VOICES FROM CALIFORNIA.

THE PUBLIC LANDS FOR HOMESTEADS.

[From the San Francisco *Daily Call*, of January 4, 1866.]

Movement of Settlers in Opposition to School Land Warrant Speculators.

MOUNTAIN VIEW, SANTA CLARA CO., December 30th, 1865.

"Pursuant to adjournment, a meeting of the settlers on the public lands of the United States was held on the 30th instant, at Mountain View, Santa Clara County. After addresses by settlers of this county and delegates from other counties, the following preamble and resolutions were adopted:

"WHEREAS, The Federal Government, in order to advance the settlement of its land, has wisely granted to its citizens who desire to acquire for themselves permanent homesteads, the privilege of entering upon and acquiring the title to the same; and

"WHEREAS, We are honestly endeavoring, by virtue of the pre-emption and homestead laws of the United Stares, to avail ourselves of the privileges thus granted us as American citizens; and

"WHEREAS, *Both American and foreign capitalists*, by means of State legislation, and especially by virtue of State School Land Warrants, are wrongfully endeavoring to deprive us not only of those privileges, but also of the very homesteads which we have created for ourselves and families; and as they are now about to petition our Legislature to memoralize Congress to enact laws for their special benefit; now, therefore,

"*Resolved*, By us, citizens of the United States and the State of California, and residents of the counties of Santa Clara and San Mateo, assembled at Mountain View; that we deem it the duty of the Legislature of our State to refuse to legislate in any degree in favor of capitalists, who seek to monopolize the lands of our country, and appropriate to themselves the home of the pre-emptor and laboring man; and, furthermore, that all legal enactments should incline toward those who in good faith have settled upon and are yet settling upon and improving the extensive domain of our glorious Republic.

"*Resolved*, That we deem it the duty of our State Legislature to refuse to memoralize Congress to enact laws favoring those who are endeavoring, by virtue of the so-called School Land Warrants of this State, to hold large tracts of public land to the exclusion of the actual settler thereon; and,

"WHEREAS, Former Legislatures of our State have enacted laws, yet in force and in conflict both with the Constitution and Laws of the United States, by virtue of which actual settlers upon tbe public lands of the United States have been, and are yet, unjustly ejected therefrom by parties who have *seized upon and enclosed extensive tracts of such lands in direct* violation of the laws of the United States; now, therefore, most respectfully,

Resolved, That we deem it the duty of our present loyal Legislature to *immediately repeal* all such laws."

[Editorial remarks from the *Weekly Solano Herald*, January 19, 1866.]

Public Lands.

"The subject of public lands is deservedly engrossing much of the attention of the Legislature; but it is a noteworthy fact, that none of the resolutions offered therein relating to these lands, and none of the measures proposed meet the approval of the actual settlers thereon, while reports are rife that stupendous schemes of self-aggrandizement are covered by some if not all the measures contemplated. A bill appropriating three thousand dollars to pay the Surveyor General to go to Washington to secure the recognition of State selections of public lands made by locating school-land warrants thereon, has already passed one branch of the Legislature, and the uncontradicted statement of the legislative correspondent of a San Francisco paper, that the Surveyor General 'owns more of the public lands than any other man in the State, and has regular agents for the purchase of school land warrants, which he locates in combination with other parties, with whom he makes contracts to locate warrants on shares,' together with whisperings to the same effect from another quarter, furnish grounds for suspecting if not believing that this measure at least has more relation to the private advantage of the Surveyor General and his friends, than it has to the public good."

[From the San Francisco *Daily Morning Call*, January 4, 1866.]

A Trip to Washington.

"An act to facilitate the adjustment of the differences between the United States and the State, in relation to the several grants of land made by Congress, and to protect the purchasers of the State in their titles, came up on its passage, and provided for sending the Surveyor General to Washington to adjust our land matters. It will be remembered that the Governor stated in his message, that he deemed the project of sending an agent to Washington unnecessary. *The modest amount of three thousand* dollars was asked for, to bear the expenses of the Surveyor General, but the House could'nt see it, and struck out the three thousand dollar clause, and made the bill the special order for Friday next."

