

# The Nebraska Independent.

The Wealth Makers and Lincoln Independent Consolidated.

VOL. XI.

LINCOLN, NEBRASKA, THURSDAY, JUNE 8, 1899.

NO. 4

## THE PUBLIC DOMAIN

Editor Independent:

The persistent effort to grab what remains of the public free land of the United States calls for renewed energy and vigilance on the part of those who would preserve it.

The latest phase of this question is vividly before us in the rush of entries under the "Reservoir Act" in this state. Report from Sidney, Valentine and other land office towns are that land is being taken under the new act at the rate of 100 quarter sections a day in each place. At this rate the remaining free land of Nebraska, chiefly sand hill though it be, will not last long.

It is a remarkable fact that this act which was approved by the president January 18, 1897, remained practically unknown and unused on the federal statute book until this spring—more than two years after it became law. There are more remarkable facts connected with the history of this act—its original and present application—which I have taken the pains to look up in the records and think may be of interest to your readers.

The first thing that attracted my special attention in the act at the time it came into public notice was that the title was for an act "providing for the location and purchase of public lands for reservoir purposes"—while the act itself made no provision whatever for the purchase of lands. Like the split bones on the horse's leg testifying to the time when the horse had toes, this clause in the title testified that the original bill was one intended to permit the purchase of public lands. In the process of amendment the purchasing features have been stricken out of the bill, but left in the title.

The history of the bill is this: On December 3, 1895, Senator Pettigrew of South Dakota, introduced the bill with its present title and original provisions. The bill was referred to the committee on public lands of which Pettigrew was chairman. February 11, 1896 the bill was reported back from the committee with several amendments. On March 30, 1896, Senator Pettigrew called up the bill which had been passed over in his absence and asked for its immediate consideration. Senator Peffer objected until Pettigrew assured him that the bill would lead to no discussion. The bill was then read with its amendments. An amendment was adopted striking out the words "exclusive possession" as applied to land entered under the act. Section 4 of the original bill was entirely stricken out. It provided for the purchase of lands entered under the act. Before purchase could be made a reservoir holding at least 100,000 gallons of water must be maintained for five years on the quarter section claimed. Not more than ten quarter sections could be taken under the act in any one county. All those provisions were stricken out without debate and in their stead the following was inserted: Section 4. That congress may at any time amend, alter or repeal this act." With these changes the bill was ordered engrossed and passed the senate without opposition. Probably the most utterly childish piece of humbuggery was the adoption of section 4 in the amended form. As though a clause providing that congress might amend, alter or repeal an act had any effect by gentlemen of the great United States senate! Of course the object of the clause was to forestall attack upon the bill on the ground that its provisions might be abused, but that such an utterly transparent piece of unbecoming should be incorporated in an act passes comprehension.

In the house action was taken on the bill December 9, 1896, when Congressman Lacey of Iowa called up the bill. The following transcript from the congressional record of that date shows under what circumstances the bill passed the house as it did the senate without debate.

Mr. Lacey. Mr. Speaker, this bill was drafted in order to aid the men engaged in the raising of stock on the high lands of the northwest, in localities where water is scarce. In a few instances the cattle men have constructed reservoirs and they propose to construct others. The difficulty, however, is that after they have constructed the reservoirs and built the necessary dams the land is subject to homestead entry or to settlement by private individuals, thus taking away from the persons who have constructed the reservoirs the advantages which they sought to obtain by their construction in the first place. This bill provides that such reservoirs as may be constructed, and such as have hitherto been constructed, shall be preserved, but that they shall be open to public use, and that the parties who have constructed them shall not lose off settlers and other stock raisers from their use. The report of the committee presents the following statement:

"These reservoirs are constructed on government lands, and the corporations are apprehensive that after they have constructed them, at a large expense, some irresponsible party, with the object of securing the improvements thus made, may file upon the quarter section of lands upon which the reservoirs are located, and deprive the companies of their property and access to the reservoirs."

