

William P. McIntosh, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Frank W. Mead, of New York, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Cyrus T. Peckham, of Massachusetts, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Francis M. Urquhart, of New York, to be passed assistant surgeon in the Marine-Hospital Service of the United States.

Eugene Wasdin, of South Carolina, to be passed assistant surgeon in the Marine-Hospital Service of the United States.

William A. Wheeler, of New York, to be passed assistant surgeon in the Marine-Hospital Service of the United States.

Joseph H. White, of Georgia, to be passed assistant surgeon in the Marine-Hospital Service of the United States.

Louis L. Williams, of South Carolina, to be passed assistant surgeon in the Marine-Hospital Service of the United States.

CONFIRMATION.

Executive nomination confirmed by the Senate January 15, 1889.

POSTMASTER.

Walter C. Newberry, to be postmaster at Chicago, in the county of Cook and State of Illinois.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 15, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MANUSCRIPTS IN STATE DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for mounting and binding certain manuscript letters and papers in the State Department; which was referred to the Committee on Appropriations, and ordered to be printed.

OBSTRUCTIONS IN COLUMBIA RIVER, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, the second preliminary report of a board of engineers upon obstructions to navigation in the Columbia River, and upon the feasibility of a boat-railway at The Dalles and Celilo Falls; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INDIANS OF SOUTHERN COLORADO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying map and papers from the General Land Office, a report of the commission appointed to negotiate with the Indians of Southern Colorado for a modification of their treaty and for an exchange of their reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed without the map.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were respectively read a first and second time, and referred as indicated:

The bill (S. 3804) for the relief of the occupants of the town of Flagstaff, county of Yavapai, Territory of Arizona—to the Committee on Public Lands.

The bill (S. 3762) granting a pension to Nancy Pollock—to the Committee on Invalid Pensions.

WATER-RESERVE LANDS IN WISCONSIN.

The SPEAKER also laid before the House the bill (S. 3782) to amend an act entitled "An act declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled 'An act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875,'" approved September 10, 1888.

Mr. GROSVENOR. I ask unanimous consent that this Senate bill be taken up and passed. It is in the nature of an amendment to an act already passed by this Congress. It simply explains an error in that former act.

The SPEAKER. The bill will be read, after which there will be opportunity for objection to its consideration.

The bill was read.

Mr. HOLMAN. I suggest that this bill be retained on the Speaker's table for the present.

The SPEAKER. If there be no objection, that course will be taken. The Chair hears no objection.

USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, January 11, 1889.

Resolved by the Senate of the United States (the House of Representatives concurring), That in the enrollment of the bill (S. 2305) to authorize and provide for

the disposition of useless papers in the Executive Departments, the Committee on Enrolled Bills be instructed to insert in lieu of the word "Senator," where it occurs in the eighth line, the word "Senators."

The SPEAKER. If there be no objection, this resolution, which provides simply for the correction of an error, will be concurred in.

There being no objection, it was ordered accordingly.

JAMES TRABUE AND OTHERS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5349) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters.

Mr. ROGERS. Mr. Speaker, the Senate amendment is simply the insertion of the name of the executor of James Trabue, and I ask that it be agreed to; also that the title of the bill as amended by the Senate be agreed to.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROWLAND, indefinitely, on account of sickness.

To Mr. McCULLOUGH, for one week, on account of important business.

To Mr. BROWER, for five days, on account of important business.

To Mr. ALLEN, of Mississippi, for two weeks, on account of important business.

REPRINT OF CERTAIN BILLS.

On motion of Mr. CRISP, by unanimous consent, the bill (S. 2851) to amend an act entitled "An act to regulate interstate commerce," with the amendments agreed to by the House, was ordered to be printed.

On motion of Mr. GROSVENOR, by unanimous consent, 2,500 extra copies of the bill (H. R. 12134) to make and alter regulations as to the times, places, and manner of holding elections for Representatives in Congress, were ordered to be printed.

LIGHT-SHIP AND FOG-SIGNAL, SANDY HOOK.

Mr. SPINOLA. Mr. Speaker, at the hour of adjournment on yesterday the House was considering the bill (H. R. 11683) for the establishment of a light-ship and fog-signal at Sandy Hook, New York Harbor. I ask that this bill be considered now, it being the unfinished business.

The SPEAKER. But the unfinished business does not come up at this time except by unanimous consent.

Mr. SPINOLA. I ask unanimous consent that it be taken up now and disposed of. It was before the House at the hour of adjournment last night, and if any gentleman desires to interpose an objection I hope he will permit me first to make a brief statement.

Mr. COX. Is this for the establishment of a light-ship at Sandy Hook?

Mr. SPINOLA. Yes, sir.

Mr. COX. I do not think anybody will object to that.

Mr. SPRINGER. If this does not lead to debate—

Mr. MILLS. It is the unfinished business of yesterday.

Mr. HOLMAN. There is no objection to it.

The SPEAKER. But the unfinished business does not come up until after the hour for the call of committees and the hour for the consideration of bills.

Mr. SPINOLA. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be now considered.

The SPEAKER. This bill is not in the Committee of the Whole. The Journal and the RECORD do not at all agree in regard to the condition of the bill. The RECORD shows that the gentleman from New York asked unanimous consent to consider it, and pending that request the House adjourned. The Journal shows that the bill was taken up for consideration, the question being upon the third reading of the bill.

Mr. SPINOLA. I ask unanimous consent for the present consideration of the bill.

Mr. BAYNE and Mr. KILGORE. What is the bill?

The SPEAKER. It is in relation to the establishment of a light-ship at Sandy Hook.

Mr. KILGORE. I think this bill has the right of way some time during the day anyhow, and we might as well proceed in the regular order.

Mr. SPINOLA. I hope the gentleman from Texas will reserve his objection until I can make a very brief statement, not exceeding one minute.

This bill at the last session of Congress passed both Houses unanimously. It has been reported unanimously by the committee this year. It failed to become a law at the last session because it reached the President too late for his signature. It was recommended by the Light-House Board and also by the Secretary of the Treasury in the following language:

The vessel used for the relief of this important station is badly out of repair, and must practically be rebuilt. It is recommended that she be replaced by a first-class vessel, with all modern improvements, including a steam fog-signal, such as is placed on all important stations.

It is a matter absolutely necessary for the preservation of life and property, and solely in the interest of the commerce of the country. I trust the gentleman from Texas will allow it to be considered.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill is as follows:

Be it enacted, etc., That there be established off Sandy Hook, entrance to New York Harbor, a new light-ship, with a steam fog-signal, the entire cost of which shall not exceed the sum of \$50,000.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPINOLA 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.

LIEUT. COL. E. E. EYRE.

Mr. FELTON. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre, and put it upon its passage.

Mr. SPRINGER. After one recognition on that side, as we have had one on this, I shall demand the regular order.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That Lieut. Col. Edward E. Eyre, late lieutenant-colonel of the First California Cavalry, be released from all further liability on account of his receipts and disbursements of funds as acting quartermaster, and the proper officers of the United States Treasury are authorized and directed to cancel said liability, whether the same be pending in court or has become a judgment, and to close the accounts of said Col. Edward E. Eyre.

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

Mr. TOWNSEND. Reserving the right to object, I desire to know whether this bill has been considered by any committee of this House.

Mr. STEELE. It was considered by the committee at the last session.

Mr. FELTON. And it was unanimously reported by the committee. It involves but a small amount.

Mr. TOWNSEND. Let the report be read subject to the right of objection.

Mr. FELTON. I ask for the reading of the report.

The report (by Mr. YODER) was read, as follows:

From an examination of the records of the War Department and from other reliable information we find the facts to be:

That Lieutenant-Colonel Eyre, while performing duty with his regiment at Las Cruces, N. Mex., on August 14, 1862, was ordered by his commanding officer, General James H. Carleton, to relieve Capt. T. Moore, assistant quartermaster U. S. Army, from duty, and to assume and perform the duties of said office, which, though under protest, he immediately did (with the understanding that on his arrival at Santa Fé, N. Mex., he should be relieved from duty as quartermaster), and received from said Capt. T. Moore, August 14, 1862, the sum of \$16,706, and on August 16, 1862, the sum of \$721.37, making a total of receipts of \$17,426.37.

That on the march of General Carleton's command, consisting of the greater portions of the First and Second California Cavalry, from Las Cruces, N. Mex., to and into Texas, thence returning to Santa Fé, N. Mex., consuming forty-seven days' time, from August 14, 1862, to September 30, 1862, he had disbursed and expended in payment of employes and in purchase of forage and quartermaster's stores the sum of \$3,668.91.

That on September 1, 1862, he turned over to Lieut. A. H. French, of the First California Volunteers, the sum of \$200; on the 5th of September, 1862, to Col. J. R. West, of the First California Volunteers, the sum of \$3,000; and in Santa Fé, on the 30th of September, 1862, to Lieut. B. C. Cutler, of the First California Volunteers, assistant quartermaster, the further sum of \$10,557.48, together with his accounts and vouchers for the disbursement of the sum of \$3,668.91, to the said quartermaster's clerk, one J. S. Barbey, which amount, together with his return of moneys, equaled the amount he had received while acting as quartermaster, or \$17,426.37, and was then and there relieved from duty as quartermaster and resumed his duty as lieutenant-colonel First California Cavalry; that from that day, the 30th of September, 1862, until December, 1873, thirteen years afterwards, when he was notified by the Department, he was unaware that his accounts and vouchers had not been forwarded to the Department, and hence his account as quartermaster stood debited with the exact sum of his expenditures, to wit, \$3,668.91.

That had he been notified within any reasonable time he could have availed of the law of June 23, 1870, made and provided for the settlement of such cases as his (whose existence was limited to two years), and have settled the said balance now standing to his debit.

We find that the character of Colonel Eyre for truth and veracity is not nor ever has been questioned; that he has been and is a man of means and high social standing, well known and universally respected; and believing that the deficiency, as represented in his accounts, was expended for the uses and benefits of the United States, we therefore recommend the passage of the bill as an act of justice.

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

Mr. BRECKINRIDGE, of Kentucky. From what I can hear of the reading of the report, this is a case where an officer is allowed to settle his accounts without any vouchers being shown. I do not see why this should be taken out of the regular course.

The SPEAKER. Is there objection to the consideration of the bill? The Chair did not hear whether the gentleman from Kentucky objected to the consideration of the bill or not.

Mr. BRECKINRIDGE, of Kentucky. I do not object to the consideration of the bill.

The SPEAKER. Then the question is on ordering the bill to be engrossed and read a third time.

Mr. BRECKINRIDGE, of Kentucky. I do not object to the consideration of the bill. I think the bill ought to be considered.

Mr. SPRINGER. If it is to take up any time I shall demand the regular order.

Mr. FELTON. If the gentleman had heard the report read, I do not think there would be any objection. It takes no money from the Treasury.

Mr. SPRINGER. I demand the regular order.

Mr. BRECKINRIDGE, of Kentucky. I do not object to the consideration of the bill.

The SPEAKER. The Chair understands that the gentleman from Kentucky does not object to the consideration of the bill, and that the gentleman from Illinois announces that if it be desired that the bill should be debated he would demand the regular order.

Mr. SPRINGER. Let it go over.

Mr. MCKENNA. I understand the Chair said that the question was on the engrossment and third reading of the bill.

The SPEAKER. The Chair did; but the gentleman from Kentucky demanded consideration of the bill.

Mr. MCKENNA. Is it not too late?

The SPEAKER. It is not. The Chair will endeavor to dispose of it one way or the other if there can be order.

Mr. SPRINGER. If this bill can be disposed of in five minutes I have no objection to its consideration; and if it can not be disposed of in five minutes I object to taking it up.

The SPEAKER. Is there objection to the consideration of this bill for five minutes?

Mr. BRECKINRIDGE, of Kentucky. I do not agree to its consideration being confined to five minutes.

Mr. SPRINGER. Then I demand the regular order.

Mr. BRECKINRIDGE, of Kentucky. I think it is of sufficient importance to go over and receive consideration.

Mr. SPRINGER. Regular order.

The SPEAKER. The regular order is demanded.

LEAVE OF ABSENCE.

By unanimous consent, at the request of Mr. DOUGHERTY, leave of absence was granted to Mr. DAVIDSON, of Florida, indefinitely, on account of sickness in his family.

ADMISSION OF SOUTH DAKOTA.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] demands the regular order, which is the special order for this day.

Mr. SPRINGER. I call up the special order, S. 185, which the Clerk will read. I have been requested, before this order be taken up, to ask unanimous consent that gentlemen having reports from committees to file may be permitted to hand them to the Clerk.

Mr. MCKENNA. I object.

Mr. SPRINGER. I do not care. I do not desire it for myself.

The Clerk read as follows:

Be it enacted, etc., That the State of South Dakota is hereby declared to be a State of the United States of America, and is hereby admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of South Dakota have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, subject, however, to the provisions hereinafter contained.

SEC. 2. That the following shall be the boundaries of the said State of South Dakota, to wit: Beginning at the point of intersection of the western boundary line of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the seventh standard parallel, where in its easterly course it intersects said boundary line; thence west along the said seventh standard parallel to the easterly bank of the Missouri River at low-water mark; thence up the said Missouri River, along the easterly bank thereof at low-water mark, to the point of intersection with the forty-sixth parallel of north latitude; thence west along the forty-sixth parallel of north latitude to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

SEC. 3. That the said State of South Dakota shall have concurrent jurisdiction of the river Missouri and of every other river bordering on the said State of South Dakota, so far as the said rivers shall form a common boundary to the said State and any other State or Territory or Territories now or hereafter to be formed, said rivers to be common to both; and that the said river Missouri shall be a common highway, and forever free as well to the inhabitants of said State as all other citizens of the United States, without any tax, duty, impost, or toll imposed by said State of South Dakota therefor.

SEC. 4. That until the next census and apportionment shall be made the said State of South Dakota shall be entitled to two Representatives in the House of Representatives of the United States Congress.

SEC. 5. That to defray the expenses of the constitutional convention held by the people of said State, and of elections held therefor and thereunder, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to be paid to the treasurer of said State upon the requisition of the Legislature thereof, setting forth the items and particulars of such expenses so incurred.

SEC. 6. That sections 16 and 36 in every township of the public lands of the United States within said State, and where such sections, or any part thereof, shall be mineral lands, or shall have been sold or otherwise disposed of by the United States according to law, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, are hereby granted to the said State for the support of common schools; and such sections shall not be subject to pre-emption or entry, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 7. That thirty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, with

the approval of the President, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter-section, to the said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe. The lands may be selected out of the public lands within the boundaries of said State, whether surveyed or unsurveyed.

SEC. 8. That so much of seventy-two sections of land granted by the act of February 18, 1881, to the Territory of Dakota for the use of a university as lies within the said boundaries of the State of South Dakota is hereby granted and confirmed to said State for such purpose, and, in addition thereto, a sufficient number of sections to make a total of seventy-two. If any of the lands granted by said act of February 18, 1881, and lying within the boundaries of said State, have been sold under the provisions thereof, then the proceeds thereof shall go to said State in lieu of the land sold.

SEC. 9. That ninety sections of land, to be selected and located as provided in section 8 of this act, are hereby granted to said State for the use and support of an agricultural college in said State, and none of the lands granted by this act, or the proceeds thereof, shall be used for any other purpose than that for which the grant is specifically made whatever.

SEC. 10. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with twenty sections more of the unappropriated public lands, to be selected as herein provided, to the State of South Dakota for the purpose aforesaid.

SEC. 11. That 5 per cent. of the net proceeds of sales of all public lands made by the United States within the limits of the said State, prior or subsequent to the passage of this act, after deducting all expenses incident to the same, be, and the same is hereby, granted to the said State of South Dakota for the support of public schools.

SEC. 12. That all mineral land shall be excepted from the grants provided for in this act.

SEC. 13. That immediately after the taking effect of this act the governor and the commissioner of school and public lands of said State shall proceed to ascertain the number of sections 16 and 36 within the limits of said State which are mineral lands, or which shall have been sold or otherwise disposed of by the United States according to law; and the said officers shall then proceed to select, from any unappropriated public lands in said State, a number of sections equal to such mineral lands and the lands so sold or disposed of; and said officers shall also, in addition thereto, select a number of sections equal in number to the total number of sections granted in this act for other than common-school purposes; and when such selections shall have thus been made said officers shall certify a list of the same to the Secretary of the Interior, and if the same shall be approved by him the title to the same shall vest in the said State of South Dakota.

SEC. 14. That all lands herein granted for common-school purposes shall be sold only at public sale, and at a price not less than \$5 per acre, and in parcels not exceeding one quarter-section to any one person, the proceeds to constitute a permanent school fund, the interest of which only is to be expended in the support of common schools.

SEC. 15. That the State of South Dakota shall constitute one judicial district, which shall be called the district of South Dakota, and the circuit and district courts therefor shall be held at the capital of said State for the time being. The judge of said district shall receive a yearly salary of \$5,000, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in his district. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The regular terms of said courts shall be held at the place aforesaid on the first Monday in April and the first Monday in November in each year. For judicial purposes the district of South Dakota shall be attached to the eighth judicial circuit, and only one grand jury and one petit jury shall be summoned in both of said courts.

SEC. 16. That the circuit and district courts for the district of South Dakota, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 17. That the marshal, district attorney, and clerks of the circuit and district courts of the said district of South Dakota, and all other officers and other persons performing duty in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed by law in the State of Nebraska to other similar officers and persons performing similar duties.

SEC. 18. That that portion of the Territory of Dakota not included within the boundaries of said State upon the admission of said State of South Dakota into the Union shall, until otherwise provided by act of Congress, continue as a Territory by the name of North Dakota; and all provisions of the acts of Congress and of the Legislative Assembly of said Territory of Dakota, not locally inapplicable, shall continue therein in full force and effect the same as though no portion of the Territory of Dakota had been admitted into the Union; and the governor, secretary, United States marshal, and district attorney of the present Territory of Dakota shall continue to hold and exercise their respective offices within and for said Territory of North Dakota; and the chief-justice and three of the associate justices, to be designated by the President, shall continue to hold and exercise their respective offices for and within said Territory of North Dakota; and temporarily, and until otherwise provided by the Legislative Assembly of said Territory of North Dakota, the governor, chief-justice, and secretary thereof may divide said Territory into judicial districts and assign the judges thereto, and into twenty council and fifty representative districts, and apportion the representation therein to which each district shall be entitled in the Legislative Assembly: *Provided, however,* That the act of Congress approved March 3, 1879, creating the fourth judicial district for the Territory of Dakota, shall not apply to the Territory of North Dakota.

SEC. 19. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Dakota, or that may hereafter lawfully be prosecuted from said court, may be heard and determined by said Supreme Court of the United States; and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require; and each of said last-mentioned courts, respectively, shall be the successor of the supreme court of the Territory of Dakota as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory prior to the admission of said State the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 20. That in respect to all cases, proceedings, and matters pending in the supreme or district court of the Territory of Dakota at the time of the admission

of said State into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all cases, proceedings, and matters arising within the limits of the Territory of North Dakota, the courts of North Dakota Territory shall be the successors of the courts of the Territory of Dakota; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit, district, and Territorial courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however,* That in all civil actions, causes, and proceedings in which the United States is not a party, such transfers shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 21. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Dakota at the time of the admission of the said State of South Dakota into the Union, arising within that part of the said Territory of Dakota herein prescribed as the proposed new State, and not included within the provisions of the foregoing sections, to such courts as shall be established under the constitution of said State; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws thereof.

SEC. 22. That the following division of the public debt of the former Territory of Dakota is made: All the public indebtedness thereof which has been incurred for the purpose of public institutions within the limits of the State of South Dakota shall be assumed and paid by the said State of South Dakota. The said State of South Dakota shall make immediate provision for the settlement of said indebtedness. All the remaining funded indebtedness of the former Territory of Dakota shall be and remain a debt of the Territory which by this act is organized out of the remaining portion of said former Territory. The Legislature of said Territory shall make immediate provision for the settlement of said indebtedness. One-half of the funds remaining in the treasury of the Territory of Dakota at the passage of this act, and of all receipts from taxes imposed by former Legislatures thereof, less the expense of collecting, and after the payment of any unfunded indebtedness that may be a charge against the same, shall be paid by the treasurer of said Territory to the treasurer of the State of South Dakota. All archives and records of the former Territory of Dakota now in the custody of the secretary or governor of said Territory shall be turned over by said officers to the governor or the secretary of the said State of South Dakota: *Provided,* That the State of South Dakota shall furnish to the Territory of North Dakota full and accurate copies of all such archives and records at the cost of said State of South Dakota.

SEC. 23. That until otherwise provided by act of the Legislative Assembly of said Territory of North Dakota, the city of Bismarck shall be the place of holding the sessions of the Legislative Assembly therein, which place shall be the capital of said Territory until changed by such Legislative Assembly; and the governor thereof shall also have power to designate temporarily, and until otherwise provided by the laws of said Territory of North Dakota, the places in the first, second, and third judicial districts whereat the district courts shall exercise the jurisdiction of district and circuit courts of the United States.

SEC. 24. That in accordance with the stipulations contained in section 5 article 13 of said constitution of said State of South Dakota, there is hereby apportioned to the State of South Dakota, and said State shall assume, be liable for, and pay, all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated, or which are provided by law to be built, within the limits of said State; and the Territory of North Dakota shall assume and be liable for all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated, or which are provided by law to be built, within the limits of said Territory of North Dakota.

SEC. 25. That there is hereby granted to the Territory of North Dakota so many sections of the unappropriated public lands lying within said Territory as will, with the other lands lying therein selected and set apart under the act of February 18, 1881, make the full amount of seventy-two sections, such additional sections to be selected and set apart under the provisions of said last-named act and for the use therein mentioned; and any other grants heretofore made by act of Congress to the Territory of Dakota, for any purpose, of lands lying within the limits of said Territory of North Dakota, are hereby confirmed to said Territory of North Dakota for the same uses and in the same manner as the same were granted to said Territory of Dakota.

SEC. 26. *Provided, however,* That inasmuch as by this act the name of the State, which was adopted by the constitutional convention recited in the preamble hereto, has been changed from that of the State of Dakota to the State of South Dakota, and the boundaries of said State have been modified in this act by the change thereof, east of the Missouri River from the forty-sixth parallel of north latitude to the seventh standard parallel, before said State of South Dakota shall be admitted by her representatives to the Congress of the United States or be entitled to the other rights and privileges of a State in the Union, there shall be submitted to a vote of the people of the proposed State of South Dakota the question of the acceptance or the rejection of said amended boundaries and name; and to that end an election is hereby ordered to be held by the qualified electors of said portion of said Territory of Dakota included within the boundaries of said proposed State, on the 28th day of August, 1888, upon which day there shall be submitted to said electors the following propositions: First, Is the name of the State of South Dakota accepted? Second, Is the proposed change in boundaries east of the Missouri River to the seventh standard parallel accepted? The form of the ballots to be used shall be as follows: Change of name to South Dakota accepted. Yes. Or, change of name to South Dakota accepted. No. Change of boundaries to seventh standard parallel east of the Missouri River accepted. Yes. Or, change of boundaries to seventh standard parallel east of the Missouri River accepted. No.

SEC. 27. That at the time of the election herein provided for the people of said proposed State of South Dakota shall have submitted to them for their ratification or rejection the constitution heretofore in the preamble of this act stated as having been formed and adopted, together with each of the separate articles thereof, in conformity with the schedule of said constitution, not including the selection of the temporary seat of government.

SEC. 28. That said election shall be governed in all respects by the laws of the Territory of Dakota governing elections and the canvass and return of the votes thereof. Within twenty days after the day of said election, the respective officers and county canvassers having by the law of the Territory of Dakota such duties in charge shall make returns of the votes so cast for and against each of said propositions to the governor of said Territory of Dakota. And within ten days thereafter, or sooner, if the returns are all received by him, the said governor, calling to his assistance the auditor and chief-justice of said Territory of Dakota, shall with them aggregate said vote, and immediately certify the result thereof to the President of the United States, who shall issue his proclamation announcing the result of said vote.

SEC. 29. That if a majority of the votes cast at said election shall be in favor of the acceptance of both the change of name and boundaries, and also for said constitution, regardless of the separate articles, then said State of South Dakota shall be deemed admitted into the Union of States on an equal footing with the original States in all respects whatever. And this act of admission shall then

have full force and effect, and said constitution shall be deemed amended so as to conform to said changes. But if a majority of said votes so cast shall not be in favor of both of said propositions, and not in favor of the adoption of said constitution, then this act shall cease to have further force or effect.

FILING OF REPORTS.

The SPEAKER. The gentleman from California [Mr. MCKENNA] withdraws his objection to the request of the gentleman from Illinois [Mr. SPRINGER], that members having reports to present may have leave to file them with the Clerk. Is there further objection?

There was no objection, and it was so ordered.

The following reports were filed by being handed in at the Clerk's desk:

BENJAMIN E. SNYDER.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10780) for the relief of Benjamin E. Snyder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM FOWLER.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10216) granting a pension to William Fowler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARIA C. M'PHERSON.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10523) granting a pension to Mrs. Maria C. McPherson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY WHITNEY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5790) granting a pension to Mary Whitney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OSCAR K. ROGERS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1552) to increase the pension of Oscar K. Rogers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES B. BRAY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2864) granting a pension to James B. Bray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA M. EDIE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3325) granting an increase of pension to Julia M. Edie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON S. LANCKTON.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11953) granting a pension to Aaron S. Lanckton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET M. NUGENT.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11736) granting a pension to Margaret M. Nugent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA D. VEDDER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11737) granting a pension to Rebecca D. Vedder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYMAN D. GREEN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6314) granting a pension to Lyman D. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ERASMUS W. JONES.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11459) granting a pension to Erasmus W. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DELIA W. MONSHALL.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 11728) granting a pension to Delia W. Monshall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIANA ROITSCH.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3502) granting a pension to Juliana Roitsch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABIGAIL FARLEY.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3457) granting a pension to Abigail Farley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY C. THOMPSON.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3428) granting a pension to Mary C. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. MAYS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3556) granting a pension to William H. Mays; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISS ELIZABETH A. TUTTLE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3529) granting a pension to Miss Elizabeth A. Tuttle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MINERVA GRIFFITH.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3477) granting a pension to Minerva Griffith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRUMAN A. MORTON.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1598) granting to Truman A. Morton a pension of \$24 a month; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES S. HAMILTON.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 3387) granting a pension to Charles S. Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES WATERS.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's Company of Pennsylvania Militia, war of 1812; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DORCUS ALFORD.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10474) granting a pension to Dorcus Alford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FLORIDA KENNERLY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11584) for the relief of Florida Kennerly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAHAM DALLY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11959) granting an increase of pension to Abraham Dally; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. BROWN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10977) granting a pension to John J. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN CARLOCK.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 9943) granting a pension to John Carlock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. S. JEWELL.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 11091) granting an increase of pension to Mrs. M. S. Jewell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. STARR.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10975) granting a pension to John H. Starr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM L. WILSON.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10976) granting a pension to William L. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMMA BIDDLE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3628) granting an increase of pension to Emma Biddle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID O. SANBORN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3456) granting a pension to David O. Sanborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ZO. S. COOK.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3249) for the relief of Zo. S. Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES H. L. PRESCOTT.

Mr. RUSSELL, of Massachusetts, from the Committee on Pensions, reported back favorably the bill (S. 1144) granting a pension to Frances H. L. Prescott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA E. FLESCHELT.

Mr. LAWLER, from the Committee on Claims, reported back favorably the bill (H. R. 11660) for the relief of Martha E. Flesschert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDNANCE AND ORDNANCE STORES.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 1752) to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, 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.

REFUGE STATION, ALASKA.

Mr. DAVIS, from the Committee on Commerce, reported back the bill (H. R. 12011) for the establishment of refuge stations at or near Point Barrow, Alaska, at or near Point Hope, Alaska, and at or near East Cape, Siberia; which was laid on the table.

Mr. DAVIS also, from the Committee on Commerce, reported back the bill (H. R. 11852) to establish two refuge stations on the coast of the Arctic Ocean; which was laid upon the table.

Mr. DAVIS also, from the Committee on Commerce, reported in lieu of the two foregoing bills a bill (H. R. 12215) for the establishment of a refuge station at or near Point Barrow, Alaska, on the coast of the Arctic Ocean, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

STEPHEN WILLIAMS.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11586) for the relief of Stephen Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH HARPER.

Mr. HUNTER also, from the Committee on Invalid Pensions, re-

ported back favorably the bill (H. R. 11080) granting a pension to Elizabeth Harper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER REVELLETT.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11994) granting a pension to Peter Revellett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BARNES.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11999) granting a pension to William Barnes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STERLING H. TUCKER AND OTHERS.

Mr. ROGERS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 11938) for the relief of Sterling H. Tucker and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. DORSEY AND OTHERS.

Mr. BIGGS, from the Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 6997) for the relief of John W. Dorsey and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED T. M'KINSEY.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3453) granting an increase of pension to Alfred T. McKinsey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THIRZA S. JENNER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12039) granting a pension to Thirza S. Jenner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONSULAR CLERKS.

Mr. HEARD, by unanimous consent, introduced a bill (H. R. 12216) to provide for the compensation and promotion of consular clerks of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

STATISTICAL ABSTRACT.

Mr. RICHARDSON, by unanimous consent, submitted the following concurrent resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved by the House of Representatives (the Senate concurring). That there be printed, in addition to the usual number, 15,000 copies of the eleventh number of the Statistical Abstract of the United States for the year 1888, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

PROTECTION OF GIRLS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair will appoint on the conference on the disagreeing votes of the two Houses on the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, Mr. HEMPHILL, Mr. COMPTON, and Mr. GROUT.

ADMISSION OF DAKOTA.

Mr. SPRINGER. The gentleman from Dakota [Mr. GIFFORD] desires to submit some amendments to perfect the text of the substitute, and as amendments to perfect the text will be in order first, I yield to him now for that purpose.

Mr. BURROWS. Mr. Speaker, I understood the gentleman from Illinois [Mr. SPRINGER] to say that some amendments were proposed to be offered to the substitute.

Mr. SPRINGER. Amendments to Senate bill No. 185.

Mr. BURROWS. The gentleman said amendments to the substitute.

Mr. SPRINGER. They are amendments to Senate bill 185, which has just been read.

The SPEAKER. It is in order to offer amendments to the original bill first.

Mr. BURROWS. I had no question about that, Mr. Speaker, but I understood the gentleman to say they were amendments to the substitute, and I desire to have the matter distinctly understood.

The amendments proposed by Mr. GIFFORD were read, as follows:

Amend section 9 by striking out the words "ninety sections of," and insert in lieu thereof "one hundred and twenty thousand acres."

Amend section 26 by striking out the words "28th day of August, 1888," and insert in lieu thereof "the first Monday in June, 1889."

Amend section 27 by adding thereto the following: "And at said election there shall be elected the State, judicial, and other officers and members of the Legislature of the said State of South Dakota provided for in the constitution of said State, and also two Representatives in the House of Representatives of the United States Congress; and if a majority of the votes cast at said election, upon the acceptance of both change of name and boundaries and of said constitution, shall be in the affirmative, as hereinafter provided, the governor, judicial and State officers thus elected shall have power to at once qualify and enter upon the duties of their respective offices, and they and the members of the Legislature thus elected shall hold their offices until the next general election, in November, 1890, unless otherwise provided by the laws of said State, and until their successors are duly elected and qualified. The governor shall have authority to at once convene said Legislature, and said Legislature thus elected may, in the manner provided by law, elect for said State two Senators to serve in the Senate of the United States Congress, and the Representatives duly elected at said election provided for in this section, and the United States Senators thus chosen, if otherwise legally qualified, shall be admitted to represent said State of South Dakota in the Congress of the United States."

