

THE OVERSHADOWING QUESTION.

SPEECH

OF

HON. GEORGE W. JULIAN,

OF INDIANA,

DELIVERED

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THE OVERSHADOWING QUESTION.

The House having met as in Committee of the Whole for debate—

Mr. JULIAN said:

Mr. SPEAKER: Nothing is more remarkable than the growing tendency of legislation in this country to lend itself to the service of capital, of great corporations, of monopolies of every sort, while too often turning an unfriendly eye upon the people, and especially upon the laboring poor. The cause of this may fairly be traced to the evil genius of the times, which makes the greed for sudden wealth a sort of devouring passion, and thus naturally clutches the machinery of government in the accomplishment of its purposes. This bad spirit, which has been steadily marching toward its alarming ascendancy since the outbreak of the late civil war, writes itself down upon every phase of society and life. It breeds political corruption in the most gigantic and frightful forms. It whets the appetite for public plunder, and through the aggregation of capital in the hands of the cunning and the unscrupulous it menaces the equal rights of the people and the well-being of society. So malign a spirit must be resolutely confronted. It is no mere question of party politics, for it threatens the life of all parties, and the perpetuity of the Government itself. It not only invokes the saving offices of the preacher and the moralist, but it summons to new duties and increased vigilance every man who really concerns himself for the welfare of his country.

Mr. Speaker, I believe the evil to which I refer finds some explanation in the false teaching of political economy. According to many of the leading writers on this science, its fund-

amental idea is the creation and increase of productive wealth. If farming on a great scale, carried on with the skill and appliances which concentrated capital can command and methodize, will yield greater results than the tillage of the soil in small homesteads and by ruder methods, then the system of large farming must be preferred, though it deprives multitudes of the poor of all opportunity to acquire homes and independence, and entails the appalling evils of landlordism and the whole brood of mischiefs with which the monopoly of the soil has scourged the people in every age of the world. So, if manufacturing on a grand scale, with the perfected machinery and cheap labor which capital can wield will turn out a larger product and at lower rates than numerous small industries, then such manufactures must be fostered, though the policy pauperizes and brutalizes thousands of human beings, who take rank as "operatives," and whose existence is thus made a curse rather than a blessing. Sir, I protest against such principles as both false and unjust. "The increase of wealth," says Sismondi, "is not the end in political economy, but its instrument in procuring the happiness of all. It has for its object man, not wealth. It regards chiefly the producer, and strives for the welfare of the whole people through a just distribution. It is not the object of nations to produce the greatest quantity of work at the cheapest rate."

In the light of these broad and humane principles I interpret the duty of the Government. Its mission, within the sphere of its just powers, is to protect labor, the source of all wealth, and to seek constantly

being of the millions who toil. Capital can take care of itself. Always sagacious, sleepless, and aggressive, it holds all the advantages in its battle with labor. The balance of power falls so naturally into its hands that labor has no opportunity to make a just bargain. The labor market, it has been well observed, differs from every other. The seller of every other commodity has the option to sell or not; but the commodity the workman brings is life. He must sell it or die. Labor, therefore, should not be regarded as merchandise, to be bought and sold, and governed entirely by the law of supply and demand, but as capital, and its human needs should always be considered. "The rugged face of society," says a celebrated writer, "checkered with the extremes of affluence and want, proves that some extraordinary violence has been committed upon it, and calls on justice for redress. The great mass of the poor in all countries have become an hereditary race, and it is next to impossible for them to get out of that state of themselves. It ought also to be observed that this mass increases in all countries that are called civilized." The proposition that the rich are becoming richer in our country and the poor becoming poorer has been vehemently denied; but I cannot doubt its truth for a moment. I want no statistics to settle it, since the unnatural domination of capital over labor, which, instead of being repressed by legislation, is systematically aided by it, clears the question of all doubt. Our vitiated currency largely increases the cost of the chief necessities of life, and is thus a heavy tax upon the poor. Our system of national banking is an organized monopoly in the interest of capitalists, demanded by no public necessity, and rendering no substantial service in return for the burdens it imposes upon the people.

Our tariff laws for years past, while pretending to favor the laborer, have been framed in the interest of monopolists. The duty on coal, which is a necessity of life, admits of no defense. To tax coal is to tax the poor man's fire, "to tax the force of the steam-engine, to starve the laborer, on whose strength we depend for work." The duty on leather has increased its cost annually about ten million dollars, while the consumers of boots and shoes have had to pay an increase of some fifteen million dollars. The duty on lumber

has largely increased its price, and is wholly paid by the consumer. The duties on wool, salt, and pig iron, impose heavy burdens upon the poor, and, like the other duties named, can scarcely be defended, even granting the principle of protection to be sound. This legislative discrimination in favor of the richer and more favored ranks in society, and against the laboring and producing masses, ought to cease. Instead of being loaded down with burdens and exactions for the aggrandizement of a few, they should share the unstinted favor of the Government.

It is estimated by writers on public economy that four fifths of the people of a nation are employed by agriculture. Probably this estimate is too large. But it will be safe to say that in our own country at least one half of those engaged in industrial occupations are employed in agricultural pursuits; and they contribute to the gross value of national production three billions two hundred and eighty-two million dollars. The total number of those engaged in manufactures, including railway service and the fisheries, is seven hundred and thirty thousand, and they produce in value nine hundred and forty million and fifty thousand dollars. The estimated number of those engaged in mechanical pursuits is one million, yielding a product of one thousand million dollars. If we remember that the gross annual product of the country is only six billions eight hundred and twenty-five million dollars, and that, according to careful official estimates, only ten millions of our population are in receipt of income, or, in other words, contribute any thing to the increase of our aggregate wealth, we shall see what a stupendous service is rendered to the country by the great industries I have mentioned.

These are the vital interests of the nation; and instead of being crippled and discouraged by the policy to which I have referred, they should be studiously fostered by just and equal laws. Under the influence of this policy multitudes, stimulated by the hope of immediate wealth, are abandoning productive pursuit and seeking employments connected with some form of speculation or traffic. The population of our great cities and towns, instead of reinforcing the "rural districts," is unduly increasing; and so is the number of buildings devoted to banking, brokerage, insurance

kindred projects. Not production, but *traffic*, is the order of the day. The enhanced cost of the instruments requisite for the prosecution of industrial pursuits, and the higher price of fuel, food, and clothing, naturally hinder the accumulation of capital sufficient to enable the man of small means to establish himself as an independent producer. This necessarily subordinates labor more and more to capital, and concentrates the business of manufacturing and exchanging into large establishments, while working the destruction of thousands of smaller ones.

