ter oaths, to employ a clerk, messenger and stenographer, and to sit anywhere in the United States during the session and during the recess of Congress.

Any subcommittee by them appointed may exercise the same powers as the full committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. DUNHAM the managers of the conference on the part of the House.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I desire to give notice that immediately after the completion of the naval appropriation bill I shall ask the Senate to take up the Army appropriation bill.

BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia.

Mr. HARRIS. I move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL were appointed.

GEORGETOWN BARGE, DOCK, AND ELEVATOR COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

Mr. HARRIS. In the absence of the Senator who reported the bill, I move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. RIDDLEBERGER, Mr. FARWELL, and Mr. HARRIS were appointed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 7083) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes;

A bill (H. R. 7785) for the relief of attendants on the insane at Hospital for the Insane in the District of Columbia;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, District of Columbia;

A bill (H. R. 9769) to punish public drunkenness in the District of Columbia;

A bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side-track into square No. 1025 in the city of Washington; and

A bill (H. R. 10758) to amend the charter of the Capitol, North O Street and South Washington Railway Company.

The bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations was read twice by its title, and referred to the Committee on Indian Affairs.

SCRIP LOCATION.

Mr. HAMPTON. I move to reconsider the vote by which the Senate postponed indefinitely the bill (S. 1585) providing for the location of scrip issued under the acts of August 31, 1852, and June 22, 1860, with a view of having the bill recommitted to the Committee on Public Lands. Some additional evidence has been brought in that I should be very glad for the committee to have.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill will be recommitted to the Committee on Public Lands. The Chair hears no objection, and it will be so ordered.

Mr. BUTLER. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 25, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 24, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CIVIL-SERVICE REFORM.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Congress of the United States:

Pursuant to the second section of chapter 27 of the laws of 1883, entitled "An act to regulate and improve the civil service of the United States," I herewith transmit the fourth report of the United States Civil Service Commission, covering the period between the 16th day of January, 1886, and the 1st day of July, 1887.

While this report has especial reference to the operations of the commission during the period above mentioned, it contains, with its accompanying appendices, much valuable information concerning the inception of civil-service reform and its growth and progress, which can not fail to be interesting and instructive to all who desire improvement in administrative methods.

During the time covered by the report 15,852 persons were examined for admission in the classified civil service of the Government in all its branches, of whom 10,746 passed the examination and 5,106 failed. Of those who passed the examination, 2,977 were applicants for admission to the departmental service at Washington, 2,547 were examined for admission to the customs service, and 5,222 for admission to the postal service. During the same period 547 appointments were made from the eligible lists to the departmental service, 641 to the customs service, and 3,254 to the postal service.

Concerning separations from the classified service, the report only informs us of such as have occurred among employés in the public service who had been appointed from eligible lists under civil-service rules. When these rules took effect they did not apply to the persons then in the service, comprising a full complement of employés who obtained their positions independently of the new law. The commission has no record of the separations in this numerous class, and the discrepancy apparent in the report between the number of appointments made in the respective branches of the service from the lists of the commission and the small number of separations mentioned is to a great extent accounted for by vacancies of which no report was made to the commission, occurring among those who held their places without examination and certification, which vacancies were filled by appointment from the eligible lists.

In the departmental service there occurred between the 16th day of January, 1886, and the 30th day of June, 1887, among the employés appointed from the eligible lists under civil-service rules, seventeen removals, thirty-six resignations, and five deaths. This does not include fourteen separations in the grade of special examiners, four by removal, five by resignation, and five by death.

In the classified customs and postal service the number of separations among those who received absolute appointments under civil-service rules are given for the period between the 1st day of January, 1886, and the 30th day of June, 1887. It appears that such separations in the customs service for the time mentioned embraced twenty-one removals, five deaths, and eighteen resignations, and in the postal service two hundred and fifty-six removals, twenty-three deaths, and four hundred and sixty-nine resignations.

More than a year has passed since the expiration of the period covered by the report of the commission. Within the time which has thus elapsed many important changes have taken place in furtherance of a reform in our civil service. The rules and regulations governing the execution of the law upon the subject have been completely remodeled in such manner as to render the enforcement of the statute more effective and greatly increase its usefulness.

Among other things, the scope of the examinations prescribed for those who seek to enter the clas-ified service has been better defined and made more practical, the number of names to be certified from the eligible lists to the appointing officers from which a selection is made has been reduced from four to three, the maximum limitation of the age of persons seeking entrance to the classified service to forty-five years has been changed, and reasonable provision has been made for the transfer of employés from one Department to another in proper cases. A plan has also been devised providing for the examination of applicants for promotion in the service, which, when in full operation, will eliminate all chance of favoritism in the advancement of employés, by making promotion a reward of merit and faithful discharge of duty.

Until within a few weeks there was no uniform classification of employés in the different Executive Departments of the Government. As a result of this condition, in some of the Departments positions could be obtained without civil-service examination because they were not within the classification of such Department, while in other Departments an examination and certification were necessary to obtain positions of the same grade, because such positions were embraced in the classifications applicable to those Departments.

The exception of laborers, watchmen, and messengers from examination and classification gave opportunity, in the absence of any rule guarding against it, for the employment, free from civil-service restrictions, of persons under these designations who were immediately detailed to do clerical work.

All this has been obviated by the application to all the Departments of an extended and uniform classification embracing grades of employés not heretofore included, and by the adoption of a rule prohibiting the detail of laborers, watchmen, or messengers to clerical duty.

The path of civil-service reform has not at all times been pleasant nor easy. The scope and purpose of the reform have been much misapprehended; and this has not only given rise to strong opposition, but has led to its invocation by its friends to compass objects not in the least related to it. Thus partisans of the patronage system have naturally condemned it. Those who do not understand its meaning either mistrust it, or when disappointed because in its present stage it is not applied to every real or imaginary ill, accuse those charged with its enforcement with faithlessness to civil-service reform.

Its importance has frequently been underestimated; and the support of good men has thus been lost by their lack of interest in its success. Besides all these difficulties, those responsible for the administration of the Government in its executive branches have been and still are often annoyed and irritated by the disloyalty to the service and the insolence of employés who remain in place as the beneficiaries, and the relics and reminders of the vicious system of appointment which civil-service reform was intended to displace.

And yet these are but the incidents of an advance movement, which is radical and far-reaching. The people are, notwithstanding, to be congratulated upon the progress which has been made, and upon the firm, practical, and sensible foundation upon which this reform now rests.

With a continuation of the intelligent fidelity which has hitherto characterized the work of the commission, with a continuation and increase of the favor and liberality which have lately been evinced by the Congress in the proper equipment of the commission for its work, with a firm but conservative and

reasonable support of the reform by all its friends, and with the disappearance of opposition which must inevitably follow its better understanding, the execution of the civil-service law can not fail to ultimately answer the hopes in which it had its origin.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 21, 1888.

Mr. KERR. I would like to ask the chairman of the Committee on Civil Service Reform if there is any report from that commission later than 1887?

Mr. CRISP. The chairman of the committee, my colleague, Mr. CLEMENTS, is not present.

CATHOLIC CHURCH OF MACON CITY, MO.

Mr. HATCH, by unanimous consent, introduced a bill (H. R. 10967) making an appropriation to reimburse the Catholic Church of Macon City, Mo., for the use and occupation of their church building by United States troops during the late civil war; which was referred to the Committee on War Claims, and ordered to be printed.

FORT BROOKE MILITARY RESERVATION, FLORIDA.

Mr. DAVIDSON, of Florida, by unanimous consent, introduced a bill (H. R. 10968) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXTERMINATION OF "WHITE SCALE."

Mr. FELTON, by unanimous consent, introduced a joint resolution (H. Res. 204) to appropriate money for the investigation of the white scale (*Icerya purchasi*); which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MEDICAL DEPARTMENT, SIGNAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of a deficiency in the appropriations for the medical department of the Signal Service for the fiscal year 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

WELLAND CANAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, a report from the Commissioner of Navigation relative to the use of the Welland Canal.

The SPEAKER. The Chair thinks this resolution was introduced originally by the gentleman from Maine [Mr. DINGLEY]. The communication will be referred for the present to the Committee on Foreign Affairs.

PER DIEM ALLOWANCE TO WITNESSES, TERRITORIAL COURTS.

The SPEAKER also laid before the House a letter from the Acting Attorney-General, transmitting, with accompanying papers, a letter from the Secretary of the Interior in relation to per diem allowances to witnesses in United States courts in the Territories; which was referred to the Committee on Expenditures in the Department of Justice.

BRIDGE ACROSS THE MISSISSIPPI, BURLINGTON, IOWA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa.

Mr. CRISP. Mr. Speaker, this is one of a number of House bills with Senate amendments where the Senate has asked a conference with the House. In nearly all, perhaps in all but one, of these bills, which I will mention when it is reached, the amendments proposed by the Senate make no material change, and I therefore ask unanimous consent to concur in the amendments of the Senate to this bill and avoid the necessity of a conference.

The SPEAKER. Is there objection?

Mr. BURROWS. What is the bill?

Mr. CRISP. To authorize the construction of a bridge across the Mississippi River at or near Burlington.

Mr. BURROWS. I presume these are merely formal amendments of the Senate?

Mr. CRISP. Yes, sir.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS THE MISSOURI, PONCA, NEBR.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.

Mr. DORSEY. Mr. Speaker, I ask concurrence in the amendments of the Senate, which are merely formal.

There being no objection, the amendments were concurred in.

BRIDGE ACROSS THE HILLSBOROUGH RIVER, FLORIDA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida.

Mr. CRISP. I make the same request in regard to the amendments of the Senate to this bill.

The Senate amendments were concurred in.

BRIDGES ACROSS THE FLINT AND CHATTAHOOCHEE RIVERS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers.

Mr. CRISP. I ask that the House concur in the Senate amendments to this bill.

Mr. TURNER, of Georgia. I ask that the amendments be read.

The amendments of the Senate were read at length.

The SPEAKER. Is there objection to the request of the gentleman from Georgia that the House concur in the Senate amendments to this bill?

Mr. TURNER, of Georgia. I have no objection.

The Senate amendments were concurred in.

BRIDGE ACROSS THE MISSOURI NEAR PLATTSMOUTH.

The SPEAKER also laid before the House the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River at or near the city of Plattsmouth, Nebr., and for other purposes, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to non-concur in the Senate amendments to the bill, and that the conference asked for be agreed to.

There was no objection, and it was so ordered.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

The SPEAKER also laid before the House the bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew, and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There being no objection, the amendments of the Senate were agreed to.

BRIDGE ACROSS THE OOSTENAULA RIVER.

The SPEAKER also laid before the House the bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.; with the amendment of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendment.

Mr. ANDERSON, of Kansas. I would like to inquire of the gentleman from Georgia whether the amendments to these bills have been examined?

Mr. CRISP. I would state to the gentleman from Kansas that they have been examined in the RECORD, and in every case they are purely formal, except one or two, where some necessary and usual provision has been omitted, and in the bill where we have non-concurred, at the request of the gentleman near me who introduced the bill, a conference was asked.

There being no objection, the Senate amendment was concurred in.

BRIDGE ACROSS THE TENNESSEE RIVER NEAR KNOXVILLE.

The SPEAKER also laid before the House the bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS THE ST. JOHN'S RIVER, FLORIDA.

The SPEAKER also laid before the House the bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River between De Land Landing and Lake Monroe, in the State of Florida, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS THE MISSOURI RIVER AT FOREST CITY, DAK.

The SPEAKER also laid before the House the bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company, with the amendments of the Senate thereto.

Mr. GIFFORD. I ask unanimous consent that the amendments of the Senate be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER.

The SPEAKER also laid before the House the bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS TENNESSEE RIVER, ALABAMA.

The SPEAKER also laid before the House the bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER, MONTANA.

The SPEAKER also laid before the House the bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana, with the amendments of the Senate thereto.

Mr. TOOLE. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS OCMULGEE RIVER, GEORGIA.

The SPEAKER also laid before the House the bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER, DAKOTA.

The SPEAKER also laid before the House the bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County, Dakota, with the amendments of the Senate thereto.

Mr. GIFFORD. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the Senate amendments were concurred in.

BRIDGE ACROSS OCONEE RIVER.

The SPEAKER also laid before the House the bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia, with the amendment of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There was no objection, and the Senate amendment was concurred in.

BRIDGE ACROSS ALABAMA RIVER.

The SPEAKER also laid before the House the bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River, with the amendments of the Senate thereto.

Mr. CRISP. I ask unanimous consent to concur in the Senate amendments.

There was no objection, and the Senate amendments were concurred in.

LIFE-SAVING STATION.

The SPEAKER also laid before the House the bill (S. 1856) to establish a life-saving station on the Atlantic coast between the Indian River Inlet, Delaware, and Ocean City, Md., returned with House amendments disagreed to and a conference requested on the disagreeing votes of the two Houses.

The request for conference was agreed to.

The SPEAKER. This bill is ready for conference, and the Chair will appoint as managers on the part of the House the gentleman from Michigan, Mr. TARSNEY, the gentleman from Missouri, Mr. CLARDY, and the gentleman from Virginia, Mr. THOMAS H. B. BROWNE.

STATE HOMES.

The SPEAKER also laid before the House the bill (S. 2116) to provide aid to the State homes for the support of disabled soldiers and sailors of the United States, with amendments of the House non-concurred in and the request for a conference on the disagreeing votes of the two Houses.

The request was agreed to.

The SPEAKER. This bill also is ready for a conference, and the Chair will appoint as managers on the part of the House the gentleman from Illinois, Mr. TOWNSHEND, the gentleman from Pennsylvania, Mr. MAISH, and the gentleman from Nebraska, Mr. LAIRD.

CONFEREES APPOINTED.

The SPEAKER. On House bill 10347 the Chair will appoint as conferees on the part of the House the gentleman from Georgia, Mr. CRISP, the gentleman from Iowa, Mr. ANDERSON, and the gentleman from Illinois, Mr. DUNHAM.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House for reference the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

The SPEAKER. This bill will be referred to the Committee on Banking and Currency. It has once before been referred to the Committee on War Claims.

Mr. SPRINGER. It should go to the Committee on Claims.

The SPEAKER. The Chair was in doubt as to which committee to refer it.

Mr. LANHAM. I think it should go to the Committee on Banking and Currency.

The SPEAKER. If there be no objection, it will be referred to the Committee on Banking and Currency.

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills for reference:

The bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

The bill (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Kirk's Ferry, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING IN CHICAGO.

The bill (S. 3365) for the erection of a public building in the city of Chicago to be used as appraiser's warehouse and other public purposes.

Mr. LAWLER. I ask, by unanimous consent, to concur in the Senate amendment.

The SPEAKER. This is a Senate bill that comes up for reference.

Mr. LAWLER. I ask unanimous consent to consider the bill at the present time.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $200,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a public building upon the lot of ground owned by the United States of America, on the corner of Harrison and Sherman streets, in the city of Chicago, Ill., said building to be used as an appraiser's warehouse and for other Government purposes. Said building shall be constructed upon plans and specifications to be furnished by the Supervising Architect of the Treasury Department and approved by the Secretary of the Treasury, and the said building shall be protected from danger by fire by having an open space on every side of at least 40 feet, including streets and alleys: *Provided*, That no part of the sum hereby appropriated shall be expended until the State of Illinois shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. LAWLER. Mr. Speaker, this is similar to the House bill that has been passed, except that in the Senate there has been an amendment inserted so as to require a space of 40 feet all around the building. That is the only change, and we are willing to accept that amendment.

Mr. HOLMAN. Is the amount appropriated the same?

Mr. LAWLER. The amount is just the same as in the House bill. There is no change except as to the 40 feet space.

Mr. TOWNSHEND. This bill is substantially the same as the one that passed the House, and appropriates the same amount.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LAWLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAL CRIMES.

The SPEAKER also laid before the House a bill (S. 3308) amendatory of an act relating to postal crimes, and amendatory of the statutes therein mentioned, approved June 18, 1888.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that that bill be considered at this time.

Mr. WEAVER. How much time will it occupy?

Mr. BLOUNT. Only a few minutes. I desire to make a brief statement on the object of the bill.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to make a brief statement in relation to this bill, subject to the right to object.

There was no objection.

Mr. BLOUNT. Mr. Speaker, the leading object of the bill, which was passed June 18, 1888, was to prevent the abuse of the mails by persons——

Mr. WEAVER. Mr. Speaker, was the question asked by the Chair whether there was objection to the consideration of this bill?

The SPEAKER. The Chair asked whether there was objection to the gentleman from Georgia [Mr. BLOUNT] making a brief statement, subject to the right to object.

Mr. WEAVER. That is all right.

Mr. BLOUNT. The practice had obtained of writing letters to debtors stating that in the event of their not paying, they would have sent to them a letter with an advertisement on the outside of the envelope of the "Bad Debtors' Association for the collection of bad debts." The object of course was to extort payment. The act of June 18, 1888, was designed to suppress that practice, but it confined its inhibition to what appeared on the outside of the envelope. Since that time there has been devised a new plan of evading the law by the use of a transparent envelope such as the one I now hold in my hand. You can see through the envelope and read on the inside the name of the "Bad Debtors' Association," with the statement that in case the debtor does not pay this will be sent to him. The object of this bill is to prohibit this class of communications as well as those containing the advertisement on the outside of the envelope. In passing the law of June 18, 1888, Congress did not anticipate the use of a transparent envelope, but this device has been resorted to, and the object of the pending bill is to so amend the law as to prohibit this also. I now ask unanimous consent that the bill be put upon its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. OATES. I desire to ask the gentleman from Georgia whether this bill enlarges the list of unmailable matter as now regulated by law.

Mr. BLOUNT. It does, to the extent I have stated. My friend will see that this envelope is transparent, and that it contains, on the paper inside, matter which would be prohibited by the law if put on the outside.

Mr. OATES. Is that all that the bill provides?

Mr. BLOUNT. That is all there is of it.

Mr. OATES. That is right.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESEARCHES RELATING TO NORTH AMERICAN INDIANS.

The SPEAKER also laid before the House a concurrent resolution to authorize the printing of matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians; which was referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 842) granting a pension to Julia A. Rhoades;
A bill (S. 896) for the relief of Mrs. Louise Silvers;
A bill (S. 692) granting an increase of pension to Enoch G. Adams;
A bill (S. 749) granting a pension to Louise Paul;
A bill (S. 2652) granting a pension to Gustave E. Peters;
A bill (S. 2105) granting an increase of pension to Joseph Verbisky;
A bill (S. 1884) granting a pension to Louisa Provost;
A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;
A bill (S. 1716) granting a pension to Mary L. Williams;
A bill (S. 1629) granting a pension to Erastus B. Burnham; and
A bill (S. 1110) granting a pension to Mrs. Frederick Hauser.

ELECTRIC LIGHTING OF CAPITOL.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, presented a report; which was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the letter of the Supervising Architect of the Capitol, giving approximate estimates of the cost of lighting the Capitol with electricity, have had the same under consideration, and respectfully submit the following report:

Some of the committee rooms and some other rooms of the House wing of the Capitol have been lighted during this session of Congress from a plant placed in the boiler rooms by the Sawyer-Mann Electric-Light Company. This plant was placed there without any authority of the House, permission having been given by the Architect of the Capitol on the express condition that no expense should accrue to the House. Your committee are of the opinion that while the light has given general satisfaction, the House should not consider any proposal for the purchase of this plant, as it is the opinion of the committee that a contract for the lighting of the House or any part thereof should only be made after a fair chance of competition has been given to all desiring to offer proposals for the same. Your committee is further of the opinion that the approximate estimate of the Architect of the Capitol furnished to the House is not sufficiently accurate to warrant the recommendation of this committee to authorize the advertising for proposals, and therefore recommend that an expert electrician be employed, whose duty it shall be to make plans and specifications for this work, and that upon his report this committee be authorized to advertise for proposals and to submit to the House the result of such advertisements with their recommendation. It is the unanimous opinion of the committee that the lighting of the entire Capitol with electricity is desirable, and that in connection therewith a system of electric bells connecting the various committee rooms with the Clerk's desk should at the same time be established, and therefore recommend the following resolution to the consideration of the House, and ask for its adoption:

Resolved, That the Committee on Public Buildings and Grounds are hereby authorized and directed to employ an electrical engineer to make plans and specifications for the lighting of the House and the committee rooms with electricity and for a system of electric bells, and also to advertise and solicit proposals for this work, and to report as soon as practicable to the House, and that a sum not exceeding $1,000 is hereby appropriated for the payment of said engineer and for the expenses of said advertisement out of the contingent fund of the House.

Mr. LEHLBACH. I ask the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. LEHLBACH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSOCIATE JUSTICE, SUPREME COURT OF DAKOTA.

Mr. SPRINGER. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

WILLIAM M. SPRINGER,
C. B. KILGORE,
WILLIAM WARNER,
Managers on the part of the House.
JAMES F. WILSON,
W. M. EVARTS,
G. G. VEST,
Managers on the part of the Senate.

The following statement of the House conferees, submitted under the rule, was read:

The managers on the part of the House of Representatives on House bill 10573, submit the following explanation of the effect of agreeing to the conference report:

If the report is agreed to, the effect will be to increase the number of judges in Dakota from six to eight, an increase of one over the number provided in the House bill. It is the opinion of all the judges in Dakota and of the Department of Justice that this increase is absolutely required in that Territory.

WILLIAM M. SPRINGER,
C. B. KILGORE,
WM. WARNER,
Managers on the part of the House.

Mr. SPRINGER. I desire to have read as part of my remarks a letter from the Acting Attorney-General.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, June* 26, 1888.

SIR: Your letter of the 12th instant has been received, with a copy of House bill 8948 and of House Report 1341, respecting additional justices of the supreme courts of Dakota, Washington, Wyoming, Utah, Idaho, and Arizona Territories, and for other purposes.

Upon examination of the report of the committee, submitted on the 27th of March last in connection with the unofficial information which the Department has received from civil officers of those Territories, it is forced to the conclusion that the proposed increase of the number of justices in the Territories mentioned is necessary and wise legislation concerning the interests of litigants, witnesses, and attorneys in the respective Territories.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

Hon. W. M. SPRINGER,
House of Representatives.

Mr. SPRINGER. This bill applies to only one of the Territories mentioned in the letter just read. That letter from the Department of Justice recommends, as will be observed, additional justices of the supreme court for Dakota, Washington, Wyoming, Utah, Idaho, and Arizona. The committee of conference in this case has agreed to that recommendation only so far as it affects Dakota. The House has heretofore passed a bill of this character in regard to Utah; and after this measure is disposed of, I will ask unanimous consent for the consideration of the bill allowing additional justices for Wyoming and Idaho Territories. There will not then be as many as are recommended by the Department, but we hope the number will be sufficient until another session of Congress.

Mr. HOLMAN. How many judges does this bill provide for?

Mr. SPRINGER. Eight in all for Dakota, there being already six. The Committee on Territories recommended two additional judges. The gentleman from Minnesota [Mr. MACDONALD] obtained unanimous consent for the passage of a bill granting one additional judge. The Senate increased the number to two, being the number recommended by the House Committee on Territories. I move the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. SPRINGER moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WEAVER. I withdraw for the present my demand for the reg-

ular order, on condition that one gentleman on each side be recognized to ask unanimous consent.

Mr. HOLMAN. I think we had better have the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. TOWNSHEND. I ask unanimous consent that the call of committees for reports be dispensed with, and that gentlemen be permitted to file reports with the Clerk, as usual.

Mr. DUNN. I must object to that. There has not been a call of committees for some time.

Mr. HOLMAN. I called for the regular order. I withdraw the demand for the present.

Mr. DUNN. I insist on the regular order.

The SPEAKER, in accordance with the regular order, proceeded to call the committees for reports.

STEAMER SAGINAW, NEW YORK.

Mr. DUNN, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (H. R. 10904) to provide an American register for the steamer Saginaw, of New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUTHORIZING SALE OF CERTAIN MINERAL LANDS TO ALIENS.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the bill (S. 1176) to authorize the sale to aliens of certain mineral lands; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. WILLBUR.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES K. ERWIN.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 10862) for the relief of Charles K. Erwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF HENRY S. FRENCH.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (S. 82) for the relief of the legal representatives of Henry S. French; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. H. GIVENS'S HEIRS.

Mr. LAWLER also, from the Committee on War Claims, reported back with amendment the bill (H. R. 9476) for the relief of R. H. Givens's heirs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. CAMPBELL.

Mr. LAWLER also, from the Committee on War Claims, reported back favorably the bill (H. R. 10100) for the relief of Charles F. Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MADISON FEMALE INSTITUTE, KENTUCKY.

Mr. LAWLER also, from the Committee on War Claims, reported back with amendment the bill (H. R. 10383) for the relief of the Madison Female Institute, located at Richmond, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. INGHAM.

Mr. LAWLER also, from the Committee on War Claims, reported back favorably the bill (H. R. 7499) for the relief of Sarah E. Ingham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEWBURGH CENTENNIAL CELEBRATION.

Mr. RICHARDSON, from the Committee on Printing, reported back favorably Senate concurrent resolution to print report of the Newburgh (N. Y.) centennial celebration; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES GEOLOGICAL SURVEY REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably Senate concurrent resolution to print eighth and ninth annual reports of Director United States Geological Survey; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUREAU OF ETHNOLOGY REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back favorably Senate concurrent resolution to print eighth and ninth annual reports of the Director of the Bureau of Ethnology; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SURVIVING SOLDIERS OF THE MEXICAN WAR.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported back favorably joint resolution (H. Res. 160) to compensate surviving soldiers of the Mexican war, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GENERAL GEORGE ROGERS CLARK.

Mr. STAHLNECKER, from the Committee on the Library, reported back favorably the bill (S. 2967) to provide for the erection of a monument to the memory of General George Rogers Clark; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced concurrence with amendments in the amendments of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa.

It further announced the passage of the bill (H. R. 6602) for the relief of James O'Brien with amendments, in which concurrence was requested.

It further announced the passage of bills of the House of the following titles:

A bill (H. R. 1477) to subdivide the western judicial district of Louisiana;

A bill (H. R. 1648) to provide for the holding of United States courts in the city of Newark, N. J.;

A bill (H. R. 409) for the relief of Thomas W. Lord;

A bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum;

A bill (H. R. 7232) for the relief of C. E. Wilson;

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University; and

A bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa.

It further announced agreement to the request for conference on the disagreeing votes of the two Houses on the bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes, and had appointed Mr. VEST, Mr. HOAR, and Mr. WILSON, of Iowa, as managers of said conference on its part.

It further announced a request for a conference on the disagreeing votes of the two Houses on the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, and had appointed Mr. WILSON, of Iowa, Mr. EVARTS, and Mr. COKE as managers of said conference on its part.

It further announced the passage of bills of the following titles; in which concurrence was requested, namely:

A bill (S. 308) for the relief of Farin & McLean;

A bill (S. 856) to provide for the holding of the district court of the United States at Salina, Kans.;

A bill (S. 878) for the relief of the estate of Thomas Niles, deceased;

A bill (S. 1668) for the relief of A. M. Woodruff;

A bill (S. 2185) to carry out the findings of the Court of Claims in the case of Matthew S. Whitney, administrator of Franklin S. Whitney, deceased, heretofore referred to said court;

A bill (S. 2636) for the relief of Thomas L. Hoffman;

A bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts; and

A bill (S. 3159) for the relief of the Oregon Paving and Contract Company.

DETAILS OF OFFICERS OF THE ARMY AND NAVY.

The SPEAKER. The regular order is the hour for the consideration of bills, and the hour begins at ten minutes past 12 o'clock. The call rests with the Committee on Military Affairs.

Mr. TOWNSHEND. I call up for consideration the bill pending at the expiration of the last consideration hour. It is Senate bill 186, to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.

The SPEAKER. The question is on concurring in the amendment of the gentleman from Alabama [Mr. OATES].

Mr. ADAMS. I do not understand the nature of the bill or the nature of the amendment. I desire to be informed as to both.

The SPEAKER. The Chair will have the bill read.

The Clerk read as follows:

Be it enacted, etc., That section 1225 of the Revised Statutes of the United States,

as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established college or university within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required."

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby repealed, saving always, however, all acts and things done under the said amended section as heretofore existing; and this act shall take effect and be in force from and after its approval according to law.

Amend the title so as to read: "A bill to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc."

The SPEAKER *pro tempore*. The Clerk will report the pending amendment of the gentleman from Alabama.

The Clerk read as follows:

Strike out in lines 25 and 26 the words "Officers so detailed shall be governed by general rules to be prescribed from time to time by the President."

Mr. OATES. I offer that amendment, and for the reason that these words are wholly unnecessary. To require the President, who is the Commander-in-Chief of the Army, to make rules for the government of officers on these details seems to me to be entirely out of the usual course, and I hope they will be stricken out of the bill. After which I shall desire to offer another amendment.

I wish to say that a similar bill to this was before the Committee on the Judiciary, and was carefully examined and considered by them, and favorably reported with the amendments I shall propose to this bill; and with those amendments I think it is a good bill, and am in favor of it. I think it ought to pass. The other amendment I will submit in a few moments, and will state the reasons at the time of offering it.

The SPEAKER *pro tempore*. The present occupant of the chair is informed that a motion was made by the gentleman from Michigan [Mr. FORD] for the previous question upon the bill and amendments up to its engrossment and third reading.

Mr. HERBERT. I do not understand that the previous question was asked on the bill.

Mr. TOWNSHEND. Not at present. That was withdrawn.

The SPEAKER *pro tempore*. The present occupant of the chair is simply stating what the Chair is informed is the present status of the bill.

Mr. TOWNSHEND. That motion was withdrawn.

Mr. OATES addressed the Chair.

Mr. TOWNSHEND. I believe I have the floor.

Mr. OATES. I desired only to offer the other amendment to which I referred.

The SPEAKER *pro tempore*. The first question, the Chair thinks, will be upon the committee amendments.

Mr. HERBERT. I have an amendment to the committee amendments.

Mr. TOWNSHEND. I am perfectly willing to allow any gentleman who desires to offer an amendment to do so, and let it be considered as pending, and shall then demand the previous question upon the bill and amendments. As the Chair suggests, however, the first question is upon the amendments reported by the committee, and I would like to dispose of them first.

Mr. OATES. I ask the gentleman from Illinois to allow me to have read a further amendment to be also considered as pending.

Mr. TOWNSHEND. I have no objection to that.

Mr. HERBERT. The amendment I shall propose is to the amendments of the committee.

Mr. TOWNSHEND. I ask that the first amendment reported by the committee be read, and let us proceed in order with the bill.

The Clerk read as follows:

In line 9 insert the word "academy" before the word "college."

Mr. TOWNSHEND. Under the present law, and under the bill as it came to us from the Senate, academies are not included. The House committee enlarged the scope of the bill by including also academies as well as colleges.

I am opposed to that amendment. I antagonized it in committee, and am of the opinion it should not be adopted. Since this bill has been reported by the committee I have taken occasion to confer with the Secretary of War and others who understand the question much better than I do, and I am convinced this amendment should not be adopted.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment just read by the Clerk, to insert the word "academy" before the word "college."

Mr. CUTCHEON. Do I understand the chairman of the committee to state that the word "academy" is not now a part of the present law?

Mr. TOWNSHEND. It is not in the present law, but as the bill comes from the Senate it is proposed to be included by the committee. It is an amendment of the Military Committee to insert it.

Mr. CUTCHEON. I hope the word will be inserted. We have in Michigan a military academy at Orchard Lake—one of the best military schools in the country to-day. It is under the auspices of the State, and I know that they have a detail of an officer of the Army at the present time. It is not called a college, but an academy; and if the gentleman's proposition is going to affect us, in that case I should hope the amendment he suggests to strike out this word, if it is already in the bill, would not be adopted. If it is to insert the word "academy," I hope it will be accepted.

Mr. TOWNSHEND. In order to save the military academies, I would suggest to the gentleman that he might insert the word "military" before academy, and then let the word "academy" stand as it comes from the Committee on Military Affairs.

Mr. CUTCHEON. Yes, because this will affect several other schools. Maryland, for instance, has a military academy.

Mr. BREWER. And Pennsylvania.

Mr. CUTCHEON. I move to amend the bill by inserting the word "military" before the word "academy." I ask unanimous consent to amend by inserting the word "military" before "academy" and then let the word "academy" stand in line 9.

Mr. KERR. I object to giving unanimous consent to the amendment. I am opposed to it.

The SPEAKER *pro tempore*. Objection being made, the question is on the amendment to the amendment of the committee proposed by the gentleman from Michigan.

Mr. CUTCHEON. A word, Mr. Speaker——

Mr. KERR. I move as a substitute for the amendment the following, which I send to the desk.

Mr. HEARD. I rise to a point of order.

Mr. TOWNSHEND. I understand I have the floor. Now, I am willing to yield for any amendments that gentlemen desire to offer, but we have less than an hour, and I must insist that amendments, if offered, shall not occupy the time of the House in debate. This bill will be lost if we do not conclude it within an hour.

The SPEAKER *pro tempore*. The gentleman from Missouri rises to a point of order.

Mr. HEARD. If I understand the status of the case, the amendment of the gentleman from Michigan is in order. It is an amendment to an amendment pending, and does not require unanimous consent.

The SPEAKER *pro tempore*. The Chair has never stated that it required unanimous consent.

Mr. HEARD. I understand, therefore, that the gentleman has the right to offer a substitute for it.

The SPEAKER *pro tempore*. The Chair stated that it was an amendment to an amendment, and was proceeding to take the sense of the House upon it.

Mr. TOWNSHEND. To save further discussion I withdraw my amendment, and after the several amendments have been read will demand the previous question upon the bill.

Mr. KERR. Then I ask the reading of the substitute I send to the desk. I will state that it provides that the bill shall not be so construed as to authorize the removal of any instructor already detailed.

Mr. MAISH. That will not do.

Mr. TOWNSHEND. That is not affected by the present bill in any way.

Mr. KERR. I understand it is.

Mr. LAIRD. Under existing law there is allowed so much time——

The SPEAKER *pro tempore*. The Chair will state that the amendment of the gentleman from Iowa, which he suggests as a substitute, is not now in order. It will be in order later on, when the Chair will recognize the gentleman to offer it.

Mr. ROGERS. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. There is so much confusion that it is impossible to know what public business is proceeding.

The SPEAKER *pro tempore*. The House will be in order.

Mr. MAISH. I suggest to the gentleman from Michigan [Mr. CUTCHEON] to incorporate the words "institute and seminary" in his amendment, for I know there are institutions of this kind—there is one in my own State—where military tactics are taught; and therefore I make the suggestion.

Mr. CUTCHEON. I have no objection to the amendment suggested by the gentleman from Pennsylvania.

Mr. BLOUNT (to Mr. MAISH). Have you any information as to how many of these institutions are to be found in the United States?

Mr. MAISH. No, I have not.

Mr. GROSVENOR. The bill provides for sixty; fifty from the Army and ten from the Navy.

Mr. CUTCHEON. Those are all the officers that can be spared.

Mr. MAISH. It is regulated by the population of the States.

The amendment of Mr. MAISH to the amendment of Mr. CUTCHEON was agreed to.

The amendment of Mr. CUTCHEON as amended was adopted.

Mr. GROSVENOR. I ask to amend the same line by inserting the amendment which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The Clerk will read the next amendment of the committee.

The Clerk read as follows:

In line 12, after the word "Army," insert the words "or Navy."

The amendment was adopted.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Add to the first section the following:

"*Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February 26, 1879, entitled 'An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;' and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section 1260 of the Revised Statutes."

Mr. TOWNSHEND. This amendment merely makes the bill clearer, and I now demand the previous question on the adoption of the amendment.

The previous question was ordered; and under the operation thereof the amendment was adopted.

Mr. BAKER, of New York, rose.

The SPEAKER *pro tempore*. The next amendment is that offered by the gentleman from Alabama [Mr. OATES], which the Clerk will report.

The Clerk read as follows:

In lines 25 and 26 strike out the words "officers so detailed shall be governed by general rules prescribed from time to time by the President."

Mr. TOWNSHEND. I do not think that ought to be adopted. I think the power ought to be left with the Secretary of War.

Mr. OATES. The President as commander-in-chief of the Army and Navy has that power already, and striking out these words does not enlarge or diminish his power; nor does it affect the rights of the Secretary of War.

Mr. TOWNSHEND. But it relieves the President of an enormous amount of detail work that can be left to the Secretary of War.

Mr. OATES. The gentleman should understand that my amendment strikes it out. The bill requires him to do it.

Mr. TOWNSHEND. A good deal of detail work is laid on the President.

Mr. OATES. Then you should vote for this amendment, as the amendment will leave it with the Secretary of War.

Mr. TOWNSHEND. I withdraw further opposition to the amendment.

The amendment was adopted.

Mr. OATES. Then, in the first section of the bill, I do not remember the connection, I move to strike out the word "president."

The Clerk read as follows:

In lines 11 and 12, "detail an officer of the Army or Navy to act as president, superintendent, or professor thereof."

Mr. OATES. I move to strike out the word "president," for this reason: While I am in favor of this bill and in favor of detailing these officers to teach military tactics, no president of a college ever teaches military tactics, hence it is out of the line in which these officers are peculiarly skilled, and I think that should be stricken out of the bill.

Mr. TOWNSHEND. I accept that amendment.

The Clerk read the amendment, as follows:

Strike out in line 12 the word "president."

The amendment was adopted.

Mr. TOWNSHEND. I now yield to the gentleman from New York [Mr. BAKER]. He desires to offer an amendment.

Mr. BAKER, of New York. I offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "university," in line 9, insert "or any State reformatory or industrial school maintained by any State for the reformation and education of boys, when requested by the board of managers of any such reformatory or State industrial school."

Mr. TOWNSHEND. I do not accept that amendment, and I do not think it ought to be adopted.

Mr. BAKER, of New York. I desire to say a word in explanation of the necessity of the amendment, and then I am sure my friend will accept it. In the city of Rochester, for example, there is located an institution, a State industrial school, which never has less than from five to six hundred young men, who are sent there for education and reformation. They are taught trades, instructed in technology, and have military training and discipline. The board of managers have on several occasions applied to the War Department for a detail of military officers to go there and instruct these young men in military tactics, and the application has been approved by the State officers, but no such detail has ever been made, simply for lack of the authority which this amendment proposes to give.