Mr. COX. Are those amendments printed?

Mr. GIFFORD. Yes, in the amendments which the gentleman from Illinois [Mr. SPRINGER] has had printed. I desire also to offer another amendment, which I send to the desk.

The amendment was read, as follows:

Amend section 27 by striking out the word "not" from line 7.

The SPEAKER. Is a separate vote demanded upon these amendments?

Mr. SPRINGER. I have no objection to these amendments being agreed to, as they are submitted mainly for the purpose of perfecting the text of the original bill.

Mr. ADAMS. Mr. Speaker, would the adoption of an amendment to one of the sections of this pending bill preclude a motion hereafter to strike out that entire section?

Mr. SPRINGER. Oh, no.

The SPEAKER. There had better be an understanding upon that point. The order under which the House is now proceeding provides that this bill shall be considered in the House as in Committee of the Whole on the state of the Union, and in the Committee of the Whole on the state of the Union bills are read by paragraph for amendment, or by sections, as the House may choose, so that unless some understanding be had the Chair thinks that when a section is taken up and discussed and amended, that would preclude a recurrence to a previous section unless by unanimous consent.

Mr. ADAMS. Then I will ask unanimous consent (of which, however, I may not choose to avail myself) to submit a motion hereafter to strike out the sections providing for an election to ratify the change of name and the change of boundaries.

The SPEAKER. In order to prevent confusion hereafter, it would perhaps be best that the bill be read by sections, or that it be understood that amendments may be offered to the different sections without regard to their order, as the House proceeds with the consideration of the bill.

Mr. DUNN. I wish to make another parliamentary inquiry. It is generally understood that the gentleman from Illinois [Mr. SPRINGER] will offer a substitute for this bill after the text is completed. Now, the question is, will that substitute be read by paragraphs, so as to admit of amendments, as in the case of the original bill?

The SPEAKER. The substitute would be one entire amendment.

Mr. DUNN. And when adopted it could not be amended further?

The SPEAKER. After a substitute is agreed to, it is not subject to amendment.

Mr. REED. But it can be amended prior to a vote upon the substitute.

The SPEAKER. Of course.

Mr. CUTCHEON. I rise to a parliamentary inquiry. The bill has now been read the first time. Is it not the regular order to read the bill by sections for amendment?

The SPEAKER. It is.

Several MEMBERS. Regular order.

Mr. SPRINGER. I desire that the friends of the bill should have leave to put in just such amendments as they desire to perfect the text, being those prepared by the Delegate from Dakota [Mr. GIFFORD]. I ask unanimous consent that those amendments be now agreed to without prejudice as to any other amendments that may be offered.

Mr. BAKER, of New York. And that the bill be then read by sections.

Mr. SPRINGER. That is not necessary. Let this proposition be submitted first.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the amendments proposed by the gentleman from Dakota [Mr. GIFFORD] be now considered, and agreed to or disagreed to, as the case may be, without prejudice to the right of any gentleman to offer other amendments. Is there objection?

Mr. CUMMINGS. I object.

The SPEAKER. Then the Clerk will proceed in the regular order and read the bill by sections.

Mr. SPRINGER. I hope the gentleman from New York [Mr. CUMMINGS] will not insist upon his objection. These are the amendments which the friends of the bill desire to have adopted in order to perfect its text. The election provided for in this bill was to take place last August; and these amendments provide for fixing a time when that

election can take place under the provisions of the bill. I desire that time shall not be occupied in the reading of the bill by sections. These amendments can be agreed to at once, as they are formal and there is no objection, as I understand, to any of them.

The SPEAKER. The gentleman from New York [Mr. CUMMINGS] has objected to the request of the gentleman from Illinois.

Mr. CUMMINGS. As the bill is to be read by sections, these amendments can be offered just as well when the sections to which they relate are reached.

Mr. GIFFORD. That will take a great deal of time.

Mr. CUMMINGS. I withdraw the objection.

The SPEAKER. The objection is withdrawn. Is a separate vote demanded upon any one of the amendments proposed by the gentleman from Dakota? If not—

Mr. CUTCHEON. Is it understood that the action on these amendments is not to prejudice the right to offer other amendments?

The SPEAKER. It has been expressly so stated.

Mr. BRECKINRIDGE, of Kentucky. Is it in order to ask that the order under which the House is proceeding be read, so that we may know its exact terms?

The SPEAKER. The Chair will cause it to be read.

The Clerk read as follows:

Resolved, That the Committee on the Territories be discharged from the further consideration of Senate bill numbered 185, being a bill to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota, and that said bill be made a special order to be considered in the House as in Committee of the Whole immediately after the reading of the Journal on to-morrow, and from day to day until disposed of, with leave to offer as a substitute therefor House bill 846; that thereafter other bills in relation to the admission of the Territories reported from the said committee shall be in order in the House in like manner until disposed of, to be considered in the order fixed by the committee.

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Speaker, I ask that the order be carried out, and I object to any modification of it.

The SPEAKER. The gentleman from Kentucky objects to the request which has been made. The bill will be read by sections.

Mr. SPRINGER. No modification of the order is proposed.

The SPEAKER. The gentleman from Kentucky objects, and the Chair has no control over the matter. The order provides that the bill shall be considered in the House as in Committee of the Whole, and of course the bill must be read by sections unless some other arrangement be made.

Mr. BURROWS. To expedite matters I demand the regular order.

Mr. BRECKINRIDGE, of Kentucky. At the request of the chairman of the Committee on Territories [Mr. SPRINGER] I withdraw my objection.

The SPEAKER. The objection is withdrawn. The question is upon the amendments proposed by the gentleman from Dakota.

Mr. BURROWS. Are those amendments to be voted upon in gross?

The SPEAKER. The Chair has asked two or three times whether any gentleman desired a separate vote, and there was no response.

Mr. BURROWS. I have no doubt the amendments are all right; but I doubt whether when they were read all members heard them.

Mr. SPRINGER. They have been printed for two weeks; and they are simply those amendments which are necessary in order to—

Mr. BURROWS. Let them be read one by one, so that we may understand them.

The first amendment, offered by Mr. GIFFORD, was read, as follows:

Amend section 9 by striking out the words "ninety sections of" and insert in lieu thereof the words "one hundred and twenty thousand acres."

The SPEAKER. The question is on agreeing to this amendment.

Mr. COX. Have I the right, Mr. Speaker, to take the floor now and speak on the general merits of the amendments to the bill?

The SPEAKER. The Chair thinks so. General debate must be allowed under the rules, if any gentleman desires to discuss the bill in that way. After that will come the discussion under the five-minute rule.

Mr. Cox rose.

Mr. SPRINGER. I understood there was no objection to agreeing to the amendments in gross.

The SPEAKER. The statement was these amendments might be agreed to or disagreed to without prejudice to any other gentleman to amend any further section of the bill hereafter. Nothing was said about general debate.

Mr. SPRINGER. I understand the gentleman from New York [Mr. COX] desires to discuss the bill generally.

Mr. COX. We want to understand the bill and the amendments before we are required to vote on either of them.

Mr. SPRINGER. There must be some understanding as to that fact.

The SPEAKER. The Chair is simply endeavoring to carry out the order of the House.

Mr. SPRINGER. As soon as these formal amendments were agreed to in regard to the general features of this bill and the other bill then the members of the committee who desired to speak on the subject could do so. I was on the floor for that purpose, and so far as the gentleman from New York is concerned I intended to ask, after yielding the floor to the gentleman from New York on the other side of the House [Mr.

BAKER], to yield and to ask the members of the House to yield to the gentleman from New York [Mr. Cox]. I intended to follow the regular order of proceeding.

The SPEAKER. This is the regular order of proceeding. The general debate comes first.

Mr. SPRINGER. I thought we had proceeded to consider the bill by sections.

The SPEAKER. On the contrary, that was waived for the present in order that the amendment moved by the gentleman from Dakota [Mr. GIFFORD] might be disposed of.

Mr. SPRINGER. Mr. Speaker, I claim the floor for the purpose of opening the general debate.

The SPEAKER. The gentleman was entitled to the floor under the usage of the House, and if he claimed it, it would have been given to him. The Chair is in some doubt what course should be pursued under the circumstances.

The gentleman from Illinois was undoubtedly entitled to the floor according to the practice of the House to open the discussion of this bill, and if the debate continued longer than to-day he was entitled to one hour to conclude the debate. But the gentleman from Illinois did not take the floor for that purpose, but on the contrary permitted amendments to be offered, and before those amendments were disposed of the gentleman from New York [Mr. Cox] inquired of the Chair whether he could take the floor for the purpose of addressing the House, and the Chair said he could.

Mr. SPRINGER. I only wished to have those amendments introduced, then intending to take the floor for the purpose of opening the general debate. While they were trying to get unanimous consent to dispose of those amendments the gentleman from New York, I understand, asked to be recognized. I did not intend to yield the floor, but on the contrary had taken the floor and was then occupying it, intending to proceed as soon as I could do so to open the general debate on this subject.

Mr. COX. The gentleman from Illinois will not be disturbed by my remarks in this connection.

Mr. BAKER, of New York. How long is it proposed this debate shall continue? There should be some arrangement, of course, as to the time to be devoted to general debate on this subject.

Mr. SPRINGER. Mr. Speaker, I must insist upon holding the floor. I will yield any ordinary courtesy to the gentleman from New York [Mr. Cox], but he not being a member of the Committee on Territories, he is asking an extraordinary favor at my hands that he shall take the floor at this time before the general debate has been opened.

The SPEAKER. Gentlemen can arrange it among themselves. The confusion arose from the fact that the gentleman from Illinois [Mr. SPRINGER] did not take the floor to debate the bill, but permitted amendments to be offered.

Mr. SPRINGER. I was endeavoring to get these amendments offered, and by unanimous consent they might be agreed to. Pending that the gentleman from Kentucky and other gentlemen asked they might be read, and they were read. While those amendments were being disposed of the gentleman from New York [Mr. COX] rose and took the floor. But, Mr. Speaker, I did not yield the floor to the gentleman from New York, but was standing here all the time, intending as soon as I could do so to open the general debate.

The SPEAKER. If the gentleman from Illinois states that he had taken the floor to debate the bill that presents a different question.

Mr. SPRINGER. As these formal amendments were proposed by the friends of the Senate bill I thought they should be entertained and disposed of, but after they were disposed of I intended to go on with the general debate. I took the floor for that purpose, and did not yield it.

Mr. COX. If I can have the floor afterward, I will not insist on occupying the floor.

Mr. SPRINGER. After one hour has been occupied by the gentleman from New York on the other side, I will yield to the gentleman from New York [Mr. COX].

Mr. BAKER, of New York. I do not propose to occupy the floor at present.

Mr. SPRINGER. If no gentleman on the other side of the House desires to occupy the floor, of course then the gentleman from New York [Mr. Cox] can take the floor.

Mr. COX. Then I will follow my friend from Illinois.

The SPEAKER. The gentleman from Illinois will proceed.

Mr. SYMES. There ought to be some understanding in regard to the time to be occupied by the members of the committee and others in this debate. Gentlemen of the committee have the prior right in this debate, but there are many other gentlemen on the floor who also desire to be heard.

The SPEAKER. The matter is in the control of the House.

Mr. SYMES. I withdraw the objection I was going to make, at the suggestion of the gentleman from Maine.

Mr. SPRINGER withholds his remarks for revision. [See Appendix.]

Mr. COX. Mr. Speaker, I favor the substitute proposed by the gentleman from Illinois [Mr. SPRINGER] and his committee. I favor it, provided there are adopted certain amendments. In the last resort, if

these Territories can not be brought in within a reasonable time, I propose to help any conference between the two bodies looking to the statehood of Dakota and the other Territories.

Congress has been derelict with respect to the admission of these Territories. For reasons which can not be given within the hour, but reasons which appeal to the discretion of gentlemen, I ask that these Territories be admitted.

ROMANCE OF EMPIRE.

There is a sort of glamour and fascination about the admission of States into our imperial federation. I am subject to influences of a romantic character. But they have not disturbed, and I think will not disturb, that discretion which belongs to Congress when it votes to make complete the circle of our Federal felicities.

Mr. Speaker, as we approach the centenary in the life of our nation the mind becomes reminiscent. It would also be prophetic. In dim outline the ancient seers saw, through the mists of western seas, our hemisphere as the home of a race which rejoiced in a "golden age." These dreams take hold upon the imagination. They give an illusion to our "discretion" on bills like these looking to future empire.

The imaginary commonwealth of Plato was not altogether unsubstantial. Some of the visions upon the horizon of our early epochs have found realization. But a republic never imagined by Plato, nor dreamed of by Harrington or Sir Thomas More, has found its home in our hemisphere. Like all hope that has its fruition, this has come to us through toil, danger, and heroism. These sacrifices have no parallel in the adventures of our race or upon our planet.

Out of what were mere nebulae four centuries ago, stars have been resolved. Our western heavens are aglow with political luminaries which have their symbolization upon our flag.

A few only of our Territories remain in their rudimentary state. They are fast assuming the proportions for statehood.

Wyoming, Idaho, Arizona, and Alaska are springing to the front. They are fulfilling the conditions of political independency, while our other Territories, in so far as population and resources are concerned, have already human souls and prosperous opulence enough for a more exalted relation in the hierarchy of statehood.

What concerns us immediately, Mr. Speaker, is the admission as States, with proper boundaries and suitable numbers, of five Territories. These are combined in the substitute—the two Dakotas, Montana, Washington, and New Mexico. I omit purposely any consideration of Utah.

As to Wyoming, Idaho, Arizona, and Alaska, provision will be made in time, that when they attain a population adequate under the Representative ratio steps may be taken for their admission.

So that in the consideration of Territorial questions we view it from a standpoint whose scope comprehends nearly all of our remaining domain.

FORMALITIES OF ADMISSION.

It is well to remember, notwithstanding certain precedents to the contrary, that these Territories can not become political States with equal privileges in a Federal way without certain formalities. There is no leaping, like Minerva from the brain of Jove, fully equipped and matured. Under our system there are provisions to be observed before the boon of stately equality and the regality of "unassuming pomp" are bestowed.

The examination of these formalities involves the question, first, of power; second, the array of precedents; and, third, the deductions of reason.

As to the power. Is it not ample on the part of Congress? Why, sir, there is only one limitation. That power is found in the third section of the fourth article of the Constitution. It says: "New States may be admitted by the Congress into this Union." In a subsequent section it "guaranties to every State in this Union a republican form of government." Here is a power to admit. It is unquestionable. The meaning of the phrase "a republican form of government" was much discussed during the slavery agitation, before and during our civil war. It needs no rehearsal now. There is no danger that any constitution made by any of these Territories will be un-republican in form. It will not only have the authority from Congress, the stamp of maturity and the reflection of the popular will, but in its very body as well as in its essence it will be republican.

The Territories which we propose to admit have an organic law from Congress and they are under certain clauses of our Federal statutes. The organic law does not provide for a convention of the people to form constitutions. There has been no legislation by Congress in that direction, and there is no inhibition in our statutes upon such action.

Whether it be necessary that Congress should initiate proceedings looking to a convention and a constitution and admission or whether a Territorial Legislature may do this I will not now discuss. If Congress has not done it in the organic act, it has certainly not delegated the power to do it to the Territorial Legislature, and therefore, although the precedents are not all one way, it would certainly be more regular and comport more with the dignity of the proceeding that the scepter of sovereignty should be derived from the people of the United States in Congress assembled. [Cheers.]

PRECEDENTS.

I am not unaware that some precedents can be quoted for the admission of States where the initiative did not begin with Congress, but in the body of the Territory; and although there may be absolute discretion, limited, as I have stated, in Congress to admit States, regardless of the initial steps, it is safer to follow the words of Jefferson as to the first constitution of Virginia, adopted in 1776, when he said that the Legislature of that time had been elected only for the ordinary purposes of legislation. He denied that the acquiescence of the people had supplied the want of original power to create the constitution. This was in 1824. He fortified his opinion by saying—

That of the twenty-four States then under the Federal organization, twenty-three have disapproved the doctrine and example of Virginia, and have deemed the formal authority of their people a necessary foundation for their constitution.

In the case of Arkansas, General Jackson's Attorney-General decided that the Legislature could not act in the formation of a State government. In the Michigan case, Mr. Buchanan held that such acts were usurpation. California is no precedent, for her case, like that of Texas, was exceptional. The Lecompton constitution is no precedent; the people of Kansas set aside the Lecompton constitution as null. She came in afterwards under the authority of Congress. I had the pleasure, under much oburgation from Republicans, of voting for Kansas. Kentucky was admitted without a constitutional convention. Her constitution was not even submitted to her people. Tennessee, in 1796, formed a State without asking Congress. The question was discussed in Congress. The majority of the statesmen who engaged in that discussion maintained the same right which was ordained in 1787, and upon that right Tennessee was admitted. Indiana came in under an enabling act. Iowa, Michigan, Florida, and Oregon came in under constitutions whose only authority were the conventions which were held under legislative acts.

In many of our States there were no enabling acts at all. So that there is no uniformity of procedure in matters of this nature.

In so far as this question can be distorted into a party question, I may say that there is a uniform line of precedent for the admission of States into the Union, under conditions not so urgent or favorable for statehood as those presented by the Territories named in the substitute of the honorable gentleman from Illinois [Mr. SPRINGER].

The ordinance of 1787 was a compact. By it the people, in certain boundaries, when they attained 60,000 inhabitants, were authorized to form States and demand admission as "an act of justice." By the acts of Congress of June 20, 1834, and April 20, 1836, this ordinance was extended to the Territory of Wisconsin. That Territory then included Dakota. Section 1891 of the Revised Statutes recognized the same right in the present Territory of Dakota. [Cheers.]

Our custom, sir, as to population has not been uniform. If population is to be the test of admission, the Territories in the substitute have each a sufficient number for one member of Congress. This is the moral, though not the legal, touchstone by which the admission of States should be determined. Many of our States have been admitted with less than a representative ratio. Illinois was 380 less; Florida, 6,000 less; Oregon, 43,000 less; Kansas about 20,000 less, and Nevada 87,331 less than the ratio! The ratio in 1864, when Nevada was admitted, was 127,391. Nebraska was less than the ratio by 27,000, and Colorado by 31,425.

An observant foreigner, Professor Bryce, of Oxford, has carefully noted the relation of our Territorial government to the Union. I commend his words to your attention, and ask the Clerk to read it. It will serve as a relief to the House.

The Clerk read as follows:

If it were possible under the Federal Constitution to admit Territorial residents to active citizenship—that is to say, to Federal suffrage—admitted they would be. But the Union is a union of States. It knows no representatives in Congress, no electors for the Presidency, except those chosen in States by State voters. The only means of granting Federal suffrage to citizens in a Territory would be to turn the Territory into a State. This would confer a power of self-government, guaranteed by the Federal Constitution, for which the Territory might be still unfit. But it would do still more. It would entitle this possibly small and rude community to send two Senators to the Federal Senate, who would there have as much weight as the two Senators from New York, with its 6,000,000 of people. This is a result from which Congress may fairly recoil. And a practical illustration of the evils to be feared has been afforded by the case of Nevada, a State whose inhabitants number only about 40,000, and which is really a group of burnt-out mining camps. Its population is obviously unworthy of the privilege of sending two men to the Senate, and has, in fact, allowed itself to sink, for political purposes, into a sort of rotten borough which can be controlled or purchased by the leaders of a silver ring. It would evidently have been better to allow Nevada to remain in the condition of a Territory till a large, settled, and orderly community had occupied her surface, which is at present a parched and dismal desert, in which the streams descending from the eastern slope of the Sierra Nevada soon lose themselves in lakes or marshes. On a review of the whole matter it may safely be said that the American scheme of Territorial government, though it suffers from the occasional incompetence of the governor, and is inconsistent with democratic theory, has in practice worked well, and gives little ground for discontent even to the inhabitants of the Territories themselves.

Mr. WOODBURN. I am glad the gentleman has been compelled to resort to British authority to sustain him.

Mr. COX. Yes, sir.

Mr. WOODBURN. Because he could not produce any American authority.

Mr. COX. I was just trying to say that you and I agree for the first time in our lives. [Laughter.] My authority is an intelligent and observant Briton. He seems to love our country. Mr. Speaker, wherever such discreet laudation of our country comes from I care not. If an Englishman praises our Western folk, I give to him, as I give to Gladstone, all honor for his idea of autonomy, whether applied to Erin or Dakota.

In regard to the admission of new States we must regard population and representation. We must do that not alone with reference to Nevada. I might take that State as an illustration of our worst dereliction. I do this not because her distinguished Congressman is not able to fill the bill for a dozen other members [laughter], and not because her two Senators are not able to represent Nevada as the older and larger States are represented, but because of the fact that in the discussion of the Kansas-Nebraska bill, in which I took a part, there was fixed at that time for admission a criterion. That criterion should guide us. It provided that no State should be admitted unless it had a sufficient population for one member of Congress. I think that was a good plan, because it gave a good test on a fair ratio. I believe that the good old motherly people of this country, who adhere with a great deal of reverence to proper precedents, will sanctify this standard, not because we would like to get rid of the gentleman from Nevada who represents Nevada, for we love him too dearly to part with him. [Laughter.]

When my friend from Illinois [Mr. SPRINGER] discusses all of the various details of the Senate bill and his own substitute, he seems to anticipate the future. In that future these States by their Legislatures or constitutional conventions may revoke any law, organic or otherwise, which they may pass for local interests, subject only to the Constitution of the United States.

Therefore I am ready to welcome any legislation looking to the admission of Territories which fills the conditions, knowing that by legislative enactment or constitutional changes all defects may be remedied under local influences.

In most of the States Congress has provided for a convention and has generally required the constitution to be submitted to the people. But there are some precedents which after ratification by the people indicate that the State can be admitted by the proclamation of the President. When such an amendment appears, with respect to these long-deferred Territories, as one is intimated by the eloquent Delegate from Washington [Mr. VOORHEES], I will cheerfully vote for it.

SUBMISSION OF CONSTITUTIONS.

Many of the earlier constitutions were not submitted. But in the great majority of States, the constitutions were submitted to the people. The weight of the precedents is in favor of the principle of submission.

Therefore it would seem to be wise, especially owing to the lapse of time since the South Dakotan constitution and the Montana constitution have been adopted, to require new conventions in order that in these fast-growing States the new order shall conform to the latest popular judgment.

If, therefore, it be said that the precedents are not one way, I answer that it is altogether more regular and more in accordance with sound discretion that enabling acts should be passed in order to induct our Territories within the circle of the Union.

DISCRETION THE TEST.

But after all, sir, whatever may be said or done in the last resort on this question of statehood, the admission of States depends upon the wise discretion of Congress.

Some States have come in like Texas—*teres atque rotundus*—a "Lone Star," a republic already instituted. But Texas is superbly exceptional! When she came in she had memories—tearful and patriotic memories—of the Alamo and of San Jacinto. Yet her statesmen made provision for an emergency of five States, each—not asteroids—but each a star, brilliant and beautiful. Other States, like California, came in with fixed limits, boundaries, and peculiar interests, and others again, like Michigan, having catastrophic origin, being impelled into prominence by the insurgent, volcanic action of her people irrespective of Congressional authority.

This question of discretion, therefore, addresses itself to our best reason. There is no absolute right on the part of the Territory for admission, unless it be derived from those abstract rights of human nature which, under our system, must be chrystalized into an organism before it becomes an object of Federal fraternity.

CONDITIONS OF ADMISSION.

The only remaining conditions which appeal to our judgment are those relating to the population, boundary, intelligence, prospects, and, I may add, character of the Territory.

In early days, when Kansas came forward with a constitution unauthorized, and with a mode of submission ambiguous and illusory, I voted against her admission. But I declared at that time, in the first speech I ever made here, and the first made in this Hall—and it was listened to for its acoustic properties [laughter]—that I would have voted for the admission of Kansas as a slave State if it had been fairly made so by the people. In the last analysis the popular will must be the foundation of sovereignty.

By the prompt admission of these Territories, and especially of Dakota, with her six or seven hundred thousand people, we avoid the invidious remarks which have been often made and which partake too much of partisan spirit.

It is the habit of some gentlemen to refer to the Southern States and the meagerness of their vote compared with the number of their Congressmen-elect, and then to make the further comparison that the Territories have a larger population than some of our States.

The question is asked cynically why should the votes of States of less population be used to prevent Dakota, which would have seven members of Congress in 1890, from voting at all?

NO MORE LARGE STATES.

Mr. Speaker, although in the discretion which each member here is authorized to exercise in admitting States, I give great heed to the judgment of the people of the Territories who are most affected by our action on the question of admission, which includes boundaries and population and even names. But I am not so bound that I would admit a State with such an extensive area as undivided Dakota. I would not so vote if every man, woman, and child in the Territory should demand it; for, sir, it then becomes a question affecting other States in the brotherhood; as other States are affected by representation in both branches of our Federal Legislature.

SHACKLES ON STATES.

Nor would I clothe a State with the robes of sovereignty and then shackle its limbs so that it might not change its own constitution at pleasure and within the limits of a "republican form."

If we give sovereignty to Utah and hamper her with conditions that she should do something or reverse something or abrogate something abnormal, incongruous, corrupt, or disgraceful, according to the standards of civilization, we do that which is futile, for we do not give to her State sovereignty, but make her still a dependency.

Governments are representative, says Jefferson, only as they embody the popular will and execute it; and in that popular will should reside the power to change and revoke whenever the wisdom of the people desire it. These, Mr. Speaker, are some of the preliminary propositions upon which to determine the votes which may be given upon the questions before us.

I propose, therefore, to consider in their order the admission of the Territories proposed by the bill reported from the Committee on the Territories.

OMNIBUS NOT FAVORED.

I would have preferred that each one of these Territories should have come in by her own intrinsic vigor and virtue, and not through any interdependence or leaning upon one or more of the other Territories embraced in the bill. Perhaps in the end our legislation may run in that channel. Certainly such a channel will be more easily navigable and free from quicksands and difficulties. I can not see why South Dakota should depend on the admission of Washington, or North Dakota upon the admission of New Mexico. There used to be some sort of implication when I first came into this body that we should balance a slave State with a free, and a free one with a slave State. But all that has happily gone to the rear.

MORE PRECEDENTS.

When Ohio came in she came in under the ordinance of 1787, as Tennessee came in under an ordinance made upon the same line. But they depended for their admission upon their intrinsic merits. And I should not hesitate to vote for each one of these Territories in this so-called "omnibus bill" separately and independently, one without the other, if by no other means we could accomplish the object.

PARTY BIAS.

Above all things, Mr. Speaker, this question of admission is not a party question. In the nature of things it can not be. The people of the Territories are not wedded to any party. They are remote and isolated; preoccupied with absorbing local matters. They are easily molded, like the clay in the hands of the potter. As the wheel whirls, a little pressure here and a little pressure there, and out comes the graceful vase, irrespective of the rude and selfish manipulations of our Federal politics. If these Territories be not admitted this session they will surely be admitted under Republican auspices in the next Congress, and their politics will take the reflection of the friends who give them their early nurture.

I have voted for many Territories to become States since I have been here. I have been taught some lessons from the result. Perhaps the only mistake I have made in my vote was in voting prematurely for Oregon; for we had no correct census returns of her population, and she did not, at that time, approach the ratio. We had to determine her population more from her resources and her tax returns than from any other source. She was ushered into the Union by the eloquent dialectics of Alexander H. Stephens. She bid fair to be a Democratic State, and she came in with Democratic Senators and Representatives. But how long did she remain so? I notice the honorable gentleman from Oregon—a Republican—smile as he recalls his splendid majority. [Laughter.] I voted for Kansas and Nebraska. They came in as Republican States, and though their population was not quite equal to the ratio, they were growing fast; and we but anticipated a sufficient

population, while we settled a prolonged and vexatious controversy. Party bias is a fragile reed to rely upon when principles are at stake.

COLORADO.

When Colorado came up, lacking a sufficient number for even one Congressman, I gave my vote against her admission, because I did not see then from the quality of her soil and the peculiar occupations of her people that they had the elements of growth as other Territories have developed.

NEW MEXICO.

When New Mexico, fourteen years ago, appeared at the bar here, she was ushered in by a Republican Delegate (Mr. Elkins). You know Mr. Elkins.

Many MEMBERS. Oh! yes; we know Stephen. [Laughter.] Mr. COX. Yes; Stephen. He has not hidden his light since under a bushel. [Laughter.] I recall his personality. He tried with all the urgency belonging to a party full of the zealotry of the war and the glory of its triumph to have New Mexico admitted. I did not give it my vote, because New Mexico at that time was in such a confused and incongruous condition that I resented the attempts made by the Republican party to force her into the Union. New Mexico is here again.

Mr. PETERS. There has been a change of heart since.

Mr. COX. I can not change my party. I have been too long in it for that.

Mr. PETERS. I said a change of heart.

Mr. COX. Now, my friend represents Kansas. When I was a young Congressman from Ohio, he was my little constituent, about that high. [Indicating.] His heart was all Democratic then, for he used to peddle my tickets. [Laughter and applause.] I never could get over my affection for the gentleman from Kansas on account of his early partisanship for me. My heart toward him never changes. [Cheers and laughter.]

Mr. PETERS. Well, that is beautiful fiction. [Laughter.] Mr. COX. It is too late in the day for gentlemen of the Republican party to challenge the admission of New Mexico. Our RECORD (page 4129) shows that on the 21st of May, 1874, a Representative from Mississippi (Mr. McKee) proposed to take up the bill for the admission of New Mexico, which was the bill of Mr. Elkins, the then Delegate, and, although he was opposed by gentlemen on the Democratic side and by some Republican gentlemen, notably Mr. G. F. HOAR, of Massachusetts, now a Senator from that State—the House voted to admit New Mexico by 100 yeas to 54 nays. The strongest speech made against her admission by a Democrat was made by my then colleague, Mr. Clarkson N. Potter, of New York. The most urgent speech in its favor was by Mr. Kasson, assisted by Mr. Maynard and Mr. Hoskins, all Republicans.

In presenting the bill the Republican party gave their voice, through Mr. McKee, in favor of admission, because New Mexico had all the elements out of which we make States. He said:

It is large enough; it has population enough; it has prosperity enough; in fact, it has every element of statehood. In area it is three times as large as Ohio. It has more than 145,000 people. The vote by which the Delegate comes here is over 17,000. There are forty Representatives on this floor—

Said Mr. McKee—who come here with fewer votes. In everything that goes to make a State, New Mexico is fully up to the standard.

Certainly, since that time New Mexico has not diminished in population or prosperity. She has not been curtailed of her area nor disappointed in her hopes. At that time she had a Republican Legislature and a Republican Delegate. Well, has she not a Republican Legislature to-day? And if she has a Democratic Delegate, it is because he was more in sympathy with the large body of her peculiar people than his Republican competitor. I warn my Democratic friends that New Mexico is more nearly Republican than Democratic. If it be not Stephen B. Elkins as one Senator, it will be Stephen Dorsey as the other.