Of course the tendency of all this is to render the many dependent upon the few for the means of their livelihood rather than upon themselves, and "to divide society into two classes; capitalists who own everything, and hands who own nothing but depend entirely on the capital class." That the policy of the Government, to a fearful extent, evokes and aggravates these evils can scarcely be questioned; and that that policy results from the ugly fact that the laboring and producing classes are unrepresented in the Government, save by the non-producers and traffickers is, I think, equally clear. It illustrates the evils of class legislation, and calls on the people to apply the remedy. "The unproductives," says Commissioner Wells, "being the chief makers of the laws and institutions for the protection of labor and ingenuity, the increase of production and the exchange and transfer of property, they shape all their devices so cunningly, and work them so cleverly, that they, the non-producers, continue to grow rich faster than the producers. Whoever at this day watches the subject and course of legislation, and appreciates the spirit of the laws, cannot fail to perceive how more and more the idea of the *transfer* of the *surplus* product of society, and the creation of facilities for it, available to the cunning and the quick as against the dull and slow, has come to pervade the whole fabric of that which we call Government; and how large a number of the most progressive minds of the nation have been led to accept as a fundamental truth in political doctrine, that the best way to take care of the many is to commence by taking care of the few; that all which is necessary to secure the well-being of the workman is to provide a satisfactory rate of profit for his employer."

Sir, I rejoice that facts like these are at last making their powerful appeal to the productive classes in every section of our country, and that the workmen of all civilized lands are waking up to a sense of their bondage to capital. Were they to continue much longer to slumber in the presence of the great dangers which thicken about their future and threaten to swallow them up, I should despair of their emancipation. The organized struggle for their rights has fairly begun. Eight-hour agitations, trades unions, coöperative movements, labor-reform organizations, and the international association of the workmen, on both sides of the Atlantic, in the maintenance of their rights, are so many unmistakable signs of a better dispensation; but all these agencies will fail of their purpose, or prove palliatives at best, if they do not necessitate and include such organized political action as shall compel the governing power to respect their will. That this action will make mistakes, and abuse its power when obtained, is very probable. That it will sometimes employ questionable methods, and suffer the mischiefs of bad leadership may be taken for granted; but that in the end it will restore labor and capital to their just relative basis is as true as democracy itself. The labor question, indeed, is the natural successor and logical sequence of the slavery question. It is, in fact, the same question in another form, since the practical ownership of labor by capital necessarily involves the ownership of the laborer himself.

But the subservience of our legislation to individual and corporate wealth, and its practical unfriendliness to the producing classes, are most strikingly exhibited in the land policy of the Government. In the endeavor to make this proposition clear I ask preliminary attention to the following considerations:

First, that it is the unquestionable duty of the Government to make its lands as productive as possible. It has no right to hold back from settlement and tillage vast tracts of territory fitted for agriculture, which its own landless citizens desire to convert into improved homesteads and make tributary to the public wealth. Such a policy is only less recreant than the wholesale destruction by law of productive wealth already drawn from the soil by the hand of industry.

Second, that in order to secure homes for

the largest number, and at the same time reach the maximum of production, the Government should parcel out its lands in homesteads of moderate size, and stimulate industry and thrift by making the land-owner and the plowholder the same person. "A small proprietor," says Adam Smith, "who knows every part of his little territory, views it with all the affection which property, especially small property, naturally inspires, and who, upon that account, takes pleasure not only in cultivating but adorning it, is generally, of all improvers, the most industrious, the most intelligent, and the most successful."

Third, that this policy supplies the strongest bond of Union between the citizen and the State, and is absolutely necessary in a commonwealth. Feudalism and popular liberty are totally irreconcilable. The strength of a republic depends upon the virtue and intelligence of each citizen, and his readiness to defend it in time of danger; and these safeguards are best secured by multiplying the number of those who own and till the soil, and whose stake in society thus makes sure their allegiance.

Keeping in remembrance these fundamental principles, which, from the beginning, should have guided and inspired the Government in the management of our vast public domain, let me rapidly survey its actual policy, and thus exhibit its fatal departure from these principles. The entire aggregate of lands sold by the Government since its formation is over one hundred and sixty million acres. Of this total amount I believe it would be safe to estimate that fully one half, at the date of its sale, passed into the hands of non-resident owners for speculative purposes. Of course, to whatever extent the people's patrimony was thus locked up by monopolists, productive wealth was hindered, and settlers deprived of homes; and when, from time to time, the lands were sold, the enhanced price was a cruel wrong to the poor, in which the Government was an equal partner with the speculator, but without profit. More than thirty million acres yet remain in the hands of speculators, being enough to make one hundred and eighty-seven thousand five hundred homesteads, of one hundred and sixty acres each. If these thirty millions had been sold to actual settlers, and dedicated to the raising of corn, wheat, and other products,

they would have been yielding, at the low estimate of ten dollars per acre, an annual profit of three hundred million dollars, while furnishing homes for the multitudes who have been driven to hunt them in the more distant frontier, and at the cost of greater privations and dangers. This policy is thus seen to be as financially stupid as it is flagrantly unjust. In California two men own a frontage on the San Joaquin river of forty miles in extent, while two other speculators have bought Government lands amounting to five hundred thousand acres. I give these as specimen cases. To realize the mischief of these monopolies it should be remembered that the tracts thus appropriated are to be found chiefly in the valleys, and fringing the bays and rivers, and are the choice lands of the State. Very intelligent gentlemen in that State assure me that but for this evil, reënforced by railway monopoly, California to-day, instead of containing half a million, would boast a million of people. The blasting effects of such a policy are so startling that if written down in figures they would seem utterly incredible. A few capitalists in that State have also purchased vast bodies of choice timbered land in Washington Territory, and are realizing large fortunes by shipping its timber to San Francisco and elsewhere, while inflicting widespread and irreparable mischief upon the Territory.

Every gentleman from the States of the Northwest knows how those States have been scourged by this policy, while in the land States of the South, outside of the towns and cities, not one man in ten is a land-owner. It has wrought upon the country evils more fearful and enduring than those of war, pestilence, or famine; and yet, through all the long years of its mad ascendancy, Congress, by a simple enactment like the bill now pending in this House, has had the power to end it forever. An act declaring that no more of the public domain shall be sold except as provided in the preëmption and homestead laws, was all that was needed to stay the ravages of this great national curse, and is all that is now wanted to avert its recurrence in new and still more frightful forms in the future. The workmen and pioneer settlers of the country have repeatedly petitioned Congress to enact such a law; but their prayer has been denied in every instance, while their rights have been

trampled down in the interest of monopolists whose wishes have been promptly coined into law. The homestead act fails to meet the case. The right of the settler to land free of cost is of far less consequence than the reservation of the public domain for settlers only, unobstructed in their right of selection. The homestead law is only a step in the right direction; for while it offers homes to the poor, it does this subject to the preferred right of the speculator to seize and appropriate the choice lands in large tracts, and thus drive the pioneer further into the wilderness and on to less desirable lands.

