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PREVENTING DEPREDATIONS ON PUBLIC TIMBER, ETC.

Mr. NELSON presented the following

LETTER FROM MR. H. H. SCHWARTZ, CHIEF OF THE FIELD SERVICE, GENERAL LAND OFFICE, RECOMMENDING THE APPROPRIATION OF ONE MILLION DOLLARS FOR PREVENTING DEPREDATIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS, AND SWAMP-LAND INDEMNITY.

JANUARY 19, 1909.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
U. S. GENERAL LAND OFFICE,
Washington, D. C., January 15, 1909.

SIR: I respectfully recommend that the appropriation for preventing "Depredations on public timber, protecting public lands, and settlement of claims for swamp lands, and swamp-land indemnity" for the fiscal year 1909-10, be raised to \$1,000,000.

The present appropriation is \$500,000. Previous appropriations were \$250,000, or less.

There is absolute necessity for such appropriation, if the more than one hundred million dollars' worth of national resources, now claimed to have been fraudulently acquired by corporations and individuals, shall be promptly recovered.

My belief that this increase is necessary is based upon the following facts:

1. The number and status of cases on record, as shown by the attached letter from the chief of field service.

2. The large number of pending cases heretofore partially investigated by the Secret Service, or special service of the Department of Justice, and now transferred to the General Land Office field forces.

3. The numerous pending applications for and grants of rights of way, easements, and licenses upon public lands requiring examination.

4. The large number of proceedings pending upon adverse reports by the Forest Service field force, requiring special agents of this

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office to attend and conduct hearings under section 1, act of February 1, 1905.

5. The investigation in the field of lands claimed by States as swamp—a recent investigation showing dry Indian lands claimed as swamp with stumpage timber values of over \$350,000 in two lists alone. Many other lists are pending.

6. The large number of pending nonmineral state selections for lands found to be coal by the Geological Survey, and requiring examination and investigation by the field force.

7. The increasing amount of time by agents required in courts and before referees in the larger cases now pending.

8. The examinations required in the temporary withdrawals for oil, phosphate, coal, and other natural resources in cases where claimants seek to acquire title under agricultural laws.

9. The investigations into Carey act contracts heretofore made—not covered by the initial investigations made by the special inspectors of your department, and not properly chargeable to that appropriation.

10. The necessity for promptly reaching and clear listing bona fide entries against which charges have been filed with this office or the special agents.

At first blush this request may seem to call for an extraordinary increase in this appropriation. However, it is not 1 per cent of the value of the government property involved, and a comparison with the past appropriations is not proper, for the reason that in the past this bureau did not know the extent of the frauds being perpetrated upon the Government under the public-land laws.

We have such knowledge to-day, and we should take proper steps to safeguard the public domain.

Respectfully,

FRED DENNETT,
Commissioner.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *January 2, 1909.*

SIR: This is a recommendation that you request an appropriation of \$1,000,000 for preventing "Depredations upon public timber, protecting public lands, examining swamp lands, etc." The present appropriation is \$500,000; prior recent appropriations were \$250,000 per annum. My absence in the field prevented presentation of the facts in this letter at the time the sum of \$500,000 was estimated for the next fiscal year.

There is herewith submitted detailed information, showing approximately \$110,000,000 worth of public lands alleged to have been fraudulently acquired. There is reasonable prospect of recovering much of this land, if prompt action is had. While, considered relatively with former appropriations, a million dollars may seem large, yet, in the light of our present knowledge of lands unlawfully acquired, it is not 1 per cent of the commercial value of that which the Government may hope to recover.

For the fiscal year ending June 30, 1908, Congress appropriated \$250,000 for the protection of public lands. A like sum had been appropriated for the year ending June 30, 1907. Public-land investigations, increasing public sentiment for better protection of the national resources, and extensive discussion of these matters in publi-

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 cations, during the past five years, have resulted in many thousands of informations being filed in the General Land Office, charging land frauds. Many thousand cases of violation of law have also been brought to the attention of the Government through investigations by your special agents; also, special employees of the Department of Justice have furnished this office with information in important cases.