Mr. OATES. Does not the bill give the authority without your amendment?

Mr. BAKER, of New York. Perhaps it does, but I should like to have the amendment adopted so as to make it certain.

Mr. BLAND. Mr. Speaker, I rise to oppose the amendment and the whole bill.

Mr. TOWNSHEND. I have not yielded to the gentleman from Missouri. If he is speaking in my time I wish to know how much time he desires.

Mr. BLAND. I am speaking to the amendment.

The SPEAKER *pro tempore*. The gentleman from Missouri has the right to be heard.

Mr. TOWNSHEND. I have not relinquished the floor. I simply yielded to allow the gentleman from New York to offer his amendment, but I am willing now to yield to the gentleman from Missouri, if he will state what time he desires.

Mr. BLAND. The gentleman can not control the floor in that way.

The SPEAKER *pro tempore*. The gentleman from Illinois has the right to demand the previous question.

Mr. TOWNSHEND. And I intend to do it.

Mr. BLAND. I want the gentleman either to move the previous question or else give me the floor.

Mr. TOWNSHEND. I have the floor to demand the previous question on the amendment, but if the gentleman from Missouri [Mr. BLAND] will state how much time he wants I will yield to him.

Mr. BLAND. I do not want more than five minutes.

Mr. TOWNSHEND. Time is very precious, but I am willing to yield five minutes to the gentleman from Missouri.

Mr. BLAND. I am opposed, sir, to extending the scope of this bill, and in fact I am opposed to the bill itself. I do not think that in a republic it is the proper policy to extend the military arm into civil institutions or to give any excuse or pretext for increasing the military power of the Government or widening the scope of its employment. It ought to be limited and confined, and this whole bill looks to giving opportunities and excuses for the increase of our military establishment at the expense of the civil establishment. It is out of line with republican institutions, and I hope this House will vote down every amendment that looks to increasing or in any way enlarging the powers of the military establishment.

Mr. TOWNSHEND. Now, Mr. Speaker, I hope we shall have a vote, and I call the previous question upon the amendment.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. In connection with the amendment which I offered, to insert the word "military" before the word "academy," a motion was made to insert the word "institute" or "seminary." I accepted the amendment and supposed it was voted upon as a part of my amendment, but there seems to be some doubt about it, and if there is any doubt I ask unanimous consent that it may be considered as a part of my amendment which was adopted.

The SPEAKER *pro tempore*. The Chair is advised that it was not included in the gentleman's amendment. The gentleman from Michigan [Mr. CUTCHEON] asks that the amendment indicated by him, which he supposed had been inserted before the vote was taken, may be regarded as a part of his amendment which was adopted.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. I now demand the previous question on the amendment offered by the gentleman from New York [Mr. BAKER].

The previous question was ordered.

The question was taken on agreeing to the amendment of Mr. BAKER, of New York, and there were—ayes 39, noes 42.

Mr. BAKER, of New York. No quorum.

The SPEAKER *pro tempore*. The point is made that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from New York [Mr. BAKER] and the gentleman from Illinois [Mr. TOWNSHEND].

The House proceeded to divide by tellers.

Mr. TOWNSHEND. It seems to me the gentleman from New York has not properly appreciated the courtesy I accorded to him. After moving the previous question I yielded to him for his amendment, thereby imperiling the bill; and I certainly do not think he should now insist upon a quorum.

Mr. BAKER, of New York. If my friend will only consent to the amendment——

Mr. TOWNSHEND. I have no power to do so.

Mr. BAKER, of New York. I can not resist the appeal of my friend from Illinois, and I withdraw the point of "no quorum."

The SPEAKER *pro tempore*. The point of "no quorum" being withdrawn, the noes have it, and the amendment is disagreed to.

Mr. GROSVENOR. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "university," in line 9, insert, "or State institution for the support and education of soldiers' and sailors' orphans, supported by State taxation, and containing and supporting a school equal in educational facilities with an academy or college, with an attendance of not less than five hundred."

The question being taken on agreeing to the amendment of Mr. GROSVENOR, there were—ayes 56, noes 33.

Mr. BLAND. We had better have a quorum.

Mr. BLAND and Mr. GROSVENOR were appointed tellers.

Mr. TOWNSHEND. I hope the gentleman from Ohio [Mr. GROSVENOR] will withdraw the amendment.

Mr. GROSVENOR. I hope the gentleman from Missouri [Mr. BLAND] will withdraw the demand for a quorum.

Mr. TOWNSHEND. I never knew the gentleman from Missouri to withdraw anything after offering it. [Laughter.]

The tellers took their places; and the House proceeded to divide.

Mr. TOWNSHEND (during the count by tellers). How much of the hour is left?

The SPEAKER *pro tempore* (Mr. DOCKERY). Twenty-five minutes.

The House divided; and the tellers reported—ayes 82, noes 26.

The SPEAKER *pro tempore*. The point of "no quorum" being, as the Chair understands, still insisted upon, the tellers will continue the count.

Mr. TOWNSHEND. No quorum being present, I move that there be a call of the House.

Mr. GROSVENOR. I do not desire to prevent the passage of this bill. I believe there is no more meritorious proposition in the bill than the amendment I have offered; but in order that the passage of the bill may not be imperiled, I withdraw the amendment.

Mr. TOWNSHEND. I now demand the previous question on the passage of the bill.

Mr. BLAND. Pending that, I move to lay the bill on the table.

The SPEAKER (having resumed the chair). The question is not on the passage of the bill, but on ordering it to be engrossed and read a third time.

Mr. TOWNSHEND. Then I demand the previous question on that.

The SPEAKER. The gentleman from Illinois demands the previous question on ordering the bill to be engrossed and read a third time. Pending that, the gentleman from Missouri [Mr. BLAND] moves to lay the bill on the table.

The question being taken on the motion of Mr. BLAND, there were—ayes 7, noes 76.

Mr. BLAND. No quorum.

Mr. TOWNSHEND. No quorum being developed, I move that there be a call of the House.

The motion of Mr. TOWNSHEND for a call of the House was not agreed to, there being—ayes 25, noes 62.

The SPEAKER. The gentleman from Missouri has made the point that on the question of laying the bill on the table no quorum voted. The Chair will appoint as tellers the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Missouri [Mr. BLAND].

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Is it necessary to have a quorum in order to order a call of the House?

The SPEAKER. It is not. No point has been made on that.

Mr. TOWNSHEND. Is it necessary to have a majority of the votes in order to have a call?

The SPEAKER. Of course it is.

Mr. TOWNSHEND. When the count develops the fact that no quorum is present, is it not the duty of the Chair to have a call of the House?

The SPEAKER. The Chair can not order a call; that is a matter for the House to determine.

Mr. TOWNSHEND. If no quorum is present, how can business proceed?

The SPEAKER. It can not.

Mr. TOWNSHEND. The fact has been developed that no quorum is present; and until a quorum does appear no business can be transacted.

The SPEAKER. The House may not want to transact any business.

Mr. TOWNSHEND. If it be demonstrated by a count that no quorum is present, is it in the power of the House to do any business whatever?

The SPEAKER. When a quorum has failed to appear, no business can proceed, so long as the point of no quorum is made.

Mr. TOWNSHEND. Then the question before the House is whether there shall be a call of the House to enforce the attendance of a quorum.

The SPEAKER. The point of no quorum has been made; and the House, upon a motion for a call, has decided not to order a call.

Mr. TOWNSHEND. Then no business can be transacted.

Mr. CUTCHEON. Is it in order at this stage to ask for the yeas and nays——

The SPEAKER. It is.

Mr. CUTCHEON. Upon ordering the bill to be engrossed for a third reading?

The SPEAKER. The question is upon the motion made by the gentleman from Missouri [Mr. BLAND] to lay the bill on the table. On that question no quorum voted, and thereupon the Chair appointed tellers. It is in order for the gentleman to demand the yeas and nays on that question.

Mr. CUTCHEON. I ask for the yeas and nays on the motion of the gentleman from Missouri.

The yeas and nays were refused, only 6 voting in favor thereof.

Mr. TOWNSHEND. I wish to put a parliamentary question. As the case now stands, no quorum being present, and it being impossible to transact business, there is but one thing to be done, as I understand, and that is to adjourn the House. Am I not correct?

The SPEAKER. A quorum may appear when the vote is taken by tellers.

Mr. TOWNSHEND. The vote has been taken.

The SPEAKER. It has not been taken by tellers, and when the vote is not taken by yeas and nays, and the point of no quorum is made, the business of the House proceeds as usual. But when the vote is taken by the yeas and nays and the fact no quorum is present appears, then no business can be transacted. Such vote has not yet been taken.

The Chair appoints as tellers Mr. MAISH and Mr. BLAND.

The House proceeded to vote by tellers on Mr. BLAND'S motion that the bill and amendments be laid on the table.

Mr. CUTCHEON. Mr. Speaker, if this hour expires can we go on with other business?

The SPEAKER. Unless the vote by yeas and nays discloses upon the Journal of the House the fact no quorum is present the House can continue to transact business unless the fact of no quorum is made on the floor and that stops business, as now. If this matter is dropped and another subject comes up for consideration, business can be proceeded with unless the fact there is no quorum then appears.

The House divided; and the tellers reported—ayes 15, noes 86.

The SPEAKER. No quorum has yet voted, and the hour for the consideration of bills has expired.

Mr. TOWNSHEND. The expiration of the hour does not settle the question of no quorum.

The SPEAKER. It does not, but the bill becomes unfinished business under the express rule of the House. It goes upon the Calendar as unfinished business.

Mr. TOWNSHEND. When no quorum is present how can any business be transacted?

The SPEAKER. The Chair has already decided unless no quorum appears on the call of the yeas and nays the House can proceed to transact business until the point of no quorum is made. Suppose the House proceeds——

Mr. BLAND. I withdraw the point about the absence of a quorum.

The SPEAKER. It is not necessary to withdraw it. It is not necessary to make it each time.

Mr. TOWNSHEND. I make this point, that when the House is engaged in the process of acting upon a bill in the consideration hour, the expiration of the hour does not settle the question of no quorum.

The SPEAKER. The Chair does not know what the rule is to which the gentleman refers, but when the hour devoted to the consideration of bills has expired——

Mr. TOWNSHEND. But this is outside.

The SPEAKER. It is; but the vote is not an outside proceeding; it is on the motion of the gentleman from Missouri to lay the bills and amendments upon the table.

ORDER OF BUSINESS.

Mr. SPRINGER. I move the House go into the Committee of the Whole on the state of the Union for the consideration of the unfinished business of clause 5, Rule XXIV.

The SPEAKER. The motion is not in order in that form. The House can move to resolve itself into Committee of the Whole on the state of the Union.

Mr. SPRINGER. I make that motion. I stated the other fact to give the House information of the object of going into committee.

Mr. TOWNSHEND. I ask by unanimous consent that the hour be extended in order to dispose of the bill providing for the detail of officers of the Army and Navy.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is, a quorum shall appear to dispose of that business.

FORFEITURE OF LANDS GRANTED TO HASTINGS AND DAKOTA RAILWAY COMPANY.

Mr. MACDONALD. I rise for the purpose of calling up for present consideration a privileged bill and report—the bill to forfeit the lands granted to the Hastings and Dakota Railway Company, in the State of Minnesota, and for the relief of settlers upon the same and purchasers thereof.

The SPEAKER. From what committee?

Mr. MACDONALD. From the Committee on the Public Lands.

Mr. SPRINGER. I am willing to yield for that bill.

Mr. MACDONALD. I call up for consideration the bill (H. R. 8368) to forfeit the lands granted to the Hastings and Dakota Railway Company, in the State of Minnesota, and for the relief of settlers upon the same and certain purchasers thereof, reported from the Committee on the Public Lands with amendments, and ask that they be read.

The bill was read, and is as follows:

Whereas by an act of Congress entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, there was granted to the State of Minnesota certain lands for a railroad from Hastings, in said State, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the Legislature of said State might determine, upon the express condition "that if said road was not completed within ten years from the acceptance of this grant, the said lands thereby granted, and not patented, shall revert to the United States; and

Whereas by an act of the Legislature approved March 7, 1867, the State of Minnesota accepted the aforementioned grant of lands, and by the same act transferred the same to "the Hastings, Minnesota River and Red River of the North Railroad Company, subject to the provisions thereafter contained, and of the act of Congress aforesaid;" the name of which said railroad company was thereafter duly changed to that of the "Hastings and Dakota Railway Company;" and

Whereas said Hastings and Dakota Railway Company wholly failed and neglected to build, construct, or complete said railroad through the county of McLeod, and beyond, to the western boundary of the State, for many years after the expiration of the time limited by the act of Congress aforesaid, by reason of which neglect and failure the lands so granted to said railway company reverted to the United States; and

Whereas in consequence of the aforementioned failure of the said Hastings and Dakota Railway Company to construct or complete said railroad within the time so limited and specified in said act of Congress, said granted lands, pertaining to that part of said railroad that was not completed in time, reverted to the United States, and became, and was generally believed to be, subject to settlement and entry under the land laws of the United States, and much of it was, in good faith, settled upon by many settlers, who have ever since remained upon said lands, and have made valuable improvements thereon; and others have, in good faith, purchased portions of the same from said railway company; and

Whereas said Hastings and Dakota Railway Company has (in consequence of its having sold and disposed of its said railroad and everything appertaining thereto, except its right to said lands) been, by the supreme court of said State of Minnesota, adjudged and decreed to have forfeited its charter, and to be dissolved; and the same has ceased to exist, except that for a few months longer it is permitted to close up its affairs and dispose of such property as it may have: Therefore,

Be it enacted, etc., That all the said lands granted to the State of Minnesota by said act of Congress entitled "An act making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, for a railroad in said State from Hastings through the counties of Dakota, Scott, Carver, and McLeod, to a point on the western boundary of the State, and transferred to the said Hastings and Dakota Railway Company, as hereinbefore stated, except so much thereof as are adjacent to and coterminous with so much of said railroad as was constructed and completed within the period fixed by the said act of Congress for the completion of the whole road, and the right of way through the remainder of the route, with all the necessary grounds now used by said railroad for station buildings, shops, depots, switches, side-tracks, turn-tables, and all lands which were, prior to January 1, 1888, included within the platted limits of any village, town, or city be, and the same are hereby, declared to be, and are, forfeited to the United States, and restored to the public domain, because of the failure of the said Hastings and Dakota Railway Company to perform the conditions upon which said grant of lands was made to it: *Provided*, That the title to said lands sold by said company to bona fide purchasers, prior to January 1, 1888, and which were not, at the time of such sale, in the actual possession of some person other than the purchaser, is hereby confirmed to such purchasers from said company, and the persons holding through or under them.

SEC. 2. That all actual bona fide settlers upon any of the lands declared forfeited by this act, who settled upon the same as public land, and with the purpose and intention of acquiring title thereto, under the laws of the United States relating to public lands, are hereby confirmed in their rights as such settlers, and permitted and authorized to acquire title to the same (not exceeding 160 acres in any one case) as a homestead, under and pursuant to the laws relating thereto; and, in making proof of such homestead, he shall be allowed for the time that he has already resided upon and improved the same.

The amendments of the committee were read, as follows:

Insert, before the word "except," in line 12 of section 1, the words "and not patented;" also insert, after the words "possession of," in line 29 of section 1, the words "and claimed by."

[Mr. MACDONALD withholds his remarks for revision. See APPENDIX.]

The amendments of the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask to submit a privileged report.

Mr. SPRINGER. I renew my motion——

The SPEAKER. Pending the motion of the gentleman from Illinois the gentleman from Indiana states that he rises to submit a privileged report. The gentleman will state what it is.

Mr. HOLMAN. A report from the Committee on the Public Lands. I am directed by the committee to report back the following Senate bill with amendments for present consideration.

Mr. SPRINGER. And I raise the question of consideration.

Mr. HOLMAN. I hope the title will be read.

The Clerk read as follows:

A bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Mr. SPRINGER. I desire to ask unanimous consent that five minutes be allowed on each side to explain this question of consideration as between these two bills, the Oklahoma bill, which I have called up, and the bill now reported by the gentleman from Indiana.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. ROGERS. I rise to a parliamentary inquiry. I do not understand what two bills are struggling for consideration.

The SPEAKER. That is just what the gentleman desires to state. Is there objection?

Mr. HOOKER. What is the bill under consideration?

The SPEAKER. There is no bill under consideration. The gentleman from Indiana has reported a Senate bill with amendments, the title of which has been read. The gentleman from Illinois moves that the House proceed to consider the Oklahoma bill in Committee of the Whole, and asks permission that five minutes be allowed on each side for a statement as to the merits of the two bills; to which no objection was made.

Mr. SPRINGER. Mr. Speaker, the bill under consideration just reported by the gentleman from Indiana will be explained more at length by him in his time, but it relates to what is known as No Man's Land, or the Public Land Strip west of the Indian Territory and north of the Panhandle of Texas. The proposition is to create a land office there and allow lands to be acquired under the homestead laws of the United States, and also to extend the statutes of the United States over that strip. I believe that is correct.

Mr. ROGERS. Where is the land office to be located?

Mr. SPRINGER. The gentleman from Indiana can answer.

Mr. HOLMAN. In the strip.

Mr. SPRINGER. Within the strip itself; what portion of it, I do not know. The United States jurisdiction which will be extended over the strip is to be exercised by the United States courts in Kansas.

The bill which I desire to call up is the bill to provide for the organization of the territory of Oklahoma. If this bill should pass, it would provide for the organization of that territory; it would provide for land offices within the territory, not only for No Man's Land, but all the Indian Territory west of the five civilized tribes after the territory is organized, and also extend the laws of the United States over the whole region. It would apply the homestead laws to the taking of land in the strip; and would allow them a civil local government. It embraces, therefore, all that the other bill embodies.

Mr. PAYSON. Will the gentleman permit an inquiry?

Mr. SPRINGER. Well, I have but a moment.

Mr. PAYSON. Suppose the Oklahoma bill should not pass, then what condition does it leave the Public Land Strip in?

Mr. SPRINGER. I am glad the gentleman asked the question. The people in the Public Land Strip are to-day asking for bread. It is as easy for us to give them bread as a stone. The gentleman from Indiana proposes to give them a stone, for he thinks it is easier to give them a stone than it is to give them bread. It is as easy to pass an act organizing the Territory of Oklahoma as to pass a bill providing for the disposition of the lands in the limits of No Man's Land and providing no local government by which there can be security to person and property after they go there. The bill for the organization of the Territory gives to the people their local government and extends over them the laws of the United States and all rights under the homestead laws.

Mr. PAYSON. Allow me one other question. If the bill proposed by the gentleman from Indiana should pass, then does it interfere with the passage of the Oklahoma bill?

Mr. SPRINGER. It does to this extent. You will authorize men to say to the country we allowed them to enter their lands and take possession there, but they have no government. If the Oklahoma bill passes there is no use under the sun for the passage of the other bill. It is the fifth wheel to the wagon; and it is brought here to antagonize the present passage of the bill that will afford real relief.

It will be utterly unnecessary and nugatory if the Oklahoma bill is passed. The Oklahoma bill is in the interest of all the people, because they have no law there which will protect them in their person and property; and this bill only extends to them the jurisdiction of the courts of Kansas. Gentlemen know that the laws of the United States do not furnish any protection under the criminal code which would be enforced in the Territory. It has the national laws, and they have no effect to protect property. I reserve the remainder of my time.

The SPEAKER. The gentleman has two minutes remaining.

Mr. HOLMAN. I hope the House will understand the point exactly.

Mr. PAYSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Owing to the confusion in the House, it is impossible to hear the statements gentlemen are making.

The SPEAKER. Gentlemen will cease talking on the floor, or, if they desire to continue conversation, will retire to the cloak-room.

Mr. HOLMAN. I hope the House will get at the real point at issue between these two bills. You have fifteen thousand people settled on this Public Land Strip without any form of government whatever. There is no opportunity of obtaining entries of land or any other civil rights whatever. The Senate has passed a bill providing for the creation of that strip into a land district, to survey the land and dispose of it; and the amendment proposed by the Committee on Public Lands provides that these lands shall be disposed of only under the homestead law. The Senate bill proposed to annex this strip of land to Kansas for judicial purposes.

Mr. SPRINGER. For what judicial purposes?

Mr. HOLMAN. For Federal judicial purposes. That is the purport of the Senate bill. It is proposed to amend that bill by attaching either to New Mexico or to Kansas that Public Land Strip for purposes of temporary government.

Mr. DUNN. Is that strip of territory within the jurisdiction of any Federal court now?

Mr. HOLMAN. It is not. It has no government whatever; it has no law whatever. It is the only part of our public domain that is not subjected in some form or other to law; and you have a large body of people there who are entitled to some protection. The Senate bill is a practical measure and is intended for temporary purposes only. It declares upon its face that it is only a temporary measure. It is not an interference and will not interfere in the remotest degree with the Oklahoma bill. It provides protection for these people.

Mr. SPRINGER. It will secure no more in that direction than the Oklahoma bill, if passed.

Mr. HOLMAN. Here is a bill that can be passed readily.

Mr. SPRINGER. Here is also a bill that can be passed readily if you will take that out of the way and yourself too.

Mr. HOLMAN. Here is a measure we can pass to which there is no objection whatever, for I see no real objection. No gentleman can have objection to giving these people law, and therefore I think this bill should pass, and let the Oklahoma bill take its course. I will yield the remainder of my time to the gentleman from Illinois [Mr. PAYSON].

The SPEAKER. The gentleman has two minutes remaining.

Mr. PAYSON. Now, if any gentleman on the other side desires to occupy the time reserved I would be willing for him to take the floor now. I simply desire to say, in the two minutes I have, that I think this bill should be considered. I am not in favor of the bill in its present position, and at the proper time I have a substitute which I shall offer that will obviate the criticism made by my colleague [Mr. SPRINGER]; but as to the main proposition, the necessity for something being done on that neutral strip, there is no question. There is a section of country nearly as large as Rhode Island and Delaware, on which a population of from 15,000 to 20,000 is as absolutely without law as though no law were in existence. There is no law whatever there. They have never been invited there; but tempted to go there on account of the land, the climate, the water, the timber, and such inducements as grow out of this condition of things, these people have gone there. We propose, by the bill and the amendment I intend to offer, to give them a temporary local government. There is no antagonism between this bill and the Oklahoma bill, because in the event that this bill should pass, it would not be necessary to pass the Oklahoma bill, and if it should not pass we could take up the Oklahoma bill.

Mr. BAKER, of New York. I do not understand that there will be anything in the way of considering the bill of the gentleman from Indiana if the Oklahoma bill should pass.

Mr. PAYSON. The committee present it for consideration and in a parliamentary way ask to have it considered, and for that reason I favor the bill.

Mr. SPRINGER. I yield the remainder of my time to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. It does seem to me, with all due respect to the chairman of the Committee on Public Lands, that he ought not to thrust this bill in here in advance of the consideration of the Oklahoma bill. We have all stood by him through thick and thin upon his bill for the forfeiture of railroad land grants, and also upon the public lands bill, and I can see no excuse for thrusting in this bill here to antagonize the Oklahoma bill—for that is what it amounts to, and I want the House to understand it. Six hundred thousand laboring men have petitioned for the passage of the Oklahoma bill. The bill of the gentleman from Indiana [Mr. HOLMAN] is a privileged matter which he can call up at any other time. If the Oklahoma bill fails, he will have some excuse for bringing in his bill, but he has none now. Even if his bill should pass it would not give local government to the people of No Man's Land.

Mr. HOLMAN. Oh, yes; it proposes to do that temporarily.

Mr. WEAVER. How? It provides for nothing but judicial process, and the people will have to go 200 miles to Kansas to get an officer to serve a process. It is a mere mockery and denial rather than an extension of justice to these people. I yield the balance of my time to the gentleman from Missouri [Mr. WARNER].

Mr. CANNON. I have just come in, and want to ask a question for information. Do I understand that this is a contest between the Oklahoma bill and a bill reported from the Committee on Public Lands?

Mr. WEAVER. Yes, sir.

Mr. CANNON. And I understand the gentleman from Iowa [Mr. WEAVER] to say that the public lands bill is a privileged matter, while the Oklahoma bill is not?

Mr. WEAVER. Yes, sir.

Mr. CANNON. So that if this Oklahoma bill is not considered now, it probably will not be considered this session?

Mr. WEAVER. That is just the situation.

Mr. WARNER. Mr. Speaker, I can only consider the action of the gentleman from Indiana [Mr. HOLMAN] in bringing this bill before the House at this time as a move in direct opposition to the consideration of the Oklahoma bill. The bill of the gentleman from Indiana is a privileged measure, which he can bring in at any time. This afternoon is open to us, and it is the first afternoon that we have had. We have petitions from over half a million of citizens of this country asking for the consideration of the Oklahoma bill, and the opening up to actual settlers of that territory, containing over 23,000,000 acres of land almost in the center of the continent. The bill is guarded in every way for the protection of the rights of the Indians, and there is only one class of persons who are strenuously objecting to its consideration, the cattle syndicates that are occupying 6,000,000 acres of these lands contrary to law, contrary to the decisions of the Attorney-General and the courts.

The SPEAKER. The question is, Will the House now proceed to consider the bill reported from the Committee on Public Lands by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOPKINS, of Illinois. Mr. Speaker, I wish to understand what will be the effect of a vote in the affirmative?

The SPEAKER. The Chair will state the situation. The gentleman from Illinois [Mr. SPRINGER] moved that the House resolve itself into Committee of the Whole on the state of the Union, and gave notice that his purpose was to call up in that committee the bill known as the Oklahoma bill. Pending that the gentleman from Indiana [Mr. HOLMAN] made a privileged report from the Committee on Public Lands, and the gentleman from Illinois [Mr. SPRINGER] raised the question of consideration against the consideration of that report.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If the House shall determine to consider the bill reported by the gentleman from Indiana, and that business shall be disposed of, is there anything to prevent the gentleman from Illinois [Mr. SPRINGER] from then making the same motion that he has made now, that the House go into Committee of the Whole for the purpose of considering his bill?

The SPEAKER. The motion can still be made.

Mr. SPRINGER. And, on the other hand, there will be nothing during the rest of this session to prevent the gentleman from Indiana from bringing up his bill.

The SPEAKER. The question is, Will the House now proceed to the consideration of the bill reported by the gentleman from Indiana [Mr. HOLMAN] from the Committee on Public Lands?

The question was taken, and the Speaker declared that the noes seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 31, noes 55.

So the House refused to consider the bill.

Mr. BARNES. No quorum.

Mr. WEAVER. It is too late to make the point of no quorum.

The SPEAKER. The Chair thinks it is not too late.

Mr. SPRINGER. I hope the gentleman from Georgia will not obstruct the business of the House. The Committee on Territories has had but two hours this session to consider its business, and I think it certainly ought to have the rest of this afternoon at least.

Mr. WEAVER. I ask the gentleman from Georgia to withdraw the point of no quorum.

Mr. SPRINGER. He is a member of the Committee on Territories, and I think it comes with a very poor grace from a member of that committee to obstruct the consideration of business reported from a committee of which he is a member. I therefore appeal to him in the interest of the public——

Mr. BARNES. The gentlemen can not very well make an appeal to me when he comments upon my want of good grace in this matter, and now I will not withdraw the point. [Laughter.]

Mr. SPRINGER. Then I withdraw my remark.

Mr. BARNES. Then I withdraw the point.

Mr. HOLMAN. I think there should be a further count, and for that purpose, merely, I renew the point.

The SPEAKER. The Chair will then appoint tellers and have the vote taken in that way. The Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. SPRINGER].

The tellers took their places.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House resolve itself into Committee of the Whole on the state of the Union.

The tellers proceeded to make the count.

The SPEAKER. There seems to be a misunderstanding as to the state of the question. The Chair understood the gentleman from Indiana to demand——

Mr. HOLMAN. I wanted a further count upon the original proposition.

The SPEAKER. Then the Chair will restate the question.

Mr. HOLMAN. But I am perfectly willing to let the vote go in its present shape.

The SPEAKER. The vote will then be taken on the motion made by the gentleman from Illinois, as already stated by the Chair.

The House divided; and the tellers reported—ayes 93, noes 16.

Mr. HOLMAN. I will not insist on a further count.

Mr. FINLEY. I make the point that no quorum has voted.

Mr. SPRINGER. The gentleman from New York [Mr. BAKER] and the gentleman from Missouri [Mr. WARNER] desire to speak an hour each on this subject. I hope there will be no interruption of business at this time.

Mr. BAKER, of New York. I join in the request of my friend from Illinois [Mr. SPRINGER] that an opportunity be afforded for the discussion of this bill.

Mr. SPRINGER. I hope, if the point is to be made, it will be made after debate and when members have had a chance to understand what the measure is.

The SPEAKER. If the point is insisted upon, the tellers will resume their places.

Mr. FINLEY. As this bill is to be discussed fully before any question is taken upon it, I withdraw the point.

The SPEAKER. The point of no quorum being withdrawn, the ayes have it; and the motion of the gentleman from Illinois [Mr. SPRINGER] that the House resolve itself into Committee of the Whole on the state of the Union is agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

OKLAHOMA.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union. The Clerk will report the first bill in order.

Mr. SPRINGER. Before the debate begins, and in order that there may be no misunderstanding, I will ask——

Mr. HOOKER. Let us hear what the bill before the Committee of the Whole is. We have heard no bill read. I call for the reading of the bill.

Mr. SPRINGER. I ask unanimous consent that the Committee of the Whole may proceed to consider the House bill No. 1277, which is the first bill on the Calendar as unfinished business, under clause 5 of Rule XXIV.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the Committee of the Whole now proceed to the consideration of House bill No. 1277? The Chair hears no objection. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. SPRINGER. The gentleman from Mississippi [Mr. HOOKER] desires that the bill be read. I want to state for the information of the Committee of the Whole that the Committee on Territories reported this bill with sundry amendments, and those amendments are printed in the body of the bill; but in order to have the bill before the committee without any striking out or any interlineation another bill was introduced by me, referred to the Committee on the Territories, and reported back without amendment, with the recommendation that it pass. The latter bill embodies the previous amendments and some other amendments, principally those suggested by friends of the bill, who are interested in more effectually protecting the rights of the Indians—that is to say, the representatives of the Indians' Rights Association. I move, therefore, to strike out all after the enacting clause of the pending bill and insert the bill which I have in my hand, the measure last agreed upon by the Committee on Territories.

The CHAIRMAN. The Chair will state that there is now pending an amendment in the nature of a substitute, offered by the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. That has never yet been offered. I submitted it for information, and it has been printed for the use of the House.

The CHAIRMAN. The Chair understands the gentleman from Illinois to ask unanimous consent to substitute the bill which he sends up for the bill the title of which has been read.

Mr. SPRINGER. Well, I will make that request, instead of moving to strike out and insert. Then the gentleman from Georgia can have the opportunity to move his substitute.

Mr. BARNES. It ought to be read now, so as to bring up the whole question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HOOKER. That does not displace the amendment of the gentleman from Georgia?

The CHAIRMAN. It does not. He will still have the right to offer his substitute.

Mr. HOLMAN. I wish to suggest that the amendment of the gentleman from Georgia be regarded as pending as an amendment to the substitute of the gentleman from Illinois.

Mr. SPRINGER. That is agreeable to me.

Mr. ADAMS. What is the pending bill?

The CHAIRMAN. The pending bill is House bill 1277, for which the gentleman from Illinois [Mr. SPRINGER] asks to substitute House bill No. 10614. Is there objection?

Mr. BUCHANAN. How can we tell whether we wish to object unless we understand what the gentleman asks to substitute?

Mr. SPRINGER. The substitute I ask to have considered is the same as the other bill, except that the amendments are incorporated as a part of the bill.

The CHAIRMAN. The Chair hears no objection to the request to the gentleman from Illinois to substitute House bill 10614 for House bill 1277; and it is so ordered. If there be no objection, the substitute of the gentleman from Georgia [Mr. BARNES] will now be considered as pending, in accordance with the request of the gentleman from Indiana [Mr. HOLMAN].

Mr. SPRINGER. That is right.

Mr. BAKER, of New York. I wish to inquire whether the offering of this substitute will preclude the offering of amendments to the pending bill?

The CHAIRMAN. The question will not come up on agreeing to the substitute until after the bill is perfected.

Mr. SPRINGER. I have here, and will ask the pages to circulate, a map which exhibits thoroughly the region covered by the pending bill.

A MEMBER. Let the bill and substitute be read.

Mr. SPRINGER. Let the discussion go on, and that discussion will have the effect better to enlighten the members as to what is proposed in the pending bill and substitute than by any mere formal reading of them. I ask, therefore, that the formal reading be dispensed with.

Mr. HOOKER. I hope that will not be done. Let the bill and substitute be read and be printed in the RECORD.

Mr. SPRINGER. They will be printed in the RECORD, as a matter of course.

The Clerk proceeded with the reading of the bill.

Mr. PAYSON. If this is the first reading of the bill for information and not the second reading of the bill for amendments, I do not see why we should not let the bill and substitute be printed in the RECORD and save the time for the discussion.

The CHAIRMAN. The gentleman from Georgia objects to dispensing with the reading of the bill and substitute.

Mr. PAYSON (some time afterwards). I understand the gentleman who objects to dispensing with the reading of the bill and substitute understands the bill is now being read for amendment.

Mr. SPRINGER. The bill was read a first and second time before it was referred, and it is now being read for information.

Mr. PAYSON. Then I move to dispense with the formal reading, as it will be read, together with the substitute, when they come up for consideration. There does not seem to be any good object to be subserved by reading them at this time.

Mr. HOOKER. This is a new bill, and there is a substitute moved by the gentleman from Georgia [Mr. BARNES] and they ought to be read to the House for information. I object, therefore, to dispensing with the reading of the bill and substitute.

The bill was read, as follows:

Be it enacted, etc., That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Bounded on the west by the State of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the east by the reservation occupied by the Cherokee tribe of Indians east of the ninety-sixth meridian of west longitude, and by the Creek, Seminole, and Chickasaw reservations; and on the south by the Creek, Seminole, and Chickasaw reservations, and by the State of Texas, comprising what is known as the Public Land Strip, and all that part of the Indian Territory not actually occupied by the five civilized tribes, is created into a temporary government by the name of the territory of Oklahoma: *Provided*, That nothing in this act shall be construed to impair the rights of person or property, or to impair any patent to or right of occupancy of lands now pertaining to the Indians in said territory under the laws and treaties of the United States, Executive order, or otherwise, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States or to which such tribe may be entitled by law, Executive order, right of occupancy, or treaty, without the consent of said tribe, or any territory which by treaty or agreemeent with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

SEC. 2. That there shall be a governor, secretary, Legislative Assembly, supreme court, attorney, and marshal for said territory, who shall be appointed and selected under the provisions of Title XXIII, chapter 1 of the Revised Statutes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in other Territories of the United States: *Provided*, That the Legislative Assembly and Delegate to the House of Representatives shall not be elected until the President shall order: *Provided further*, That no person shall be entitled to vote at the first election, or to be elected to any office who has not been a bona fide resident of said territory for sixty days previous to said election: *And provided further*, That the council in said territory shall consist of thirteen members, and the house of representatives shall consist of twenty-six members, which may be increased to thirty-nine.

SEC. 3. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect in said territory of Oklahoma as elsewhere in the United States: *Provided*, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, or which may exist in conformity thereto: *And provided further*, That the supreme court of the Territory shall have jurisdiction and shall embrace all

causes of action, crimes, and offenses arising within the limits of the territory organized by this act; and all laws heretofore passed granting jurisdiction to United States courts within the limits of said Territory are hereby repealed; but cases now pending shall be prosecuted to their final disposition therein the same as if this act had not been passed.

SEC. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the Public Land Strip, is hereby declared to be a part of the public domain of the United States, and shall be open to settlement under the operation of the homestead laws only, except as otherwise provided in this act: *Provided*, That the sixteenth and thirty-sixth sections of land in each township shall be reserved for school purposes.

SEC. 5. That whenever the Creek and Seminole tribes of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as provided herein, the unoccupied lands ceded to the United States by said tribes under the treaties of June 14, 1866, and March 21, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections in each township, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres in square form, to to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have resided in the United States for two years, and have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of such lands. The commission hereinafter created by this act is hereby authorized to confer with the Creeks and Seminoles to ascertain whether said Indians are entitled to any further compensation than that heretofore paid for said unoccupied lands. If said commission shall find that further compensation should be paid said Indians, they may, by negotiation with said Indians, fix the amount of such additional compensation, not to exceed the sum of $1.25 per acre, less the cost of sale and the amounts heretofore paid said tribes in the purchase of said lands; and any additional sum agreed upon by said commission to be paid said tribes for said lands as provided herein shall be placed to the credit of said tribes in the Treasury of the United States.

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied portion of the lands west of the ninety-sixth degree of west longitude, ceded to the United States by the said tribe of Indians by the treaty concluded July 19, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections of said land, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have resided in the United States two years and have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of said lands, and said money shall be placed to the credit of the Cherokee Indian tribe in the Treasury of the United States, after deducting the cost of the sale by the United States and the amount heretofore appropriated and paid to the Cherokee tribe as part compensation for said unoccupied lands: *Provided*, That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken. Any person who may enter upon any part of said lands contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make entry upon any lands or lay any claim thereto in said Territory.

SEC. 7. That the President may, at such times as he may deem it necessary, direct land offices to be opened in the Territory of Oklahoma, not to exceed four in number, and may nominate and by and with the advice and consent of the Senate appoint the usual officers to conduct the business of said land offices; and the Commissioner of the General Land Office shall, when directed by the President, cause the various portions of said lands to be properly surveyed and subdivided, where the same has not already been done. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant; and if it shall appear that said claim was not taken in good faith, he shall refuse a patent and declare all prior proceedings before had in such case to be null and void; and all persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a continuous personal residence of three years on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws before obtaining title thereto; but payments for lands, where payment is required to be made by this act, shall be made in four equal installments, under such rules and regulations as may be prescribed by the Secretary of the Interior, as follows: The first payment shall be made within six months from the time of entry, the second at the expiration of one year from date of entry, the third at the expiration of two years from date of entry, and the final payment shall be made at the expiration of three years from date of entry: *Provided*, That there shall be reserved public highways four rods wide around every section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter-section of land by reason of such reservation.