Congress should correct this great evil at once. The President emphatically recommends it, and the Republican party should no longer hesitate in perfecting its record, and making good its boasted friendship for the landless poor. The political platforms of all parties, during the past few years, have taken the same ground; and in this respect have only reflected the earnest and almost unanimous wishes of the people.

Mr. Speaker, I pass to another class of facts, and still more alarming to every man who will give the subject his attention. Congress has granted lands in aid of railways and other works of internal improvement amounting to over two hundred million acres. That these grants have done good service in the settlement and development of the country I do not doubt. This is not the point I am now considering, and is one aspect only of the subject. The fact to be emphasized is, that lands just about equal in area to the original thirteen States of the Union have been surrendered to corporations, without any conditions or restrictions securing the rights of settlers. They may sell these lands for just such price as they please, or hold them back from sale altogether for a quarter of a century, or lease them for ninety-nine years. The public lands belong to the people; but Congress abdicates their sovereignty over a territory large enough for an empire, in the interest of great corporations which thus install a most gigantic and overshadowing system of feudalism in our Republic, whose founders believed they had escaped the monarchical principles of the Old World.

The original Northern Pacific railroad bill alone granted forty-seven million acres. The supplementary act of last session increased the

grant eleven millions, making a total of fifty-eight million acres granted to one great corporation; and, as if to demonstrate the complete subserviency of both branches of Congress to the wishes of this company, every proposition looking to the rights of pioneer settlers, or in any way restrictive of the powers of the corporation, was successively voted down by strong majorities. Even the right of other roads to connect with this line was impudently denied. And this nefarious policy seems now only fairly launched. The Senate at its last session passed, in all, twenty land-grant bills, calling for the enormous aggregate of over one hundred and sixteen million acres, according to careful estimates made by the Commissioner of the General Land Office. Two of these bills only have gone through the House, covering more than fifty-nine million acres. There are yet pending in the Senate some thirty-seven bills, calling for the further quantity of over one hundred and nineteen million acres; and some of these measures exhibit an audacity of recklessness so marvelous and a contempt for the rights of the people so surpassing, that I find it difficult to credit the legislative record. Among them is a bill to encourage the establishment of a line of steamships for the conveyance of our mails to European ports and ports in India and China, and for promoting immigration from Europe to the southern States, which calls for more than nineteen million acres of land scrip to be issued to the States named in the bill in certain specified proportions; and fourteen million acres of amount granted are to be gobbled up in the land States of the South from the unsold public lands of that section, which have been so widely dedicated to homestead settlement only by the landless poor, white and colored.

A twin-brother of this project, and a mirror of legislative impudence, has been introduced in this body at the present session. The corporation which it creates is at once a charted ocean carrier and a chartered land proprietor. The huge monopoly thus inaugurated, by destroying individual commercial enterprise under the false pretense of reestablishing American commerce, would seize into its hands millions of acres of selected public lands in different sections of the country, and drive back from settlement in many of these sections purposes. The en-

pending in this House is not nearly so formidable as that of the Senate, nor have I ascertained how much land they would require; but it would probably be safe to estimate that the bills yet pending in both Houses, if enacted into laws, would absorb fully one hundred and fifty million acres. If we remember that our entire public domain, outside of Alaska, is only about one thousand million acres, it will not be difficult to see, in the figures I have given, the extent of the conspiracy to rob the poor of this and coming generations of their rightful inheritance in the public domain, and to crush and subjugate the producing and laboring masses through the power of organized capital. The hope of the country is in the popular branch of Congress; for the Senate, judged by its action at the last session, seems entirely beyond the reach of the people.

Sir, this whole policy should be abandoned absolutely; or, if continued under any circumstances, it should be confined to works of clearly national character and importance, connecting important distant points, and passing over a thinly-settled region of country; and the lands appropriated should not pass into the hands of any corporation, but be sold and conveyed directly to actual settlers, in limited quantities, and at such moderate price as to bring them within the reach of those who actually need them for homes. Nothing short of such restrictions can prevent the establishment of a landed aristocracy in our midst, worse even than that of the Russian and Hungarian nobles, or the old plantation lords of the South.

Mr. Speaker, the readiness of the Government to espouse the cause of monopolists and corporations is not less forcibly illustrated in the management of our Indian reservations during the past eight or nine years. These reservations, when the Indians desire to part with their title, are no longer conveyed directly to the United States, and thus made subject to the control of Congress, as other public lands, but are sold by treaty to railroad corporations, or to individual monopolists, in utter disregard of the rights of settlers under the preëmption and homestead laws, and without any warrant whatever in the Constitution of the United States, which gives to Congress the power to dispose of and manage the

As I have shown on other occasions, millions of acres have thus fallen into the grasp of monopolists, which should have been the free offering of the Government to our homeless pioneers. The most remarkable of these transactions is the late treaty with the Cherokee Indians, by virtue of which a territory fifty miles long, and twenty-five miles wide, containing eight hundred thousand acres, was sold to James F. Joy for the price of one dollar per acre. The right which these Indians had in these lands was that of occupancy only, and this they had abandoned and forfeited by the attempted conveyance of it to the confederate States in 1861. The lands were thenceforward subject to preëmption and settlement precisely as all other public lands, nor did the Cherokees manifest any disposition to occupy them, or any hostility to their settlement by our citizens. They had no desire whatever to convey the lands to any party save the United States, and their sole aim was to recover the value of their reservation, which they had vainly sought to convey to the public enemy. At the date of this treaty more than one thousand families were on the land as actual settlers, and there are now thirty-five hundred, or about eighteen thousand settlers, occupying the counties of Bourbon, Crawford, and Cherokee.