[From the *Daily Alta California*, March 26, 1866.]

Leave of Absence for State Officers.

"A few weeks since a proposition was under consideration in the Legislature to send Surveyor General Houghton on a special commission to Washington, to represent the claims of the State in regard to the title of land warrants. The law makers thought that the money paid for his mission would be wasted, and so the proposition was killed. * * * * When the Legislature refused to send Mr. Houghton to Washington, they showed that they did not need his services there; if he wishes to go for his private purposes, he can resign his office, and nobody will complain."

[From the *Weekly Solano Herald*, January 5, 1866.]

Land Grabbers in Council—The Other Side.

"SCHOOL LAND ASSOCIATION.—Our attention has been called to the following proceedings: A meeting of persons interested in the subject of School Land Selections was held at Dashaway Hall, San Francisco, on the 12th day of December, 1865, in pursuance of a call previously published, at which resolutions were adopted, as follows:

"*Resolved*, That we do hereby organize an Association for the purpose of aiding, by all honorable means at our command, in the procurement of the passage of such acts of Congress of the United States as may be requisite to render effectual the laws of the State of California, providing for the selection and sale of the public lands hitherto donated to the said State for educational and other public purposes.

"That the designatory title of this Association shall be 'The California School Land Association.'

"That the officers of said Association shall be and consist of an Executive Committee, consisting of nine members of said Association, who shall of their number elect a President, Secretary, Treasurer, and such other officers as the exigencies of the Association may to them appear to require.

"That the duties of said Committee shall be to collect money, and disburse the same for the purposes above indicated, and to transact any and all business incident or pertaining to the objects for which this Association is organized.

"That all persons who are interested in entries of land under the laws of the State, who shall contribute five cents per acre on the amount of land claimed by them, shall be considered members of this Association.

"That the Legislature of the State be respectfully requested to embrace in a memorial to Congress a request that the *selection* of land hitherto made by the State under and in compliance with the various Acts of the same, whether on surveyed or unsurveyed lands, be deemed as selected at the date of such selections, and that the State in her selections aforesaid be *placed on a par with pre-emptors*.

"An Executive Committee was chosen, consisting of J. G. Bray, and S. B. Emmerson of Santa Clara, L. D. Latimer and A. W. Thompson of Sonoma, S. W. Holliday and A. B. Bates of San Francisco, N. Coombs of Napa, A. McPherson of Santa Cruz, and T. F. Bachelder of Solano, which organized by electing A. B. Bates President, J. T. Bachelder Vice President, J. G. Bray Treasurer, and A. W. Thompson Secretary. Fees for membership can be sent to the Treasurer, per Wells, Fargo & Co.'s Express."

[EDITORIAL REMARKS ON THE ABOVE.]

"We are not sufficiently familiar with land matters and the laws relating thereto, to know whether there be or be not a 'cat in the meal-tub;' but it has been suggested to us that the movement on foot, including the memorial and bill offered in the Legislature, (prepared in the Surveyor General's office,) if successful will have the effect of depriving numerous settlers of homes and the result of several years of hard labor. We call the attention of all settlers on public lands unsurveyed at the time of their selection, to the last resolution published above, and ask them to consider the effect of such a law upon them. Are there not numberless instances of settlers locating upon public lands (selected in large bodies under the State law, but the selection rejected by the U. S. Land Com-

missioner) who would be ousted by a law confirming those selections? The subject is one of vast importance to the *settlers*, *and they should see to it* that no *schemes* of the land grabbers succeed through their supineness."

In the *Sacramento Union* of January 6, 1866, will be found a report of the discussions in the General Assembly, on the project of the land grabbers to send a State agent, the State Surveyor General, to Washington to lobby through some law for their benefit. The project did not receive the approval of the Legislature.

The whole scheme was then and there exploded, but is now renewed at Washington City.

[Extracts from a communication to the *Sacramento Weekly Union*, of February 3, 1866.]

