

KEM AND THE PICKLER BILL.

Happily the day has arrived in this country when public servants are to be held accountable for their official acts, to be tried by the records they make. This is one of the good results of the reform movement. To the man who has honestly and faithfully performed his duty, the trial by record is most welcome. But to such as have misrepresented and betrayed their constituents it means political death.

The republicans of the Sixth district are proposing to make a campaign against Congressman Kem on his record. No one should be better pleased over this than Mr. Kem himself. He has made a record that is absolutely clean. It will bear the closest inspection. He has also secured recognition and wielded an influence far beyond the average for a new member and a young man.

Strange to say Mr. Kem's critics do not find fault with his votes on the greatest questions that affect the whole people—the questions of money and taxation. They do not condemn his vote for free coinage of silver, and the reduction of tariff taxes. On the contrary his action on a measure affecting the interest of a few people in his district is made the basis of attack. The measure referred to is the Pickler bill. On the record he made on this bill, Mr. Kem may very properly be tried. It was not a party measure, but one on which his individual judgment had full scope. In fact he led the fight and is probably more responsible for the result than any other member.

To understand the merits of the case one must know something of the history of legislation on the subject. For there has been a contention between the U. S. senate and the house of representatives concerning the true policy to be pursued in disposing of the public land. The house has sought to apply the homestead principle exclusively and to do away with the preemption and timber culture laws. The object was to prevent fraud, and furnish homes for a greater number of actual settlers. The senate opposed the house in this matter. But finally, March 3rd, 1891, a bill was passed repealing the timber culture and preemption laws.

One of the important provisions of this bill required that hereafter any one making final proof on a timber claim or entering land under the desert land law should be a resident of the state or territory in which the land lies.

This was the situation at the time Mr. Kem entered congress. Mr. Pickler, a member from South Dakota, introduced the following bill:

Be it enacted, etc., That section 1 of an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, be and hereby is, amended by adding the following words to the fourth proviso thereof:

"And provided further, That if trees, seeds or cuttings were in good faith planted as provided by law, and the same and the land upon which so planted were thereafter in good faith cultivated as provided by law for at least eight years at the date of this act by a person qualified to make entry and who has a subsisting entry under the timber-culture laws, final proof may be made without regard to the number of trees that may have been then growing on the land."

SEC. 2. That the first section of said act be, and the same is, further amended by striking out of the fifth proviso thereof the following words: "And who is an actual bona fide resident of the state or territory in which the said land is located."

SEC. 3. That section 8 of said act be, and is hereby amended by striking out the following words at the end thereof, namely: "And no person shall be en-

titled to make entry of desert land except he be a resident citizen of the state or territory in which the land sought to be entered is located."

It will be seen that the first section of this bill is a measure of relief for such persons as have faithfully complied with the timber culture law for eight years, but have failed to raise the required number of trees. This is certainly a very worthy measure, and Mr. Kem is heartily in favor of it. But tacked on to this worthy provision were two other sections the meaning and purpose of which were to remove one of the principal safeguards contained in the bill of March 3rd, 1891,—that which required residence in the state or territory where the land lies.

The evident purpose of those who had this bill in charge was to rush it through on the merits of the first section, saying as little as possible about the other sections. When Mr. Kem became aware of the true situation, he went to Mr. Pickler, protested against his course and tried to persuade him to have the last two sections stricken out. This Mr. Pickler refused to do, and so the fight resulted. If Mr. Pickler had consented the bill would have gone through without question.

The following remarks from members who took part in the discussion will throw light on the true character of the bill.

Mr. Holman of Indiana, one of the oldest members and a most watchful friend of the people, said:

The third section authorizes the entry of desert lands, so called by persons who do not reside in the state or territory in which the lands are situated, and I have no doubt that the gentleman from Nebraska [Mr. Kem], who has had his attention called to the subject, will interpose a motion to strike out that section. This section is in direct violation of the principle upon which this house has for many years acted in relation to the public lands; that is, that the public lands shall be granted only to actual settlers. I was talking about it the other day with the gentleman from Illinois, Mr. Payson, who has been prominently identified with our land legislation in former years, and I found that he, like myself, was astonished that any such proposition should be made to permit the entry of these lands for speculation. The policy of the house has been to bring the desert lands as nearly as possible under the provisions of the homestead principle, as provided by the act of March 3, 1891.

Open up the lands to monopoly, as this bill will do if it becomes a law, and in a few years the curse of monopoly will rest upon every acre that now remains.

The committee of this house on Public lands in the Forty-ninth congress made a report on this subject—a report in which every member of that committee agreed—Democrats and Republicans. They reported to the house that it was better that these lands should remain a barren wilderness for all time than that they should be accursed by monopoly. The wealth of monopoly is a curse, not a blessing, to a republic. It is better we should never have any benefit from these lands than that by the process of their development they be formed into great landed estates. Baronial possessions have cursed for centuries the Old World. Shall we establish them in the New?

The only effect of this measure would be that the wealth of the east would monopolize and hold these so-called desert lands in great private estates, lands that if left to natural development will become the independent homes of our laboring people.

Mr. De Armond of Missouri, said: This is not in accord with the policy of the government with reference to its public lands. It is not in accord with the policy of the government at the time the timber-culture law itself was enacted. It is not in accord with the policy of the government as embodied in the homestead law. It is not in har-

mony with the policy of those who look to the rights of the whole people, and to the building up of states by the planting of settlers upon the public lands; but it is well worthy the support and favor of those who desire to see these large portions of the public domain controlled by powerful monopolies, and to see principalities—kingdoms, almost—built up within the Union.