SEC. 8. That the procedure in applications, entries, contests, and adjudications under this act shall be in the form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act, shall be applicable to all entries made hereunder, and no patent shall be issued to any person who is not a citizen of the United States at the time he makes final proof and payment. Final proof and payment, except in cases of contest, shall be made within three months after the expiration of three years from the date of entry, and in default thereof, or in default of the payment of any installment of the purchase-money when due, the entry shall be liable to cancellation, and the money paid thereon shall be forfeited to the United States. Lands entered under the provisions of this act shall be liable to taxation after the first installment of the purchase-money shall have been paid; but the same shall not be subject to any judgment or lien obtained upon indebtedness contracted or obligation incurred prior to the issue of patents therefor, nor shall such land be sold, or contracted to be sold, leased, or contracted to be leased, conveyed, mortgaged, or in any manner incumbered prior to final proof or payment and the record thereof made in the office of the register and receiver of the district where the land is located; and any sale, lease, conveyance, or mortgage made, executed, or contracted for prior to such final proof, payment, and record shall be absolutely null and void; and all assignments, transfers, and mortgages of unpatented land entries shall be at the risk of the assignees, transferees, and mortgagees, who shall have no recourse against the United States for any failure of claimant's title before issue of patent: *Provided*, That the provisions of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall not be modified or changed by anything in this act.

SEC. 9. That whenever any portion of the lands opened to settlement by the provisions of this act shall be occupied for town-site purposes, and the Secretary of the Interior is satisfied that they are occupied in good faith and are necessary for such purposes, the said Secretary is hereby authorized and directed to cause patents to be issued therefor, under such rules and regulations as he may prescribe, to any legally organized company occupying and entitled to the same, upon the payment in cash of $20 per acre for the lands so occupied. The money so received for each town site, except such amount as may be required to be paid to the Indian tribes, as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior as a separate school fund for the benefit of the people of such town, and shall be expended under his direction for the erection of school buildings and the support of schools therein: *Provided*, That town sites actually occupied on the Public Land Strip at the date of the approval of this act by not less than 100 bona fide inhabitants shall be patented to the legally organized company selected by said inhabitants, said sites to embrace the amount of land provided by law: *Provided further*, That all patents issued for town sites in the territory of Oklahoma shall contain reservations for parks and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town sites as provided in this section; and patents for such reservations shall be issued to the towns respectively when organized as municipalities.

SEC. 10. That all lands in the territory of Oklahoma not embraced in the provisions of sections 4, 5, and 6 of this act, which are not required by law, treaty stipulations, executive orders, or right of occupancy for the use of any Indian tribe, or which may be relinquished as an Indian reservation, shall be open to settlement under the provisions of this act: *Provided*, That whenever Indian lands are purchased by the United States with the consent of the Indians, and opened to settlement in said territory, the President of the United States may fix the price to be paid therefor by actual settlers, which price shall in no case exceed $1.25 an acre, and the proceeds shall be held for the benefit of the Indians concerned, as provided in sections 5 and 6 of this act.

SEC. 11. That the President of the United States is hereby authorized and directed to appoint a commission, to be composed of five persons, not more than three of whom shall be members of one political party, whose duty it shall be to open negotiations with the Creeks, Seminoles, and Cherokees, for the purpose of securing the consent of said Indians, so far as it may be necessary, to the provisions of section 5 and section 6 of this act. The commission is authorized to enter into such agreements with said Indian tribes as it may deem necessary to accomplish the purposes of this act, and shall submit the same to the President for his approval or rejection. The compensation of the members of said commission shall be at the rate of $10 per day; and they shall also be allowed, in addition thereto, their actual necessary traveling expenses, stationery, and postage. They shall have power to appoint a secretary, who shall receive a compensation of $6 per day, and such allowances for traveling expenses as he may actually incur.

SEC. 12. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands opened to settlement by this act with a view to their afterward acquiring title to said lands from said occupants; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished, upon indictment, by imprisonment not exceeding twelve months, or by fine not exceeding $1,000, or by both such fine and imprisonment, in the discretion of the court.

SEC. 13. That all leases of lands belonging to the United States or held in common by any of the Indian tribes within the territory of Oklahoma, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are hereby declared void and contrary to public policy; and it is hereby made the duty of the President, immediately after the passage of this act, to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands.

SEC. 14. That the act of Congress approved July 25, 1866, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River, and an act of Congress granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway, and a telegraph from Fort Riley, Kans., to Fort Smith, Ark., approved July 26, 1866, or any other acts of Congress so far as they relate to lands granted in said Indian Territory and the Public Land Strip, except for the right of way and necessary stations as now provided for by law, are hereby repealed; and all or any rights to said lands are hereby forfeited to the United States, and no railroad company now organized, or hereafter to be organized, shall ever acquire any lands to aid in the construction of its road, or in consequence of any railroad already constructed, either from the United States, or from any Indian tribe, or from any Territorial government, within the limits of the territory organized by this act.

SEC. 15. That neither the Legislative Assembly of said territory, nor any county, township, town, or city therein, shall have power to create or contract any indebtedness for any work of public improvement, or in aid of any railroad constructed or to be constructed, nor to subscribe for or purchase any shares of stock in any railroad company or corporation.

SEC. 16. That the provisions of this act shall not be applicable to lands lying within the limits of what is known as Greer County until the question of title thereto between the United States and the State of Texas shall have been finally determined in favor of the United States.

Mr. BARNES'S proposed substitute was read, as follows:

A bill to provide a commission for the purpose of negotiating with the Indians in the Indian Territory, with a view of opening a part of said Territory to white settlement.

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized and directed to appoint three commissioners, whose duty it shall be to negotiate and make treaties with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians, for the purpose of securing homes and reservations east of the ninety-eighth degree of longitude for the Kiowa, Comanche, Apache, Cheyenne, and Arapaho Indians, and the Wichita and affiliated bands living with them.

SEC. 2. That in order to open up the country for occupancy by citizens of the United States west of the ninety-eighth degree of longitude, now occupied by the Comanches, Kiowas, and Apaches, and the country occupied by the Cheyennes and Arapahoes, and by the Wichita and affiliated bands, said commissioners shall treat with said Indians for an exchange of the lands now occupied by them for permanent homes and reservations east of said ninety-eighth degree of longitude.

SEC. 3. That in treating with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians for the occupancy by American citizens of the country west of the ninety-eighth degree of longitude leased, sold, ceded, or agreed to be ceded by them to the United States for the settlement of Indians and freedmen thereon, it shall be stipulated that the lands so to be occupied by citizens of the United States shall not be paid for at a greater rate than $1.25 per acre, and that any and all sums of money heretofore received by any of said Indians as a payment thereon shall be deducted from the amounts agreed to be paid.

SEC. 4. That negotiations with the tribes and bands of Indians now living west of the ninety-eighth degree of longitude shall proceed upon the basis of securing to them homes and reservations east of said degree of longitude in perpetuity, and compensation for their removal and settlement in a new country, and pay for their improvements.

SEC. 5. That in treating with any and all of said Indians, consideration shall be given to any and all matters unsettled, or about which any controversy exists, between said Indians and the United States, growing out of any treaty or agreement or statute heretofore made by the authority of the United States, to the end that all such matters may be finally determined.

SEC. 6. That said commissioners shall be allowed pay at the rate of $10 per day each, and necessary traveling and other expenses, while actually engaged in the discharge of the duties required herein; and a stenographic secretary, whose pay shall be at the rate of $6 and actual expenses while engaged as such secretary.

SEC. 7. That the President direct the speediest accomplishment of the requirements of this act; and the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to carry the same into effect.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. After the bill shall have been read, will it not be open for general debate and amendment?

Mr. SPRINGER. It will be.

Mr. BLOUNT. I supposed so, but I was asking the Chair.

The CHAIRMAN. The Chair so understands.

The Clerk resumed and concluded the reading of the bill and substitute as above.

Mr. BAKER, of New York. Mr. Chairman, it was remarked by some gentleman shortly before the commencement of the reading of these two bills that this measure was petitioned for by some 600,000 workingmen of this country. I think a remark of that kind is not warranted and should not pass unnoticed, because the measure itself with its provisions and scope has never yet been submitted to or read by any considerable number of workingmen, and I think it safe to assert that it has not been read by one out of ten of the members of this body. To say that the workingmen of this country favor a proposition the effect of which will override and break down any existing treaty stipulations with the Indian tribes is a direct insult to the intelligence of themillions of toilers of the United States. I desire to plant myself squarely with every workingman in favor of every just measure having for its object the opening up, for the benefit of the people of the country, of the public domain, and in favor of throwing around the territory at a proper time and under proper restrictions and conditions Territorial forms of government, and moreover, I am in favor of throwing around the territory when it presents the proper conditions the rights and privileges of statehood, and if the zeal of some of my friends who favor this bill were as great in behalf of the 600,000 citizens of Dakota, the country would not to-day witness the spectacle of a great State vainly seeking her constitutional right of admission to the Union.

Mr. Chairman, it is not my purpose in the brief hour at my disposal to attempt any extended review of the provisions of the bill to organize the Territory of Oklahoma now before us, further than to remark that if this Congress shall determine to adopt a policy such as is proposed by the pending bill, then it is probable that this measure, with a single amendment, as proposed by the minority report, is open to as little objection as any of its predecessors.

I can not resist the conviction that the passage into law of this bill would inaugurate a complete and radical change of the policy of our Government toward the tribes of Indians now occupying the Indian Territory, and would in effect be a gross breach of the honor and good faith pledged by this great Government of ours toward weak and defenseless tribes, who hold and possess their land under most solemn treaty covenants.

I do not question the power of Congress to do just what this bill proposes, but I do deny our right under the Constitution and the laws, and insist that if we proceed about it as is proposed the act will constitute in effect a violation of our sacred covenants with those people; if not a direct violation, the act opens the way to such results. Feeling thus, I am compelled in the discharge of my oath as a member of this House to enter my most earnest protest against it. The Constitution provides that—

Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. NUTTING. Will my colleague permit me to ask a question?

Mr. BAKER, of New York. Certainly; with pleasure.

Mr. NUTTING. Am I to understand that my friend's opposition to this bill rests against the proposed means and methods contemplated by the bill, rather than to the general proposition of opening in some legal and methodical way the lands in the Indian Territory to settlement?

Mr. BAKER, of New York. My friend will understand as I proceed that I am not opposed to opening up for settlement the lands in question whenever and as soon as it may be done with due regard for existing treaty rights. Treat with civilized tribes first, extinguish existing titles, then go ahead. This I contend is all that can be done decently.

Mr. NUTTING. I thank the gentleman for permitting the interruption.

Mr. BAKER, of New York. The lands affected by the bill before us are all embraced within the Indian Territory (except the public land strip known as "No Man's Land"), and the rights and interests of those tribes therein are defined by existing treaties, which have received judicial and executive interpretation the correctness whereof has not, I believe, been questioned by any one. The provisions of the existing treaties are, we may assume, familiar to all who have given the subject any considerable study. Under them, it is claimed, the United States have disposed of the title to those lands to the five civilized tribes, covenanting on the part of the Government of the United States that they should never be included within the territorial limits or jurisdiction of any State or Territory, that they should remain subject to the intercourse laws, which, as has been stated during this debate, have always remained in force in all parts of the Territory. The rights acquired by the United States under the treaties of 1855 and 1866 are purely in the nature of trusts. It has been well stated that it is not within the lawful power of either the legislative or executive department of the Government to annihilate those trusts or to avoid the obligations arising thereunder.

For nearly fifty years this title has received recognition by and express approval of the judicial and executive departments of the Government.

Their existence has been and is recognized as "a domestic Territory—a Territory which originated under our Constitution and laws." (Mackey *vs.* Coxe, 18 Howard, page 100.)

As late as January 3, 1885, the then Secretary of the Interior, in a letter to the Senate (see Executive Document No. 17, second session Forty-eighth Congress), among other things, said:

The Cherokees have a fee-simple title to their lands, and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto. Patent was issued to this nation of Indians, December 31, 1838, for their lands in the Indian Territory, under the provisions of articles 2 and 3 of the treaty of 1835 (7 Statutes, 428), and in accordance with the terms of the act of May 28, 1830 (*Id.*, 412).

"The land is theirs and they have an undoubted right to use it in any way that a white man would use it with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Interior Department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of article 16 of the treaty of 1866, which at most is only a contract to sell certain portions of the land; but until the Government settles friendly Indians thereon and pays for the land the right of possession and occupancy is especially reserved."

I beg the indulgence of the House in this connection also to read a letter written by the then Acting Commissioner of the Land Office, April 25, 1881, having reference to a scheme then being pushed by the so-called "Freedman's Oklahoma Association," and the difference between the movement then attempted and that contemplated under the present bill I leave gentlemen to observe after due consideration. I read from Executive Document No. 111, Senate, Forty-seventh Congress, first session, which is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 25, 1881.

SIR: I am in receipt, by your reference, of a copy of a circular purporting to be issued by the "Freedman's Oklahoma Association," promising 160 acres of land to every freedman who will go and occupy the public lands at Oklahoma. This circular is signed in the name of J. Milton Turner, who is represented as "president," and by Hannibal C. Carter, who is represented as "general manager" of said pretended association.

It contains a letter from E. C. Boudinot, professing to state the legal character of the lands to which emigration is invited, and affirming that the same are public lands of the United States; that the Indian title thereto has been extinguished, and that the said lands were purchased by the United States for the use of freedmen as well as Indians.

The circular declares that the freedmen of the United States "have an undoubted legal right to enter and settle upon these public lands."

In compliance with your request for a report upon said lands, in view of the representations contained in this circular, I have the honor to state as follows:

1. There are no lands in the Indian Territory open to settlement or entry by freedmen, or by any other persons, under any of the public-land laws of the United States.

2. There has never been a period of time since the acquisition by the United States of the territory ceded by France that any of the lands embraced within the limits of the present Indian Territory have been open to settlement or entry by any persons whomsoever under any of said public-land laws.

3. The lands to which the United States holds the legal title within the Indian Territory are reserved lands by treaty stipulations and acts of Congress, and are not, and never have been, public lands subject to general occupation.

4. The entire Indian Territory, including the lands therein to which the United States holds the paramount title, is "Indian country," as defined by the first section of the act of Congress of June 30, 1854 (fourth Stat., 729), which act prohibits unauthorized settlements in such country, and provides for the employment of the military forces to prevent the introduction of persons and property contrary to law, and for the apprehension of every person who may be in such country in violation of law (Revised Statutes, sections 2111–2157).

The Indian Territory comprises a remaining portion of lands originally granted to, or reserved for, the use of certain Indian tribes, and constitutes a district created by the act of Congress of May 28, 1830 (4 Stat., 411) for the removal thereto of Indians from other localities.

The Territory is specifically described by geographical boundaries in the twenty-fourth section of the intercourse act (4 Stat., 733), by which act it was attached to the western judicial district of Arkansas for judicial purposes. (Revised Statutes, section 533.)

None of the land laws of the United States have ever been extended over said Territory, nor have any other general laws of the United States been so extended, except the criminal laws and the laws regulating intercourse with Indian country.

Prior to 1866 the whole area of the Indian Territory, except a small portion in the northeast corner which belonged to the Senecas, Shawnees, and Quapaws, was embraced in the grants made and patented to the Cherokee, Choctaw, and Creek Indians, under the treaties with said tribes, respectively.

The several treaties under which the title of the United States was conveyed to said tribes are as follows:

CHEROKEE TREATIES.

May 6, 1828, 7 Statutes, page 310.
February 14, 1833, 7 Statutes, page 414.
December 29, 1835, 7 Statutes, page 478.
Patent issued to the Cherokee Nation December 31, 1838.

CHOCTAW TREATIES.

October 18, 1820, 7 Statutes, page 210.
January 20, 1825, 7 Statutes, page 234.
September 21, 1830, 7 Statutes, page 333.
Patent issued to the Choctaw Nation March 23, 1842.

CREEK TREATIES.

January 24, 1826, 7 Statutes, page 286.
March 24, 1833, 7 Statutes, page 366.
February 14, 1833, 7 Statutes, page 417.
Patent issued to the Creek Nation August 11, 1852.

The treaties with the Senecas, Shawnees, and Quapaws were the treaties, respectively, of February 28, 1831, 7 Statutes, 348; July 20, 1831, 7 Statutes, 351; and May 13, 1833, 7 Statutes, 424.

By agreements approved by the United States the Choctaws conveyed a portion of their lands to the Chickasaws, and the Creeks in like manner conveyed a portion of their lands to the Seminoles.

The titles of the several tribes under the foregoing treaties and agreements were subject to the following conditions:

First. That the land should not be conveyed by them except to the United States.

Second. If the Indians abandoned the land, or became extinct, the lands were to revert to the United States.

It was stipulated by the United States that the Indians should be protected in their homes and lands against all interference by any person or persons.

The treaties by which the United States reacquired title to any of the lands in the Indian Territory, or obtained the conditional right to control the disposal of any of said lands, were the treaties with the Seminoles of March 21, 1866; with the Choctaws and Chickasaws of April 28, 1866; with the Creeks of June 14, 1866; and with the Cherokees of July 19, 1866.

By the third article of the treaty with the Seminoles (14 Stat., 756), said Indians ceded to the United States about 2,100,000 acres of land, "in compliance with the desire of the United States to locate other Indians and freedmen thereon."

In compliance with the same desire, the Creeks, by the third article of the treaty with that tribe (14 Stat., 786), ceded about 3,200,000 acres to the United States, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon."

The freedmen referred to were the former slaves of Indian tribes. The treaty stipulations, as uniformly understood and construed, have no application to any other freedmen than the persons freed from Indian bondage. They relate exclusively to friendly Indians and to Indian freedmen of other tribes in the Indian Territory whom it was the desire of the United States to provide with permanent homes on the lands ceded for that purpose.

The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration even by the intended beneficiaries would be unauthorized and illegal.

The Choctaw and Chickasaw cession of April 28, 1866 (14 Statutes, 769), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1855 (11 Statutes, 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States might desire to locate thereon.

The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district established by the stipulations of the treaty of 1855, pursuant to the act of Congress of May 28, 1830, the United States re-engaging by the seventh article of said treaty to remove and keep out from that district all intruders.

Articles 15 and 16 of the treaty with the Cherokees (14 Stat., 803, 804) provide that the United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokee country, on unoccupied lands, on certain terms and conditions specified in the treaty.

These provisions made the United States the agent of the Cherokees for the sale and disposal of unoccupied land in the Cherokee country for the benefit of said tribe, but restricted such sale and disposal exclusively to friendly Indians.

In pursuance of the stipulations of the foregoing compacts, and in the exercise of the trusts assumed by the United States under the several treaties, and in accordance with specific provisions of law and the lawful orders of the President, all the lands in the Indian Territory to which the United States has title have been permanently appropriated or definitely reserved for the uses and purposes named.

It is stated in the circular referred to me for examination that there are at the present time a large quanity, to wit, some 14,000,000 acres of public land in this Territory to which the Indian title has been extinguished, and that "these public lands are surveyed and sectionized, awaiting their intended use, namely, settlement and occupation by the freedmen of the United States, giving to each settler the fee-simple to a homestead of 160 acres."

It is essential for the instruction of those who may be uninformed, and necessary to the protection of those who are sought to be imposed upon, that the misleading features and false conclusions of the statements contained in said circular should be explained and exposed.

The main proposition set forth is that there are certain public lands in the Indian Territory, and the argument is that the rights of citizens to enter and settle upon the public lands must be the same in that Territory as elsewhere; and it is further asserted that colored people are especially protected in such rights as to these particular lands by the assumed purposes for which the lands were acquired by the United States.

That there are lands in the Indian Territory that belong to the United States in the sense that the United States hold the naked legal title thereto is true; but it is not true that these are public lands within the meaning of the public-land laws.

The term "public lands" is sometimes used in a general sense to designate lands the legal title to which is in the United States, in contradistinction to lands that are the private property of individual citizens. It is in this sense that the term is used in the surveying laws which require Indian reservations to be surveyed in the same manner as "other public lands." And the Commissioner of the General Land Office, in his annual reports of surveying operations, includes the area of surveyed and unsurveyed lands in the Indian Territory in the tables of surveyable public lands in the same manner as all Indian reservations are included in each of the other States and Territories. But this does not mean that the surveyed or unsurveyed lands embraced in Indian reservations are public lands in the sense of the laws providing for the disposal of public land. Under these laws the term public lands has a particular signification, and is used to describe such of the lands of the United States as are open to the public for general occupation, settlement, or entry.

All lands belonging to the United States are not subject to disposal, hence all lands belonging to the United States are not public lands within the meaning of that term, as invariably used in the public-land laws, and as the statutes are uniformly expounded by the courts.

Lands belonging to the United States, but which have been appropriated to any special use, or reserved for any purpose by act of Congress or Executive proclamation, or withdrawn from disposal by lawful authority, are not public lands in the legal and proper sense of those words as employed to define lands subject to disposal to the public and open to occupation by the public.

Indian reservations, and all other reservations established by competent authority, are protected from entry or settlement by positive provision of law, and both the State and Federal courts, in an unbroken line of decision, have always maintained the inviolability of such reservations.

The pre-emption and homestead laws authorizing entries to be made on lands belonging to the United States to which the Indian title is extinguished expressly provide, among other restrictions, that "lands included in any reservation by any treaty, law, or proclamation by the President, for any purpose," shall not be subject to such right. Hence the extinguishment of the Indian title to certain of the lands in the Indian Territory does not operate to open any of such lands to pre-emption or homestead settlement under those laws.

The title of the United States to lands in the Indian Territory is, as heretofore shown, subject to specific trusts, and it is not within the lawful power of either the legislative or executive departments of the Government to annihilate such trusts, or to avoid the obligations arising thereunder.

Such trusts are for the benefit of Indian tribes and Indian freedmen. The "freedmen of the United States" are not comprehended within the policy or intention of the treaty provisions, and said lands have accordingly not "been purchased for the use and occupation "of the colored people of any of the States.

Were it otherwise, and if in fact any land in the Indian Territory was intended for the settlement and occupation of colored people of the United States, it would require an appropriate act of Congress to carry such intention into effect. No legal settlement can be made on any lands of the United States except in accordance with some law, and no law exists under which colored people, any more than other citizens, can occupy lands in the Indian Territory, or be permitted to intrude themselves within that Territory.

For many years efforts have been made by designing persons to effect an ingress into the Indian Territory for the purpose of despoiling the Indians of the patrimony secured to them by the most solemn obligations of the United States.

These unlawful and dangerous efforts have heretofore been thwarted by the prompt action of the Executive, under his constitutional duty to enforce the laws.

The present attempt to make use of the colored people of the country in the same direction, by deluding them with fictitious assurances that new and congenial homes can be provided for them within this Territory, deserves especial reprobation, since its only effect must be to involve innocent people in a criminal conspiracy, and to subject them to disappointment, hardship, and suffering.

Very respectfully, your obedient servant,

C. W. HOLCOMB,
Acting Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

This letter is so conclusive that I have given it in full. The scheme to legislate as now substantially proposed is not new. Session after session for a whole decade Congress has been urged to create in and throw around that country a territorial form of government. To do so in a wise and proper method and by means and measures that would not subject our Government to the imputation of inhumanity, injustice, and mismanagement, is a consummation devoutly to be desired. The method now urged seems to have met with poor success in all the past. In November, 1877, Mr. Franklin, a member of the Forty-fifth Congress, introduced "A bill to provide for the organization of the Territory of Oklahoma." I hold in my hand the able and exhaustive report upon that bill, presented by Mr. Neal, to which is subscribed the familiar names of the present Assistant Secretary of the Interior, Mr. Muldrow, and the gentleman from Maine, Mr. REED. I have read it with interest. It is a valuable contribution to the history of proposed legislation affecting the civilized tribes of Indians. I will quote their conclusions only:

1. That the bill under consideration conflicts with existing treaty stipulations.

2. That while the right to decide in the last resort that a treaty is no longer binding is undoubtedly lodged in Congress, the exercise of that right is a judicial act affecting the honor and dignity of the nation, requiring for its justification reasons which commend themselves to the principles of equity and good conscience, particularly where the parties to the compact with the United States are weak and powerless and depend solely on the good faith of the Government.

3. That no such reasons exist for violating the treaty stipulations which reserve the Indian Territory exclusively for Indians, and which secure to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles the right of self-government under the restrictions of the United Stutes Constitution.

4. That even if there were no opposing treaty stipulations—no objections resting on good faith—it would be unwise and impolitic to throw the Indian country open to white settlers without the consent of the Indian owners.

5. That while official recommendations, some of them entitled to the highest respect, are strongly in favor of making Indians citizens of the United States, and transferring their land titles from the national tenure in common to the individual tenure in severalty, experience has shown that in the great majority of cases such measures, instead of benefiting, have proved injurious to the Indian.

6. That experience fully demonstrates that the holding their lands in common by the Indian tribes is an effectual safeguard against the worst effects of Indian improvidence. Apart from any considerations of justice or humanity it would be unwise and unstatesmanlike to adopt measures which, by destroying that safeguard, would be calculated to reduce the great mass of them, in opposition to their own earnest protests, to a state of hopeless penury and degradation.

It is strange and unaccountable to me that the present Chief Executive neglected, when the present Administration came into power, to negotiate with the Creeks, Seminoles, and Cherokees, pursuant to the law of March 3, 1885, which provides—

That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, his action hereunder to be reported to Congress.

Especially when we read in his first annual message the valuable suggestions there made in relation to the Indian policy recommended by him.

The President says:

I recommend the passage of a law authorizing the appointment of six commissioners, three of whom shall be detailed from the Army, to be charged with the duty of a careful inspection, from time to time, of all the Indians upon our reservations, or subject to the care and control of the Government, with a view of discovering their exact condition and needs, and determining what steps shall be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; that they may ascertain from such inspection what, if any, reservations may be reduced in the area, and in such cases what part, not needed for Indian occupation, may be purchased by the Government from the Indians and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view of their concentration and the sale on their behalf of their abandoned reservations; what Indian lands now held in common should be allotted in severalty; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties; and which, if any, Indians should be invested with the rights of citizenship.

The powers and functions of the commissioners in regard to the subjects should be clearly defined, though they should, in conjunction with the Secretary of the Interior, be given all the authority to deal definitely with the questions presented, deemed safe and consistent.

They should be also charged with the duty of ascertaining the Indians who might properly be furnished with implements of agriculture and of what kind; in what cases the support of the Government should be withdrawn; where the present plan of distributing Indian supplies should be changed; where schools may be established and where discontinued; the conduct, methods, and fitness of agents in charge of reservations; the extent to which such reservations are occupied or intruded upon by unauthorized persons, and generally all matters relating to the welfare and improvement of the Indian.

They should advise with the Secretary of the Interior concerning these matters of detail in management, and should be given power to deal with them fully, if he is not invested with such power.

This plan contemplates the selection of persons for commissioners who are interested in the Indian question, and who have practical ideas on the subject of their treatment.

The expense of the Indian Bureau during the last fiscal year was more than $6,500,000. I believe much of this expenditure might be saved under the plan proposed; that its economical effects would be increased with its continuance; that the safety of our frontier settlers would be subserved under its operation, and that the nation would be saved through its results from the imputation of inhumanity, injustice, and mismanagement."

In accordance with these suggestions a bill was introduced by the honorable gentleman from Indiana [Mr. HOLMAN] early in the Forty-ninth Congress, but being, like some others of the recommendations of the Chief Executive, considered of no immediate importance, Mr. HOLMAN'S bill was on the Calendar when the present Congress came into existence, and the same bill is before this House to share, I presume, a like fate, although its enactment is strongly urged by the President in the unwritten portion of his last annual message. [Applause.]

The gentleman from Georgia [Mr. BARNES] in his able speech ha given a clear and convincing argument upon the law and the settled policy hitherto maintained by the Government in its management of the Indian problem.

Mr. Chairman, I am aware that in numbers a majority of the Committee on the Territories favor the pending bill; nevertheless I can safely assert that the minority is in deadly earnest and of respectable proportions. I am bound to admit in all sincerity that a considerable public sentiment exists in some portions of the West and Southwest in favor of this scheme. Some of it—a good deal of that public sentiment is, I doubt not, wise. Much of it, in my opinion, otherwise. The measure is earnestly urged by the gentleman from Missouri [Mr. MANSUR], and will be advocated with equal zeal by his colleague [Mr. WARNER]. They represent, in so doing, I admit, a considerable sentiment which has been communicated to this Congress in a pamphlet account of a convention held at Kansas City, in their State, in February last.

It is insisted as an argument in favor of the scheme that the bill expressly excepts from the operation thereof the lands of the five civilized tribes, and that the consent of the Indians now occupying some portions of the land affected must be obtained before they shall be in any manner affected thereunder, but the record of the Kansas City convention to my mind reveals much more of the real purpose of those most interested in promoting this measure. We are assured, also, that it is not the intention to disturb the rights or interests of the five civilized tribes. Let me read briefly from some of the speeches made at the convention:

Mr. John Furlong, of Purcell, Ind. T., said:

I have traveled 500 miles to this convention. I have come from out the heart of the Indian Territory. I have come from the town of Purcell, on the borders of Oklahoma—on the borders of the promised land. I come here to represent a great multitude of people who are living in the Indian Territory in the capacity of renters, farmers, railroaders, herders, tradesmen, and who are there legally or with as much permission as can be obtained, and their unanimous desire was when I came before this convention to tell you here with one voice and demand that the Springer bill be adopted or passed by the national Congress.

* * * * * * *

There is one element in the Indian Territory not so kind to us, and I will mention some few. The first is the man married to the Indian. These men say to the Indians, "Now, if you will allow white men to come in amongst you they will rob and cheat you, and it is better you should keep them out." Now their purpose in talking this way I know not, unless they want all the spoils themselves. * * * My people also said that they were in favor of the Springer bill, notwithstanding that the bill requests or demands the consent of the Indians. This is the thing that they do not like in the bill, but they say, "We will give the Indians every chance to come to terms under favorable circumstances. We will hold out to them the palm of peace." If they do not act fair and right and are not willing to do right, they told me to tell this convention that Oklahoma should be theirs under any circumstances.

Mr. C. W. Daniels, of Baxter Springs, arose in the audience and said:

I arise to know whether this convention was called in the interest of the Oklahoma country exclusively. As I read the invitation, it was called in the interest of opening the whole Territory, from one end to the other, not for the support of Missouri, Arkansas, and Kansas, but for the interest of the whole Western people of the whole United States.

Later in the convention the same speaker said:

We want to obliterate the Indians; that is the only solution of this question. Some of the philanthropists down East—there are only a few of those people—are working against this move. They think we are going to infringe on the rights of the Indians; that is not the intention, I believe, of this convention. We want to obliterate the Indian race entirely, and we want to fill that country up with white men, and just as sure as you mix the white men in with them the Indian is gone. As this man [Mr. McNaughten] told you to-day, there is not a full-blood Indian in the Peoria tribe. Why? Because they have been mixed for a number of years with white men. Let a white man marry an Indian squaw (if she has got 160 acres of land)—and there are just lots of them in our country—and they make pretty good citizens. They say there are no good Indians, except dead Indians, but those people, after you mix them a little, make pretty good citizens.

* * * * * * *

The first thing we want down there is prohibition [laughter] (let me talk to you Kansas folks), and then we will go into women's rights. * * * This thing is going all over the United States—it is going like a wave, and the Congressman that will oppose this thing has got to stand from under. We people of the West will say to them, "This is our will." We want this measure, and I defy any Congressman to be elected in this district of Kansas or Missouri that will get up and fight this measure. [Applause.]

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Of course, from what I said this morning about Oklahoma, I don't want any of you Oklahoma men to feel as though we were going to interfere with your arrangements at all. We not only want to join with you, but we want you to join with us. We want that whole Indian Territory opened.

Mr. J. P. McNaughten, of the Peoria tribe, was introduced. He said:

I am here representing a few people who live in the heart of the Indian Territory; not particularly in the heart of the Territory, but adjoining Kansas and immediately south of Baxter Springs. I represent these people in this way: There are very few, if any, but are opposed in any way whatever to the country remaining in the shape it is. Some of them have come down to Kansas City, and probably there are a great many people in this convention who are well acquainted with them. They are located there. They have 51,000 acres of land south of Baxter Springs, and now they ask for severalty; they are in favor of the Springer bill. All they ask is for the lands to be opened up.

This gentleman from the Oklahoma country, Mr. Furlong, referred to the "squaw men" of that country, and I might be classed among that number. I married a squaw. Mr. Furlong said the "squaw men" of that country were strictly opposed to opening the country. Gentlemen, it is just the reverse where I live. I will say and I can prove it up that the "squaw men" have made the country where I am located to-day, and they are the men who want the country opened up. * * * I, as a "squaw man," ask for my rights and nothing more. I want the protection of the United States. I was born a citizen of the United States, although I live in the Territory; but I have always endeavored to get to the States in time to vote. [Laughter.] I never failed to get there, gentlemen, and I always bring everybody along with me that I can. [Laughter.] I have never had the pleasure of voting more than once at one election but I did the best I could to get others to come. We want more men in there, men of ability and means; we are not in favor of these little boomers of a day.

Captain Couch was the next speaker. He said:

* * * * * * *

Believing that there is a misunderstanding as to the object of this convention by some who are here, and believing that there is a mistaken idea as to the motives of some persons who are here, perhaps it would be proper for me to make a few remarks.

It appears that there are some here who are of the opinion that it is the intention of the Oklahoma boomers, or of some persons who are located in the southern part of the State of Kansas, to come here and manipulate matters in his convention to their personal interests alone; and I desire now, if it is within my power, to convince the people here that such is not the case. I am not here as the representative of the Oklahoma boomers alone. I was not sent here by the organization known as the Oklahoma colony, but I was sent here as a delegate at large—one of a delegation of five that was elected at a convention held at Arkansas City on the 3d, from a convention representing forty or fifty of the leading towns of southern Kansas, who united in sending delegates here to participate in this matter. Therefore, I say I do not represent alone the views of the Oklahoma boomers, but the people of the entire southern part of the State, and the people of the entire Southwestern States.

Now, I see that our friend a while ago has a mistaken idea as to what is contained in the Oklahoma bill now before Congress—at least I believe he has. The speakers before him had spoken of Oklahoma, of the opening of the Oklahoma country. He seems to think their view is that only that portion known as Oklahoma is to be opened. I want to say this with reference to the position taken by the Oklahoma colony. That colony was organized in 1880. It was organized for the purpose of making settlements on what is known as Oklahoma—a portion of the unoccupied lands situated in the center of the Indian Territory, originally belonging to the Creek and Seminole Indians, but has always been unoccupied by the Indians and has never been set apart for Indian occupancy since the treaties of 1866 between the United States and the Creek and Seminole Indians.

Our organization, or the originators of it, were of the opinion that this land, being the property of the United States, having been bought and paid for by the United States, surveyed in sections and quarter sections, and that the public-land laws applied to all land belonging to the United States, they believed they had the right to settle there under the land laws without any additional legislation. And on that theory we proceeded and attempted at various times to effect a settlement. We did make settlements at many times; but the past and present administrations have held an opinion different from what we did with reference to this question. While there is no difference in opinion as to the ownership of the land, all agreeing that it belongs to the Government, the past as well as the present administration felt that they were not justified in permitting settlement there until there is some additional legislation declaring it a part of the public domain and providing a way for the land entries. Our organization has been defeated in perfecting a settlement there, and for the past two years or more it has been the object of that organization to secure the proper legislation for the opening of that country; and from that time to this I want to say that there has not been an effort on the part of that colony, as a colony, to effect a settlement there—that is, forcible invasion, as you might say—but we directed our efforts in the way of securing legislation.

The bill now pending before Congress is largely due to the efforts of this organization. We have had representatives for the two past sessions of Congress—both sessions of the Forty-ninth Congress—at Washington, who have done everything in their power to secure legislation substantially as the gentleman that spoke awhile ago (Mr. Daniels) was in favor of. The bill that we have prepared, and which was introduced there, for the organization of the territory known as the territory of Oklahoma, included the entire Indian Territory within its boundaries, and the Public Land Strip. We met with a great deal of opposition, sufficient to defeat the passage of the bill during the Forty-ninth

Congress. Experience taught our friends there that it would be wise perhaps to change the boundaries of the Territory, and the bill that was presented by our friends at this session of Congress for the organization of the territory only included about 25,000,000 acres of land. [The speaker referred to a map in his hand.] What has generally been known as Oklahoma is a tract of land situated in the center of the Indian Territory, containing a little less than 2,000,000 acre s as is shown by the red portion in the center of this map.

The bill now pending before Congress for the organization of the territory of Oklahoma comprises all that portion of the Indian Territory lying west of that occupied by the five civilized tribes, beginning at the northeast corner of the Osage reservation, running south to the Chickasaw reservation, thence west to the western boundary point, including all except that occupied by the Creeks, Choctaws, Chickasaws, Seminoles, and Cherokees. That is what the gentleman spoke of here, and all these gentlemen have spoken as being in favor of it. Now, I am in favor, as that gentleman says, of opening the entire Territory. I have favored that all the time. That is what the Oklahoma boomers have been in favor of; but we favor now the Springer bill for the reason that we will meet with less opposition. The five civilized tribes can not well object to the passage of that bill, they not being included within its boundaries. There are a great many of these men who oppose this bill, believing that the right and title to the land occupied by these tribes must not be interfered with, that they should not be included. For that reason the boundaries have been changed so that it includes the land that I have stated.

Now, I think I can say for the people of Southern Kansas and the Oklahoma boomers that we are in favor of the passage of that bill because we think it is the strongest bill that can possibly be presented. If we can secure any legislation we can secure that, and if that is successful it is only a question of time, in my opinion, until the entire Indian Territory will be opened. I hope before this convention adjourns that such action will be taken as will impress upon the minds of the members from this Western and Southwestern country that we are terribly in earnest in reference to this matter; that we want speedy legislation, that which is broad and comprehensive, and we do not want to rob the Indians of any rights. We do not want to be put off with any side-show business like the annexation of the Public Land Strip to the State of Kansas some time in the future. I hope there will be an expression here to-day to the effect that we demand legislation anyhow that covers as much as that outlined in the Springer bill.