An Able Discussion of the Whole Case.

"MESSRS. EDITORS: For fifteen years the State of California has been selling and otherwise disposing of the lands within her limits.

"In attempting to sell lands donated by Congress, before they had been surveyed by the United States, segregated from the public domain and patented, or at least 'listed over' to the State, we have violated the compact by which we were admitted into the Union, filled our statutes with enactments for the disposal of the public lands, which enactments are in many essential particulars in direct and positive violation of the Acts of Congress on the same subject, disregarded and set at naught the rules of the United States Land Office, deceived our own people into purchasing what the State at the time had no authority to sell, and instigated conflict and litigation by attempting to give title to land without regard to the fact that pre-emptors may have rights to it under the United States Laws. The act of Congress of September 9, 1850, admitting California as a State into the Union, among other provisions, says: 'The said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.'

"The first Act passed by the State was May 3, 1852, which provided for the issuance of school land warrants and the disposal of the five hundred thousand acres granted to the State for purposes of internal improvement. These lands were granted by Congress upon the express condition that the proceeds of their sale should 'be faithfully applied to objects of internal improvement within the State aforesaid—namely: roads, railways, bridges, canals and improvement of water courses and drainage of swamps.' Our Constitution, Art. IX., Sec. 2, diverts the proceeds of the sales of the lands to educational purposes. While the beneficial effect of this diversion will hardly be disputed, it never appears to have been approved by Congress, except impliedly, by admitting the State into the Union with the Constitution containing this clause. It is hardly possible that the diversion of the proceeds of the sales of the lands would have been the cause of difficulty in obtaining the title; but the act of Congress making the donation of the five hundred thousand acres says that the State may select them 'at any time after the lands of the United States in said State have been surveyed according to existing laws.' The circular of the General Land Office on the same subject says, 'The selections must be based upon the official township plats of the public surveys, which are required to be approved by the Surveyor General and on file in the local Land Office for thirty days prior to the time of filing the selection * * *; no State selection is admissible upon any land to which a pre-emption or other valid claim shall be legally established.' The State, in her act of May 3, 1852, for selling school land warrants and making the purchasers the agents of the State in locating these lands, has no regard to the act of Congress making the donation, or to the circular of the Land Office, but says they may be located 'upon any vacant and unappropriated lands belonging to the United States, within the State of California.' No attention was required to be paid as to whether these lands had been surveyed by the United States, the maps returned to the local Land Office, and that they had remained there thirty days, within which time pre-emptors under the United States law could file their declaratory statements; but Section 4 of the State act flippantly disposes of the whole subject by saying, 'Lands thus located (by school land warrants) shall be run off by a line north and south and east and west, and shall be sufficiently designated by lines and distances, corners or posts, as the case may be, and an entry made thereof in the office of the Clerk of the County Court of the county in which such lands shall be located.' The act of Congress and rules of the Land Office are wiped out with a legislative flourish and executive wave of the hand that would do credit to Mr. Podsnap in disposing of the balance of the world outside of the British empire.

16TH AND 36TH SCHOOL SECTIONS.

"Under the act of Congress of March 3, 1853, 'to provide for the survey of the public lands in California, the granting of pre-emption rights thereon and for other purposes,' the State of California, after the survey by the United States, becomes the owner of every sixteenth aud thirty-sixth section or their equivalent; that is to say, one eighteenth of the whole State (mineral lands included—see Section 6 of the act of Congress, March 3, 1853) is given for the support of public schools. There have been several acts passed by the State for the sale of these lands. The last one is the act of April 27, 1863, Section 4 of which says: 'Whenever any resident of this State desires to purchase any portion of a sixteenth or thirty-sixth section of any township in this State, or lands in lieu thereof, if the lands sought to be purchased have not been surveyed by authority of the United States he shall file in the office of the County Surveyor of the county in which said lands are situate an application for a survey,' etc. This act, as will be seen, contemplates the sale of these lands before they have been surveyed by the United States. While the act of Congress making the donation seems to be full and absolute, making use of the words 'which shall be and are hereby granted,' yet in this as in most other grants of land by Congress, there is a reservation in favor of the pre-emptor under the United States law. Section 7 of the act of Congress donating the sixteenth and thirty-sixth sections reads: 'That where any settlement, by the erection of a dwelling-house or the cultivation of any portion of the land, shall be made on the sixteenth or thirty-sixth sections before the same shall be surveyed, or where such sections may be reserved for public uses or taken by private claims, other lands shall be selected by the proper authorities of the State in lieu thereof.' When the State attempts to sell these lands before they have been surveyed by the United States, the maps returned to the Land Office and remained on file the legal time for pre-emptors to file their declaratory statements, she is taking the people's money in violation of the act of Congress, and laying the foundatlon of lawsuits and contentions among her own citizens, with the certainty that those who purchased her title would, if they were in conflict with a pre-emptor, be ultimately ousted.

