

JOURNAL

OF THE

SENATE OF THE UNITED STATES OF AMERICA,

BEING THE

SECOND SESSION OF THE FIFTY-FIRST CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON

DECEMBER 1, 1890,

IN THE ONE HUNDRED AND FIFTEENTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.



WASHINGTON.

GOVERNMENT PRINTING OFFICE.

1890.

and to extend the protection of the laws of the United States over the Indians, and for other purposes."

The Speaker of the House of Representatives having signed seven-teen enrolled bills, H. R. 7146, H. R. 9072, H. R. 9493, H. R. 10858, H. R. 11215, H. R. 11243, H. R. 11311, H. R. 11348, H. R. 11349, H. R. 11454, H. R. 11461, H. R. 11641, H. R. 11877, H. R. 12009, H. R. 12071, H. R. 12145, and H. R. 12348, I am directed to bring them to the Senate for the signature of its President.

PRESENTATION OF BILLS.

Mr. Farwell reported from the committee that they this day presented to the President of the United States the following enrolled bills:

- S. 671. An act for the relief of Daniel B. Washburn;
- S. 712. An act for the relief of the Stockbridge tribe of Indians, in the State of Wisconsin;
- S. 921. An act for the relief of John Finn;
- S. 4126. An act for the relief of Elizabeth Jones, widow of John Jones, deceased;
- S. 4746. An act for the relief of settlers upon certain lands in the State of Iowa; and
- S. 4749. An act for the relief of the Portland Company.

INTRODUCTION OF BILLS AND JOINT RESOLUTION.

Bills and a joint resolution were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. Mitchell: A bill (S. 5113) for the relief of William S. Hancock; to the Committee on Patents.

By Mr. Pierce: A bill (S. 5114) for the relief of certain settlers on the public lands; to the Committee on Public Lands.

By Mr. Daniel: A bill (S. 5115) to provide for the examination and survey for a breakwater to form a harbor of safety and refuge in Lynnhaven Bay, near Cape Henry, at the foot of Chesapeake Bay, Virginia; to the Committee on Commerce.

By Mr. Casey: A joint resolution (S. 165) directing the Secretary of the Interior to negotiate with the St. Paul, Minneapolis and Manitoba Railway Company, with a view to securing its consent to select other public lands in lieu of certain lands to which it may be entitled under a decision of the Supreme Court rendered on the 22d day of December, 1890; to the Committee on Public Lands.

ENROLLED BILLS EXAMINED AND SIGNED.

Mr. Farwell reported from the committee that they had examined and found duly enrolled the following bills:

- H. R. 7146. An act granting a pension to Andrew J. Wallace;
- H. R. 9072. An act increasing the pension of Alexander Evans;
- H. R. 9493. An act granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry;
- H. R. 10858. An act granting a pension to Mary D. Jones;
- H. R. 11215. An act granting a pension to Joel A. Holdren;
- H. R. 11243. An act granting a pension to Sarah H. Philp;
- H. R. 11311. An act granting an increase of pension to Eugene A. Osborn;
- H. R. 11348. An act to place the name of John W. Younger on the pension roll;
- H. R. 11349. An act to grant a pension to Nancy F. Glenn;
- H. R. 11454. An act increasing the pension of Erastus D. Butler, of Togos, Me.;
- H. R. 11461. An act granting an increase of pension to Washington M. Rice;
- H. R. 11641. An act granting a pension to Anna S. Shuman;
- H. R. 11877. An act for the relief of James Branigan;
- H. R. 12009. An act granting a pension to Martha Tennyry, widow of James H. Tennyry, of Captain Griffin's Company, First Illinois, Black Hawk war;
- H. R. 12071. An act granting a pension to Catherine McRoberts;
- H. R. 12145. An act granting an increase of pension to Edwin H. Dill; and
- H. R. 12348. An act granting an increase of pension to William H. Head.

Whereupon

The Vice President signed the same and they were delivered to the committee to be presented to the President of the United States.

INVESTIGATION OF AFFAIRS IN ALASKA.

Mr. Platt submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories, or any subcommittee thereof, is hereby authorized to visit Alaska during the recess of the Senate, and to inquire into the resources thereof, the need of a more efficient system of government, as to the character of the legislation necessary for the development of the district and the protection of its people, and to inquire into any and all matters relating to the welfare of the people of said district.

Said committee shall have power to send for persons and papers, to employ a stenographer, and shall make report, with recommendations in respect to future legislation, to the next regular session of the Senate.

The necessary expenses of the committee, stenographer, and witnesses shall be paid out of the contingent fund of the Senate, to be

certified by the chairman of the committee, and to be audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY.

Mr. Pierce submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Public Lands be, and they are hereby, directed to examine the questions arising under the decision of the Supreme Court in the case of the St. Paul, Minneapolis and Manitoba Railway Company *vs.* Ransom Phelps, and report what legislation is necessary to protect the settlers along the line of said road or remunerate them for the loss of their homes and lands under said decision.

SELECT COMMITTEE ON IRRIGATION.

Mr. Stewart submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Irrigation and Reclamation of Arid Lands be continued during the coming recess, and that it be allowed to employ a clerk at \$6 per diem, to be paid out of the contingent funds of the Senate.

PARLIAMENTARY HISTORY OF CONGRESS.

Mr. Frye submitted the following resolution for consideration: *Resolved*, That the Committee on Rules be authorized to examine the manuscript of the Parliamentary History of the Congress of the United States, compiled, edited, and copyrighted by Henry H. Smith, Journal Clerk of the House of Representatives, and report to the Senate as to the advisability of purchasing and printing the same for the use of Congress.

CONFERENCE REPORT.

Mr. Dawes, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3043), submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and extend the provisions of the laws of the United States over the Indians," 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 Senate recede from its disagreement to the House amendment and consent to the same with the following amendment: Strike out all after section 1, of such amendment, and insert in lieu thereof the following:

SEC. 2. *That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February, 1887, and the quantity of land in such reservation is sufficient to give each member of the tribe 80 acres, such allotments shall be revised and equalized under the provisions of this act: Provided, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.*

SEC. 3. *That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes: Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.*

SEC. 4. *That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations, and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions provided in the act to which this is an amendment. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.*

SEC. 5. *That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section*