Two thirds of the heads of these families are honorably-discharged soldiers, who have in good faith settled upon these lands under the preëmption and homestead laws, as they had the right to do, made valuable improvements, and expended their spare means in securing for themselves comfortable homes. All these people, save those on the land at the date of this pretended treaty, are at the mercy of Joy. He is their potentate and king. As the head of a railroad which he is building through their lands, and in doing which he affects to dread the hostility of the settlers, he has called on the Governor of Kansas for military aid; and Federal soldiers are now quartered on these settlers, at the instigation of the Governor, who acted in the matter on his own responsibility and not by authority of law. To these wrongs and outrages, perpetrated in the interest of single monopolist and his retainers, must be added the fact that the State of Kansas lost the sixteenth and thirty-sixth sections of the lands, to which she was rightfully entitled for educational purposes, while the United States

lose the coal beds extending over considerable portions of the territory, and valued at millions of dollars. The total value of the land, including these minerals and the improvements of the settlers, at a moderate estimate, may be set down at ten million dollars. So much for one single scheme of spoliation, carried on by the authority of the Government against its own loyal citizens, whose hard toil is adding to the public wealth, and whose valor helped to save the nation in its conflict with rebels. The treaty-making power, even granting the title of the Indians, had no more right to convey these lands to Joy than had Congress to usurp the functions of the Executive. The whole proceeding is void under the Constitution of the United States, and will be so declared by the Federal courts, unless they too, like the manipulators of this treaty, shall lend themselves to the base uses of railroad corporations and the Indian ring. Sir, this transaction has no parallel, save in another treaty, not yet ratified, by which a tract of country, belonging to the Osage Indians, two hundred and fifty miles long and fifty miles wide, and containing eight million acres, was sold to Sturgis, another railway baron, at the rate of nineteen cents per acre, to be paid in annual installments, during a period of fifteen years, in the bonds of his company.

Mr. Speaker, equally startling, not to say monstrous, has been the conduct of the Government in dealing with its swamp and overflowed lands. The lobby which pressed the passage of the act of 1850, granting such lands to the States, urged that they were of little value, and that the General Government could not afford the expense of reclaiming them; but the truth is that, to a very large extent, they are the richest lands in the nation, and that the cost of their reclamation is no greater than that of other agricultural lands. It was likewise urged that the States could better be trusted with the work than the General Government; but time has fully demonstrated to the contrary, and very sadly to the nation's cost. The well-understood machinery of the General Land Office, available to individual energy and enterprise, afforded the best and only means of solving the swamp-land problem. No legislation has ever been more disastrous to the country; and if the act of 1850 was not framed in the interest of organized thiev-

and plunder, then its entire administration is so wholly out of joint with the law itself that an honest man is hopelessly puzzled in the attempt to account for it as an accident.

The act, in failing to give any definition of the phrase "swamp and overflowed land," has supplied a perpetual temptation to mercenary men and corrupt officials to pervert it to base ends. Instead of submitting the character of the land in dispute to the register and receiver of the local land office, and investing them with the power to compel the attendance of witnesses, it leaves the question to be decided by the surveyor general, who has no judicial power, and is generally engrossed and often overwhelmed with his own proper duties. His office may be hundreds of miles from the lands in controversy, thus causing great and needless expense to the poor settlers, who are required to attend, with their witnesses, at the hearing, which is frequently appointed at a season of the year rendering it a great hardship if not an impossibility to attend.

Although the surveyor general is an officer of the United States, it practically happens that local and State influences completely override the rights of the General Government. The lands are surveyed and their character settled soon after some unusual overflow, or in a season of great rains; or large bodies are declared swamp because small portions of them only are really so. By such methods, the most frightful abuses are the order of the day, working the most shameful injustice to honest settlers, and fatally obstructing the settlement and development of the country. One hundred thousand acres of land in one land district, and situate in different localities near the summit of the Sierra Nevada mountains, some five to six thousand feet above the level of the sea, are now claimed by speculators as swamp, while it is shown by the sworn statements of many of the settlers on these lands that they actually require irrigation to make them profitable in the raising of either hay or grain. These settlers who have been on these mountain lands for many years, and whose improvements are of the most perfect grade, with

been selected as swamp, and over forty-five millions patented, being nearly double the quantity patented to railroads, and a very large proportion of which is dry land, and among the very best which the Government owned. The work of spoliation is still in full blast, and nothing can arrest it but an act of Congress so defining swamp and overflowed lands as to make impossible the outrages to which I have referred; outrages so cunningly planned and so infernally prosecuted as to make quite respectable the average performances of professional pickpockets and thieves.

Mr. Speaker, the grants made by Congress for educational purposes may fairly be classed with the profligate legislation to which I have referred. Their aggregate for common schools, universities, and agricultural colleges is more than seventy-eight million acres. No conditions were prescribed to prevent the monopoly of this vast domain, or the frightful maladministration of it by the States which has actually taken place. In some of them the school fund has totally disappeared. But by far the worst of these educational enactments is the agricultural college act of 1862. Its grant of thirty thousand acres of land for each Senator and Representative in Congress absorbs nearly ten millions, which are handed over to the cause of monopoly. The States having public lands within their borders will hold back from sale the shares to which they are entitled in order to raise a rise in price, thus obstructing the settlement of the country and placing burdens on the landless poor; while the States having no public lands are entitled to scrip representing their proportions, which is thrown upon the market, and has generally sold at about fifty per cent. less than its par value. In some instances its price has gone far below this; so that while it fails to supply a fund with which to build colleges, it enables speculators to appropriate great bodies of the public domain at a very low rate, as if its settlement and sale were an unprofitable or an unmanly investment, or a barbarian practice which the Government should discourage.

Eight hundred and eighty-four acres have been located with this act in California alone; and I believe the session Congress has passed a noted act of a noted man.

sand acres so located, which act, by way of legislative irony, was entitled "A bill amendatory of an act to protect the rights of settlers upon the public lands of the United States." Of the motives and purposes of the men who originated and carried the act of 1862 I have nothing to say; but the law itself is as vicious and mischievous as if it had been studiously planned as a conspiracy against the public welfare. No man can defend it; and it ought to have been entitled "A bill to encourage the monopoly of the nation's lands, to hinder the cause of productive wealth, and to multiply the hardships of our pioneers, under the false pretense of aiding the cause of general education." Kindred observations apply to our half-breed Indian scrip, which was to be issued to the Sioux Indians in person, but, by some black art, is now located in violation of this requirement. The whole amount of this scrip is nearly three hundred and twenty-one thousand acres, while scrip covering over seventy-seven thousand acres has been issued to the Chippewa Indians.

