

MAY

FIFTEEN CENTS

Everybody's Magazine

REVENUE FINANCIAL



THE RIDGWAY-THAYER COMPANY PUBLISHERS
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Everybody's Magazine

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Photograph by Taber, San Francisco.

FRANCIS J. HENEY.

Because of Mr. Heney's success as Attorney-General of Arizona, the President made him Assistant Attorney-General of the United States, to prosecute the land grafters of the West Coast. Though threatened with death, he has fought on and confidently expects to secure convictions.—See "The West Coast Land Grafters."

Everybody's Magazine

VOL. XII.

MAY, 1905.

No. 5.

The West Coast Land Grafters

By BAILEY MILLARD

EDITOR'S NOTE.—In 1850 Henry Miller landed in this country, a poor German butcher boy. To-day he is owner of 14,539,000 acres of the richest land in California and Oregon—more than 22,500 square miles, a territory three times as large as New Jersey! How did he get it? Well, here's a statement that shows how some other Land Kings of the West Coast got their holdings, and describes the amazing, stupefying graft in the land business of the West, and the questionable practises for which Senator Mitchell and Congressman Hermann of Oregon stand indicted to-day. Here are given details showing how the Government and the home-seekers have been plundered. The career of John A. Benson, from his start as a land surveyor, through his fraudulent titles, his false measurements, his imaginative maps, to his selling back to the Government lands stolen from it, is vividly presented. The Oregon situation, with its indicted Senator, Representatives, and United States District Attorney, is clearly described. So many prominent men have been indicted for Land Graft that to give their names would be, says Mr. Millard, "a sort of roll-call of nearly all who have secured large holdings of fertile lands in Oregon and California!" And this is only a beginning.

OUTWARDLY the real-estate man seemed honest enough, though he used all the dubious catchwords and ready-made phrases of his calling. I had been acquainted with him for a long time, but I did not know him as the agent of the land grafters, who always work in the dark.

"It's a gilt-edged proposition," said he to me. "You make five thousand dollars and it costs you nothing. Legitimate? Why, it's as legitimate as the schemes of any of the big holders. But you must keep quiet, for there will no doubt be a contest. Here's the idea."

Then he unfolded the plan, and while he talked I quietly sketched a future of purple and gold. A branch railway was to be built to the springs, and a summer resort to be established there. Close to the springs were the hundred acres, the title to which did not really vest in its claimants, the land being, in fact, free for entry. If I would go and live upon the land, the Moneyed Principals would build a cottage for me and give me a year's provisions and supplies. They would pre-

pare all the necessary papers and pay all the fees; at the end of the year they would take the land and pay me five thousand dollars for it. The hundred acres lay in a charming valley which would be a delightful place of residence.

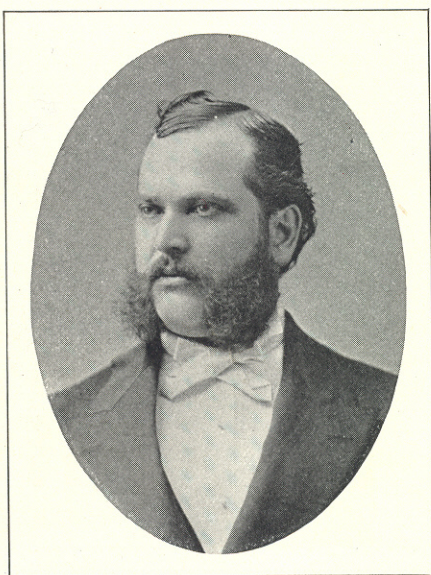
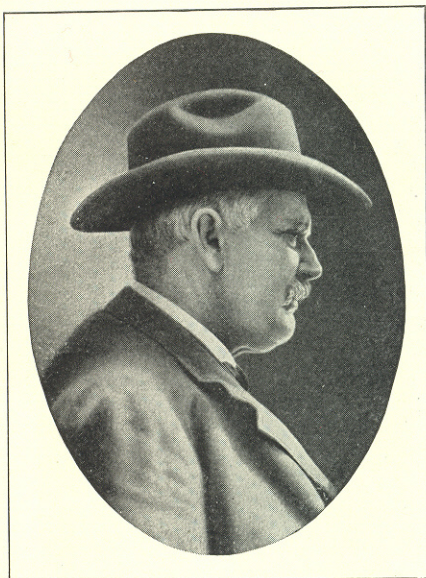
But the necessary papers—could I see any of them? Yes; here was the blank form of application and the affidavit. The application was easy; but the affidavit? I must swear that my application was made in good faith, for the purposes of actual settlement and cultivation and not for the benefit of any other person or corporation; I must swear I was not in collusion with any person to give him the benefit of the land entered; I must swear not to make any agreement with any person by which the title I might acquire should inhere in whole or in part to the benefit of any person except myself.

I gasped.

"But you want me now to agree to deed the land to your people," said I.

"Certainly," said he.

"And aside from the making of this false



JOHN A. BENSON, THE KING OF THE LAND GRAFTERS.

