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THE MILLER CASE.

We republish to-day President Cleveland's celebrated letter in the Guilford Miller case, written in April, 1887. It is of especial interest just now because the same case has lately been decided in Miller's favor, and in accordance with the President's recommendations; and because it is not only a victory for Miller, but for some two thousand other settlers, whose homes have been saved solely and purely by Mr. Cleveland's earnest and fearless stand in the matter.

The department, following railroad-favoring "precedents," had gotten in the habit of deciding almost everything that came in sight in the railroad's favor, regardless of law or justice; so this case was decided. The Attorney-General, the Commissioner of the Land Office, the Secretary of the Interior, had all decided against Miller and his home. But with unprecedented pluck he kept up the fight, and interested the attention of Mr. Cleveland himself, who practically reversed the whole of them, (though of course he had no power to do so directly,) and suggested that the case be dealt with "in such a manner as to prevent this settler from hardship and loss." So the case went back to the department, and now Mr. Vilas has decided in accordance with Mr. Cleveland's views and in Miller's favor.

As usual, Mr. Shulze was very indignant, and exploded his wrath at the time in the Oregonian, commenting upon which the EAST OREGONIAN then said:

"Mr. Shulze says that in 1880 the location of the road, and the grant along with it, of course, was 'shifted northward,' so as to cover a different territory from that claimed under the 'location' of 1872. Exactly; this company has 'shifted' their 'location' at various times and in various instances. For years they claimed, and held, and kept from settlement, one wide belt of land. Then, by means of amendments, log-rolled through Congress, thinking they could retain the first belt and secure a new one beside, they 'shifted' their location, so as to cover a new and tempting field; and even here were not content with the eighty-mile belt, nor yet the hundred-mile belt, but put their paws upon lands still outside the fifty-mile limit, claiming them as selected 'indemnity lands' and all this, remember, years and years after they had forfeited their charter, broken their contract, and were allowed to retain any lands at all only by the two generous sufferances of the American Congress, and the evasion and connivance of the railroad attorneys and agents in the Department."

"Suppose Mr. Miller had dealt as loosely, not to say dishonestly, with the government as this railroad company has done. Suppose he had 'shifted' his claim until it embraced twice what the law allowed him. Suppose instead of living upon the land he had waited five or ten years before doing anything to fulfill the requirements of the law. Suppose he had been granted additional time and had still been doubtful. Would any expenses have been made for him? Would the law have been stretched, and broken, and trampled 'completely out of sight in order to favor him and give him everything he claimed? Certainly not. Then why this distinction, this continued raving in favor of a railroad that would be denied to any settler, any citizen? It is quite time this Democratic administration was humping itself out of the old Republican ruts of favoritism to corporations."

"We are not particularly anxious now as to whether the Northern Pacific obtains all the lands it claims or not, if the matter could be at once and forever determined one way or the other."

The Oregonian, as usual, took the side of the corporation and censured the President, saying that he was "mistaken." Combatting this proposition, the EAST OREGONIAN of May 31st, 1887, said:

"Mr. Cleveland's letter in the Guilford Miller case was one of the right ring, and the people know it. More than that, it was an indictment of the Republican party for the past twenty years. It was a lash which made the Republican leaders jump and wince and scowl and writhe. It was more; it was a blow between their eyes from a very large fist, which staggered and stunned them; and they are just beginning to get on their feet."

"And when they do, they do not say

the President's ringing words, every one of which is an accusation, are wrong in theory or incorrect in principle; but—he is mistaken in the facts about Guilford Miller's residence. But this is not clear. The Oregonian claims that the records show that Miller alleged settlement on the tract in dispute in 1878, but did not make his homestead entry till December, 1884; and that in the meantime, between October, 1881, and December, 1884, he had made settlement on an adjoining tract, filed his declaratory statement for it as a pre-emption claim and commuted by paying for the same prior to filing his homestead entry for the tract in dispute. Miller, therefore, could not have resided on this tract continuously since 1878; hence his claim was fraudulent, and he could by no means gain title to the tract claimed as a homestead. Hence the President was mistaken. He opens his letter with the statement that he had 'examined with much care the questions involved.' Further on he says: 'I herewith transmit to you the papers and documents relating to the case, which were submitted to me at my request.' Hence, it is evident that he had the record all before him, and examined care fully the whole record before writing the celebrated letter. And, if it would be absurd to presume that he would thus practically overrule the Secretary of the Interior and the Attorney-General without a very careful and scrutinizing examination. And the fact that he had the industry and interest to thus examine, and the courage to thus overrule, will not be forgotten by thousands of voters—and voters of both parties. Mind that.

"But the President did not base his conclusions upon the sufficiency or insufficiency of Miller's claim. He does not anywhere assert or intimate that Miller's claim is legally perfect. All that the Oregonian claims against Miller may have been before the President when he wrote the letter, without weakening its force in the least. All that the President says about Miller's legal claim to the land is this: 'Miller claims to be a settler upon the land in question, whose possession dates from 1878. He alleges that he has made substantial improvements upon this land and cultivated the same, and it appears that he filed his claim to the same under the homestead law on the 29th day of December, 1884.' 'He does not follow the example of Republican officials, and stop here to inquire if some flaw can be found in the title of this poor settler, so as to confer a favor on some great corporation. He evidently recognizes at once the legal principle that a person cannot gain title through defects in another's title, and applies that principle to this railroad corporation, as it has not been done once before in twenty years in these matters, except by Sparks. He does not quibble about any defects in the claim of Miller, as the Oregonian claims might have done; but he goes at once to the other side of the question and begins to examine the claim which the railroad company make to see whether they have any rights. Pushing his busy technicalities and sham excuses and cunning quibbles which have so long hidden justice from American settlers, and behind which the people have been plundered of an hundred million acres of land, he stands face to face with the railroad company and says: 'What rights have you here? 'If you attempt to deny Miller's right, and deprive him of this land, you must first show that you have some right. 'What is it?' This is the President's evident idea. 'Notice, he says: 'The points in this controversy turned upon the validity and effect of the withdrawal of this land.' They did not turn upon the perfectness of Miller's conduct. He settled; he cultivated; afterward he made a claim. Then the railroad company came in and said: 'This land is ours.' Now the Oregonian would have had the land given up to the company because, it asserts, Miller's claim was defective. But no, says the President, has the company any claim? If not, what right have they to take the land as against Miller or anybody else who does claim? If they can establish a better claim than Miller's, and only in that event, can they deprive him. The President expressly bases his determination upon the fact that this land 'and much more, was found to be outside the limits.' 'But,' he continues—and the language is a dagger plunged with a strong and relentless hand into the heart of a pet 'policy' of the Republican party—but its withdrawal under our land laws was continued on the theory that it was within the limits of indemnity lands which might be selected by the company.' This is in substance saying that the whole theory of giving to railroad companies great areas of land more than was ever granted to them was wrong, fraudulent, void, and in violation of the rights of settlers. And it is the truth, clear-cut, supremely necessary to be told, momentous—the eternal truth.

All this is remembered because it is well to be remembered. There is not a settler in the West but has been befriended and protected by the President's course in this matter; not one but would be guilty of ingratitude to forget it.

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