The foregoing conditions produced great congestion in the work devolving upon your field force. This office, local offices, and field agents receive, annually, thousands of complaints against claims and entries under the settlement laws. Experience shows that only about one-half of these complaints are justified. The examination of such cases has been the principal field duty—to the end that the settlement claims and entries may proceed without delay. However, the great number of extensive frauds demanding immediate action, and necessarily consuming months of time in investigations and subsequent attendance in court trials, leave us to-day over 16,000 settlement claims suspended on complaint out of the total 32,226 cases of all kinds pending December 1, 1908. The nature of the "necessity" for prompt action in some of the larger cases is shown in *United States v. Juanita Coal and Coke Company* and *United States v. Utah Fuel Company*, involving lands worth \$2,500,000. In these two cases the evidence of the fraudulent acquisition of these lands was finally uncovered in November last. Suits were filed December 7, 1908, and the statutes of limitation would have prevented suit on December 8, 1908; likewise, in the Oregon cases against C. A. Smith et al., involving timber worth about \$1,000,000, the investigations were completed, and suit was filed in May, 1908—within a few weeks of six years after patent issued. Suit can not be brought against a patent six years old.

With the \$250,000 appropriated for the fiscal year ending June 30, 1907, the field force investigated and disposed of practically 6,500 cases, collected from trespassers \$284,470, recovered 390,240 acres of land of about \$2,186,400 in value, and secured the conviction in criminal cases of 138 defendants.

The present reorganization of the field force and general methods of handling the investigations in relation to public lands dates practically from the beginning of the fiscal year 1907-8. The work performed and the results accomplished in protecting public lands, recovering public lands fraudulently acquired, and prosecuting parties guilty of crimes in relation thereto, for a period July 1, 1907, to December 1, 1908—seventeen months—will, therefore, be treated as a unit. The amount appropriated for carrying on the work for the seventeen months was \$500,000, thus: \$250,000 for the fiscal year ending June 30, 1908, and \$250,000 was expended for the first five months since that date. With this expenditure of \$500,000 the following results have been accomplished:

Absolute recoveries.

10,933.07 acres of patented lands recovered (including coal lands); estimated value.....	\$824, 555. 35
618,240 acres of unpatented lands recovered; value.....	3, 547, 100. 00
Collected from timber trespassers.....	136, 694. 79
Fines collected.....	8, 597. 94

The foregoing comprise absolute recoveries to the United States of \$4,516,858.08 in money value, which is \$4,016,858.05 in excess of the total appropriation expended in the work. This is not, except the fines and timber trespass, money returned to the United States Treasury, but it is lands of such value restored to the public domain where the honest purchaser or settler may acquire it, and the present administration of the public land laws is such as to prevent the recurrence of further illegal acquisition. Also, the subsequent sale of the recovered coal and timber lands—now for the first time sold upon appraisal—will result in such increase in cash returns to the Treasury as will exceed the expense of recovery.

The absolute recoveries, however, constitute but a small part of the work performed and being performed. The detailed summary hereto attached shows information in the possession of the Government which may lead to the recovery of moneys and lands reasonably worth in excess of one hundred millions of dollars. How effective these recoveries shall be depends upon the men and funds available for carrying on the work.

A comparison of the number of cases actually investigated in the field, and reported on, shows that during the fiscal year ending June 30, 1907, 6,500 cases were examined at a total expense of \$250,000, while during the seventeen months ending December 1, 1908, 28,183 cases were examined, at a total expenditure of \$500,000. Taken as a whole, the work was measurably similar, and there is a consequent showing of increase in efficiency of over 100 per cent since the general reorganization of the special service.

During the past seventeen months your agents have caused to be released from unlawful inclosure a total of 1,007,684 acres of vacant public lands. These lands were restored to settlement and the open range; that, as 5 cents per acre (a low grazing value for that period), amounts to \$50,385.20.