"It is not intended to give title to the land upon which the reservoirs are located, and the companies can only have control of such reservoirs under such

rules and regulations as may be prescribed by the secretary of the interior, and only for such time as such reservoirs are maintained and water kept therein. The act also provides that the land shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

"This is a senate bill, and the amendments which were adopted in the senate make the bill entirely safe, in the judgment of the committee. The bill provides that reservoirs shall not be located upon public land reserved for other purposes. This will not prevent any of the general reservoirs that have been selected by the geological survey for irrigation purposes contemplated by this bill. They are also limited to 160 acres of land, so that it will only apply to these temporary watering places for cattle grazing upon the plains or being driven from point to point upon the plains.

"The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

"On motion of Mr. Lacey, a motion to reconsider the last vote was laid on the table."

The full text of the act is herewith given as follows:

Sec. 1. That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the secretary of the interior, and the lands upon which the same is constructed, not exceeding one hundred and sixty acres, so long as such reservoir is maintained and water kept therein for such purposes: Provided, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

Sec. 2. That any person, live-stock company, or corporation desiring to avail themselves of the provisions of this act shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person or corporation has filed upon other reservoir sites within the same county; and if so how many.

Sec. 3. That at any time after the completion of such reservoir or reservoirs which, if not completed at the date of the passage of this act, shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the secretary of the interior and approved by him, and thereafter such land shall be reserved from sale by the secretary of the interior so long as such reservoir is kept in repair and water kept therein.

Sec. 4. That congress may at any time amend, alter, or repeal this act. It will be noticed that the most important part of the act, in fact the heart of the measure, is contained in the words of the first section which says that the claimant shall "have control" of the reservoir and the lands on which it is constructed, not exceeding 160 acres "under regulations prescribed by the secretary of the interior." Upon what those regulations shall be depends the use and relative importance of the act. So far the secretary has not indicated with certainty what regulations he will prescribe for the control of lands taken under the act. The only information in a circular from the land department, dated July 8, 1898, from which the following extracts are taken:

32. Any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock, in order to obtain the benefits of the act must file a declaratory statement in the United States land office in the district where the land is located.

33. When the applicant is a corporation it should file also a copy of its articles of incorporation and profits of its organization, as required in paragraph 5, subdivisions 1, 2, 3, 4, 5, 6, and 11.

34. The declaratory statement must be under oath, and must contain the following statements:

First. The county in which the reservoir is to be or has been constructed; the description, by the smallest legal subdivisions, 40-acre tracts or lots, of the land to be reserved for the reservoir, including also the land necessary for the use thereof; that to the best of the applicant's knowledge and belief the land is not mineral or otherwise reserved; and the business of the applicant. The total of land to be used must not exceed 160 acres.

Second. The location of the reservoir, described by the smallest legal subdivisions, 40-acre tracts or lots; its area in acres; its capacity in gallons; and the height of the dam.

Third. The number, location, and area of all other reservoir sites filed on the applicant, designating those located in the same county.

36. The reservoir, if not completed at the date of the act, shall be completed and constructed within two years after the filing of the declaratory statement will be subject to cancellation.

37. After the construction and completion of the reservoir the applicant shall have the same, including the lands necessary for the proper use and enjoyment thereof, not exceeding 160 acres, accurately surveyed and mapped. The map and field notes must be filed in the

proper local office.

35. When the map, field notes, and other papers have been filed in the local office the date of filing will be noted thereon and the proper notations will be made on the local office records, as in the case of the declaratory statement. The maps and papers will then be promptly forwarded to this office.

39. The maps and papers will be examined by this office as to their compliance with the law and regulations; and to determine whether the amount of land desired is warranted by the showing made in the application. If found satisfactory they will be submitted to the honorable secretary, and upon his approval the lands shown to be necessary for the proper use and enjoyment of the reservoir will be reserved from other disposition so long as the reservoir is maintained and water kept therein for the purposes named in the act.

40. Upon the receipt of notice of such reservation from this office the local officers will make the proper notations on their records and report the making thereof promptly to this office.