Earlier in the convention Chief J. W. Earlie, of the Ottawa tribe of Indians, was introduced, and in his speech he said among other things:

I have always had the desire, and believe you white people who are here are aiming at some view to some undertaking of opening up the Territory and to wipe out and abolish the Indian tribes. I have always been in favor that some action should be taken so the Territory should be governed as you white people are governed and supported by the Government of the United States, by vote, as well as in paying the taxes to the Government. I have always thought it would be the best policy that you white men as a people should extend laws, that the tribal relations should be abolished, as well as the Indian Department. [Applause.] We have suffered more or less, as we Indian tribes are governed by agents, as well as by the Indian Interior Department. * * * You can depend on my voice that I mean for the whole Territory to be opened up, and that the whites should mix up with the Indians and the Indians should mix up with the white men, and I will rejoice over your efforts.

The Ottawa tribe numbers a few hundred only, and occupy a small reservation located in the northeasterly portion of the Territory most remote from the area of the Territory proposed to be embraced under this bill.

Having given these extracts from the pamphlet report of that convention, illustrating as they do the disregard for existing legal rights under the existing treaties, in the minds of those people who were thus represented, it is but fair that I should proceed further and read from the same pamphlet in proof of the fact that they were "sinning against light." We all know that when the opinion of members of Congress is sought as to what the next Congress will do upon any given proposition, you are sure to get the desired information. When Mr. Ross, president, Caldwell, Kans., in April, 1887, addressed to my friend from Missouri, Mr. BURNES, a letter, he would have saved himself some labor, expended in multiplying opinions, if he had first awaited the answer of my honored friend. Here we have it in full:

ST. JOSEPH, MO., *April* 15, 1887.

GENTLEMEN: I have the honor to acknowledge the receipt of your favor of the 12th instant, asking me if "I favor the opening for settlement by American citizens of that part of the Indian Territory now unoccupied by Indian nations and tribes;" also, if, in my opinion, "Congress, at its next session, will take action looking to the opening of these unoccupied lands."

In reply, I beg to say that I am heartily in favor of placing every acre of the public lands in possession of bona fide settlers under the homestead law, and all such land in the Indian Territory or elsewhere should be surveyed at once and opened up to settlement.

With regard to your second question, I would say everything depends upon the *personnel* of the Committee on Territories. That committee in the last Congress was very unfortunately constituted. A similar committee will probably produce similar results.

Very respectfully, your obedient servant,

JAMES N. BURNES.

Messrs. J. W. ROSS, President, and J. P. LOVE, Secretary.
Caldwell, Kans.

[Applause.]

Inasmuch as the *personnel* of the committee (meaning, of course, the majority by whom the Oklahoma bill in the last Congress was favorably reported) was such as to merit the criticism then made, and in view of the fact that the present committee was similarly constituted, thus insuring a like favorable report in this Congress, thereby giving preference to a measure to build a Territorial form of government in territory where there are lawfully no white men over that to recognize a State where 400,000 citizens are lawfully living and who for ten years or more have been pleading for their constitutional rights at the hands of Congress, I must admit that the gentleman's criticism holds good to-day. But we have another letter, which the whole House will recognize, gestures and all, and my good friend, the author thereof, merits the thanks of his country for it.

PITTSBURGH, *April* 19, 1887.

DEAR SIR: I know of no reason why Indian Territory not occupied by Indians should not be opened for settlement.

As to what Congress will do at the coming session I know not. Nobody does.

Respectfully,

THOMAS M. BAYNE.

J. W. ROSS, Esq.

[Applause.]

Mr. MAISH, of Pennsylvania, wrote:

To your first interrogatory I answer "Yes," if it can be done without infringing upon the rights of the Indian tribes, and without a violation of treaty stipulations.

To your second interrogatory I answer, in my opinion measures will be introduced, but I confess my inability to forecast the action that will be taken.

Respectfully yours,

LEVI MAISH.

The honorable gentleman from Indiana knew what he was saying when he replied as follows:

I think Congress will authorize the President, during the next session, to create a commission to treat with the Indian tribes in the Indian Territory who are interested in the unoccupied lands in that Territory for the surrender of the same to the United States for the settlement of American citizens. The President earnestly urged Congress during the last term, both in the first as well as second session, to grant him that authority, but he wished the authority of the commission to extend to all the Indian reservations, as well as the Indian Territory. The last Congress was not inclined to grant the President this power. The conflict between this plan of the President (recommended by Secretary Lamar) and the proposition to organize a Territorial government (conditionally) over the Indian Territory, I think, was the cause of the defeat of both measures.

I do not believe that Congress will authorize the settlement of the unoccupied lands in the Indian Territory, until, through negotiations with the tribes interested, the Indian title is relinquished, and I am satisfied that the commission, as suggested by the President and Secretary of the Interior, is the only practicable mode of reaching those lands and opening them for settlement.

Yours, respectfully,

WILLIAM S. HOLMAN.

The honorable gentleman from Illinois admitted that he is not a prophet, and imparted light when he wrote:

I have no fixed idea of the matter. Not being well advised upon the question of opening the Indian lands for settlement, I am liable to change my views upon a full consideration of the question. I am in favor opening up every foot of unoccupied land to actual settlers, if it can be done consistently with our treaties and contracts and in harmony with the rights of all concerned.

I haven't the remotest idea of what the Fiftieth Congress will do in the matter. A Daniel can not foretell that.

Yours, etc.,

GEORGE A. ANDERSON.

[Applause.]

The gentleman from Missouri [Mr. O'NEILL] wrote:

I am in favor of opening up to actual settlers the unoccupied land in the Indian Territory, and favor Congressional action as soon as possible.

Yours truly,

JOHN J. O'NEILL.

And the gentleman from Kansas [Mr. RYAN] gave an unkind cut at our President when he wrote:

Your circular letter received. To the first question, I answer emphatically, yes. My course in Congress for the last three years is one of persistent effort to accomplish that result, and if the President had not refused to execute the law of the 3d of March, 1885, of which I have the honor of being the author, I have no doubt Oklahoma and the Cherokee Outlet would now be lawfully occupied by American citizens as homes for themselves. The bill I introduced to open "No Man's Land" to settlement under the homestead laws, extend the laws of the United States over it, and attach it to Kansas for judicial and land-entry purposes, passed the House on motion of Judge PETERS and the Senate on motion of Senator PLUMB without opposition, and yet the President refused to sign it, thereby closing that door also against the homeless, and leaving persons and property there wholly without the protection of law. To the second question, I answer that, in my judgment, Congress at its next session will take some steps toward opening the unoccupied lands of the Indian Territory to settlement, if not embarrassed by the Administration. The "if," however, is a big one.

Very respectfully,

THOMAS RYAN.

[Applause.]

A distinguished Senator likewise intimated that the President had neglected a duty under the law.

He wrote:

I have the honor to acknowledge receipt of your favor of the 30th ultimo, and in response to the inquiries therein made will say that I have always favored the opening of such Indian lands to settlement as were not needed for actual use by the Indians themselves, provided, always, that the consent of the Indians was first obtained in the proper manner. This is the spirit of the Indian severalty bill which became a law at the recent session of Congress, and for which I voted. It has always been the policy of the Government to open up new areas to the hardy and adventurous pioneer as fast as practicable, a policy with which I have heretofore been in accord and which I still favor. As to what Congress may do in the case you mention, I could not express any opinion, although I have no reason to doubt that it would substantially be in accord with what I have hereinbefore expressed.

Of course, however, to obtain the consent of the Indians some negotiations must be had with them, and I call your attention to the fact that Congress some two years ago authorized the President to negotiate with the Indians for the cession of their right to the very lands to which you refer. I have no doubt that if the President had negotiated with the Indians promptly a law would already have been passed by Congress to open the lands to settlement, and my belief is now that whenever he shall report that he has obtained an agreement from the Indians whereby the title can be acquired by the Government and the lands opened to settlement, Congress will act very promptly.

I write without any special knowledge of the condition of affairs existing in the locality you mention, basing what I have said solely upon that rule which has heretofore been observed by Congress, and in which I have been myself participating and consenting.

Respectfully yours,

JOHN SHERMAN.

Similar views were given by Senator PLUMB, of Kansas; Mr. HENDERSON, of Illinois; Senator INGALLS; by Mr. MORRILL, of Kansas; Senator REAGAN, of Texas; Mr. MCSHANE, of Minnesota; by Mr. FINLEY, of Kentucky, and by others.

From the earnestness with which the desire to possess the Indian

Territory is expressed one would almost conclude that the last acre of the public domain had become settled, and that nowhere else between the two oceans within our jurisdiction is to be found a place for the homesteader, but if any reliance is to be placed on figures the following statement, showing the area of lands surveyed, area disposed of, and area remaining in the several States and Territories to June 30, 1887, as given by the present popular Commissioner of the Land Office, will demonstrate that Uncle Sam is yet solvent in real estate if not land poor:

States and Territories.	Surveyed up to June 30, 1887.	Disposed of to June 30, 1887.	Surveyed and undisposed of to June 30, 1887.	Disposed of excess of surveys (apparent).
	Acres.	*Acres.*	*Acres.*	*Acres.*
Alabama	32,462,115	31,733,743	728,372	
Arkansas	33,410,063	31,517,708	1,892,355	
California	71,988,476	40,545,311	31,443,165	
Colorado	58,184,750	19,734,366	38,450,384	
Florida	30,704,518	31,043,781		339,263
Kansas	51,770,240	40,407,619	11,362,621	
Louisiana	27,067,762	27,450,054		382,298
Michigan	36,128,640	36,170,307		41,867
Minnesota	42,316,088	33,932,140	8,383,948	
Mississippi	30,179,840	28,725,473	1,454,367	
Missouri	41,836,931	42,657,442		820,511
Nebraska	46,989,039	31,331,496	72,657,543	
Nevada	32,793,702	10,193,395	22,600,307	
Oregon	39,867,995	19,652,488	20,215,507	
Wisconsin	34,511,360	32,124,309	2,387,051	
Arizona	13,804,538	6,008,908	7,795,630	
Dakota	47,865,153	50,168,779		2,303,626
Idaho	10,350,554	5,731,997	4,618,557	
Montana	18,540,335	11,700,550	6,839,785	
New Mexico	46,580,485	14,238,542	32,341,943	
Utah	13,078,172	5,522,909	7,555,263	
Washington	21,281,622	14,872,031	6,409,591	
Wyoming	47,093,498	10,671,009	36,422,489	
Total	828,805,876	579,134,357	253,558,878	3,887,359

In relation to this statement the commissioner says:

The area of lands surveyed as given in the foregoing statement is substantially correct, as it is made up from the returns of the surveys reported to this office.

The area given as disposed of includes all entries and selections reported, and is only an approximation, probably satisfactory for the purpose for which it is to be used, but is not sent out as being reliable or accurate for the reason that the areas of a large number of entries which have been relinquished and canceled and the lands re-entered are included in some cases more than once.

This office has never been able to furnish an accurate and reliable statement of the disposals of the public lands for the want of sufficient force to bring the statistics up to date, but continues from year to year to furnish approximations of entries made instead of actual areas disposed of.

The apparent excess of the area disposed of over the area surveyed in Florida, Missouri, Michigan, and Dakota is due to the causes stated, the aggregate of error resulting from which is unknown, and in Louisiana a large area of swamp lands was passed to the State without actual survey in the field, and the areas of such canceled entries and unsurveyed swamp lands are embraced in the aggregate of disposals in these States.

In the other States as well the areas of relinquished and canceled entries are not known and therefore not deducted.

The States of Illinois, Indiana, Iowa, and Ohio are ommitted from the above statement, for the reason that practically all the lands in these States have been disposed of.

Our legislation affects directly or indirectly an Indian population, as determined to June 30, 1880, of about 260,000, dwelling upon 137 different reservations, embracing numerous tribes, distributed among the States and Territories as follows:

States and Territories.	Reservations October, 1883.		Population June 30, 1880.
	No.	Area.	
		Acres.	
Arizona	19	6,514,871	21,361
California	5	427,058	10,669
Colorado	1	1,094,400	2,530
Dakota	13	27,480,785	27,472
Idaho	4	2,748,981	4,470
Indian Territory	25	41,102,280	76,585
Iowa	1	1,258	355
Kansas	4	135,419	969
Michigan	3	66,332	10,141
Minnesota	10	4,755,716	7,680
Montana	5	27,797,800	21,650
Nebraska	6	424,159	4,002
Nevada	4	885,015	6,800
New Mexico	5	7,154,525	23,452
New York	8	87,677	5,139
North Carolina	1	65,211	2,200
Oregon	6	2,075,560	5,355
Utah	2	3,927,480	840
Washington	16	6,330,148	13,900
Wisconsin	7	586,026	7,375
Wyoming	1	2,342,400	2,063
Bands of Indians in Indiana, Florida, and Texas			1,000
Grand total	137	135,998,101	255,938

The proposed legislation affects directly, it is claimed, the entire area of Indian reservations in Indian Territory, which are as follows:

Name.	Area.	Name.	Area.
	Acres.		*Acres.*
Cheyenne and Arapaho	4,297,771	Pawnee	283,020
Cherokee	5,031,351	Peoria	50,301
Chickasaw	4,650,935	Ponca	101,894
Choctaw	6,688,000	Pottawatomie	575,877
Creek	3,040,495	Quapaw	56,685
Iowa	228,418	Sac and Fox	479,667
Kansas	100,137	Seminole	375,000
Kiowa and Comanche	2,968,893	Seneca	51,958
Modoc	4,040	Shawnee	13,048
Nez Percé	90,711	Wichita	743,610
Osage	1,470,059	Wyandott	21,406
Otoe	129,113	Kickapoo	206,466
Ottawa	14,860		

Our unsurveyed domain embraces, including Alaska's 369,529,600 acres, a grand aggregate of 841,780,652 acres, divided among the States and Territories as follows:

States and Territories.	Acres.	States and Territories.	Acres.
Louisiana	1,663,328	Montana	73,476,305
Florida	7,227,002	Indian Territory	13,477,610
California	29,004,164	Public Land Strip, unorganized territory	3,672,640
Minnesota	11,143,752	Alaska	369,529,600
Oregon	21,107,365		
Nevada	38,943,898	Grand total	841,780,652
Nebraska	88,320	Deducting Alaska	369,529,600
Colorado	8,695,250		
Wyoming	15,551,622	We have in acres	472,251,052
New Mexico	30,988,155	Deducting Indian Territory	13,477,610
Utah	40,986,468		
Washington	23,514,538		
Dakota	48,731,327	We still have unsurveyed in the public domain	458,773,442
Arizona	59,101,702		
Idaho	44,877,606		

Adding the surveyed, undisposed of 253,558,878, leaves the total of 712,332,320 acres available outside the territory of Alaska and the Indian Territory, so that only an Oklahoma boomer may be apprehensive of exhausting the resources of the Government in public lands. We may congratulate ourselves also that in the near future we shall add to this grand aggregate many millions of acres through forfeitures of railroad and other public land grants. Hence it must be evident that there is room for the homesteader outside the Indian Territory, and the "Oklahoma boomers" may at least wait until action may be taken under the power conferred by the act of 1885 and until the President has had time and opportunity to execute that part of the laws, or until additional power may be conferred as proposed by the pending bill of the gentleman from Indiana [Mr. HOLMAN].

Mr. Chairman, in all dealings with the American Indians and in all our treatment of them, especially during the past half century, it has been the settled policy of our Government to preserve the autonomy of the several tribes in their governmental affairs and to encourage them in building and maintaining for themselves a better social and domestic existence. They are the wards of the nation. The obligation of a guardian to a ward is the highest and most sacred known to the law. An individual proving recreant to his trust as a guardian is held to the strictest accountability before the law, and receives the condemnation of his fellows.

Can a great and powerful nation be justified before the civilized nations of the world for a wrong differing therefrom only in that in the former case a single individual is affected but has a remedy at law, while in the latter the honor of the nation is concerned and the rights and interests of sixty-five thousand civilized Indians are impaired while they have no remedy at law? Can we say in such a case that "might makes right?" No, Mr. Chairman. We hear it stated that all this talk about the Indian is mere sentiment, but let us remember that "sentiment underlies everything that is great or lovely or enduring on this earth. It is the joy of festivals, the animating soul of patriotism, the bond of families, the beauty of religious, political, and social institutions. It has consecrated Thermopylae, the Parthenon, the Capitol, the laurel crown, the conquerors' triumphal procession, the epics of Homer, the eloquence of Demosthenes, the muse of Virgil, the Mediaeval Cathedral, the town-halls of Flanders, the colleges of Oxford and Cambridge, the struggles of the Puritans, the farewell address of Washington.

"There is no poetry without it, nor heroism nor social banqueting."

Sentiment inspired our forefathers. The heroic sacrifices and struggles of that noble army in their march and conflict from Cambridge to Yorktown. The unparalleled heroism of the Army and Navy in the great rebellion. The voluntary service of more than two millions of men, and the sacrifice of more than three hundred thousand lives upon the altar of union and universal liberty, bear testimony to the beauty, strength, and wisdom of sentiment. Every monument from the lofty shaft that commemorates the life and services of Washington, and the stately erections that testify the grandeur of the immortal Lincoln, the valor of

our military and naval leaders on land and water, and the sacrifices and bravery of their followers, down to the humblest tablet marking the resting place of the humblest of the Union's unknown defenders, is the prompting of a noble sentiment.

Why do we to-day extend to the vanquished the right hand of fellowship and admit to an equality upon this floor men who twenty-five years ago were prompted to peril their lives and fortunes for what they conceived to be their patriotic duty, even to the overthrow of the Government of their fathers? It is because the sweet and noble sentiment of charity covers like a mantel the errors of the past, and let us hope inspires us all to a grander and more exalted struggle for the defense of humanity and the perpetuity of our Republic. "Leonidas lives in the heart of the world because he sacrificed himself to patriotism. The martyrs are objects of unfading veneration because they died for Christianity." [Applause.]

Mr. Chairman, this Government can not afford to adopt or pursue a policy affecting the rights or interests of any Indian tribes, especially the five civilized tribes, that will not bear the criticism of the Christian world.

As to these tribes we must remember that they embrace a population of about 65,000 persons, who, it may be asserted without question, are by reason of their advanced civilization—their advancement in agriculture and in the trades—no longer involved in the Indian problem. It is truly said that the very foundation of the proposed measure, so far as it applies to the five civilized tribes, is a misunderstanding of the relations of those tribes to the development and progress of the United States; that it is pervaded and poisoned by the erroneous assumption that these five tribes are, like the wild tribes of the plains, obstacles to the march of American civilization, a menace to the peace and safety of American citizens, and burdens upon the Treasury of the United States, and therefore, like those wild tribes, are involved in the great Indian problem which now, with such urgency, confronts the Government and people of the United States.

Let our Government pursue a policy rather that will speed the day when the Indian races will be eager to become a part and parcel of our civilization in the highest and best sense, when they shall learn to love and adopt the arts and pursuits of peace, and become a portion of our liberty-loving and law-abiding people, as they surely will in the near future if we treat with them in advance of any legislation tending to affect their status as a race. [Applause.] Mr. Chairman, the importance of this proposition is so great from every standpoint that, having said what I have, I am constrained to ask the House to consider in this connection the statement submitted to Congress by the Cherokee delegation as to the rights of the five tribes of the Indian Territory. I do this because it is a comprehensive paper, and as an act of fairness to a defenseless race.

To the Congress of the United States:

The country to which the Cherokees have a right is not held by them under what is commonly called an "Indian title." That sort of title to the lands in Indian Territory which belong to the Creeks, Choctaws, Chickasaws, Seminoles, and Cherokees was extinguished before these tribes or any of them were removed from east of the Mississippi River. The frailty of such a title was acknowledged by the United States, and forever impressed upon these tribes of Indians when it was found to be too weak to prevent the forcible appropriation of their homes east of the Mississippi. Another and better title—one that would make Indians as secure in the possession of their lands as white men in theirs—a title, in short, by patent in fee-simple—was promised to them by the Federal Government, was gladly accepted by the tribes named, and was duly executed in their behalf respectively.

Hence, we are justified in asserting that the patents of these tribes, or companies of Indians, include their right of occupation and use, as the greater includes the less; and that actual personal occupancy of land covered by our patents is not more essential in this than in other cases to the fact of ownership.

The lands west of the Arkansas River known as the "Cherokee Strip" are embraced within the area described in the Cherokee patent.

It is these lands that the bill to create the "Territory of Oklahoma" proposes to take from the Cherokees and open to white settlement.

The right and title of the Cherokee Nation to these lands is the same as to the lands east of the Arkansas River included in their patent—the title to the lands west being unaffected except by an agreement between the United States and the nation that the United States may settle friendly Indians west of 96° under certain stated conditions. (Treaty of 1866, sixteenth article.)

All these lands remaining unsettled, and while they remain so unsettled, are as much Cherokee domain as they were before the treaty was made.

The bill of Mr. SPRINGER, therefore, appears to the Cherokees to be a contemplated breach of good faith, to say the least; and they view it with very natural alarm, as all their dependence for safety is upon the respect the United States Government has for its own pledges.

Not only so, but the Cherokee Nation itself is expected by this bill to join in an act of bad faith towards the still weaker and more dependent tribes who have been settled in that country—Poncas, Pawnees, Ottoes and Missourias, and Osages. The understanding of the parties in interest when they were settled there was that the homes chosen for these tribes, or remnants of tribes, should be and remain in an Indian country, where they would be safe from the pressure of white settlers on every side. The United States, therefore, can not honorably propose, nor the Cherokees honorably consent, without the free and voluntary assent of these tribes, to change the conditions under which they agreed to be located in an Indian country, there to live surrounded by their own race.

The privilege granted to the United States by our nation to settle friendly Indians on certain Cherokee lands left the Cherokee title to all of that domain not so settled precisely where it was before. But in order to avoid any misunderstanding on this point the right of "possession and of jurisdiction" is expressly declared to remain in our nation as to the tracts not sold to and occupied by friendly Indians. (Revision of Indian Treaties, page 93.)

But it may be said that the consent of our nation is provided to be had before the bill can take effect.

We reply that this pretense, in our opinion, adds mockery to injustice.

What sort of "consent" is that which is only a choice between two evils? Which offers to one's option a misfortune only less dire than other misfortunes that he will otherwise have to endure? Which requires choice of two alternatives, both abhorrent to the taker, between which he must accept one that is bad in preference to the other which is worse?

Such is the nature of the "consent" provided by this bill to be got from the Indians. It severs connection between them and a large part of their lands, and condemns the lands to the condition of a valueless wilderness before their eyes, unless the Indians will consent to take a dollar and a quarter an acre with all delays and deductions attached, and see one-half of their family estate pass forever away to strangers.

Worse still. The "consent" provided for is their consent to let the Government have half of their country at the Government's own price, to be paid under conditions fixed by the Government alone, or, should their consent to that arrangement be withheld, to know that the protection of the United States will be withdrawn while the struggle goes on between the Indians and the white boomers, intruders, and depredators; the one to retain the profitless title, and the others to compel its relinquishment.

It would be idle to pretend, should this bill pass, that the General Government will not give all of its moral support to every plan to obtain the acceptance of its provisions by the Cherokees and the other Indians concerned. Would Congress approve the measure by passing it if it did not mean to declare that the Indians ought to consent to it? Can it be expected that the same attacks upon our rights by "boomers," etc., which the Government has heretofore righteously attempted to restrain and defeat, but to which this bill announces that the Government at last succumbs, will not be resumed with renewed vigor, and will thenceforth have the moral support if not the direct approbation of the Government?

ENEMIES CREATED BY LEGISLATION.

By similar thoughtless legislation in 1866, the Cherokee Nation was compelled to battle for life in your Halls against two powerful railway corporations, to whom Congress had granted the best part of the Indian Territory, provided the Cherokee title were first extinguished.

The contest was spread over several years, the railway companies doing their utmost to destroy our harmless nationalities by means of "Territorial bills," in order to realize the benefits of the grant made by Congress contingent on our decease as a nation, and the Cherokees spending a world of anxiety and hundreds of thousands of dollars to put off the evil day.

It was a hard and cruel position that the Cherokees and other tribes of the Territory were placed in, and, although the companies have not been so hostile of late years, those statutes which started the war are yet on your books, bristling with menace to our peace and welfare.

The nation would be placed, by the same kind of legislation, in the same position of antagonism with other powers, should this bill pass.

THE GEORGIA STRUGGLE RENEWED.

In still another view the unfortunate Indians of the Territory will be placed in much the same position that they occupied when their lands were included within the assigned limits of the State of Georgia and other States. This bill connects a large portion of the Indian Territory with what is called "No Man's Land," and the whole embraced in the "Territory of Oklahoma." Thus the Government will be tacitly pledged to extinguish our tribal titles, so far as to carry out the purposes of the act. The old struggle will be substantially renewed, with the doleful prospect of gradual contraction, until the tribes are crushed out of existence—like that of the solitary victim in the slowly closing chamber—further removal west being now out of the question.

The "Five Tribes" of the Indian Territory have greatly prospered in their present homes under the protecting policy of the United States since 1830. Congress is now solicited to announce itself as weary of well-doing, and ready to cripple or crush the prosperity which the observance of good faith has enabled us to realize and exhibit.

JUDGE BREWER'S DECISION.

The decision of Judge Brewer, of the United States court, has been referred to as determining the right of the Cherokee Nation to what is called the "Cherokee Strip," land covered by our patent, and the right to the possession of which, until sold and occupied by friendly Indians, is expressly vested in the Cherokee Nation by the sixteenth article of the treaty of 1866.

The United States district court of Kansas has been given jurisdiction over whatever portion of that country is not occupied by the Cherokees.

The lands sold in trust to the United States and occupied by the Poncas, Pawnees, Ottawas, and Missourias and Osages, being no longer occupied by the Cherkees, falls within the jurisdiction of that court. The act of Congress left to the determination of the courts whether the remainder of the strip was or was not occupied by the Cherokees, in one sense or another, in either or neither, whether as a nation or as individuals, under patent or treaty, or both, personally or through agents; all of these questions—branches of the trunk question of occupancy—being left by the act to the opinion of the court, but merely for the purpose and with the object of defining its jurisdiction as to place.

The Cherokees therefore do not regard Judge Brewer's decision as deciding anything more than that indefinite terms were used by Congress to describe the extent of the court's jurisdiction as to the place—which terms the court was authorized to define for itself with that specific object only, and not with the view of settling the rights of any parties to the country without giving them notice or hearing—which would be monstrous.

The Cherokees take this occasion to express their settled belief and understanding that the grant of a patent to their nation by the United States was designed to and does, so long as the patent is operative and the lands are unconveyed, give the nation a right not subject to be limited in its exercise to the actual personal occupancy of the lands by Cherokee citizens, and not condemned to expire for lack of such personal occupancy.

We do not by ourselves alone occupy one-half of the country patented to us east of 96°. Neither does the owner of any estate of any consequence occupy much of it except through the agency of employés and substitutes.

THE ACT OF CONGRESS OF 1883.

It is also alleged that the Cherokee Nation has bargained away their rights in all of the country west of 96°, and has in part received the consideration agreed upon.

In reply to this, we state the following indisputable facts:

The Cherokee delegation of 1882-'83 were only authorized to negotiate as to the said lands for a better and juster price than had been paid for tracts then occupied by friendly Indians. They were, by the same instructions, expressly forbidden to treat for the transfer to the United States or to friendly Indians of any more lands of the Cherokee domain than those so occupied, except strictly as provided by treaty.

The delegation of 1882-'83 reported to the national council that, in conformity with their instructions, they had obtained from Congress, upon the recommendation of the Department, the sum of $300,000, in addition to what had already been paid for the tracts then occupied by friendly Indians.

This report and information was accepted and acted upon by the Cherokee Legislature bona fide, and every proceeding since, of the said Legislature and of the courts of the United States before which the question has come, is in perfect harmony with the facts as now stated.

THE "INDIAN POLICY" OF THE "FIVE TRIBES."

Each of the five "civilized" tribes of the Indian Territory has a patent in fee

for their lands. If these patents are worth anything whatever they are worth a great deal as evidences of title, if not as assurances of use and possession; but it takes something more than a piece of writing, however formal, explicit, and pertinent to the writer's intentions at the time, to compel due respect and observance of its purport. It is this something that the five tribes lack and which they want.

For timber has been stolen from their patented lands by white men to the value of hundreds of thousands of dollars. Other valuable products of the domain have been separated from it and carried off surreptitiously. Numberless outside cattle have been grazed on the pasture lands of the tribes without leave of the owners. Trespasses and intrusions without limit have vexed and injured them, and all these violations of our titles are still taking place, and the tribes have no more redress than they would have without a fee-simple title, and with only a treaty guaranty of occupancy still respected by the United States.

Such is the state of things for which the tribes wish a remedy. The remedy which they are presumed, by the frame-work of the American Government, to be entitled to as owners of the soil by patent in fee, is an essential concomitant of such a title and is put at the service of every other lawful owner of land in the United States, except an Indian tribe, for the securing of his rights in the property patented.

This remedy is the right to apply to and enter the judicial halls of the Government.

The authority to entertain and examine complaints when coming from these tribes—as organizations—has not been vested in the courts—they have no jurisdiction where the tribe as a government is concerned and the tribal property is to be protected, and our patent as an evidence of title is no more than waste paper in the hands of the nation itself.

Hence, all sorts of depredations and wrongs are done to the Indians which their possession of a patent was undoubtedly intended to prevent, and would prevent, if the design had been completed and the courts empowered to protect Indian nations holding such titles as well as citizens of the United States and foreigners of the white and black races who have similar titles.

In short, any one of the five tribes is made up of a number of Indians duly organized into a company called the Seminole Nation, the Creek Nation, etc., as the case may be, which company has been recognized as a legal personality by the United States by the grant of a patent in fee to such company or nation; and the Indian company, in the Indian view, is as much entitled to the protection of their landed rights by the Government through its judicial tribunals as any company of foreign capitalists are who have acquired land from the United States with like guaranties.

NATURAL AND GOOD RESULTS OF WELL-DEFINED AND PROTECTED RIGHTS.

With the jurisdiction of the United States courts thus extended the intercourse and relations between Indian and white residents of the Territory will be extended also, and made more agreeable and profitable. But in any event the nations want the United States court or courts, to whose jurisdiction their citizens must be subject, located within the Territory, as their respective treaties provide.

In pursuance of the "Indian policy" of the Indians of the Indian Territory, they, therefore, apply to Congress for the imposition of penalties sufficient to restrain the commission of thefts, depredations, and trespasses upon their common property by white men not members of the tribe.

There is no sound reason why one white man should go to prison a year for stealing an Indian pony, worth $25, and another white man go wholly free of legal blame who steals a thousand dollars' worth of property of the tribe. The guaranties of protection are as strong and stronger in the latter case than in the former.

The result of the constant temptation, presented by the law's omission to persons over whom our nations have no jurisdiction to depredate upon the national property, is this: The intercourse between the two races is more or less accompanied by distrust and want of cordiality on both sides. Our relations with each other are legally ill-defined, and therefore, to some extent, strained and disagreeable. The United States Government is responsible for this condition of things—the result of not enabling our nation to defend its own rights of property with the essential weapon presumably placed in the "nation's" own hand for the very purposes of such defense—our patent in fee.

If this great obstacle to free business and social communication between the Cherokees and whites were removed, and our local government were authorized to represent and defend in the judicial department of your Government the common rights of our people, the cry for the opening of our country to settlement, or even white settlement, would have no foundation in appearance, as it has none in law and decency.

The Cherokees hold their lands in common because it is a cardinal principle of their social system that it is equally the duty of government to discourage and prevent the greedy elements of human nature from absorbing gifts of nature intended for all, as it is to foster and encourage all industries that tend to enlarge and multiply those gifts without denying to any person his natural share.

The Cherokee Nation, as a body-politic, consequently holds the lands of the nation, with the power to regulate the use of those lands so as to prevent any monopoly of its benefits. Industry in that direction, the Cherokees think, will defeat the ends of government and finally defeat itself.

But with unrestrained and confident intercourse between the Cherokees and such of the outside world as realize the reciprocal benefits of such intercourse—the rights of all parties concerned being equally well defined and guarded—the same state of things will be found in the Cherokee Nation that is found elsewhere in the civilized world, where one person or number of persons own the land and others assist in cultivating it in one character or another, for a just and lawful consideration, and to their mutual benefit.

Already thousands of persons not members of the nations are profitably employed in developing our resources. Nothing is wanting to develop them fully, while the titles and the status of the Indian tribes remain what they are now, but the protection which the United States has pledged in treaty and patent to be given to the several nations.

THE NECESSITIES OF CIVILIZATION.

The delegation have in this appeal tried to be just to the necessities and just claims of the United States as well as to those of the Indians. So much has been said about the "necessities of civilization," as a plea for taking what is left of the red man's land, that we do not wish to seem to avoid the subject, and run the risk of being charged with want of sympathy with it, simply because the Indians will be the sufferers.

We admit, then, that we do recognize the necessities of civilization, especially of American civilization, the highest civilization the world has ever seen. But the Cherokees contemplate these necessities, even from their lower plane, as not essentially material or pecuniary. Taking patented land or any other property by force may be the act of a high-spirited robber, which he may attempt to excuse on the plea of necessity and an aversion to beg what he is bound to have, but the United States Government never has been and never will be reduced to such extremity, and it is not the Indians who have ever presumed such a thing possible. The American people never will be driven to the plea of "necessity" as an excuse for recalling any act of generosity, or for repudiating any pledge in favor of Indians or any other people. As a fact, the United States is universally regarded as the richest, most prosperous, most self-reliant, most enterprising in good works, and the most promising of all nations on the globe.

This is so because the American Government and people have been pre-eminently just and conscientious in their dealings with mankind at home and abroad.

The "necessities" of civilization—of American civilization—in the view of the Cherokees, are the necessities that bind the people and their government to a constant observance of the principles which have made them what they are. These principles are those of honor, justice, and good faith, especially to the weak; which involve respect for the examples and guaranties of those who have gone before, and a patriotic love for those who are to come after, for whom the present generation is preparing a harvest of examples and obligations in its turn.

According to Indian notions, these are the true "necessities of civilization," because civilization can not otherwise survive and grow.

In view of the facts and truths we have attempted to state, and in pursuance of the "instructions" of our nation, the Cherokee delegation ask Congress to uphold and not destroy or weaken by the passage of this or any other "territorial bill" the rights your fathers have vested our tribe with in all earnestness and good faith.

L. B. BELL (*Chairman*),
GEORGE SANDERS,
STAND W. GREY,
W. P. BOUDINOT,
Cherokee Delegation.

Mr. WARNER. Mr. Chairman, the gentleman from New York [Mr. BAKER] attempts to break the force of over five hundred thousand petitioners asking for the passage of this bill by the assertion that they did not know what they were doing. Let me say to my friend that this multitude of petitioners embrace the farmers, the mechanics, the laboring men of the nation—the men who create her wealth, the bone and sinew of our country. It is a mistake to underestimate their intelligence. They have exercised the constitutional right of petition.

Their petitions may be disregarded, but let it be on some other ground than the ignorance of the signers. They knew what they were doing when they sent their petitions to Congress; and let me assure the gentleman they will know in the morning what we, their servants, have done to-day. Our acts will be discussed in the work-shop and in the field throughout the nation. Hundreds of thousands of the citizens of Kansas, Iowa, Nebraska, Illinois, and Missouri ask speedy and favorable action upon this bill.

Time will not permit me to follow the gentleman further. I propose to give the committee the result of my investigation of the rights of the Indians in the lands embraced in the proposed Territory of Oklahoma and the rights of our fellow-citizens.

Mr. Chairman, it is claimed that we are an "intensely practical" people, but our dealings with the wards of the nation, the Indians, have been characterized more by sentiment than reason, more by impulse than common sense. For one, I shall not claim that the bill under consideration is perfection, or that it is all that the people demand. Notwithstanding the fact that it falls short of what many of the friends of Oklahoma want, yet it has a well-defined purpose—the opening of a vast territory to actual settlers, and provides for the accomplishment of this by justifiable methods. The methods employed are not as expeditious and direct as many of us could wish, yet it will be accepted as an earnest on the part of Congress to open Oklahoma to the hand of industry, to the wheels of commerce, to the tide of trade.

In 1834 "all that part of the United States west of the Mississippi and not within the States of Missouri and Louisiana or the Territory of Arkansas," was declared by the law to be Indian country. (4 Stat., 729.) Therefore the question of restoring to the public domain unoccupied lands in which Indians claim title is no new one in our history. The Indian Defense Association and its allies sound the alarm in this, as in all other legislation which fails to recognize every pretended claim of the Indians. The burden of the cry is that the Indian is being robbed of his patrimony. The contest now presented is one of sentimentality against common sense,

SAVAGERY AGAINST CIVILIZATION,

indolence against industry; idle wandering Indians against tens of thousands of industrious, landless citizens. The issue presented by this bill is whether by fair legislation millions of acres of the best part of the continent, now unoccupied, shall be opened to settlement, to the end that under the tender care of the homesteader they may be made to yield an abundant harvest; or whether they shall remain as now, a waste, the home of wandering

INDIAN BANDS, HALF-BREEDS, AND OUTLAWS.

I speak of the unoccupied lands. The bill under consideration is intended to plant law and industry where lawlessness and idleness now hold undisputed sway; and this, without doing violence to the equitable or legal rights of the Indians.

The criticism of this bill, by the citizen uninfluenced by passion or sentiment, will be that it does not go far enough in the direction of an early opening of these fertile lands. If any have grounds of complaint to its provisions, they are the thousands of husbandmen who stand ready to enter upon and till these lands. They are not speculators, they are not boomers, they are not trespassers; they are law-abiding American citizens, seeking homes for themselves and those whom God has given them. They have waited long and patiently; now they demand legislation that shall remove the barriers between them and these lands, that shall open these lands to actual settlers—men who earn their living by the sweat of their brows—this bill, should it become a law, will be hailed as an evidence that Congress is willing to do something

more substantial for the toiling, homeless people than to simply pass high-sounding resolutions. Do not "break the word of promise to their hopes" while you keep it to their ears. The purpose of this measure is to open to the actual, bona fide settlers, not land sharks, about 23,278,719 acres of the public domain. (This estimate does not include Greer County.)