Much rhetoric has been expended on this subject. The attempt to force New Mexico in as a State has been stigmatized as nefarious. The Republicans in the Forty-third Congress had 49 of the 74 Senators, and 149 of the 200 Representatives, and they cried, "All hail to the half-breed, unprogressive population of New Mexico." They would have given her equal power in the Senate with New York and Pennsylvania. I do not say this because New Mexico had Republican proclivities at that time. I think she has the same proclivities now, and with more certainty.

I find, in looking at the RECORD, that I opposed her admission because of her lack of population, and this was what I said:

In the admission of States in those early days of Buchanan's administration, out of all that Iced Sea of trouble, we got some little good, because at the end of this struggle we agreed to a certain rule, and that rule was that a population equal to the ratio represented by a member of Congress should always be sufficient for the admission of a State, and that was entered of record and a joint resolution passed to give effect to it.

Although it is within the discretion of Congress to allow or disallow admission, still it is not a safe rule that a population equal to the ratio for one Congressman, whether it be binding by joint resolution or not, should be the criterion for admission? Perhaps the Senate in its wisdom acted upon that doctrine then. But, inasmuch as the population is now fully up to the standard, the Senate may reverse their rule and

admit New Mexico. Certainly it does not lie on the part of Republican partisans to refuse her admission on that ground.

If the Republican party could vote for New Mexico fourteen years ago, why can not they do it now? She has added 55,000 in population since the census of 1880 was taken. In the last year 384,000 acres of public land have been entered for actual occupation and improved. She is engaged in the construction of railroads across her territory, and is opening new sections to settlement and establishment. At the end of the year which has just passed there was completed 2,000 mileage of railroads. Her grain crops and other products, especially grapes and semi-tropical fruits, grow in profusion, while her cattle ranges are among the marvels of her growth. She had an increase of 135,000 head of cattle in 1888 over 1887, and her mines are becoming productive after the idleness of years, if not of centuries.

It will not do, therefore, to say that New Mexico has not enough population or wealth to support a State government; nor is it just to the elements which permeate that Territory to say that she has too much ignorance or too small an admixture of intelligence for the regulation of a State. It is no objection to her admission that the peon and mongrel race forms a portion of her population, for the same rule would have kept out California, and would to-day disbar the States south for their mixed colored elements. It is no objection that the New Mexicans speak a Spanish *patois*, for California had the same disability and has outgrown it promptly. The progress which New Mexico is now enjoying in mining and stock-growing, sheep-raising and agriculture, indicates that though portions of her soil may be barren, rainless, and arid, she has all the elements of growth, and will shine as a fit embodiment of statehood in the catalogue of States.

OTHER TERRITORIES.

From the reports of the governors of our Territories it will appear that as to population Alaska has 50,000 people and \$25,000,000 in wealth; Idaho has 100,000 in population and \$65,000,000 in wealth; Arizona 120,000 population and \$75,000,000 in wealth. As to the other Territories, omitting Utah, Dakota is registered as having 600,000 in population and \$320,000,000 in wealth; Washington 168,000 population and \$250,000,000 in wealth; Montana 140,000 population and \$70,000,000 in wealth. But I have no doubt that Montana has to-day a sufficiency for one member of Congress. So that in the bill proposed there is no objection to any of these five Territories on account of wealth or population.

MONTANA.

First, as to Montana. Her growth is at the rate of 10,000 a year and 100,000 over that of the census of 1880. Her financial condition is sound and stable, with money in the treasury and freedom from debt. She has every inducement to emigration, for her taxes are light. Her mines of gold and silver and lead are even greater than her agricultural and pastoral resources.

WASHINGTON.

Second, as to Washington Territory. Her governor believes that the population I have named to be a low figure and that at present her population is equal to nearly 183,000. Her gain in values, though not equal to that of Dakota, is simply enormous, being a gain of over \$65,000,000 during the past ten years. She has nearly 1,200 miles of railroad, and over her bosom are borne the products of eastern Asia, as well as her own commercial and agricultural produce, in which fish and lumber figure prominently.

DAKOTA.

As to Dakota, it is to me amusing, if not astonishing, that those who have had charge of our Territorial affairs in this House should require another expression from Dakota as to the matter of division.

Again and again, through her conventions of both parties and her legislatures, has she asked for that division, respectfully, earnestly, and persistently. The fact is that by the action of this Congress the question of division has practically disappeared. Still it is submitted by the third section of the substitute, and I am content if gentlemen desire to have it submitted again. It is be no obstacle to my vote for admission, and it seems to give our friends some relief; since no one desires to force Dakota apart in order to admit her as twins. It seems to be practically concluded that she will be divided according to the provisions of the bill, upon the seventh standard parallel. The submission of the question of division may be wasteful excess, but so long as it comports with a certain regularity in procedure I will not object to it.

Dakota in length and breadth, in population, in area, in wealth, and in progress, stands unexampled in the annals of mankind for material, political, and, I may say, intellectual and spiritual advancement. [Cheers.]

DIVISION OF DAKOTA.

I will not argue the propriety of dividing her, nor will I discuss now the necessity of complying with the rule which I have laid down—of giving to her population members of Congress in proportion to her population. It is the rule of the Constitution and the rule of right. But I will say that the census of 1890 will show that Dakota, which began with 14,000 population in 1870, and rose to 135,000 population in 1880, and has to-day over 600,000 population—I will say, that a

State which leaped in the last decade, from 1870 to 1880, 885 per cent. in the increase of her population, will have in 1890, by the least computation, 1,320,750 people, with seven members of Congress to represent her in her entirety.

Every element connected with the progress of this remarkable Territory, including her 4,000 miles of railroad, all point with no unmistakable gesture toward the division of the State. There can be no greater indignity, Mr. Speaker, than in keeping so vast a country, with a population so energetic and hopeful, so industrious and far-sighted, under a Territorial form of government. The people there desire to vote for the Chief Magistrate of the Union. They desire to have a voice under the Constitution of the United States. They desire to have representation at this Capitol. They desire to govern themselves by their own elected officials. They desire that their incomeless school lands shall be utilized for the education of their children. They desire courts of their own judges. They desire the right to make their own laws and to reform them at pleasure. They want neither the satraps of the Orient, nor the satraps of reconstruction.

When they pay their taxes, they desire a voice as to the disposition of the moneys. They desire even when traveling from one part of their Territory to another, something less than a thousand miles of their journey, for the argument of cases. Because there is little or no commercial intercourse between North and South Dakota; because one part is reached by one system of railroad and the other by another, and because they are different in their very organizations north and south, as well as in their homes of charity and institutions of learning, they wish that independency which division will give them, and that liberty to which they were accustomed before leaving their homes in the States to build an empire in the wilderness.

Dakota has already spoken for division through her conventions as she had often spoken before. Joining with her sisters, Montana and Washington, she appeals in behalf of the Northwest to this Congress of the nation for the recognition of her movement toward statehood. She points to her population and her wealth, and with no unmeaning gesture to the history of our States. She admonishes us that Kentucky came in with 74,000; Tennessee with 67,000, and yet she has ten times as many people as had either of these States on admission. She points to the admission of Ohio with her 35,000; Missouri with her 66,000; Michigan with her 65,000; Florida with her 64,000; Iowa with her 78,000; California with her 92,000; Oregon with her 50,000; Kansas with her 107,000; Minnesota with her 120,000; Nebraska and Colorado with their 100,000 each; and Nevada!—what an anti-climax!—[laughter] with her 40,000. She says to the nation, "Behold our 600,000 people, and give us the habiliments of statehood according to our growth!" When divided, South Dakota is five times the average of our States in population and North Dakota four times.

EARLY HISTORY OF DAKOTA.

The history of the Territory is that of fur-trading upon the Upper Missouri. Lewis and Clarke—pioneers hardy and true from West Virginia—were there in the beginning of the century. The first steamers visited there in 1830. In 1839 Frémont, and in 1841 Catlin visited Dakota; then military posts began to be established. It was not until 1856 that the first settlements began on lands bought of the Sioux, near Sioux Falls. Part of Dakota became a part of Minnesota Territory in 1851. In 1857 a land company from Minnesota traveled overland and established the town of Medary, in honor of one of my constituents from Ohio, then governor of Minnesota. In spite of many contests with the Indians—some of them bloody and horrible—the Territory was organized on 2d March, 1861, and grew wonderfully.

She is too large, too unwieldy, too top-heavy, to be admitted as a whole. Let us not forget the lessons of our State history. California seeks for division, or begins the agitation. So does New York; and but for her superb ante-State annals, so would Texas.

AREA OF DAKOTA AND OTHER TERRITORIES AND STATES.

I can remember very well the jealousy between tide-water Virginia and Virginia west of the Alleghanies. The constant bickerings between the two sections of Virginia never ceased until the Cæsarian operation during the war, whereby West Virginia was brought forth from the womb of the mother.

Dakota was not made one Territory because of any homogeneity of its soil or other elements. When it was organized its population did not number more than 5,000. Had it been divided into two Territories then, who would think now of making its territory into one State?

Look at this table and draw your own inference as to the argument which may be made in opposition to Dakota as a whole:

	Square miles.
Maine.....	29,855
New Hampshire.....	9,005
Vermont.....	9,135
Massachusetts.....	8,040
Rhode Island.....	1,065
Connecticut.....	4,845
New York.....	47,620
New Jersey.....	7,465
Maryland.....	9,865
Total.....	126,940
Dakota.....	150,932

A good deal has been said, sir, about the sectionalism of the recent tariff legislation. Much more will be said, likely, about sectionalism in connection with the Northern Territories if Democrats oppose their admission on party grounds. This is to be deprecated, and most of all by the Democratic party. Already it is hinted that the vote of South Carolina and Dakota is about the same; and yet South Carolina has nine votes in the Electoral College and Dakota none! Why none? it will be asked. Why no representation in Congress, and yet taxation? And if South Carolina or other Southern States prevent Dakota coming in, what will then be said? And if said, what is the answer? And who will respond?

TAXATION AND REPRESENTATION.

The question of the admission of Dakota is a question of taxation; for is it not the interest of the people even in the matter of money to have small States?

Oh, it may be said that it will cost more for salaries if there are two States instead of one; but those who say this do not know that about 100 per cent. is levied for general taxation when the area is undivided. That is the experience of Dakota. These facts demonstrate it:

Small States.	Levy per \$100.	Large States.	Levy per \$100.
Massachusetts.....	\$0.09	Louisiana.....	\$1.00
Rhode Island.....	.014	Texas.....	.68
New Hampshire.....	.20	California.....	.56
Maryland.....	.17	Kansas.....	.50
New Jersey.....	.20	Missouri.....	.40
Michigan.....	.11	Minnesota.....	.30
Connecticut.....	.124	New York.....	.30
Wisconsin.....	.10	Nebraska.....	.40
Delaware.....		Georgia.....	.44
		Mississippi.....	.50

*None paid by railroads.

These figures are taken from the census of 1880, and are authentic. They show that the larger the State and the farther the people are away from the seat of legislation, the more the fraud, the greater the corruption, combinations, and appropriations; and hence the greater the taxes. It is easy to see to which of the above classes of States Dakota would belong if she did not get division.

"The cost of paying our own officers," say the Dakota people, "is not a drop in the bucket compared to the appropriations we would save paying."

If it be true that the remoteness of the administrative offices from the seat of government tends to corruption and prodigality, then a large State like Dakota is an element of weakness, while a State of less size has an element of strength. Besides, it has been said by those who have urged the division of the State that the Territorial expense of Dakota by the last Legislature amounted to thousands more than the State of Wisconsin, and that there has been a constant increase of Territorial expense for the past few sessions of the Legislature. This statement shows the increase:

1880.....	\$75,000
1883.....	150,000
1885.....	700,000
1887.....	1,400,000

So that representation and taxation have some meaning in connection with the admission of Dakota.

There are many complaints of the tyranny exercised by the "one-man power" in Dakota, which no Territorial legislation and no restraints by Congress have suppressed or can suppress. The governor—not chosen by the people, and generally an outsider appointed by the President—names ninety officers. These control the expenditure of all the revenues of the Territory. He appoints most of the other officers connected with the charities, colleges, and other institutions. There is a revenue of over half a million per annum expended by these officers, subject to the approval of the governor. In the last Legislature the governor refused to approve of any appropriation bills unless the expenditure was subject to his approval. So that the old American doctrine of taxation and representation was substantially nullified.

AREA AND RESOURCES.

But as Professor Bryce, the British observer, remarks, these Territories to be autonomous must be States, and here the question arises, Shall these States be top-heavy in the unpopular branch, the Senate? I beg pardon of the Senate, Mr. Speaker. I did not mean that the Senate was unpopular. [Laughter.] It is only plutocratic. [Laughter.] I meant to say it was not the popular branch. But to resume: Shall Nevada cancel New York? Shall these remote Territories, with mixed populations, be admitted, and nullify the votes of such imperial States as Texas, Georgia, and Pennsylvania in the national Senate?

Assuming that Montana, Washington, and New Mexico combined have three times the unit of representation, or about 450,000, and that Dakota has 600,000, there would be enough in Dakota, according to the unit rule of representation, for three or four members of Congress. So that Dakota would have in excess, if she were admitted as one State, enough for two other members of Congress in addition to the two which the "omnibus bill" would give her.

Moreover, a strong plea can be made for Dakota on the ground of her resources and her marvelous progress in all that makes up the State. Her area is 151,992 square miles. Her sister Territories, whom my friend from Illinois [Mr. SPRINGER] would seat in the same "omnibus" with her, have the following area: Montana, 145,310; Washington, 66,880; New Mexico, 122,460; or a total of 334,650 square miles.

This is somewhat more than double that of Dakota. But Montana, Washington, and New Mexico are mountainous, and likely to remain so for some time; their population is sparse, and also likely to remain so.

We know that nearly all of the soil of Dakota is fertile. It is filled up with the homes of people who are industrious and who can stand anything in the shape of disaster—from a March blizzard down to a summer's drought. When it comes to making grain Dakota can beat all the rest of the "omnibus." When it comes to banks, newspapers, and schools, she has the same preponderance.

Bishop Hare, in writing to the New York Herald, indicated the rapid growth of this great community when he said:

You may stand ankle-deep in the short-burned grass of an uninhabited wilderness. Next month a railroad train glides over the waste. I have ridden into Dakota valley and pitched my tent. Lolling on my buffalo robe, I looked around and could see nothing but a wolf. When I visited the valley next year, lo! a train of Pullman palace cars. I camped on the flat bottom of land near the Missouri River that same trip. There was only a log hut, with a mud roof. No other sign of civilization. Within a year I revisited the spot, and lo! there was a town of two thousand.

"Seven thousand new-comers a month," exclaims the author of the Resources of Dakota, published in 1887.

Dakota's wheat crop in 1887 exceeds the record of any State in the Union. It was one-seventh of the entire crop of the United States in 1886. In 1886 the wheat crop of New York was 11,093,000 bushels, while Dakota's was 30,704,000; yet in 1860 Dakota raised only 945 bushels, and in 1887, 62,553,499 bushels. Whereas in 1860 the live stock of Dakota was worth about \$40,000, in 1887 it was over forty-three millions! Her corn crop was 20,000,000 bushels per year; barley, oats, rye, flax, grass, buckwheat, and vegetables in proportion. Her railroad mileage was over 4,207 in 1887, and of railroads graded in 1887, 301 miles more. She has more completed railroad than either California, Tennessee, Nebraska, Virginia, North Carolina, Colorado, Alabama, or Georgia; twice as many miles as either Massachusetts, South Carolina, Florida, New Jersey, Mississippi, or Kentucky; more than three times that of either Maine, Maryland, West Virginia, Louisiana, or Oregon; more than four times that of New Hampshire, Vermont, or Connecticut; thirteen times the railway mileage of the gigantic State of Delaware, and twenty times that of the Brobdingnagian State of Rhode Island!

Surely she is fitted for statehood if railroads or transportation facilities indicate a prosperous community. Even if she were divided, is she not entitled to a double statehood? Her manufactures and mining, as well as her crops, indicate ample prosperity. Besides, she has a cultured, moral, and refined people, whose schools, churches, and other moral advantages are the peers of those farther east. These indicate a preponderance of citizens of advanced nationality who have moved on isothermal lines to better their fortunes in the new Territory, which has shown so much alluring prosperity.

Of the population now at the end of 1888, likely numbering 650,000, one-third are of foreign birth, of which one-sixth are Canadian, and a few hundred Chinese, colored, and Indian citizens. The rest are of the stock which makes up New England and the Middle States.

It is not necessary to analyze, as the Department of Agriculture has, the samples of her soil in order to show why her percentages are so great of that organic matter out of which her grain stuffs and, ultimately, her meat stuffs are made.

The rich, dark drifts of alluvial loam, with its properties for holding moisture and for growing crops, illustrate the bounty of nature toward Dakota, for her very soil hoards her wealth, and this enrichment, with no need of manures, contains a "surplus" that no legislation can dissipate. Indeed, her surface is nearly all arable land. It is easily tilled and miraculously productive. There is no necessity to clear trees or remove stumps. This fertility beckoned the plow of the pioneer, and the plow came. Those interested in her advancement have given her resources in columns which astound the statistician. She has nearly 100,000,000 of acres of tillable land—more than that of any other State or Territory except Texas and California. Only one-half of it is occupied, and this would furnish farms of 160 acres each to three hundred thousand families, or two millions of people.

WHY NOT DIVIDE DAKOTA?

Why should she not be divided? She has within her breast two political communities. They are distinct in their interests, character, associations, and institutions—more so than the people of any of the contiguous States. To insist upon their admission as one State, in defiance of all the proprieties and utilities, would be to run counter to all that has been done both by parties and all legislators in the Territory and out. Why, her Territorial Legislature has located hospitals, asylums, penitentiaries, universities, colleges, and schools with a view to this natural division. Even bonds have been issued based upon a division of the Territory. The very names—North and South Dakota

—have been fixed with as much distinctness as these designations to the Carolinas. Is there any interest which requires that there should not be a separate and distinct political organism for each portion of the Territory? If it be political or partisan, let it be shown. Is the Republican party, which is sure to divide it, as they have the next Congress, to have all the merit of this act of wisdom?

The Territory, as a whole, is larger in extent than New York, Pennsylvania, New Jersey, Maryland, Delaware, and Virginia put together. It is 430 miles from its northern to its southern boundary, and 400 miles from its eastern to its western boundary.

It is as far from the southern to the northern boundary as Chicago is from Memphis, or New York from Raleigh.

To be candid, it must be stated that one-fourth of the acreage of the Territory is in Indian reservations. They are not within the Territorial jurisdiction; but the reservations are melting away before the progressive Caucasian!

It is proposed to divide the Territory not quite east or west or north or south, but nearly upon the forty-sixth parallel, or rather, on the "seventh standard parallel" which is some 5 miles south of the forty-sixth parallel, and that has been adopted as the boundary line of organized counties which are cut by the forty-sixth parallel. If divided into two States, South Dakota will have an area greater than any one of the States, except California, Colorado, Kansas, Minnesota, Nevada, Oregon, or Texas. It would exceed the whole of New England with New Jersey thrown in. It would be one-third larger than Iowa. It has a population running from 375,000 to 400,000. It is bounding ahead with a tremendous energy. Its wheat crop in 1887 was 60,000,000 bushels; its corn crop 26,000,000. Its mineral opulence figures up over \$33,000,000 of gold and silver from the Black Hills since 1877. In addition to her soil and climate she has lignite coal, with 20-foot veins, which is quite a useful thing when the blizzards come.

A PEEBLESS BEAUTY.

The report on these topics, gentlemen will recall—the report from which all others on the Republican side are taken—is from the urgent pen of General Harrison; and it must be heeded. Even my honored friend and colleague [Mr. BAKER] has learned from that report.

I might sum it all up in the lyric language of my colleague from New York [Mr. BAKER], who made the report of the minority in favor of South Dakota:

For ten years she has pressed herself, a peerless beauty in resources, wealth, numbers, and intelligence; the pride of all America, yet ignored by Congress and denied the right to enter her father's house!

This personification of Dakota as a fair female has received the *imprimatur* of many publications, for I have seen a picture of the Territory in female form, pointing with some pride to a stately column of figures showing the resources of other States and then pointing with sublime gesture and tearful indignation to a roll on which is inscribed her own magnificent area, accomplishments, and destiny.

NORTH DAKOTA.

The bill for North Dakota, or the territory lying north of the seventh parallel of surveys, authorizes the election of delegates to a convention to form a constitution. It is in the usual form. The Democratic majority of the House Committee, however, have interposed an adverse report.

What reasons will be given in favor of such a measure? First, the State will have an area of 74,000 square miles. It will be 400 miles long from east to west, and 214 miles wide from north to south. Its area will be equal to that of our largest States, with the exception of eight, namely: Nebraska, Kansas, Minnesota, Oregon, Colorado, California, Nevada, and Texas. It is a prairie and, like the rest of the Territory, fertile. It is capable of sustaining an immense population. It had already 225,000 people on the 1st of January of this year, as shown by official data in the office of the Secretary of the Interior.

It will be urged in favor of her admission that no State was ever organized from the public domain with such a population. The assessed value of her property for the purposes of taxation, including railroads, was seventy-two millions and a half, and her railroad mileage 1,966. The value of her school property and the outlay for schools, her school-houses, her newspapers, banks, and banking capital, all play their part in the argument which the Republicans and the friends of the division of the Territory will urge for the admission of North Dakota. The question is, Shall that party have the monopoly of the credit for its admission?

This immense growth has occurred since 1880. In 1870 her population was only 2,000. In 1880 it was 38,000. It is now 225,000. The next census will probably show enough for two members of Congress. However, that is dependent upon the ratio as it will be fixed by the Fifty-second Congress.

Much will also be said in favor of the patriotism, the institutions of learning and religion, and the soldier element, as well as the precedents which have been fixed by Federal legislation for statehood.

WHO DEFEATED THE ADMISSION OF THE DAKOTAS?

Why, then, has not one or the other or both of these Territories been admitted? Is it because their admission has been made the sport of party or of politics? I am afraid there has been too much of it. I

remember to have read in the Chicago Times an article headed "Dakota the victim of both parties." It fixed the odium of denying Dakota admission to the sisterhood of States six years ago upon a Republican Senator. That Senator was Hon. EUGENE HALE, of Maine, because, as he thought, one county in Dakota had acted in bad faith as to a small amount of bonds held by his constituents. He interposed the fatal objection. He relegated her to a position of an outlying province. And yet Maine had at that time about the same population as Dakota and hardly one-half of the square miles of South Dakota.

It will be asked, why should Maine be favored with our Federal aegis and Dakota disfavored? Why should there be an ostracism upon this people, irrespective of the doctrines of Jefferson, Jackson, and Douglass, and popular sovereignty? Why should we oppose Mr. HALE's party in building up the great Republican States in the Northwest, when the liberalities of trade and interchange, growing out of our philosophy and economy, would make them, in time, Democratic States?

DAKOTA AS SHE WAS.

Dakota has only recently been organized. It was within a decade a desolate wilderness, held only by the buffalo, the bear, and the not less savage Indian. Gradually the change began through the influences of our adventurous population and with the aid of steam and lightning. From a rude country, thinly settled, inhospitable to strangers and armed with ruffians, cowboys, and gamblers, with revolvers, the ramshackle stage, and the glittering bowie-knife, with an Indian war constantly menacing, all has been changed.

Already the ruffian is a myth; the gambler has gone to his last account; the cowboy rides upon the foothills of the Rocky Mountains, and the Indian at least is acquiescing in his changed condition, for his children, if not himself, are being educated and civilized under our institutions. The old fort, Sitting Bull, and all the wildness of those early days have given way to cities and towns and railroads and farms, and a population larger than that of many of the States looms up in majestic proportions, with all the paraphernalia of government and all the refinement of Christian civilization.

THE DEMAND FOR ADMISSION.

It is impossible, Mr. Speaker, to resist the demand of such a State even when divided. You can not enchain this Prometheus to a rock. Its organisms—counties, towns, and cities—governed just now as Indians are governed, by a remote Department in this city, can not afford to wait upon a Congress whose recreations are filibustering and whose best business habits are the ridicule of the nation. Why should such a country, so rich and prosperous and intelligent, be governed differently from Georgia or Massachusetts, Illinois or New York? You can not keep such a people down. Your Territorial organization and your two hundred Federal officers chosen outside; your governor, with his little brief authority, exacting that every dollar spent of the people's money should pass through his palms, is an alien system. Our fathers would have none of it in the Revolution, and our country were prompt to be rid of it after our civil war.

RESULT OF REFUSAL TO ADMIT.

Refuse to admit this State and its Territorial sisters? Why, sir, you may enact that frost shall cease in the North and bloom in the South, or try to fix the figure of Proteus by statute, but you can not prevent the people of this Territory from their demand, and you must accede to it; and if this Congress does not, we know that the next Congress will.

The spirit of this people of the Northwest is that of unbounded push and energy. These are the men who have tunneled our mountains, who have delved our mines, who have bridged our rivers, who have brought every part of our empire within the reach of foreign and home markets, who have made possible our grand growth and splendid development. They are the men who have made our national life. There is no parallel in history to their achievements. You can not hold them as captive to the Federal system. You must give them self-reliant statehood.

The historian of Rome draws a picture of the proud Queen of Palmyra arrayed in purple and loaded with golden chains to aggrandize the procession in honor of the conqueror of Asia. It needs no such imagination to picture the condition of our inchoate States in the West. They will wear no golden chains. No, sir! They will march in no procession of dishonor. Such exhibitions do not belong to our country. Our people are not to be led in fetters at the car of an imperial Congress. Why, such exhibitions were unfit even for pagan Rome. So that in every possible equipment, whether divided or united, this remarkable Territory is ready to join that circle of felicity which makes up the Federal fraternity.

PROGRESSIVE MOVEMENTS WEST.

In speaking of the admission, of Kansas, Mr. Speaker, on December 16, 1857, I made some remarks illustrative of the vast changes in our political and social existence upon this hemisphere as compared with the laggard movements of other nations. Here, change was the very condition of existence—

here, States are formed in the twinkling of an eye; cities grow up in a night, as if under the magic of Aladdin's lamp; here, economical ideas, more power-

ful than political tenets, are ever permeating the body political, to change its form and substance; here, the border men are students of politics, and seek popularity and wealth by ameliorating institutions; here, the telegraph throws its thought from the very Capitol in which we speak to the borders of our territory; and the "goblin of steam," under the aid of Congressional land grants, is doing the work of years in a week, and the work of a hundred years in one. Behind its power the dwarf removes mountains and bridges rivers; civilization follows in the train.

Here, in America, where the changes of a year are equal to the changes of a century in Europe, and where the changes of a lustrom only herald greater changes; and all through change, working out that secular magnificence which is the destiny of our land.

We should be mindful of those laws that bring to the front those States upon our border whose destiny will be our own. I will not say that all the hardy sons of New England, New York, and the other Middle and Eastern States have emigrated to the West and followed the isothermal line to make up the million of men who now ask under this bill for statehood. But such an emigration of men who can grapple with the hardships of pioneer life do drain the best element of our older States.

There is a class of peculiar people remaining in New England, if not in New York. It is stranded on some rock-bound farm in some bucolic town. [Laughter.] This class generally has a big family. Its head raises blueberries in spite of the mortgage on his worthless acres. [Laughter.] He has found that the lucky, thrifty, and unshiftable neighbor has gone to the West, where no isolation depresses him, and where he is energized by new surroundings; but he remains—or it, the class, in blocks of five or fifty—on its paternal acres, while the evolution goes on which brings to the new order and new lands the fittest as survivors!

The emigration from the Eastern States constitutes the nerve, the sinew, the muscle, and the mind which penetrates the wilderness and builds up our commonwealth. It is the unaided energy which has made a million of men stand in intelligent masses and ask of the Federal Government participation in its blessings and its glories. The pioneer reckes not of the past; he works in the living present. All the energies of his nature are aroused by the splendid prospect and by the glowing inspiration of budding commonwealths. Government itself is but an incident in the march of his civilization. No figures of speech, no flights of imagination can picture or compass the achievements of this State-creating and man-ennobling advancement. Like the eagle, to which our nation is often compared, he seeks a wider ether for his wing and the fire within his heart seeks the source of all illumination—the sun itself. [Cheers.]

How much nobler and wiser is the effort to install and institute such States of our own land, rather than chase the *ignis fatuus* of Canadian annexation. There will be time for that when our nebulous Territories put off their rudimentary and don their stately stoles of independence!

At this time in the world's history, when the overgrown nations of Europe are seeking fresh colonial dependencies, when the centers of Asia and Africa and the coasts and islands of every sea are scrutinized as homes for immigration, is it not ennobling to contemplate the quiet yet immense expansion of our numbers and our realm within our own boundaries during the past hundred years, and to feel that glowing pride over the prediction of what our country shall be when another century comes around?

This energetic and hopeful population have in their veins the vigorous blood of many races. They have inherited the material, intellectual, and moral triumphs of the Old and New Worlds and their civilizations. They settle upon soil which has no rival in richness and no peer in production. Their faith in their future is buoyant. No perplexity about their fortune; no weariness in their work; no despondency in their hope—exulting ever in their strength, these millions move on to fill up our territory from sea to sea, from Canada to the Gulf, and from north to south. Restless, active, and yet steady, like the movements of the heavenly bodies, shining as they move in orbits of their own, and yet to the casual eye fixed in our heavens as the stars.

There is a chapter in the book of Professor Bryce, whose spirit, out-lying the careful analysis of De Tocqueville, is of the very essence of democratic-republicanism. It deals with the temper of the West.

A HOROSCOPE OF THE GREAT WEST.

Western America, to this author, is the most interesting subject of study which the modern world has seen. Its territories, resources, and climate; its variety of production, such as mountains of minerals, forests of trees of fabulous height, appliances of modern science, and other phenomena, make Western America, to the eye of this observer, without precedent in history. He says that it may not recur elsewhere, because our planet contains no such other favored tract of country. He lays most stress upon the character and temper of the men of this region. The West is to him the most American part of America. Here those features which distinguish America from Europe come out in the strongest relief. He exclaims:

What Europe is to Asia, what England is to the rest of Europe, what America is to Europe and England, that the Western States and Territories are to the Atlantic States. The heat and pressure and hurry of life, always growing, is that following the path of the sun.

He sees what we are very prone to forget, that in Eastern America there are still quiet spots in the valleys of the Alleghanies, in the nooks

of old New England and in our university towns, which doubtless reminded him of some places in England and elsewhere in Europe, as they have reminded me of places in the Orient. But in the West there is none. All is bustle, motion, and struggle, more so, of course, among the native Americans. Yet, even the alien from the secluded valleys of Bohemia or the shores of some Norwegian fiord learns the ways almost as readily as the tongue of the country, and is soon swept into the whirlpool. This is the frontier spirit, with its passionate eagerness and strenuous effort. It would extract the greatest amount of values from mining, hills, territories, and fields, and with a passion so absorbing as to be unselfish. It takes from its very vastness a tinge of ideality. It makes routes for exchangeable commodities with a rapidity which seeks a market with one hand and throttles a monopoly with the other.

He sees this remarkable people intoxicated by the majestic scale of nature in which their lot is cast. Their imagination revels in every sight. They gild their own struggles with the belief that they are the missionaries of civilization and the instruments of Providence in the greatest work the world has ever seen. They live in the future rather than in the present; not that they fail to work while it is called to-day, but they see the country not merely as it is, but as it will be twenty, fifty, or one hundred years hence, when the seedlings shall have grown to forest trees.

