

FINAL REPORT OF THE PUBLIC LAND COMMISSION.

To the Senate and House of Representatives :

I have the honor to submit herewith a report of the Public Land Commission, embracing the history and a codification of the public land laws, and I desire earnestly to invite the attention of Congress to this important subject.

R. B. HAYES.

EXECUTIVE MANSION, *January 18, 1881.*

To the Senate and House of Representatives of the United States :

On the 25th of February, 1880, the Public Land Commission transmitted its preliminary report, in accordance with the act of Congress, approved March 3, 1879, making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1880. Such report was restricted to recommendations of new legislation, and concluded that branch of the duty with which this commission was charged. It embodied the aggregate labor and judgment of all its members.

A subsequent act of Congress, approved June 16, 1880 (Statutes at Large, vol. 21, p. 245), contained the following clause :

For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, and for the completion of such codification, the sum of fifteen thousand dollars, or so much thereof as may be necessary for that purpose, provided that said commission shall complete the same and make their final report on all the public lands in the United States on or before January first, eighteen hundred and eighty-one.

The official duties of Commissioners Clarence King and J. W. Powell in connection with the work of the geological survey necessitated their absence in the field during the summer months. They were consequently unable to give personal attention to the work of codification, and hence the execution of that duty was submitted by the commission to a committee consisting of J. A. Williamson, Thomas Donaldson, and A. T. Britton. The duties of Mr. Williamson, as Commissioner of the General Land Office, have prevented his continuous attention to the work of this committee; but he has generally aided the completion of the work with his experience, and has largely assisted its more immediate compilers with all the facilities within his personal or official command. An earnest expression of the obligations of the committee is tendered to the numerous gentlemen comprising his official staff, and to the able gentle-

men in private station who have in various ways advanced the arduous labors of the committee. It is to be regretted that their numbers are too large to permit of individual acknowledgment.

Mr. Thomas Donaldson undertook the compilation of a detailed history of the origin, organization, and progress of the public land system. The result of his work is embodied in the accompanying volume, entitled "The Public Domain—Its History, with Statistics." It contains thirty-three chapters, giving the origin, growth, and disposition of the public domain, tracing the several systems from their origin, and giving full statistics of operations under, and results of, the several acts for the sale and disposition of the public lands up to June 30, 1880. It is a compendium of information which it is hoped will be no less valuable to the public at large than useful to those officially interested in the subject.

Mr. A. T. Britton undertook the compilation of the public land laws. The scope and character of his work, as also that of Mr. Donaldson, were specifically outlined upon page 6 of the printed volume of the Report of the Commission transmitted to Congress by the President of the United States on the 25th February, 1880, and to provide the means to execute which the subsequent appropriation of June 16, 1880, was enacted. The result of his work is embodied in the one volume, herewith submitted, and entitled—

"United States Land Laws, General and Permanent," and the two volumes entitled—

"United States Land Laws, Local and Temporary."

The first book contains the existing legislation of Congress of a general and permanent nature concerning the disposition and survey of the public domain. The present laws have been compiled in an orderly manner, but without changing either their substance or text. Each general subject of legislation is collated in a separate chapter; but the sections are, for convenient reference, numbered consecutively throughout the volume. Under each section complete references are given to the antecedent legislation upon the same subject, and out of which said section has grown. Copious citations are also made under each section of all decisions construing the same in any manner, and embracing decisions by the Federal courts, the supreme courts of the several public-land States and Territories, the Department of Justice, the Secretary of the Interior, and the Commissioner of the General Land Office.

The other two volumes contain, in chronological order, in each State and Territory connected at any time with the public land system, the entire legislation of Congress of a local or temporary character, and upon which the land titles of such State or Territory have depended. A series of consecutive numbers has been prefixed to the laws through these two volumes, and, by proper notation of such numbers in foot-notes, each act is connected with all other acts upon the same subject. Where the same legislation runs equally through more than one State or Territory, it is published complete in one, and appropriate references are made in the other.

These volumes of local and temporary legislation contain also a digest of all Indian treaties affecting the titles to public lands; a list of all existing military reservations, with the authority therefor, and the boundaries thereof; and a copious citation of cases, wherein, by subject-matter, the leading decisions of the Federal and State courts and of the United States executive officers upon public land questions may be readily referred to.

The entire legislation is brought up to the 1st of December, 1880.

All of which is respectfully submitted.

J. A. WILLIAMSON.
THOMAS DONALDSON.
A. T. BRITTON.
J. W. POWELL.
CLARENCE KING.