"The various laws for the sale of lands by the State before they had been surveyed by the United States created so many conflicts between claimants under State locations and pre-emptors under United States laws, that on the 1st of April, 1864, the Legislature passed an act to suspend the issue of patents to lands that had not been surveyed by the General Government, except swamp and overflowed, and marsh and tide lands. This was wholesome legislation, so far as it extends, but the State should not sell lands and take the people's money if she is so doubtful of her own title that she withholds her patent.

"It would seem that if the State had any title by virtue of any act of Congress to any lands, it would be to the swamp and overflowed lands. The act of Congress of September 28, 1850, gives to the State 'the whole of those swamp and overflowed lands made unfit thereby for cultivation.' The State commenced the sale of these lands under an act passed April 28, 1855, and has continued to sell them under various laws up to the present time. These lands have not been surveyed and sold by the State in accordance with the land system of the United States. The surveys are made by the County Surveyors to suit the fancy of the applicant, provided only that the applicant is limited as to quantity, and where the land is on the bank of a river he cannot have more than a half mile front. The Supreme Court of this State has made various decisions as to the validity of the State title to these lands. In Owens *vs.* Jackson (9 Cal., 324) and Summers *vs.* Dickinson, (9 Cal., 556,) the court says: 'This State has a right to dispose of the swamp and overflowed lands granted to her by Congress prior to the issuing of a patent from the United States, so as to convey to the patentee a present title as against a trespasser. The language of the act of Congress conveyed to the State a present *prima facie* right.' Yet the act of Congress making the donation, in the third section, instructing the Secretary of the Interior how these lands shall be conveyed to the State, has these words: 'In making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.' The use of the words 'lists and plats' and 'legal subdivisions' all refer to lands after they have been surveyed by the United States. Taking the whole act together, it would seem that the evident intention of Congress was to give the State the swamp and overflowed lands, but that the title could not pass until there had been a survey and segregation according to the system of the United States. All the instructions of the General Land-Office are based on this view.

STATE SUPREME COURT DECISIONS.

"The Supreme Court of our State by its various decisions attempted to give validity to our laws for the disposal of the public lands from the time they were passed up to the October term in 1863, when was rendered the decision of Kyle *vs.* Tubbs. Here, for the

first time, the court begins to doubt the propriety of the State attempting to sell lands before she has a title. One of the questions involved in the case was as to the right of the patentee under a State swamp land patent as against a pre-emptor under the United States law. The court say: 'The State of California has by its legislation attempted to sell and convey these lands in advance of any segregation thereof, or the issuing of certified lists or patents by the National Government, attempting by *exparte* proceedings, and often without any or very insufficient proof, to determine, without any concert of action with the National Government, what lands she is entitled to under the act of Congress. The act of Congress of September 28, 1850, provides that the patent from the United States to the State shall vest the fee simple to said lands in the State; and it may perhaps be doubtful whether any title vests in the State until such patent is issued. Even if the holder of the State patent should recover the possession under his patent, if the defendant should afterwards establish his pre-emption claim and procure a title from the United States, he could then undoubtedly recover back the land with the intermediate rents and profits.