Before this all-pervading spirit governments become mere incidents in the race of advancement. Their people will use governments as they use plows and saw-mills and ore-crushers and locomotives, and when they come to Congress in the robes of statehood they little care what party may have made the robes or embroidered them with land largesses for schools, political franchises for men, decent domesticates for women, and liberty and independence for all. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill (S. 205) for the relief of the State National Bank of Louisiana; in which concurrence was requested.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 5349) for the relief of James Trabue, executor of James Trabue, deceased, Thornton Thatcher, Michael Callahan, and the widow of John Waters; when the Speaker signed the same.

ADMISSION OF SOUTH DAKOTA.

Mr. BAKER, of New York. Before the gentleman from Dakota takes the floor, I desire to ask unanimous consent that the proposed substitute of the gentleman from Illinois, and the amendment which I understand the gentleman from Minnesota proposes to offer, be printed in the RECORD, so that members of the House may read them in the morning, with the amendments offered by the gentleman from Dakota.

The SPEAKER. The amendments offered by the gentleman from Dakota will necessarily be printed in the RECORD. Is there objection to the request of the gentleman from New York?

Mr. MACDONALD. I ask that it include the amendments proposed by anybody.

Mr. RICHARDSON. I would like to ask the gentleman from Illinois how much space the substitute and amendments would occupy.

Mr. SPRINGER. It is the substitute which I desire to submit.

There was no objection, and it was so ordered.

Mr. SPRINGER submitted the following substitute for "An act (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota."

Strike out all after the enacting clause and insert the following:

SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, Washington, and New Mexico, as at present described, may become the States of Dakota, Montana, Washington, and New Mexico, respectively, or in lieu of the State of Dakota, the States of North Dakota and South Dakota, as hereinafter provided.

SEC. 2. That all persons who shall have resided within the limits of said proposed States for sixty days, and are otherwise qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said Territories; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned among the several counties within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief justice, and the United States attorney of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said Territories, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued at least thirty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such conventions issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress. The number of delegates to said conventions respectively shall be seventy-five, except in the Territory of Dakota, in which the number of delegates shall be one hundred and fifty; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be

entitled to vote upon the election of delegates and upon the ratification or rejection of the constitutions, under such rules and regulations as said conventions may prescribe, not in conflict with this act: *Provided*, That in the apportionment of delegates to the convention in the Territory of Dakota, the districts shall be so constituted that one-half of the delegates to be elected in said Territory shall be elected in districts north of the seventh standard parallel produced due west to the western boundary of said Territory, and one-half in districts south of said parallel.

SEC. 3. That at the election for delegates to the constitutional convention in the Territory of Dakota provided for in the foregoing section of this act, each qualified elector may have written or printed on his ballot the words "For division" or the words "Against division." The returns on this question shall be made and the result ascertained in the same manner as provided in said section. And if a majority of the votes cast in that part of the Territory south of the seventh standard parallel produced due west to the western boundary of said Territory shall be "For division," and also if a majority of the votes cast in that part of the Territory north of said parallel shall be "For division," then in both those events the following provisions in this section set forth shall take effect and be in force and all subsequent sections of this act shall be changed and modified accordingly, namely:

First. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls. The convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota or as Dakota, if said convention shall so determine, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota, or by any other name than that of Dakota which said convention may determine. Each of said conventions shall form such constitution and State government in accordance with and subject to all the provisions of this act the same as if the States of North Dakota and South Dakota had been provided for in the first section of this act, and mentioned instead of the State of Dakota in all the subsequent sections of this act.

Second. Each of the States of North Dakota and South Dakota shall be entitled to one Representative in Congress until the apportionment for Representatives in Congress under the eleventh census of the United States.

Third. The donations of public lands provided for in this act to be granted to the State of Dakota shall apply to and be granted to each of the States of North Dakota and South Dakota, as far as applicable, and Congress will in the act or acts admitting said States into the Union, equalize and adjust the donations of public lands therein so that each of said States shall receive substantially the same amount of public lands, according to their respective areas, as are granted to the States of Montana, Washington, and New Mexico.

Fourth. The appropriation for paying the expenses of constitutional conventions and the compensation of the members thereof, authorized by section 18 of this act, shall be increased so as to appropriate the sum of \$20,000 for each of the conventions in North Dakota and South Dakota.

Fifth. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at the present seat of government of said Territory and agree on an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States; and the agreement reached respecting the territorial debts and liabilities shall be incorporated in the respective constitutions, and each State shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

Sixth. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the election provided for in this act, the territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be.

SEC. 4. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories on the 4th day of July, 1889, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by an Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by the said States respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States and free from sectarian control.

SEC. 5. That in case constitutions and State governments shall be formed in compliance with the provisions of this act, said conventions forming the same shall provide by ordinances for submitting said constitutions to the people of said States for their ratification or rejection, at an election to be held in each of

said Territories on the Tuesday after the first Monday of November, 1889, at which election the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any provisions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate propositions, and a copy of said declaration, constitution, and ordinances.

SEC. 6. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except Dakota, which, if admitted as one State, shall be entitled to two, but if admitted as two States such number as may be provided in the third section of this act; and such Representatives, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of each constitution, respectively, and the States, respectively, are admitted into the Union, the territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 7. That sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain.

SEC. 8. That when either or any of the proposed States shall be admitted into the Union in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions by direction of the Legislature thereof, with the approval of the Secretary of the Interior, on or before the 1st day of January, 1892, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.

SEC. 9. That so much of the lands belonging to the United States as has been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of Dakota, or to the State of South Dakota, if said State should be divided, as provided in this act, for the purposes therein designated; and the States of New Mexico and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

SEC. 10. That 90,000 acres of land, to be selected and located as provided in section 8 of this act, are hereby granted to each of said States for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

SEC. 11. That five per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States respectively.

SEC. 12. That all lands herein granted for educational purposes, except as hereinafter otherwise provided, shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company. In all cases where actual settlers have located, resided upon, and made valuable improvements on section 16 or 36, prior to the 1st day of January, 1890, with the intention in good faith of purchasing such lands from the State upon its admission, the respective Legislatures may provide for disposing of so much of the lands so settled upon, to such settlers, their heirs, or legal representatives, at a price not less than \$5 per acre, to be fixed by appraisement of the value of the lands, exclusive of improvements.

The appraisement of such lands shall be made in the manner following: The actual settler shall, within one year after the admission of such State into the Union, apply to the court in the county or district where the land is situated, having general common law and chancery jurisdiction, setting forth the facts of settlement and cultivation in good faith and praying for appraisement and sale of such land, making the county superintendent of schools of the county in which the land is situated, or, if there be no such officer, the county treasurer, the party defendant. The court shall thereupon appoint three commissioners, who shall be freeholders and wholly disinterested, whose duty it shall be to appraise such land at the actual cash value at the time of such appraisement and the improvements thereon, separately, under oath, and make report thereof to the court. The court shall thereupon make an order for the sale of such land either to the settler at the appraised value thereof or at public sale to the highest bidder, in such manner as the court may deem just to the public and the settler.

SEC. 13. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of Dakota and Montana, respectively, or in the States of North Dakota and South Dakota if such States are formed as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And the lands, to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the State of New Mexico for university purposes, to be held and used in accordance with the provisions of this section. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as provided in section 12 of this act. The schools, colleges, and universi-

ties provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota for an asylum for the insane shall, upon the admission of said State of Dakota into the Union, become the property of said State, or of the State of North Dakota or South Dakota, as the case may be.

Sec. 14. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township, shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

Sec. 15. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

To the State of Dakota: For the maintenance of a school of mines at Rapid City, 50,000 acres; for the reform school at Plankinton, 50,000 acres; for the deaf and dumb asylum at Sioux Falls, 50,000 acres; for agricultural colleges at Fargo and Brookings, 50,000 acres each; for the State normal schools at Madison, Spearfish, Springfield, and Minto, 25,000 acres each; for public buildings at the capital of the State, 150,000 acres, in addition to the fifty sections hereinbefore granted for that purpose. If the States of North Dakota and South Dakota are formed as provided in this act, the donations shall be made to the States in which said places are located, and other donations shall be made to each of said proposed States as provided in section 3 of this act.

To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

To the State of New Mexico: For the establishment of permanent water reservoirs for irrigating purposes, 250,000 acres; for the establishment of an insane asylum, 50,000 acres; for the establishment of State normal schools, 50,000 acres; for the establishment of a school of mines, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for the establishment of a reform school, 50,000 acres.

To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable, educational, penal, and reformatory institutions, 200,000 acres.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

Sec. 16. That all lands granted in quantity or as indemnity by this act shall be selected under the direction of the Secretary of the Interior from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

Sec. 17. That the conventions herein provided for shall have the power to provide, by ordinance, for the transfer of actions, cases, and matters pending in the supreme or district courts of the Territories of Dakota, Montana, Washington, and New Mexico at the time of the admission of the said States into the Union, arising within said Territories, respectively, to such courts as shall be established under the constitutions to be formed as provided in this act; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws therof.

Sec. 18. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of \$35,000 is so appropriated, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Sec. 19. That the constitutional conventions may, by ordinance, provide for the election of full State governments, including members of the Legislatures and Representatives in Congress; but said State governments shall remain in abeyance until the constitutions framed by said conventions shall have been approved by Congress. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election to Congress; and when the constitution so framed is approved by Congress, and such State admitted into the Union by special act of Congress therof, the Senators and Representatives shall be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of State officers; and all laws in force made by said Territories at the time of their admission into the Union shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

Sec. 20. That the constitutional convention to assemble in the Territory of New Mexico, as hereinbefore provided, shall submit to the people, as a separate proposition, to be voted upon at the same time that the vote upon the constitution is taken, the question of changing the name of the State from that of the State of New Mexico to that of the State of Montezuma, and if a majority of voters shall be in the affirmative the name of the State shall, upon its admission, be Montezuma; and all the powers, rights, privileges, grants, and obligations pertaining under this act to the State of New Mexico shall attach to, be vested in, and imposed upon the State of Montezuma; and the constitutional convention of Washington Territory shall, in like manner, and with like effect, submit to the people the question of changing the name of that State from Washington to Tacoma.

Sec. 21. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed.

Amend the title so as to read: "A bill to enable the people of Dakota, Montana, Washington, and New Mexico to form constitutions and State governments

and to be admitted into the Union on an equal footing with the original States, to provide for the division of Dakota into two States, and to make donations of public lands to such States."

Amend further by striking out the preamble of said bill.

Mr. SPRINGER. I desire now to ask unanimous consent that any gentleman who desires to print remarks upon any of these Territorial admission bills may have leave to do so.

The SPEAKER. Is there objection?

Mr. WARNER. At the present time this is rather premature, and I object for the present.

On motion of Mr. MACDONALD, leave was granted for members to file amendments to be printed in the RECORD.

They are as follows:—

Mr. MACDONALD moved to amend the substitute offered by the gentleman from Illinois [Mr. SPRINGER] by striking out all after the words and figures "Section 1," in line 3 thereof, and inserting in lieu thereof the following:

That the State of South Dakota is hereby declared to be a State of the United States of America, and is hereby admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of South Dakota have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, subject, however, to the provisos hereinafter contained.

Sec. 2. That the following shall be the boundaries of the said State of South Dakota, to wit: Beginning at the point of intersection of the western boundary line of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the seventh standard parallel, where in its easterly course it intersects said boundary line; thence west along the said seventh standard parallel to the easterly bank of the Missouri River at low-water mark; thence up the said Missouri River along the easterly bank thereof at low-water mark to the point of intersection with the forty-sixth parallel of north latitude; thence west along the forty-sixth parallel of north latitude to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

Sec. 3. That the said State of South Dakota shall have concurrent jurisdiction of the river Missouri and of every other river bordering on the said State of South Dakota, so far as the said rivers shall form a common boundary to the said State and any other State or States or Territory or Territories now or hereafter to be formed, said rivers to be common to both; and that the said river Missouri shall be a common highway, and forever free as well to the inhabitants of said State as all other citizens of the United States, without any tax, duty, impost, or toll imposed by said State of South Dakota therof.

Sec. 4. That until the next census and apportionment shall be made the said State of South Dakota shall be entitled to two Representatives in the House of Representatives of the United States Congress.

Sec. 5. That to defray the expenses of the constitutional convention held by the people of said State, and of elections held therefor and thereunder, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to be paid to the treasurer of said State upon the requisition of the Legislature thereof, setting forth the items and particulars of such expenses so incurred.

Sec. 6. That sections 16 and 36 in every township of the public lands of the United States, within said State, and where such sections, or any part thereof, shall be mineral lands, or shall have been sold or otherwise disposed of by the United States according to law, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, are hereby granted to the said State for the support of common schools; and such sections shall not be subject to pre-emption or entry, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sec. 7. That thirty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, with the approval of the President, shall be, and are hereby, granted, in legal subdivisions of not less than one-quarter-section, to the said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, to be disposed of in such manner as the Legislature shall prescribe. The lands may be selected out of the public lands within the boundaries of said State, whether surveyed or unsurveyed.

Sec. 8. That so much of seventy-two sections of land granted by the act of February 18, 1881, to the Territory of Dakota for the use of a university, as lies within the said boundaries of the State of South Dakota, is hereby granted and confirmed to said State for such purpose, and, in addition thereto, a sufficient number of sections to make a total of seventy-two. If any of the lands granted by said act of February 18, 1881, and lying within the boundaries of said State, have been sold under the provisions thereof, then the proceeds thereof shall go to said State in lieu of the land sold.

Sec. 9. That ninety sections of land, to be selected and located as provided in section 8 of this act, are hereby granted to said State for the use and support of an agricultural college in said State, and none of the lands granted by this act, or the proceeds thereof, shall be used for any other purpose than that for which the grant is specifically made whatever; and for the maintenance of a school of mines at Rapid City, Dak., there is hereby granted, with the conditions aforesaid, fifty sections of land.

Sec. 10. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with twenty sections more of the unappropriated public lands to be selected as herein provided, to the State of South Dakota for the purpose aforesaid.

Sec. 11. That 5 per cent. of the net proceeds of sales of all public lands made by the United States within the limits of the said State, prior or subsequent to the passage of this act, after deducting all expenses incident to the same, be, and the same is hereby, granted to the said State of South Dakota for the support of public schools.

Sec. 12. That all mineral land shall be excepted from the grants provided for in this act.

Sec. 13. That immediately after the taking effect of this act the governor and the commissioner of school and public lands of said State shall proceed to ascertain the number of sections 16 and 36 within the limits of said State which are mineral lands, or which shall have been sold or otherwise disposed of by the United States according to law; and the said officers shall then proceed to select, from any unappropriated public lands in said State, a number of sections equal to such mineral lands and the lands so sold or disposed of; and said officers

shall also, in addition thereto, select a number of sections equal in number to the total number of sections granted in this act for other than common-school purposes; and when such selections shall have thus been made said officers shall certify a list of the same to the Secretary of the Interior, and if the same shall be approved by him the title to the same shall vest in the said State of South Dakota.

SEC. 14. That all lands herein granted for common-school purposes shall be sold only at public sale and at a price not less than \$5 per acre and in parcels not exceeding one quarter-section to any one person, the proceeds to constitute a permanent school fund, the interest of which is only to be expended in the support of common schools.

SEC. 15. That the State of South Dakota shall constitute one judicial district, which shall be called the district of South Dakota, and the circuit and district courts thereof shall be held at the capital of said State for the time being. The judge of said district shall receive a yearly salary of \$5,000, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in his district. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The regular terms of said courts shall be held at the place aforesaid on the first Monday in April and the first Monday in November in each year. For judicial purposes the district of South Dakota shall be attached to the eighth judicial circuit, and only one grand jury and one petit jury shall be summoned in both of said courts.

SEC. 16. That the circuit and district courts for the district of South Dakota, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 17. That the marshal, district attorney, and clerks of the circuit and district courts of the said district of South Dakota, and all other officers and other persons performing duty in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed by law in the State of Nebraska to other similar officers and persons performing similar duties.

SEC. 18. That that portion of the Territory of Dakota not included within the boundaries of said State upon the admission of said State of South Dakota into the Union shall, until otherwise provided by act of Congress, continue as a Territory by the name of North Dakota; and all provisions of the acts of Congress and of the Legislative Assembly of said Territory of Dakota, not locally inapplicable, shall continue therein in full force and effect the same as though no portion of the Territory of Dakota had been admitted into the Union; and the governor, secretary, United States marshal, and district attorney of the present Territory of Dakota shall continue to hold and exercise their respective offices within and for said Territory of North Dakota; and the chief-justice and three of the associate justices, to be designated by the President, shall continue to hold and exercise their respective offices for and within said Territory of North Dakota; and temporarily, and until otherwise provided by the Legislative Assembly of said Territory of North Dakota, the governor, chief-justice, and secretary thereof may divide said Territory into judicial districts and assign the judges thereto, and into twenty council and fifty representative districts, and apportion the representation therein to which each district shall be entitled in the Legislative Assembly: *Provided, however*, That the act of Congress approved March 3, 1879, creating the fourth judicial district for the Territory of Dakota, shall not apply to the Territory of North Dakota.

SEC. 19. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Dakota, or that may hereafter lawfully be prosecuted from said court, may be heard and determined by the said Supreme Court of the United States; and the mandate of execution or of further proceedings shall be given by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require; and each of said last-mentioned courts, respectively, shall be the successor of the supreme court of the Territory of Dakota as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory of Dakota prior to the admission of said State the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 20. That in respect to all cases, proceedings, and matters pending in the supreme or district court of the Territory of Dakota at the time of the admission of said State into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all cases, proceedings, and matters arising within the limits of the Territory of North Dakota, the courts of North Dakota Territory shall be the successors of the courts of the Territory of Dakota; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit, district, and Territorial courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party, such transfers shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 21. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Dakota at the time of the admission of the said State of South Dakota into the Union, arising within that part of the said Territory of Dakota herein prescribed as the proposed new State of South Dakota, and not included within the provisions of the foregoing sections, to such courts as shall be established under the constitution of said State; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws thereof.

SEC. 22. That the following division of the public debt of the former Territory of Dakota is made: All the public indebtedness thereof which has been incurred for the purpose of public institutions within the limits of the State of South Dakota shall be assumed and paid by the said State of South Dakota. The said State of South Dakota shall make immediate provision for the settlement of said indebtedness. All the remaining funded indebtedness of the former Territory of Dakota shall be and remain a debt of the Territory which by this act is organized out of the remaining portion of said former Territory. The Legislature of said Territory of North Dakota shall make immediate provision for the settlement of said indebtedness. One-half of the funds remaining in the treasury of the Territory of Dakota at the passage of this act, and of all receipts from taxes imposed by former Legislatures thereof, less the expense of collecting, and after the payment of any unfunded indebtedness that may be a charge against the same, shall be paid by the treasurer of said Territory to the treasurer of the State of South Dakota. All archives and records of the former Territory

of Dakota now in the custody of the secretary or governor of said Territory shall be turned over by said officers to the governor or the secretary of the said State of South Dakota: *Provided*, That the State of South Dakota shall furnish to the Territory of North Dakota full and accurate copies of all such archives and records at the cost of said State of South Dakota.

SEC. 23. That until otherwise provided by act of the Legislative Assembly of said Territory of North Dakota, the city of Bismarck shall be the place of holding the sessions of the Legislative Assembly therein, which place shall be the capital of said Territory until changed by such Legislative Assembly; and the governor thereof shall also have power to designate temporarily, and until otherwise provided by the laws of said Territory of North Dakota, the places in the first, second, and third judicial districts whereat the district courts shall exercise the jurisdiction of district and circuit courts of the United States.

SEC. 24. That in accordance with the stipulations contained in section 5 of article 13 of said constitution of said State of South Dakota, there is hereby apportioned to the State of South Dakota, and said State shall assume, be liable for, and pay, all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated, or which are provided by law to be built, within the limits of said State; and the Territory of North Dakota shall assume and be liable for all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated, or which are provided by law to be built, within the limits of said Territory of North Dakota.

SEC. 25. That there is hereby granted to the Territory of North Dakota so many sections of the unappropriated public lands lying within said Territory as will, with the other lands lying therein selected and set apart under the act of February 18, 1881, make the full amount of seventy-two sections, such additional sections to be selected and set apart under the provisions of said last-named act and for the use therein mentioned; and any other grants heretofore made by act of Congress, to the Territory of Dakota, for any purpose, of lands lying within the limits of said Territory of North Dakota, are hereby confirmed to said Territory of North Dakota for the same uses and in the same manner as the same were granted to said Territory of Dakota.

SEC. 26. *Provided, however*, That inasmuch as by this act the name of the State, which was adopted by the constitutional convention recited in the preamble hereto, has been changed from that of the State of Dakota to the State of South Dakota, and the boundaries of said State have been modified in this act by the change thereof, east of the Missouri River from the forty-sixth parallel of north latitude to the seventh standard parallel, before said State of South Dakota shall be admitted by her representatives to the Congress of the United States or be entitled to the other rights and privileges of a State in the Union, there shall be submitted to a vote of the people of the proposed State of South Dakota the question of the acceptance or the rejection of said amended boundaries and name; and to that end an election is hereby ordered to be held by the qualified electors of said portion of said Territory of Dakota included within the boundaries of said proposed State, on the 9th day of April, 1889, upon which day there shall be submitted to said electors the following propositions: First, Is the name of the State of South Dakota accepted? Second, Is the proposed change in boundaries east of the Missouri River to the seventh standard parallel accepted? The form of the ballots to be used shall be as follows: Change of name to South Dakota accepted. Yes. Or, change of name to South Dakota accepted. No. Change of boundaries to seventh standard parallel east of the Missouri River accepted. Yes. Or, change of boundaries to seventh standard parallel east of the Missouri River accepted. No.

SEC. 27. That at the time of the election herein provided for, the people of said proposed State of South Dakota shall have submitted to them, for their ratification or rejection, the constitution heretofore stated as having been formed and adopted, together with each of the separate articles thereof, in conformity with the schedule of said constitution, not including the selection of the temporary seat of government, and at said election there shall be elected the State, judicial, and other officers and members of the Legislature of the said State of South Dakota, provided for in the constitution of said State; and also two Representatives in the House of Representatives of the United States Congress; and if a majority of the votes cast at said election upon the acceptance of both change of name and boundaries and of said constitution shall be in the affirmative, as hereinafter provided, the governor, judicial, and State officers thus elected shall have power to at once qualify and enter upon the duties of their respective offices, and they and the members of the Legislature thus elected shall hold their offices until the next general election in November, 1890, unless otherwise provided by the laws of said State, and until their successors are duly elected and qualified. The governor shall have authority to at once convene said Legislature, and said Legislature thus elected may, in the manner provided by law, elect for said State two Senators to serve in the Senate of the United States Congress, and the Representatives duly elected at said election provided for in this section, and the United States Senators thus chosen, if otherwise legally qualified, shall be admitted to represent said State of South Dakota in the Congress of the United States.

SEC. 28. That said election shall be governed in all respects by the laws of the Territory of Dakota governing elections and the canvass and return of the votes thereof. Within twenty days after the day of said election, the respective officers and county canvassers having by the law of the Territory of Dakota such duties in charge, shall make returns of the votes so cast for and against each of said propositions to the governor of said Territory of Dakota. And within ten days thereafter, or sooner, if the returns are all received by him, the said governor, calling to his assistance the auditor and chief-justice of said Territory of Dakota, shall with them aggregate said vote, and immediately certify the result thereof to the President of the United States, who shall issue his proclamation announcing the result of said vote.

SEC. 29. That if a majority of the votes cast at said election shall be in favor of the acceptance of both the change of name and boundaries, and also for said constitution, regardless of the separate articles, then said State of South Dakota shall be deemed admitted into the Union of States on an equal footing with the original States in all respects whatever. And this act of admission shall then have full force and effect, and said constitution shall be deemed amended so as to conform to said changes. But if a majority of said votes so cast shall not be in favor of both said propositions, and not in favor of the adoption of said constitution, then this act, so far as it relates to South Dakota, shall cease to have further force or effect.

SEC. 30. That the inhabitants of that portion of the Territory of Dakota included and within the boundaries hereinafter designated as North Dakota be, and the same are hereby, authorized to form for themselves out of said portion of said Territory a constitution and a State Government, with the name of the State of North Dakota, which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, as hereinafter provided.

SEC. 31. That the said State of North Dakota shall consist of all the territory included within the following boundaries, to wit: Beginning at the point of intersection of the eastern boundary line of the Territory of Dakota with the northern boundary line of the United States, and running thence southerly along the western boundary line of the State of Minnesota to its intersection with the seventh standard parallel of the Territory of Dakota; thence west along the said seventh standard parallel to the Missouri River; thence up and along the left bank of said river at low-water mark to the forty-sixth degree of north latitude; thence west to the twenty-seventh meridian of longitude west from Washington;

thence north upon said twenty-seventh meridian of longitude to its intersection with the northern boundary line of the United States; thence easterly along the northern boundary line of the United States to its place of beginning.

SEC. 32. That in order to secure the formation of such State government the qualified electors resident within said boundaries are hereby authorized, on the second Tuesday, the 9th day of April, 1889, and in conformity to the laws of the Territory of Dakota relating to the election of county officers as nearly as practicable, and in so far as they may be applicable, to elect delegates possessing the qualifications of such electors within the limits of said boundaries. That there shall be elected at said election the following number of delegates, who shall be apportioned among and elected by the qualified voters of each organized county within said boundaries, the following number of delegates from such organized county, to wit: One delegate for each 3,000 inhabitants thereof, and addition thereto; one delegate for the major part of the fraction of said 3,000 inhabitants: *Provided, however*, That each organized county within said boundaries shall be entitled to at least one delegate. That said delegates shall each be an inhabitant of the county from which he may be elected. That it shall be the duty of the officers of the several counties herein named to provide for the election of said delegates, by calling and giving notice of said election and canvass the returns thereof, as is provided for in the election of county officers, as near as the same may be applicable and practicable.

SEC. 33. That said delegates shall meet at Bismarck, in the Territory of Dakota, on the second Tuesday of June, 1889, at 12 o'clock noon, and when organized shall declare on behalf of the people of that portion of the Territory of Dakota within said boundaries hereinbefore set forth, that they adopt the Constitution of the United States; and thereupon said convention is hereby authorized to form a constitution and State government for that portion of the Territory of Dakota within said described boundaries, and said State, when formed and organized, shall be known and called the State of North Dakota: *Provided, nevertheless*, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *Provided further*, That such constitution shall provide that neither the money nor the credit of the State, or of any city, town, or other municipal corporation therein shall be given or loaned to or in aid of any association, corporation, or private undertaking, and that the aggregate debt of the State shall not at any time exceed \$200,000: *And provided further*, That such constitution shall provide that the Legislature of said State shall under no circumstances exempt any portion of the property within said State belonging to any corporation, except corporations organized for religious and educational purposes, from taxation, and that no distinction whatever shall be made in the assessment and collection of taxes between an individual and a corporation: *And provided further*, That said convention shall provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration and the free exercise of religious sentiment shall be secured; that the inhabitants within said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands and the lands the Indians' title to which has not been extinguished by the United States lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that no tax shall be imposed by said State on lands or property therein belonging to the United States, any Indian tribe or Indians sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said State shall be and remain public highways free to all citizens of the United States.

SEC. 34. That said convention, having formed such constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said State for their satisfaction or rejection, at an election to be held at such time and places and under such regulations as said convention may prescribe.

SEC. 35. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Dakota Territory, who, with the secretary and chief justice thereof and the president of said convention, or any two of them, shall canvass the same, and if a majority of the legal votes so cast in said proposed State shall be for said constitution, said governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances.

SEC. 36. That on receipt of such certification of the votes so cast at said election, showing adoption of said constitution by the people of the said State as aforesaid, and a copy of such constitution and ordinances, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall thereupon transmit a copy of said constitution and ordinances and result of said vote to Congress, and thereupon the said State shall be admitted into the Union on an equal footing with the original States by a special act of Congress for that purpose.

SEC. 37. That until the next general census said State shall be entitled to one Representative in Congress.

SEC. 38. That such Representative and the governor and other officers that may be provided for in the constitution of said State shall be elected on a day to be fixed by said constitutional convention, and which may be the same as the one fixed for the submission of the proposed constitution to the people for ratification or rejection as aforesaid, and that until said State officers are elected and qualified the Territorial officers shall continue to discharge the duties of their respective offices.

SEC. 39. That from and after the admission of said State into the Union in pursuance of this act the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere in the United States.

SEC. 40. That the Legislature provided for in said constitution shall have the power to provide by an act to that effect for the transfer of all actions, cases, proceedings, and other matters pending in the supreme or district courts of the Territory of Dakota at the time of the admission into the Union, arising within the limits of said State, to such courts as shall be established under the constitution to be thus formed and the laws of the United States, and no indictment, action, or proceeding shall abate by reason of any change in the courts, but the same shall be transferred to and proceeded with in the State courts according to the laws thereof.

SEC. 41. That sections 15 and 35 in every township of the public lands of the United States within said State, and where such sections, or any part thereof, shall be mineral lands, or shall have been sold or otherwise disposed of by the United States, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, are hereby granted to the said State for the support of common schools; and such sections shall not be subject to pre-emption or entry, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 42. That ninety other sections of the unappropriated non-mineral public lands of the United States within said State, to be so selected as aforesaid, are hereby likewise granted to said State for the use and support of an agricultural college and for the promotion of industrial science therein.

SEC. 43. That thirty other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection and maintenance of suitable public buildings at the seat of government thereof, when permanently located, for legislative and judicial purposes.

SEC. 44. That fifty other sections of such lands, to be selected as aforesaid, are

hereby likewise granted to said State for the erection, maintenance, and support of a State penitentiary.

SEC. 45. That seventy-two other sections of such lands, to be selected as aforesaid, are hereby likewise granted to such State for the erection, maintenance, and support of a State university.

SEC. 46. That 5 per cent. of the net proceeds of the sales of public lands lying within said State which shall have been made after the 30th day of June, 1880, shall be paid to said State for school purposes.

SEC. 47. That all lands herein granted for common-school purposes shall be sold only at public sale, and at a price not less than \$5 per acre, and in parcels not exceeding one quarter-section to any one person, the proceeds to constitute a permanent school fund, the interest of which only is to be expended in the support of common schools.

SEC. 48. That all mineral land shall be excepted from the grants provided for in this act.

SEC. 49. That immediately after the taking effect of this act the governor and the commissioner of school and public lands of said State shall proceed to ascertain the number of sections 15 and 35 within the limits of said State which are mineral lands, or which have by any means been appropriated to private or other uses, or in any way diverted from school purposes; and the said officers shall then proceed to select, from any unappropriated public lands in said State, an equal number of sections to those thus diverted; and said officers shall also, in addition thereto, select a number of sections equal in number to the total number of sections granted in this act for other than common-school purposes; and when such selections shall have thus been made, said officers shall certify a list of the same to the Secretary of the Interior, and if the same shall be approved by him, the title to the same shall vest in the said State of South Dakota.

SEC. 50. That the said State shall constitute one judicial district, and be called the district of North Dakota; that for said district a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same right, powers, and duties as provided by law for similar officers in the other districts except as herein otherwise provided; that said district of Dakota shall be attached to and constitute a part of the eighth judicial circuit, and a term of the circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesday after the first Monday of January and the first Monday of June in each year, and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

SEC. 51. That the circuit and district courts for the district of North Dakota and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 52. That the district judge appointed for the district of North Dakota shall receive as his compensation the sum of \$3,500 per annum, payable in four equal installments, on the 1st days of January, April, July, and October of each year.