The first portrait shows him as he looks to-day, indicted scores of times, but never convicted: the second, taken thirty years ago, shows him as he looked when he began his career of grafting.

affidavit, I shall have to go on the stand in your anticipated contest and swear repeatedly, in reply to the questions of the lawyers, that I am in collusion with no one in this matter."

"That's about it," he owned.

"In other words, I shall have to perjure myself not only before the notary, but over and over again in court, the Lord knows how often, to earn that five thousand dollars."

"Well, you needn't put it so strongly as that."

"But that's the way I *do* put it," said I, with rising heat, "for that's the way it actually is."

"But," he insisted, "it's the regular thing. Applications and affidavits are filed every day for the benefit of men who are acquiring thousands of acres, and the most that is generally paid is one hundred dollars an entry. The reason why we are willing to pay more in this case is that the land is of high value, and we can't afford to let a common dummy act for us."

I bowed my acknowledgment of the compliment.

"It's done every day," he repeated. "They all do it. It's the regular thing. You needn't worry about it."

As he talked on, his words had a calming influence upon me. After all, who would be harmed by the transaction? Nobody but

myself; and would not the five thousand dollars be sufficient indemnity? They all did it. Was I more righteous than the rest? For a moment that strangely resilient thing, Land Conscience—that something which one neither fears nor very much regards when one is reaching forth for acres for himself or others—freed me from moral qualms. Frankly, I came near losing myself in the jungle of the man's sophistry. I will confess that the harrowing fear of those awful lawyers, with their awful questions, was the chief reason for my sad shake of the head and my reluctant refusal of the offer. If you have never tested your Land Conscience, you are not qualified to judge my momentary moral delinquency. Land Conscience is one of the most self-deceptive of human attributes.

Now, many times before I had heard of land frauds and had taken them for granted, as have other landless and incurious citizens; but when the busy, buzzing machinery of the great ring of grafters was thus vividly exposed to my view, I became subtly alive to the meaning of these things. Since then I have been making a study of the manner in which the land kings of the Pacific Coast acquired their tremendous holdings, and have been pursuing the question of land frauds generally, beginning with the manipulation of the old Spanish and Mexican grants in



Photograph by Taber, San Francisco.

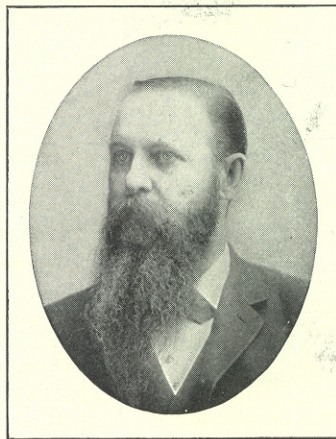
THE NEVADA BANK OF SAN FRANCISCO.

This great financial institution, the most famous and important on the Pacific Coast, stood faithfully behind Benson.

California, and looking into the homestead, school-land, timber-land and forest-reserve iniquities in that State and in Oregon. And I will say right here—and my language is plain, that such a mass of fraud you will find nowhere else on earth. And it is all based upon that insinuating, self-serving, and wonderfully elastic thing which I call Land Conscience. Land Conscience is common enough. A man who would not dream of taking money from his employer's till, a man who, as a juror, would spurn a bribe, a man recognized as a person of probity, is as likely to be possessed of a smooth, easy-going, self-deceptive Land Conscience as the gentleman who goes forth o' nights with a jimmy.

When the sense of honor of a United States Senator, two Representatives, a Commissioner of the General Land Office, a United States District Attorney, a half-dozen Surveyors-General, and other high Federal officials, will not restrain such persons from permitting

themselves to be enlisted on the side of graft—one can see that this Land Conscience may be lulled as by a Circean song. The enmeshing in the legal net, by indictment after indictment, of Senator John H. Mitchell, Representatives Binger Hermann and John N. Williamson, and United States District Attorney John H. Hall, on charges of conspiracy against the Government to gain possession of hundreds of thousands of acres of valuable land in Oregon, though it may be more conspicuous and more arrestive of the public sense than other affairs of the kind, is merely incidental to the great campaign of Graft in West Coast land affairs.



SENATOR J. H. MITCHELL, OF OREGON.

Now under indictment for conspiracy to defraud the Government.

Farther on I shall have something more specific to say of the Oregon land frauds; but in writing of this gigantic Pacific Coast villainy I wish to begin nearer to the beginning. What one finds of land fraud in Oregon to-day was made possible by the success of the grafters in other parts of the country, and