Comparison will give members an idea of the extent of the proposed Territory. It exceeds in area the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware combined; and it is safe to say contains double the number of acres of all those States adapted to agriculture. It is larger than East or West Virginia; larger than either Indiana, Maine, or South Carolina.

The Territory of Oklahoma embraces, among other tracts, the Public Land Strip, commonly known as No Man's Land. There are in this strip 3,672,640 acres awaiting the toilers of the soil, almost every acre susceptible of cultivation. This Public Land Strip is well named; it is absolutely

NO MAN'S LAND.

Even the Indians, strange as it may seem, have failed to set up any claim to it. This land is not within the limits of any Territory, organized or unorganized. The jurisdiction of no court extends over it. Its inhabitants can acquire no title to the soil, either by residence or purchase. It has thus far been neglected by Congress. Yet this fertile strip contains more acres than the State of Connecticut; its area is two-and-a-half times greater than Delaware, and four times as large as Rhode Island.

BOTANY BAY.

The unoccupied portion of the Indian Territory included in this bill is the ideal refuge of dishonest debtors and outlaws. It is the Botany Bay of the United States. There may be those who will challenge the correctness of this statement; yet, sir, I have spoken the words of truth and soberness. I have understated rather than overstated the facts as to the condition of the district named. I take it for granted there is no one more competent to speak of the true condition of the Indians there than General Nelson A. Miles. His position gave him better opportunities to learn the actual state of society than almost any other man in the Union; certainly better than a junketing committee passing through the country. None will question his intelligence or fairness and impartiality. Above all, he can not be accused of sympathy with the boomer or his methods. General Miles, in his annual report for 1885, says it—

is now a block in the pathway of civilization. It is preserved to perpetuate a mongrel race far removed from the influence of a civilized people, a refuge for the outlaws and indolent of whites, blacks, and Mexicans. The vices introduced by these classes are rapidly destroying the Indians by disease. Without courts of justice or public institutions, without roads, bridges, or highways, it is simply a dark blot in the center of the map of the United States.

BLOCK IN THE PATHWAY OF CIVILIZATION.

Pass this bill, Mr. Speaker, and the "block in the pathway of civilization" will soon be removed by the hand of commerce; and the "dark blot" that now disfigures the map of the United States will be erased by an enlightened, happy, and prosperous people. Seventeen bands of Indians, numbering in all 10,374, occupy, "Indian fashion," 11,685,035 acres, or nearly one-half of the Indian country that is included in the proposed Territory of Oklahoma.

To each man, woman, and child of this mongrel squad of Indians, squaw men, mulattoes, negroes, and half-breeds, now supported by the Government in squalor and idleness, is set apart over 1,000 acres of the choice land of the Union. A large percentage—I think it safe to say a majority—of the occupants of these lands do absolutely nothing. They have not the

ENERGY OF THE CHASE OR THE GENIUS OF THE FISHERMAN.

They are an incumbrance to the soil, a standing impediment to the advancement in the arts and sciences of the five civilized tribes, and a menace to the peaceable citizen on No Man's Land. For their own good and possible reclamation a government over them for the administration of law and the enforcement of order is demanded as an act of humanity to the Indians. The opposition to a Territorial government that shall establish justice, enforce law, and insure order comes not from any of the Indians residing in that part of the Indian country included within the territorial limits of Oklahoma, but it comes from those who claim to represent the five civilized tribes, the Choctaws, the Chickasaws, the Creeks, the Seminoles, and the Cherokees.

Their agents and attorneys, in arguments before the committee, did not object simply to this bill, but they strenuously protested against the passage of any law that should recognize the right of the white man to settle on any of the lands in the Indian Territory included in Oklahoma. These lands they demand shall be occupied by Indians or not at all. In other words,

NO WHITE TRASH NEED APPLY.

There are those whose sentimentality leads them to champion such a position. They are those who view the noble red man as Job's war-horse sniffed the battle—from afar off. They are those who are brought in contact with the Indians at long range.

The civilized tribes—

Says the Creek representative—

would prefer the terrors of the blizzard rather than to attempt to withstand the human cyclone from Kansas, Missouri, and Texas—

Should this bill become a law.

Mr. Hawkins, an educated Choctaw, having the attorney of his tribe at his elbow, in a carefully prepared argument before the Committee on Territories, used this language:

This bill opens the sluice-ways to admit to this Territory the outpourings and offscourings of American jails and prisons, the hords of fugitives from justice, escaped murderers and thieves, banished roughs and desperate outlaws, and subjects to their merciless and disorderly rule a people comparatively law abiding, prosperous, and happy.

This language, when it is not proposed by this bill to interfere with an inch of soil owned and occupied by them.

Again he says:

If the Territorial government of Oklahoma shall be organized, as provided in this bill, the ruin of our tribes and people will be speedy and complete. First will appear the scum of white vagabondage, which is always borne on the surface and at the front of the wave of Western immigation of the American people.

THE AVANTCOUREURS OF CIVILIZATION.

I am not informed in what school this "civilized" Indian learned the character of the Western pioneers, the men who, by their sufferings, their tireless energy, their indomitable courage, have been the *avant-coureurs* of civilization from the Atlantic to the Pacific. I fear that many of the spokesmen of the Indians spend more of their time in the enervating atmosphere of Washington than in the invigorating atmosphere of the great West. Their opinions, I fear, have been formed from their association with the impecunious horde that infest the national capital, whose occupation as Indian lobbiest would be gone should this bill become a law. They claim that the tribal relations which are sacred to them will be doomed should a Territory be organized on the west of the five civilized tribes. Should this bill pass, they say:

The tribal rights of the Indians, to the maintenance of which the national faith of the American Republic has been so often pledged, will rapidly melt away. Even their tribal existence, which has been guarantied to them by so many solemn treaties, will be extinguished.

Should this prophecy be fulfilled the occupation of many Washington City Indians will be gone; the language used must express their fears rather than the judgment of the Indians who reside in the Territory. The substitute which the gentleman from Georgia gave notice that he would offer for the pending bill proposes to take most of the lands included in Oklahoma and pay the Indians no more than is proposed in the bill. Are they sincere in their predictions of evil, and that continually, to the tribal rights of the Indians, should Oklahoma be organized on the west? Certain it is that these tribes for many years have been hemmed in on three sides by States. On the north by Kansas, on the east by Missouri and Arkansas, on the south by Texas. It is their boast that, thus environed—

No other nation on earth spends so much per capita for educational purposes as the five civilized tribes, and that they have virtually solved the problem of Indian civilization—

That to-day—

they are more orderly and law-abiding and peaceable than the average American communities.

Without stopping to question the accuracy of this statement, may we not congratulate them upon their progress, and suggest that they owe this blessing, not to the wild territory on their west, occupied if at all by a mongrel race, but to the great States by which they are bounded and their Christianizing influences? Would not their condition be further improved by the establishment of a Territorial government on their immediate west, where law, order, and intelligence would reign, rather than as now—chaos, turbulence, and ignorance? When they moved from east of the Mississippi to their present homes they sought companionship with organized communities. They settled on the eastern rather than the western border of their reservations, that they might be the nearer the white man. Taking their statement as true, certainly their present condition bespeaks the wisdom of that choice.

Mr. Chairman, I now propose to examine separately, as far as my time will permit, the claim of the civilized tribes to the lands in Oklahoma. (The map which I make a part of my remarks shows clearly the proposed territory of Oklahoma and the lands of the five civilized tribes.) To do this, tedious and uninteresting as it may be, it becomes necessary to examine the leading provisions of the various treaties entered into between the United States and these tribes from 1820 down to the present time.

THE CHOCTAWS AND CHICKASAWS' CLAIMS.

The Choctaws and Chickasaws' claims are one and the same, and we will so consider them. The home of the Choctaws prior to 1820 was in Mississippi. In that year those of them who lived "by hunting and would not work" negotiated for "a country beyond the Mississippi" where they might be collected and settled together. To accomplish this certain lands west of the river were ceded to the Choctaws. (7 Stat., 210.) By treaty of 1825 the boundaries of the ceded lands were corrected. Soon a new difficulty arose. The State of Mississippi extended its laws over the Choctaws remaining in that State. The President of the United States declared his inability to protect them "from the operation of these laws." This gave rise to the treaty of September 27, 1830, between the United States and the Choctaws.

By its terms there was to be conveyed by the Government to the Choctaw Nation—

A tract of country west of the Mississippi River in fee-simple to them and their heirs and their descendants, to inure to them while they shall exist as a nation and live on it. (7 Stat., p. 333.)

Then follows a description of their lands in the Indian country:

Beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas: thence north along that line to beginning. (7 Stat., sec. 2, p. 333.)

By section 5 it is stipulated:

The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of Red People the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have the right to pass laws for the government of the Choctaw Nation of Red People, and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State.

The Choctaws were to be forever secure from and against all laws—

Except such as may, and which have been, enacted by Congress, to the extent that Congress, under the Constitution, are required to exercise a legislation over Indian affairs. (7 Stat., 333.)

Soon after the execution of the treaty of 1830 the Chickasaws were forced across the Mississippi, and they, by the treaty of 1837, became part owners of the Choctaw domain. (11 Stat., 573.)

This brings us to the treaty of June 22, 1855, the ninth article of which is as follows:

The Choctaw Indians do hereby absolutely and forever quit-claim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one hundredth degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein, * * * which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interest of the Choctaws and Chickasaws, as from time to time may be prescribed by the President for their government: *Provided, however*, That the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

The tracts leased to the United States by the treaty of 1855 are included in the Territory of Oklahoma.

The Choctaws and Chickasaws deny the right of Congress to establish a Territory which shall include these lands. They say they were conveyed to them in fee-simple. This is true, but it was a qualified fee. They could sell to no one but the United States. Their interest in these lands was to terminate upon the happenings of either of the contingencies, their failure to exist as a nation, or their ceasing to live upon the lands. Having no further use for these lands, in 1855 they granted to the Government a perpetual lease of all their lands between the ninty-eighth and one hundredth degrees west longitude. They then ceased to live upon them. They have never lived upon any part of the leased lands for over thirty years. After the execution of this lease these tribes claimed an equity in these lands, notwithstanding the fact that they had ceased to live upon them and had been paid $800,000 for them. In the lease they had reserved the right to settle upon the lands as theretofore. To extinguish this equity the third article of the treaty of July 10, 1866, provides:

The Choctaws and Chickasaws, in consideration of the sum of $300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district.

That these tribes, as to these lands, have been generously treated none will question. It does seem that in dealings with the General Government nothing pays so well as to be an Indian. Be that as it may, certain it is that neither the Choctaws nor Chickasaws have any interest, legal or equitable, in the lands included in Oklahoma, which are those lying west of the ninety-eighth degree, formerly ceded to these tribes. Their cession of these lands to the United States was without any conditions.

This, Mr. Chairman, brings us to a consideration of the objections of the Creeks and Seminoles to the creation of this new Territory, which is to include the west half of their original domain. In 1826 the Creeks ceded to the United States certain of their lands in the State of Georgia, where they had lived, for the sum of $217,600. That year a portion of the Creek Nation expressed a wish to remove west of the Mississippi. A deputation of five warriors were sent, at the expense of the United States, to "spy out" the land west of the Father of Waters. They being satisfied, a part of the tribe moved to their new home, the Indian country. In 1832 the Creeks ceded to the United States all their lands east of the Mississippi. Those who had remained agreed to join their brethren west of the Arkansas. By article 14 of the treaty of March 24, 1832, it is provided that—

The Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians, nor shall any State or Territory ever have the right to pass laws for the government of such Indians, but they shall be allowed to govern themselves.

Within what limitations?

So far—

Says the treaty—

as may be compatible with the general jurisdiction which Congress may think proper to exercise over them. (7 Stat., 368.)

In 1832 the Seminoles, then residing in the Territory of Florida, relinquished their lands in that Territory, crossed the Mississippi, and became "a constituent part of the Creek Nation."

The Creeks having settled on a part of the lands ceded to the Cherokees "difficulties and dissensions thus arose" between them and the Cherokees as to their boundary lines. To remove these difficulties and to define by metes and bounds the lands ceded to the Creeks, the treaty of February 14, 1833, was entered into. Their territory was defined by apt description. The third article of that treaty stipulates that—

The United States will grant a patent in fee-simple to the Creek Nation of Indians for the land assigned said nation by this treaty, * * * and the right thus granted by the United States shall continue to said tribe of Indians so long as they shall exist as a nation and continue to occupy the country hereby assigned to them. (7 Stat., 419.)

This title depended upon their existence as a nation and a continuous occupancy of the lands assigned to them. The fee was thus limited and qualified. In 1852 a patent was issued to the Creek Nation for the lands ceded them by the treaty of 1833, which lands were occupied by the Creeks and Seminoles. I have stated that the Seminoles—that is, those of them who left Florida—became by an agreement between them, the Creeks and the United States, a "constituent part of the Creek Nation." After a time injurious dissensions and controversies sprang up between these tribes. Therefore it was deemed wise in 1856—

For the simplification and better understanding of the relations between the United States and said Creek and Seminole tribes of Indians that all their subsisting treaty stipulations should, as far as practicable, be embodied in one comprehensive instrument. (Treaty of 1856.)

The principal readjustment consisted in the Creeks setting aside to the Seminoles by metes and bounds a part of the Territory that had been ceded by the Creek Nation, retaining the remainder for themselves. These lands were to be respectively secured to and held by said Indians by the same title and tenure by which they were guarantied and secured to the Creek Nation by the third article of the treaty of February 14, 1833, and by letters patent issued to said Creek Nation on the 11th day of August, 1852. Neither of these tribes after this, it is clear, had any other or different title to its respective lands than the Creek Nation had therein before the division, which was, as I have shown, a qualified fee. For the privilege of settling the injurious dissensions and controversies between these simple red men the Government paid $1,375,000; one million going to the Creeks and three hundred and seventy-five thousand to the Seminoles. They danced; Uncle Sam paid the fiddler.

In 1861 the Creeks entered into a treaty—

With the so-called Confederate States, whereby they ignored their allegiance to the United States,

And by that act rendered themselves liable to forfeit to the people of the United States, says the treaty—

All the benefits and advantages enjoyed by them in lands * * * including their lands and other property held by grant from the United States.

Whereas in view of said liabilities—

Says the preamble to the treaty of July 19, 1866—

the United States require of the Creeks a portion of their lands whereon to settle other Indians.

TO FORFEIT ALL THEIR LANDS.

The Government had the right to forfeit all their lands, but instead of exercising this right it granted them amnesty and purchased from them the west half of their lands, for which it paid $975,168, at the same time setting apart the east half of their vast domain forever as a home for the Creek Nation. They had no further use for the lands sold. They did not occupy them. The part left them was more than they needed for a home. Article IV of the treaty of 1866 reads:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States * * * the west half of their entire domain, * * * the eastern half of said Creek lands being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation.

The lands here ceded to the United States were estimated to contain 3,250,560 acres, the Indians to be paid therefor the sum of $975,168, that is, 30 cents an acre. The Creeks could be divested of their title in their lands in three ways: the extinction of the nation, ceasing to occupy them, or by sale to the United States. Have they any further interest in the west half of their lands, embraced in Oklahoma? They sold them to the United States at a price agreed upon, they received the purchase money, and have never occupied an acre of those lands since 1866.

But—

Say the attorneys for the Creeks—

The United States expressed a desire to locate "Indians and freedmen" upon these lands. We are willing to sell and did sell at 30 cents an acre for that purpose, but we are unwilling that they shall be thrown open to settlement under the homestead laws, although we are paid as provided in this bill, $1.25 an acre.

Their position is that these lands must be occupied by "Indians or freedmen," or not at all. This bill utterly ignores this claim, but, in keeping with the spirit of liberality that has heretofore characterized our treatment of these wards of the nation, has provided that they be paid for any possible equities the Creeks or Seminoles may have in these lands. With this the

INDIAN ATTORNEYS

are not satisfied. They demand that Congress shall do nothing look-

ing to the establishment of a Territorial government over these lands, and that the President shall be compelled to use the Army to maintain this wall of prejudice and sentimentality against immigration, against commerce, against civilization. The legal title to these lands is in the United States, in trust for the people, who have rights that Congress should not ignore, rights that the Indian should be made to respect.

THE RIGHT WHICH THE CHEROKEES CLAIM.

Mr. Chairman, we now come to the discussion of the right which the Cherokees claim to maintain a Chinese wall around 6,000,000 acres south of and adjoining the State of Kansas, and known as the Cherokee Outlet.

This strip for years has been leased by cattle syndicates, and it is claimed that a few Indian chiefs and headmen have appropriated the lion's share of the lease money to their individual use. As might be expected, they are resisting the passage of this bill, claiming that the Congress of the United States is prohibited by treaty stipulations and solemn guaranties from the formation of any Territory that shall embrace within its limits any part of this outlet. Let us examine the grounds of their claim. To do this it becomes necessary to hurriedly at least view the treaties between the United States and the Cherokees. In 1808 the tribe divided into two bands; one desired to engage in the pursuit of agriculture in the country they then occupied—Georgia; the other desired to continue the hunter life. The scarcity of game where they then lived made them anxious to move across the Mississippi River, where game abounded.

The treaties of 1817 and 1819 (7 Stat., 156 and 195) provided for exchanging with the latter band lands west for a part of the Cherokee lands in the State of Georgia. This band removed to their new home, the Indian Territory. The Georgians were anxious that the other band of Cherokees remaining in their State should join their less civilized brethren west of the Mississippi. This led to the treaties of 1828, 1833, and 1835 (7 Stat., 310, 414, and 478) by which 7,000,000 of acres were ceded to the Cherokees as a permanent home. This tract was designated with particularity by metes and bounds. The treaties provided that:

In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Indians a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 of acres as far west as the sovereignty of the United States and their right of soil extend. (7 Stat., 415.)

PERPETUAL OUTLET.

The purpose of this "perpetual outlet" was to enable them to reach the Great West that abounded in all kinds of game.

At this time, 1835, the Cherokees claimed that the lands that had been ceded to them as a home, that is, the 7,000,000 acres, were not sufficient "for the accommodation of the whole nation on their removal west of the Mississippi." Accordingly, the United States sold them 800,000 acres in addition to the 7,000,000 acres theretofore ceded them. For these additional lands the Cherokees paid $500,000. These Cherokee neutral lands, and not the 7,000,000 acres, were to be conveyed to the Cherokees "and their descendants in fee-simple." (7 Stat., 480.) It is nowhere provided that any of the other lands, that is, the 7,000,000 acres, or the outlet, were to be thus conveyed. It is true that it was stipulated in article 3 of the treaty of 1835—

That the lands above ceded—

That is, the 7,000,000 tract—

by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty—

That is, the neutral lands—

shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830.

To determine what title was conveyed by this patent to the 7,000,000 acres and the outlet, it is necessary to examine the statute, the provisions of which were to control the President in executing the patent to the lands. Upon an examination it will be found that the act of 1830, named in the treaty, is one providing for the exchange of lands with Indians residing in any of the States or Territories. The third section of this act authorizes the President to issue patent to any nation or tribe "for lands given to them in exchange," and concludes with these words:

Provided, always, That such lands shall revert to the United States if the Indians become extinct or abandon the same. (4 Stat., 411.)

The lands given the Cherokees for a perpetual home were given them in exchange for lands in Georgia. Therefore, the only title they acquired in these lands, including the outlet, was one limited by the conditions named in the act of May 28, 1830. Not so with the neutral lands. They were not given in exchange for other lands; they were sold by the United States to the Cherokees for so much money. As to them there was no condition-subsequent. The title to the neutral land was in fee-simple.

HOLDEN VS. JOY.

Keeping this distinction in mind, it will be found that the case of Holden *vs.* Joy (17 Wallace, 211) has no application to the 7,000,000 acres or the outlet. In that case the Supreme Court only passed on the title that the Cherokees acquired in the 800,000 acres which they purchased from the United States in 1835, for $500,000, and sold to Mr. Joy in 1867, at and for the sum of $800,000. On December 31, 1838, in pursuance to the treaty of 1835 and the act of May 28, 1830, the United States issued to the Cherokees a patent for 13,574,135 acres of land, by metes and bounds, exclusive of the 800,000 acres contained in the Cherokee neutral lands. In no treaty had the outlet been defined other than by the general words "a perpetual outlet west." There was no statute or treaty from which the number of acres in the outlet could be ascertained. It seems to have been arbitrarily assumed by the authorities that all of the unassigned lands in the Indian Territory, at the time of the execution of the treaty of 1835, were included in the perpetual outlet west. In every treaty the lands ceded to the Cherokees as a home were limited to 7,000,000 acres. These were fixed and determined by well-defined boundaries. Beyond this, an outlet, a passage to the west, only was granted. Why were 6,574,135 acres of land patented to the Cherokees as an outlet? The explanation of this is, I apprehend, that the President, at the time of the execution of the patent (1838), regarded these lands bordering on the then Great American Desert of so little value, either present or prospective, that, had there been three times as much of the Indian Territory remaining unassigned to other tribes, all would have been dumped in the patent as "perpetual outlet west."

No distinction was made in the granting clause between the lands granted to the Cherokees as a permanent home and those granted to them as an outlet. Yet it is true that a marked and well defined distinction is made between the land ceded as a home and that granted as an outlet, in every treaty between the United States and the Cherokees. If, under a state of facts similar to those in this case, a patent had been issued to a corporation for over 6,000,000 acres of land, it would have been canceled on the ground that there was no law authorizing it. The manifest intent of the United States, as expressed in treaty stipulations, was to provide

A PERMANENT HOME FOR THE CHEROKEES.

This was done by setting aside the 7,000,000 acres of land. In addition to this an easement was granted them over the lands of the United States as far west "as the sovereignty of the Government extended." Let me here call the attention of the House to the language of Judge Brewer in United States *vs.* Soule *et al.*, decided in the United States circuit court for the district of Kansas in June of last year. That distinguished jurist says:

Manifestly, Congress set apart the 7,000,000 acres as a home, and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west. But while the exclusive right to this outlet was guarantied, while patent was issued conveying this outlet, it was described and intended obviously as an outlet and not as a home. (U. S. *vs.* Soule *et al.*, 30 Fed. R., page 918.)

The learned judge expressly overrules United States *vs.* Rogers (23 Federal Reports, 658) decided by Judge Parker and relied upon by the minority of the committee and by the gentleman from Georgia [Mr. BARNES] in his argument. Judge Brewer in 1887 placed the same construction upon the interest of the Cherokees in the outlet as John C. Calhoun in 1821 gave while Secretary of War. In a letter dated at the Department of War, October 8, 1821, addressed to certain chiefs of the Cherokee Nation in regard to the removal of certain parties from the outlet, he says:

It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the West, you acquire thereby no rights to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country. * * *

J. C. CALHOUN.

TEKE-E-TOKE, JOHN JOLLY, BLACK FOX,
W. WEBBER, THOMAS GRAVES,
Chiefs of Arkansas Cherokees.

NO RIGHT TO THE SOIL.

The Cherokees were to acquire "no right to the soil" in the Outlet; it was to be a passage to the West. Nothing more. Of this, if we are to believe the statements contained in Mr. Calhoun's letter, the Cherokees "were apprised" as early as 1821. Certain it is this letter gives the understanding of the United States and Cherokees as to the Outlet. The gentleman from Georgia [Mr. BARNES] in his able argument contended, as I remember, that the construction given by Mr. Calhoun of the interest that the Indians were to have in the Outlet was undoubtedly the correct one as to any promises or guaranties relating thereto down to the time the letter of October 8, 1821, was written by that distinguished statesman. But it is claimed that when the United States commenced negotiations to induce the Cherokees east of the Mississippi to join their brethren west of the Mississippi, another and different contract was entered into as to the title of that tribe in and to the Outlet. Upon this proposition I take issue with the distinguished gentleman from Georgia. To my mind his position is not sustained by the record.

The first treaty in which the 7,000,000 acres are set aside by metes and bounds to the Cherokees as a permanent home is that of May 6, 1828. (7 Stat., 311.) It was in this treaty that the Government expressed—

its anxious desire to secure to the Cherokee Nation of Indians, as well as those

now living within the Territory of Arkansas, as those of their friends and brothers who reside in the States east of the Mississippi and who may wish to join their brothers of the West, a permanent home.

In this instrument we find Mr. Calhoun's letter referred to as follows:

The Cherokees, resting also upon the pledges given them by the President of the United States and the Secretary of War (Mr. Calhoun), of March, 1818, and October 8, 1821, in regard to the outlet west.

What was the pledge of the Secretary of War as to this Outlet? That intruders upon it were to be removed, but that the Indians were to acquire no right to the soil in the Outlet. It is in this treaty that the lands assigned the Cherokees as a permanent home are for the first time bounded. It is in this treaty we find Mr. Calhoun's letter referred to regarding the outlet west and that outlet first defined, as follows:

In addition to the 7,000,000 of acres thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west.

This general description of the Outlet is followed word for word in all the subsequent treaties with the Cherokees. In the terse language of Mr. Calhoun, it gave the Cherokees no right to the soil.

It was not territory for residence—

Says Judge Brewer—

but for passage ground over which the the Cherokees might pass to all the unoccupied domain west.

The gentleman from Georgia [Mr. BARNES] in an able and ingenious argument contends that by the terms of the treaty of August 6, 1846, (9 Stat. 971), the United States placed a different construction upon the interest of the Cherokees in the soil of the Outlet than that given by Mr. Calhoun in his letter of October 8, 1821. The treaty will be searched in vain for a single sentence or word that sustains the gentleman. That treaty was only for the purpose of settling "certain difficulties" that existed between members of the Cherokee Nation. That portion of the Cherokee people known as the "Old Settlers" or "Western Cherokees" claimed the right to exclude the Cherokees who, prior to 1828, resided east of the Mississippi from any interest in the lands west of the Mississippi. This claim was decided against the "Old Settlers," and it was determined by this treaty of 1846 that the home west of the Mississippi "became the common property of the whole Cherokee Nation by the operation of the treaty of 1828." (9 Stat. 873.)

CONSTRUCTION GIVEN BY MR. CALHOUN.

This again recognizes the correctness of the construction given by Mr. Calhoun to the interest of the Cherokees in the Outlet, namely, that they acquired no interest in the soil thereof. Their right was that of passage.

The treaty of 1846 can not be tortured into the support of the position of the gentleman from Georgia, [Mr. BARNES].

Here let us examine the treaty of 1866 regarding this outlet. That treaty contained this provision:

The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees.

That is, on any part of the Cherokee Outlet which is embraced in the Territory of Oklahoma. The treaty further provided that the lands upon which friendly Indian tribes might be settled should be—

Conveyed in fee simple to each of said tribes to be held in common, or by their members in severalty, as the United States might decide. (14 Stat., 804.)

The United States, and not the Cherokees, were to determine how the lands should be conveyed.

The wonderful physical changes that had been wrought in the country west of the Mississippi since 1835, rendered in 1866, the further use of the Outlet "as a passage-ground over which the Cherokees might pass to all the unoccupied West" unnecessary.

THE UNOCCUPIED WEST

of 1835 was in 1866 the home of hundreds of thousands of American citizens, living under State and Territorial governments. In 1835 the Indian Territory barely touched the suburbs of civilization; in 1866 it was environed by churches and school-houses. The conditions that apparently rendered an "outlet" a necessity in 1835 had ceased to exist in 1866.

This changed condition should not be lost sight of in construing the treaty of 1866 and the acts of the Cherokees thereunder. In 1866 the Cherokees, having no use for the outlet as a passage to the West, sold all their interest in it to the United States.

Under the treaties the Cherokees had "no right in the soil," nor could they settle upon any of the lands in the Outlet (16 Attorney-General, 470). The lands guarantied to them as a home were the 7,000,000 acres east of the ninety-sixth degree west longitude; upon these they could settle. In these they had an interest in the soil. Not an acre of that tract is in the least affected by the bill under consideration. In accordance with the provisions of the treaty of 1866 just cited, the United States, consistent with what was then the policy of the Government regarding the unoccupied lands in the Indian Territory, settled several tribes of Indians on the eastern part of the Outlet. The Osages and Kaws settled upon all that part of the Outlet between the ninety-sixth degree west longitude and the Arkansas River, a tract comprising 1,566,304 acres, for which the Cherokees were paid $1,091,412, or 70 cents an acre. Five bands of Indians—the Nez Perces, the Poncas, the Otoes, the Missourias, and the Pawnees—were settled on the west bank of the Arkansas, their territory aggregating 551,732.14 acres.

The lands assigned these five tribes were assessed by the President at 47.49 cents per acre, except the Pawnee lands, being 230,014.04 acres, which were valued at 70 cents. The price was fixed by the President in accordance with the provisions of the treaty of 1866. The Cherokees have been paid the purchase-money, and the bands of Indians named now occupy all these lands. The right to the passage-way, the easement, the

PERPETUAL OUTLET WEST,

guarantied to the Cherokees has thus been abandoned by them. Its entrance, its mouth, has thus been blocked by and with their consent. It is true that the treaty ceding this outlet to the Government further provides that the Cherokee Nation was—

to retain the right of possession of and jurisdiction over all of said country west of the ninety-sixth degree of longitude until sold and occupied.

Until sale and occupancy they were to "retain" the semblance of possession and jurisdiction as before. Their possession of and jurisdiction over this tract, in the language of Judge Brewer, was never more than that of—

an outlet, not territory for residence, but for passage ground over which they might pass to all the unoccupied domain west.

The unoccupied domain west had become the occupied. Therefore, having no further use for this tract "for passage," they ceded to the United States the easement they had in it, thereby putting more money in their pockets. In pursuance of the spirit of the treaty of 1866 and the desire of the Cherokees, upon the recommendation of General Francis Walker, Commissioner of Indian Affairs, the act of May 29, 1872 (17 Stat., 190) was passed, authorizing the—

President and Secretary of the Interior to make appraisement of the Cherokee lands * * * and of the land of the Osage Indians in the Indian Territory, and south of the southern line of Kansas, ceded to the United States by the Cherokee Indians.

In accordance with this act an appraisement was made in 1877. The price of the lands occupied by the Pawnees was fixed at 70 cents an acre, and the remainder of the lands, 6,344,562.01, were valued at 47.49 cents per acre. This appraisement was regarded as fair and just by the Indians and the United States. The Cherokees two or three years after the appraisement complained that the Government in locating Indians upon the Outlet settled them on the eastern and best portion, leaving unoccupied the western and poorest portion, while they were being paid for but little more than the lands actually occupied by other Indians. They claimed, and I think justly, that the lands, having been appraised, their value thus ascertained, they should be paid the entire value fixed thereon; that is, $3,174,047.30, with interest.

This amount with reasonable interest the United States should have paid. The Secretary of the Interior, Hon. S. J. Kirkwood, in 1882, with reference to this claim of the Cherokees, says:

I think in this matter the Cherokees have some cause of complaint that they have not been fairly dealt by. I think also that their demand for the present payment for all the land is not quite reasonable, and that their demand for interest as set forth in their communication to me is extravagant.

Then he proposes a remedy, as follows:

If the United States should pay them the appraised value (47.49 cents per acre) for as much land in the extreme western and least valuable part of the cession as has been occupied in the eastern and more valuable portion thereof, * * * any just ground of complaint would be removed. (H. Ex. Doc. 89, Forty-seventh Congress, first session.)

As I have heretofore shown, there had been taken in the eastern part of the outlet west of the Arkansas River by the five tribes named, 551,732 acres, which at the assessed value (47.49 cents per acre) would amount to $262,017.50. Three years prior to this recommendation the Cherokees had been paid $300,000. The act of June 26,1880 (21 Stat., 248), expressly provided that the $300,000 was to be paid the Cherokees out of funds due them under appraisement of their lands west of the Arkansas River. It must have been paid on all the lands; for at that time the appraised lands upon which Indians had been settled amounted to $265,404.27. (S. Ex. Doc. 19, Forty-seventh Congress, second session.) In 1881 they were paid nearly $50,000 for the land occupied by the Poncas. This brings us to the payment of $300,000 made in accordance with the recommendation of Secretary Kirkwood, that is, to pay the Cherokees for as much land in the western portion of the outlet as had been occupied in the eastern, and thus in the opinion of the Secretary remove all just grouds of complaint. The Cherokees received this money, and for a time acquiesced in the opinion of the Secretary of the Interior.

This last $300,000 was to be paid the Cherokees "out of the funds due under appraisements for Cherokee lands west of the Arkansas River." (23 Stat., 624.) It will be observed that this, as well as the appropriation of a like amount in 1880, recognizes the justice of the assessment, of which the Cherokees had not complained, and the further fact that that assessment had created a "fund due." The Department of the Interior "holds that the above-named appropriations were made on

ACCOUNT OF ALL THE LANDS

of the Cherokee Nation lying west of the Arkansas River." (S. Ex. Doc. 19, Forty-eighth Congress, second session.) The Indians demonstrated by their demands that in their opinion the United States had purchased their interest in the outlet.

On January 11, 1882, Daniel H. Ross and R. W. Wolfe, Cherokee

delegates, and W. A. Phillips, special agent, addressed a letter to Hon. S. J. Kirkwood, Secretary of the Interior, in which they claimed that the 6,344,562 acres of the Cherokee Outlet were appraised by the Secretary and the President as the law directed in June, 1879, at 47.49 cents per acre, making an aggregate of $3,013,032. They said:

There is due us interest from July 1, 1879, to present date or date of payment at the rate of 5 per cent. Upon that amount—

They add—

there has been paid $350,000, which sum has passed to our credit—

How? On a part or all of the land? The letter says the amount passed to their—the Cherokees'—credit—

as sums paid on our lands thus appraised at an aggregate for the entire tract. It will thus be seen—

They add—

that there has been a full recognition of the amount thus due us by the President, by the Department, and Congress. We have not so far been able to secure full payment.

AGGREGATE AMOUNT THEN DUE AND PAYABLE.

The Cherokees in the letter just cited, by which they claimed there had been a sale of all their interest in the "Outlet" to the United States, and that the amount at which the lands had been appraised constituted an "aggregate" amount then due and payable—in this same letter they further claim that the treaty of 1866 "had in all essential particulars been set aside." This was not controverted by the honorable Secretary of the Interior. Then they saw an advantage in holding that the treaty of 1866 was no longer regarded as binding by either party.

They now claim that it is in full force, and while they received $648,389.46 "out of funds due them under the appraisement in 1877 of the entire Outlet, yet that this money was paid to and received by them upon the express understanding that none but Indians were to occupy any of the lands so appraised and paid for, and that the Government had the power legally to open to its citizens for settlement any portion of such tract." For one, I do not recognize their claim as either just or legal. I do not believe it represents the judgment of the better class of Indians. I am not disposed to encourage a few chiefs, head men, and lobbyists in their attempt to play

DOG IN THE MANGER

regarding these lands. The public domain belongs to the people and should, as a matter of right, be opened to settlement by the people. They shall not be excluded therefrom by my vote or my influence, by reason of a claim such as that set up by the Cherokees in this case, a claim founded upon sentiment and kept alive by prejudice. I believe that Congress unquestionably possesses the power to open these unoccupied lands to settlement by paying the Cherokees an amount of money equal to the assessed value thereof in 1877, with reasonable interest thereon.

Congress, if necessary, should not hesitate to exercise this power. The bill under consideration excludes the citizen from these lands until the assent of the Cherokees is obtained, and proposes to pay them $1.25 an acre, less the expense of sale and the amount they have heretofore received thereon; thus giving them for the 6,022,224 acres of unoccupied lands in the outlet 77.51 cents per acre more than the same lands were appraised at by the President under the treaty of 1866. Should this bill become a law the money to be paid the Cherokees under it, placed at 4 per cent. interest, would yield these Indians an annual income three times as great as that now received by them from the cattle syndicates as lease money.

Prudence as well as wisdom would seem to dictate to the Cherokees to lose no time in accepting a proposition so liberal in its terms. They need look for nothing better. To this the gentleman from Georgia [Mr. BARNES] does not object. In the substitute which he gives notice he will offer he proposes to take the lands in the same manner and at the same prices proposed in this bill. It is the establishment of the territory to which he objects. The very thing that is necessary to protect the Indians during the negotiation for these lands and the thing that is absolutely necessary to protect them and the settlers after negotiations are completed. This substitute means chaos; the bill under consideration, order.

CATTLE SYNDICATE—A GIGANTIC MONOPOLY.

It is a well-known fact that over 6,000,000 acres of the Cherokee Outlet are now, and for years have been, in the possession and control of a cattle syndicate—a gigantic monopoly. It is claimed that among its members are men of sufficient influence to defeat any legislation looking to the opening of these lands to the tillers of the soil. This syndicate, by reason of its occupancy of this immense tract, is enabled annually to put hundreds of thousands of dollars into the pockets of its members. They pay a nominal rental for the exclusive use and occupancy of these lands, over which immense herds of cattle range, exempted from taxation. The cattle upon this strip can not be reached by execution. The dishonest creditors may there have hundreds of thousands of dollars of other people's money invested in stock, yet while upon the Cherokee Outlet he can laugh at all processes issued from civil courts for its collection.

CITY OF REFUGE.

It is the "city of refuge" for those who have an abundance but would avoid the payment of their honest debts. They occupy these lands under leases made in violation of the statutes of the United States, yet are exempted from criminal prosecution. They have no legal right whatsoever to remain upon the land. The President has ample and full authority to compel them and their herds to be removed therefrom at any time. There is no power vested in any officer of the Government to render these pretended leases lawful or valid. They remain there either through the indifference or favoritism of those whose plain duty it is to act in the premises. These points are all decided by Attorney-General Garland in opinion of July 21, 1885. He but enlarges upon the opinion of Attorney-General Devens. (16 Op., 470).

ATTORNEY-GENERAL GARLAND.

The learned gentleman from Georgia [Mr. BARNES] contends that all Attorney-General Garland said about the syndicate leases in the Cherokee Outlet was *obiter dictum*. The ex-Secretary of the Interior, and present Justice of the Supreme Court, in response to whose questions the opinion was given, did not so regard the utterances of the legal advisers of the Administration. In his last annual report he says:

The Attorney-General holds there is no warrant of law—

For the—

existing arrangements for the privilege of grazing cattle thereon—

That is on the Cherokee Strip.