41. In order that this reservation shall be continued it is necessary that the reservoir "shall be kept in repair and water kept therein." For this reason the owner of the reservoir will be required during the month of January of each year to file in the local office an affidavit to the effect that the reservoir has been kept in repair and water kept therein during the preceding year, and that all the provisions of the act have been complied with. Upon failure to file such affidavit, steps will be taken looking to the revocation of the reservation of the lands.

43. The duty of this office in examining the maps and papers of all these applications is to ascertain whether the provisions of the acts of congress are properly complied with; whether the proposed works are described in such a manner that the benefits to be granted under the various acts are defined so as to avoid future uncertainty; and whether the rights of other grantees of the government are properly protected from interference. The above regulations are made for these purposes.

44. The widely different conditions to be considered in the operations proposed by the applicants make it impossible to formulate regulations that will furnish this office with the data necessary in all cases. This office will therefore call for additional information whenever necessary for the proper consideration of any particular case. BINGER HERMANN, Commissioner.

Approved: C. N. BLISS, Secretary.

The original purpose of the act was to help certain cattle corporations establish large reservoirs for cattle. It was not intended there should be more than ten of these reservoirs in a single county. The opposition to the purchase of public lands was so strong in the senate committee on public lands as to strike out the provision limiting the number of entries that might be made in a single county. Whether this was done intentionally or otherwise is not yet disclosed. The net result of the amendments has been to make an act which permits any person to file an unlimited number of quarter sections of land and by maintaining a "reservoir" thereon, the size of which is not specified, with water therein, the quantity of which is not prescribed, to "have control" of the same for an unlimited time "under regulations prescribed by the secretary of the interior." No wonder there has been a rush to enter land under this act.

It is true the title remains in the United States of America, but what does one care for title if he may have unlimited possession and use. Land taken under this act is excluded from homestead entry. In fact very few will now care to homestead a quarter section even of good land when they can secure indefinite possession of the same, free of taxes, by sinking a barrel in the ground and maintaining water in the same. One man can in this way secure every government quarter section in a township and where the land is valuable enough for grazing this will be done. Whether intended so or not, this act will probably prove the most potential land grabbing act placed upon the statute book.

According to the last report of the secretary of the interior there were yet remaining 600,049,671 acres of public free land in the United States, outside of Alaska, New Mexico, Montana, Idaho and Wyoming—most of it mountain and desert—without irrigation fit only for grazing. In Nebraska there remained 18,000,000 acres, and in Kansas only 1,000,000 acres. Inferior though most of this land is, it is the safety valve of the republic. Indefinitely greater than the silver question, the expansion question, or even the alleged trust question is the land question—the adoption of a just system which shall secure access to the land by those who use it. While such a system is being shaped it is of very great importance that the free lands be kept for actual settlers only. All the schemes of evasion to the states or to irrigation companies lead directly through land grabbers' lane into the swamp of land-lordism. Whatever may have been the purpose of the "Reservoir act" its effect will be destructive. The next step in the program thus started will probably be the attempt to pass a bill for the purchase of lands taken under the "Reservoir act." Forwarded is forwarded. A. E. SHELTON.

## WHAT WILL THEY DO?

The only real, genuine, knock-down, unanswerable argument the republicans ever had against the pops during their palmy days was "whiskers," but now that they have taken our own and only father, whiskers and all, what will they say when we shout back at them in reply to their logic, "Whiskers, whiskers!" —Pittsburg Kansas.

## TRUE DEMOCRACY.

The Real Object of Government, the Industrial Revolution.

"No man is good enough to govern another man without that other's consent. When the white man governs himself and also governs another man, that is more than self government—that is despotism. Our reliance is in the love of liberty which God has planted in us; our defense is in the spirit which prizes liberty as the heritage of all men in all lands, everywhere. Those who deny freedom to others deserve it not for themselves, and under a just God cannot long retain it."

"ABRAHAM LINCOLN."