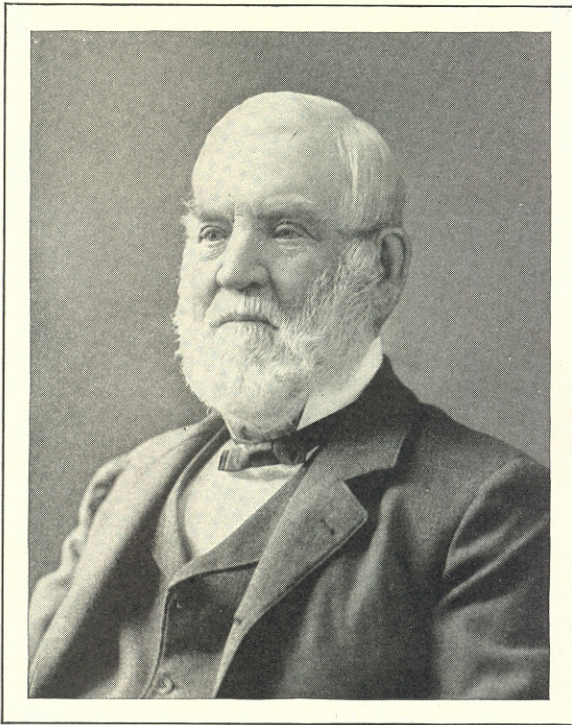
particularly in California. Francis J. Heney, the same intrepid spirit who represents the Government in its avenging course in Oregon, has worked to as fine purpose in California. Heney is a bright, clear-headed young man, formerly Attorney-General of Arizona, who came to the front as a shrewd, able handler of big law cases in California. When, after listening to many complaints of land iniquities in the West, President Roosevelt determined to strike at the root of Land Graft in California, he appointed Heney as an assistant to the Attorney-General of the United States to prosecute the offenders. At once he began to storm and escalate what had seemed the impregnable position of the grafters. He has measured steel with many a mailed warrior of Graft. He has put to rout

his superb battling, Heney's life has been in danger; but he has valiantly fought on and has gloriously won.

The most picturesque and puzzling of all these land frauds is that shown in some cases in the Federal courts in California and in the Appellate courts, where it is likely to drag along for years. These are the cases of John A. Benson, Frederick A. Hyde, Henry P. Diamond, and others, held for conspiracy to defraud the Government in the matter of forest-reserve lands. Now the jobberies of the land ring, of which Benson and Hyde are the leaders, have been conducted in such a wholesale manner and with such sublime assurance as even to touch the comic. While that particular phase of the frauds which relates to the forest-reserve lands is new, the schemes of the grafters had their origin away back in the seventies, when John A. Benson, long known in California as the arch-conspirator in the Coast land swindles, began his operations.

As an extreme type of the American opportunist, against whom the pale-faced transcendentalist aims his anti-utilitarian shafts in vain, Benson is a character well worth studying. His experience illustrates the fact that where a forceful man—a man of initiative and genius for fraud—goes in to make millions in the land business, he finds the tools ready to his hand. Benson is a heavy, paunchy man of the Ben Butler type, with a full face, gray, scanty hair, and a mild eye that looks straight at you. He was born in Jefferson County, N. Y., fifty-eight years ago, and graduated from Warren College, Ill. At twenty-one he was elected surveyor of Keokuk County, Ia., and held the position for five years. Then he went to California and first taught school there, but soon gave up pedagogy to enter the Government service as deputy surveyor.

It was while working about the Coast with transit and pole that the poor young surveyor saw the possibilities of rolling up a large fortune that awaited the touch of the cunning hand of Graft. After a little study he became versed in the history of the land frauds in California. In the course of that study he saw how José Limantour, in collusion with a



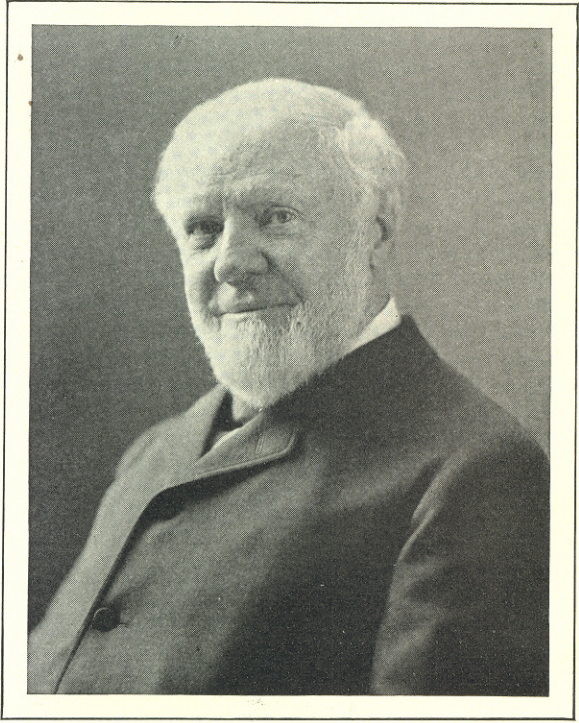
Photograph by Taber, San Francisco.

JESSE D. CARR.