"The forgoing references to a few of the State laws serve to show that our whole system for the disposal of the public lands is wrong, that we are violating the acts of Congress and vainly trying to go counter to the whole land system of the United States, and that we deceive our people when we profess to give title to other than marsh and tide lands. The many other State acts, which have not been referred to, for the sale of lands, are equally defective, because they profess to sell lands to which the State has not yet a title, and seek to do so by systems and processes not known to the United States law. California has been a State for nearly sixteen years, and thus far the patent has yet to be received for the first acre of all the immense donations by Congress, while the Central Pacific Railroad obtains a patent for its grant within six months from the time of application. This is not because the railroad's agents are more industrious than those of the State, but because the railroad attempted no sale until the land was surveyed and 'listed over;' because the railroad, on its application, interfered with no pre-emption, homestead or other claimant, under any United States law; because the railroad did not seek to avoid or set aside the rules and routine of the Land Department—which have worn such deep ruts of custom that an act of Congress will hardly obliterate them—and because the railroad followed these ruts in all their details and in each particular.

"Within the passed few days it has been announced by telegraph that a patent has been issued to the State for twenty-five thousand acres of land by the Commissioner of the General Land Offiee. The United States surveys having been extended over the supposed petroleum lands in Humboldt county, the maps having been returned approved, and remained on file ninety days in the Humboldt United States District Land Office for pre-emptors and homestead claimants to file their applications, the persons interested in these lands located, as agents of the State, school land warrants upon such of them as were not claimed under any United States law. They then procured from the Register and Receiver a certificate that there was no claim under any United States law on any of these lands thus selected by the agents of the State. The list of lands thus selected and thus certified were forwarded to the Secretary of the Interior, with a request that a patent be issued to the State. The patent succeeds the request, as a matter of course, because the law and the rules and routine of the General Land Office have been followed.

"HOW MAY THE STATE OBTAIN THE TITLE TO THE LANDS DONATED TO HER?

"There is no trouble and no difficulty in obtaining title to all of the lands donated, except to those sold by the State, which have been reserved under any United States law, and those to which United States pre-emption and homestead rights have attached. But these are of the very class of lands to which the State most desires to perfect her title. The men owing State swamp land patents and school land locations on lands where there are claimants under the United States pre-emption laws, are those who, session after session, besiege the Legislature to pass memorials to Congress and to send Commissioners to Washington—not those who have no conflict. Is it not time we should look this difficulty square in the face, and admit what we know to be true, that the State will never obtain a patent for an acre of land as against a pre-emptor or homestead claimant under lhe laws of the United States. The policy of the pre-emption laws of the United States originated more than fifty years since, and rights under it have been gradually extended and enlarged in their application. The object was to induce the laboring man to go into the wilderness with his wife and children, to build a cabin and cultivate the soil, and when he has done this, the law guarantees him rights which no State, no corporation or other power can divest him of, except by 'due process of Law;' he is preferred; every other and all others are postponed; the laws all favor him and guard his rights; the rules of the Land Department look first to his interests, and the Courts favor him, to the exclusion of all others. It has been