We have secured 94 convictions for violation of the public land laws, in a large number of which cases the fines were collected; and in important cases imprisonment sentences were imposed. A tabulated statement showing details of these convictions is attached.

The field force have also examined public lands covered by rights of way, easements, and privileges granted, of which 98 were found to be either fraudulent or illegal, and adverse proceedings have been or will be instituted to free the public lands from such easements now resting thereon.

Actual investigation and examination has also been made of nine Carey Act projects, involving 199,259.18 acres. These investigations disclose projects covering 62,070.99 acres, in which the land has not been reclaimed, and in which conditions warrant action looking to the recovery of lands, either from lack of water or because lands are not desert in character. Other examinations are in progress. These do not include original examinations upon applications to select—such examinations being made by inspectors of the department.

The expectation of the General Land Office, as expressed by the commissioner to the Committee on Appropriations when considering the sundry civil bill for the year ending June 30, 1909, that an appropriation of \$500,000 per year for two years would clear up the then accumulated work, will be realized.

However, the investigations of the past two years by your special agents, aided by an aroused public sentiment, have produced evidence and information of wholesale and astounding frauds upon the public lands, and such cases necessarily require much time from the field force. As a result, we have of record in the special-service division of this office the 32,000 distinct cases demanding further field action, notwithstanding that during the past seventeen months there have been investigated a total of over 28,000 cases.

The magnitude of the task imposed upon the General Land Office in some of these cases will be best appreciated by example:

In a single suit to recover coal lands having a commercial value of millions of dollars it may be necessary to take the following steps:

Examine all of the records and correspondence in one or more of the local land offices, and in the General Land Office, in relation to probably fifty distinct entries of land; this examination develops the coincidence of claimants and witnesses, attorneys of record, notaries and commissioners before whom papers were executed, with a subsequent examination of probably fifty to one hundred witnesses, now scattered throughout the United States, and who have, in one way or another, been connected with the proceedings by which the Government lost title to the lands. These witnesses embrace coal experts, employed by the corporations to prospect the lands, dummy entrymen, attorneys, notaries public, United States commissioners, and the various witnesses required to the different filing papers.

Second. It is necessary to examine and abstract the titles to these lands as they appear of record in the office of the recorder of deeds in the different counties.

Third. There follows the investigation of the organization and development of the corporations and holding companies, who have taken over the title, and who, by trust deeds and mortgages, endeavor to forestall recoveries by pretended purchase, or incumbrances for value. This branch of the case frequently occupies months of time by men expert in real and corporate law, and frequently develops three or four companies holding titles, mortgages, trust deeds, or bonds predicated upon trust deeds, all intended simply to involve the title. In other cases, subsequent transfers proved to be bona fide.

Fourth. To the end that the value of the lands may be determined, in the event that some one of the interested corporations is able to make good its claim of innocent purchaser, and the Government is thereby driven to a judgment for damages sustained, in lieu of the recovery of the lands, it becomes necessary for men expert in coal mining and geology to make extensive field examinations.

Fifth. As these coal companies have frequently been operating from two to five years, it also becomes necessary to determine the amount of coal taken from the lands and its value in the different situations, which may, according to the event of the suit, fix the rule of damages the Government shall recover for probably several millions of tons of coal unlawfully taken from the lands.

It will be seen that a proper presentation of the Government's case in some one of a dozen suits similar to the foregoing may well require the entire time for from three to six months of a half dozen men.

Example might also be cited to some of the more determined and persistent violators of the act to prevent unlawful occupancy of the

public lands, known as the fencing law: A single case reported from Oregon involved over 85,000 acres of government land in one inclosure; in addition thereto there were a large number of fraudulent or dummy entrymen on some of the lands inclosed. If the Government expects to present such a case as this to the court or jury, with a showing which will warrant anything more than a nominal fine (which means a very nominal charge for pasturage on the public land and the exclusion of the general community from free range), it becomes necessary not only to show the inclosure, but to show it in detail; probably survey, chain, and subsequently plat over 100 miles of fence; investigate into the circumstances and bona fides of probably fifty to one hundred entries of one kind or another made within the inclosure, supposedly for the benefit of the live-stock company; also interview from fifty to one hundred witnesses, the dummy entrymen; the men who built the fences, to determine when they were built and who paid for them; cow punchers and small cattlemen, for proof that the large company controls the inclosure and that the stock of small individuals is driven therefrom; in some cases the settlers are forcibly prevented from investigating or occupying the lands.