Our legislation respecting military bounty lands belongs to the same class. More than seventy-three million acres in all have been appropriated for military and naval purposes, the effect of which has been far more ruinous to the prosperity of the country than beneficial to the soldier and seaman. The warrants issued for the lands granted were to be located only by the soldier. It was soon provided, however, that he might locate them by an agent, and finally they were made assignable. The Commissioner of the General Land Office says that of the Mexican war bounty land warrants the records of his office show that not one in five hundred of those issued and placed in the hands of the soldiers or their heirs has been located by them, or for their use; and he estimates that not to exceed ten per cent. of them have been used by preëmptors as assignees in payment for actual settlement, the remainder having gone into the clutches of the speculator. While the soldier was cheated out of his warrant, or sold it at a very low rate, the public domain, which should have been free to him and to all other poor men, has been absorbed by monopolists, who have fixed upon it such a tariff as they could exact from those in search of homes. And yet, in the face of these unfortunate but very instructive facts, persistent

attempts have been made in Congress for years past to reënact the same mischievous folly. Several bills are now pending in this House providing bounty lands for the soldiers of the late civil war, one of which calls for one hundred and sixty acres for each soldier who served twelve months. The number of these, according to careful official estimates of the War Department, is at least two millions, exclusive of deserters, those who paid commutation, and those dishonorably discharged. Multiplying this by one hundred and sixty, we have the aggregate of three hundred and twenty million acres of land. It is by far the most appalling scheme of spoliation of which I have any knowledge, calling for about one third of the remaining public domain, exclusive of our Russian possessions. The warrants issued for these lands, when thrown upon the market, would probably sell as low as a quarter of a dollar per acre, or less; a pitiful mockery of the soldier, while the preëmption and homestead laws would be practically nullified, and curses innumerable lavished upon coming generations. It would make the plunder of the people a national institution, and breed an army of vampires to prey upon their life. Sir, I need hardly say that the soldier asks for no such legislation; but he does ask that the public lands shall no longer be squandered by speculators, but set apart for those only who desire them for homes.

Like considerations apply, with almost equal force, to another pending measure, providing that every honorably discharged soldier and seaman who served ninety days in the late war for the Union may select one hundred and sixty acres of the public domain, and receive a patent therefor at the end of five years, without settlement. If all of our soldiers and sailors should apply for land, as they would have every reason to do, since they could get it for the asking, the measure would absorb more than three hundred and fifty million acres. If one half only should apply, it would require every acre of land which the Government could survey within the next twenty-nine years, at the rate our surveys are progressing, thus totally blocking up the general march of civilization and settlement now in progress, and consigning the public domain to solitude; while the soldier, on receiving his patent, would be under no obligation to settle on his land, and might

sell it to the shark who would be lying in wait to take advantage of his poverty in driving a bargain. The bounty which the soldier needs and deserves should be paid in money, and be graded in amount according to his term of service; or if land is to be given him, let him have it under the homestead law, with the discrimination in his favor that his term of service, whether long or short, shall be counted as part of the five years' settlement now prescribed by law.

But the Government has not only thus favored the squandering of the people's rightful patrimony, but in some instances it has shown itself positively unfriendly to the producing classes, and especially to that grand army of occupation, the pioneer settlers. I give two notable examples. In the year 1864 Congress granted to the State of California the famous Yosemite valley, in perpetual reservation as a pleasure-ground and spectacle of wonder. But it turned out that, prior to the grant, Hutchings and Lamon, two enterprising settlers, had selected homes in the valley under the preëmption laws, built their cabins, planted orchards and vineyards, and expended some thousands of dollars in making themselves comfortable, while braving great hardships and privations in this remote and inaccessible region. California, however, having accepted the grant, caused an ejectionment to be brought against these settlers, who appealed for protection to the Legislature; an act was passed, subject to its ratification by Congress, reserving to each of them one hundred and sixty acres, including their improvements, and reserving to the State the right to construct bridges, avenues, and paths over the preëmptions, so that the public use of the valley could not be obstructed.

Early in the present Congress a bill was introduced in this body confirming the act referred to, and thus redeeming the pledge of the nation, embodied in the preëmption law, that their homes should be secured to them on compliance with its prescribed conditions. They were the only preëmptors in the valley, and the simple, naked question presented by the bill was whether the Government would maintain its pledged faith. The nation recognizes the sacredness of contracts. It will not allow any law to be passed impairing their obligation, and as between individuals com-

pels their performance. Should it then deliberately violate its own contract with these pioneers, and thus proclaim its faithlessness to all settlers? The House of Representatives, on the 2d day of last July, answered this question in the affirmative. By its recorded vote of one hundred and seven against thirty-one, it declared that Hutchings and Lamon should be driven from their homes; and I must say that I know of no vote since the passage of the fugitive slave act of 1850 which calls more loudly for general and unhesitating reprobation. It insults our hardy pioneers, who have encountered wild beasts and the scalping-knife of the Indian in exploring our distant borders and extending the march of civilization, by telling them they are outlaws on the public domain.

It was said in the debate on this bill that these settlers might start "lager saloons, corn-fields, and cow-yards" on their premises; but surely that fact, should it happen, ought not to deprive them of their rights as settlers, nor could it possibly interfere with the public use of a valley containing over thirty-six thousand acres. Indeed, I think it might have been far wiser to carve it up into small homesteads, occupied by happy families, decorated by orchards, gardens, and meadows, with a neat little post town in their midst, and churches and school-houses crowning all; but in any event the claims of these settlers should have been respected. The marvelous beauty of this valley can do nothing whatever to do with the right of preemption as a legal principle, and is evidently used as a mere pretext. The truth is, as I have reason to believe, that wealthy capitalists in California, whose power is sometimes felt in Washington, have their eye on this valley. They are already a corporation in embryo for the purpose of obtaining a long lease of it, and building a magnificent hotel within its walls; and a part of their enterprise will probably be the construction of a railroad, with Government aid, as near to the valley as practicable. Their animating purpose is to enrich themselves by levying tribute upon gentlemen of elegant leisure, rich tourists, and such others as can afford to endure their exactions, while such plebeians as Hutchings and Lamon will have to hunt other and less aristocratic pleasure-grounds. But whether I am right or not in these opinions, the defeat

of the bill referred to was a flagrant wrong to these settlers. It was the complete miscarriage of justice. It can scarcely be necessary to add that the same measure had been twice reported adversely in the Senate, where it found even less favor than in the House.

But I am very sorry to say, Mr. Speaker, that the Federal judiciary has at last made common cause with Congress against the rights of our pioneer settlers. The case to which I now refer arose between Whitney, a pre-emptor of a quarter section of land included in the famous Spanish grant known as the Soscol Ranch, in California, and which the Supreme Court of the United States had declared invalid, and General Frisbie, a noted monopolist, who claimed title to a portion of said ranch, including Whitney's claim, under an act of Congress passed chiefly through his agency. The local land office in California decided the case in favor of Frisbie; but, on appeal to the General Land Office, Whitney's preemption was sustained. Frisbie then prevailed on the Secretary of the Interior to ask the opinion of the Attorney General on the question of law involved, which was the right of preemption, the facts being admitted. The Attorney General gave his opinion to the effect that a settler under the preemption laws acquires no vested interest in the land he occupies by virtue of his settlement, and can acquire no such interest till he has taken *all* the legal steps necessary to perfect an entrance in the Land Office, being in the mean time a mere tenant at will, who may be ejected by the Government at any moment in favor of another party. This opinion being accepted as law by the Interior Department, Whitney prosecuted his claim against Frisbie in the supreme court of the District of Columbia, which sustained his preemption as valid. Frisbie thereupon appealed the case to the Supreme Court of the United States, which, in March last, decided it in his favor, fully affirming the doctrine of the Attorney General that settlers on the public lands under the preemption laws have no rights which the Government is bound to respect.