That part of the Attorney-General's opinion relating to the syndicate leases of the Outlet, instead of being *obiter dictum* was a plain exposition of the law upon the state of facts submitted to him by the Department of the Interior. The opinion is denounced as *obiter dictum*, "extra official," not because that opinion and the proclamation of the President issued in accordance with the law therein expressed, brought financial ruin to many small holders of cattle in other parts of the Indian Territory, but the opinion is denounced because he did not go out of his way to shield the cattle syndicate.

The Attorney-General did not go outside the facts in rendering his opinion. He knew what he was doing then, and still adheres to the views of the law as then expressed, notwithstanding the fierce criticism by the gentleman from Georgia [Mr. BARNES]. The opinion applies the plain provisions of the statutes regarding the leasing of Indian lands (sec. — Revised Statutes]. The Attorney-General fully comprehended the question submitted and is not disposed to retreat under the fire opened upon him by the syndicate. I shall here submit a letter from that official, which I am enabled, through the kindness of the chairman of the Committee on Territories, to use. It will explain itself:

MARCH 5, 1888.

DEAR MR. SPRINGER: I notice in yesterday's RECORD, in Mr. BARNES's speech, page 1790, it is stated my opinion on cattle leases was *obiter dictum*, not based on facts, etc.

Now, please make it plain for once and forever, that opinion was in direct response to the questions propounded by Mr. Lamar. I have nothing to do with facts but as they come to me from the Departments asking my opinion, and to respond to their questions.

Further on Mr. BARNES does say, Lamar extended his inquiry, etc. Now do me the favor and justice especially to put this in black and white on the record, that I answered what was put to me by Mr. Lamar. Please don't fail to do this.

Yours, truly,

A. H. GARLAND.

Notwithstanding all this the gentleman from Georgia insists that the failure of the President to cause the removal of the cattle from the Cherokee Outlet, held there under arrangements with the Cherokee Live-Stock Association, that this fact was conclusive evidence that the opinion of Mr. Garland was not regarded as good law. It is true he did cause the

CATTLE TO BE REMOVED SUMMARILY

and at great loss to the owners from other parts of the Indian country. What arguments or influence induced him to permit this rich and influential syndicate to remain in the undisputed possession of the Cherokee Outlet I am unable to say. This I do know, that Secretary Lamar directed that this monopoly—

be informed that any so-called lease or other arrangements into which they or any other parties may enter with the Cherokee Nation for the occupation of the Cherokee Outlet with their cattle for grazing purposes will be subject to cancellation or discontinuance by the Department at any time.

Certain it is, from this language, Mr. Lamar entertained no doubt as to the power vested in him to declare their "so-called leases" null and void. He further recommends in his annual report—

that Congress should set its seal of approval or disapproval upon the occupation of Indian lands by individuals and associations of white men for grazing purposes. (R. Sec. In. 87, page 31.)

He then adds:

The occupation of these lands by white men with their cattle, under so-called leases for grazing purposes, if of any present benefit to the Indians, is not conducive to their future well-being. (Id.)

The hope of the future of the Indian lies in the early breaking up of the tribal relations and the localization of the individuals of the tribes upon separate allotments of land, and thus become individual fee-holders, clothed with the privileges and trusted with the duties of American citizenship.

When once he is located in his homestead—the bulwark of American progress and liberty—

Says the Commissioner of Indian Affairs—

and is brought to realize the dignity as well as the responsibility of his new position and relations, * * * his heart will swell to the Government for the blessings and opportunities thereby conferred upon him.

FROM THE BARBARISM OF THE AGES.

Then, and not till then, will the Indian be "redeemed, regenerated, and disenthralled" from the barbarism of the ages and enter within "the pale of American civilization." Any legislation giving early promise of this result meets the determined opposition of the Cherokee land syndicate, Indian chiefs, and head men. The eloquent gentleman from Georgia [Mr. BARNES] denounces the section of this bill which is in the line of the recommendation of Secretary Lamar, declaring the leases held by the syndicate null and void, directing the President to remove all persons holding under them. This, the gentleman designates as "an attempt to confiscate the land of the Indians."

This, in the face of the fact that it provides for removal of none but intruders from these lands, and, in return pays the Indians a sum yielding an annuity many times greater than the lease money now received by them from the syndicate. If this be confiscation, it is a confiscation that enriches the Indians and removes a gigantic monopoly to make way for the assertion of the rights of the citizen—a monopoly that has had exclusive control since 1883 of over 6,000,000 acres of choice grazing and farming lands, an area greater than the State of Massachusetts, at a nominal rental of $1\frac{3}{4}$ cents an acre annually. It is not strange that this syndicate and others that have been formed for operations in the Indian country under legislation now pending to authorize Indians to lease their lands, make a determined fight against this bill. They are not satisfied with the harvest they have been permitted to reap for the last five years. They are now, it is claimed, working up an opposition on the part of certain Indians to the just, humane, and equitable provisions of this bill. They are masquerading as the friends of the Indian; the hands they extend to the Indians are

DISGUISED AS THE HANDS OF ESAU,

but the voice will ever be recognized as the voice of Jacob of the syndicate.

The rights of the Indians are carefully guarded under the provisions of this bill; the pretended claims of the Cherokee Live-Stock Association are repudiated. When these lands shall be opened to settlement no possible advantage is given to one citizen or section over any other citizen or section in securing homesteads. All stand upon an exact equality. It provides—

That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement; and fixing the time from and after which such lands may be taken.

Any person who may enter upon any part of said lands, contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make any entry upon such lands.

The bill excludes land sharks and provides homes for actual settlers. No person is permitted to acquire more than 160 acres, and before he can acquire any title to the land he must—

Maintain a continuous personal residence of three years thereon and improve and cultivate the same for that period in the manner required by the homestead laws.

He is permitted to pay for his homestead in four equal installments of $50 each, the first at the time of entry and the other installments in one, two, and three years thereafter. It brings a home within the reach of the humblest citizen.

IT IS THE LABORING MAN'S BILL.

At the same time it enriches the Indian. This bill does not imitate the policy of the older States of the Union, "who expelled" at the point of the bayonet "or killed off most of their Indians or reduced them to a condition of helpless poverty." (8 Att'y-Gen., 262.)

On the contrary, should this bill become a law the five civilized tribes would have sufficient lands left to give to each man, woman, and child 352 acres, while millions of dollars would be placed to their credit in the National Treasury, making them the richest people on the face of the globe. The substitute proposed by the gentleman from Georgia [Mr. BARNES] gives the President very little, if any, greater powers than he now has under the law of March 3, 1885 (23 Stat., 384), which has been a dead letter upon the statute-books. And it is fair to presume that the substitute, should it be adopted, would be permitted to go into the same state of

INNOCUOUS DESUETUDE.

His substitute certainly would give no offense to the land syndicate.

It is further contended that Congress can not legally pass this bill, because article 5 of the treaty of 1835 provides:

That the United States hereby convenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the limits or jurisdiction of any State or Territory (7 Stat. 481).

It is gravely urged that this is an inhibition on the power of Congress to establish the Territory of Oklahoma, which includes, as it is claimed, a part of the lands referred to in the article just cited. The language of the treaty does not sustain this claim. What lands were ceded to the Cherokees in the "foregoing article?" Turning to article 4 we find that the lands which under article 5—

shall in no future time, without their—

The Cherokees—

consent, be included within the limits * * * of any State or Territory were only the reservations within the Cherokee country which were made in the Osage treaty of 1825 to certain half-breeds.

RESERVATIONS TO HALF-BREEDS.

Turning to article 5 of the treaty of 1825 with the Osage Indians we find that these "reservations to half-breeds contained only forty-two sections of land, not one foot of which is included in this bill. If they stand upon the letter of the treaty they must fail. But conceding for the sake of the argument that the inhibition applied to all the lands ceded to the Cherokees, yet it is competent for Congress to establish Territorial government having within "its limits and jurisdiction" the lands so ceded which are no longer occupied or owned by the Cherokees. This section certainly is no stronger than the stipulations contained in the treaty of 1828, by which the United States guarantied to the Cherokees a "permanent home"—a home which the treaty guarantied in the most "solemn" manner should never in all future time be embarrassed by having extended around it the lines * * * of a Territory or State." (7 Stat., 311.) It is apparent that the same agreement that is now urged against the creating of this Territory could have been used, and it would have been equally as cogent, against the admission into the Union of the States of Kansas, Texas, and Arkansas, the lines of which "extend around" the Indian Territory.

It would have been as justifiable to have kept those great States out of the Union, upon the ground that to admit them would violate "solemn treaty obligations," as there is justice or wisdom now to prevent the organization of Oklahoma. Whether or not this or any other Territory shall be created is a question that addresses itself to the legislative department of the Government. The consequence that may result in all such cases, and the expediency, give rise to questions that must be met by the political and not the judicial department of the Government. This principle is fully sustained by the Supreme Court of the United States in the Cherokee tobacco cases (11 Wall, 621). In 1828 the inhospitable surroundings of the Indian Territory led our fathers to believe that no people would ever have the hardihood to attempt to live there in sufficient numbers for the organization of States. The map attached shows the United States of 1835.

TIME HAS WROUGHT WONDROUS CHANGES.

Time has wrought wondrous changes. These changes have imposed upon us as legislators, as the servants of the people, political duties and responsibilities. For nearly a hundred years we made treaties with the Indians as if they were independent nations and powers; but in 1871 we declared, by legislative enactments, that in all future dealings with them we would no longer play the farce of "acknowledging or recognizing" them as nations or powers. (16 Stat., 566.) This was a new departure, rendered necessary by changed conditions. In 1866 it was the policy of the General Government to locate Indians and freedmen upon that part of the Indian Territory embraced in this bill. No freedmen have at any time been settled upon the lands in question. Nor is it now the policy to locate other Indians in this territory, which is now the center of the great Southwest.

The harmonious development of which and the commerce and industries of the nation require the organization of the territory.

Pretended treaty stipulations are paraded to prevent this.

In answer to this plea, let me cite the language of a distinguished ex-Secretary of the Interior. He says:

Contracts or treaties impossible of execution, unjust and unfair to both whites and Indians, ought to be abrogated or modified by legislative action.

He then adds:

It is not beneficial to the Indians to have millions of acres of valuable land remain unoccupied around them.

The game having disappeared from the Indian country there remains no longer any useful purpose for these Indians keeping millions of acres of land vacant, over which they have not sufficient energy to roam.

THE GREATEST WORD PAINTER OF THE AGE.

Mr. Chairman, the greatest word painter of the age would fail in an attempt to describe the marvelous changes that the hand of industry has wrought in the country west of the Mississippi since the treaties of 1828, 1830, 1833, 1835. Then there were between the Mississippi and the Pacific Ocean but two States and one organized Territory. Now there are twenty-two States and Territories west of the Mississippi, of which only three are as small as all New England. Then the western line of Missouri was the western boundary of settlement and civilization. Now it is the heart of the continent where the East and the West join. Since then we have acquired an empire west of the Mississippi, stretching from that great artery of commerce across the continent to the golden shores of the Pacific, every foot of which has been carved into States and Territories.

Since then the cunning hand of the husbandman with the magic wand of industry has transformed the "Great American Desert" into those grand agricultural States of Nebraska and Kansas. That imaginary

desert has "receded before advancing civilization like the Indian and buffalo which once roamed it."

At the time the Indians removed to the Indian Territory the center of gravity of the nation's population was far east of the Alleghany Mountains. Now it is near the east bank of the Mississippi, soon to reach in the rapid march of empire, under the whip and spur of electricity and steam, the junction of the

WATERS OF THE KANSAS AND THE MISSOURRI

the geographical center of the Republic.

In the center of the great Southwest, unrivaled in her resources, unsurpassed in the enterprise and intelligence of her citizens, stand the unoccupied lands of the Indian Territory, lands adapted by soil and climate to be the garden spot of the continent rather than as now a "block in the highway of commerce and a blot on the map of the United States."

When the first of these treaties was made (1828), there was not a mile of railroad in the United States. Now there are over 150,000 miles of railroad in operation, reaching from ocean to ocean, from the lakes to the gulf, making the East, the West, the North, and the South neighbors. They are the indissoluble ties of commerce that shall forever knit the people of all sections of our country in a common brotherhood. Pass this bill and in the near future one of the brightest gems in the sisterhood of States will be the State of Oklahoma. [Applause.]

Mr. SPRINGER. The gentleman from Arkansas desired to make a statement, and I will yield to him such time as he desires.

Mr. BAKER, of New York. Before that, permit me to state that I have promised to the gentleman from Alabama a portion of the time reserved by myself, if the gentleman wishes to occupy it now.

Mr. COBB. No, not just at present. I will reserve it.

Mr. ROGERS. If the gentleman from Illinois will permit me to occupy the floor in my own right I will yield it back to him in a very few moments. I shall not consume more than four or five minutes.

Mr. Chairman, late in the session of the Forty-ninth Congress, in a debate which took place touching the Cherokee Strip or Outlet, as it is sometimes called, a colloquy ensued between the gentleman from Illinois [Mr. SPRINGER], his colleague, also from Illinois [Mr. PAYSON], and myself. In that colloquy, which I now send to the Clerk's desk and ask to have printed in the RECORD, I was inadvertently led into placing the Attorney-General in an improper position with reference to the opinion delivered by him in response to the letter of the Secretary of the Interior touching the status of the Cherokee Outlet.

I am made to say in that colloquy, which is correctly reported, that "the inquiry," meaning the inquiry of the Secretary of the Interior to the Attorney-General, "did not cover the Cherokee Strip or any part of it." In that I was mistaken. I now desire to place in the RECORD in this connection, first, the colloquy to which I have referred, then the letter of the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, the letter of the Secretary of the Interior, addressed to the Attorney-General, and in response to that the opinion of the Attorney-General; all of which I ask to have printed in the RECORD in connection with the speech which has just been delivered, as a matter of justice to him, as well as to me.

I wish to state also in this connection that this is the first appropriate occasion since the colloquy took place when this matter could be properly presented.

The colloquy referred to by Mr. ROGERS is as follows:

Mr. PAYSON. As the Attorney-General has decided these leases are invalid because of the want of power on the part of the Indians to make them, I ask this question for information: Has any step been taken by the Interior Department on that opinion furnished by the Attorney-General?

Mr. SPRINGER. I believe not.

Mr. PAYSON. Why not?

Mr. SPRINGER. As far as the Cherokee Strip is concerned?

Mr. PAYSON. Has this committee taken steps to inquire why the Interior Department, after calling for the opinion of the Attorney-General, and he has given it as the law officer of the Government, that these Indians had no power to make leases, and therefore they are void—has this committee taken any steps to inquire why this Administration has not acted as to these cattle leases? I would be glad to be advised.

Mr. SPRINGER. I can not give the gentleman the information he requires; I have not asked Mr. Lamar the reason why he has not acted upon the opinion of the Attorney-General. The President did act upon it so far as the Cheyenne and the Arapaho reservation was concerned.

Mr. MORRISON. Why does not the gentleman offer a resolution making the inquiry?

Mr. ROGERS. The inquiry made by the Secretary of the Interior of the Attorney-General did not cover the Cherokee strip or any part of it.

Mr. WEAVER, of Iowa. But the answer did.

Mr. ROGERS. But I am answering your question.

Mr. SPRINGER. My answer to the gentleman from Arkansas is that it did.

Mr. ROGERS. You are mistaken, then; that is all.

Mr. SPRINGER. Then I will read the opinion of the Attorney-General.

Mr. ROGERS. No; read the inquiry addressed to him.

The letter of the Commissioner of Indian Affairs is as follows:

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, July 7, 1885.

SIR: In view of the fact that on many of the Indian reservations there are herds of cattle held there under pretended leases made to various parties by the Indians of the respective reservations I would respectfully recommend that the honorable Attorney-General be asked to state whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes.

Also, whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval of the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid.

The above inquiries are not intended to refer to lands owned by the five civilized tribes in the Indian Territory.

Yours, respectfully,

J. D. C. ATKINS,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

The letter of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July 8, 1885.*

SIR: I have the honor to inclose herewith a copy of a letter from the Commissioner on Indian Affairs, submitting certain questions as to the power and authority of the Executive or the head of this Department regarding the making or the granting of authority to make any contract by Indians with any parties for the lease of Indian lands for grazing purposes.

With a view of limiting the range of consideration of this subject within the bounds necessary for present purposes, I have the honor to specify the following reservations as a portion of those upon which contracts, leases, or agreements are alleged to have been made by the Indians holding, occupying, or residing upon the lands contained therein:

1. The Cherokee lands in the Indian Territory west of 96° of longitude, except such portions thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.

2. The Cheyenne and Arapahoe reservation in the Indian Territory.

3. The Kiowa and Comanche reservation in the Indian Territory.

The lands of the Cherokees referred to were ceded to those Indians by the United States by the treaties of 1833 and 1835 (7 Stat., 414 and 478). The status of those lands is shown and controlled by the provisions of Article XVI of the treaty of June 19, 1866, with the Cherokees (14 Stat., 804).

The status of the lands occupied by the Cheyenne and Arapaho Indians is shown in the correspondence which is made the basis of the Executive order of August 10, 1869 (see pamphlet of Existing Indian Reservations, page 28, herewith), and by unratified agreement, made in pursuance of the provisions of section 5 of the act of May 29, 1872 (17 Stat. 190).

The lands occupied by the Kiowa, Comanche, and Apache Indians were ceded to those Indians by the treaty of October 21, 1867 (15 Stat., 581 and 589).

With reference to these specified Indian lands or reservations, each and all of them, I have the honor to request that this Department may be favored with your opinion on the questions propounded by the Commissioner of Indian Affairs, namely:

Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes.

Also, whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any of these Indian reservations, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid.

Voluminous correspondence and papers showing the nature and character of the alleged leases made by the Indians above referred to, and other Indian tribes, of portions of the lands within their reservations to citizens of the United States for grazing purposes, with references to laws and decisions bearing on the subject, will be found in Executive Document No. 17, Forty-eighth Congress, second session, copy herewith.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The honorable the ATTORNEY-GENERAL.

The following is the opinion of the Attorney-General in response to the foregoing letter:

DEPARTMENT OF JUSTICE, *Washington, D. C., July 21, 1885.*

SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:

"Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of 96° of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.

2. The Cheyenne and Arapaho reservation, in the Indian Territory.

3. The Kiowa and Comanche reservation, in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *vs.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus in 1873 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims, without the express authority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians or any nation or tribe of Indians within the United States shall be valid to any person or persons, or to any State, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the pro-

vision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any claim or title thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded by the force and effect of the statute from either a lenating or leasing any part of its reservation or imparting any interest or claim in and to the same without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117 Revised Statutes, for taking his stock there, but it can not validate the lease or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *vs.* Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned.

No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chap. 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases." The act just cited is moreover significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

The SECRETARY OF THE INTERIOR.

Mr. SPRINGER. Before the committee rises I want to make one or two remarks, not in the nature of argument, but in the nature of statements of fact in regard to the position of this bill and what it proposes to do. There seems to be an impression abroad in some minds to the effect that this bill proposes to take certain lands from the Indians without their consent. On the contrary, so far as the pending bill is concerned, it assumes that the Indians own these lands and that they have a right to be paid for the occupancy of them. Under this bill the lands in which they claim an interest can not be occupied until a commission appointed by the President of the United States shall have visited the Indians and made an agreement with them that they shall receive compensation for those lands at a rate not to exceed a dollar and a quarter per acre, less the amount they have already received.

Under this law no man can take, occupy, and live upon this land until this agreement is made and approved by the United States and the proclamation of the President to that effect is issued, and if any person goes upon the land before that time he forfeits the right to take a homestead there.

So far as this land is concerned, it is precisely in the same condition as the lands we have acquired from the Indians from the time of the settlement at Plymouth Rock until this time, and I undertake to say that there never was a proposition to the Indians that had so much of fairness and justice in it as this bill has. If it is robbery to take this land under this bill, our forefathers have been guilty of robbery ever since they landed on Plymouth Rock.

Mr. HOOKER. You concede, then, that this land belongs to these Indians and that it will be necessary that they should consent before it is taken under the operation of this bill?

Mr. SPRINGER. This bill does concede that it is theirs, but I do not. It does not make any difference where the title is.

Mr. HOOKER. Have you a right to create a territory out of land which belongs to the Indians, who have possession?

Mr. SPRINGER. We do not propose to create a territory until we get possession. This bill will operate on No Man's Land only until the Indians give their consent, and when they do give their consent and the President approves it and signs it and issues his proclamation, then, and not until then, will settlers be able to go onto this land.

Mr. HOOKER. You concede it belongs to the Indians not only by treaty stipulation but by patent?

Mr. SPRINGER. I said that the bill concedes it is theirs, and that the bill does not affect any part except No Man's Land without the consent of the Indians.

Mr. STRUBLE (to Mr. SPRINGER). But you do not accept that as a legal proposition?

Mr. SPRINGER. I do not. I agree fully with the legal proposition of the gentleman from Missouri [Mr. WARNER] on that point.

Mr. HOOKER. That it is theirs or it is not?

Mr. SPRINGER. I am not quibbling here about one thing and another.

Mr. HOOKER. I am quibbling about what the law is.

Mr. WEAVER. If the bill pass it will be theirs.

Mr. SPRINGER. I say that for the purposes of this bill I will concede that it is theirs.

Mr. HOOKER. Without this bill it is theirs.

Mr. SPRINGER. Under this bill their claim is recognized.

Mr. HOOKER. Is it theirs?

Mr. SPRINGER. Ask me something about infant baptism, or something else that is equally foreign to the subject.

Mr. HOOKER. I think you might be better informed on that subject than you are on this.

Mr. PETERS. I say they have a legal right to this land.

Mr. HOOKER. Then, from the frankness of your statement, I see that you differ with the gentleman from Illinois.

Mr. SPRINGER. Now, I do not want to be misunderstood, and I say to gentlemen here that so far as this bill is concerned it assumes that the land belongs to the Indians, and we are not going to take it under this bill unless the Indians agree that we shall.

Mr. HOOKER. Is that a false assumption or a true assumption?

Mr. SPRINGER. That is the fact, as is shown by the provisions of the bill. Now, it is discussing an abstraction to discuss the question whether this land is or is not the property of the Indians under treaties that have been heretofore made. We will not take it from them without their consent or without paying them for it.

Mr. HEARD. We give them the benefit of the doubt.

Mr. SPRINGER. We give them the benefit of the doubt. It is supposed in some quarters that the opponents of this bill are here representing the Indians of this country. I deny it. The Indian Rights Association of Philadelphia, composed of charitable and distinguished people, Quakers, ministers of the gospel, and others, has been organized to look after the rights of all the Indians of the United States. That association, composed of distinguished philanthropists who are not in the employ of any Indian tribes and are not the attorneys of any Indian tribes, are looking after the rights of the Indians, and in pursuit of that object they sent a very competent agent, Mr. Painter, to this part of the country to examine the character of these lands and to report how much of them could be taken for white settlement. In the last annual report of the association, the report for 1887, he says:

> It would be a cruel outrage to force them to remove; it would be a disastrous step backward to induce them to go. The lands to which they would remove are not so good as those now occupied. They are bitterly opposed to the plan and it ought not to be attempted. Oklahoma ought to be opened up.

That is, Oklahoma proper, in the center of the Territory.

> It is not needed by the Indians; it can not be kept empty and ought not to be so kept; but if treaty obligations and moral obligations must be violated, it is better to do so with reference to vacant lands than with reference to established homes. Steps ought to be taken at once to gain the consent of the Seminoles and Creeks to throw this land open to settlement, and it could doubtless be done if a fair price above the 30 cents per acre which we have paid for it for the settlement of Indians upon it was offered for it.

That is what we propose to do. The Indian Rights Association, composed of eminent philanthropists, takes the position of the Oklahoma bill, which is now before us, and the Indians who oppose this bill are those of the five civilized tribes, who have agents and attorneys in this city, organized into what is called the Indian Defense Association. They are the representatives and paid agents of the five civilized tribes and of the cattle syndicates, who are trying to keep this territory for a cattle pasture.

And, Mr. Chairman, that is the issue which is involved in this bill—whether this territory, which is now unoccupied by Indians, and where an Indian has not resided for thirty years, and whether the Cherokee Outlet, where they have never resided, shall be opened up under the provisions of this bill to settlement by white people, or whether they shall be dedicated forever as cattle pastures. That is the whole question, and no one can stand here in face of the report of this Indian Rights Association, which has been organized to protect the true interests of all the Indians of this country, and claim that the rights of the Indians are to be imperiled in the least by the provisions of the Oklahoma bill. That bill was prepared in such form as to throw all practicable safeguards around the Indians, and I appeal to this House and to the country to do justice to the people of the United States who are seeking to make homes in that territory.

Pass this bill and let it go into the territory with the newcomer, so that when he comes in there to make a home he will find a law to protect himself and his family. I also ask in benalf of 15,000 American citizens who are now settled in what is known as No Man's Land, and who have no law, Federal, State, or Territorial, to protect them—in their behalf I ask that this bill be passed, in order that the shield of local and national law may be thrown around them, and that the people therein residing may have the same rights and privileges that are guarantied by our Constitution to the people of every other part of the country.

Mr. GROSVENOR. I would like to ask the gentleman a question for information.

Mr. SPRINGER. Certainly.

Mr. GROSVENOR. It has been represented to me by persons assuming to represent the settlers on No Man's Land that for some reason or other they are opposed to this bill. Can the gentleman state what is the fact in that regard?

Mr. SPRINGER. The people of No Man's Land are praying earnestly for the passage of the Oklahoma bill, because they have no government; and the proposition of the gentleman from Indiana [Mr. HOLMAN] does not propose to give them any government.

I now move that the committee rise.

Mr. BAKER, of New York. I desire to yield five minutes of the time reserved by me to the gentleman from Colorado [Mr. SYMES].

The CHAIRMAN. The gentleman from New York [Mr. BAKER] has eighteen minutes of his hour remaining.

Mr. SPRINGER. The committee must rise now, as the House must take a recess in two or three minutes.

The motion of Mr. SPRINGER that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole on the State of the Union had had under consideration the bill (H. R. 10614) to provide for the organization of the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida;

A bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.; and

A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build a bridge across the Black Warrior River, in Alabama.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEMPHILL, for one week from to-day.

To Mr. STEWART, of Georgia, indefinitely, on account of sickness in his family.

To Mr. BYNUM, for the remainder of the week.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the resolution of the military board of Virginia, favoring the bill pending in Congress to make appropriations for the maintenance of the militia of the States of the Union; and the same was referred to the Committee on the Militia.

The hour of 5 o'clock p. m. having arrived, the House, according to order, took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. DOCKERY as Speaker *pro tempore*.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 24, 1888.

I hereby designate Hon. A. M. DOCKERY to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the special order under which the House meets to-night.

The Clerk read as follows:

Resolved, That on Tuesday, July 24, the House take a recess from 5 o'clock until 8 o'clock p. m., the session not to extend beyond 10 o'clock p. m., said session to be devoted to the consideration of business reported from the Committee on Public Lands to which there shall be no objection.

Mr. HOLMAN. Mr. Speaker, some of the bills covered by this resolution are in Committee of the Whole on the state of the Union or in Committee of the Whole House on the Private Calendar. I ask unanimous consent that all bills considered to-night may be considered in the House as in Committee of the Whole, in order to save time.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

SCHOOL LANDS IN WASHINGTON TERRITORY.

Mr. HOLMAN. The gentleman from Washington Territory [Mr. VOORHEES] has a bill which has not yet been reported, but which is understood to be covered by the order. He desires to make the report for consideration now; and I presume no member will object.

The SPEAKER *pro tempore*. If there be no objection, the report will be received.

Mr. VOORHEES, by unanimous consent, reported back favorably, from the Committee on the Public Lands, the bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

A MEMBER. Let the bill be read.

The bill was read, as follows:

Whereas sections sixteen and thirty-six of each township of land in Washington Territory was reserved unto that Territory for school purposes; and

Whereas on December 2, 1869, the Legislative Assembly of that Territory, by an act duly passed, authorized the county commissioners of the several counties in that Territory to lease said lands for a term of years not exceeding six years, the money received therefor being placed in the school fund; and

Whereas the lands so leased are greatly enhanced in value by the cultivation thereof, and the lessees thereof have made valuable improvements thereon and incurred large expense in reducing such land to a state of cultivation, and will incur much loss if they are caused to abandon their said improvements and cultivation; and

Whereas the validity of the said leases is questioned: Therefore,

Be it enacted, etc., That the action of the county commissioners of the several counties of Washington Territory under the authority supposed to reside in the act of the Legislative Assembly of said Territory of December 2, 1869, entitled "An act to provide for the leasing of school lands in Washington Territory," when had in conformity to said act, be, and the same hereby is, confirmed, and that said act be, and the same is hereby, validated and confirmed.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HOLMAN. I wish to say a single word. This is something of a new departure in regard to school lands. It has not been heretofore the policy of the Government to give to the Territories any control of the school lands. But it is easy to see that when these lands remain entirely unprofitable year after year there is a serious loss to the Territory. The authority which this bill proposes to confer, to lease such lands for a period not exceeding six years, would seem to be entirely unobjectionable. The Committee on Public Lands think this a proper measure.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANT TO CALIFORNIA OF 5 PER CENT. OF SALES OF PUBLIC LANDS.

The first business on the Calendar under the special order was the bill (H. R. 1235) granting to the State of California 5 per cent. of the net proceeds of the cash sales of public lands in said State.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. HOLMAN. The gentleman having charge of that measure [Mr. MCKENNA] is not present. It will give rise to considerable discussion, and therefore for the present I ask it be passed over.

Mr. VANDEVER. I hope the gentleman will withdraw his objection and let it be considered.

Mr. HOLMAN. This bill has been discussed for an hour in the House. It will give rise to a great deal of anxiety from fear of making a mistake, and in the absence of the gentleman from California [Mr. MCKENNA], who discussed it before, I must insist it be passed over for the present.

The bill was passed over.

ADDITIONAL LAND DISTRICT, OREGON.

The next business on the Calendar was the bill (H. R. 1762) to establish an additional land district in the State of Oregon.

The SPEAKER *pro tempore*. Is there objection to the consideration of that bill?

Mr. HERMANN. That bill has already passed both Houses.

Mr. HOLMAN. I do not see how it got on the Calendar. It passed several months ago.

The SPEAKER *pro tempore*. There being no objection, the bill will be laid on the table.

There was no objection, and it was ordered accordingly.

PURCHASERS OF SWAMP LANDS.

The next business on the Calendar under the special order was the bill (H. R. 6897) to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes.

Mr. HOLMAN. I move that bill be passed over for the present, as it will involve considerable discussion. I do not see the gentleman from Arkansas [Mr. MCRAE], who has charge of it.

There was no objection, and the bill was passed over.

NEW LAND DISTRICT, MISSISSIPPI.

The next business on the Calendar was the bill (H. R. 7788) to establish a new land district in the State of Mississippi.

Mr. HOLMAN. The gentleman from Mississippi [Mr. STOCKDALE] having charge of this bill is not present, and I hope it will be passed over, although I do not think there is any objection to it.

There was no objection, and the bill was passed over.

SWAMP AND OVERFLOWED LANDS.

The next business on the Calendar was the bill (S. 758) to relieve

purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes.

Mr. HOLMAN. That will give rise to discussion, and let it be passed over for the present.

There was no objection, and it was ordered accordingly.

DONATION CLAIMS.

The next business on the Calendar was the bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law.

Mr. HOLMAN. These are claims arising under what is commonly known as the "donation law." The gentleman from Oregon [Mr. HERMANN] is in charge of the measure.

There was no objection to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That in all cases where widows or single women, in good faith, settled upon the public lands in the Territories of Oregon or Washington, claiming donation rights under the provisions of an act of Congress entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," approved September 27, 1850, or of the acts amendatory thereof or supplementary thereto, or either of them, and filed the notifications and made the final proof of residence and cultivation required by said acts or either of them before the surveyor-general of the Territory or before the register and receiver of the proper local land-office, and received from such surveyor-general or from the register and receiver of the local land-office certificates in due form for such donation claim, and they, or their heirs and assigns, have since occupied and improved such claims, and there are no adverse claims thereto, and in all cases where, upon proof satisfactory to such surveyor-general or register and receiver, as the case may be, donation claims under the provisions of said acts, or either of them, were set off to orphans by the surveyor-general of the Territory or the register and receiver of the proper local land-office, and certificates were issued for such claims, and the claimants, their heirs, or assigns, have since occupied and improved such claims, and there are no adverse claims thereto, the title of such donation claimants, their heirs or assigns, to such claims is hereby confirmed, and patents shall be issued for such claims in conformity with such certificates.

Passed the Senate March 19, 1888.

Attest: ANSON G. McCOOK, *Secretary.*

Mr. SMITH, of Wisconsin. I ask the gentleman from Oregon how many acres there are in one of these donation claims?

Mr. HERMANN. There are from 80 to 640. They are few in number. In some instances whole towns and cities have been built on them. Patents have been issued on that class of claims for thirty or forty years, but recently doubt has arisen as to the construction of the law. This bill has been rendered necessary to remove that doubt. It has been approved at the Department and has passed the Senate.

Mr. SMITH, of Wisconsin. What is the maximum amount of acres in each claim?

Mr. HERMANN. About 160 acres would be the average.

Mr. HOLMAN. I would inquire of the gentleman how it happens some of these claims are for a larger number of acres than others?

Mr. HERMANN. I will state to the gentleman from Indiana, in reply to his question, in many instances it was impossible to get the maximum quantity.

Mr. HOLMAN. What is the maximum?

Mr. HERMANN. I will make a statement covering the facts of the case.

The original donation act was approved September 27, 1850, and was to induce population to that distant region, and granted 640 acres to a married man and his wife and 320 acres to a single man, and was limited to those who had become settlers prior to December 1, 1850. Another section limited the quantity of land to 320 acres to a married man and one-half to a single man emigrating to and settling in Oregon and Washington between December 1, 1850, and December 1, 1853, and this limitation was extended to December 1, 1853.

The report which I had the honor to make for the committee explains the situation fully, as follows:

That said bills propose the confirmation of titles to certain lands in Oregon and Washington Territory settled upon the early settlers under the act of Congress approved September 27, 1850, commonly known as the donation land, and confines confirmation exclusively to those who made residence for four years, submitted final proof to the surveyors-general or registers and receivers, and who had certificates for patent issued by said officers, and where said claimants or their assignees have since occupied and improved said lands and there are no adverse claims.

For nearly thirty-eight years most of these people or their assigns have resided on and claimed these lands. Conveyances have been made, and the original certificates for patent have always been recognized as conclusive between all parties as to the title. Towns and villages have been built upon this class of lands. The Department has until a few years past uniformly issued patents upon this class of claims, but now doubts its authority to do so upon a close construction of the law. The claims remaining unpatented are few in number, and justice and equity, if not the law, demand confirmation.

There being no objection to the consideration of the bill, it was ordered to a third reading; and being read the third time, was passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS, TUSCALOOSA, ALA.

The next business on the Calendar was the bill (S. 2845) granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections 22 and 15, lying south of the Warrior River, in township 21 and range 10 west.

Mr. HOLMAN. I presume there is no objection to the consideration of that bill.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. PAYSON. I hope the bill will be considered, for a reason in which I am sure the chairman of the committee will bear me out. The object of the measure is to perfect the title to a large portion of the city of Tuskaloosa, Ala. Owing to the destruction of their records, there is difficulty in making title. The Secretary of the Interior and the Commissioner of the Land Office recommend its passage, and while I do not remember with sufficient certainty the facts to be able to state them in detail, yet the chairman of the committee will bear me out in the assertion that when the matter was examined in committee it was found to be a case that, from the official records, it would go without saying ought to be passed. The gentleman from Alabama [Mr. BANKHEAD] came to our committee and urged its passage.

Mr. HOLMAN. I hope there will be no objection.

The bill is as follows:

Be it enacted, etc., That all of the interest or claim of the United States in and to fractional sections 22 and 15, lying south of the Black Warrior River, in township 21, of range 10 west, in the State of Alabama, be, and the same is hereby, relinquished to and vested in the city of Tuskaloosa for the following purposes:

First. The part and parts of said fractional sections constituting the localities known as the "river margin," the "streets of said city," the "pond," and the "common," shall vest in said city absolutely.

Second. The residue of said fractional sections shall be vested in the said city in trust, for the use of each of the occupants of the lots, or parts of lots thereof, who are owners in good faith, according to the title which is now vested in each; the intent of this act being not to give any right to said occupants except what arises from the relinquishment of the right or claim of the United States thereto.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BANKHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I notice that we are passing quite a number of Senate bills, while the House bills for the same purpose are pending. I hope in all these cases the House bills will be laid on the table.

The SPEAKER *pro tempore*. That action ought to be taken in every case, but is impossible for the clerks to determine.

Mr. HOLMAN. I do not think it is a matter of practical importance, however.

The SPEAKER *pro tempore*. It is of this importance, that it relieves the Calendars of bills that ought to be laid on the table.

Mr. HOLMAN. Certainly they ought to be; but I am not able myself to point them out at this time. It can be done hereafter.

METHODIST COLLEGE ASSOCIATION OF SOUTHWESTERN KANSAS.

The next business on the Calendar was the bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas.

Mr. PETERS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to sell and convey to "The Methodist College Association of Southwestern Kansas," a corporation duly chartered by the laws of the State of Kansas, at the rate of $1.25 per acre, the following-described real estate being Osage Indian land, situated in Ford County, Kansas, to wit: Lots numbers 3, 5, 6, and 7, of section 3, township 27 south, of range 24 west.

The committee recommend the adoption of the following amendment:

Add to the bill:

And the Secretary of the Interior is hereby directed to cause the improvements on said land to be appraised and sold under such directions as he may prescribe: *Provided*, That said Methodist College Association shall, within five years after the passage of this act, begin in good faith the construction of buildings upon said land for the purposes herein set forth.

Mr. PETERS. I would like to ask that the report in this case, which explains the bill very fully, may be printed in the RECORD.

There was no objection.

The report (by Mr. TURNER, of Kansas) is as follows:

The land described embraces about 140 acres, and is that part of the Fort Dodge military reservation upon which the fort buildings are situated. The fort has been abandoned by the Government as a military post, and that part of the reservation not embraced in this bill has been disposed of to actual settlers at $1.25 per acre, in accordance with a ruling of the Secretary of the Interior, under existing law, relating to the Osage Indian trust lands. The land described in the bill has been reserved from sale for the reason that the fort buildings were situated thereon.