Again, we have conspiracy timber cases, which may well take the time for from one to three months of three or four men. Along this line the Land Office has single cases of over 200 entries of more than 32,000 acres of land. Combinations are frequently so well organized and so aided by defective public land laws as to prevent an almost impossible task in securing evidence or recovering lands worth hundreds of thousands of dollars. It may become necessary to assign an agent to a single conspiracy case and keep him there to the exclusion of everything else for a period of three or four months, and, in certain phases of the investigation, the services of other agents are required. A single timber trespass case may require a crew of men for weeks. One case investigated this year shows trespass of timber covering 7 miles of territory, and timber taken of over \$200,000 value. The land was unsurveyed, and it became necessary to run lines and scale up this entire trespass, measuring it stump by stump. It is an old trespass; but the Government may still recover—there being no statute of limitations against a money demand.

These examples furnish indication of what your field force has done in making recoveries mentioned in the earlier part of this statement, and what now devolves upon it in successfully prosecuting the larger cases involved in the total of over 30,000 cases pending.

Following is a summary of most of the larger cases affected by charges of fraud or illegality now pending. They are here set up by States or field divisions. Details of identification and names of parties are omitted in cases under investigation, for the reason that parties are entitled to such protection until investigation develops facts warranting their presentment to a proper tribunal; and, on the other hand, present publishing of details would generally embarrass further inquiry in a case.

Alaska:

1. Probably 500 coal claims worth at least \$200 per acre on basis of 1 cent per ton.....	\$16, 000, 000
2. Pending timber trespass.....	200, 000

Arizona:

In United States court—

- | | |
|--|----------|
| 1. United States <i>v.</i> Grand Canyon Lime and Cement Co., to recover for timber trespass----- | \$40,000 |
|--|----------|

California:

In United States court—

- | | |
|---|---------|
| 1. United States <i>v.</i> Hyde, Benson, et al., to recover 11,040 acres of land patented under scrip selections----- | 110,400 |
| 2. United States <i>v.</i> English, embezzlement: Indictment: Amount of shortage----- | 15,000 |
| 3. United States <i>v.</i> Dwinell et al., conspiracy, indictment, involving 1,120 acres of timber land worth----- | 22,400 |
| 4. United States <i>v.</i> McPherrin, and seven others, indictment conspiracy, involving 3,840 acres of land worth----- | 162,000 |

In department—

- | | |
|---|-----------|
| 1. United States <i>v.</i> H. H. Yard et al., 200,000 acres of heavily timbered lands covered by placer location in Forest Reserve----- | 5,000,000 |
| 2. United States <i>v.</i> Golden and Darby, heavily timbered lands covered by placer mining location----- | 80,000 |
| 3. Thirty-two timber trespass cases, involving----- | 100,000 |

Colorado:

In United States court—

- | | |
|---|-----------|
| 1. United States <i>v.</i> Juanita Coal and Coke Co., to recover 2,800 acres of coal lands, value \$300 per acre----- | 840,000 |
| 2. United States <i>v.</i> Utah Fuel Co., to recover 5,000 acres of coal lands valued at \$300 per acre----- | 1,500,000 |
| 3. United States <i>v.</i> New Mexico Lumber Co., to recover 8,640 acres of best timber in Colorado, value \$50 per acre----- | 432,000 |
| 4. United States <i>v.</i> Barnes et al., timber trespass----- | 50,000 |