The McKinley supporters are finding it necessary to repudiate the Declaration of Independence. Ex-Senator Harlan of Iowa says that the suppression of the slave holders' rebellion settled it that government does not rest upon the consent of the governed; and Rev. Dr. Henson, at the administration, endorse McKinley, mass meeting in Chicago said that the doctrine of the declaration that "all governments derive their just powers from the consent of the governed" is literally construed, was the "greatest falsehood palmed off by the devil upon a credulous world." Of course he would substitute McKinley's "benevolent assimilation," at the point of the bayonet policy for the heroic declaration of immortal truth, made by our forefathers. And Dr. Henson's remarks were loudly applauded by the assembled crowd of imperialists.

How many of the people of this country give their intelligent consent to the rule of the plutocrats? By rule of the plutocrats I mean control of our public affairs, state and national, by the wealthy class. If the toilers of the rank and file of the republican party had their eyes open to this truth they would no longer consent. Their consent is now given ignorantly. They refuse, from blind party prejudice, to examine proofs of the assertion. They willfully shut their eyes to plain facts. They ignorantly consent to being governed by combinations of millionaires.

Governor Pingle says: "It is time that corporations, combines, trusts and multi-millionaires were requested to leave the front seats, at least, and let the men who can speak for the great body of voters, the men who believe in the republicanism of Abraham Lincoln, have room and part in the conduct of public affairs."

This is good republican testimony, but how many will shut their eyes to it? Again he says: "The legislative and executive offices of this nation cannot much longer be filled with men whose claims are based solely upon their devotion to corporate interests." Who put them there? Ignorant, misled, party blind voters, put them there. By these terms I do not mean to describe uneducated men. Far from it. I mean newspaper men, lawyers, doctors, ministers, educators in particular; and all voters who fail to study existing conditions with their eyes open; men who are so blinded by the so-called "glory" of the republican party that they fail to understand that their party has long since ceased to be a party of the people, but has become the main bulwark of the greedy few. That party is trampling under foot the principles of the declaration of independence. It scorns and hates and fights the policy of "Equal rights to all, special privileges to none," and makes it read: "Equal rights and special privileges to the few."

HOW DEMOCRACY IS ATTAINABLE.

Democracy is unattainable under the representative form of government as we have tried it for upward of a century. The experiment of representative government in this country so far is a failure. In the earlier years of the experiment, before wealth had taken the reins into its hands, fairly satisfactory results were obtained. But now, when organized wealth possesses such mighty power, holding in its hands the lives and liberties of so large a number of the voters, it is impossible for the people to rule under the present system.

If the truth could be known as I believe it exists concerning the election of 1896 there would be an awakening of the people to the dangers of the present system. Millions of dollars were spent by the successful party to win that election. I do not charge that any large number of the voters were purchased outright with money, although doubtless some were. But an organized and successful effort was made to overawe, intimidate and deceive the wage earner in the factories and shops. Systematic deception was practised by their organized, wealthy employers. The wage earner was presented with the idea that if Bryan won the factories would be closed or his wages greatly reduced. To support this proposition, sham orders were obtained or manufactured from wholesalers and retailers, to be filled if Bryan was defeated but not, if he was elected. These were shown to employees in order to intimidate them. So the alternative was presented to the thousands of wage earners of voting for McKinley or losing their job. I do not believe it an overestimate to say that at the election of 1896 more than 500,000 voters cast ballots against their convictions in consequence of these perverting and evil influences. Their ballot was not free.

Herein is a grave danger—the slavery of the wage earner. Its magnitude cannot be overestimated. It is absolute dependence. That liberty, of which we boast as our most precious possession and the bulwark of our government, cannot, does not, exist under the present wage system, wherein the laborer is dependent upon the mercy and generosity of organized, greedy capital. I do not say this in a spirit of intolerance of capital, but simply to point out a grave danger which must first be met in order to be avoided. Nor shall I simply point it out. I shall later, suggest the remedy.