Sir, a bad law may sometimes be explained on the ground of haste, or surprise; but here we have the deliberate judgment of the highest court in the Union that where the preemption law invites settlers on to the public lands, and offers them homes on certain prescribed

conditions, with which they are willing and anxious to comply, the Government may write itself down a liar before the nation by robbing them of the lands they have selected, and the money and labor expended upon them in good faith. And this is the *unanimous* opinion of the court. It totally ignores the strong and pointed authorities which the whole country has understood to have settled the law to the contrary, and the whole policy of the Government during the past forty years; and whoever will read it carefully in the light of the facts of the case will find that it elaborately pettifogs the cause of the monopolist from the beginning to the end.

Sir, I brand it as the Dred Scott decision of the American pioneer. It threatens the complete overthrow of the land policy of the Government, and the establishment of the vicious principle that settlers on the public domain are mere trespassers, with whom no terms are to be kept. It arrays the Government against the poor man in his hard struggle for a home, and makes it the ally of monopolists, who have at last heard their triumph proclaimed from the supreme bench. It strikes at the nation's well-being, if not its life; for we are largely indebted to the wisdom and justice of our policy, as embodied in the preemption and homestead laws, for our marvelous progress as a people, and for the place we hold among the other nations of the world. It signalizes the ugly epoch we have reached in the domination of capital over labor, and the danger which menaces the very principle of democracy. It strikes at the honor of the nation, which, as I have said elsewhere, can as innocently repudiate the debt it incurred in saving its own life as to violate its plighted faith to our pioneers that they shall have homes on the public domain on conditions which are honestly accepted and complied with on their part. They should be the favorites of the nation. The preemption law should not be construed strictly against them, like a penal statute, but liberally, in furtherance of the great and manifest object. "The pioneer," says the President in his late message, "who incurs the dangers and privations of a frontier life, and thus aids in laying the foundation of new Commonwealths, renders a signal service to his country, and is entitled to its special favor and protection."

Mr. Speaker, a distinguished Englishman and well-known friend of English workingmen who has recently been among us, took occasion to exhort the workingmen of our own country against the spirit of discontent, pointing them to our cheap lands, our fair wages for work, and the favorable condition of our poorer classes generally, while deprecating any special effort looking to their future welfare. Sir, if he had duly considered the facts I have presented I am sure he would have tendered no such counsel. Instructed by the state of affairs in his own country, he would have warned us against the very evils which make the social condition of England so frightful a problem, and which can only be averted here by sounding the cry of danger, and laying hold of the means of escape before it shall be too late. True, the condition of the working people of England and the United States is at present very different. The old feudal system of William the Conqueror crushes England to-day. The military features of the system, with the royal prerogative, have disappeared, and three fourths of her people are not now slaves, as was the fact a few centuries ago; but the principle of land monopoly inaugurated by that system is more powerful for evil now than ever before.

About the middle of the last century there were three hundred and seventy-four thousand land-holders in England, while now she has only thirty thousand. The number is still decreasing. One half of her soil is owned by one hundred and fifty persons, and nineteen and a half millions of acres in Scotland are owned by twelve proprietors. These land-owners have very properly been styled sovereign. They may consign a whole county to the solitude of a deer forest, or clear a large territory of its population as they would exterminate vermin. Fifteen thousand people, without any respect to age, sex, or condition, and for no fault of their own, were turned out of the Sutherland estates in the early part of the present century. These things could not have been done under the old feudal system. Under that system the vassal, in return for his services, had lands allotted to him. If the lord had rights, they involved some corresponding duties to the slave; but now the English land-holder is more than a feudal lord, while the poor have no feudal rights. The extinc-

tion of small free-holders, and the absorption of the lands by a few, introduced pauperism, which has steadily grown with the growth of large estates. The poor have thus been driven into the towns, and compelled to live in hovels, dens, and garrets, just as the same consequences followed in republican Rome when the patricians seized the lands of the small free-holders and drove their occupants into the capital.

Under the feudal system the lands supported the poor and defrayed all the expenses of the State; but now, while land in England is constantly rising in value, and its tillage is so greatly aided by steam-plows, threshing-machines, reapers, improved live stock, and increased knowledge of the capabilities of the soil, the land-owner escapes the burdens of taxation, and imposes them upon the poor, because he is the maker of the laws. This is a sad picture, and it forcibly illustrates what the Duke of Argyll says of the antagonism between natural law and legislation. No one can fail to agree with him when he says that this antagonism "must be eliminated if legislation is ever to be attended with permanent success;" nor can any thoughtful Englishman disregard his warning when he declares that "institutions upheld and cherished against justice, and humanity, and conscience, have yielded only to the scourge of war." The salvation of England lies in the complete overthrow of her system of landed property, which has not recognized labor as well as land, and in the restoration to the poor of their rightful inheritance in the soil. This would solve the problem of her pauper labor, and open the way to the solution of every other vital question. By diversifying the pursuits of her people, and giving homes to multitudes who are dragging out wretched lives under her factory system, or driven into her alms-houses and prisons, it would radically reconstruct the whole fabric of her social life. A disenthralled country would bear witness to the saying of St. Pierre, that "it is not upon the face of vast dominions, but in the bosom of industry, that the Father of mankind pours out the precious fruits of the earth."

But is the resemblance of our own country to England so faint as to awaken no concern for our future? Have we not borrowed from her very many of her feudalistic ideas and practices? Are we not following in her track

"with a step as steady as time?" Our country, indeed, is relatively new; but for that very reason ideas and systems, whether wholesome or vicious, ripen swiftly in this age of marvelous activities. Let me take the State of California as an example. She is cursed by a system of Spanish grants, covering her best lands, and handing them over in great bodies to individual monopolists; and this evil is greatly aggravated by the absorption into these monopolies of large tracts of Government lands contiguous to them, through the shocking maladministration of Federal and State officials. Then there are hundreds of thousands of acres of Government lands bought by a few speculators, largely with college and Indian scrip at low rates, and thus held back from the landless poor, save upon such terms as these speculators may see fit to exact.

