

FENCE AND NO FENCE.

That fence laws have proved a costly mistake in this country, we suppose no one who takes the trouble to look into the matter will gainsay, but the existence of fences in the beginning, made the perpetuation of the costly blunder seem necessary. In France as well as several other European countries, they have no fences, and are enabled to devote the labor and capital which would otherwise lie lead in fences, to productive enterprises. And it may be successfully claimed that there is a principle of abstract injustice involved in the fence requirements under the laws of the different States. For example, the immigrant who locates a home for his wife and little ones East of the mountains, must of necessity, and when he can least afford it, invest his labor and scanty means in costly fences before he is safe to turn a furrow looking to a much needed crop; and what for? Why, simply that "stock men" are occupying the adjacent public domain with herds of cattle, horses and sheep—strictly speaking, trespassers on the public lands. Now, as to the comparative equities involved, would it not seem more just for the rich stock raiser to be required to fence (or herd) his stock away from the crop of the poor settler, than for the latter to be required under an arbitrary law to fence his crops away from the former's stock? Another view of the subject is worthy of attention here. A no fence system in vogue, stock raising and farm husbandry would become separate and distinct callings, and to the infinite benefit and improvement of both. Then the stock raiser would have his choice between herding and fencing his stock away from the farms. He can fence large ranges cheaper on an average by about 150 per cent. than can the tillers of the soil sub-divide the country into small tracts.

The injustice of a fence law is chiefly felt in localities equally adapted to cropping and stock growing. Curry County being practically a stock country, a fence law or no fence law is a matter of indifference to the people; the stock men simply fence against each other, or, their ranges might be enjoyed in common. But, since our stock raisers about all fence from choice, a no fence law might prevail here and entail no particular inconvenience upon anybody.

The press of California generally condemn Garfield's candidacy, alleging that he voted in Congress against the Chinese restriction Bill vetoed by Hayes, at every stage of its progress.

OFFICIAL ELECTION RETURNS.

Election, June 7, 1880.

[illegible]

Relinquishments and Contests Under Act of May 14, 1880.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, May 25, 1880.

TO DISTRICT LAND OFFICERS—
GENTLEMEN:

GENTLEMEN:
Appended hereto is a copy of the Act approved May 14, 1880, which changes existing laws and regulations relative to the entry of certain classes of lands.

The first section provides, "That when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry, without further action on the part of the Commissioner of the General Land Office."

This will be held to apply only to relinquishments which are filed subsequent to date of said Act, viz: May 14, 1880.

You are instructed not to accept or act upon any relinquishment, unless made before you, which has not been duly subscribed by the claimant on the back of his duplicate receipt, and acknowledged, witnessed and executed in a manner which, under the laws of the State or Territory in which the land is situated, would be sufficient as a valid transfer of real estate. In case of the loss of a duplicate receipt or declaratory statement receipt, an affidavit of such loss must accompany the written relinquishment.

When the relinquishment shall have been received and noted as above, you will hold the land embraced in the relinquished entry as subject to settlement or entry by the first legal claimant; the intent of said section as understood by me, being only to prevent delay resulting heretofore from awaiting action on such relinquishments by this office.

Section two is designed to secure to the contestant therein named, for the period of thirty days from notice of cancelation of a prior entry of the character specified, a preference right to initiate his claim to the same land. It is not intended to grant such contestant the unconditional right of final entry, and I construe the section as precluding settlement or entry by any other party during the period named.

Section three places homestead settlers on unsurveyed public lands on the same footing with pre-emption settlers under existing laws. This section protects the claim of an actual settler upon unsurveyed land provided he shall make homestead entry of the land within three months from the filing of the township plat of survey in the district land office, the same as the pre-emptor is now protected by filing his declaratory statement within the same period; and if the homestead settler shall fully comply with the law as to continuous residence and cultivation, his settlement defeats all claims intervening between its date and the date of filing his homestead application. In making final proof, his five years of residence and cultivation

will commence from date of actual settlement.

C. W. HOLCOMB,
Acting Commissioner.

AN ACT FOR THE RELIEF OF SET-
TLERS ON PUBLIC LANDS.

Be it enacted, ect., That when a pre-emption, homestead, or timber culture claimant shall file a written relinquishment of his claim in the local office, the land covered by such claim shall be open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

SEC. 2. In all cases where any person has contested, paid the land office fees, and procured the cancellation of any pre-emption, homestead, or timber culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: Provided, that said register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws.

Approved May 14, 1880.

A Heavy Undertaking.

A committee of the present Congress has prepared and presented a bill providing for the appointment by the President by and with the advice and consent of the Senate, of a commission of five persons "to investigate the alcoholic, fermented, and vinous liquor traffic and manufacture with reference to revenue and taxation, and the effect of each class of such liquors in their economic, criminal, moral and scientific aspects; in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire into the practical results of taxation and license, and of restrictive legislation for the prevention of intemperance in the several States, territories, and District of Columbia." And "the said committee shall further ascertain, as near as may be, the number of gallons of wine, beer, or distilled liquors annually consumed in different countries, especially in the United States; the number of deaths annually from alcoholism, the number and character of crimes resulting from the use of alcoholic and malt liquors, and the diseases produced by the use thereof, mental as well as physical; the number of arrests for drunkenness; the amount of pauperism produced by the use of such liquors; the amount of revenue raised by the government from liquor traffic and liquor making; the amount of tax and revenue received from such manufacturing and traffic by States and municipal governments; the amount of food transformed into alcohol; the probable retail cost of alcoholic and malt liquors consumed; the cost of caring for the insane, idiotic, criminals and paupers made such by the use of alcoholic and malt liquors; the capital employed in the manufacture of such liquors, and in the traffic thereof; quantity of such liquors imported and exported; the number persons employed in the manufacture and sale of such liquors."