SEC. 53. That the marshal, district attorney, and clerk of the circuit and district courts of said district of North Dakota, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and for the services they may perform shall receive the fees and compensation allowed to other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some particular office or district.

SEC. 54. That all cases of writ of error or appeal heretofore presented and now pending in the Supreme Court of United States upon any record from the supreme court of the Territory of Dakota, or that hereafter may be lawfully presented from said court, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits of said State, the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court aforesaid, or to the supreme court of said State, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme court of said Territory as to all such cases, with full power to proceed with the same, and so award mesne or final process therein; and that from all judgments and decrees of the supreme court of the said Territory rendered prior to the admission of said State, the parties of such judgments and decrees shall have the same right to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission; and as to all such cases arising within the limits of said State, the like subsequent proceedings shall be had therein as aforesaid.

SEC. 55. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Dakota at the time of admission of said State into the Union, arising within the limits of said State, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 56. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed State, including such compensation to the officers and members of said convention as is allowed to the members and officers of the Territorial Legislatures; and the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 57. That at the election of delegates to the constitutional convention for North Dakota and at the election in South Dakota upon the acceptance of the change of name and boundaries as hereinbefore provided for, each qualified elector may have written or printed on his ballot the words "For division" or the words "Against division." And if a majority of the votes cast either in North Dakota or in South Dakota as herein bounded shall be against division at said elections, then, and in that case, all the foregoing provisions relating to South Dakota and North Dakota shall cease to have further force or effect and shall from that time be inoperative and void.

SEC. 58. That all persons who shall have resided within the limits of said proposed States of Montana, Washington, and New Mexico for sixty days, and are otherwise qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said Territories of Montana, Washington, New Mexico, and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned among the

several counties within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the United States attorney of said Territories; and the governors of said Territories of Montana, Washington, and New Mexico shall, by proclamation, order an election of the delegates aforesaid in each of said last-named Territories, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued at least thirty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of these Territories regulating elections therein for Delegates to Congress. The number of delegates to said conventions respectively shall be seventy-five, and all persons resident in said proposed States, who are qualified voters of said Territories of Montana, Washington, and New Mexico, as herein provided, shall be entitled to vote upon the election of delegates and upon the ratification or rejection of the constitutions, under such rules and regulations as said conventions may prescribe, not in conflict with this act.

SEC. 53. That the delegates to the conventions elected in the Territories of Montana, Washington, and New Mexico shall meet at the seat of government thereof on the 4th day of July, 1889, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions of all the proposed States named in this act shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States, and said State of South Dakota admitted into the Union of States upon the express conditions:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands held or owned by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by the said States, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

SEC. 60. That in case constitutions and State governments shall be formed in compliance with the provisions of this act, said conventions forming the same shall provide by ordinances for submitting said constitutions to the people of said States for their ratification or rejection, at an election to be held in each of said Territories of Montana, Washington, and New Mexico, at such time and under such regulations as such conventions may prescribe, at which election the qualified voters of said proposed States last named shall vote directly for or against the proposed constitutions, and for or against any provisions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate propositions, and a copy of said declaration, constitution, and ordinances.

SEC. 51. That until the next general census, or until otherwise provided by law, said States of Montana, Washington, and New Mexico shall be entitled to one Representative in the House of Representatives of the United States; and such Representatives, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of each constitution, respectively, and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 62. That sections numbered 16 and 36 in every township of said proposed States of Montana, Washington, and New Mexico, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools; *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain.

SEC. 63. That when either or any of the proposed States shall be admitted into the Union in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions by direction of the Legislature thereof, with the approval of the Secretary of the Interior, on or before the 1st day of January, 1892, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.

SEC. 64. That the States of New Mexico and Washington shall, respectively, have like grants for the erection of a penitentiary, and subject to like terms and conditions as provided in the act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

SEC. 65. That 90,000 acres of land, to be selected and located as provided in

section 8 of this act, are hereby granted to each of said States of Montana, Washington, and New Mexico for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of land for such purpose.

SEC. 66. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States respectively.

SEC. 67. That all lands herein granted to the States of Montana, Washington, and New Mexico for educational purposes, except as hereinafter otherwise provided, shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school-fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company.

SEC. 68. That the lands granted to the Territory of Montana by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the State of Montana, to the extent of the full quantity of seventy-two sections to said State, and any portion of said lands that may not have been selected by said Territory of Montana may be selected by that State; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And the lands, to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the State of New Mexico for university purposes, to be held and used in accordance with the provisions of this section. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as provided in section 12 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 69. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township, shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and benefit of the common schools of said States.

SEC. 70. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States of Montana, Washington, and New Mexico, the following grants of land are hereby made, to wit:

To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

To the State of New Mexico: For the establishment of permanent water reservoirs for irrigating purposes, 250,000 acres; for the establishment of an insane asylum, 50,000 acres; for the establishment of State normal schools, 50,000 acres; for the establishment of a school of mines, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for the establishment of a reform school, 50,000 acres.

To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable, educational, penal, and reformatory institutions, 200,000 acres.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

SEC. 71. That all lands granted in quantity or as indemnity by this act shall be selected under the direction of the Secretary of the Interior from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

SEC. 72. That the conventions herein provided for shall have the power to provide, by ordinance, for the transfer of actions, cases, proceedings, and matters pending in the supreme or district courts of the Territories of Montana, Washington, and New Mexico at the time of their admission into the Union, arising within said Territories, respectively, to such courts as shall be established under the constitutions to be formed as provided in this act; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws thereof.

SEC. 73. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 74. That the constitutional conventions, including members of the Legislatures and Representatives in Congress, but said State governments of North Dakota, Montana, Washington, and New Mexico shall remain in abeyance until the constitutions framed by said conventions shall have been approved by Congress. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election to Congress; and when the constitution so framed is approved by Congress, and such State admitted into the

Union by special act of Congress therefor, the Senators and Representatives shall be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the State governments formed in pursuance of said constitution, as provided by the constitutional conventions, shall proceed to exercise all the functions of State officers; and all laws in force, made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

SEC. 75. That the constitutional convention to assemble in the Territory of New Mexico, as hereinbefore provided, may submit to the people, as a separate proposition to be voted upon at the same time that the vote upon the constitution is taken, the question of changing the name of the State from that of the State of New Mexico to that of such name as such convention may propose, and if a majority of voters shall be in the affirmative the name of the State shall, upon its admission, be Montezuma; and all the powers, rights, privileges, grants, and obligations pertaining under this act to the State of New Mexico shall attach to, be vested in, and imposed upon the State of Montezuma; and the constitutional convention of Washington Territory shall, in like manner, and with like effect, submit to the people the question of changing the name of that State from Washington to Tacoma.

SEC. 76. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed.

Amend the title so as to read: "A bill to enable the people of Dakota, Montana, Washington, and New Mexico to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, to provide for the division of Dakota into two States, and to make donations of public lands to such States."

Amend further by striking out the preamble of said bill.

By Mr. COX:

On pages 4 and 5 of substitute strike out all after the word "second" to the end of the paragraph, and insert "the State of North Dakota shall be entitled to one Representative in Congress and South Dakota shall be entitled to two Representatives in Congress until the apportionment under the eleventh census of the United States."

By Mr. ADAMS:

Amendment No. 1 to S. 185: In section 1, line 7, strike out the words "South Dakota" and insert in lieu thereof "that part of the Territory of Dakota lying south of the forty-sixth parallel of north latitude."

Amendment No. 2: In section 1, line 8, strike out "subject, however, to the provisos hereinafter contained" and insert in lieu thereof "as the constitution of the State of South Dakota."

Amendment No. 3: Strike out sections 26, 27, 28, and 29.

Mr. GIFFORD. Before proceeding I wish to ask unanimous consent that a memorial or petition of the convention of North Dakota be printed in the RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

NORTH DAKOTA'S REQUEST.

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

The undersigned, a committee appointed at a convention held in the city of Jamestown, Dak., on the 5th day of December, A. D. 1883, for the purpose of considering the question of division of said Territory and the admission into the Union of the northern portion thereof, at which convention all counties north of the seventh standard parallel of north latitude were represented, respectfully represent that said convention unanimously agreed that Dakota Territory should be divided on the seventh standard parallel; that the northern portion thereof should be speedily admitted into the Union of States; that it should be admitted under the name of North Dakota, and that the Fiftieth Congress provide for such admission.

Illinois was admitted into the Union with a population of 34,420; Kentucky, 73,577; Tennessee, 67,086; Ohio, 45,365; Indiana, 63,897; Missouri, 66,557; Michigan, 65,000; Florida, 64,000; Iowa, 78,819; California, 92,597; Oregon, 50,000; Nevada, 40,000; Nebraska and Colorado, 100,000; and Minnesota, 120,000. The said committee appointed as above state, as facts showing the qualifications of the said section of Dakota Territory for statehood, the following:

North Dakota has an area of 72,000 square miles. It contains over 40,000 cultivated farms, or over 1,000,000 acres of cultivated land, showing the surprising fact that it contains nearly one cultivated farm for each voting inhabitant, and if admitted would be the ninth State in the Union in area of territory. It had in 1885 a population of 152,199, and from facts appearing from the assessors' returns in 1885 it is shown to now have a population of more than 245,000, or more than twice the number required of any of the States above named, and more than six times as many as Illinois or Nevada contained when admitted to statehood. It has 700 manufacturing establishments of various kinds, 150,000 head of horses and mules, and over 600,000 head of live-stock, 2,000 miles of completed railroads, 129 newspapers, more than 200 churches, 1,137 public school-houses, and an assessed valuation of \$70,039,863, and paid a postal revenue in 1885 of \$140,534.

It has as public Territorial buildings: The capitol building at Bismarck; hospital for the insane at Jamestown; the penitentiary at Bismarck, and North Dakota University at Grand Forks, costing in all more than \$900,000.

It has a Congregational college at Fargo; a Baptist college at Tower City; a Presbyterian college at Jamestown, and Ursalyn college at Grand Forks.

There were raised in North Dakota in 1888 more than 20,000,000 bushels of wheat and 11,000,000 bushels of oats and barley.

It is universally conceded that whenever any Territory possesses the qualifications presented by North Dakota, such Territory shall be admitted into the Union on terms of equality with older States.

North Dakota having attained to all the conditions of statehood according to any and all precedents heretofore observed for the admission of States, these conditions should entitle its citizens by all laws and rules of civil government to the rights enjoyed by an equal population in any one of the States. Which rights can be long withheld without the perpetration of a great wrong, and which can find explanation only in the ability to inflict it.

Now, therefore, the people of North Dakota, through its committee appointed as aforesaid, without regard to political preferences, do most respectfully ask and petition your honorable bodies to enact such measures as will divide the present Territory of Dakota on the seventh standard parallel. Pass an enabling act or such other measure as will most speedily provide for our adoption of a constitution, election of proper officers, and admission into the Union of States.

R. N. STEVENS,
SMITH STIMMEL,
J. MORLEY WYARD,

Committee appointed by the Convention.

Mr. GIFFORD. Mr. Speaker, I will first notice some of the objections raised by the gentleman from Illinois [Mr. SPRINGER] to

details or provisions of the constitution of the proposed State of South Dakota, and of the Senate bill. Some of these objections are of public importance, concerning the whole country, and no doubt must be adjusted by Congress. His first objection is in regard to the vote cast upon the adoption of this constitution by our people. There were thirty-odd thousand votes cast upon the adoption of the constitution; and permit me to say that no greater or larger vote has been cast in the whole history of the admission of States upon the adoption of a first constitution, with but one exception, and that was the State of Minnesota. The vote cast in Dakota was satisfactory to the people there. No objection has ever been offered to it. It was a full, free, and fair vote.

Now, in regard to the legislative apportionment under that constitution. This same answer which I shall make will apply to several of these objections. If the State of South Dakota, or the proposed State of South Dakota, had been admitted when it should have been, some years ago, these objections would not be tenable. They would not lie against the provisions of the constitution, provided that Dakota had been admitted into the Union during the first session of the Forty-ninth Congress. The adjustment of our legislative districts and all details in regard to the apportionment would have been perfectly proper and just. Of course they need readjustment, and if the delays in regard to the admission of Dakota be continued much longer we would need still further changes in the constitution.

Another objection which the gentleman from Illinois makes is in regard to this election committee. I mean the committee to audit the expenses, etc., of our constitutional convention. He says that extraordinary powers were conferred upon that committee. Mr. Speaker, not one word of criticism has ever been made upon the action of that committee, nor upon the manner in which they performed or executed their duties—not one word of reflection has ever been cast upon them, and if they had extraordinary powers, then it redounds to their credit that they did not exercise those powers improperly.

Another matter to which the gentleman from Illinois refers demands special attention. That is the question of the adjustment of the State debt and the disposition of the archives, etc. Our people have wisely provided for this very contingency. They propose not to suffer any such embarrassment as has been suffered by the States of Virginia and West Virginia in the past. They propose that this whole matter of the adjustment of the State debt and the disposition of the joint property shall be arranged, and I will read the provision of the Senate bill in regard to that:

SEC. 24. That in accordance with the stipulations contained in section 5 of article 13 of said constitution of said State of South Dakota, there is hereby apportioned to the State of South Dakota, and said State shall assume, be liable for, and pay, all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated or which are provided by law to be built within the limits of said State; and the Territory of North Dakota shall assume and be liable for all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated or which are provided by law to be built within the limits of said Territory of North Dakota.

Then follows the provision in regard to the Congress of the United States making further adjustment in case any matter shall remain unprovided for under this act. What better, what more business-like provision could you ask for than that? And our constitution further provides that there shall be furnished to North Dakota, at the expense of South Dakota, a complete record of everything they wish for, and we have to pay for that out of our own pocket. In this connection I wish to notice a provision in the substitute bill which will be found on page 5, the fifth subdivision of section 3. It says it shall be the duty of the constitutional conventions of North and South Dakota to appoint a joint commission to be composed of not less than three members of each convention. Now, supposing they do not do that, what then? Why, this act fails. A part of the duty imposed upon those conventions is to do this and appoint the commissioners. This is to be a joint body composed of three commissioners from North Dakota and three from South Dakota. Supposing they do not agree, there is no other body to which they can appeal. There is no provision made for anything further in regard to this, and in case of disagreement your bill fails and Dakota is not admitted.

Mr. SPRINGER. I beg the gentleman's pardon. That part of it fails, but that is all. That is not made a condition-*precedent*.

Mr. GIFFORD. It is one of the duties to be performed by this convention.

Mr. SPRINGER. Yes, but if they should come to Congress and say that they could not agree, we might let that pass; but I think the duty should be urged upon them.

Mr. GIFFORD. Supposing that they fail to agree, then what? Why, the whole measure fails. The embarrassment and the trouble caused by this property still remaining joint property would still hang over us. Is not our provision a much better one? In case of a disagreement there can be no readjustment of the joint debt. No appeal lies to anybody, and there is no provision in the omnibus bill for any other way of adjustment.

Ours is a perfect act within itself. It leads to an absolute adjustment of every question that can arise in connection with this subject.

There is another question here to which the gentleman has referred which requires special mention, and that is found in subdivision 2, of

section 4, in reference to Indian lands and Indian property. I desire to say in this connection that this constitution and the Senate bill underwent severe criticism on this point in the Senate committee, and in the Senate itself when it was considered and discussed there. It is precisely the same provision that has been placed in the compact between the States in several instances and the United States upon their admission to the Union. There can no trouble arise out of that provision. Why, sir, our Territory has had jurisdiction over certain Indians for many years, and those Indians have suffered no hardships in consequence. The provision is the usual one.

But I want to call attention now to the peculiar provisions of this subdivision of this section. I can not imagine where the gentleman from Illinois found them or what he drew them from. They are most extraordinary. Why, sir, under this subdivision if a man who has a single drop of Indian blood in his veins holds a section of land we can not even lay out a highway over it. We can not exercise any right of eminent domain over the land, no matter whether he has held it one year, or twenty-five years, or fifty years; and every man is held to be an Indian who has Indian blood in his veins, and there are many such in Dakota. I will read the provision:

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes.

We must have jurisdiction over these Indians to a certain extent.

We are perfectly willing that the United States shall exercise jurisdiction over the lands belonging to Indian tribes, and over all public lands.

Under the Senate bill and the Constitution we will have no more jurisdiction over these matters than has the State of Michigan, Minnesota, or any other State.

We are to recognize tribal relations in connection with Indians for only a very short time longer. Our proposed State can not submit or consent to any such provisions as these.

Except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation.

That provision is all right. We have no objection to the usual provision for the protection of Indians in their property, but extraordinary provisions of the character found in this bill are unjust and ought not to be made.

I apprehend that if this bill fails it will be for other reasons than defects in the Sioux Falls constitution; or that the proceedings in connection therewith are improper or ill considered in detail. I do not suppose that Congress, nor any Member or Senator, will undertake to dictate to a people the provisions of their constitution, except in such several matters as concern public policy and the spirit of our Government.

If this bill for the admission of South Dakota as a separate proposition fails in this House it will be because a majority of the members are unwilling to vote upon and determine the claims of South Dakota for statehood, without coupling with it some other question which may determine the fate of the bill, without even touching the merits of Dakota's claim. Certainly, then, objections to our constitution can not have much weight in deciding this question.

I am only surprised that more and greater objections have not been found to it. There have been for three years among the files of this House and the Senate complete, engrossed, and certified copies of the proceedings of the convention which framed this constitution; records of everything done, votes taken and words spoken in that convention, are now and have been for years here for inspection. All of the proceedings of our people in connection with this business from first to last are and have been for years a public record in possession of this House; and it appears that the only mistakes we have made are in not stating specifically that a woman shall not be a judge, and that we have been too liberal with the right of suffrage.

If gentlemen will take the trouble to examine the constitution of several States they will find identically the same provisions.

Considerable stress is placed upon the fact that it is proposed to re-submit this constitution and many questions therein contained to a vote of the people of the proposed State. If this matter had been disposed of when it should have been, nothing would now be heard of these propositions.

Our people, in connection with those of North Dakota, desire that the name "Dakota" shall attach to both sections. We undertook in the beginning to satisfy some sentimental people concerning this matter of name, and we found it much more difficult to satisfy them than ourselves, and have gone back to our first love. Not a very serious matter—simply one of adjustment, and only requires a formal vote of our people. I wish to say that our people desire the names of North and South Dakota. They are attached to the name of Dakota just as strongly as the members of a family or the people of a community or State are attached to a favorite name of their own. And why should we not have it? If we are willing to live and grow up under these names, why not be permitted to do so?

Undoubtedly our great prairies will bloom as brightly and our people be as prosperous and happy under another name; but why can not we

be accorded the privilege that has been given to every family, tribe, city, community, and State since the "morning stars sang together," and have given us the name of our choice? It is dear to us, we are attached to it and we want it. It not only represents blizzards, but it represents warmth and sunshine; not only the hardships incidental to a frontier prairie life, but also as well a country of unexampled fertility and productiveness, and a people qualified and anxious to perform their whole duty in life, both to themselves and to the Government.

Another formal question to be submitted is a slight change to our proposed northern boundary to a fixed, surveyed line, a difference of only three or four miles, perhaps.

The other questions that were submitted to our people with the constitution as separate propositions it is proposed to resubmit to them. There is nothing unusual or strange about this. Quite likely it would have been done anyway about this time had we been admitted as a State three years ago, when we should have been. Among other propositions we propose to submit the question of the location of the temporary capital.

Among these questions is prohibition. Our constitution provides for submitting amendments, provided a majority of the Legislature so determine. This was done that we might have, as the country grew, a ready means for amending the constitution.

Now, Mr. Speaker, I want to say again, if this bill fails it will be because gentlemen are unwilling to meet this question squarely. Nobody will be misled, neither now or hereafter, by coupling with it the question of the admission of other Territories, to which some people have objections.

The people of Dakota would like to see this question presented and decided upon its merits. South Dakota is satisfied with this constitution and the State government they have provided for; and the people of North Dakota are perfectly willing this should be done.

We want no further vote upon this question of division. Not even a petition, not even a letter, so far as I have heard, has been written or sent during the present session of Congress either protesting against the passage of the Senate bill or asking for another vote on division. Our people are not asking for anything of the kind.

The question is, will the House consider and pass upon the claims of our people for statehood as an independent proposition? It is conceded by all that we are fully prepared and qualified to enter the Union. This was conceded years ago, and still we live under a miserable, unsatisfactory, Territorial government. Our condition would be almost unbearable did we not feel that relief would soon be given.

Think of a Territory containing 700,000 people, with a wealth of \$320,000,000, as estimated by the governor of the Territory in his last report, with more than 4,500 school-houses, over 5,000 teachers, with a school fund of nearly \$2,500,000 and a thousand post-offices. What a criticism upon the theory that our Government is in favor of home-rule and self-government Dakota furnishes! It costs us almost \$700,000 per annum to support our Territorial government and public institutions. An average of almost \$45,000 per annum of this is paid by the United States, and the balance is paid by our people and out of their own pockets.

Not one of the officers who disburse and pay out these Territorial moneys is chosen by the people. Not one of them is responsible to the people for his official acts. Every one is appointed by a governor who comes from abroad. They are responsible only to those who appoint them, and not to the people whose money they handle and whose laws they execute. Not a public officer in our Territory above county officers is elected. Even clerks of court are appointed.

In the matter of insufficiency of our courts, the sufferings of our people have been intolerable. Dockets are two and three years behind, and parties charged with crime have awaited in confinement for almost years a trial, simply because the judge had more business than he could possibly reach. Counties with many thousands of people and with populous towns have had no court at all, in some cases, and in many others not to exceed three days in a year. Crimes go unpunished and property rights are frittered away from sheer lack of sufficient courts.

Dakota to-day is a province, and not a Territory, except in name; as much a province in the formation of its government as was ever attached to the British Empire.

We are in no sense a Territory. We are ruled over by officers not of our choosing. We bear the expense of our own government, schools and all, to within \$30,000 or \$40,000 per annum, and our people pay more than three times these sums back into the Treasury as internal revenue.

Even our postal service would be more than self-supporting were it not for the great transcontinental service across the Territory. Comparisons are oftentimes instructive, but generally odious. I can scarcely forbear making a few comparisons between our Territory and some States; I mean our Territory as a whole.

First, as to population, wealth, and material prosperity. The area of the proposed State of South Dakota will be about 75,000 square miles and North Dakota the same area or larger. The country is eminently an agricultural country throughout, and capable of supporting as dense a population as any of the States adjoining us—Minnesota, Wisconsin,

Illinois, Iowa, or Nebraska—which can be easily shown by reference to the official report on immigration of Dakota and official census reports.

The number of farms in Dakota in 1885 was 50,235 in the south and 31,781 in the north, according to the official census. From reliable data there are now nearly 70,000 in the south and over 40,000 in the north.

The crop reports of 1887—those of 1888 are not in—show that we raised nearly 60,000,000 bushels of wheat and 25,000,000 bushels of corn, while hundreds of thousands of horses and cattle graze upon our boundless and fertile prairies.

In the matter of stock, we have more cattle than any one of twenty-one States; more horses than any one of twenty States; more swine than any one of fourteen States; more sheep than any one of twelve States.

In the matter of banking institutions, we have sixty-two national and two hundred and thirty-seven private banks; we have more banks than either one of twenty-eight States, including Indiana, Connecticut, California, Kentucky, Minnesota, Wisconsin, Texas, and Colorado.

We have more than the eight States of North Carolina, West Virginia, Florida, Mississippi, Louisiana, Arkansas, Delaware, and Nevada combined; more than twice the number credited to the States of Maine, New Jersey, New Hampshire, or Maryland; nearly three times as many as Georgia, Virginia, Colorado, or Tennessee combined; and more than the States of Vermont, Oregon, and all the Territories put together.

In the matter of railways, we have nearly 4,500 miles of completed railroad in Dakota, and more than is contained in any one of twenty-five States of the Union that could be named, it being the thirteenth State in this regard.

I do not care to enter upon a comparison of school-houses, educational institutions, and expenditures for educational purposes with other States.

Suffice it to say that we have nearly, or quite, 4,500 school-houses, with about 5,500 teachers, and expended nearly \$2,500,000 for school purposes, the proceeds of taxes raised by the people, or more than was expended by any one of twenty-two States in 1885.

These figures and comparisons will give the House some idea of our population and wealth, which is so essential to every State and community.

But we have not neglected that important particular, which may be regarded as the foundation of true greatness in every State, the education of our children.

Dakota may justly feel proud of her common-school system and the educational advantages which are placed within the reach of every youth of the Territory.

We have two Territorial universities, three normal schools (Territorial), and an agricultural college, besides a school of mines and one for deaf-mutes, and also a very large number of sectarian colleges and academies belonging to different religious denominations.

In the matter of the value of school property Dakota exceeds any one of twenty-three of the States. Not one dollar of money or aid have we received from the Government towards the support of our schools either from lands or in any other way. Our public lands are not yet available for school purposes.

As another evidence of the intelligence of our people, it is proper to state that we have in Dakota three hundred and fifty-two different newspapers, and more than are published in any one of twenty-three States.

In the matter of post-offices, we have forty-six Presidential offices, and nine hundred and sixty fourth-class offices; a number equal to or exceeding that of any one of twenty-two States.

But, Mr. Speaker, I grow weary of giving these statistics and comparisons, however interesting and instructive upon this question they may be. I could continue to do so indefinitely, and each comparison given would only make stronger the argument in favor of the proposition I have presented.

It must be remembered that the proposed State of North Dakota contains at least 300,000 people, and South Dakota 400,000, and that each of the proposed States contains a like proportion of the material wealth and educational advantages possessed by the whole Territory.

North Dakota had a population, even under the census of 1885, which was official, of 152,199, and South Dakota 263,465, and there have been added at least 150,000 people to each of the two sections since.

It is admitted, indeed there can be no question, that so far as population is concerned in the matter of the admission of new States, the basis is that there shall be a sufficient number to entitle them to a Representative in the lower House of Congress, and therefore there can be no question about the eligibility of each of the proposed States to admission so far as population, wealth, material prosperity, and capacity for self-government are concerned.

The total vote of Dakota at the last election, held in November, 1888, for the election of Delegate to Congress was 114,500, of which nearly 71,000 was cast in South Dakota and over 43,000 in North Dakota. There are something over forty counties in the Territory unorganized, which contain a considerable population that is not allowed to vote.

I append the following from the last report of the governor, 1888, in regard to our population:

The population of Dakota in 1860, according to the national census of that

year, was less than 5,000; in 1870 it was 14,181, showing an increase during that decade of about 200 per cent.; in 1880 the number of inhabitants in the Territory amounted to 138,177, or an addition of 880 per cent. to the population of the previous census, and five years later this number had increased, as shown by a Federal census, to 415,610, a gain of more than 200 per cent. in the period between the years 1880 and 1885.

There has been no official count of the population since the Federal census of 1885, and the only figures available for the years 1886, 1887, and 1888 are estimates approximately correct, made by the commissioner of immigration, and based on the public-land entries as reported by the ten United States land offices within the Territory.

On June 30, 1886, the commissioner estimated the number of Dakota's inhabitants to amount to 500,000 souls. A year later, June 30, 1887, the same authority gave the Territory a population of 668,477; and his estimate for the year ending June 30, 1888, indicates a gain, since the date of my last report, of 62,346, or a total population on-day of 640,823. This, of course, does not include Indians, Government employes, nor the other inhabitants of the numerous Indian and military reservations, which cover one-fifth of the entire area of the Territory. Add these, and the whole number of people within the boundaries of Dakota will approach closely to 700,000.

The proportion of foreign-born to the entire population is about one in three, or at least that was the ratio in 1885, as shown by the Federal census, and there is no reason to suppose it has changed very much with the increase during the three years since that enumeration.

A majority of the settlers of foreign nativity are Scandinavians; next come the Germans, Canadians, Irish, and Russians in the order mentioned. One can scarcely name a foreign country which is unrepresented among the inhabitants of the Territory. Colonies of Jews from Poland, Mennonites from Russia, Turks from Roumelia, natives from Iceland, and representatives of nearly every clime, color, and religious sect upon the globe are here engaged side by side in that struggle for home and independence which marks the better civilization of the world.

But as the admixture of the brain and the brawn of the world has produced in our nation a race which ranks in energy, intelligence, and all the distinguishing traits of civilization, just so has this commingling, in the settlement of Dakota, of the best elements of foreign and native ambition and enterprise yielded its return in a prosperous people whose happy homes and well-tilled farms surround the thrifty villages, marked by towering spire of church and school.

Mr. Speaker, what are the qualifications of a Territory or people for statehood? It is conceded that they must possess—

Those conditions as to area, productiveness, capacity, population, loyalty, and good disposition of her people as are in keeping and in harmony with the spirit of our Constitution and policy of our Government.

Does the proposed State of South Dakota possess these qualifications? I need not reiterate what has been said regarding this in the many speeches and reports both in this and the other end of the Capitol. As I understand, there remains no question over our possessing these qualifications.

Then, sir, have not the people of the proposed State of South Dakota an absolute constitutional right to be admitted as a State? We claim it as a matter of right. In the language of the appeal that was made in behalf of California:

These people request admission to the Union as a State. They understand and estimate the advantages which will accrue to them from such a connection, while they trust they do not too highly compute those that will be conferred upon their brethren.

They do not present themselves as suppliants, nor do they bear themselves with arrogance or presumption. They come as free American citizens, by treaty, by adoption, and by birth, and ask that they may be permitted to reap the common benefits, share the common ills, and promote the common welfare as one of the United States of America.

There has been considerable discussion over the question of the right of a Territory, qualified in all respects to be admitted as a State—an absolute constitutional right. Can there be any question regarding that proposition?

It is true there is no court or tribunal wherein the right may be tried or enforced. No decree can be rendered, no mandate issued, therefore we appeal to Congress again and again. An act of Congress is necessary to admit a State. Some claim that it is discretionary with Congress whether to admit Dakota or not. Then to refuse us admission, under the circumstances, is an abuse of discretion, proportionate with the wrong and injury of depriving us of statehood.

Abuse of discretion has dethroned kings, destroyed courts, and impeached judges. It has frequently deprived parties of political power in the history of our own country. Our people have but one recourse left, if Congress does not give us justice, and that is to appeal to the popular sense and fairness of the American people at a general election. Let the people of the country understand the case of Dakota, which they in part do, and there can be no doubt of the result.

Dakota was organized as a Territory in 1861, and was carved out of the Louisiana purchase. It was proposed in the celebrated treaty between Napoleon as the representative of the French, and Jefferson of our people, that the inhabitants of that region should have guaranteed to them all the rights of American citizenship, including the right of admission into the Union of States. The treaty was more far reaching than the mere cession of territory to be ruled and governed as the United States should see proper. It contemplated, and the obligation was assumed on the part of our Government, to ingraft and incorporate the people who might settle in the new Territory into full rights of citizenship, including self-government and statehood.

The third article of the treaty is as follows:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

What can be plainer than this?

Is there any "discretionary" ground in this stipulation, provided it

is conceded the necessary conditions regarding population, intelligence, etc., exist?

This provision of the treaty was in harmony with a policy this Government adopted at and even before its formation.