The bill provides that this land shall be sold to this association at $1.25 per acre.

Your committee would recommend that after the word "west," in line 11, the following be added:

"And the Secretary of the Interior is hereby directed to cause the improvements on said land to be appraised and sold under such directions as he may prescribe: *Provided*, That said Methodist College Association shall, within five years after the passage of this act, begin in good faith the erection of buildings upon said land for the purposes herein set forth."

And, with the adoption of this amendment, recommend that this bill pass.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time, the question being upon the passage of the bill.

Mr. WEAVER. How much land is involved?

Mr. PETERS. It is about 140 acres. This is the land upon which the old buildings of the Fort Dodge military reservation were situated.

The bill was passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND OFFICE, FOLSOM, N. MEX.

The next business on the Calendar was the bill (S. 2040) to establish a land office at Folsom, in the Territory of New Mexico.

Mr. HOLMAN. I ask that this bill be passed over informally for the present.

Mr. WEAVER. Mr. Speaker——

Mr. CONGER. I hope the gentleman will not object to taking it up now.

Mr. HOLMAN. I think I will have to insist upon the objection for the present. Of course I have no objection to the gentleman from Iowa being heard upon it, if he wishes, at this time.

Mr. WEAVER. If the bill is to be passed over informally, of course there is no necessity for occupying time upon it now.

Mr. HOLMAN. I ask that it be passed over.

Mr. STONE, of Missouri. Before that action is taken, I want to state in connection with the bill, so that it may go upon the record, that when this bill was reported to the House it was distinctly understood by the parties interested in it that the passage of the bill would not be asked until the public-land bill which passed the House some weeks ago and is now pending in the Senate should become a law.

The SPEAKER *pro tempore*. The bill will be passed over informally for the present, retaining its place on the Calendar.

CAMP SHERIDAN MILITARY RESERVATION.

Mr. DORSEY. I ask unanimous consent for the present consideration of the bill (H. R. 7410) for the relief of settlers upon Old Camp Sheridan military reservation.

Mr. McRAE. Is that a request to take up a bill out of its regular order?

The SPEAKER *pre tempore*. It is.

Mr. McRAE. Then I shall be compelled to object. I think we can proceed much more rapidly by following the regular order.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

CERTIFICATION OF LANDS TO THE STATE OF KANSAS.

The next business on the Calendar was the joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

The joint resolution was read, as follows:

Whereas by the act of Congress approved July 2, 1862, there were granted to the several States "which may provide colleges for the benefit of agriculture and the mechanic arts" an amount of public land equal to 30,000 acres for each Senator and Representative in Congress to which the States were respectively entitled by the apportionment under the census of 1860; and

Whereas the State of Kansas, having at the time two Senators and one Representative, was entitled to 90,000 acres; but on account of a withdrawal of lands for the benefit of the Leavenworth, Pawnee and Western Railroad northwest of Fort Riley, along the valley of the Republican River, one list of 7,682 acres, which, having been selected by the State as minimum lands, were certified to the State as double minimum; and

Whereas the said road not having been surveyed, located, or constructed on said route, the said public lands which had been previously withdrawn were restored to market at the minimum price: Therefore,

Resolved, etc., That the Secretary of the Interior be, and is hereby, authorized to certify to the said State of Kansas 7,682 acres of land, in lieu of an equal amount heretofore erroneously certified to said State as double minimum lands: *Provided*, That in case there are not a sufficient amount of public lands in said State to satisfy the requirements of this act, then the said Secretary is hereby authorized and directed to issue to said State land scrip, acre for acre, in lieu of said lands; and said scrip shall be locatable on any of the public lands of the United States.

Amend the title so as to read: "Joint resolution to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts."

The committee recommend the adoption of the following amendments:

In line 5, before the word "land," insert "public," and after the word "land" insert "in said State;" so that it shall read:

Seven thousand six hundred and eighty-two acres of public land in said State, etc.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. WEAVER. I would like to have an explanation, subject to the right of objection.

Mr. ANDERSON, of Kansas. The statement in connection with the joint resolution is simply this: The Government granted to the agricultural colleges 30,000 acres of land per Senator or Representative to which the States were respectively entitled. The State of Kansas under this act of Congress, approved in 1862, was entitled to receive 90,000 acres of land. The Government also provided that where lands had been granted to a railroad, such lands should be considered as $2.50 an acre instead of $1.25 lands. Under that act the State Agricultural College of Kansas received 90,000 acres, less 7,682 acres, I think was the amount, because of the fact that these lands had been withdrawn for the Kansas Pacific Railroad for the purpose of building the road on the Republican branch from Fort Riley up towards Nebraska.

Subsequently that withdrawal was revoked; that is to say, that road never was built there; but in 1866, two years after the State had selected this land, the road was authorized to be built where it is now, out the Smoky Hill. When this was restored it was not restored as double minimum land, but as single minimum, so that the college was charged with land at $2.50 which was really only $1.25 land, and this applies to the seven thousand odd acres withheld from it by virtue of that act.

Mr. WEAVER. Where will they get this land?

Mr. ANDERSON, of Kansas. In the State.

Mr. HOLMAN. The proviso of this bill escaped my attention, and I ask that it again be read.

The Clerk reported the proviso.

Mr. HOLMAN. That is the objectionable feature.

Mr. ANDERSON, of Kansas. The committee has proposed an amendment striking out the proviso. If the Clerk will read, there is a provision inserted that the location shall be on lands in Kansas.

Mr. HOLMAN. I think the proviso should be stricken out.

Mr. ANDERSON, of Kansas. I think the report shows the proviso is to be stricken out.

Mr. WEAVER. If it does go out it should remain out.

Mr. McRAE. I move to strike it out.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the committee.

The Clerk read as follows:

Strike out all after the word "lands," in line 7; also insert the word "public" before the word "land," in the fifth line; also insert the words "in said State" after the word "land," in line 5.

Mr. HOLMAN. I hope that the friends of this bill will accept it with this amendment.

Mr. WEAVER. We may strike out that proviso here and it may be inserted elsewhere. I want the friends of this measure to say that this shall be satisfactory; because it is more important to preserve public land for actual settlers than for agricultural colleges.

Mr. PETERS. If the resolution goes into conference we will see that the proviso is not restored.

Mr. ANDERSON, of Kansas. I am quite willing that it should be stricken out and remain out.

The SPEAKER *pro tempore*. Is there objection to the consideration of this resolution? The Chair hears none.

The amendments of the committee were agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Kansas. I move to amend the title so as to read: "Joint resolution to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts."

The motion to amend the title was agreed to.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PREVENTION OF ALIENS ACQUIRING TITLE TO PUBLIC LANDS.

The next business on the Calendar was the bill (H. R. 7425) to amend the homestead laws to prevent aliens acquiring title to public lands, and to secure homes for actual settlers who are citizens of the United States.

Mr. McRAE. That seems to be here on an adverse report, and it may as well be passed over.

The SPEAKER *pro tempore*. If there be no objection, the bill will be laid on the table.

Mr. McRAE. I make the motion.

The bill was read, as follows:

Be it enacted, etc., That the quantity of public land subject to entry as homestead shall be hereafter 80 acres instead of 160 acres, as heretofore allowed.

SEC. 2. That none but citizens of the United States shall be entitled to enter public lands as homesteads or in any manner whatever acquire title thereto.

SEC. 3. That this act shall take effect immediately after its passage: *Provided*, That any entry in good faith actually made prior to its passage may be perfected, completed, and title acquired to the lands designated in accordance with laws in force at the time of making such entry.

Mr. WEAVER. I understand that is substantially provided for in the general bill we have passed.

The SPEAKER. If there be no objection, this bill will be laid on the table.

There was no objection, and it was so ordered.

FORT WALLACE MILITARY RESERVATION.

The next business on the Calendar was the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas.

The bill was read, as follows:

Be it enacted, etc., That so much of the northwest quarter of section 19, township 13 south, range 38 west, and of the northeast quarter of section 24, township 13 south, range 39 west, and the east half of the east half of the northwest quarter of section 24, township 13 south, range 39 west, included within the limits

of the Fort Wallace reservation, excluding and excepting therefrom the right of way heretofore granted to the Union Pacific Railway Company and excepting the southeast quarter of the northeast quarter of section 24, township 13 south, range 39 west, and fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace be, and is hereby, set apart for town-site purposes, and may be entered by the corporate authorities of the city of Wallace under and subject to the provisions and restrictions of section 2387 of the Revised Statutes.

SEC. 2. That the Union Pacific Railroad Company is hereby granted the preference right, for the period of three months after the appraisement herein provided for, to purchase the southeast quarter of the northeast quarter of section 24, township 13 south, range 39 west, and fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace, the same being now occupied by said railroad company for depot and other purposes, at such price as may be fixed, without reference to the improvements thereon, by the Secretary of the Interior, not less than $2.50 per acre.

SEC. 3. That the Wallace Water-Works Company, a corporation organized under the laws of the State of Kansas, is hereby granted the preference right, for the period of three months after the appraisement herein provided for, to purchase the northwest quarter of the southeast quarter of section 25, township 13 south, range 39 west, at such price as may be fixed thereon by the Secretary of the Interior, not less than $2.50 per acre, and said water-works company is hereby granted the use of a right of way, not exceeding 25 feet in width, for the purpose of maintaining the line of pipes now laid and laying and repairing the same hereafter, and connecting said tract of land with the city of Wallace, the same to be approved by the Secretary of the Interior.

SEC. 4. That the southeast quarter of the southeast quarter of section 20, township 13 south, range 38 west, heretofore set apart by the military authorities of Fort Wallace as a cemetery, is hereby granted to the city of Wallace for cemetery purposes.

SEC. 5. That the northeast quarter of section 29, township 13 south, range 38 west, being that portion of said reservation on which are situated the buildings constituting the Fort Wallace military post, shall be appraised under the direction of the Secretary of the Interior and sold at a public or private sale, as he may deem to the best advantage of the Government, except that it shall not be sold at less than its appraised price.

SEC. 6. That the remainder of said reservation shall be disposed of under the homestead laws, except the privileges granted by section 2301 of said homestead laws: *Provided*, That the Secretary of the Interior may, in his discretion, limit the quantity of land which may be entered upon by one entryman, within 1 mile of the limits of the city of Wallace to a quantity not less than 40 acres, and not exceeding 160 acres.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WEAVER. How much does it involve?

Mr. HOLMAN. Quite a large body.

Mr. TURNER, of Kansas. Twenty-eight sections.

Mr. Speaker, I apprehend that a little explanation of the provisions of this bill may be necessary. The general object is to open up this reservation. It is an old military reservation out on the frontier of Kansas, located in just that section of the State which is being settled up by homesteaders. The reservation is 2 miles wide and 7 miles long, making fourteen sections long. In order to do justice to all parties who are interested there, it is quite necessary that several sections should be considered.

Section 1 of the bill simply provides that the town-site of Wallace shall be granted by the Government for town-site purposes. There is already a town located upon this place. I should say that this town site embraces about 145 acres of land.

Section 2 provides that the Union Pacific Railroad Company shall be allowed to purchase 40 acres of land, at a valuation fixed by the Secretary of the Interior, at not less than $2.50 an acre, being the double-minimum price of all public lands.

Now, the reason for that is simply this: The Union Pacific Railroad when building its roads through the State of Kansas placed their division stations, as most railroads do, at every hundred miles. The third division is at Ellis, 100 miles east of Fort Wallace. In order to get water it was placed at the creek. As it passes from the fort the land rises to a table-land, which made it necessary for them to go 150 feet for water, where they obtain running water. The railroad had the right of way across this military reservation.

The Secretary of War granted the Union Pacific Railroad Company, on account of the water situated there, permission to build their division shops at that point. They did so, and also commenced experimental gardening at that point. They planted trees of different kinds which were kept under the control of their forester, and planted various kinds of vegetation upon patches of this 40 acres for the purpose of experimenting, and with the view of showing the fact that grain could be grown in that country. Now, that 40 acres has become covered by their machine shops, hotel, depot, offices, coal-sheds, etc., so that it would be but fair and just to this company to let them purchase the 40 acres of land at the valuation fixed by the Secretary of the Interior.

Mr. PAYSON. The water-works there are for the benefit of the entire community.

Mr. TURNER, of Kansas. Certainly. They belong to the town, not to the railroad company. It is very difficult in that part of the country, as I have stated, to get water in sufficient quantities to supply the towns; and therefore the Wallace Water-Works Company was formed, and reservoirs were established on the creek, some three-quarters of a mile distant from the town. After this bill was considered the company laid its pipes; it was, in fact, laying them at the time. The company has been formed by citizens of the town of Wallace, for the purpose of furnishing the people of Wallace with water. This bill provides that the Wallace Water-Works Company may purchase 40 acres of land at the appraised valuation.

Mr. PAYSON and others. That is all right. [Cries of "Vote!" "Vote!"]

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF LAND IN HOUSTON, TEX.

The next public-land business on the Calendar was the bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to sell, either at private or public sale, the interest held by the United States in and to block 108, situated in the city of Houston, Tex., on the south side of Buffalo Bayou, and to make a quitclaim deed to the purchaser thereof.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. SMITH, of Wisconsin. Who reported it?

Mr. HOLMAN. I do not remember.

Mr. McRAE. It is a very proper bill; and I hope it will pass.

Mr. HOLMAN. This land, as we understand, is entirely useless to the Government; and on that account this bill has been recommended by the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND FOR PUBLIC PARK, TACOMA, WASH.

The next public-land business on the Calendar was the bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the city of Tacoma, in the county of Pierce, in the Territory of Washington, the right to occupy, improve, and control, for the purposes of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever, the following-described pieces or parcels of land, situate in the county of Pierce and Territory of Washington, and described as follows, namely: Lots 1, 2, 3, 4, 5, and 6, and the east half of the southeast quarter, and the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of section 15, township 21 north, of range 2 east, and lots 1, 2, and 3, and the south half of the southwest quarter of section 14, same township and range, and lots 1, 2, and 3, in section 10 of the same township and range, containing 635 acres, more or less: *Provided*, That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense or for such other disposition as Congress may determine, without any claim for compensation to said city for improvements thereon or damages on account thereof.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HOLMAN. This is a very important measure, and I hope the gentleman from Washington Territory [Mr. VOORHEES] will be permitted to state its effect.

Mr. PAYSON. I hope the gentleman will not consume much time. We are all in favor of the bill.

Mr. VOORHEES. I will not take three minutes.

The land covered by this bill is a military reservation known as Point Defiance. It embraces from 700 to 800 acres. The War Department is entirely in favor of this measure, as is shown by a letter which accompanies the report. The bill provides simply that this land shall be used by the city of Tacoma for the purpose of a public park, reserving to the United States the right at any time and under any circumstances to resume possession of the land for purposes of public defense.

Mr. HOLMAN. I ask that the report upon this bill be printed in the RECORD.

The SPEAKER *pro tempore*. If there be no objection, that order will be made. The Chair hears no objection.

The report (by Mr. VOORHEES) is as follows:

The Committee on the Public Lands, to which was referred the bill (S. 1870) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purpose of a public park, report the same back with a favorable recommendation. The tract of land to which this legislation refers contains between 600 and 700 acres, and immediately adjoins the city of Tacoma.

The bill in its present shape has been recommended by the Chief of Engineers of the United States Army, which recommendation meets with the concurrence of the Secretary of War, as appears from the following letters:

"OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 3, 1888.

"SIR: I have the honor to return herewith Senate bill 1870, granting certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park.

"It is recommended that the bill be radically changed, in this, that instead of granting the lands mentioned to the city of Tacoma, the said city may be permitted to use the same for the purposes of a public park, and no other; that no price be received for the same from the city of Tacoma; that all title be securely vested in the United States, and that this permission be given with the full un-

derstanding that the United States intends to occupy the lands or any part of them for military or other purposes whenever its proper officials see fit to order the same, and without any claim for compensation or damage on the part of said city of Tacoma.

"Very respectfully, your obedient servant,

"J. C. DUANE,
"*Brigadier-General, Chief of Engineers.*

"Hon. WILLIAM C. ENDICOTT,
"*Secretary of War.*"

"WAR DEPARTMENT, *Washington City, March* 15, 1888.

"SIR: In reply to your request of the 12th instant for the views of this Department upon House bill No. 7081, Fiftieth Congress, first session, which conveys to the city of Tacoma, for a stipulated sum per acre, certain lands in Pierce County, Washington Territory, belonging to the United States, for the purposes of a public park, I have the honor to inform you that on the 6th instant the Committee on Public Lands of the United States Senate was furnished with a report upon a measure similar to the present bill (S. 1870) by the Chief of Engineers, who recommends that the bill be so amended as not to grant the lands in question to the city of Tacoma, but merely to permit their use as a public park, and that the United States accept no price for the lands, but retain its title in them securely vested; the property to revert to the United States whenever required, without any claim for damages on the part of the city of Tacoma.

"These recommendations of the Chief of Engineers are fully concurred in by this Department.

"Very respectfully, your obedient servant,

"S. V. BENÉT,
"*Brig. Gen., Chief of Ordnance, and Acting Secretary of War.*

"Hon. C. S. VOORHEES,
"*House of Representatives.*"

Your committee recommend the passage of the bill.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAMP SHERIDAN MILITARY RESERVATION.

The next public-land business on the Calendar was the bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation

The bill was read, as follows:

Be it enacted, etc., That all entries or filings under the homestead and pre-emption laws, allowed by the United States district land officers at Valentine, Nebr., of lands within the limits of the former Camp Sheridan military reservation, situated in township 33 north, of ranges 45 and 46 west, in said State, prior to receipt by them of instructions from the Commissioner of the General Land Office, dated July 2, 1886, be, and the same are hereby, confirmed: *Provided*, That the persons making such filings or entries possessed the necessary qualifications and have, since filing or entry (as the case may be), fully complied with the law governing entries of like character upon public lands.

SEC. 2. That in cases of filings under the pre-emption law, made upon lands in said abandoned reservation, the limitation of thirty months, prescribed by section 2267, United States Revised Statutes, shall not be enforced, but proof and payment must be made within six months from passage of this act.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands were read, as follows:

In line 3, after the word "homestead," insert "and."
In line 4 strike out the words "and timber culture."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF CERTAIN LANDS IN LOUISIANA.

The next public-land business on the Calendar was the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana.

The bill was read, as follows:

Be it enacted, etc., That all lands lying in the rear of 80 arpents from and east of the Mississippi River and south of the Bayou Manchac and Amite River, within the limits of townships 8 and 9 south, of ranges 1, 2, 3, or 4 east, and township 10 south, of ranges 2, 3, and 4 east, in the late southeastern district in the State of Louisiana, which lands have been reserved from sale because claimed to be embraced within certain French or Spanish land grants, but which have been, or may hereafter be, decided by the courts of the United States not to be legally embraced within any such land grants claimed to have been granted by the French or Spanish Governments within the said limits, shall be restored to the public domain and shall be surveyed; and that so soon as said surveys shall have been made, all persons who have in good faith settled upon said lands within the limits of said townships at the time of the passage of this act, and who occupy the same, shall be entitled to enter the same, not exceeding 160 acres each, under the provisions of the homestead laws, and shall be admitted to make their proofs and complete their titles in the same manner as if the said reservation, because of said grants claimed, had not been made; and all lands embraced within said townships not covered by actual settlers shall be subject to entry, under the provisions of the homestead laws only, for the period of three years after said lands shall have been surveyed; and after that time all lands which are too low for settlement, and which may not have been entered for homestead settlement, shall be sold at public sale to the highest bidder for cash, in tracts not larger than 160 acres: *Provided*, That this right of entry shall not extend to any lands within the limits of 80 arpents in depth from the Mississippi River, nor to any confirmed land grants within the limits of said townships: *And provided further*, That all lands disposed of under the provisions of this act shall be subject to all existing servitudes for drainage recognized by the laws of the State of Louisiana.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands were read, as follows:

After the word "only," in line 27, strike out the following:

"For the period of three years after said lands shall have been surveyed; and after that time all lands which are too low for settlement, and which may not have been entered for homestead settlement, shall be sold at public sale to the highest bidder for cash, in tracts not larger than 160 acres."

At the end of the bill add the following:

"*And provided further*, That neither the claimants under this bill as homesteaders nor the State of Louisiana shall be entitled to indemnity from the United States by reason of the passage hereof or of any action under it."

The amendments reported by the committee were agreed to.

Mr. GAY. I wish to offer an amendment.

Mr. HOLMAN. If the gentleman from Louisiana [Mr. GAY] will permit me, I desire to insert after the words "under the provisions of the homestead laws only" the words "except section 2301 thereof." That is the commutation clause.

Mr. MCRAE. I hope my friend from Indiana will not insist on that amendment. Of course we all favor that provision in the general bill when it shall become a law; but until we can get some general rule established let us not have one law operating in one neighborhood and another in another, thereby creating confusion.

Mr. PAYSON. It seems to me we ought to get this in wherever we can.

Mr. GAY. I suggest to my friend from Indiana that this provision might affect very unjustly the rights of settlers. These lands have been occupied for fifty years by a harmless, innocent people.

Mr. MACDONALD. They are all occupied, are they not?

Mr. GAY. Yes, sir.

Mr. HOLMAN. In view of the statement made by the gentleman from Louisiana, I will not press the amendment.

Mr. GAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"That the provisions of this bill shall be, and are hereby, extended to embrace all settlers upon public lands, and for the disposition of all public lands, embraced in the grant to Daniel Clark, so far as decreed invalid by the Supreme Court of the United States and the unconfirmed Conway claim."

Mr. CUTCHEON. I would like to hear some explanation of this amendment.

Mr. GAY. It has been ascertained that the original settlers on these lands were not all upon the Donaldson and Scott claim, which has recently been declared invalid, but many of them were upon the Daniel Clark grant and the Conway grant, which have also been set aside. The lands are of exactly the same character.

Mr. HOLMAN. And on the same part of the river.

Mr. GAY. This amendment is designed to protect contiguous bona fide settlers who have been there for three generations.

Mr. CUTCHEON. The gentleman's explanation is satisfactory.

The amendment of Mr. GAY was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANCELLATION OF RESERVATIONS ON ACCOUNT OF LIVE-OAK.

The next business under the special order was the bill (S. 196) to cancel certain reservations of lands on account of live-oak in the southwestern land district of the State of Louisiana; which was read, as follows:

Be it enacted, etc., That the reservation set apart by order of the President, October 21, 1845, in the southwestern land-district of the State of Louisiana, known as Pecan Island, within the following townships to wit: No. 15 south, range 1 west; No. 15 south, range 2 west; No. 16 south, range 1 west; No 15 south, range 1 east; No. 16 south, range 1 east, on account of the live-oak supposed to grow thereon, be, and are hereby, canceled and annulled: *Provided*, That all persons who have in good faith settled upon and made improvemens upon Pecan Island, within the limits of the said towships, at the time of the passage of this act, and who occupy the same, shall be entitled to enter the same, not exceeding 160 acres each, under the provisions of the homestead laws, and be admitted to make their proofs and complete their titles in the same manner as if the said reservations for live-oak had not been made.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. WEAVER. There should be a commutation clause inserted in the bill.

Mr. GAY. That is not at all necessary.

Mr. HOLMAN. I think some such provision should be inserted.

Mr. MCRAE. The commutation clause is not necessary under the homestead law in the South. It has never been used there. They take the land for homes and keep them.

Mr. PAYSON. It can not work any injury to have it inserted. Settlers in possession who hold land under this bill can not be harmed.

Mr. MCRAE. It makes them trouble for which there is no occasion at all.

Mr. PAYSON. It could be inserted in the time we are debating it.

Mr. WEAVER. Why should not all settlers be treated alike?

Mr. HOLMAN. There would be no impropriety in inserting such a provision.

Mr. PAYSON. It can not hurt anybody.

The SPEAKER *pro tempore*. Does anybody offer the amendment?

Mr. PAYSON. Yes; I move to insert, after the word "laws," the words "except section 2321 of the Revised Statutes," which is the commutation clause of the homestead law.

Mr. GAY. I am willing to accept that amendment.

There was no objection, and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASING OF SCHOOL AND UNIVERSITY LANDS, WYOMING TERRITORY.

The next business under the special order was the bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes; which was read, as follows:

Be it enacted, etc., That the county commissioners of each of the counties organized or hereafter organized in the Territory of Wyoming are hereby authorized to lease the lands devoid of timber and known mineral deposits heretofore reserved or that may hereafter be reserved for school purposes in their respective counties, in such manner as may be provided by the laws of the said Territory: *Provided*, That until the Legislature of the said Territory shall provide by law for the leasing of the said lands, the presidents of the several boards of the county commissioners of the said Territory shall constitute a commission that is hereby authorized to make the necessary rules and regulations for the leasing of the said lands: *Provided*, That such rules and regulations shall have no force and effect until they are approved by the Secretary of the Interior. The said commission shall meet at such place and time as may be designated by the governor of the said Territory.

SEC. 2. That all moneys derived from the leasing of the lands as provided by the first section of this act shall become part of the school funds of the county where such lands are situated, and shall be used for the building of schoolhouses and the support of public schools in such county, and for no other purpose.

SEC. 3. That the governor, superintendent of public instruction, and auditor of the Territory of Wyoming are hereby constituted a board, with authority to lease the lands heretofore selected, or that may hereafter be selected, for university purposes, under the provisions of the act of Congress entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes," approved February 18, 1881, in the said Territory of Wyoming, in such manner as may be provided by the laws of the Territory of Wyoming: *Provided*, That until the Legislature of said Territory shall provide by law for the leasing of said university and school lands the said governor, superintendent of public instruction, and auditor are authorized, with the approval of the Secretary of the Interior, to make the necessary rules and regulations to carry out the provisions of this section.

SEC. 4. That all moneys derived from the leasing of the said university lands, as provided by the third section of this act, shall become a part of the university fund of said Territory, and shall be used for the support of the university of Wyoming, and for no other purpose.

SEC. 5. That no lease under the provisions of this act shall be made for a term exceeding five years, and all leases shall expire within six months after the Territory is admitted as a State into the Union: *Provided*, That the Secretary of the Interior may at any time in his discretion annul any lease made under the provisions of this act.

SEC. 6. That where lands in the sixteenth and thirty-sixth sections, in the Territory of Wyoming, are found upon survey to be in the occupancy, and covered by the improvements of an actual pre-emption or homestead settler, or where either of them are fractional in quantity, in whole or in part, or wanting because the townships are fractional, or have been or shall hereafter be reserved for public purposes, or found to be mineral in character, other lands may be selected by an agent appointed by the governor of the Territory in lieu thereof, from the surveyed public lands within the Territory not otherwise legally claimed or appropriated at the time of selection, in accordance with the principles of adjustment prescribed by section 2276 of the Revised Statutes of the United States, and upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered 16, or 36, in Wyoming, is mineral land, such smallest legal subdivision shall be excepted from the reservation for schools, and indemnity allowed for it in its entirety, and such subdivisions, or the portions of them remaining after segregation of the mineral lands or claims, shall be treated as other public lands of the United States.

The amendments of the committee were read, as follows:

Strike out the following proviso in section 1:

"*Provided*, That until the Legislature of the said Territory shall provide by law for the leasing of the said land, the presidents of the several boards of the county commissioners of the said Territory shall constitute a commission that is hereby authorized to make the necessary rules and regulations for the leasing of the said lands: *Provided*, That such rules and regulations shall have no force and effect until they are approved by the Secretary of the Interior. The said commission shall meet at such place and time as may be designated by the governor of the said Territory."

Also, in section 3, line 12, insert after the word "university" the words "and school."

Mr. HOLMAN. I presume there is no objection to the consideration of the bill, but I wish to have the first part of the last clause read again.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill?

Mr. McRAE. If it will provoke debate I will object, but otherwise I will not.

Mr. HOLMAN. It will give rise to no debate.

Mr. McRAE. I have no objection to the bill being considered on the condition that it does not give rise to a protracted debate. I have several bills I wish to have passed.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is before the House for consideration.

Mr. HOLMAN. I wish to have the first part of the last clause of the bill read again.

The last section of the bill was again read.

Mr. HOLMAN. I believe that does not go further than is provided in other cases.

Mr. CAREY. This section has been prepared at the Interior Department. They struck out the section I had drawn and substituted this in its place. It is in conformity with the law with reference to school lands.

Mr. TOOLE. I desire to offer an additional clause. It is that the provisions of this act shall extend to the other Territories of the United States.

The amendments of the committee were agreed to.

Mr. TOOLE. I move to insert in the bill the Territories of Arizona, New Mexico, Montana, Dakota, and Idaho.

Mr. WEAVER. I do not know what are the conditions of the other Territories. That would make this a large lease bill.

Mr. TOOLE. I submit it is only fair the other Territories should be included upon the same conditions.

Mr. WEAVER. I can not agree to it.

Mr. HOLMAN. I suppose the same officers are appointed in all cases.

Mr. TOOLE. Yes, sir.

Mr. HOLMAN. And each of these Territories has its own superintendent of public schools?

Mr. TOOLE. Yes, all of the machinery is supplied just as in Wyoming.

Mr. WEAVER. But these other Territories ought to have brought in their bills, and have them considered by the Public Lands Committee. I object to this sort of legislation in reference to the public lands. They are being disposed of fast enough to syndicates——

Mr. HOLMAN. I hope my friend will not press this amendment.

Mr. TOOLE. Mr. Speaker, I would like to say just this: The Congress of the United States has already set an example to the Territories of the United States by passing a law that prohibits the Legislative Assemblies of the Territories from enacting any special law of any kind or character whatever. Having set that very good example, it seems to me that unless some special reason is shown in a matter of general importance like this, affecting the Territories of the United States exactly alike as this does, there is no reason why a separate bill should be passed in each case, but that the same law should apply alike to each of the Territories.

All the school lands of the United States are exactly in the same condition, and there is no permission on the part of the Territorial authorities to lease or sell them, or exercise any supervision or control over them whatever until they become States of the Union. It seems to me that they stand exactly upon the same ground, and that this provision ought to apply to all alike.

Mr. WEAVER. Still the Territories have not thought it of sufficient importance to ask Congress or the Committee on the Public Lands to consider such a proposition.

Mr. McRAE. They are asking it; they are asking it now.

Mr. TOOLE. They stand exactly upon the same basis as Wyoming.

Mr. McRAE. This provision does not take any land whatever from the Government, but it only helps to increase the school funds in the Territories.

Mr. WEAVER. It allows them to lease the lands.

Mr. McRAE. Yes, but the lands are being occupied now to a large extent, and the Territories derive no revenue from them. Now, if they have the privilege of leasing them it will add to their school funds just that much.

Mr. SMITH, of Arizona. Now, Mr. Speaker, let me say just one word.

Mr. TOOLE. I offer that amendment.

Mr. SMITH, of Arizona. I would like to have some member of the committee suggest any reason why Wyoming or any other Territory should be included in a provision of this character which does not embrace all of the Territories. If any gentleman can suggest a reason I would like to know it.

Mr. WEAVER. They have not seemed to want it heretofore.

Mr. SMITH, of Arizona. The excuse and the only excuse that is offered here, which I must be permitted to say is a very flimsy one, is that bills have not been introduced on behalf of the Territories. But it is time enough now to introduce them. The gentlemen of the committee, the chairman of the committee, or some member of the committee, ought to show a reason why they should not be included as proposed here; because if this is good for Wyoming, it is good for all of the Territories.

It seems to me that there can be no possible objection to it.

Mr. STONE, of Missouri. Would the provisions apply to all alike?

Mr. SMITH, of Arizona. Yes, sir; every one of them has the same officers, the superintendent of public instruction, and have exactly the same machinery. There can be no objection on that ground.

Now our Territorial school lands are being settled upon by people who do not own the lands because they can not get them surveyed. Our public-school lands are being despoiled by people settling upon

them, calling them Government lands. The county commissioners of the various counties should have a right to stop this. They should make laws to stop the settling upon the lands or the committing of depredations upon them. They are powerless now to do so.

Mr. WEAVER. All of the public lands are under the control of the General Government, and it can put a stop to it.

Mr. SMITH, of Arizona. But it does not do it. It has appropriated $300,000 for certain purposes, and appropriated $80,000 to make surveys, an amount so small to each mile to be surveyed that every cent of it has to be turned back into the Treasury.

Mr. WEAVER. I consider it, however, bad policy for the General Government to abandon the control of the public domain and turn it over as here proposed. The only effect of such a provision is to turn over the public lands to the cattle syndicates, building up vast corporations at the public expense, and a system which is hostile to the general policy of our land laws.

Mr. SMITH, of Arizona. I want to say just this and in connection with the very thing the gentleman now speaks of: It becomes quite apparent to everybody in a moment who knows anything of the conditions there that the very thing he speaks of is being done to-day. They are taking possession of the school lands for the very purposes he suggests, and there is no power to stop them.

Mr. WEAVER. That we propose to regulate.

Mr. SMITH, of Arizona. But something ought to be paid to Territories for the use of school lands.

Mr. WEAVER. I want to be understood in this matter. The responsibility is not with me any more than any other member of the committee. The chairman of the committee is here, and other members; but let me suggest just this: we all know that these growing privileges granted in the Territories on the public domain are wholly and essentially hostile to the homestead system, and the more you extend these privileges the stronger becomes the power of these men who get control. I understand that with reference to these school lands, they are lands that can not be sold or leased by the Territories, but can be homesteaded. But after a while, when the Territories come into the Union and the land passes under the control of the State, you have powerful syndicates built up that have control of the State government and control of every acre of the lands; and they will retain the control of them, or at least are liable to do so. I think that is very objectionable legislation.

Mr. SYMES. By the report from the Committee on Territories for the admission of Territories into the Union as States it passes to them and they retain control of the school lands, and they are inhibited from disposing of them. They are made school lands for a permanent fund.

Mr. WEAVER. I understand the legal status of this land. I am not a member of the Committee on Public Lands, and if the members of that committee have no objection to this bill, I will not object to it; but it does not strike me as not being the right manner in which to accomplish the purpose sought.

Mr. McRAE. I want to say but one word. This land is scattered about, a section here and a section there; and if it were in a body there would be a great deal more force in the point made by the gentleman from Iowa. By a person taking "section 6," or "section 16," or any section, you can not make a monopoly of the land in a Territory; and I do not see any reason why these people should not raise funds by renting these lands if they desire to do so.

Mr. WEAVER. There are parties grazing lands surrounding those sections now.

Mr. McRAE. That does not interfere with anybody's rights.

Mr. MACDONALD. If there is to be further debate on this bill, I will rise for the purpose of objecting to the consideration of the bill.

Mr. CAREY. If I may be permitted one word of explanation, I do not think there will be any objection to the bill. I think the gentleman from Iowa [Mr. WEAVER] has entirely misunderstood the situation in reference to this land. In the Territory which I represent the people are expending $25 annually on each scholar of school age. They are establishing a university in that Territory. The Secretary of the Interior in his letter indorses this bill. He believes this legislation is wise; and I do not believe there can possibly be any objection to this bill in reference to Wyoming.

Mr. CUTCHEON. Do you know of any situation in Wyoming that does not apply to the other Territories, and why it might not be wise legislation for them?

Mr. CAREY. I have been working on this bill practically for three years for the Territory of Wyoming, and I will not discuss what may be wise for the other Territories.

Mr. HOLMAN. I ask that the amendment be again reported.

The amendment of Mr. TOOLE was read, as follows:

After the word "Wyoming," insert "Arizona, Dakota, Idaho, Montana, New Mexico, and Utah."

Mr. HOLMAN. I hope my friend will not insist upon that kind of legislation. The names should be inserted in the body of the bill, and before the vote is put I ask that the first section—that portion of it which embraces Wyoming—shall be reported as proposed to be amended, so as to see if the subsequent language will harmonize with the several Territories named. I apprehend that the whole bill will have to be changed.

The Clerk proceeded to report the section.

Mr. HOLMAN (interrupting the reading). That will not do at all. I suggest that the bill will have to be remodeled.

Mr. TOOLE. I withdraw the amendment I have offered.

Mr. HOLMAN. I would suggest to the gentlemen representing the other Territories that this bill be withheld for a while. I think it is bad legislation—at any rate it is not good legislation; but inasmuch as the gentlemen seem to be so anxious for this provision I will not object myself, for I do not see why the same rule should not apply to all Territories, and I shall not object to have this provision extended to the whole of the Territories named, except Washington.

Mr. KERR. I will move to strike out that section. I do not think it should be for any Territory.

The SPEAKER *pro tempore*. That can be accomplished by voting against it.

Mr. KERR. I do not think it ought to apply anywhere.

Mr. MACDONALD. I ask that this bill be laid aside informally.

Mr. McRAE. If the gentleman in charge of this bill does not demand the previous question on its passage, I will.

Mr. CAREY. I demand the previous question on the passage of the bill.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KANSAS LANDS.

The next bill on the Calendar was the bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas.

The bill was read, as follows:

Be it enacted, etc., That all the interest of the United States in and to the south half of the northeast quarter and the north half of the southeast quarter of section 6, township 6 south, of range 18 west, of the sixth principal meridian, in Rooks County, Kansas, is hereby relinquished to Elmore S. Stroup.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. I ask that the report may go into the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. TURNER, of Kansas) is as follows:

Your committee have had under consideration House bill No. 6217, and find the following facts: The south half of the northeast quarter and the north half of the southeast quarter of section 6, township 6, of range 18 west of the sixth principal meridian, in Kansas, was located with Supreme Court scrip K 34, sub. 2, R. and R. 71, by Elmore S. Stroup, and upon which patent issued December 20, 1881.

It further appears that at the time of making said entry the said Elmore S. Stroup was only nineteen years of age, a fact that came to his knowledge after making said proof, when he immediately deeded said land to the United States and placed said deed upon record with the register of deeds in the county in which said land is located. The Government could not accept said conveyance, and as patent has been issued by the Government to the said Elmore S. Stroup for said land, the purpose of this bill is to quiet the title of said land to the said Elmore S. Stroup. The report of the Land Commissioner upon this case is as follows:

"DEPARTMENT OF THE INTERIOR,
"GENERAL LAND OFFICE.
"*Washington, D. C., March* 6, 1888.