doubted if Congress could take from him his right, once acquired, and in cases which have arisen, the Supreme Court of the United States have invariably decided, not that Congress has not this power, but that Congress could not have intended to exercise it. In the case of the United States *vs.* Fitzgerald (15 Peters), they say: 'No reservation or appropriation of a tract of land can be made after a citizen has acquired a right to it under a pre-emption law.' The pre-emptor's right may not be consummated and still the law comes to his relief. In the often quoted case of Lythe *vs.* the State of Arkansas (9 Howard), the United States Supreme Court say: 'The claim of pre-emption is not that shadowy right which by some it is considered to be. Until sanctioned by the law, it has no existence as a substantive right; but when covered by the law, it becomes a legal right, subject to be defeated only by a failure to perform the conditions annexed to it. It is founded in an enlightened public policy, rendered necessary by the enterprise of our citizens. The adventurous pioneer, who is found in advance of our settlements, encounters many hardships, and, not unfrequently, dangers from savage incursions. He is generally poor, and it is fit that his enterprise should be rewarded by the privilege of purchasing the favorite spot, not to exceed one hundred and sixty acres.' He has peculiar privileges, which appertain only to him in his right as a pre-emptor. In the opinion of the Attorney General of the United States, July 29, 1848, it is said: 'A patent may properly issue to pre-emptors, notwithstanding others to ordinary purchasers may have been issued for the same land, and remain outstanding.' The Legislature may 'instruct our Senators and request our Representatives,' by resolutions and memorials and by sending Commissioners to aid them; and in obedience they may try to pass an act to give lands to State purchasers on which there are pre-emption rights, but the effort will fail. The General Land Office will oppose it, the Senators and Representatives from the Western States—where the system of the United States has been adopted in the disposal of the public lands—will oppose it, and should it possibly become a law, the Supreme Court of the United States, in obedience to its own repeated decisions, will declare that Congress could not have intended to interfere with the rights of a pre-emptor. To obtain the lands donated by Congress to the State, the Legislature has but to pass an act of a few words, instructing the State Surveyor General or some other person to procure from the several United States Distaict Land Offices in this State, a list of the land surveyed by the United States, and claimed by the State, on which there is no adverse claim under any United States law. These lists, certified by the Register and Receiver, if sent or forwarded to the Secretary of the Interior, with the request from the Governor, that the lands contained in them be 'listed over' to the State as a part of the State's claim, and that a patent be issued for them, the result will be that as early as these certified lists can be compared with the maps and plats in the General Land Office, the Register and Receiver of each Land Office will be instructed to enter in their books these lands as having been listed to the State, and in due time the patent will be received. As rapidly as other lands in the State are surveyed by the United States additional applications in the same manner can be made, and with the same result, until the State has her full quota. The State will obtain all the lands she claims as soon as she asks for them, except lands sold or reserved under any United States law and lands on which a pre-emption right has accrued or homestead right attached, and these were never granted to her."

THE FOREGOING VIEWS INDORSED.

For a similar review of the State's policy, reference is made to the articles of "*Vindex*," written from Stockton, January 21st and 23d, 1865, to the *San Francisco Daily Bulletin*. We quote two or three sentences to give a taste of their quality:

"STOCKTON, January 21, 1865.

"EDITOR BULLETIN—In your issue of the 16th instant I find an article relative to the 'Settlement of Title to State Lands,' and also a copy of an act introduced into Cougress by Representative Cole. * * * In my opinion, every matter of differenee would have been settled long ago, if it had not been for the unwise legislation of California."

Which the writer proceeds to review, and admits:

"It is only in cases where the State has attempted to do what she had no right to do, that there is any trouble with the Department at Washington. Let California make her selections of land according to the laws of the United States, and she will have no trouble in getting a patent."

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[*From* 12*th Annual Report of the State Superintendent of Public Instruction.*]

SCHOOL LANDS AND THE SCHOOL FUND.

"On the 3d of May, 1852, an act was passed (by the State Legislature) providing for their sale." * * * *

"Under the operation of this law, 237,760 acres were sold up to May 1, 1858, for $475,520." * * * *

"In practice, it was found that purchasers paid for these lands in depreciated scrip or comptroller's warrants. *No payments were made in cash.*"

"By the close of the year 1857, the sale of school land warrants under the act of May 3, 1852, had entirely ceased." * * * *

"An act was passed April 23, 1858, by which the lands were to be sold at $1.25 per acre; and if the purchaser preferred, he could pay down 20 per cent. of the principal and 10 per cent. interest upon the remainder, in advance. For the unpaid principal he is allowed as long a credit as he desires." * * *

"Under the operation of this law, lands to the amount of 261,197 acres have been sold, and bonds to the amount of $120,000 have been purchased, with so much of the principal as has been paid up."

THE UNIVERSITY FUND.

"This fund is a myth. Most of the lands belonging to it have been sold, and the school fund, proper, has received the proceeds and the semi-annual interest thereon."