Some years before, and prior to the adoption of the Federal Constitution, certain of the States had ceded and relinquished to the United States all of their several claims to a vast region which lay northwest of the river Ohio. In order to govern this territory, and also to inevitably destine to admission into the Union the commonwealths which it was clearly seen would arise within it, the ordinance of 1787 was enacted. This revered instrument, like the Constitution which immediately followed it, was framed by statesmen who "looked into the seeds of time to see which grain would grow and which would not." It also provided in most explicit language of law and of inviolable compact that the communities thereafter to come into being in that territory should, under certain conditions, be entitled to enter the Union as it then was, without the formality of special precedent license.

The foregoing is taken from the remarks of Senator DAVIS upon this proposition.

The ordinance of 1787 provided as follows:

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said Territory; to provide also for the establishment of States, and permanent governments therein, and for their admission to a share in the Federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interests.

SEC. 14. It is hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and the States in said Territory, and forever remain unalterable, except by common consent, to wit:

Whenever any of said States shall have 60,000 inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government.

By this ordinance Virginia, with a generosity that has been of immeasurable benefit to our Union, ceded to the Government the territory out of which the great and populous States of Ohio, Indiana, Michigan, and Illinois were taken.

This ordinance was over and over again extended after the adoption of the Federal Constitution to territory of which Dakota now forms a part.

We see, upon examination, that the ordinance of 1787 and the Louisiana treaty have been successfully and repeatedly used as authority for the right of new States to be admitted to the Union. No better authority or language regarding the duty of Congress to admit new States need be given than the following from Chief-Justice Taney in the Dred Scott case (19 Howard, 446):

In the case of Dred Scott vs. Sandford (19 How., 446), the court (Chief-Justice Taney delivering the opinion) said upon this subject:

"There is certainly no power given by the Constitution to the Federal Government to establish and maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a Territory to be acquired and held permanently in that character.

"We do not mean, however, to question the power of Congress in this respect. The power to expand the United States by the admission of new States is plainly given; and in the construction of this power, by all the departments of the Government, it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion."

Appeals have been made over and over again and repeatedly sustained in behalf of other States based upon this article of the treaty quoted above, and also upon the ordinance of 1787, and their application to us. I quote the following from the report submitted in the Senate upon the Dakota bill, as follows, concerning the ordinance of 1787:

The ordinance of 1787 gave to the Northwestern Territory at first a colonial form of government. The executive, legislative, and judicial powers were lodged in officers appointed by Congress. But this was of necessity and temporary. So soon as 5,000 inhabitants were found in the district, authority was given to the people to elect a legislature and to enact laws. The end to which these expedients of government looked was statehood. In the fifth article it was provided:

"And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government; Provided, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and so far as it can be, consistent with the general interest of confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000."

By an act of Congress passed April 20, 1836 (5 Stat. L., p. 10), the Territory of Wisconsin was organized, and embraced within its limits a large, perhaps the larger, part of the present Territory of Dakota. Section 12 of that act extended all the rights, privileges, and advantages secured to the people of the Northwest Territory by the ordinance of 1787 to the inhabitants of the Territory of Wisconsin. A prior act of Congress, relating to the Territory of Michigan, which embraced all that part of Dakota east of the Missouri and White Earth Rivers, and a later act, relating to the Territory of Minnesota, which included the same region west of the Mississippi, also expressly guaranteed to the people the privileges and advantages of the ordinance of 1787.

The ordinance of 1787 was a wise and beneficent compact. It guaranteed certain rights to the people who should settle the western wilderness, and among the most valuable of these was the right to form a State government and to be admitted on terms of equality to the Union of the States. The hardy men and women who pushed back our frontier and developed the vast resources of the West were to be also builders of States. We do not stop to discuss at any length the question whether one of these States contemplated by the ordinance of 1787 could become *de jure* and *de facto* a State without the sanction of Congress. The existence of a State is a political fact, and involves the admission of its Senators and Representatives to the Congress of the United States. Again, by the terms of the compact the right of admission as a State was upon the condition that "the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles." Congress must judge whether these conditions have been complied with.

Whatever views may be entertained by the committee regarding a strict construction of the Louisiana treaty and the ordinance of 1787, it certainly will strike the average mind that Congress is under an "imperious moral obligation" to admit both North and South Dakota as States into the Union, if the conditions as to area, production, capacity, population, good disposition towards the Government and institutions of the country are found to exist.

It appears that Dakota comes within the provision both of the ordinance and the treaty.

Time and again have Territories within the great region included within the ordinance and treaty proceeded, as we have done in South Dakota, in the formation of a constitution and State government without authority of Congress, and over and over again have this treaty and ordinance been quoted and invoked as authority therefor.

Now, what is the history of other Territories regarding this matter of admission?

By the act of March 25, 1804, the Louisiana purchase was divided into two Territories. That portion north of the thirty-third parallel of latitude was constituted the Territory of Orleans.

By the act of March 2, 1805, a Territorial government was instituted for this Territory, and it was ordained that the inhabitants thereof "shall be entitled to enjoy all the rights, privileges, and advantages secured by such ordinance (1787) and now enjoyed by the inhabitants of the Mississippi Territory."

This act further provided that—
"The inhabitants of the Territory shall be authorized to form for themselves a constitution and State government, and be admitted into the Union upon the footing of the original States in all respects, conformably to the third article of the treaty of Paris. * * * Provided, That the constitution shall be republican in form and not inconsistent with the ordinance of 1787, so far as the same is made applicable to the Territory of Orleans: Provided, That Congress shall be at liberty at any time prior to the admission of the inhabitants of the said Territory to the rights of a separate State, to alter the boundaries thereof as they shall judge proper, except only that no alteration shall be made which shall prostrate the period for the admission of the inhabitants thereof to the rights of a State government according to the provisions of this act."

It will have been observed that the provisions of the ordinance of 1787 were extended to the Territory of Louisiana to the same extent that they were enjoyed by the inhabitants of the Territory of Mississippi.

The application of this ordinance to that Territory was by the act of April 7, 1798, and it provided that the people of the Territory of Mississippi—

"shall be entitled to enjoy all and singular the rights, privileges, and advantages granted to the people of the Territory of the United States northwest of the river Ohio"—

By the ordinance of 1787—
"in as full and ample a manner as the same are possessed and enjoyed by the people of the last-mentioned Territory."

The Territory of Missouri was established by the act of June 4, 1812. By implication these rights were continued to the people of that Territory, the act repealing only the repugnant portions of the acts in reference to the Territory of Louisiana.

The present Territory of Dakota has been, in part, successively a part of the Territories of Missouri, Michigan, Wisconsin, Iowa, and Minnesota, and in part of the Louisiana purchase. By the act of June 23, 1834, all that region north of Missouri, and east of the Missouri River, and west of the Mississippi River, and south of the northern boundary of the United States, was attached to the Territory of Michigan by an act which provided that—

"The inhabitants therein shall be entitled to the same privileges and immunities, and be subject to the same laws, rules, and regulations, in all respects, as the other citizens of Michigan Territory."

By act of April 20, 1836, this region last described was transferred to the Territory of Wisconsin, and it was provided—

"That the inhabitants of the said Territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River, by the articles of the compact contained in the ordinance for the government of the said territory, passed on the 13th day of July, 1787."

Iowa became a Territory by the act of June 12, 1838, and comprised all the Territory of Wisconsin west of the Mississippi River and west of a line drawn due north from its headwaters to the international boundary. This act provided that—

"The inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and its inhabitants."

All of the region in question had previously been part of the Territory of Michigan, under the statute enacted in 1834, which so extended the western boundary of that Territory as to comprise all of the territory between the northern line of Missouri and the northern international boundary lying east of the rivers Missouri and White Earth.

Michigan had been a Territory ever since 1805, by an act which declared that—

"The inhabitants thereof shall be entitled to all and singular the rights, privileges, and advantages granted and secured to the people of the Territory of the United States northwest of the Ohio River by the said ordinance"—
Of 1787.

In 1840 the above portion of Dakota became part of the Territory of Minnesota, under an act for the Territorial government, which ordained that the inhabitants of the Territory "shall be entitled to all the rights, privileges, and immunities granted and secured to the Territory of Wisconsin and its inhabitants."

Among which, as has been shown, were those conferred by the ordinance of 1787, both by the ordinance itself and by subsequent re-enactment of its terms. It thus appears that Dakota stands upon the equities of both the ordinance and treaty.

By the act of May 25, 1790, the ordinance of 1787 was extended to all of the

territory south of the Ohio River. It constituted all of that region one district for the purposes of temporary government—

"The inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the territory of the United States northwest of the river Ohio."

By the act of August 14, 1848, Oregon and its inhabitants were invested with the "rights, privileges, and advantages" of the ordinance of 1787.

The preamble to the constitution of Arkansas, adopted in 1836, asserted—

"The right of admission into the Union by virtue of the treaty of cession by France to the United States of the province of Louisiana."

In the case of Kansas, the preamble of the Topeka constitution asserted—

"The right of admission into the Union by virtue of the treaty of cession by France to the United States of the province of Louisiana."

The same assertion of right under the treaty is found under the Lecompton constitution. It was also put forth in the Minneola or Leavenworth constitution.

Turning to another passage of our diplomatic history which records the acquisition of territory by treaty, it is found that the treaty with Spain, concluded in 1819, by which the United States acquired the Floridas, contains this article:

"Art. 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all privileges, rights, and immunities of the citizens of the United States."

Accordingly, in 1839, Florida adopted a constitution, the preamble of which declares that—

"We, the people of the Territory of Florida, having and claiming the right of admission into the Union as one of the United States of America, consistent with the principles of the Federal Constitution, and by virtue of the treaty of amity, settlement, and limits between the United States of America and the King of Spain."

The treaties with France and Spain became, by constitutional mandate, the supreme laws of the land, and so remain to this day.

The ordinance of 1787 was extended by act of Congress, May 26, 1790, to the territory south of the Ohio River.

The case of Tennessee is of the utmost importance in considering this question, because it establishes beyond a possible doubt the right of our people to form a constitution without authority of Congress.

A convention met at Knoxville, January 11, 1796, for framing a State constitution. A committee was appointed to frame a constitution, and a bill of rights was reported to the convention within a few days. The labors of the convention were completed on the 6th of February by the adoption of a constitution, and on the 19th an engrossed copy was forwarded to President Washington with a notification that on the 28th of March the Legislature of the proposed State would meet to act on the constitution, and on that day the temporary government established by Congress would cease.

Thus, nearly a hundred years ago, a people took position far in advance of Dakota to-day. There was no pretense on their part that an act of Congress, even, was necessary to admit a State to the Union. It was the proposed State government or nothing with them. They so distinctly notified the Government. Neither was there any arrogant claim on their part. They relied squarely upon the same authorities that Dakota relies upon to-day, and their claim was successful after an energetic discussion and considerable opposition. Washington referred the matter to Congress with the following message:

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES: By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio; and that the government of said territory south of the Ohio should be similar to that which was then exercised in the territory northwest of the Ohio, except so far as was otherwise provided in the conditions expressed in an act of Congress passed the 2d of April, 1790, entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."

Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio appear to be the right of forming a permanent constitution and State government, and of admission as a State, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever when it should have therein 60,000 free inhabitants, provided the constitution and government to be so formed should be republican, and in conformity to the principles contained in the articles of the said ordinance.

As proofs of the several requisites to entitle the territory south of the river Ohio to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, and a printed copy of the constitution and form of government on which they have agreed, which, with his letters accompanying the same, are herewith laid before Congress.

G. WASHINGTON.

UNITED STATES, April 8, 1796.

The admission of Tennessee under this movement was objected to upon the ground that no previous act of Congress authorized it. The debate was spirited and participated in by men who assisted in forming this Government, notably Mr. Madison. The House acted upon the message, and passed a resolution declaring Tennessee a State and admitting it to the Union.

The debate upon that resolution is exceedingly instructive, and among the proceedings is the following:

"Mr. RUTHERFORD. They have erected a State government and wish to come into the Union, and to resist their claims would be out of character.

"Mr. DEARBORN. As to passing a previous law recognizing the Territory as a State before it was admitted into the Union, he did not believe it to be necessary.

"Mr. LYMAN. In his opinion, according to the ordinance they had a clear right to be admitted as a State into the Union, for it was then said that when they had 60,000 inhabitants they should be admitted.

"Mr. SEDGWICK quotes Mr. Madison as saying that they, 'the inhabitants were in a degraded condition because controlled by laws which were made independent of them.'

"Mr. MACOX. The question before the committee was on admitting the Territory to be a State of the Union. There appeared to him to be only two things

necessary to be inquired into: First, was the new government republican? It appeared to him to be so. And, secondly, were there 60,000 inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift, but as a right. To admit this Territory as a member of the Union appeared to him as a matter of course. It also seemed as if the Executive were of that opinion. The President having been duly informed from time to time of the proceedings of that Territory toward being admitted into the Union, if he had thought they had been doing wrong, he would have set them right."

I come now, Mr. President, to the opinions of one whose words upon everything connected with the Federal Constitution are of more than judicial authority, Mr. Madison. He said:

"The gentleman from South Carolina seemed to think that the ordinance by which this State should be admitted into the Union required that the Territory should first be acknowledged as a State, and then have the inhabitants of it as such numbered under the authority of Congress. He thought this would be spinning a finer thread than was necessary, and would give the people reason to suppose that the General Government was disposed to keep them in their present condition as long as possible. If the Legislature of the United States should be convinced that the Territory contained a sufficient number of inhabitants to entitle them to admission into the Union, it was matter of form only how the census had been taken, or whether the Territory had been previously acknowledged as a State by Congress or not. The fact of population was the only necessary one, and would no evidence satisfy the gentleman but such as they themselves should direct?"

"The inhabitants in that district of country were in a degraded situation at present; they were deprived of a right essential to freemen—the right of being represented in Congress. Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws; an exterior authority appointed their executive, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity. * * * He thought when there was doubt Congress ought to lean towards a decision which should give legal rights to every part of the American people."

"Mr. Gallatin was of the opinion that the people of the Southwestern Territory became *ipso facto* a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as a part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact."

"Mr. Colt said it is declared by the ordinance for the government of the Territory that when there should be 60,000 inhabitants in any one of the States there, they should be admitted into the Union. If, then, it is not in contemplation to divide the Territory into two States, he considered the right to be admitted was complete as soon as there was the requisite number within the whole Territory."

Mr. Kitchell proposed a resolution in the place of the one agreed to in the convention of the whole, as he thought some law should be passed by Congress recognizing the Territory as a State before they were admitted into the Union. It was negatived, and the original resolution was agreed to by a vote of 43 to 30.

Among the nays were James Madison, Albert Gallatin, William R. Giles, Wade Hampton, Robert Goodloe Harper, Nathaniel Macon.

The committee of the Senate reported against admission, because—

"1. The Territory had not been laid out by Congress into a State or States, as provided by the ordinance of 1787.

"2. The census had not been taken under authority of the United States."

And recommended a bill laying out the Territory into a State, and providing for an enumeration of its inhabitants. Such a bill passed the Senate and went to the House. The result finally was a report from Mr. Giles upon the bill as it came from the Senate, "which went to change the principle of the bill from the Senate."

"The House contended that the proceedings of these people had been so far regular as to authorize the admission of them as a State into the Union; but by the bill sent from the Senate it was proposed to lay out this Territory into a State and order a census taken before it could be admitted. This report of the committee confirmed the bill to the opinion heretofore expressed in the House."

The bill thus conformed was adopted by a vote of 48 to 30. The House bill was disagreed to by the Senate; a committee of conference was appointed; the Senate finally receded from its plan and passed the House bill or resolution.

The case of Michigan is one of the most remarkable in the history of the admission of States. Michigan applied for admission in 1835.

The facts are stated in the following extract from the report of the Senate committee of the first session of the Forty-ninth Congress upon the question of the admission of Dakota:

"The history of the formation of a State government in Michigan is very familiar. In the year 1833, and again in 1834, memorials were presented to Congress asking for the admission of the State. No action having been taken by Congress, the Territorial Legislature, January 26, 1835, passed an act authorizing the holding of a convention to form a State constitution. The convention assembled at Detroit on the second Monday of May following, and proceeded to frame a constitution, which was submitted to a popular vote in October of the same year, and ratified, and at the same time State officers were elected. The schedule attached to the constitution provided that a certified copy thereof, together with an abstract of a census which had been taken, and a copy of the act of the Legislature referred to, should be transmitted to the President. No memorial praying for the admission of the State was provided for or sent, nor was there, so far as we have seen, anything in the constitution staying the going into effect of the State government for any action of Congress thereon.

"The communication to the President, which accompanied the copy of the constitution sent, was as follows:

"WASHINGTON, December 9, 1835.

"SIR: The undersigned, elected Senators and Representatives to Congress from the State of Michigan, have the honor to transmit to you herewith an additional authentic copy of the constitution adopted by the convention of Michigan on the 24th day of June, 1835, and ratified by the people of the same on the first Monday and the succeeding day in October, 1835.

"We have the honor to be, with the highest respect, your most obedient servants,

"JOHN NORVELL.

"LUCIUS LYON.

"ISAAC E. CRARY.

"THE PRESIDENT OF THE UNITED STATES."

"Andrew Jackson, then President of the United States, transmitted the documents to Congress, accompanied by the following message:

"WASHINGTON, December 9, 1835.

"To the Senate and House of Representatives:

"GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indiana Territory lying north of a line drawn due east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States, was erected into a separate Territory by the name of Michigan.

"The territory comprised within these limits, being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants, each State should be admitted by its delegates "into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles," etc., the inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertain, and the whole are herewith communicated for your early decision.

"ANDREW JACKSON."

"A dispute between Michigan on the one side and the States south of her on the other as to the boundary line complicated and delayed her admission as a State; but meantime the new State government was exercising the functions of government.

"In the debates in Congress Michigan found many able defenders of her cause. Others denied her claim to be a State without some act of Congress authorizing or ratifying her proceedings. The result was the act of June 15, 1836, by which Congress ratified what Michigan had done and admitted the State into the Union upon the condition that her convention should consent to a change in the southern boundary.

"In the proceedings of the Senate, on December 10, 1835, the following appears:

"Mr. Benton presented the credentials of Hon. Lucius Lyon and Hon. John Norvell, elected by the Legislature of Michigan Senators from that State; which were read. Mr. Benton then moved that seats be assigned to Mr. Lyon and Mr. Norvell on the floor of the Senate until the decision of the question of their admission as Senators. This [Mr. B. said] had been done by courtesy in similar cases.

"The remarks of Mr. Benton upon this subject, a few days afterwards, are of present interest, as they refer to his own experience when he first appeared as a Senator from Missouri. He said:

"When a gentleman brought a letter to him from a respectable source he at least asked him to take a seat until he read it; and here (said he) these gentlemen have brought a letter from a State *de facto*, signed by a high official functionary, and we are to hesitate before we extend to them an act of common courtesy. * * * But it has been said that the adoption of the resolution would prejudice the case of the admission of Michigan into the Union; that the mere courtesy of asking the gentlemen to sit down was to commit the Senate as to their admission as Senators. Are we of such treacherous memories as not to recollect what took place with regard to the admission of Missouri into the Union? Were the Senators from Missouri influenced in the vote he gave on that occasion by the fact that seats had been assigned to the Missouri Senators pending the question of their admission? He [Mr. B.] was here as one of those Senators, and was told by that accomplished gentleman and amiable man who then filled the chair [Mr. Gaillard] to take his seat; and he [Mr. B.] had all the incidental privileges of a Senator extended to him. He had the right to frank documents to wherever he pleased, and he had the privilege of using the stationery of the Senate, notwithstanding the question of right was decided against him and he was sent home. As to the question of the admission of Michigan he, for one, remained not only uncommitted but undecided as to the course he should take."

"Afterwards Mr. Benton withdrew his resolution and offered another, which, on motion of Mr. Hendricks, of Indiana, was modified so as to extend to these gentlemen the same privileges on the floor of the Senate that were extended to members of the House, and in that form the resolution was adopted.

"In the course of the debates in the Senate Mr. Buchanan said:

"I think their course is clearly justifiable, but if there is anything wrong or unusual in it, it is to be attributed to the neglect of Congress. For three years they have been rapping at your door and asking for the consent of Congress to form a constitution and for admission into the Union; but their petitions have not been heeded and have been treated with neglect. Not being able to be admitted in the way they have sought, they have been forced to take their own course and stand upon their rights—rights secured to them by the Constitution and a solemn irrevocable ordinance (of 1787).

"They have taken a census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude, they now demand admission as a matter of right; they demand it as an act of justice at your hands.

"Are they now to be repelled or to be told that they must retrace their steps and come into the Union in the way they first sought to do, but could not obtain the sanction of Congress? In fear of the consequences of such a decision, I tremble at an act of such injustice."

"In the case of Arkansas there was no enabling act. Congress had refused to pass one. In 1836 the people adopted a constitution; the preamble of which asserted the right to admission by virtue of the articles of the treaty with France. The State was admitted June 15, 1836, by an act which recites the adoption of a constitution by a convention, and that the convention had on behalf of the people asked Congress to admit the Territory into the Union as a State. From the fact that the act of the admission prescribed the boundaries there seems to have been some question upon that point. A supplementary act of June 23, 1836, submitted to the General Assembly "of the State of Arkansas" certain other conditions; as to schools, salt springs, 5 per cent. from sales of Government lands, five sections for public buildings, two townships for a seminary of learning, and on October 18, 1836, that Legislature accepted the required conditions.

Mr. Morris, of Ohio, justified the right of the people of a Territory, when amounting to 60,000, to meet and form their own constitution. He said:

"I hold that any portion of American citizens, who may reside on a portion of the territory of the United States, whenever their numbers shall amount to that which would entitle them to a representation in the House of Representatives in Congress, have the right to provide for themselves a constitution and State government, and to be admitted into the Union whenever they shall so apply; and they are not bound to wait the action of Congress in the first instance, except there is some compact or agreement requiring them to do so. I place this right upon the broad and, I consider, indisputable ground that all persons living within the jurisdiction of the United States are entitled to equal privileges; and it ought to be a matter of high gratification to us here that in every portion, even the most remote, of our country our people are anxious to obtain this high privilege at as early a day as possible. It furnishes clear proof that the Union is highly esteemed and has its foundation deep in the hearts of our fellow-citizens.

"By the Constitution of the United States power is given to Congress to admit new States into the Union. It is in the character of a State that any portion of our citizens, inhabiting any part of the territory of the United States, must apply to be admitted into the Union; a State government and constitution must first be formed. It is not necessary for the power of Congress, and I doubt if

Congress has such power, to prescribe the mode by which the people shall form a State constitution; and for this plain reason, that Congress would be entirely incompetent to the exercise of any coercive power to carry into effect the mode they might prescribe. I can not, therefore, vote against the admission of Arkansas into the Union on the ground that there was no previous act of Congress to authorize the holding of her convention. As a member of Congress I will not look beyond the constitution that has been presented. I have no right to presume it was formed by incompetent persons, or that it does not fully express the opinions and wishes of the people of that country. It is true that the United States shall guaranty to every State in the Union a republican form of government, meaning, in my judgment, that Congress shall not permit any power to establish, in any State, a government without the assent of the people of such State; and it will not be amiss that we remember here, also, that that guaranty is to the State and not as to the formation of the government by the people of the State; but should it be admitted that Congress can look into the constitution of a State in order to ascertain its character, before such State is admitted into the Union, yet I contend that Congress can not object to it for the want of a republican form, if it contains the great principle that all power is inherent in the people and that the Government draws all its just powers from the governed.

"The people of the Territory of Arkansas having formed for themselves a State government, having presented their constitution for admission into the Union, and that constitution being republican in its form, and believing that the people who prepared and sent this constitution here are sufficiently numerous to entitle them to a Representative in Congress, and believing also that Congress has no right or power to regulate the system of police these people have established for themselves, and the ordinance of 1787 not operating on them, I can not, as a member of this body, refuse my vote to admit this State into the Union."

In the course of the debate in the House, John Quincy Adams yielded his profound convictions on the subject of slavery to his sense of other obligations, saying:

"I can not, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support their Constitution—I can not object to the admission of Arkansas into the Union as a slave State; I can not propose or agree to make it a condition of her admission that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana and Mississippi and Alabama and Missouri have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana which secures to the inhabitants of the ceded territories all the rights, privileges, and immunities of the original citizens of the United States; and stipulates for their admission, conformably to that principle, into the Union."

It has been shown that Florida adopted a constitution in 1839, and stood upon the right to be admitted under the terms of the treaty with Spain.

It has been objected to the proceedings of our people, and this the Senate will propose to validate, that we seek to fix the boundaries of our proposed State.

The cases of Iowa, California, Kansas, and Oregon are squarely in point, and fully sustain our proposition.

Iowa and Florida were admitted together. The former State arranged its own boundaries.

Iowa, assuming the right to take the action she did, adopted a constitution in 1844. There was no enabling act as to either of these Territories. The people of each had memorialized Congress repeatedly, but in vain, for admission, until March 3, 1845, when both were admitted by act of that date, with the following preamble:

"Whereas the people of the Territory of Iowa did, on the 7th day of October, 1844, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and whereas the people of the Territory of Florida did, in like manner, by their delegates, on the 11th day of January, 1839, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States on an equal footing with the original States."

The act of Congress changed the boundaries of the State of Iowa, as defined in her constitution, and required the consent of the people to this change. This proposition was defeated at a popular election. A second convention, called by the Territorial Legislature, met and formed a new constitution in May, 1846, which was adopted by the people, and on December 28, 1846, an act of Congress admitting the State was passed.

In the case of Oregon the claim was made in behalf of the people of the right to originate a State government without authority of Congress under the ordinance of 1787, which had been extended to that Territory.

In December, 1856, the Territorial Legislature passed an act providing for a constitutional convention. The delegates were duly elected and the convention held. It met at Salem in August, 1857, and framed a constitution, which was ratified at a popular election. The boundaries, as provided for in that constitution, are the present boundaries of the State of Oregon, except that the territory lying north of the forty-sixth parallel of latitude and included between the Columbia and Snake Rivers, was, by the act of Congress admitting the State, taken from the State of Oregon and attached to the Territory of Washington. There was no enabling act, the movement for admission having originated wholly with the people. The State was admitted to the Union on the 14th day of February, 1859.

In the case of Oregon some question arose concerning its population. In the House, Mr. Stephens, of Georgia, reported a bill for the admission of Oregon, and after quoting the ordinance of 1787, he said:

"If there were any questions as to whether there were 90,000 people there, if there were any question as to whether Oregon comes up to the ratio of representation, yet, sir, I hold that there is a solemn guaranty and a contract made with those people which we ought not to disregard. That there are more than 60,000 people there it seems to me no gentleman upon this floor can doubt.

Mr. Clark, of Missouri, also said, upon the same subject:

"I claim that Oregon has a right to come in under the ordinance of 1787, and that it is the duty of Congress to admit her on the same principle and according to the same rule established in that ordinance for the Northwest Territory."

California applied for admission in a manner much more self-assertive than was that adopted by the other States. The treaty of Guadalupe Hidalgo, properly construed, gave little warrant for the proceedings that were instituted. Two fruitless efforts were made in 1845 in Congress to establish a Territorial government in California, and a bill which was introduced for her admission as a State came to naught. In 1849 the military governor of that conquest called a constitutional convention by proclamation. This body adopted a constitution and elected State officers. The governor was inaugurated December 20, 1849. The military governor proclaimed the constitution to have been adopted, and delivered the government to the State thus organized. President Taylor transmitted this constitution to Congress in a message which took no exception to the manner in which it had been formed. Mr. Douglas presented to the Senate the memorial of the Senators and Representatives elect, praying the admission

of California as a State. The report of the conference committee of thirteen, made by Henry Clay, contains this passage:

"There are various instances prior to the case of California of the admission of new States into the Union without any previous authorization by Congress. The sole condition required by the Constitution of the United States in respect to the admission of a new State is that its constitution shall be republican in form."

It was under these circumstances that California came into the Union by the act of September 9, 1850.

The territory which is now the State of Vermont was claimed by Massachusetts, New Hampshire, and New York. The people of Vermont adopted a constitution in 1777, and adopted another in 1781. Massachusetts assented to the independence of Vermont.

The claim of New Hampshire was relinquished in 1782 and that of New York in 1790. Vermont was admitted into the Union February 18, 1791, and in the long history of this effort of her people to become a State no pretense was ever made that she could not approach Congress as a claimant to the right of admission without the credentials of an enabling act.

So in the case of Maine, Massachusetts, by act passed June 19, 1819, submitted the question of separation to the people of Maine, who thereupon voted (17,091 to 7,132) in favor of forming a separate State. In 1820 a constitution was adopted by a convention and ratified by the people and the State admitted.

Mr. Speaker, what more need be said upon the two propositions:

1. That our people have the constitutional right to frame a constitution and organize a State government precisely as we have done.

2. That as a matter of right we are entitled to admission to the Union.

If anything in reason or authority was ever established it is these two propositions; and they are supported by Washington, Madison, Macon, Benton, Clay, Buchanan, Douglas, John Quincy Adams, Mr. Stephens, and many other statesmen of almost equal eminence.

It is unquestionable that the ordinance of 1787 has been extended since the adoption of the Federal Constitution over the greater portion of Dakota, and that this ordinance has been regarded as conferring this right upon the people of a Territory to frame a constitution and demand admission into the Union. And the stipulations of the treaty with France have been regarded in many instances as conferring the same right.

Now, there is no consistent practice in regard to the admission of States. About as many have been admitted in one way as another. In some instances, like Kentucky and one or two others, a popular vote was not required, even upon the adoption of a constitution. The people of at least three States arranged their own boundaries without previous authority from Congress.

It can not be said that it is wholly within the discretion of Congress whether a State shall be admitted. It has been declared over and over again by the highest authority, by Chief-Justice Taney, speaking for the court in the Dred Scott case, that the United States has no right to acquire territory except with the intention to admit it as a State. Do the States of the Union consent to the acquisition of new territory for the purpose of keeping and maintaining a province? Did the people of Dakota go out from the various States, where they enjoyed full rights of citizenship and self-government, upon the vast prairies of Dakota to make homes for the purpose of being disfranchised—themselves and their children—by living in a province?

Talk about the admission of Dakota being discretionary with Congress. To refuse her admission is doing violence to the very name of discretion. It is a burlesque upon the name of discretion. How much discretion has the majority of this House exercised during the past four years in neglecting and refusing, during all this time, to give even a moment's time to the question of the admission of Dakota or of any other Territory? How much discretion did the distinguished Senator from South Carolina and his Democratic colleagues exercise, in presenting to the Senate and voting for an enabling act for the admission of Dakota as a whole, by permission of Congress some time hereafter—no definite period fixed—and insisting that Utah shall be admitted at once upon proclamation by the President, which were precisely the terms of the so-called enabling act?

Is that what you call "exercising discretion" in the admission of new States? We call it in Dakota, and the people of the country call it, the very height of partisan blindness and folly, of injustice and tyranny.

I come now to the question of the division of Dakota—the boundaries and area of the proposed State. Are they not sufficient in all reason for a State? It will contain more than 75,000 square miles, and exceeded in size by only seven States—California, Colorado, Kansas, Minnesota, Nevada, Oregon, and Texas. The proposed State will be about 200 miles wide and 400 long, larger by far than any State east of the Mississippi, and will exceed in size all of New England and New Jersey added.