He has strung a hundred miles of barbed wire around land belonging to the United States.

the boodling host; but there is still a redoubt in which a band of the iniquitous ones has taken its stand and fights stubbornly, using the ugliest of weapons—for example, enlisting women on its side to besmirch the character of its assailant. At many a stage of

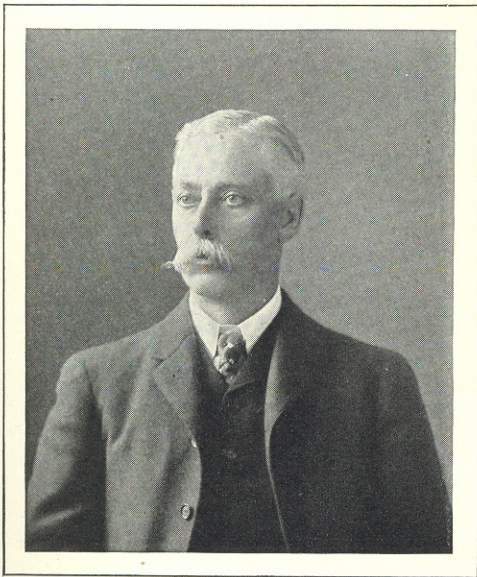
former Mexican Governor of California, had easily stolen a million acres. He saw how old grants had been stretched to include three times their original territory. He saw how the Mariposa grant, originally in the form of a plain quadrangle, was "floated" miles and miles out of its first boundaries, to take in valuable outlying mines, until it had assumed the form of a boot. He saw how one grant, a square, inoffensive-looking affair on the map, had stretched forth legs and antennæ here and there, until it looked for all the world like a huge tarantula. He saw how the Los Megaños tract, in Contra Costa County, had been repeatedly stretched until twenty-five square leagues of land had been claimed when only three could be located by proper metes and bounds. He learned how, in measuring the grant-lands, the surveyors of the old days would take a riata of a certain length instead of a chain and stretch it and their Land Conscience as far as they could, and then drive the stakes anywhere.



Photograph by Taber, San Francisco.

LLOYD TEVIS.

This benevolently smiling old gentleman put miles of fence around public land that was not his.



Photograph by Taber, San Francisco.

FREDERICK A. HYDE.

His operations in taking up whole townships by means of dummy entrymen attracted Benson's attention, and they became partners in land grafting.

He saw that although no one man could legally acquire more than 1,120 acres under any combination of the public-land acts, yet, as a matter of fact, single individuals and companies owned vast tracts which a few years before were in the hands of the Government.

All these things John Benson saw; and he determined to profit by the understanding. He resigned as deputy surveyor and mapped out a magnificent plan of action, which comprehended the obtaining of large contracts for the surveying of Government lands, the employment of men to act as his deputies in the field, the securing of allies and confederates in the local land offices and those of the various surveyors-general, and even of reaching over to Washington and enlisting men in the General Land Office to help him to millions.

There had been defrauders of the land department before—robber-bees that had buzzed about and belted themselves with golden rings—but Benson, with his far-seeing eye, visualized a system beside which all the

schemes in this line looked like petty larcenies. For, after all, the operations of the whisky ring, of the Star Route swindlers, of the Belknap frauds, have been as nothing to those of the land grafters of California and Oregon.

Benson was a man of hypnotic power. It was not long before a nod of his head or a wave of his hand meant more in the land offices than many a ream-long petition, with ever so many signers. He made a close study of the land laws. He knew what he could do and what he could not do. During all his gigantic operations in the West for the past twenty-four years, in which over five million acres have been tied up as the result of his pernicious activities, he has never really been within the grip of the law until now. He has from the first known the brutal power of money, and he has safely counted upon it. He has had, behind him, through good and evil report, one of the most solid financial institutions in the West—the Nevada Bank of San Francisco.

As we have seen, Benson's word was mighty in the land office. He was able to have all his field-men appointed as deputy-surveyors without their knowledge. He took contracts in their names and had them sign—in blank—bonds, contracts, powers of attorney, etc., of the import of which they knew nothing. Many of these unwitting deputies were mere boys, who understood little about the work in which they were supposed to be engaged. One of them, in whose name Benson took out contracts to the amount of \$50,000, confessed that he would not know a solar compass if he saw one. So readily did the officials fall in with Benson's schemes that they accepted bonds of surveyors from store clerks, mechanics, street-car conductors, and others, wholly without worldly goods. Rarely was an oath of office required. Surveyors of

seventeen or eighteen years of age were qualified.

Often for whole seasons the field-work of the Benson gang was the merest sham. In the California counties of Sonoma, Mendocino, and Monterey, township after township for which survey-plots were made and field-notes written up was never seen by the surveyor. In central Monterey County, where mile after mile of lines was supposed to have been run, not a stake was driven. Men who tried to locate land under the homestead or timber-claim acts could not find a single corner. And yet the Government accepted the surveys and paid Benson, in the name of his

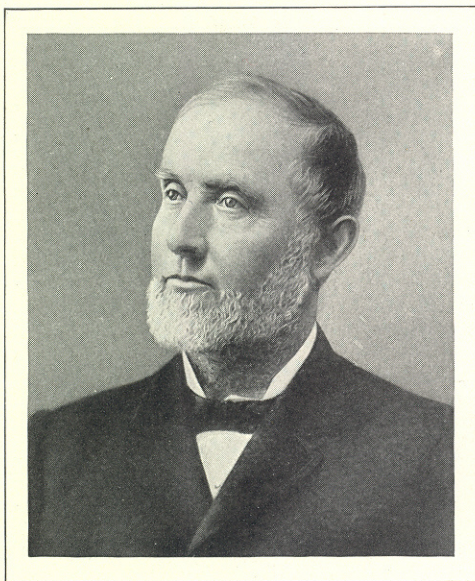
dummies, hundreds of thousands of dollars for them.