We wish to call our readers' attention to the Nebraska Clothing Co.'s advertisement which has been running in this paper. We know that many of you have written to this firm and found them to be perfectly reliable and if you are not satisfied with what you receive from them they will return your money. We would be pleased to have you try their mail order department, and it would be a favor to us if you would mention this paper each time you write.

## NEW DOCTRINES.

No Man Ever Before Dared to Enunciate the Declaration of Independence and Slender Liberty.

But little over a century has elapsed since the birth of our republic, and the noble men who brought it into being declared in words not to be misunderstood "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." Of course, these new ideas of freedom and a government were resisted by the aristocracies of England with all their power. But the young republic successfully withstood them and lived. And, we most earnestly hope, will continue to live.

The declaration of independence and the constitution of the United States, which these fathers of liberty gave to the world, were admitted even by some of the ablest jurists of England to be the best and most perfect "bills of the rights of man" that had ever been written. The very best men of all nations have admired and praised our just and beneficent system of government. The oppressed and persecuted of all the tyrants and monarchies of Europe have come by hundreds of thousands to enjoy the kindly protection of its blessed banner of freedom and to escape the iron heel of the imperialism and militarism of their native lands. No other government has ever been formed which came so near the gospel standard and so nearly attained to the true fellowship and brotherhood of man. It has stood as a beacon light to the rising hopes of men longing for freedom the world over.

Hitherto no voice of a person has ever been reckless enough to assail these principles of free government, purchased for us by our forefathers at so dear a price. No hand has dared to guide the pen in slandering its blessed teachings of liberty. But the spell has at last been broken. A man has been found who, upon a public platform, in the presence of thousands of his fellow-citizens, could say: "As to that hallowed document [referring to the declaration of independence] that declares that all governments derive their just power from the consent of the governed—if that is to be literally construed—then never was a greater falsehood palmed off upon a credulous world." Such language as this, it seems to me, must certainly awaken all good citizens to the danger that is now hanging like a pall over our country.

But more startling than these words and more far-reaching in its effects was the announcement by President McKinley on May 1 of the government's open and active opposition to all anti-imperialism and its advocates. The president has issued no direct proclamation declaring this government changed from a republic to an empire. But does not the negative proclamation against anti-imperialism, and the threat to arrest the leaders and advocates thereof convey exactly that meaning to the people? Has he not confirmed the truth of this proposition by performing that which is nearly always the first act of the dictator—the attempt to destroy the freedom of speech and of the mails?

While the world seems to be strongly headed in the direction of peace, and the commissions of the leading nations of the earth are soon to convene to try to devise ways and means for disarmament and the substitution of arbitration for war, and while hundreds of thousands of the young people of all the churches are now banded together in their Christian Endeavor societies in a mighty "war against war," is it not sad and disheartening thus to have leaders in this cradle land of freedom endorse an offensive war for the purpose of subjugating a people fighting for freedom?

WILLIAM A. FULBROM, Chicago, May 22.

## TO COUNTY CENTRAL COMMITTEES.

If you are thinking of sending any populist papers to doubtful voters in your county, write the INDEPENDENT for terms. We are in receipt of a list of 450 names from Harlan county.

## UNIONS SUPPRESSED.

A brigadier general of the United States army commanding troops in Montana issued an order that no member of a labor union should be employed in the mines and enforced his order at the point of the bayonet. That is what this country has come to in its march of imperialism under Wm. McKinley. Every where the labor unions are taking action on the matter. Will they have sense enough to take action at the polls?

The New York labor assemblies are asking the administration at Washington by whose authority General Merritt assumes to issue orders that no man belonging to a labor organization may be allowed to work in the Idaho mines. If that is to be the attitude of McKinley and his cabinet the laboring men of New York want to know it.

The Chicago labor unions in their meetings last Sunday also took the matter up and are asking Secretary Alger some pertinent questions on the same subject. They want to know if General Merritt's position is approved at Washington and if not what is to be done about it.

The order is a revolution in methods of government in this country and the workmen are waking up and trying to learn what has hit them.