Can the gentlemen from Illinois or Georgia, from Iowa or South Carolina, object to the admission of South Dakota on the ground that it is not large enough for a State? What a condition of things we would now have had Ohio and Indiana been admitted as one State, and yet both combined are much smaller than the proposed State of South Dakota. It is not for political parties nor for the present generation that we construct States. It is for the future—for those who are to come after us. It is for the millions who are to live in Dakota that the foundations for statehood are now laid. Admit Dakota as a whole, and you have a State nearly twice as large as Minnesota—larger than all New England, New York, and Pennsylvania combined.

Have the climate and soil sufficient productive capacity for two States? Permit me to give a few figures and comparisons in this regard. It must be remembered that the area of the proposed State of North Dakota is about equal to that of South Dakota. I will give the population and area of the States when admitted into the Union:

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.		
			Free.	Slave.	Total.
Vermont.....	1791	33,000	85,425		85,425
Kentucky.....	1792	33,000	61,247	12,430	73,677
Tennessee.....	1796	33,000	32,274	4,417	35,691
Ohio.....	1802	33,000	45,365		45,365
Louisiana.....	1812	35,000	41,896	34,660	76,556
Indiana.....	1816	35,000	24,520		24,520
Mississippi.....	1817	35,000		17,088	40,352
Alabama.....	1819	35,000	23,264		23,264
Illinois.....	1818	35,000	12,282		12,282
Maine.....	1820	35,000	228,705		228,705
Missouri.....	1821	40,000	56,335	10,222	66,557
Arkansas.....	1836	47,700	25,812	4,576	30,388
Michigan.....	1837	47,700	31,639		31,639
Florida.....	1845	70,680	28,760	25,717	54,477
Texas.....	1845	70,680			
Iowa.....	1846	70,680	43,112		43,112
Wisconsin.....	1848	70,680	30,945		30,945
California.....	1850	93,423	92,597		92,597
Minnesota.....	1858	93,423	6,077		6,077
Oregon.....	1859	93,423	13,294		13,294
Kansas.....	1861	127,381	107,206		107,206
West Virginia.....	1863	127,381			
Nevada.....	1864	127,381	6,857		6,857
Nebraska.....	1867	127,381	28,841		28,841
Colorado.....	1876	131,425	39,864		39,864

State.	Population when admitted.			Population by following census.	Rate per cent. of increase during decade of admission.
	Free.	Slave.	Total.		
Vermont.....	85,425		85,425	154,446	80
Kentucky.....	61,247	12,430	73,677	220,955	200
Tennessee.....	*60,600	*7,000	*67,000	105,602	105
Ohio.....	45,365		45,365	230,760	408
Louisiana.....	41,896	34,660	76,556	152,923	100
Indiana.....	63,897		63,897	147,178	500
Mississippi.....	45,441	30,061	75,512	75,448	403
Alabama.....				127,901	
Illinois.....	34,620		34,620	55,162	330
Maine.....	293,269		293,269	3,99,445	33
Missouri.....	56,335	10,222	66,557	140,445	111
Arkansas.....	*33,000	*9,240	52,240	97,574	221
Michigan.....	*65,000		*65,000	212,287	570
Florida.....	*34,000	*30,000	*64,000	87,445	60
Texas.....	*105,000	*28,000	*143,000	212,592	
Iowa.....	78,819		78,819	192,214	345
Wisconsin.....	*180,000		*180,000	305,331	896
California.....	92,597		92,597	379,994	310
Minnesota.....	*120,000		*120,000	172,023	2,370
Oregon.....	*50,000		*50,000	52,465	204
Kansas.....	107,206		107,206	364,399	240
West Virginia.....			*350,000	442,914	
Nevada.....	*40,000		*40,000	42,491	520
Nebraska.....	*100,000		*100,000	122,993	322
Colorado.....	*100,000		*100,000	194,640	888

*Estimated.

The present basis of representation in the House of Representatives is 151,911. No State ever created out of the public domain had at the time of admission anything like the population which is contained in either of the proposed States, and the claims of every State admitted or annexed into the Union to this time bear no comparison whatever to the claims of Dakota. Treaty obligations have been violated, constitutional guaranties trodden upon, and the spirit as well as the letter of our Government cast contemptuously aside in the case of Dakota. Can there be any doubt about each of the proposed States containing sufficient area for a State? Can the gentleman from Georgia, or Iowa, or Missouri, or Illinois, or South Carolina consistently raise the question or object to the admission of either Dakota upon the ground that it does not contain sufficient area?

Mr. Chairman, there is no question that the work of creation and constituting States into the Union is of serious and most important import.

There may be questions connected therewith which seriously affect the body of the States, which should be fairly taken into account; and, on the other hand, there may be, and in the case of Dakota certainly are, considerations of higher importance affecting her people that are of the utmost concern and urgency to them.

It must be considered that we have outgrown to a vast degree all and every condition contemplated or intended to come within the provisions of a Territorial government. We have six judges, with the most urgent need of two more. The usual number allotted to a Territory is three. Our Legislature has double the number of members that Territorial Legislatures usually contain.

The government which is provided for the Territories of the United States is almost identical with that which was extended by England over her colonies a century and a half ago, and against which the fathers of this Republic so successfully rebelled.

Regarding the object and purposes of a Territorial government, I can do no better than to quote the following language, which comes to us from high authority:

"The policy of the United States from the time of the adoption of the Constitution, and even before, has been to encourage the settlement of the public lands lying outside of the boundaries of the States, and to organize the communities thus formed into States as soon as the requisite population was found within a suitable area. Territorial governments were always regarded as formative and temporary, to be superseded by State governments as soon as the necessary conditions existed. The vast domain acquired by cession from Virginia, by the treaty of Louisiana, and by conquest from Mexico, has been carved into States, which have been admitted to the Union as fast as sufficient population was found therein."

Summary of areas of States, Territories, etc., in square miles.

States and Territories.	Gross areas.	Coast waters (bays, gulfs, sounds, etc.).	Rivers and smaller streams.	Lakes and ponds.	Total water surface.	Total land surface.
Total.....	3,025,000	17,200	14,500	23,900	55,600	3,970,000
Alabama.....	52,250	440	260	10	710	51,540
Arizona.....	113,020		80	20	100	112,920
Arkansas.....	53,850		540	265	805	53,045
California.....	158,360	540	240	1,600	2,380	155,980
Colorado.....	103,925		270	10	280	103,645
Connecticut.....	4,990		80	40	145	4,845
Dakota.....	149,100		610	790	1,400	147,700
Delaware.....	2,050		30		90	1,960
District of Columbia.....	70				10	60
Florida.....	53,680	1,300	300	2,250	4,440	54,240
Georgia.....	59,475	150	300	45	495	54,980
Idaho.....	84,800		200	310	510	84,290
Illinois.....	56,650		515	135	650	56,000
Indiana.....	35,350		300	110	440	35,010
Indian Territory.....	64,690		600		600	64,090
Iowa.....	56,025		450	100	550	55,475
Kansas.....	82,080		380		380	81,700
Kentucky.....	40,400		375	25	400	40,000
Louisiana.....	48,720	1,060	540	1,700	3,300	45,420
Maine.....	33,040	545	300	2,300	3,145	29,895
Maryland.....	12,210	1,350	500		2,350	9,860
Massachusetts.....	8,315	125	60		275	8,040
Michigan.....	58,915		260	1,225	1,485	57,430
Minnesota.....	83,365		360	3,800	4,160	79,205
Mississippi.....	46,810	30	340	100	470	46,340
Missouri.....	69,415		630	50	680	68,735
Montana.....	146,080		410	360	770	145,310
Nebraska.....	76,855		630	40	670	76,185
Nevada.....	110,700		35	925	960	109,740
New Hampshire.....	9,365		80	220	300	9,065
New Jersey.....	7,815	205	120	35	360	7,455
New Mexico.....	123,580		115	5	120	122,460
New York.....	49,170	350	300	900	1,550	47,620
North Carolina.....	52,250	3,260	250	160	3,670	48,580
Ohio.....	41,060		140	160	300	40,760
Oregon.....	96,030	80	560	920	1,470	94,560
Pennsylvania.....	45,215		200	30	230	44,985
Rhode Island.....	1,250	135	10	20	165	1,085
South Carolina.....	30,570	215	180	5	400	30,170
Tennessee.....	42,030		200	100	300	41,730
Texas.....	265,780	2,510	800	180	3,490	262,290
Utah.....	84,970		80	2,700	2,780	82,000
Vermont.....	9,655		50	380	430	9,125
Virginia.....	42,450	1,780	520	25	2,325	40,125
Washington.....	69,180	1,380	560	360	2,300	66,880
West Virginia.....	24,780		135		135	24,645
Wisconsin.....	56,040		420	1,170	1,590	54,450
Wyoming.....	97,890		85	230	315	97,575
Unorganized territory.....	3,740					5,740
Delaware Bay and lower	620	620				620
Barbican Bay and lower						
New York Bay.....	100	100				100

It will be seen that the proposed State of Dakota would be the eighth State in area—only California, Colorado, Kansas, Minnesota, Nevada, Oregon, and Texas having a larger area—while the Territory of Lincoln would be only exceeded in area by one additional State, namely, Nebraska. The proposed State would be more than twice as large as Indiana; 20,000 square miles larger than Illinois; 23,000 square miles larger than Arkansas; 8,000 square miles larger than Missouri; more than two and a half times larger than South Carolina, and more than 10,000 square miles larger than the six New England States.

South Dakota cast over 70,000 votes at the election of November last, and North Dakota more than 44,000, with no officers of importance to be voted for, except a Delegate to Congress, members of the Legislature, and county officers—nothing of interest to excite people or draw out a vote. There are organized counties in Dakota with many inhabitants where the right of suffrage is not exercised.

Now, concerning the wishes of our people upon the question of division:

As early as the Territorial legislative session of 1870-'71 the agitation of the question of division of Dakota upon the forty-sixth parallel of north latitude took form, and at that session a memorial to Congress, praying for such division, was passed in both houses unanimously, and approved by the governor January 12, 1871.

Again, December 31, 1872, there was passed and approved a similar memorial, with 4 dissenting votes in the house and none in the council.

Again, December 19, 1874, another passed unanimously in the house, with 1 dissenting vote in the council.

Again, January 24, 1877, another passed unanimously, with no negative votes in either house.

In 1879 a protest against admission of the whole Territory as one State was passed.

In 1881 a memorial praying for a division into three Territories passed both houses, but received 19 negative votes in the house and 3 in the council.

In 1883 the bill for the constitutional convention for South Dakota, to be held that year, was passed, as heretofore stated, which was withheld by the governor.

(Since 1860 the legislative sessions have been biennial.)

In 1885, at the last session of the Legislative Assembly, there was an increased number of members of both houses, Congress having recognized the absurdity of governing this great Territory with the machinery of government usually allotted to an ordinary Territory. It will be observed this was after the agitation of the question of division in Congress, incident to the passage through the Senate of the enabling act for South Dakota. It will further be borne in mind that these members of the Legislative Assembly were just elected by the people of both sections of Dakota, the northern as well as the southern portion; that the questions of division and admission had been prominent subjects of discussion for years; that they were fresh in the minds of everybody; a bill for a constitutional convention for South Dakota had passed the previous session; it had been defeated by the executive, but the convention was nevertheless held, the constitution ratified, and presented to Congress.

Now, with all this agitation and with double the number of members elected to this Legislative Assembly formerly allowed, thus necessarily reflecting the public sentiment of both sections of the Territory, they passed unanimously, in addition to the act calling a constitutional convention for South Dakota, a memorial to Congress praying for the division of the Territory and admission of the south part as a State, which was approved by the governor February 2, 1889, he thereby honorably recognizing public sentiment.

In the matter of the location of public institutions the ultimate division of Dakota has been kept in view in the Legislative Assembly; these institutions have been duplicated, as shown by the following acts:

By act of February 23, 1879, an insane asylum was located at Yankton, in South Dakota, for which bonds have been issued to the amount of \$215,000.

By act of March 9, 1883, the North Dakota Hospital for the Insane was located at Jamestown, in North Dakota, for which bonds have been issued to the amount of \$168,000.

By act of February 17, 1881, a penitentiary was located at Sioux Falls, in South Dakota, for which bonds have been issued to the amount of \$94,000.

By act of February 27, 1883, a penitentiary was located at Bismarck, in North Dakota, for which bonds have been issued to the amount of \$41,000.

By act of February 3, 1883, the University of Dakota was located at Vermillion, in South Dakota, and bonds to build the same were authorized to the amount of \$85,000.

By act of February 27, 1883, the University of North Dakota was located at Grand Forks, in North Dakota, and bonds for the same have since been issued to the amount of \$74,000.

By act of February 21, 1881, an agricultural college was established at Brookings, in South Dakota, for which bonds have been issued to the amount of \$100,000.

By act of February 27, 1883, an agricultural college was located at Fargo, in North Dakota, but the buildings have not yet been constructed.

By act of March 5, 1881, a normal school was located at Madison, in South Dakota, and bonds have been issued therefor to the amount of \$35,600.

By act of March 9, 1883, a normal school was authorized at Larimore, in North Dakota, the buildings for which are yet to be constructed.

In all of these acts authorizing the issue of bonds it was provided that the part of the Territory in which was located the institution for which bonds were issued should, upon the division of the Territory, assume all obligations incurred for the erection of such institutions.

Many other instances of legislation specifically adapted and made applicable to the different sections of the Territory might be adduced, but the above examples will suffice to illustrate and emphasize the separate and distinct interests of the people in the southern and northern portions of the Territory.

The political division of Dakota into North and South is as distinctive as possible. These terms are used with us as common, and are as necessary as the terms North and South Carolina are used in those respective States. Our people desire division because they believe that a better and more economical government can be secured in a State of medium size than can possibly be realized in so large, unwieldy, and populous a State as Dakota would be if admitted as one State. The best possible data that can be secured regarding State expenditures show that small and medium States can be more economically managed per capita than large ones.

This has not been a matter with us of the mere isolation of the people of the two sections of the Territory from each other. The foundation of our whole political structure has been laid with a view of division, because we realized the fact that it is more for coming generations than for ourselves that States are built, and I verily believe, whatever may be the fate of the division movement in Dakota, posterity will insist as the result of sad experience, and when too late to be remedied, that sound government in a State of moderate size is far better than glory and lavish expenditure in a State of great area. It may well be said that except in matters which are necessarily compulsory through one Legislature, and trammelled by acts of Congress, North and South Dakota are quite distinct.

We even have two boards of agriculture, one for North and one for South Dakota, two public examiners, and, in fact, almost everything connected with our system over which we have any control or about which we are permitted to legislate is duplicated to accommodate and harmonize with our peculiar and distinctive relations.

Even the religious societies realize the necessity of duplicating their institutions in Dakota, and recognize the political distinction between the two sections.

The South Dakota Congregational College is built at Yankton, the North Dakota Congregational College at Fargo. The South Dakota Baptist College is at Sioux Falls, the North Dakota Baptist College at Tower City. The South Dakota Presbyterian College is at Pierre, the North Dakota Presbyterian College at Jamestown. The Episcopal Church has its diocese of North Dakota and South Dakota, each with its own bishop.

The Roman Church has recently located a missionary bishop for South Dakota. I am informed, and also learn, that the Pope has recommended the establishment of one for North Dakota, to be located at Jamestown.

And again, at the session of the Legislature held in January, 1887, a memorial was adopted by a unanimous vote praying for division, and at the session just convened the same memorial has been adopted by a like vote. In addition to that, a succession of conventions and mass-meetings have been held in North Dakota in favor of division, and not a voice has been raised in favor of admission as a whole at any of them.

The whole history of Dakota, from beginning to end—of its political parties, legislation, and tone of its press—shows all through that it is the overwhelming desire of the people to be admitted as two States. The declarations of the Democratic party of the Territory have been

consistently for division throughout. I quote from a reliable publication in regard to this:

[From the Huron Herald-Democrat (Democratic).]

RECORD OF THE DEMOCRATIC PARTY OF DAKOTA ON DIVISION—VOTES OF ALL THEIR CONVENTIONS—DIVISION AN ORIGINAL DIVISION MEASURE.

Inasmuch as the question of division of the Territory of Dakota is now before Congress, and as Ordway, Johnson, and other self-constituted leaders of the Democratic party here are endeavoring to make Congress believe that the Democrats are opposed to the division of the Territory and in favor of admission as a whole, the Democrat proposes to give the attitude of this party upon this important question in the past, so that all may be informed on the subject.

At the Territorial Democratic convention which assembled at Bon Homme July 18, 1872, and which nominated Moses K. Armstrong for Delegate in Congress, who was afterwards elected to his second term, the following resolution was adopted:

"Resolved, That a division of the Territory should be made, giving to the settlement of Dakota a separate and distinct Territorial government north of the forty-sixth parallel of north latitude."

At the Territorial Democratic convention held at Elk Point, August 20, 1874, in which W. A. Burleigh was nominated for Delegate in Congress, the following resolution was passed:

"Resolved, That we believe the best interests of the public demand the erection of a new Territory out of that portion of Dakota lying north of the forty-sixth parallel, and we pledge the influence of the Democratic party to secure the organization of such new Territory."

At the Territorial anti-monopoly convention held at the same time and place, and which also nominated Dr. Burleigh for Delegate, the following resolution was adopted:

"Resolved, That we are in favor of the organization of a new Territory out of the northern portion of Dakota at the earliest possible day."

The Territorial Democratic convention held at Yankton, July 6, 1876, which nominated Hon. S. L. Spink for Delegate in Congress, adopted the following resolution:

"Resolved, That we earnestly favor the organization of a new Territory out of the northern part of Dakota, and believe that such organization will largely tend to enhance the interests of the people of both sections."

In the Territorial convention which nominated Bartlett Tripp for Delegate in 1878 no expression upon the division question was made. In the convention of 1880, which nominated M. L. McCormack for Delegate, it is asserted by those who were present that a division resolution was passed, but the record is not available.

In 1882 the Democrats of Dakota assembled in Territorial convention at Mitchell, and after nominating W. E. Steele, of Deadwood, for Delegate, adopted the following resolution:

"Resolved, That we are in favor of the division of Dakota on the forty-sixth parallel and retaining the present name of Dakota for the south half."

In 1884, at Sioux Falls, where the Territorial Democracy in convention assembled nominated John R. Wilson, of Deadwood, for Delegate, the resolutions adopted embraced the following:

"Resolved, That we are in favor of the division of the Territory on the seventh standard parallel, and appeal to the Democratic members of Congress to favor such division."

At the Democratic Territorial convention, held at Aberdeen, September 20, 1886, in which Hon. M. H. Day was nominated for Delegate in Congress, plank No. 7 in the platform of principles adopted was as follows:

"That we favor the submission to a vote of the people of the whole Territory the question of the division of the Territory on the seventh standard parallel."

This is the consistent, outspoken attitude of the Democratic party of Dakota for fourteen years upon the question of division. This party has been the originator, fosterer, and promoter of division. The unselfish, thoughtful Democrats who have resided here for years, and who have studied the needs and wishes of the whole people of this Territory, have pronounced time and again for division. The last Democratic convention elected its chairman upon the issue of division, nominated its candidate for Delegate upon the same issue, and came very near electing him. Every man who attended the Aberdeen convention of September 20, 1886, remembers that W. I. Quigley was nominated by the one-State men for temporary chairman. The divisionists put up Hon. John R. Wilson, who was elected by an overwhelming majority. When it came to the selection of a candidate for Delegate the same question was presented. It was a trial of the strength of the divisionists and anti-divisionists. What was the result? On the informal ballot L. G. Johnson, who represented the one-State men, received 70 votes; M. H. Day, who represented the two-State men, received 204 votes; and D. W. Maratta received 69 votes. On the formal ballot Mr. Day received 228 votes, D. W. Maratta 76 votes, and L. G. Johnson 4 votes, most of the Johnson men voting for Maratta.

Thus it will be seen that every time this question has been before the Democratic party of this Territory, in whatever form, the party has pronounced emphatically for division.

When the resolution favoring the submission of the question to a vote of the people passed the Aberdeen convention every good and true Democrat was bound to stand by the result. And what was the result? In favor of division by nearly 5,000 majority.

If Mr. Johnson was a good Democrat he would submit to this verdict. But he does not, and hence forfeits his right to be called a Democrat. In fact, his course in this matter is in keeping with his past political record. Up to a very recent date Mr. Johnson was an active Republican. When the Territorial Republican convention assembled at Pierre in 1884 he was heading the Republican delegation from Brown County and assisted in nominating Judge GIFFORD, the present Republican Delegate, and in the same year he was a prominent member of the Territorial convention which met in Huron to select delegates to the national Republican convention at Chicago. If he has since been converted to Democracy his acts do not prove it.

The plain truth is, a large majority of the Democrats of this Territory are now, and have always been, in favor of division. And the Democrat is getting pretty tired of having a man with the political record of Mr. Johnson assuming to represent and reflect the sentiments of the Democracy of Dakota.

At the election held in the Territory in November, 1887, the question of division was voted upon; over 70,000 votes were cast, with a majority of about 4,000 in favor of division. The people of North Dakota gave a majority of about 10,000 against division.

The cause of this majority in North Dakota is easily accounted for. They had been told repeatedly, over and over again, by the chairman of the House Committee on the Territories, that we never could be admitted as two States. It was understood the present Administration had declared against it.

Our people were weary of a Territorial government. A long line of governors and other officers had been sent to rule over us from abroad—

from Maine, New Hampshire, New York, and from almost every State in the Union.

Very rarely indeed was an officer appointed from among our own people. These officers came, disbursed and spent the money our people paid in the way of taxes, interfered in our political and other affairs, and a great many departed unregretted by us. About the time of this election a letter was written by the distinguished member from Illinois [Mr. SPRINGER], from which I herewith quote.

Mr. SPRINGER says:

This is the first concerted movement on the part of the people of Dakota for single statehood which has come to my knowledge.

And I think in that respect the letter is true.

Heretofore the organized efforts of your people have been in the direction of division of the Territory into two parts, while individuals, partisan localities, and newspapers of the Territory have opposed such efforts. These contending factions among your own people have had the inevitable result of preventing any affirmative action whatever by Congress.

This is his pronouncement, the ukase and decree of a man in a certain respect absolutely powerful, or assumed to be so, over this question, prepared in advance to be submitted to these people in that convention.

Those who are wedded to the idea of division may well postpone the realization of their hopes until a more convenient season—

Referring, I suppose, to some time after the then next Presidential election—

for I can assure them, from my knowledge of public sentiment here, that the division of Dakota at this time, and the erection of two States within her border, is utterly impossible.

He concludes as follows:

I therefore bid you Godspeed in the work of the convention of the 15th of December, and trust that its labor will result in the early admission of Dakota as a State in the Union.

Is it strange in the face of all this that some of our people were inclined to accept the dire and exceedingly distasteful alternative and favor admission as a whole? This illustrates the kind of influence that was brought to bear upon our people to affect their vote. Is it strange the margin for division was small in view of these facts? Those people in North Dakota felt that their only chance to get into the Union at all was for Dakota to be admitted as a whole. What is the sentiment there now? They have taken courage since the recent election, and not a voice is heard against division, not a petition is sent, nor a letter written asking even for a vote upon the proposition. Those people want no further voting upon the question of division.

They take it for granted that it will come soon, and they hail with delight the prospect. There may have been a time when our people could have been tempted and induced to accept admission as a whole, as the speediest method of getting rid of their burdens, but that day is forever past. The people of Dakota will never accept admission as one State. They do not say this defiantly or arrogantly, but with the full knowledge and belief that the affairs of medium-sized States are much better administered, the interests of the people better cared for, and the American Union strengthened by their formation, as compared with States of vast area. And we believe this is the sentiment of a vast majority of the people of our country.

The responsibility of this injustice to Dakota is well understood. It is impossible to cloak the senses of the people to any great extent. The theory that it is the mere exercise of discretion to refuse us statehood has long since been exploded. Call it the abuse of discretion and the people will agree with you. What further can we say upon this subject? The people of Dakota, as patriotic and intelligent as ever settled a new country, a part of your own flesh and blood, have asked for simple justice for years, and have been refused. And now that this question is before us, it has coupled with it other matters which tend to complicate and burden it. I will say frankly that the hopes of our people that relief would come through this Congress have not been high, and no keen disappointment will they feel if nothing is done now.

Broken promises and continued harsh treatment have educated us to look upon defeat and disregard of our claims with considerable complacency. If I may be permitted to allude to a personal matter, permit me to say that near the close of four years' service in the House as a Delegate from Dakota, I look upon my refusal to listen to the voice of the tempter to consent to the admission of Dakota as a whole with very much satisfaction indeed. It would be a calamity to coming generations were we admitted as a whole. Admit Dakota as two States and the interests of those people will be better cared for and the great union of States stronger and more complete and the policy of the founders of the Government more nearly complied with.

Mr. GIFFORD. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore* (Mr. ROGERS). Twenty-two minutes.

Mr. GIFFORD. I reserve the remainder of my time.

Mr. TOOLE. Mr. Speaker, I shall address myself to the omnibus bill which will be offered hereafter as a substitute. In January, 1884, a constitutional convention was held at Helena, in the Territory of Montana, at which a constitution was adopted and submitted to a vote of the people for ratification or rejection. The constitution was ratified by the people

at an election held in November, 1884. This constitution was forwarded to Congress, and a memorial was adopted and presented, praying for the admission of Montana into the Union as a State, upon an equal footing with the original States. The memorial is as follows:

To the President of the United States and the Speaker of the House of Representatives:

Your memorialists, the people of Montana Territory, through their representatives in convention assembled, respectfully represent:

That, since the organization of the Territory of Montana, we have cheerfully yielded obedience to the laws of the United States, and recognized the right of Congress to make all needful rules and regulations respecting the Territories.

That we now disclaim any purpose of disloyal action, but, renewing our fealty to the Constitution of the United States, and recalling to mind the right of the people to peacefully assemble and by petition represent their grievances to Congress, do further represent:

That the policy which has so long prevailed, of sending strangers to rule over us and fill our offices, has become distasteful to us, and is wholly unsuited to our present condition and the growing importance of the diversified interests of our country.

That within the past few years our population and resources have been largely augmented, whereby the proper administration of our laws demands a more perfect and comprehensive system of government than ever can be attained under our Territorial organization.

That in order to enlarge our liberties, secure a closer connection with the American Union, and for the establishment and maintenance of a better government, your memorialists, with the consent of the Legislative Assembly, have met in convention and formed a constitution, republican in form, for the State of Montana, and herewith present a certified copy thereof for your approval; and if, upon consideration of the same, you find it unobjectionable in substance and form, your memorialists pray that the Territory of Montana be speedily admitted into the Union of the United States thereunder, and your memorialists will ever pray.

It will be observed that the application here made for statehood is based upon the well-considered and deliberate action of the citizens of Montana, with a full confidence in their ability for self-government. It is our desire to be admitted under that constitution, and at the proper time I shall offer an amendment to that effect. I proceed at once to present for your consideration the merits of our claim. Montana was carved out of Idaho and organized as a Territory May 26, 1864. Our progress has been onward and upward from that day steadily. We base our claim for statehood upon no flimsy pretense, but are willing to be measured by the same standard proposed by three-fourths of the States of the Union at the time of their admission. We have outgrown a system designed only for a weak and sparsely inhabited Territory.

We are twenty-four years old, out of debt, of sound integrity, and good citizens. Our Territorial pupilage, which is only a stage of training necessary to precede the responsibilities of statehood, justifies us in putting aside the restraints of Territorial government and assuming a more important place in the future. Like a child grown beyond the capacity of its garments, our pride is wounded and we are restive under the promise of more suitable habiliments. We stand in many respects in the same relation to the Federal Government that a child does to its parent or a ward does to its guardian, but unhappily the same principles are not applicable or we might go into a court of equity and get immediate relief.

We are bound by the highest duty to admit these Territories as soon as they are qualified for statehood. We are a Republic of States and not of Territories, and yet we are fringed by despotism. Our Territories, forming the border of the great Northwest and Southwest, are dominated and controlled by a centralized power at this capital which was never designed to continue a day longer than the necessity thereof existed. Professions of sympathy no longer assuage us, and no amount of insincerity will hereafter put us aside. The brief time allotted me is insufficient for a recital of our wrongs, but I will venture to inquire for a moment what Congress has done for the Territories. I will answer for the benefit of those who care to know.

It has given us a system of courts inherently wrong, and which never can be made suitable to large communities.

It has regulated the number of our judges, which is grossly inadequate in every instance, resulting in the delay, and in many cases the denial of justice.

It has arbitrarily fixed the time when our local Legislature shall meet and adjourn, to our great damage and inconvenience.

It has denied us the authority to call an extra session of our Legislature without the consent of the President, adding untold burdens to a dependent people.

It has reserved the right to invalidate any law which our Legislature may pass, thereby destroying that full faith and credit which our legislation ought to command.

It has bound us hand and foot by a law which restricts these growing and ambitious communities in the expenditure of money for public improvements.

It has declared what we shall teach in our public schools, and manifested a lack of confidence in us in other instances of legislation too numerous to mention.

It has attempted to stifle our industries by prohibiting us from selling our mining properties in foreign markets, thus laying upon us an embargo not borne by citizens of the States.

It has exempted a railroad and the improvements on its right of way for 820 miles in length from taxation, furnishing another evidence of the gross inequality of citizenship in and out of the Territories.

It has withheld from us our dowry of lands which belong to our school fund and refuses to give to us any kind of supervision or control over it until we become a State, and then sets deliberately to work to prolong the time when that event shall happen.

It has professed to give us a representative in the lower House of Congress, but denies to us a vote, the only element of representation which gives character or influence to a member.

It has left us without any kind of representation in the Senate, and remits us to the beggarly methods of the lobbyist.

It has imposed upon us, with an iron hand, the obligations and burdens of citizenship, while it withholds its corresponding benefits by steadily denying to us participation in the framing of Federal legislation and the right of suffrage in national elections.

It has, by a failure to appropriate the necessary money, made it impossible at three successive terms of our court to summon or procure the attendance of jurors and witnesses in causes arising under the Constitution and laws of the United States, whereby persons accused of crime, invoking the constitutional right to a "speedy trial by an impartial jury," were compelled to be discharged without trial.

It has refused to appropriate the salaries provided by law for the hungry officials whom it has been pleased to send us [laughter], and compels them to accept a measly sum in full compensation, notwithstanding an overflowing Treasury.

It has refused to appropriate sufficient money to extend the public surveys in the Territories, but has doled out annually its dribbles, which have oftentimes been covered back into the Treasury, leaving our boundaries undefined and our titles insecure.

It has, by a false economy in the appropriation and expenditure of the public money, deprived the frontier settlements of proper postal facilities, proceeding upon the unjust and impracticable basis that every office should be self-sustaining.

It has failed to cause to be surveyed, selected, and conveyed to the grantees the lands falling to railroad grants in the Territories, as required by law, whereby millions of acres of land owned by rich corporations escape taxation.

It has persistently refused to pass laws by which timber or timber lands in the Territories (except Washington) may be leased or purchased, professing, however, to give the right to actual settlers to cut and remove the same for domestic purposes, while it has hedged in this privilege with an odious and impracticable system of rules and regulations which has resulted in harassing our citizens with expensive civil and criminal proceedings based wholly upon the *ex parte* statements of a crouching and obsequious special agent or spy, who has been taught to believe that his term of office will be measured by the extent of his activity in stirring up strife. [Applause.]