How was the fraud accomplished?

Simply by "faking" the surveys, which were made in back offices in San Francisco by men who did not go within a hundred miles of the land. The surveyor would take a county map, which showed some of the more prominent topographical features. That would give him a field to work upon where there was no need to weary himself by dragging a jingling chain through the brush. From this map he could make up a fanciful survey-

plot on a larger scale, showing land-monuments, blazed trees, rocks, hills, and other natural objects for the prescribed metes and bounds. Often blazed trees would be put into an utterly treeless plain, and branches of streams would be made to run three to four miles out of their true course. It is a noteworthy fact that the maps of these surveys were among the finest ever sent to the surveyor-general's office. They were things of beauty, full of fine details, and so satisfactory that, at first, there was not the slightest hesitation on the part of the officials in signing warrants in payment for them.

Benson soon became a very rich man and



HENRY MILLER.

A butcher boy when he reached this country, but now owner of an area three times the size of New Jersey.

enlarged the field of his usefulness from year to year. His operations extended over Oregon, Nevada, Utah, and Arizona. It was in California, however, that he exerted his baneful activities to their utmost. It was there, too, that his voice was loudest. If he wanted twenty or more men made deputy surveyors, all he had to do was to name them, and they got the positions. In the names of ten persons, contracts amounting to \$500,000 were taken out without the request of the supposed contractors and without their consent or knowledge. Though the papers were supposed to be entered in the records, none of them discovered that these contracts were in their names until two years afterward, and in some cases not until the frauds had been exposed. So strong had Benson's influence become with the Californian land officials that whenever there was any hint of his work being investigated by a special agent from Washington, he would have that agent removed and another put in his place.

In less than five years Benson made over \$2,000,000 out of his contracts; but as he was always a free spender, he was often hard pressed for funds. In 1882 he was forced to assign, but the banks advanced money on new surveys and he went blithely on.

From reports turned in to the Commissioner of the General Land Office it became apparent that Benson and his colleagues had not done the work which they had so beautifully set forth on their maps. Special agents were set to work in a manner so secret that Benson, with all his boasted knowledge of Government land affairs, did not know what they were doing. These agents worked for two years and discovered many other things beside fraudulent surveys. They found that where the Benson gang had done real work or made a show of doing it by throwing stakes out of a moving wagon, by collusion with the surveyors-general, they were often paid from six to ten times as much as they were really entitled to for doing good work. For example, T. P. O'Reilly, a Benson dummy, contracted to survey eighteen townships in Del Norte and Siskiyou Counties, California, for \$1,800, that amount being distinctly understood and agreed upon as the limit of the Government's liability—that and no more; but what his silent principal really received for the beautiful map and the fine set of field-notes was \$12,168.39. The work had previously been estimated at the highest rate allowed by law, but Benson received nearly

seven times as much. Another contract entered into March 1, 1881, at \$3,000—this and no more—proved still more costly to the Government, the contractor receiving for his artistic map and field-notes \$30,139.40!

At last a particularly shrewd special agent, named Conrad, was sent to California. Conrad studied the stupendous scheme of fraud to such purpose that within six months he had put upon paper a full statement of the operations of the Benson gang. Before he had an opportunity to submit his report he was quietly forced to resign at the instance of Benson, the Washington end of whose machine was still in full working order. But other agents and other reports followed, and in 1886 the heavy hand of the Government reached out for John A. Benson. Both civil and criminal suits were begun—the initial steps in a prosecution in which no fewer than eighty-six indictments have been filed against Benson and his colleagues—a prosecution that has cost the Government thousands of dollars and up to the present has not deprived the shrewd surveyor of his liberty for more than brief periods of time, and, as he boasts, has not cost him so much as an hour's sleep.

Yet he must have been a badly frightened Benson when those first complaints were lodged; for when the time came for him to appear in court he was sailing over the blue Atlantic. His bondsmen put detectives on his trail and traced him to Chicago, New York, Liverpool, and London, and finally arrested him in Copenhagen. Then began a series of dilatory tactics by which he succeeded ultimately in wriggling for a time out of the clutches of the law. In 1888 he was indicted, but the first case was not tried against him until November, 1892, and on the thirteenth day of that month the jury returned a verdict of not guilty. In 1895 the last of the cases fizzled out, and from that time until his indictment in September, 1903, he has had comparative peace.

At what particular stage of his brilliant career as an opportunist Benson came to join his fortunes with Frederick A. Hyde is known only to those two eminent land grafters. The connection has always been kept secret, the two men even professing a strong hatred for each other, though their offices were connected by a private telephone-wire, safe from all curious ears; they were said to have transacted much business at night.