THE 16TH AND 36TH SCHOOL SECTIONS.

"Provision was made by act of April 22, 1861, for the sale of those sections."

"Under the operation of that law, lands to the amount of 288,473 acres have been sold at $1.25 per acre. Purchasers are allowed a credit upon 80 per cent. of the principal, provided they pay regularly, in advance, interest at the rate of 10 per cent. upon said unpaid principal." * * * *

"The proceeds of the sale of the 16th and 36th sections belong exclusively to the inhabitants of the township in which they happen to lie." * * * *

"In consequence of the pittance doled out by the State for the advancement of the cause of education, our schools are free only in name."—See page 19.

[*From the Report of the State Surveyor General for* 1864—*page* 17.]

QUALITY OF CALIFORNIA SWAMP LANDS.

"By reference to the table showing the amount of this class of lands applied for during the year, it will be seen that in seasons of extreme drowth like the past it is in high favor. During the past season, crops of wheat and barley have been raised upon the swamp lands near the mouths of the Sacramento and San Joaquin rivers by persons with whom I am personally acquainted, and whose statements are entitled to full credit, and they report to me that they have raised crops of 70, 80, and in one case 100 bushels to the acre, and this, in some cases, with much less labor than is required on upland. * * * * When we add to this the fact that a larger portion of the horned stock of the central portion of the State, and many of the largest and best flocks of sheep have been driven to it for subsistence, its value may be appreciated!"

Statistics reported by the State Surveyor General, of Sales, &c., under State Land Laws—Report for 1865, *pp.* 110 *et sequens:*

Grant of 500,000 acres. Total sold 498,957 acres.

School locations applied for	439,133 acres.
Deduct relocations and abandoned	33,001 "
Under location	406,132 acres.
School locations on unsurveyed lands	65,680 acres.
Deduct abandoned	10,960 "
Swamp and overflowed lands—total acres sold	793,525 acres.
Deduct resurveys and abandoned	37,534 "
Under location	755,989 acres.

The State law of 1858, section 4, (Land Laws p. 55,) provided that "the Agent of the State shall not locate more than 320 acres, directly or indirectly, for any one person." But this law was evaded, as was said in the debate in the California Legislature in January last. The warrants have been bought up by speculators, by the bushel, and located over whole valleys of the choice lands in the State.

Under the laws of California, the State warrants, after one invalid location may be floated and located elsewhere, (see acts of 1859, Norton's Land Laws of California, pages 59 and 64, and section 19, act of 27th April, 1863, sections 18 and 19, same vol., p. 21,) or they may be surrendered, the locations abandoned, and the money that has been paid applied to other purchases of the same class of lands. (Act 27th April, 1863, as above.)

These provisions explain the above, respecting relocations and abandoned warrants.

HOW MUCH LAND IS CLAIMED!

In regard to school and swamp lands, the sales and locations are not a tithe of the entire quantity claimed. The State claims, under the school grant, over 6,000,000 acres, and her claim of swamp lands is very indefinite, but huge in its dimensions.

The State geologist, Dr. Holden, in an agricultural address at Stockton, in 1865, stated that there were about 29,000,000 acres of swamp lands in the State, a quantity greater than the area of Ohio or Indiana, and about seven times as large as Massachusetts.

This is doubtless an over estimate of the swamp land in California. Who can but doubt that a quantity so large has been granted to her fairly, that the request for a confirmation of all her claims is but a proposition to rob the United States, and to obtain that which has not been granted, and never should be granted.

So far as the school and swamp lands are concerned, the United States has a vast interest at stake in resisting these propositions from California for a confirmation of all State claims.

So far as sales by the State are concerned, her own laws now provide for all necessary and proper relief to purchasers of her warrants; and in view of the refusal of the State Legislature, in 1866, to petition for any act of Congress on the subject, would it not be proper for the Congress of the United States to withhold any action until the people of that State can be heard from and their real sentiments known. The quotations made above are a sufficient basis for that course of action.

A CITIZEN OF CALIFORNIA.

WASHINGTON, *May* 1, 1866.