"SIR: Replying to your letter of February 24, 1888, you are informed that the records of this office show the S. ½ NE. ¼ and N. ½ SE. ¼, section 6, township 6, range 18 west sixth principal meridian, Kansas, to be located with supreme court scrip K 34, sub. 2, R. and R. 71, by Elmore S. Stroup, upon patent issued December 20, 1881.

"Very respectfully,

"S. M. STOCKSLAGER,
"*Acting Commissioner.*"

The deposition of the register of deeds of the county in which said land is located is as follows:

"STATE OF KANSAS, *Rooks County, ss:*

"H. A. Kinworthy, of lawful age, being first duly sworn, on oath deposes and says: I am register of deeds for Rooks County, Kansas, and have in my custody the records of deeds, mortgages, and so forth, of lands in said county. That page — of book —— of deeds shows a deed from Elmore S. Stroup to the United States, conveying by warranty his title to the S. ½ NE. ¼ and N. ½ SE. ¼, section 6, township 6, range 18, Rooks County, Kansas, to the United States; and that the said deed remains on record uncanceled. Said deed is dated 19th day of May, 1883, acknowledged 19th day of May, 1883, and filed for record 21st day of May, 1883.

"[SEAL.] H. A. KINWORTHY,
"*Register of Deeds.*

"Subscribed and sworn to before me this 20th day of February, 1888.

"[SEAL.] F. A. CHIPMAN,
"*Clerk District Court, Rooks County, Kansas.*"

All of which is respectfully submitted, with the recommendation that the bill be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASERS WITHIN RAILROAD GRANTS.

The next bill on the Calendar was the bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits.

The bill was read, as follows:

Be it enacted, etc., That as to all lands lying in the vicinity of Denver, in the State of Colorado, heretofore withdrawn by the executive department of the Government for the use or benefit of the Union Pacific Railway Company, Eastern Division, and the Denver Pacific Railway and Telegraph Company, or their or either of their successors, under the construction heretofore placed by the executive department of the Government upon the act of Congress entitled "An act to authorize the transfer of lands granted to the Union Pacific Railway Company, Eastern Division, between Denver and the point of its connection with the Union Pacific Railroad, to the Denver Pacific Railway and Telegraph Company, and to expedite the completion of railroads to Denver, in the Territory of Colorado," approved March 3, 1869, construing the grant in said act mentioned to be one continuous grant west of Fort Riley, in Kansas, through Denver, Colo., to Cheyenne, Wyo., and which lands have been sold by said companies or either of them, or their or either of their successors, prior to December 9, 1887, to citizens of the United States or to persons who have declared their intention to become such citizens, the holder of the title under such purchase from the railroad company, unless he be a director or other officer of the Union Pacific Railway Company, may, upon making proof of such purpose at the proper land office, and the further proof of the time of his or, if he claimed by inheritance, his ancestor's purchase, that he or his ancestor relied in good faith upon the validity of the title of such railroad companies, and that such purchase was made for a valuable consideration, enter and pay for said lands at the ordinary Government price for like lands, and patents shall issue therefor to the holder of such title and inure to the benefit of the original purchaser and all claiming under him: *Provided*, that nothing herein shall be held to dispossess or determine the rights of parties who may hold adversely to each other under purchase from the railroad company: *And provided further*, that a mortgage or pledge to secure the payment of money shall not be considered a purchase under the provisions of this act.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chairs hears none.

Mr. ANDERSON, of Kansas. I would be glad to hear some explanation of this measure.

Mr. PAYSON. I reported this bill under the unanimous instruction of the committee.

Mr. McRAE. I hope time will not be occupied in discussion.

Mr. PAYSON. My explanation will not occupy more than a minute. The simple effect of this bill is that parties who are in possession of certain lands which they purchased from the Union Pacific Railway Company—some of them as early as 1869—and who have been in continuous possession since, will be allowed to repurchase the same land from the Government by paying the same price for it.

This measure is rendered necessary from this circumstance: In the early days of that railroad grant these lands were held to be railroad lands. The Commissioner of the General Land Office in 1873 so decided; and the then Acting Secretary of the Interior, Mr. Cowan, affirmed that decision on appeal. The lands were then put in the market and sold. In October or November, 1887, Mr. Muldrow, Acting Secretary of the Interior, reviewed the former decision and held that, owing to some technical difficulty (which it would take me too long to explain, and which it is not necessary to explain), these lands were not railroad lands. But in the mean time the parties who will be the beneficiaries under this bill have been in possession—some, as I have stated, since 1869. This bill gives them, if they were purchasers in good faith and not connected in any way with the railroad company, the right to buy from the Government the land they previously bought from the railroad company.

Mr. ANDERSON, of Kansas. Does this apply to excess lands?

Mr. PAYSON. No, sir; it applies to lands within the granted limits; not to excess lands. The lands are only rendered valuable by reason of their proximity to the city of Denver. As I have stated, the bill has been reported unanimously. It does not give away an acre of land.

Mr. HOLMAN. I want to call the attention of the gentleman from Illinois to this point——

Mr. McRAE. I do not want to oppose this bill, but I have a suggestion to make which I hope will be acceptable. There are three little private bills on the Calendar to which there can be no objection. They were reported prior to this bill and should have had priority of consideration; but in the hope that gentlemen would get through with these other measures, I have suffered them to go on. Now, if they will agree to take up these three bills and pass them, they may then take all the time they please in the consideration of this bill. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. The inquiry I desired to make was this: My friend from Illinois [Mr. PAYSON] in the amendment which has been read used the phrase "officer of the Union Pacific Railway Company." Is that description a proper one? This corporation was in the first place known as the Kansas Pacific.

Mr. PAYSON. It is now the Union Pacific Railway Company.

Mr. HOLMAN. Does the gentleman think the phraseology of his amendment sufficient to cover the whole case?

Mr. PAYSON. There is no trouble about that. I am told that as a matter of fact none of these officers are interested in an acre of the land which will be affected by this bill. That provision has simply been inserted out of abundant caution.

Mr. HOLMAN. Of course, I insist that that shall be in.

Mr. PAYSON. That is proper.

Mr. STONE, of Missouri. I ask the Clerk to report again the last amendment. Some of the land to be affected by the bill is very valuable—worth a thousand dollars an acre. I think the provision ought to be well guarded.

The Clerk again read the amendment.

Mr. PAYSON. That is just as strong as it can be.

Mr. HOLMAN. It appears so.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands were agreed to.

Mr. PAYSON. There is a verbal amendment which should be made in line 28. The word "claimed" should be "claim." I ask to make that correction.

The SPEAKER *pro tempore*. If there be no objection, the correction will be made. The Chair hears no objection.

Mr. HOLMAN. I ask unanimous consent that the report in this case be published in the RECORD.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

The report (by Mr. PAYSON) is as follows:

By the Union Pacific Railroad acts of Congress of July 1, 1862, July 2, 1864, and July 3, 1866, a continous grant of lands was made to the Union Pacific Railway Company, Eastern Division, from Kansas City, Mo., through Denver, Colo., to Cheyenne, Wyo.; by a further act of Congress of March 3, 1869, the Union Pacific Railway Company, Eastern Division, was authorized to contract with the Denver Pacific Railway and Telegraph Company for the construction of that part of the Union Pacific Railroad between Denver and Cheyenne, and to transfer to the Denver Pacific Railway and Telegraph Company its grant of lands along that portion of its road.

The road from Kansas City to Denver was completed in accordance with the acts of Congress, and accepted by the President October 19, 1872; and the road from Denver to Cheyenne was completed in accordance with the acts of Congress, and accepted by the President May 2, 1872.

In 1873 the question was raised in the Land Department whether the act of March 3, 1869, above referred to, severed the original continuous grant from Kansas City to Cheyenne into two separate grants, one to the Union Pacific Railway Company, Eastern Division, from Kansas City to Denver, and the other to the Denver Pacific Railway and Telegraph Company, from Cheyenne to Denver, thus making two termini at Denver.

This question became important because the Union Pacific, Eastern Division, runs into Denver on a course substantially due east and west, and the Denver Pacific on a course substantially due north and south. So that if there be two grants, each terminating with a line perpendicular to the line of these roads at Denver, there would be a triangle or segment of land, lying southwest of Denver, which belongs to neither of the companies. In the two cases which arose before Land Commissioner Drummond, in 1873, to wit: Denver Pacific *vs.* Longan and Union Pacific *vs.* Hodge, Mr. Drummond decided that the act of March 3, 1869, above cited, did not sever the original continuous grant, and that the lands in the triangle belonged to the several companies. The case of the Denver Pacific *vs.* Longan was appealed to the Secretary of the Interior, and was affirmed by the then Acting Secretary Cowan, in 1874. (See 1 Copp's L. O., 100-101.)

Aside from the decisions last quoted the executive department of the Government has recognized the continuity of said grant both before and after the passage of the act of March 3, 1869, in the following ways:

1. When the Union Pacific Railway Company, Eastern Division, filed its map of general route, in 1860, the Department approved the same and sent to the register and receiver of the land office at Denver a plat showing the limits of the grant which included the triangle in question, and a letter withdrawing the lands in the triangle from private entry.

2. When the Denver Pacific filed its map of definite location, August 21, 1869, the Department approved the same and forwarded to the register and receiver at Denver and at Central City a diagram showing the definite limits of the grant, which diagram includes the northerly half of this triangle; and when the Kansas Pacific first filed its map of definite location, May 26, 1870, the Department approved the same and sent to the register and receiver at Denver a diagram showing the definite limits of the grant, which diagram includes the southerly half of the triangle.

3. From 1874 to December 9, 1887, the Government issued patents to the said companies and their successor to 16,740 acres of land in the triangle, in each of which patents it is recited that the said companies are entitled to the same by reason of their compliance with the acts of Congress above mentioned.

4. From the time the Union Pacific Railway Company, Eastern Division, first filed its map of general route, in 1866, the Government has at all times, both before and after the passage of the act of March 3, 1869, sold the even-numbered sections within the triangle at double minimum price, on the theory that the triangle was part of the grant to the railroad companies.

On December 9, 1887, the question of whether or not this triangle was part of the grant to said railway companies was again raised before the Secretary of the Interior, on the petition of H. R. Clise and others, asking that the Attorney-General be instructed to bring suit to set aside patents to certain of the lands in the triangle, and Acting Secretary of the Interior Muldrow, in his decision of said last mentioned date, held that said act of March 3, 1869, severed said original continuous grant, and that the triangle in question never became the property of said railroad companies, and instructed the Attorney-General to bring suit to set aside all patents issued by the Government to said railroad companies for lands lying within the triangle.

Prior to the rendition of this decision, and while the Government recognized the title of the railroad companies to these lands by the decision of the Secretary of the Interior and the numerous other ways above set out, these railroad companies sold about 38,000 acres of these lands to innocent purchasers, who were induced by the conduct of the Government to believe that the title of the railroad companies was perfect. Some of the purchases were made as early as 1869, and a large number of the purchasers have been in actual possession, cultivating and improving the lands, for ten and fifteen years; and all these lands have to be irrigated to make them productive, which could only be done at great expense. Some of these lands lie in close proximity to the city of Denver, have gone through numerous hands, and are said to have become very valuable, from $250 to $500 per acre.

Of the 38,000 acres so purchased by innocent purchasers, about 17,000 acres have been patented to the companies, and about 21,000 acres are neither patented nor certified.

The bill under consideration (H. R. 9056) is intended to protect these innocent purchasers. It permits them to purchase the lands of the Government at minimum price. It does not grant any lands to the companies, nor does it in any manner confirm or recognize any prior pretended grant to the companies, but, on the contrary, is based upon the theory that the decision of the Secretary of the Interior of December 9, 1887, is correct, and that the lands in the triangle never passed to the railroad companies.

The relief asked in this case comes within the spirit of the act of Congress of March 3, 1887, for the protection of innocent purchasers from railroad companies, but owing to the peculiar circumstances of the case, that act is not applicable.

The committee are of the opinion that the said innocent purchasers are equitably entitled to the relief granted by the bill (H. R. 9056), and therefore recommend its passage, with the following amendments:

On line 21, between the words "successors" and "to," insert the words "prior to December 9, 1887."

On line 24, between the words "company" and "may," insert the words "unless he be a director or other officer of the Union Pacific Railway Company."

On line 25, between the words "land office" and "enter," insert the words "and the further proof of the time of his, or if he claim by inheritance his ancestor's, purchase, that he or his ancestor relied in good faith upon the validity of the title of such railroad companies, and that such purchase was made for a valuable consideration."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HUGH FOSTER.

The next public-land business on the Calendar was the bill (H. R. 9040) to confirm the homestead entry of Hugh Foster.

The bill was read, as follows:

Be it enacted, etc., That homestead entry numbered 1790, made at the United States land office at Marquette, Mich., March 22, 1879, by Hugh Foster, upon the south half the northeast quarter and north half of the southeast quarter of section 10, in township 47 north, of range 2 east, under authority of the instructions of the Commissioner of the General Land Office to the local officers, dated July 2, 1878, and recommended for confirmation, by special act of Congress, by the Secretary of the Interior, in a decision on the case rendered November 18, 1881, be, and the same is hereby, confirmed as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provisions of the homestead law shall be made in the usual manner.

There being no objection, the House proceeded to the consideration of the bill.

Mr. HOLMAN. I ask unanimous consent that the report in this case be published in the RECORD.

There being no objection, it was ordered accordingly.

The report (by Mr. LAFFOON) is as follows:

The Committee on the Public Lands, to whom was submitted House bill 9040, having had the same under consideration, and after having examined Executive Document No. 88, Forty-seventh Congress, first session, are of opinion that said bill ought to pass.

They therefore recommend the passage of said bill. Said executive document is made a part of this report.

[Senate Ex. Doc. No. 88, Forty-seventh Congress, first session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior, of the 27th ultimo, with accompanying papers, on the subject of the confirmation of the homestead entries of certain lands in the Marquette district, Michigan, made by Hugh Foster and John Waishkey, jr.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the Secretary of the Interior of the 27th ultimo, with accompanying papers, on the subject of the confirmation of the homestead entries of lands in the Marquette district, Michigan, made by Hugh Foster and John Waishkey, jr.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 3, 1882.

DEPARTMENT OF THE INTERIOR, *Washington, January 27, 1882.*

SIR: I have the honor to submit herewith, in duplicate, for the consideration of Congress, draught of a bill, with accompanying papers, for the confirmation of homestead entry No. 1790, made at the United States land office at Marquette, Mich., on the 22d March, 1879, by Hugh Foster. This entry was made under instructions inadvertently issued by the Commissioner of the General Land Office, when the land was in a state of reservation under the act of March 3, 1875 (18 Statutes, 516), and before it had been restored to market.

I also submit, in duplicate, draught of a bill for confirmation of homestead entry No. 1828, made May 8, 1879, at the same office, by John Waishkey, jr., under like circumstance.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

The PRESIDENT.

A Bill to confirm the homestead entry of Hugh Foster.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead entry No. 1790, made at the United States land office at Marquette, Mich., March 22, 1879, by Hugh Foster, upon the south half of the northeast quarter and north half of the southeast quarter of section 10, in township 47 north, of range 2 east, under authority of the instructions of the Commissioner of the General Land Office to the local officers, dated July 2, 1878, and recommended for confirmation by special act of Congress by the Secretary of the Interior in a decision on the case rendered November 18, 1881, be, and the same is hereby, confirmed, as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provision of the homestead law shall be made in the usual manner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 13, 1881.

SIR: In compliance with the request contained in your letter of November 18, 1881, deciding on appeal that homestead entry No. 1790, made by Hugh Foster at the Marquette, Mich., land office, March 22, 1879, under instructions to the local officers from this office dated July 2, 1878, was invalid by reason that the land which was reserved under the second section, act of March 3, 1875, had not been restored to the public domain as therein provided for at the date of said entry, I have the honor to inclose herewith for transmission to Congress the draught of a bill confirming said homestead entry, together with accompanying papers, namely:

Copy of Commissioner's letter to local officers authorizing certain entries, July 2, 1878.

Copy of Commissioner's decision holding the homestead entry of Hugh Foster for cancellation, May 3, 1879.

Copy of Secretary's decision, November 18, 1881.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 2, 1878.

GENTLEMEN: I am in receipt of a letter from Guy H. Carleton, esq., dated at Sault Ste. Marie, Mich., the 21st ultimo, requesting me to advise you as to whether or not the south half of northeast quarter and northeast quarter of southeast quarter of section 10, township 47 north, range 2 east, are subject to homestead entry.

In compliance with the request of Mr. Carleton, I have to state that I am in receipt of a letter under date of February 20, 1878, from the Acting Commissioner of Indian Affairs, stating that there is no Indian claim to the above-described land. If upon examination of your records you find no interfering claim to said land, they will be subject to homestead or pre-emption entry by the first legal applicant.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

REGISTER AND RECEIVER,
Marquette, Mich.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 3, 1879.

GENTLEMEN: Homestead entry No. 1790, March 22, 1879, in the name of Hugh Foster, for the north half of southeast quarter and south half of northeast quarter, section 10, township 47 north, range 2 east, is this day held for cancellation for the reason that the land embraced therein is not subject to entry.

On the section in question, although not embraced in the reservation, certain Indians had made selections of land, and section 2 of the act approved March 3, 1875, provides as follows:

"That all Indians who have settled upon and made improvements on section 10, in township 47 north, range 2 east, and section 24, in township 47 north, range 3 west, Michigan, shall be permitted to enter not exceeding 80 acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land-office at Marquette, Mich.; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market."

In the office circular of March 18, 1875, promulgating the act above referred to, the local officers were instructed to treat the land embraced in the two sections as reserved from any other disposal than that for which the act provides, and at the expiration of one year from its passage—which was considered ample time for the Indians to avail themselves of the provisions thereof—the register and receiver were directed to report any vacant tracts remaining in said sections 10 and 24 for restoration to market.

No report appears to have been made by the local officers, and the lands have not been restored to market.

You will inform Mr. Foster of the above decision, and allow him sixty days within which to appeal, and in the event of the cancellation of his entry he will be allowed to make a new one, with credit for fee and commissions already paid.

You will make an investigation, first notifying the United States Indian agent for the tribe to which said Indians belong, in order to ascertain whether any Indian claims exist upon said lands, as contemplated by the act, and report result of such investigation to this office, in order that any vacant lands remaining may be restored to market.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER and RECEIVER,
Marquette, Mich.

DEPARTMENT OF THE INTERIOR, *Washington, November 18, 1881.*

SIR: I have considered the appeal of Hugh Foster from your decision of May 3, 1879, holding for cancellation his homestead entry of March 22, 1879, upon the north half of the southeast quarter and the south half of the northeast quarter of section 10, township 47 north, range 2 east, Marquette, Mich., because at the date of said entry said lands were reserved from any other disposal than that provided by the second section of the act of March 3, 1875 (18 Stats., 516), which provides that all Indians who have settled upon and made improvements on said section 10, and other sections therein named, shall be permitted to enter not exceeding 80 acres each, upon making due proof therefor, "and when said entries shall have been completed in accordance herewith the remaining lands embraced within the limits of said sections shall be restored to market."

Your circular of March 18, 1875, under this act, required the local officers, at the expiration of one year from its passage, to report any tracts which might then be vacant, tho they might be restored to market. If such report has been made, said lands have not yet been restored.

It appears, however, that on July 2, 1878, your office advised the local office that if no interfering claim to the lands named in said section 2 appeared on their records they would be subject to filing and entry under the pre-emption and homestead laws by the first legal applicant therefor. These instructions, as you state in your letter of May 3, 1879, were not intended to change the rule in respect to the restoration of lands to market, but were inadvertently issued. They were, nevertheless, in force at the date of Foster's entry, who appears to have made the same in virtue thereof. It does not appear to what extent, if any, he has improved the tract; but whether much or little he should not suffer in his rights or property from the inadvertency of your office.

I am neither disposed to waive the general rule respecting the restoration of lands to market, which has been in force for many years, nor to spare suitable action for relief of Mr. Foster. I therefore request you to prepare a bill for sub-

mission to Congress which may secure his rights and validate his entry as of the day of the date thereof.

The papers transmitted with your letter of July 19, 1881, are herewith returned.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 16, 1881.

SIR: I have the honor to inclose herewith, for transmission to Congress, the draught of a bill confirming homestead entry No. 1828, for the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47 north, range 2 east, Michigan, made May 8, 1879, by John Waishkey, jr., for reasons set forth in my letter C, of the 14th instant, to you on said subject.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

A bill to confirm the homestead entry of John Waishkey, jr.

Be it enacted, etc., That homestead entry numbered 1828, made at the United States land office at Marquette, Mich., May 8, 1879, by John Waishkey, jr., upon the south half of the southeast quarter and south half of the southwest quarter of section 10, in township 47 north, of range 2 east, under authority of the instructions of the Commissioner of the General Land Office, dated July 2, 1878, be, and the same is hereby, confirmed as of the day of the date of said entry: *Provided, however*, That due proof of compliance with the provisions of the homestead law shall be made in the usual manner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 14, 1881.

SIR: I have the honor to hereby recommend that the homestead entry No. 1828, for the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47 north, of range 2 east, made by John Waishkey, jr., at the Marquette, Mich., district land office, May 8, 1879, and held for cancellation September 16, 1879, on the same ground that homestead entry No. 1790 was so held, be incorporated in the bill confirming homestead entry No. 1790, the draught of which bill was inclosed in my letter C to you of the 13th instant, for transmission to Congress. The land covered by said entry No. 1828 lies in the same section, township, and range as that covered by homestead entry No. 1790, and I think Mr. Waishkey is entitled to the same relief that is sought in behalf of Mr. Foster by the bill before mentioned.

I inclose herewith a copy of the letter of September 16, 1879, holding entry No. 1828 for cancellation.

Very respectfully, you obedient servant,

N. C. McFARLAND, *Commissioner.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 16, 1879.

GENTLEMEN: Referring to my letter of May 3, 1879, holding for cancellation homestead entry No. 1790, in the name of Hugh Foster, covering the north half of the southeast quarter and south half of the northeast quarter of section 10, township 47 north, range 2 east, for reason therein stated, I am in recept of your letter of the 13th ultimo, inclosing one from Foster's attorney relative thereto.

You cite as your authority for allowing said entry a letter from this office of July 2, 1878, stating that the tracts above mentioned were subject to homestead entry, etc. The letter referred to was inadvertently written of the tenor that it was, as the tracts were not subject to such entry under the law.

Section 2 of the act of March 3, 1875, quoted in my letter of May 3 last, is specific in its provisions, and the land embraced in section 10, township 47 north, range 2 east, and section 24, township 47 north, range 3 west, is not subject to entry or location, except by Indians, as therein provided for, until the same shall have been restored to market. The subsequent act of May 23, 1876, has reference only to lands formerly within the Indian reservation, and does not apply to the sections mentioned above.

Homestead entry No. 1828, covering the south half of the southeast quarter and south half of the southwest quarter of section 10, township 47, range 2 east, in the name of John Waishkey, jr., is similarly situated in this respect with that of Hugh Foster, and is also this day held for cancellation for reasons stated at length in my letter of May 3, 1879, with regard to the latter.

You will inform the parties to the entries above, allow the usual time for appeal, and report action in the premises to this office.

You will carry out the instructions contained in the last paragraph of my letter of May 3, last, relative to investigating whether any Indian claims exist in said sections, in order that, if so, they may be adjusted, and thereafter the remaining lands restored to market, as contemplated in the act of March 3, 1875.

In case you find that your predecessors have made any report bearing on the matter, communicate the fact to this office, giving the date of such report.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGISTER AND RECEIVER,
Marquette, Mich.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATENT TO CERTAIN LAND IN ARKANSAS.

The next public-land business on the Calendar was the bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the location made by Samuel J. Johnson for the north half of southwest quarter of section 17, in township 12 north, of range 9 west, in Arkansas, containing 80 acres, on the 4th of March, A. D. 1861, with military bounty land-warrant No. 32236, for 80 acres, under act of March 3, A. D. 1855, in the name of Achilles Ferrill or Terrill, be, and the same is hereby, confirmed, and patent shall issue, notwithstanding the loss of said warrant.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WILLIAMS. I would like to hear a brief explanation.

Mr. WHEELER. By the examination of very voluminous evidence the committee found that the land-warrant in this case was lost, and that the location of the warrant was the result of accident or mistake, for which the owner of the warrant could not be held responsible.

Mr. HOLMAN. It was lost in the Land Office.

Mr. WILLIAMS. I have no objection.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was read, as follows:

Add to the bill the following:

"*Provided*, That nothing herein contained shall prejudice adverse rights, and that, should conflicting claims be presented, the rights of the claimants shall be adjudicated by the Department as in other cases."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM GAFFER AND OTHERS.

The next public-land business on the Calendar was the bill (H. R. 9234) for the relief of William Gaffer and his legal representatives and assigns.

The bill was read, as follows:

Be it enacted, etc., That the entry of Samuel Gaffer, under date of March 24, in the year 1864, at Winnebago City, Minn., for the northwest quarter of section No. 20, township No. 104 north, of range 26 west, of the fifth principal meridian, and the subsequent final proof of the same by his son William Gaffer (as the son of said Samuel Gaffer, deceased), be, and the same hereby is, ratified, confirmed, and declared valid; and the President is hereby authorized and directed to issue, in due form, a patent for said land to the said William Gaffer, which patent shall operate as and be a conveyance of said land to him and his legal representatives or assigns.

There being no objection, the House proceeded to the consideration of the bill.

Mr. MACDONALD. Since this bill was reported by the Committee on Public Lands, an amendment has been agreed upon by my colleague [Mr. LIND] and myself, in consequence of the receipt of certain communications which led us to believe it necessary to adopt this amendment as a precautionary measure against doing injustice to any person. I ask that the amendment be read.

The Clerk read as follows:

Strike out all after the word "to," in line 12, and insert the following:

"The district judge of the sixth judicial district of the State of Minnesota, which patent shall operate as, and be a conveyance of said land to such judge in trust for the use and benefit of the person or persons equitably entitled to said land or any part thereof.

"SEC. 2. That upon the issuance of such patent any person interested in said land may make application to the judge of said court; and said judge shall thereupon issue a citation citing all parties interested to appear before him on the first day of the term at the next ensuing general term of the district court in and for the county in which said land is located, and then and there establish his claim to said land or any part thereof, which citation shall be served in such manner as the judge of the said court shall direct. That on the return-day of said citation, or at such other time as the judge may fix, the several persons cited interested in said land shall adduce and submit the evidence in support of their respective claims thereto; and the judge of said court shall thereupon award to each or any of said claimants such portion of said land as he is in equity and good conscience entitled to; and such award shall be final and conclusive, and shall be carried into effect by such judge by executing conveyances in conformity therewith to the parties adjudged to be entitled to said land or a portion thereof."

Mr. PAYSON. This seems a strange precedent. I do not myself, as a member of the House of Representatives, like that kind of legislation. I never before heard of a measure looking to the issue of a patent from the General Government to the judge of a court for him to handle the title and transmit it to such persons as he might think equitably entitled to it. It is a rather odd piece of legislation. I do not care to object to it; but I do not want to go upon record as favoring that kind of legislation.

Mr. HOLMAN. I wish it to be understood this bill does not come from the Committee on the Public Lands. The gentleman from Minnesota [Mr. MACDONALD] is responsible for it.

Mr. MACDONALD. It is right, and the gentleman from Minnesota is willing to be responsible for it.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVOCATION OF WITHDRAWAL OF LANDS.

Mr. HOLMAN. I wish to present a bill from the committee, which came to us on reference of a communication of the Secretary of the Interior. It is a measure recommended by him.

The Clerk read as follows:

An act to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes.

Be it enacted, etc., That section 5 of an act entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad

in said State," approved May 12, 1864, and section 7 of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March 3, 1865, and also section 5 of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed.

SEC. 2. *That the provisions* of section 4 of an act approved June 2, 1864, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,' approved May 15, 1856," be and the same are hereby repealed, so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary, or 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory; and all withdrawals of lands within indemnity limits heretofore made for the benefit of any road or roads, under or by virtue of said grants or any of them, and any reservations of lands made under said provisions of the act of June 2, 1864, shall be revoked, and the Secretary of the Interior is authorized and directed to restore said lands to settlement and entry, after affording due opportunity, by such notice as he may consider proper to give to claimants under said grants, or any of them, to show cause why said restoration should not be made.

SEC. 3. That whenever, in the opinion of the Secretary of the Interior, a grant of lands heretofore made by the United States to aid in the construction of any rail or wagon road, canal, or other work of internal improvement, has been adjusted, and he deems it advisable that said adjustment should be finally closed on the books of the Land Office, he shall cause such notice to be given, by advertisement or otherwise, as may seem to him proper, warning parties interested to come forward within three months and show cause why such adjustment should not be at once closed.

If a proper showing be made, he shall, as speedily as may be, determine the matters involved, awarding to said parties whatever they may be entitled to, and thereupon, or if no such showing be made, he shall at once direct the Commissioner of the General Land Office to close finally the adjustment of said grant, and the same shall not thereafter be reopened. And after the closing of any such adjustment, the Secretary shall revoke all withdrawals theretofore made for such grant, and restore to settlement and entry, under the homestead laws, all public lands withdrawn thereunder remaining undisposed of.

Mr. HOLMAN. The changes made by the committee make it more imperative. With the consent of the gentleman from Illinois [Mr. PAYSON] and the gentleman from Minnesota [Mr. MACDONALD], who are members of the subcommittee, I will not press that measure to-night.

Mr. PAYSON. It is a good measure now.

Mr. HOLMAN. Very well; let it be acted on with a motion to reconsider entered and pending.

Several MEMBERS. Let the report of the committee be read.

Mr. HOLMAN. I withdraw the report. It is a privileged matter.

The SPEAKER *pro tempore*. The bill is not before the House.

ORDER OF BUSINESS.

Mr. WHEELER. I ask to call up the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. WILLIAMS. I object.

The SPEAKER *pro tempore*. This is not included in the special order for this evening's session.

Mr. WHEELER. This is reported from the Committee on Public Lands.

Mr. HERMANN. Let me get in and pass a bill (H. R. 1176) providing for the sale of certain mineral lands to aliens.

The SPEAKER *pro tempore*. There is only one minute remaining.

Mr. WHEELER. It is impossible to pass it in that time.

Mr. ANDERSON, of Kansas. Is it necessary to move reconsideration of the votes passing bills to-night?

The SPEAKER *pro tempore*. That has been done in each case.

The hour of 10 o'clock p. m. having arrived, the Speaker *pro tempore* adjourned the House, according to order, until 11 o'clock a. m. to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. E. P. ALLEN: A bill (H. R. 10969) granting a pension to Clara S. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10970) to place the name of George R. Williams on the pension-roll—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 10971) authorizing the Secretary of the Treasury to pay David H. Olive—to the Committee on War Claims.

Also, a bill (H. R. 10972) authorizing the Secretary of the Navy to donate four cannon to the Lafayette (Ind.) Soldiers and Sailors' Monument Association—to the Committee on Naval Affairs.

By Mr. CHIPMAN: A bill (H. R. 10973) for the relief of Florence Griffin—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 10974) to increase the pension of James Brady—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 10975) granting a pension to John H. Starr—to the Committee on Pensions.

Also, a bill (H. R. 10976) granting a pension to William L. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 10977) granting a pension to John J. Brown—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 10978) for the relief of M. S. Hellman—to the Committee on Claims.

By Mr. McCORMICK: A bill (H. R. 10979) for the relief of Uriah L. Davis—to the Committee on War Claims.

By Mr. McMILLIN: A bill (H. R. 10980) for the relief of Willis Cornwell—to the Committee on War Claims.

By Mr. MERRIMAN: A bill (H. R. 10981) granting an increase of pension to Augusta B. Bradley—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 10982) granting a pension to Joseph H. Heiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10983) increasing the pension of John Akers—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 10984) to place on the roll of Company B, Fifteenth Regiment Kansas Cavalry, the name of William A. Wilson—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of citizens of Trevorton, Pa., in favor of House bill No. 8716—to the Committee on Labor.

By Mr. CHEADLE: Petition of Riley Sanders and 81 others, voters of Monroe County, Indiana, for protection to wool—to the Committee on Ways and Means.

Also, sundry petitions of citizens and soldiers, for restoration of arrears of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Kokomo, Ind., against reduction of tariff on window-glass—to the Committee on Ways and Means.

Also, petition of Jeremiah McCool, for relief—to the Committee on Military Affairs.

By Mr. CHIPMAN: Joint resolution to authorize the Secretary of War to cause a survey and report to be made of the practicability and necessity of a winter bridge across the Detroit River—to the Committee on Commerce.

Also, petition of Margaret Bolio, of Detroit, Mich., for a pension—to the Committee on Invalid Pensions.

By Mr. COMPTON: A resolution authorizing the commissioners of the District of Columbia to have Pennsylvania avenue and Massachusetts avenue east surveyed and platted—to the Committee on the District of Columbia.

By Mr. COWLES: Petition of Adam Staley, of Wilkes County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CUTCHEON: Joint resolution authorizing the Secretary of War to grant leave of absence to Frederick S. Strong, Fourth United States Artillery—to the Committee on Military Affairs.

By Mr. R. H. M. DAVIDSON: Petition of H. L. Knight and 170 others, of King Wylly and 225 others, and of William A. Morrison and 1[illegible]7 others, citizens of Florida, for a bill donating Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes—to the Committee on the Public Lands.

By Mr. GEST: Affidavits in the pension claims of John H. Starr, of William L. Wilson, and of John Brown—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Petition of A. E. House and others, citizens of Delaware County, Iowa, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HOUK: Petition of J. R. Harrison, and of administrator of James Evans, of Jefferson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORSE: Petition of the Woman's Christian Temperance Union of Massachusetts, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petition of administrator of Henry Alley, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Petition of Olive Coppock, of Saline County, and of Jennie Cope, of Garland County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HENRY SMITH: Petition of Augustus H. F. Hien, for payment of war claim—to the Committee on War Claims.

By Mr. J. D. STEWART: Petition of merchants, business men, and prominent citizens of Richmond, Va., for an appropriation in behalf of the National Colored Exposition—to the Committee on Appropriations.

Also, petition of George Coal, of Clayton County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SYMES: Petition of citizens of Colorado, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, memorial of Luke Phillips and 59 others, of Gunnison, Colo., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of the Woman's Christian Temperance Union of Colorado, for a prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. TAULBEE: Petition and proof to accompany bill for the relief of Joseph McSwain—to the Committee on Claims.

By Mr. VOORHEES: Petition of the Woman's Christian Temperance Union of East and of West Washington Territory, for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WALKER: Petition of L. P. Ruff, of Jackson, Mo., for repeal of duty on dental instruments—to the Committee on Ways and Means.

By Mr. WARNER: Petition of J. E. Crozier, and of O. A. Jones, of Missouri, for reduction of duty on dental instruments, etc.—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of Eleanor W. McKisrack, of Maury County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heir of John G. Tarkington, of Hickman County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINSON: Petition of Francis Massich, of William Golding, and of heirs of Adele Lanaux, of Louisiana, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition of Typographical Union No. 42, of Minneapolis, Minn., in favor of international copyright bill—to the Committee on Patents.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. LAIDLAW: Of citizens of Franklinville, N. Y.

By Mr. SYMES: Of citizens of Colorado.

SENATE.

WEDNESDAY, *July* 25, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MANDERSON presented a petition of citizens of Brown County, Nebraska, praying for the passage of certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VANCE presented a petition of citizens of Wilson County, North Carolina, praying for an amendment of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PLUMB presented the petition of William Edgerton and 35 other citizens of the Third Congressional district of Kansas, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KENNA presented a petition of the board of commissioners of Ohio County, West Virginia, asking for an appropriation by Congress for the restoration of bridges and the repair of the national road recently destroyed by storm and flood; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 3902) for the relief of Sophia B. Moore, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9263) granting an increase of pension to Abraham J. Buckles;

A bill (H. R. 9830) for the relief of Lachlan H. McIntosh; and

A bill (H. R. 2190) granting a pension to Jane Smallridge.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

A bill (S. 952) for the relief of A. W. Hager; and

A bill (S. 2055) for the relief of Mrs. Catherine E. Whitall.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1981) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Muskegon, in the State of Michigan, reported it without amendment.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 3187) making an appropriation of $150,000 to enable A. de Bausset to build an air-ship to convey passengers and freight through the air, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Interstate Commerce; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5155) granting a pension to John S. Bryant; and

A bill (H. R. 9363) granting a pension to Edwin J. Godfrey.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 320) for the relief of John D. Adams, reported it with amendments.

JOHN W. KING.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1008) for the relief of John W. King, of Warren County, in the State of Mississippi, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1008) entitled "A bill for the relief of John W. King," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report the facts bearing upon the merits of the claim, including the loyalty of the claimant, and all facts bearing upon the question of laches and as to whether the bar of the statute of limitations ought in justice to the claimant to be waived.

REUBEN RAGLAND.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1703) for the relief of Reuben Ragland, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1703) entitled "A bill for the relief of Reuben Ragland," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act.

BILLS INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3375) to create a board of audit to adjust all claims for special damages to real estate by reason of public improvements in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DANIEL (by request) introduced a bill (S. 3376) making an appropriation for the purchase of portraits of former Secretaries of the Navy; which was read twice by its title, and referred to the Committee on the Library.

Mr. CULLOM introduced a bill (S. 3377) granting a pension to Margaret Ann Beebe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 3378) to grant pensions for service in the Army, Navy, and Marine Corps of the United States during the war against rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000; which was read twice by its title, and referred to the Committee on the Library.

Mr. CAMERON introduced a bill (S. 3380) for the relief of William Brice & Co. and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3381) for the erection of a public building at Allentown, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAMPTON introduced a joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

Mr. EVARTS. I ask that the following order be made:

Ordered, That William Burnett have leave to withdraw his petition and accompanying papers from the files of the Senate.

These are papers now before the Library Committee, not relating to public affairs of any importance, and I ask that they may be immediately withdrawn.

The PRESIDENT *pro tempore*. The order will be made, subject to the rules.

CANADIAN PACIFIC RAILWAY.

Mr. CULLOM submitted the following resolution; which was read:

Whereas it is publicly announced that the Minneapolis, Sault Ste Marie and