Besides all this, hundreds of thousands of acres have passed into the custody of the State, and thence into the clutches of monopolists through a monstrous perversion of the swamp-land acts of Congress, as already shown; thus inflicting upon the country and our pioneer settlers a stupendous wrong. The monopoly of California lands by her railroad corporations must not be omitted from this sad inventory, nor should it be forgotten that the power of this organized landlordism must inevitably exert a shaping influence over her judiciary, whose rulings have so often been most unfriendly to the poor. If to all this we add that the great land-holders of the State, the Bank of California, her steamship companies, and her railroad and mining corporations, find it to their interest to stand by one another, and are to a considerable extent interested in common in the business of each other, we shall readily see that the maxim that "capital owns labor" has a tolerably fair prospect of being verified in that State. To a very alarming extent the capital of the State holds the labor of the State in its power; and that it should seek still further to starve and degrade labor by coolie importations is the most natural thing conceivable. It wants a base and background for its growing domination, and longs to liken our country more and more to those of the Old World, in which not one man in five hundred is a land-owner, and "wages slavery" bears almost as grievous

ously upon the poor as chattel slavery once did upon its victims in the South.

The coolie traffic has its genesis in the aggregation of capital in the hands of a few men, and especially in the monopoly of the soil; but while it should be prohibited by strong statutes, the real remedy for it must be sought in the removal of the causes which produce it. We must go to the root of the matter. I have spoken of California; but land monopoly in other States has become almost equally alarming. In all of them the spirit of monopoly is rampant, while the Government, putting on the temper of the times, has become its representative and most powerful auxiliary. Feudalism, it is true, in its primitive form, has no existence among us; but our great and rapidly multiplying corporations threaten us with a more fearful feudalization than that which cursed England five centuries ago. It brings the laboring classes more and more within its power, creating a subdued and subordinated class of proletariats like the Chinese, or an aggressive and embittered one like the English working people. The motives for cultivating the soil here in large tracts, and according to the principles of scientific agriculture, are quite as strong as in any other country, while the effort to capitalize our lands as naturally involves the spirit of association, through which a few men of administrative talent constantly enlarge their estates, and drive the poorer and less provident classes to the wall.

The effect of labor-saving machinery and steam upon the increase of production and the concentration of capital must be quite as potent here as in the countries of Europe in subjecting the laboring masses to the cunning and cupidity of the "captains of industry," as they are sometimes styled, who control our railroads, telegraphs, banking institutions, and land grants, being the monopolizers of transportation and controllers of credit and exchange. These men are not only the captains of industry, but, as I have shown, the captains of legislation also; and their dominating idea is legislation for property primarily, and for man secondarily. They dictate our laws from the lobby, suborn the judiciary into their service, and poison the fountains of public opinion. Under their sway wealth is more and more centralized, and the very

life of our free system of government is threatened.

The remedy for these evils, Mr. Speaker, is to be found in the thorough reconstruction of our land policy. This is the question of questions. It underlies every other, and no party deserves to live that will not face it. The questions of the tariff, of finance, of internal taxation, of civil service reform, and of national education are simply side issues. The just solution of all of them will be comparatively easy, if aided by a wise settlement of the land question. The labor movement itself will prove an unmeaning wrangle, if it does not plant itself upon this as its central idea, and press its demands for other reforms through its adjustment. In pointing out the evils of our present policy I have indicated some of the reforms which these evils make immediately necessary; but we have gone so far in the direction of feudalism, and are still drifting toward it at so fearful a rate, that the right of private property in land may itself ere long have to be reconsidered. This right, in its unlimited sense, is disowned by three fourths of the human race, including the ablest thinkers of the present generation. It is at war with the great primal truths of the Declaration of Independence, and can no more be defended than the absolute right of private property in the sunlight and the air. I do not propose, or even suggest, any scheme of agrarianism; but that this asserted right, according to some just method yet to be applied, should be subordinated to the rights of man and the public good is as true as any of our fundamental political maxims.

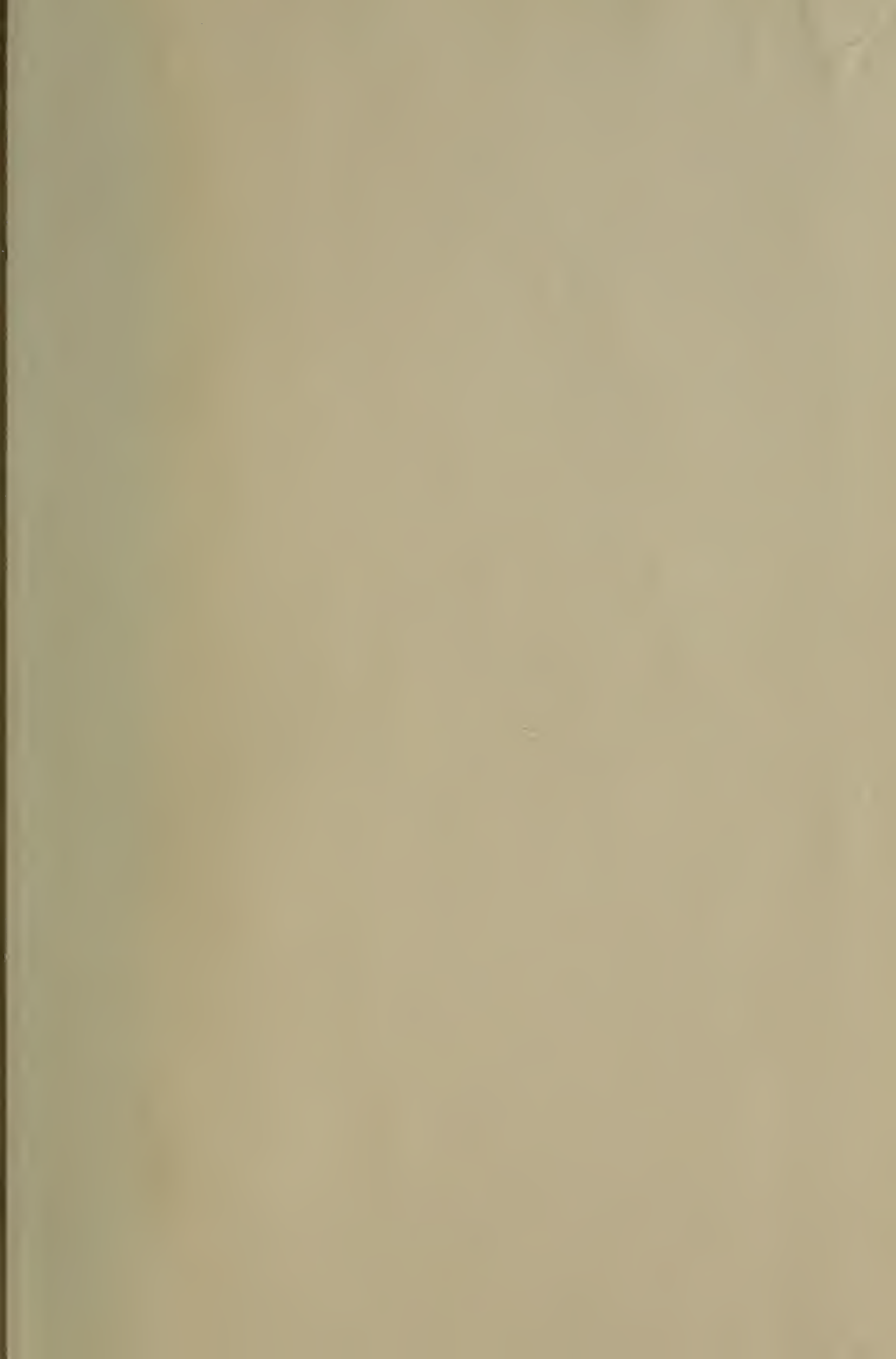
Sir, this question reaches down to the very bed-rock of democracy; for if a few individuals or chartered corporations may absolutely own millions of acres, they may own the whole of a State, or a continent, and thus practically enslave its people. The unrestricted monopoly of the soil thus logically justifies a land-owning despotism, and is just as repugnant to republican government as slavery is to freedom. The landholders of a country govern it, and therefore the struggle for equal rights, whether in this country or in Europe, must resolutely uphold the natural right of the people to an inheritance in the soil. Thus only can they most certainly work out the overthrow of every