Mr. Outhwaite of Ohio said:

Mr. Chairman, I have listened for some reason to convince me that this bill should become a law other than the reason that it will afford an opportunity for capital to seek an excellent investment.

I have desired to hear something in favor of the passage of this bill looking to the welfare of the people who are most interested in the public domain. There is one declaration of principle which has been made by both political parties, and repeated continually with emphasis; that is, that the public domain should be preserved for actual settlers. That principle it is now proposed to violate by this bill.

It is proposed that the public domain shall be turned over to the capitalists.

Those who are familiar with the working of the timber-culture act and the working of this desert-land act, the evils of which led to the repeal or modification of those laws, know very well that in many instances men of straw were set up; men were sent out to those lands for the mere purpose of making entries; perjury and forgery were common instruments by which large tracts of the public domain were obtained from the United States government to be placed in the hands of capitalists. This bill, if passed, will afford most excellent opportunities for resuming that kind of business.

Mr. Kem said:

Mr. Speaker, I move to strike out the last section of this bill, and upon that motion I wish to offer a few remarks. As the gentleman from Indiana (Mr. Holman) has well said the spirit and intention of the land laws of our country was to provide homes for the homeless—for those who were willing to exercise their energy and courage in developing a new country for the purpose of building up and establishing new homes. And it was the intention of congress in passing these laws that all possible safeguards should be thrown around them so as to protect the homes of settlers and to carry out the spirit and intent of legislation in question.

Under these laws vast areas of wild and desert lands have been reclaimed from their wild state, and have become settled and civilized, and good, comfortable homes established all over them. We have for a number of years been struggling against the land-sarks, the land-grabbers who have been trying to get possession of the public domain. The people have been earnestly protesting and have been endeavoring to throw additional safeguards around these lands to preserve the remainder of them for the purposes for which the land laws were originally enacted. I am astonished that my friend from South Dakota who must be cognizant with the practical workings of our land laws, and the dangers that have beset the principles involved, should father this bill with that clause in it.

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Mr. Kem continued in the same strain for some time, when he was interrupted:

MR. PICKLER. I understand that you are not opposed to the timber culture part of the bill, but to the desert land system?

MR. KEM. I wish to say in reply to the gentleman from South Dakota that I am speaking particularly now to the last clause in the bill. I had that particularly in mind, for I thought in glancing over the bill that I had no particular objection except to that section. But I discover, upon investigating the matter further, that I am opposed to the passage of the whole bill, because the principle is the same principle is involved in one as in the other, viz., allowing non-residents to acquire title to our public lands. Now I recognize the fact that the timber culture law, as the gentleman from Indiana has well said, is in such a condition that we can safely begin to wind up

that portion of the land laws and am in favor of that portion of the bill relating to actual settlers.

Further on in his speech Mr. Kem said:

In view of that fact I am opposed to the whole bill so far as it relates to non-residents, and I am decidedly opposed to the last section of the bill, the one that my amendment affects; and I want to say that after all the information we have in regard to the land steals in our country and the rapidity with which the lands have been monopolized by private corporations, syndicates, and public corporations, at different times, I hope the house will not allow this bill to pass.

In the above extracts certain words have been printed in small capitals to bring them into especial prominence. The Chadron Journal, which has been leading this campaign against Kem, has attempted to make it appear that Kem is opposed to the "whole bill," but Mr. Kem's meaning is made perfectly clear further on when he says that he is in "favor of that part of the bill relating to actual settlers," and only "opposed to the bill so far as it relates to non-residents." Mr. Kem was in fact opposed to the passage of the "whole bill," but not opposed to the passage of a part of it; hence he sought to have it amended.

After the debate was closed, a division was taken on Mr. Kem's amendment, and it carried by a vote of 92 to 53. But there still remained the objectionable feature in the second section. A division was then taken on the amended bill. It appeared to be defeated. Tellers were called for. Mr. Pickler then arose and begged for the privilege of amending the bill so as to remove the objection. This was refused. He then asked "unanimous consent to withdraw the bill and let it lie over without prejudice." Here the record reads as follows:

The Speaker *pro tempore*: Is there objection to the request of the gentleman from South Dakota? [A pause.] The chair hears none.

Mr. Kem: I object.

Mr. Pickler: Too late.

Mr. Kem informed the writer that on account of the confusion which prevailed in the hall, he did not understand the effect of granting Pickler's request, but on that effect being pointed out by a fellow member he did not press his objection and was very glad to have the request granted. The bill has thus retained its place on the calendar and can be called up for passage when congress reassembles. Mr. Kem says that Pickler has since consented to strike out all but the first section, and that he [Kem] will do all in his power to secure the passage of the bill thus amended.

Mr. Kem may well be proud of the record he made on this bill.

He stood for the actual settler and against the land grabbers.

He stood for the people and against the worst form of monopoly.

He did something for which every honest settler and home builder in his district should thank him.

But how is it with Mr. Whitehead, his opponent? In a vain effort to pick flaws in Kem's record, he has taken up the advocacy of the Pickler bill. He has thus put himself on the side of the non-resident speculator against the honest settler. He will have to answer to the people of the district for this stand. He will either have to confess that Kem was right, or he will have to defend the whole Pickler bill.

Mr. Whitehead has deliberately placed himself between the horns of a dilemma. Whichever horn he may choose, he is lost.