In personal appearance Frederick A. Hyde is the very opposite of Benson. He had been

known for years as one of the shrewdest land-experts in California. Benson had heard of some of his dazzling operations, in which he had taken up whole townships by the aid of unprincipled land officers, notaries, and dummies. The surveyor greatly admired the sagacity of Hyde and was anxious to employ it in his own behalf. The two men formed their secret partnership. Since then, Hyde has been a very valuable ally of Benson, for that gentleman had run nearly to the end of his tether in the surveys.

For a time they were content with the methods pursued by Hyde—neat and secret violations of the homestead, timber-land, and swamp-land laws by means of dummies. They connected themselves with rings of small land-grabbers all over the coast. These rings transferred vast tracts of timber and grazing-land from the Government to the private ownership of Californian Cleons who were stringing car-loads of barbed wire. Benson and Hyde, as the master minds, came in for a liberal share of the proceeds in each case. When a land king wanted to grab a new principality from the Government, they would help him in his predatory plan—always for a large consideration. In one case four dummies went before a corrupt notary and took up forty timber claims, for which the notary received \$400 in fees—\$10 for each entryman. A man would come into the office as Jones, then go out and come in as Smith, and repeat the operation ten times. Hundreds of such dummies were employed. They were, for the most part, ranch-hands, stenographers, sailors, stevedores, and colored janitors. The papers were all signed in blank and the men who did the signing rarely knew the nature of their contents. Each dummy received a small sum for his services and was satisfied. The making of final proof was a matter of little concern to the conspirators, for they had a cohort of men ready to swear they knew the land, had lived upon it for the prescribed length of time, and were locating upon it for their own and for nobody else's benefit. Some of the syndicates which grabbed kingdoms made contracts with the grafters to furnish final proofs at so much per application.

Consider for a moment the land grafter's dummy. He is a curious individual—the most servile of tools. His deeds are the most complete exemplification of the working of the Land Conscience. He is always landless and dependent, though by validly using the same

methods that he uses corruptly he might be landed and liberated. You can buy him, you can sell him; and his price is always low. Here and there, to be sure, he has been known, curiously enough, to take as his reward for a shady transaction a small piece of the land he has procured for a great land baron, and live upon it in a sort of villein socage, tending the herds of the great man before whom he bows. But nearly always he is of the Order of Transients, and his demand is for dollars.

In the early days four dummies went forth to locate land in the Sacramento Valley for Moneyed Principals. By a simple plan the years of actual residence required by law were reduced to the lowest terms. A wagon, with a few boards nailed over the top of it, was drawn over the corner-stake of four quarter-sections, all of which were taken up. The wagon served as the house which each man was required to erect by the provisions of the law. Its four corners were so placed as to cover the four corners of the land and in each corner an entryman slept as soundly as if the Land Conscience were something remote and trivial. The wagon was moved about from corner to corner, and it did not take long for the Moneyed Principals to acquire a large territory. The grafters practised many other neat little frauds. One man made his residence in a house two feet high, six feet long, and three feet wide, which he removed at will from one quarter-section to another.

But the dummy has shown more iniquitous energy in locating swamp and overflow lands than in any other way. These lands, situated in various parts of California, were sold by the State to private individuals in tracts not to exceed 320 acres to any one person, at \$1.25 per acre, provided the land should be reclaimed. But by the use of dummies one of the land kings secured over 17,000 acres, and another 31,000. It was in the reclamation business that Comedy peeped forth in the schemes of the grafters. Much of the land was in the foot-hills and mountains, where there were large vacant tracts suitable for grazing. These tracts were often glacial meadows, partly overflowed in the spring, but dry during the summer, when the cattle ranged over them. Hundreds of thousands of acres of these meadows were applied for as swamp land. The act of reclamation was charmingly simple. The Land Conscience of the dummy was appeased by the mere dragging of a hoe over the ground for twenty or thirty yards. Down in Visalia they will show

you a historic hoe that has reclaimed 30,000 acres of rich grazing-lands.

Of course, not all of the great holdings were acquired by their present owners by frauds—that is to say, by frauds that can be traced to them directly. In fact, after the agents, of whom Benson and Hyde were the most conspicuous, had, by means of their dummies, located the land and turned it over to the great cattle and wheat kings, it would be difficult to follow the frauds through their various stages and harder still to upset the title of the men who had strung the barbed wire. The king of the land does not worry about special agents and their investigations after the patent to the land has been turned over to him. His title is as good as that of the homesteader who has complied with all the requirements of the law. He is enthroned, secure.

When you have learned these things it is not difficult to understand how one hundred men in the great Sacramento Valley have come to own over 17,000,000 acres, while in the San Joaquin Valley it is no uncommon thing for one man's name to stand for 100,000 acres. This grabbing of large tracts has discouraged immigration to California more than any other single factor. A family living on a small holding in a vast plain, with hardly a house in sight, will in time become a very lonely family, indeed, and will in a few years be glad to sell out to the land king whose domain is adjacent. Thousands of small farms have in this way been acquired by the large holders at nominal prices.