In department—

- | | |
|---|-----------|
| 1. One group of coal entries----- | 1,600,000 |
| 2. One group of timber-land entries----- | 860,000 |
| 3. One group of lieu land selections----- | 3,000,000 |
| 4. Case of lands----- | 2,000,000 |
| 5. One group of coal entries----- | 1,200,000 |
| 6. One group of coal entries----- | 1,280,000 |
| 7. One group of coal claims----- | 1,000,000 |
| 8. One group of coal claims----- | 750,000 |
| 9. One group of agricultural entries on coal lands----- | 4,000,000 |
| 10. One group of timber and stone entries----- | 440,000 |
| 11. One group of timber and stone entries----- | 200,000 |
| 12. Six timber trespass cases----- | 535,000 |
| 13. Two cases of coal trespass, at \$1 per ton----- | 3,500,000 |

Michigan:

In department—

- | | |
|--|--------|
| 1. One group of coal timber entries of 5,400 acres, value \$10 per acre----- | 54,000 |
| 2. Fifteen timber entries----- | 6,000 |
| 3. Two timber trespass cases----- | 27,000 |

Minnesota:

In department—

- | | |
|---|---------|
| 1. Fourteen timber trespass cases----- | 112,117 |
| 2. Indian reservation lands, erroneously classed swamp, timber value----- | 350,000 |

Montana:

In United States court—

- | | |
|---|--------|
| 1. United States <i>v.</i> B. F. Howard et al., to recover value of timber lands entered under the mining laws----- | 40,000 |
| 2. United States <i>v.</i> Anaconda Copper Co., timber trespass----- | 64,934 |

In department—

- | | |
|---|-----------|
| 1. United States <i>v.</i> McCune et al., trespass of 720 thousand cords of wood, stumpage value----- | 360,000 |
| 2. Eighty tracts of coal land entered under the timber and stone act, actual value, \$100 per acre----- | 1,280,000 |

Montana—Continued.

In department—Continued.

3. One lot 4,000 acres agricultural land, worth \$25 per acre, acquired under the desert-land act.....	\$100,000
4. One case involving lands worth.....	100,000
5. Timber trespass in Missoula district, stumpage.....	500,000
6. One railroad and lumber-timber trespass, Missoula district.....	500,000
7. Timber trespass case, Billings district.....	50,000
8. Land conspiracy, lands, at \$5 per acre.....	100,000
9. United States <i>v.</i> Libbey Placer Mining Co., timber lands held under mining locations.....	250,000

Nebraska:

In department—

1. Conspiracy of 4,000 acres desert land, value \$5 per acre.....	20,000
2. A case of 800 acres coal lands acquired by nonmineral entry.....	80,000
3. A conspiracy case (18,000 acres).....	90,000

Nevada:

In United States court—

1. United States <i>v.</i> Central Pacific Ry. Co. and Southern Pacific Ry. Co., 4 suits to recover mineral lands, lands have proved value in many operating mines of over.....	25,000,000
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In department—

1. Rhyolite Township lands, group of lands held under mining locations.....	375,000
2. United States <i>v.</i> Central Pacific Ry. Co., to recover about 300 acres of mineral lands erroneously acquired under its grant; a very conservative commercial value is.....	15,000,000

New Mexico:

In United States court—

1. Suits to recover 560 acres of coal lands.....	56,000
2. United States <i>v.</i> Coolidge et al., 640 acres of highly improved, irrigated, agricultural lands, present value over \$100 per acre.....	64,000

In department—

1. Group of 1,120 acres of coal lands worth \$50 per acre.....	56,000
2. Four hundred and eighty acres in coal entries, \$100 per acre.....	48,000
3. A case of 12 coal entries for corporation, 1,920 acres at \$50 per acre.....	96,000
4. Group of 14 desert entries, 2,240 acres at \$2.50 per acre.....	5,600
5. On timber trespass of 70,000,000 feet; \$2 per thousand.....	140,000
6. One trespass case.....	11,050
7. Unlawful inclosure of 120,000 acres.....	-----

Oklahoma and Kansas:

In department—

1. Nine unlawful inclosures, including 307 alleged fraudulent entries of 51,720 acres; and 66,000 acres of vacant Government lands; value of entered lands.....	517,000
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Oregon:

In United States court—

1. United States <i>v.</i> Kribs et al., to recover timber lands having commercial value of.....	200,000
2. United States <i>v.</i> C. A. Smith, two suits to recover timber lands, having commercial value of.....	750,000
3. Twenty-one allied suits to cancel 47 entries of heavily timbered lands.....	235,000

In department—

1. Case involving 75 timber entries.....	200,000
2. Case involving block of pine, heavy stand, 10,000 acres.....	250,000
3. Two unlawful inclosures of over 140,000 acres vacant land.....	-----
4. One lot of coal entries on timber land in national forest.....	200,000

Utah and southern Idaho:

In United States court—

1. United States <i>v.</i> Utah Fuel Co. and Pleasant Valley Coal Co. et al., suits to recover title to over 40,000 acres of coal land, at \$200 per acre-----	\$8, 000, 000
2. Court cases to recover 22,000 acres of heavily timbered pine lands, worth about \$30 an acre-----	660, 000

In department—

1. About 20,000 acres coal lands held by nonmineral entries, worth about \$100 per acre-----	2, 000, 000
2. One case of 3,500 acres of coal lands-----	70, 000
3. Unlawful inclosure of 160,000 acres of vacant lands.	
4. About 800 nonmineral claims to lands valuable for coal, at \$50 per acre-----	6, 000, 000
5. 488 state selections pending for examination.	

Washington and northern Idaho:

In the United States court—

1. United States <i>v.</i> Flynn, to recover 160 acres of improved lands-----	8, 000
2. United States <i>v.</i> Multnomah M. and D. Co., to recover 256 acres of land-----	10, 000
3. United States <i>v.</i> Barbee, to recover 640 acres coal lands-----	64, 000
4. United States <i>v.</i> Kettenbach et al., to recover 8,481 acres of timbered lands worth about \$20 per acre-----	170, 000
5. United States <i>v.</i> Hope Lumber Co., timber trespass----	7, 000
6. United States <i>v.</i> Bunker Hill Mining Co.	

In department—

1. To recover 6,000 acres timber and fruit lands in the Colville Indian Reservation, held on mining claims---	300, 000
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Wisconsin:

1. Three timber trespass cases-----	20, 500
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Wyoming:

In United States court—

1. United States <i>v.</i> Union Pacific Ry. Co., to recover 518,614 acres of coal lands at \$300 per acre-----	1, 555, 840
2. United States <i>v.</i> Hyde, Benson et al., to recover 400 acres of agricultural land at \$10 per acre-----	4, 000

In department—

1. One timber trespass, stumpage-----	350, 000
2. One railroad timber trespass-----	45, 000
3. Four timber trespass cases, value-----	47, 432
4. 1,760 acres unlawfully acquired-----	15, 000
5. United States <i>v.</i> Dally et al., to recover 9,500 acres of coal land worth \$150 per acre-----	1, 425, 000
6. Lander coal case, to recover 2,500 acres of coal land worth \$150 per acre-----	375, 000
7. Alleged attempt to acquire 2,560 acres of coal land worth \$200 per acre, by dummy system-----	512, 000
8. Alleged attempt to acquire 2,240 acres of coal land worth \$200 per acre, by combination-----	448, 000

Southern States:

1. Ten timber trespass cases involving-----	160, 000
2. United States <i>v.</i> McKaskell Co-----	20, 000
3. Florida, 5,000 acres timber land-----	50, 000
4. Mississippi, entries-----	200, 000
5. Agricultural entry on oil lands-----	20, 000

Total----- 114, 733, 273

There are also set for trial and hearing 1,021 cases before local land offices, upon reports by special agents and forest officers, as follows: Alaska, 1; Oregon, 141; California, 84; Washington, 25; Montana, 227; Colorado, 77; Arizona, 41; Wyoming, 101; Nebraska, 37; Minnesota, 7; Michigan, 1; Wisconsin, 3; North Dakota, 39; South Dakota, 26; Arkansas, 47; Louisiana, 11; Idaho, 25; Utah, 6; Kansas, 13; Oklahoma, 6; New Mexico, 71; Alabama, 11; Florida, 10; and Mississippi, 8.

