,299	Utah	349,411,234
Nebraska	1,275,685,514	Nevada	180,323,668
Kansas	1,799,343,501	Idaho	207,896,591
Alabama	622,773,504	Washington	760,698,726
Mississippi	454,242,688	Oregon	590,396,194
Louisiana	495,306,597	California	2,533,733,627
Oklahoma	48,285,124		
Arkansas	455,147,422	Total	23,583,339,104
Indian Territory	159,765,462		

The policy that has aided so greatly to these results should not be abandoned.

But some exceptions have recently been made in this beneficent policy. The Indian title has been extinguished by treaties in some instances and the land opened up to homestead settlement with a requirement that the settler should improve the land and reside upon it and in all respects comply with the homestead laws for the full term of five years, and then he should buy it from the Government at a fixed price.

The lands thus offered were attractive to the prospective settler. Every difficulty thrown around the entry upon a new reservation led to an increased public estimate of its value, and thousands of settlers have taken up their homes in these new purchases only to find them less desirable and less valuable than many of the tracts that had been previously taken under the homestead law free of all charge. A period of drought has supervened, bringing much loss to the old and well-settled portions of the country, and falling with especial hardship upon the pioneer who has located his right to purchase a homestead near the border line of the permanently arid belt.

There is no reason that the homestead settlers in Kansas, Nebraska, and other States should obtain their lands free of cost which does not apply with equal or greater force to those of the Dakotas and Oklahoma. The only ground upon which the discrimination against these settlers is based is the fact that the lands cost the Government more than those previously opened to homestead settlement. But this is only a question of degree and not of principle.

The Gadsden purchase in Arizona cost 34.3 cents an acre, while the rich and well-watered prairies of Iowa cost but $3\frac{3}{4}$ cents per acre.

The Government purchases and extinguishes the Indian title to the end that a new State, peopled with American citizens, may take the place of the wild inhabitants. The cost of extinguishing this aboriginal title is not an obligation to be levied upon the new settlers of the same region, but is for the mutual and general benefit of the whole country.

Costly Indian wars opened the older portions of the country to the plow of the pioneer. The expenses of these wars were not apportioned at so much an acre upon the land. Nor should the cost of extinguishing the Indian title by peaceable means become a mortgage upon the farm of the settler who civilizes and builds up the new State in the wilds of the continent.

We believe that the homestead law should be extended to these reservations and that the settlers of Oklahoma, South Dakota, and other Western States should all be put upon the same footing, and that the policy of the administration of the public lands should be again adopted in its entirety, and that the public domain should be devoted to the purpose of furnishing free homes to a free people.

In conclusion your committee have to urge, as one of the persuasive

equities in support of the bill, the repeated crop failures on said reservation and, as a consequence, the indebtedness the settlers incur. It has thereby been made impossible for them to pay for their lands, and if to this is added the great loss they sustain when crops are produced by low prices, frequently selling below the actual cost of production, aggravated by a distant market, it will be seen that the settlers on these lands have at all times the worst end of the bargain in taking the land, and yet it is true, as many of the settlers believe, that the precipitation of moisture is yearly growing greater in that latitude, and a bare existence can be eked out on the lands now, and hope inspires the heart that a time will come when a permanent home can be erected and the land cultivated with some slight profit.