form of aristocratic and dynastic rule, and institute a real democracy in their stead. Every household is a little commonwealth, and the aggregate of these makes the nation. The family is the peculiar institution of the race, the most blessed creation of God; and nations are prosperous and strong in the exact proportion in which it is protected and cherished. It is the foundation of society, the parent and master of the State. The home embodies all that is best in our civilization, all that is most precious and sacred in the idea of country, of liberty, and of life. To guard and foster it should be the grand purpose of our laws; and to fail in this duty, or to throw obstacles in the

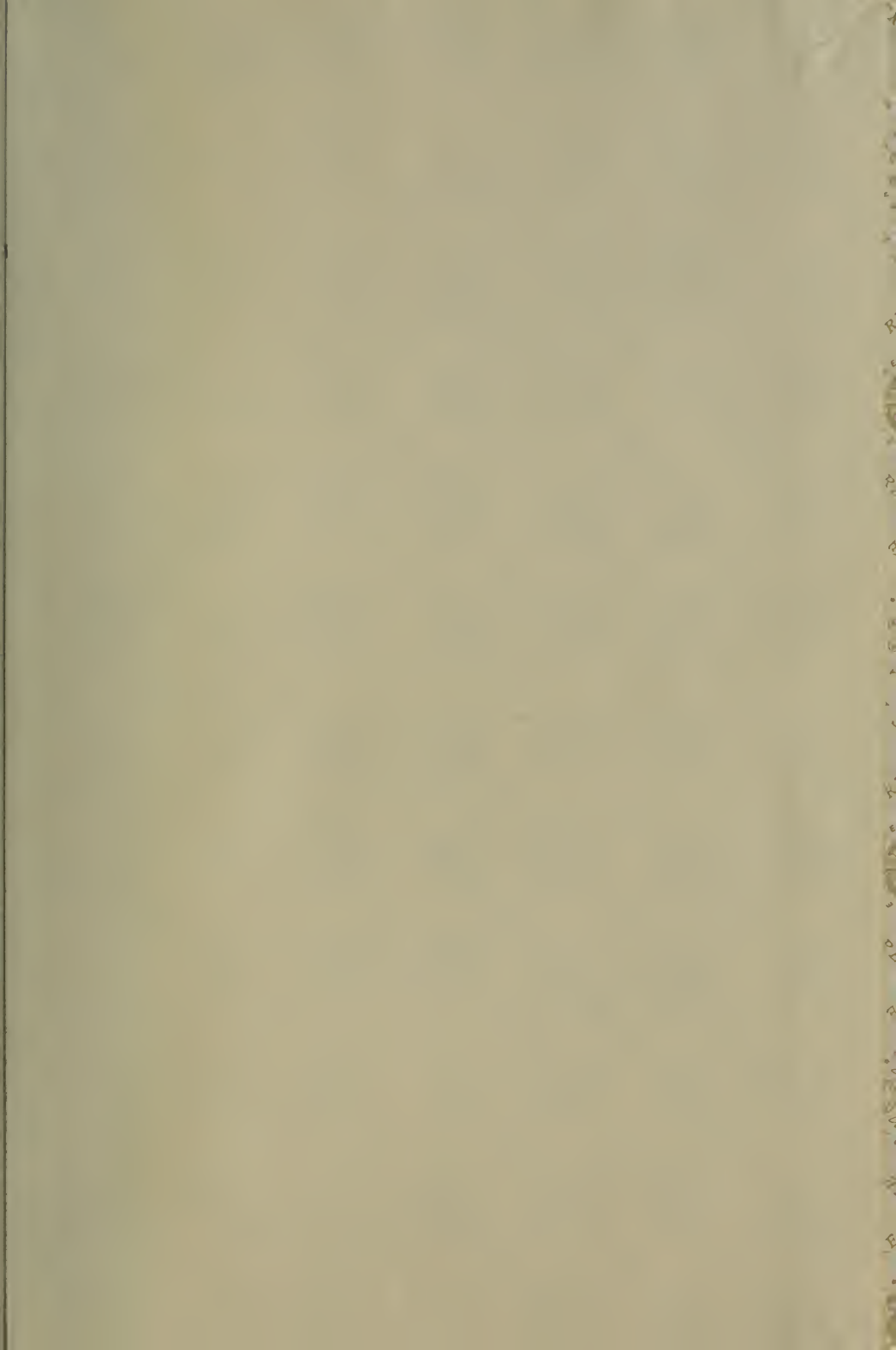
way of the multiplication and security of well-ordered homes, is to strike at the life of our institutions.

The land question then, I repeat, is the great living issue and overshadowing question of American politics. No other problem goes down so deep, or lies so near the heart of the people. Even the grand cause of women's enfranchisement is fairly included in it, so far as the ballot is powerless to save in the hands of landless citizens; while that cause must find its chief support in the laboring masses whose battle cry is "homes for all" and who will welcome the heart and hand of woman as their natural and most powerful ally.

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