It is bewildering to contemplate the tremendous tracts of a handful of men who sit in their offices in San Francisco and wield undisputed power over millions of acres. I invite you to a consideration of the Kingdom of Miller. Henry Miller came to America in 1850, a poor German butcher boy. Of his present land-holdings, only the roughest idea is to be had from the owner, as his evidence, given in court, will show. Here is a sample of his testimony:

In taking it ranch after ranch, the ranch in Santa Clara County has an extent of eight miles square; in that county it has an extent of twenty-four miles north and south and about seven to eight miles east and west. . . . In Merced County we have thirty-six miles north and south; it is not quite north and south; and then about twenty-two miles east and west. . . . The Malheur property is an extent of ninety miles northwest to southeast and about sixty miles north to south. . . . Then comes the purchase of what we call the Todhunter & Devine

property, or the Harney property, which was purchased by Mr. Singletary, Mr. Brooks, and Mr. Hayes—they were the assignees and Mr. Todhunter and Devine were the owners—that lies in Harney County, Ore., and comprises over seven-tenths of 125 miles north and south and about seventy-five miles east and west, with a good distance in between.

These are only little extracts from the main body of testimony, in which many other vast tracts were described in the same loose manner. It was shown that in all Mr. Miller owned and managed 22,717½ square miles! In Fresno County alone his holdings were 921,600 acres, while in Humboldt and Washoe Counties, Nev., they were over 3,500,000 acres, and in Harney and Grant Counties, Oregon, they were nearly 7,000,000. But think of the aggregate—22,717½ square miles or 14,539,200 acres! That is a territory as large as the four States of New Hampshire, Massachusetts, Connecticut, and Delaware! *It is three times as large as New Jersey!* It is twice as large as Belgium! It is bigger than Switzerland, it is much larger than Denmark, *it is greater than all Greece!*

Then there is the Kingdom of Haggin, a most delectable domain; the Kingdom of Tevis, the ruler of which has been called to a still greater estate; the Kingdom of Jack, which includes nearly half of Monterey County, Cal., and portions of adjacent counties. And besides these there is many another noble monarchy. Of the Kingdom of Carr it may be remarked that around it are stretched over 100 miles of barbed wire, inside of which are whole sections of Government land, which to enclose is unlawful, and over which a holder can have only a scrambling and tortious possession, as the law-books call it.

And these great kingdoms are not the land of the lean kine, but of the fat; not the land of the darnel, but of the full-headed wheat—the land of the fig, the olive, and the vine—much of it the richest, fairest land that lies under the blue arch of heaven. Think of all this vast territory! You begin to see the magnitude of the workings of the Land Conscience. But here in the domains we have looked upon is in reality only the beginning. New horizons open at every mile of the stupendous progress of the land monarchs. And what is most terribly significant is the fact that the kings are not letting go any portion of their kingdoms, but are adding to them almost daily. It is something for the landless man of the crowded tenement districts to wake up in the night and think over

very hard and long. For at the rate at which the Landed Few are reaching forth and grasping the legitimate heritage of the Landless Many, it will not be long before the land will all be wired in and the landless man's hopes of a holding will become a faded dream.

We have seen how Benson and Hyde helped many of the land kings to enter into their kingdoms, by the aid of the ever willing dummy; but we have not yet seen the end of the iniquity. It remained for the precious twain to hatch out and exploit a scheme that would have made most men balk at the beginning as before the sheer, unscalable walls of the impossible. The new plan was to obtain possession of large tracts of State school-lands and other lands through the medium of dummies, and *dispose of them on highly advantageous terms to the United States Government itself!*

Thousands of acres of the school-lands "stood on end," as the real-estate men say in the Sierras and the foot-hills. Generally they were of little value, being covered by chaparral and dotted with granite boulders. How was it possible to unload such land upon the Government? Simply by interesting its trusted officers in the plan. The Government was making forest reservations in California and indemnifying holders of land forfeited for that purpose by giving them—acre for acre—what were known as "lieu lands," to be selected by the claimant at will in any State where Government land was to be found. Benson and Hyde's long acquaintance with the local land offices and the offices in Washington placed them on terms of intimacy with the officials. This intimacy was the means of their acquiring advance information in regard to the intentions of the Department of the Interior and the Land Office at Washington. The information enabled them to influence men who would recommend to the Government the acquisition of certain tracts as forest reserves. Having established a *modus vivendi* with these men on a money basis the conspirators not only decided what land should be recommended for forest reservations, but even drew, in their own offices, the maps which subsequently went forward to the Government with the recommendations of the officials! They made the forest-reserve selections so as to include the property which they had or knew they could get. With the advantage of knowing the lands likely to be declared within a forest reserve, they went to work to secure persons

who would take up the State school-lands in those prospective reservations.

This was accomplished by buying (as the testimony before United States Commissioner Heacock showed), anybody and everybody who was willing to sell his or her name for from five to twenty dollars. Mrs. Belle Curtis, a former stenographer in Hyde's office, testified that the janitor of the office, several of his colored friends, a number of ranch-hands from Hyde's ranches and Stein, Hyde's barber, his wife, and many of their friends, were taken to Hyde's office, where they signed applications for State school-lands which they had never seen, which might be in Africa for all they knew. For signing the applications and the assignments of their rights they received from five to ten dollars. Four corrupt notaries received the applications, assignments, and affidavits in bunches of as many as forty at a time and affixed their jurats, though they knew nothing of the persons whose names were signed to the documents.