There are also pending in the Department of Justice and United States courts, upon reports by special agents, the following cases:

Timber trespass.....	161
Suits to recover lands.....	490
Unlawful fencing of public lands.....	122
Criminal cases.....	321
Total	1,094

These are all cases of merit to be tried. The old business accumulated on the dockets has been dismissed wherever facts warranted.

The system of handling court cases heretofore lacked proper check between the Department of Interior and Department of Justice. There was no automatic card or record of each case to call it, and no effective order compelling whatever additional action or investigation each case demanded. To meet this situation and clear the court dockets of cases fatally defective, and ascertain what was yet required in other cases, the Secretary and Attorney-General had appointed in each court district a committee consisting of the United States attorney, a Department of Justice inspector, and a special agent of this office. This committee took up and considered each case on the court dockets or pending for suits. Cases were found of twenty years' standing; particularly in the southern jurisdiction were found many old timber trespass cases wherein the defendants had long since disappeared. These committees recommended the dismissal of all cases wherein it was found no reasonable basis for assuming conviction or recovery could be had. As a result there was dismissed 245 criminal cases, 71 timber trespass civil cases, 18 cases to recover lands, and 4 fencing cases.

The remaining 1,094 cases will require heavy drafts upon the time and expense of our field corps. Some of these are old cases which are now found to require additional work. Although the above cases are now in the hands of the Department of Justice, our agents must attend terms of court as witnesses; and, where additional evidence is required, the United States attorneys naturally expect agents who were familiar with a case from its inception to supply whatever further information is required.

For the Attorney-General to require his own agents to secure additional information involves the loss of time and money incident to putting an investigation into new hands not familiar with the records, facts, and witnesses. Naturally we must remain with the case to the end.

Record of criminal cases from June 30, 1908, to December 1, 1908.

Indictments.	Found.	Convictions.	Fines.	Fines paid.	Imprisonments.
Timber trespass	21	7	\$729.92	\$729.92	.....
Conspiracy	15	14	19,550.00	6,550.00	6
Perjury	15	.....	.....	.....	.....
Inclosure	7	14	2,003.72	1,568.02	3
Miscellaneous.....	21	2	.....	.....	1
Totals	79	37	22,283.64	8,847.94	10

The following tabulation is a summary of the unfinished work pending December 1, 1908, and given by field divisions.

Kind of entries.	Field divisions and number of cases.													
	1. Oregon.	2. California and Nevada.	3. Washington and north Idaho.	4. Montana.	5. Colorado.	6. Arizona.	7. Wyoming.	8. Minn., Mich., Wis., North and S. Dak.	9. Mo., La., and Ark.	10. Utah.	11. Oklahoma and Kansas.	12. New Mexico.	13. Florida, Alabama, and Mississippi.	
Homestead ..	640	741	667	984	2,038	88	1,035	1,168	882	292	737	760	898	10,930
Desert.....	33	62	29	1,211	846	8	146	98	183	183	64	64	64	2,680
Mineral.....	6	128	77	106	2,472	192	7	1	3	66	5	45	45	3,108
T. and stone..	285	69	307	287	558	.....	236	395	145	121	2	1	274	2,680
Coal.....	24	.....	54	4	705	1	72	4	.....	53	.....	9	.....	926
Selects.....	40	63	45	133	1	4	193	2,786	.....	488	.....	3	.....	3,756
Miscellaneous	125	174	18	142	1,151	.....	156	8	.....	24	14	.....	6	1,854
Timber trees..	122	81	56	116	105	64	50	330	500	44	35	57	782	2,342
Inclosure....	75	66	22	548	198	60	231	116	6	24	112	171	.....	1,627
Off. con. invest.	9	.....	6	.....	8	4	.....	1	1	5	7	3	.....	44
R. of W., etc.	.....	.....	.....	.....	349	20	.....	880	.....	23	84	78	.....	1,434
All other cases	22	14	32	54	10	55	.....	99	56	156	2	.....	.....	500
Criminal.....	83	11	12	20	150	.....	30	8	.....	3	14	14	.....	345
Total.....	1,462	1,409	1,325	3,605	8,621	496	2,155	5,894	1,593	1,482	1,012	1,206	1,960	32,226