Having the title to the school-lands, the next step of the schemers was to secure the "lieu lands," which was easily done through the obliging officials. It was shown in the testimony in court that land costing Hyde and Benson \$2 an acre was disposed of to the Government for lands selling for \$3 an acre. The bribe paid to the officials was generally ten cents an acre for the lands actually selected by the Government. It was the particular mission of Henry P. Dimond to push the matters through the Land Office in Washington; but Hyde and Benson had still other agents. William E. Valk and Woodford D. Harlan, of the General Land Office at Washington, confessed that they were in the employ of the grafters and were paid by them. Money was sent in letters to Valk, to Harlan, to J. J. Barnes, and to other officials at Washington. The local land officials were "taken care of" in a still simpler manner. Greenbacks were sent in envelopes addressed to the agents of the different land offices, without any note whatsoever. These facts were all shown in court, and as the result of the untiring efforts of Attorney Heney, the Government's powerful instrument, the conspirators have been held for trial. The trial has not been held yet, however.

The attention of President Roosevelt had been called to some charges of land fraud against Binger Hermann, Representative from

Oregon. Hermann had been Commissioner of the General Land Office, and it had been charged during his tenancy of that position that he had worked in collusion with others to swindle the Government out of millions of acres of valuable timber and agricultural land in his State. In 1903 Hermann was removed from his office of commissioner, having, it is alleged, burned forty-three letter-books containing correspondence that he did not want to have looked into.

Heney went to Oregon and tried to interest John H. Hall, the United States District Attorney, in the prosecution of charges against various grafters with whom Hermann is said to have been in conspiracy, notably Henry Meldrum, formerly United States Surveyor-General, S. A. D. Puter, and others. Mr. Hall did not seem to take the proper interest in the cases. He was charged by Heney before the Federal Grand Jury with retarding the course of justice, and was removed from his office—to which Heney was immediately afterward appointed by the President. Heney secured possession of facts that not only implicated Hermann in the frauds, but soon placed three of the entire Oregon delegation at Washington under the imputation of direct complicity. The most unpleasant part of the whole history is that Hermann was able, after his removal from the General Land Office, and with the official charges of fraud still resting against him, to inspire such confidence in the breasts of the voters of Oregon as to be elected to Congress!

District Attorney Heney found that the Oregon grafters had pursued practically the same tactics as those of California, from whom they evidently copied—they had made fraudulent surveys, used dummies to hold land and turn it over to them in large tracts, and had worked the forest-reserve scheme for all it was worth.

Indictment after indictment was lodged by the Grand Jury with which Heney was working. Representative Hermann and ex-District Attorney Hall and others were indicted for fencing-in Government lands in large tracts.

On February 13th last, United States Senator Mitchell, Representatives Hermann and Williamson, State Senator Franklin, P. Mays, W. N. Jones, George Sorenson, and others, were indicted for conspiracy to defraud the Government by securing possession of 150,000 acres of land in the proposed Blue Mountain

Reserve and transiting them into timber-land scrip by reversion of title to the Government.

Senator Mitchell, law-partner of ex-Judge A. H. Tanner, and indicted with him on several counts, was accused of making his position in the Senate a sort of business office for the prosecution of Land Graft at Washington. One of the most damning pieces of evidence against him was a letter written by him to Tanner in Portland, dated Washington, February 5th, of this year, in which the Senator virtually confesses his alliance with the grafters. In this letter Mitchell tries to get Tanner to testify that the Senator's skirts are clear, and that he never had any share in the moneys received for expediting patents, or in other irregular ways; but Tanner made open confession in court of his own and Mitchell's complicity in the affair.

Many wealthy men of the West were indicted along with the Federal officers. It would be tiresome to give all the names; it would be a sort of roll-call of nearly all who have secured large holdings of fertile lands in Oregon and California. By the time the Grand Jury had adjourned, it had uncovered such a mass of fraud, nearly all of recent occurrence, as to make honest hearts sicken, and its indictments had fallen on the lowest places and the highest, and spread terror in the Kingdom of Graft.

If in the foregoing chapter of fraud the reader thinks that he has read the half or even the tenth part of the history of the land-grafters of California and Oregon, let him not deceive himself. Volumes could be written upon the Mexican-grant frauds, the railroad-grant steals, the timber-land swindles, the desert- and mineral-land grabs and other giant iniquities. I have here merely touched the ground in the high places, taking the most conspicuous examples of this greatest of all grafts. And at the bottom of it all is that cool, indifferent, easily satisfied Land Conscience, one of the most baffling elements of human nature, with which the reformer of the future will have to deal.

For something primal in man's nature, something that moves for conquest, something which sets the lust for land even above the lust for gold, makes the Land Conscience the shifty, supine thing that it is. Reformer of the future, if you would change all this, my word for it, you have your work cut out.