The question of values above mentioned is a matter of opinion. Much of the coal is the very best in America; I have valued it at \$150, \$200, and \$300 per acre. Should the Congress conclude to separate the coal from title to the surface in disposing of lands and permit coal mining on a royalty basis of only 10 cents per ton, these lands would produce \$1,000 for 10-foot veins; this on a basis that 10 out of 18 tons are actually mined. Many of these lands in the States run from 15 to 25 feet in high-grade, workable coal; in exceptional cases, fields carry coal measuring 30 and 40 feet in thickness. In Alaska there are pending coal entries upon coal measures as high as 60 feet thick clear coal in one vein.

The question of timber values varies according to market and locality. In the Smith cases, there are lands with three to ten million feet to the quarter, worth on the stump \$2 to \$6 per 1,000 feet, or over \$200 an acre. East of the Cascades, the timber runs much lighter, and the good timber land fraudulently acquired several years ago has from one to three million feet a quarter section, generally, and is worth about \$4 per thousand, or about \$50 per acre. None of these lands are culls. Later entries are generally of less value.

As to the value of mineral lands in Nevada, the estimate of fifteen and twenty-five million dollars of demonstrated values is based on careful field examination by competent mining agents. The New York Engineering and Mining Journal has estimated these lands at \$100,000,000. This refers to the particular lands already examined.

This is a summary of the work performed and the task ahead of us, given in such detail as the state of work will permit, and intended

to show the value of the services being performed by the special agents of the General Land Office.

This letter lays considerable emphasis upon the money value of the public domain and its natural resources. Important as is this feature of our work, it is second to that of preserving for home builders the lands fit for homes and aiding to the fullest extent every settler in his effort to establish himself upon the public domain. I recall the positive instructions of yourself and Secretary Garfield to many of our new agents that, although agents were to use every endeavor to prevent land frauds and crimes, they must always keep in mind that their principal task is to speedily reach and investigate the complaints involving settlement rights, to the end that the honest settler be not harassed or delayed. To that end, as before stated, we have, after investigation, clear listed over 13,000 cases since July, 1907.

That work of itself has justified the wisdom of Congress in increasing the appropriation under this head. It is my experience that, with hardly an exception, your agents have followed instructions, and have given the settler a favorable report wherever good faith was shown and a real intent to make a home could be drawn from all the circumstances of the case. On the other hand, they have uniformly reported the facts as they found them, or understood them, without fear or favor—conscious of the sufficient support of their superior officers. Some of the agents, new to the work, may have made errors of judgment; and in any case where complaint is made that the agent's findings are not warranted, or that his actions are not proper, independent investigation is made, or a hearing is had, to the end that no injustice be done either to the entryman or the agent.

In addition to the regular work of advancing the settlement of the public domain, it will be seen from the foregoing summary that through the arm of your field force, officers and employees, you are charged with the duty of recovering over one hundred million dollars' worth of the people's property, alleged to have been illegally or fraudulently acquired by private individuals and corporations. The last Congress raised the fund for this work from \$250,000 to \$500,000. Some of the larger cases cover lands patented years ago, and our knowledge or information of fraud is but recent. We are really in a race with the statute of limitations in many large matters. A most cursory knowledge of the necessity of immediate action—action before the statute of limitations intervenes and witnesses die or memory clouds—show the inadequacy of \$500,000 per annum to recover a hundred million in jeopardy. It is my hope that the present Congress will give us a million dollars for this work. We will return it tenfold in recoveries of national resources now held unlawfully by private parties.

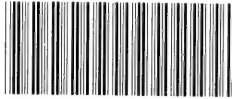
Respectfully,

(Signed) H. H. SCHWARTZ,
Chief of the Field Service.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.



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