It has, by the organization of these Territories, invited settlement and occupancy of the frontier upon the promise and obligation that our persons and property should be protected against depredations by hostile Indians. These promises have been honored more in the breach than in the observance. The history of our early settlement is red with the blood of the pioneers who blazed the trails of civilization in these remote lands by the lurid light of their burning homes, which went down in ashes before the merciless savage. Millions of dollars of unpaid claims, mildewed by age, growing out of these atrocities, are piled up in the Departments, while the heroes of those troublous times, overcome with the weight of years and no longer able to conquer their feelings, have gone to join the silent majority, leaving destitute widows and orphans to keep alive before Congress the memory of their trials and tribulations. Verily the cruelty of Congress cuts as keenly as the scalping-knife or the tomahawk. [Cheers.]

It has suffered to be fastened upon us the odious system of carpet-bag rule and domination which seems to inhere more or less in the Territorial form of government. The administration of President Garfield and the present Administration were alike bound by party platforms to relieve us from the obnoxious system, but both have failed. We know our capacity for local self-government. We remember that "sending hither a swarm of officials," etc., was one of the causes which led to our declaration of independence. From that day to this carpet-baggers have always been odious, and their presence amongst us is and ever will be as poisonous and destructive to good government as the insidious growth of communism. [Laughter and applause.]

Tradition informs us that the wise men all came from the East; and so our Republican friends, unwilling to depart from the teaching of the past, determined that history should repeat itself, and proceeded to treat us in their own good time to a fine assortment of imported political duds. [Laughter.] Some of these hot-house specimens who were too frail to stand transplanting in a northern clime soon gave up their commissions and returned to the genial influences of their own civilization. Others, holding religiously to the doctrine that a Federal officer should neither die nor resign, staid with us, became acclimated, and promise in the years to come to develop into tolerably good and useful citizens. [Laughter and applause.] But under Democratic supremacy we find that quite an invasion has been made upon what was supposed to be inflexible fact. Instead of the wise men coming from the East, we now learn that they come from the South. Kentucky furnished us a

governor; Tennessee a chief-justice; Louisiana an associate justice and a surveyor-general; Texas an associate justice, and Mississippi, Maryland, and Tennessee each an Indian agent.

Be it far from me to reflect upon the integrity of any gentleman sent to us by this Administration, or by implication reflect upon the section from whence he came; these considerations do not disturb or annoy us.

If there is a warm spot in my heart it beats for the generous and courageous South. I never knew one of her sons who could not be touched by the recital of a wrong, or who would not respond promptly to the call of duty. [Applause.]

The insolence of office consequent upon these alien appointments and the lack of confidence thereby manifested in us constitute the gravamen of the affront. Time, instead of healing, simply intensifies it. Nearly every day added to the score of time brings some new appointment from abroad, thus adding insult to injury. Ages of forgiveness can not condone it, and statehood alone can prevent its recurrence. We had hoped for better things from this Administration. The glorious aspirations which were born on its accession to power were confident of co-operation and promotion at its hands four years ago. We knew we were entitled to statehood then. We feel confident that a failure to receive it, together with a violation of the platform concerning Federal appointments, did much to bring about a political revulsion in the Territories last fall.

I say this more in sorrow than in anger. The great national Democratic party was right upon this absorbing question. The great popular heart of the country was right. The Administration acted unwisely because it did not press one to an issue and observe the other. Those who comprise the Administration may have been sincere, and doubtless were, but they were certainly lacking in political sagacity. Barnacles will fasten upon the proudest ship, the brightest blade will gather rust, and the surest rifle will sometimes foul. This is all that we can offer in extenuation. [Applause.]

When Moscow burned the world was lighted up so that the nations of the earth might behold the scene. If I could summon a trumpet tongue on this occasion the proclamation of our protest against carpet-bagism would be so loud that it could be heard all over this broad land.

Early in this Administration, and at the beginning of the Forty-ninth Congress, I endeavored to remove the temptation to Senators, Representatives, and other politicians to urge the importation of officials into the Territory by giving to the platform on that subject the sanction and validity of law. I introduced a bill containing this single section:

That from and after the passage of this act no person shall be eligible for appointment to any office under the laws of the United States in any Territory of the United States now organized who at the time of his appointment is not a qualified elector of the Territory to which he is appointed.

The Committee on Territories, to whom it was referred, after considering it for six months, brought in the following elaborate and exhaustive adverse report:

The Committee on the Territories, to whom was referred the bill (H. R. 2883) concerning the appointment of Federal officials in the Territories, beg leave to report:

That, while believing that whenever practicable the Territorial offices should be filled by appointment of persons who are qualified electors of the particular Territory, they think it would be unwise to require by statute that this should be done in all cases. They therefore report adversely the bill referred to them, and recommend that it lie on the table.

It is needless to remind you that it has continued to "lie on the table" in blissful oblivion ever since. But while this bill has remained *in statu quo*, the author of the report accompanying it has been more active. Less than two months ago he was appointed chief-justice of Washington Territory from the State of Pennsylvania, from which my good friend and colleague from Washington Territory will doubtless infer that it was not "practicable" to appoint any person learned in the law from amongst the large number of deserving and aspiring residents of that Territory. [Laughter.]

In short, Mr. Speaker, it has made the Territories the dumping-ground for all the experimental legislation which the whims and caprices of Congress can invent. Let me illustrate: At the last session of this Congress the chairman of an important committee called up for consideration a certain bill; objection was made by a member; the chairman simply said that the bill only applied to the Territories and the District of Columbia. The objection was immediately withdrawn, and the bill was passed without a dissenting vote or another word of explanation. [Applause.]

These are briefly some of the wrongs and hardships imposed upon us by the provisional government established in the Territories, but in this connection it is only fair to say that they are not exclusively the offspring of either political party of to-day, but the joint heirs of both. Every count in this indictment can be sustained against both. Obviously there is but one remedy—a place in the galaxy of States; a star on the flag; a vote and voice in both branches of Congress. Without it there is nothing but political insomnia and internal unrest.

We are accustomed to see States with far less resources and possibilities, mounted, as it were, on steeds of steam, rushing swiftly past us, equipped with all the paraphernalia which sovereignty can invent or supply, contesting in a spirit of generous rivalry one with another for the first place in the race for political power and prestige, while we

are compelled to "sit solemnly astride a dead horse, in a reverential calm, with the reins held firmly in our hands," only to see the flag fall in our face. [Great laughter.] Take off the handicap! Start us under as favorable circumstances as greeted the States at the time of their admission, and if the race is not always to the swift we will promise not to be last at the finish.

Look at our pitiable political condition—great in numbers, wealth, intelligence, patriotism, and all that makes a State, with no political autonomy save the alleged government provided for a Territory. We know what it is to sympathize with others. There is a homely but pregnant maxim, however, about charity commencing at home.

For years we have heard much about home rule in Ireland, and contributed much to establish that inestimable blessing in that sad land; we needed no urging to enlist our sympathies; it was in keeping with the genius and spirit of our institutions. We were guided and controlled by a generous and humane impulse—the offspring of our national independence.

Their condition was and is lamentable. It touches the tenderest chords of our feelings, and I would not abate the slightest interest in so worthy a cause; but I beg of you not to forget that here at home, under your own flag, are Territories with resources equal to the most favored States in the Union, with a citizenship below no standard which can be established, where constitutional government has never raised its head, where home rule lies bleeding and pleading at the feet of despotism for that same recognition which you so justly and with one accord would give to Ireland. [Applause.] Under the e wrongs we have smarted and chafed, but never have we been wanting in loyalty to the Union. We have been patient and long-suffering, hiding our humiliation behind our pride; but as we advance in years we find our modestly departing and our independence asserting itself. We realize that to aspire to be on an equal footing with the States of this Union is a worthy ambition, and without which our political life is incomplete.

Henceforth honor bids us forget pride, and compels us to publish to the world the infirmities of that system under which we live, and which is little better than that suffered by the colonies before the birth of the Republic and the uncertain dawn of independence. Public sentiment has been aroused upon this question and stands ready to applaud our efforts. Our demands are not those of a rude and hostile people. Four-fifths of the adult population of Montana were born and have resided in the several States of this Union, and consequently know and appreciate the blessings of constitutional government. They were born and bred under the same influences and civilization that surround you; they represent a sturdy race of men of strong intellects and vigorous constitutions.

It was a long overland trip to get to that country. There were many perils to encounter and great difficulties to surmount. Only the courageous dared to start, and only the strong and indomitable survived the hardships of the journey and reached their destination. Their home is a tract of mingled mountains, rolling lands, and expansive prairies. Men who mature in such a land are bound to be patriotic. They are as brave as they are strong, and when in the years to come the nation may need defenders it is certain that the contingent from Montana can be counted upon for everything that men can do in the way of toil or dare in the way of danger. [Applause.]

They are your kindred by the ties of a common country, and closer still by the ties of blood. In behalf of such, and for the recognition of their right to enlarge their liberties, to enjoy a closer connection with the American Union, and for the establishment and maintenance of a better government, I appeal to your native justice and magnanimity, in the same spirit that the colonies did to the mother country; and in the solemnity of thought and freedom from partisan bias which ought to attend your deliberations I beg of you to listen to the voice of justice and consanguinity. I make this appeal to gratify no personal ambition. I am commissioned to do so in the name of Montana, a Territory whose valleys of gold and mountains of silver have never ceased to swell the volume of precious metals of the world for a quarter of a century. [Applause.]

A Territory which, if measured by the grandeur of its mountains, the fertility of its valleys, the majesty of its rivers, the splendor and utility of its water-falls, the richness of its mines, the number and value of its herds and flocks, the wealth and density of its forests, the health and vigor of its climate, the intelligence, aspiration, and patriotism of its citizens, ought to admonish you that the time is at hand when we should be accorded a political status upon this floor which will no longer be an empty honor and a delusion, but a full realization of the benefits designed by the Constitution, and for the expectant coming of which we shall anxiously wait and watch.

Let us in this investigation inquire first concerning

THE CONDITION AND EXTENT OF OUR PUBLIC LANDS.

In order to be accurate in the presentation of the facts here submitted, I have obtained the following data from the records of the General Land Office, from which it will be seen, among other things, that the entries upon Government lands in Montana by actual settlers embrace 3,000,000 acres of land independent of those lands falling with-

in the Northern Pacific Railroad grant, large quantities of which have been sold to and improved by the settlers:

First. The number of original homestead entries made in the Territory of Montana to June 30, 1888, was 4,547, embracing an area of 678,252.71 acres.

Second. The number of final homestead proofs made to above date is 1,804 and the area 266,340 acres.

Third. The number of pre-emption filings made in Montana to June 30, 1888, was 9,208, covering an estimated area of 1,383,200.

Fourth. The number of original desert entries made in Montana to June 30, 1888, was 2,469, embracing an area of 876,029.74 acres.

Fifth. The number of final desert-land entries to June 30, 1888, was 760, with an area of 224,782.63 acres.

Sixth. The number of acres sold as coal land to June 30, 1888, was 8,818.25.

Seventh. The number of mineral applications filed to June 30, 1888, is 2,135.

Eighth. The number of mineral entries made to June 30, 1888, is 1,604.

Ninth. The area of Montana in square miles is 143,776.

Tenth. The number of acres in Montana is 92,016,640.

Eleventh. The number of acres surveyed to June 30, 1888, is 18,604,729.

Twelfth. The estimated area embraced in Indian reservations is 10,818,760 acres.

Thirteenth. The estimated area embraced in military reservations is 855,703.84 acres.

Fourteenth. The estimated area of the grant, in Montana, to the Northern Pacific Railroad Company, is 17,838,000 acres, of which there have been selected to June 30, 1888, 4,185,187.95 acres.

Fifteenth. The total amount received from the disposals of the public lands in Montana to June 30, 1888, is \$1,651,423.77.

Sixteenth. The amount deposited by individuals for surveying the public lands in Montana to June 30, is \$77,268.25.

INDIAN LANDS—ESTIMATED AREA OF EXISTING INDIAN RESERVATIONS IN MONTANA.

Reservations.	Acres.
Crow.....	4,712,960
Flathead.....	1,438,600
Northern Cheyenne.....	371,200
Fort Peck.....	1,932,000
Belknap.....	460,000
Blackfoot.....	1,909,000
Total.....	10,818,760

Many of these lands will ultimately become a part of the public domain, as they are far in excess of the needs of the Indians.

At the first session of the present Congress I introduced a bill which became a law, by which nearly 18,000,000 acres of Indian lands were restored to the public domain, being carved out of the Blackfoot reservation in Northern Montana, leaving less than 11,000,000 acres embraced within our reservations. What is known as the Dawes severalty law is being put into practical operation in Montana among the Crows. One thousand and sixty-three allotments have been made to the Crows, and 1,337 persons belonging to that tribe remain entitled to allotments. It is estimated that after all allotments have been made to these Indians there will be a surplus of about 4,250,000 acres of land which may be disposed of under the severalty act of February 8, 1887.

POPULATION.

There has been no census since 1880, but the rapid increase of the population of the Territory can be nearly determined by the vote cast in the Territory at elections held for Delegate in Congress in 1884, 1886, and 1888, which was as follows:

Total vote polled in—	
1884.....	26,969
1886.....	32,252
1888.....	39,376

It must be remembered that in the great extent of country covered by Montana a considerable number of people must necessarily live remote from voting precincts and do not vote. It is also proper to note in this connection that the laws of the Territory require six months' residence as a condition precedent to the right to vote.

It is therefore fair to say, in view of the causes just mentioned, that the non-voting population was fully 10 per cent. of the vote cast, or about 4,000. If we estimate four inhabitants to one voter, a conservative estimate, we will find that the population at the last election was about 176,000; and estimating the increase for the future according to the ratio of the six years last past, we will have considerably over 200,000 people before we could possibly perfect our State organization and secure admission under the present bill. I want it understood that I am making the most conservative estimate, and underestimating rather than overestimating anything.

But upon the point of population it ought to be sufficient to say that favorable reports have been made upon the admission of Montana both in the House and Senate in this and the Forty-ninth Congress; both of which reports were based upon the fact that at those several times her population was equal to the present unit of representation in the House. There is no limitation on the power of Congress to admit new States into the Union as supposed by some. No given number of population is required. The smallest population of any State at the time of admission was Illinois, which was admitted in 1818, and which had 34,620 inhabitants. The largest was that of Wisconsin, which was admitted in 1848 with a population of 180,000.

ASSESSED VALUATION.

The assessed value of property was in—

1881.....	\$24,040,866
1884.....	40,746,268
1885.....	52,874,536
1886.....	55,076,871
1888.....	69,600,000

This assessment does not embrace the great mining properties of the Territories, which are exempt from taxation, but represents only the solid and enduring wealth assessed at two-thirds of its cash value. It does not embrace 827 miles of railroad, which is exempt from taxation by act of Congress as long as we remain a Territory. It does not embrace the land grant of the Northern Pacific Railroad, amounting to 17,838,000 acres of land within our Territory, which will become taxable whenever the Government shall have surveyed the same. It is fair to conclude that the total valuation of assessable property in Montana at this time is considerably over \$100,000,000, the items comprising which will be considered separately hereafter.

The Territory is composed of sixteen organized counties.

OUT OF DEBT.

Montana enjoys the enviable distinction of being out of debt, with \$130,192.76 in her treasury and a low rate of taxation.

EXPORTS FOR 1888.

For the year 1888 our exports amounted to \$57,000,000; they embraced the product of our mines, the sale of sheep, wool, cattle, hides, horses, and surplus agricultural products.

MINERAL RESOURCES.

Since the organization of Montana as a Territory it has been famous for the extent and richness of its mines. It is therefore not essential that I should dwell upon a matter of such general notoriety. Suffice it to say that there is not a county in the Territory that is not rich in the precious metals. We have steadily pressed forward in the amount of our mineral output of gold, silver, and copper, until we are far in advance of any State or Territory, and yet it is but fair to say that this great industry is only in its infancy. Aside from the great gold and silver interest, the largest copper plant in the world is at Anaconda, Mont. This concern in its various departments—including the mine and other auxiliaries—employs about twenty-six hundred men.

The aggregate output of gold, silver, and copper in Montana for the calendar year 1888, as ascertained from the most reliable sources, was \$40,500,000. There have just been erected at Helena and Great Falls two additional smelters of large capacities, which will guaranty an output from our mines for 1889 of not less than \$50,000,000. It is conceded by everybody familiar with the subject that we have the greatest number of dividend-paying mines of any district in the United States. Nine of the principal mines, the reports of which only I have been able to obtain, returned dividends for 1888 as follows:

Boston and Montana (copper).....	\$400,000
Granite Mountain.....	1,800,000
Hope.....	50,000
Dunston.....	6,000
Jay Gould.....	196,000
Montana Limited.....	534,000
Parrot.....	148,000
Original.....	6,000
Hecla Consolidated.....	180,000
Total.....	3,318,000

Which is more than one-fourth of the total amount paid by mines in the United States and Mexico during the past year.

AGRICULTURAL RESOURCES.

The extent of our agricultural products in the Territories is almost the subject of mathematical calculation. In many parts of the Territory we have sufficient rain to raise crops. We are not, however, made to depend upon the uncertainties of rainfall; we resort almost uniformly to the method of artificial irrigation. This system is no more nor less than tapping the mountain streams by ditches or canals and conveying it thence onto the ranches or farms, over which it is then spread from lateral ditches so constructed as to cover the land by natural flow. It is a simple, easy, and inexpensive method when the ditches are once constructed. The water that is used is living water, coming from the mountains and plateaus freighted with the richest fertilizing materials derived from decaying vegetation and the soils of the upper regions, which are spread by the waters used in irrigation over the cultivated lands.

Observation and experience have demonstrated in the Western States and Territories that all lands upon which water can be supplied by artificial means are capable of being reduced to the highest state of cultivation, at least so far as the cereals are concerned; and as before suggested, they enjoy complete immunity from the vicissitudes of scant or excessive rainfall. The opinion is fast gaining ground that too much attention has heretofore been paid to the chemical composition of the soils and too little to those physical conditions by which moisture and air are supplied to the roots of vegetation. Let me submit the testimony of the governor of Montana as to our agricultural possibilities. In his last report to the Secretary of the Interior he says:

There has been a marvelous stride forward in agriculture, astounding to the people who were skeptical as to the value and capabilities of Montana soil for farming purposes. The results achieved by the sturdy ranchmen who have settled in the valleys and upon lands all over the Territory have manifested the capacity of these lands for successful culture and production of agricultural crops, remunerative in the highest degree. It can be stated in truth that the average yield per acre of wheat, oats, Irish potatoes, and cultivated grass in Montana, for the year 1887, was not equaled by that of any Territory or State. This great foundation interest of all others in this American country is here in Montana rapidly extending and growing in importance. These rich, cheap lands have attracted the attention of the student farmer seeking a home, and in their culture and trial they have demonstrated to the world that this is not only the country of grass and valuable minerals, but is the farmer's country as well.

At the first session of the present Congress I had the honor to submit some remarks upon the origin, extent, and advantage of irrigation, with the view of enlisting Government aid in the construction of a system of dams and reservoirs in what are commonly known as the arid regions of the United States. A brief reference to the same subject may not be uninteresting at this time. Aside from personal observation, I have drawn largely from the very excellent presentation of this question by Col. Charles A. Paston in a pamphlet written a few years ago calling public attention to the importance of reclaiming our arid lands by this method.

Irrigation existed in Egypt before the pyramids were erected. It has fed the millions of Asia since the creation of the world. It nurtured Rome into existence, and was practiced in America before Columbus discovered the New World, and yet the people of the United States east of the Mississippi River know but little about it.

The Moors introduced irrigation into Spain, and the Spaniards imported an imperfect system of irrigation into Mexico, Texas, California, etc. The valley of the Nile has yielded its fruitful abundance from irrigated lands for countless ages, and Cato wrote learnedly advocating its introduction into Italy; but the greatest achievement of modern times has been the improvement of the system of irrigation in the East Indies by the British Government of India. Irrigation in the East Indies antedates all history; the Great Mogul gave it a grand impetus during the magnificence of his reign.

When the British Government (after the Sepoy mutiny) took the control of more than two hundred and fifty millions of subjects in India, the first duty of statesmanship was to provide labor and food for the people, and this has been accomplished by the extension of a system of irrigating canals unequalled in the world. Famine in India is rendered impossible as long as the Himalayas give their melted snows to fructify the Indian valleys. The Ganges Canal, with its branches, is 3,500 miles long.

The greatest prerequisite to success in agriculture, fruit-raising, etc., in the Western States and Territories is water. A constant and abundant supply of water is the true key to Western progress and development. In nearly all of that country the rainfall is insufficient, and not to be relied upon; hence Western people have been forced to study the problem of irrigation. Having been forced to look into this question, we naturally try to trace up its origin and history.

The system found in California and in this country has been bequeathed to us by Mexico, and was inherited by them from Spain. Looking further back, we find that it was one among the many good gifts which the Moors gave to Spain when they overran that country in the eighth century. Whether the Moors obtained it direct from the Arabs or took it from the Egyptians we are unable to determine at this late day. But in inquiring after its still more ancient origin and source we must not stop this side of the valleys of the Euphrates and Tigris. If we start here in the dim and shadowy ages of antiquity, beyond which even tradition becomes unintelligible, we will find that, with few exceptions, the highest types of civilization and the brightest examples of progress and prosperity have been located, sustained, and nurtured by systems of irrigation.

ANCIENT IRRIGATION.

The glory, grandeur, and wealth of royal Babylon, of Nineveh, Thebes, Bagdad, Cairo, and Memphis, around which, as common centers, the civilization of the great periods of time hung and radiated, were all attributable to and dependent upon the agricultural perfection surrounding them, and made possible by irrigation. I might go further and say that it was the support and sustenance of the civilized world long after the cessation of Roman sway. For none will fail to recognize that the Nile country alone supported what was known as the Roman world, and that Egypt was also regarded as the granary of the empire. The Egyptian people were overthrown and vanished, but

their system of irrigation survived and gave sustenance to civilization, and remained intact through all vicissitudes and changes.

If anything, irrigation was better in the days of Semiramis than in the days of Boabdil, although, like the other concomitants of the beautiful Alhambra, orchards, vineyards, meadows, as then seen along the banks of the Guadalquivir, speak of a splendid development, both material and intellectual. The Moors obtained from their Arab progenitors a taste for astronomy and some inclination towards practical mathematics, and to some extent we find applied mathematics in its crude state assisting in making large portions of their country bloom and blossom as the rose by the ingenious devices which the Moors had of supplying water to the gardens, orchards, vineyards, and beautiful meadows which dotted old Hispania during their occupancy.

It is a fact which can not be controverted that after the reconquest of Spain and the expulsion of the Moriscos, Spain began to decline. The splendid schools of Granada and the numerous manufactories of Valencia and other places gradually faded away and left Spain without any support save that which she gathered by the sword, for she had neglected almost entirely her irrigation system; and the apology for one which we have, and which was found in California when that State was acquired, is the system handed down by the successors of those Spaniards who vanquished and expelled the Moriscos from Spain.

PROGRESS REQUIRED.

I have touched but very briefly upon its antiquity for the reason that four-fifths, we might even say nine-tenths, of English speaking people are practically unacquainted with this system. Their civilization, comparatively speaking, is in its infancy; it is still jejune, and has grown up in a climate of moisture and regular rainfall and operating upon what might be termed virgin soil, and until recently the people of the United States had no necessity of irrigation. But times are changing, and the time will come when four-fifths of the population of America may be dependent upon irrigation in their agricultural pursuits. We will therefore do well to look into this question, and when the American idea once takes hold of it systems new and prolific will evolve wonderful results.

I make the broad statement that the results of irrigation in California, Colorado, Montana, Idaho, Arizona, and New Mexico show, in a large majority of instances, an increase of 100 per cent. over results dependent upon rainfall alone in the Eastern and Middle States. The history of the West proves this statement to be correct.

Before leaving this subject I ought to say that it now seems very probable that an extensive system of dams and reservoirs will be constructed in the Territories of Montana, Arizona, and New Mexico and the State of Colorado for the reclamation by irrigation of their arid lands. The act of October 2, 1888, provided for the survey of these lands with that view. The following is the text of that portion of the statute:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employes in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of \$100,000, or so much thereof as may be necessary. And the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress, on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation. And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject, after the passage of this act, to entry, settlement, or occupation until further provided by law: *Provided*, That the President may at any time, in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

Pursuant to this statute steps were at once taken to secure an irrigation survey of the arid region of the United States.

WORK IN MONTANA.

Professor Powell of the Geological Survey, under whose direction this work is to proceed, in referring to the work done in Montana, in his report to Congress of January 2, 1889, says:

Work was commenced on the Continental Divide, at the headwaters of the Columbia and Missouri Rivers, early in October, one party surveying on the Columbia River side and another on the Missouri River side. The whole was under the immediate charge of Mr. E. M. Douglas. An area of 2,200 square miles has been surveyed. The topographic features of this country were delineated, the courses of the streams and sites of all considerable bodies of water were ascertained, and the altitude, position, and general character of irrigable lands were determined. This is a region of abundant perennial streams, and many sites favorable for the establishment of storage reservoirs have been discovered.

THE COMMISSIONER OF AGRICULTURE PAYS A HIGH TRIBUTE TO OUR AGRICULTURAL LANDS IN NORTHERN MONTANA.

Hon. Norman J. Colman, Commissioner of Agriculture, in company with a large number of representatives of the agricultural press, visited

Montana last summer for the express purpose of examining into our agricultural possibilities. They were enthusiastic in their admiration of our climate and the capacity of our soil. They knew a good thing when they saw it. I will read an extract from a petition recently presented by them to Congress referring to a section of country just opened to settlement and embracing 17,600,000 acres of land:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the subscribers, citizens of the respective States named herein, sheweth: That during the summer of 1888 your petitioners, proprietors or representatives of the New England Farmer, Boston, Mass.; the American Agriculturist, New York City, N. Y.; the Farm Journal, Philadelphia, Pa.; the Ohio Farmer, Cleveland, Ohio; the Indiana Farmer, Indianapolis, Ind.; the Rural World, St. Louis, Mo.; the Western Rural, Chicago, Ill.; Orange Judd Farmer, Chicago, Ill.; the Western Farmer, Madison, Wis.; Farm Stock and Home, Minneapolis, Minn., representing 2,500,000 readers, in a body explored the late Blackfoot Indian reserve lands in Northern Montana Territory, to which the United States acquired title by act of Congress approved February 8, 1887, with a view of examining the quality and desirability of the lands for settlement, in response to numerous inquiries from the patrons and readers of these papers throughout the United States.

On a pretty wide examination of this country, they found it exceedingly desirable for homesteads and actual settlement, to which by said act of Congress it has been dedicated. For the purpose of enabling many thousands of other citizens of the United States whom we represent to take homesteads and settle on these fertile lands, we join the settlers and those desiring homesteads on these lands in petitioning your honorable body to direct that a section of said lands, at some point to be selected on the line of the St. Paul, Minneapolis and Manitoba Railway, between the national military reserve of Fort Assiniboine, on the west, and Fort Belknap on the east, to be sold at the minimum price of \$1.25 per acre, and that the title to the same be invested in the trustee of the Agricultural Press Association, Norman J. Colman, which is composed of the proprietors and representatives of the said papers, and which have become a corporate body, organized for the purpose of aiding homestead settlement on the lands aforesaid, and in supplying a trade center in the Milk River Valley, on said section of land.

Your petitioners further respectfully represent that these lands are exceedingly fertile, and lying in a latitude greatly modified and made most salubrious by the influences of the warm Japanese current of the Pacific Ocean are attracting settlers, and that a trade center is essential for the convenience of the settlers of this great valley. And your petitioners will ever pray.

JOHN B. CONNER,
JOHN FARMER,

Indianapolis.

MILTON GEORGE,
Of Western Rural, Chicago.

ORANGE JUDD,
Of Orange Judd Farmer, Chicago, Ill.

D. R. MCGINNIS,
NORMAN J. COLMAN,

CHALMER D. COLMAN,
Of Colman's Rural World, St. Louis.

W. H. LAURENCE,
Of Ohio Farmer.

CHICAGO, November 20, 1888.

I believe that the section of country here referred to will in the near future prove second to none in the Northwest as a great wheat-producing region. Its capacity to do so, I think, has already been established, and it seems very probable that in this section irrigation will be unnecessary.

WHAT THE SOIL HAS PRODUCED.

I give a few well-authenticated instances, compiled by reliable authority, showing what Montana soil can do.

C. Milton raised 1,500 bushels of oats from 30 acres.
Percy St. Clair raised 1,900 bushels of grain from 35 acres.
Noah and James Gee had 60 acres of oats that yielded 3,640 bushels.
G. C. Monroe, of Spring Hill, thrashed 1,900 bushels of oats from 37 acres.
George H. Gee, of Spring Hill, thrashed 2,700 bushels of oats from 39 acres.
H. Crouse, of Spring Hill, thrashed 2,989 bushels of oats off of 50 acres of land.
A. Walton, of Spring Hill, had 40 acres of oats that yielded 2,150 bushels, and 23 acres of wheat that yielded 1,010 bushels.
Joseph Sparling, of East Gallatin, raised 4,500 bushels of grain from 150 acres.
Albert W. Walton thrashed 1,700 bushels of oats from 10 acres without irrigation.
R. M. Craven, of Hillsdale, thrashed over 7,000 bushels of grain from 150 acres.
J. B. Moore, of Hillsboro, had 35 acres of oats that averaged 70 bushels per acre.
T. L. Luce, of East Gallatin, thrashed 4,000 bushels of oats from 65 acres of land.
S. J. McGuire, of Mill Creek, thrashed 3,845 bushels from 80 acres, 200 of which was wheat.
John Ferguson, of Spring Hill, recently thrashed from 100 acres 3,090 bushels of Scotch Fife wheat.
Thomas Reese, of Reese Creek, had nearly 80 acres of oats, from which he thrashed 4,300 bushels.
Ben Ferguson thrashed 1,650 bushels of oats from 530 acres and 530 bushels of Scotch Fife wheat from 20 acres.
John E. Reese, of Reese Creek, had 88 acres of wheat that yielded 3,270 bushels, and 30 acres of oats that yielded 2,200 bushels.
George E. Davis, of Mill Creek, 3,700 bushels of oats on 50 acres; 15 acres of the above 50 yielded 1,320 bushels, and 2,122 bushels of wheat grew on 60 acres.
Theo. Norman raised 5,500 bushels of oats upon 74 acres, and had a volunteer crop of 1,500 bushels of Fife wheat upon 80 acres, upon which he raised 1,000 bushels last year.
A. Truman, of Spring Hill, thrashed 1,745 bushels of oats from 30 acres. Mr. Truman, as well as a number of other farmers in the vicinity of Spring Hill, has been troubled with grasshoppers, making the yield lighter than it would have been.

FRUIT.

Montana has already demonstrated her capacity to produce the finest-flavored small fruits. Strawberries, blackberries, currants, and this class of fruits abound as native growths, and when cultivated produce prolific crops. Apples of the hardy variety do well. So far the Missouri and Bitter Root valleys appear to be better adapted to their suc-

cessful cultivation. I have visited the splendid orchards of Mr. John G. Pickenning in the former, and Mr. William E. Bass in the latter valley, and the apples there grown, for size, flavor, and firmness, compare favorably with any I ever saw. Here is the evidence of a fruit-grower in the Bitter Root valley:

W. B. Harlan, of Como, Missoula County, an old-time fruit-grower of that section, writes as follows to the Helena Live-Stock Journal: "I had over 20,000 pounds of orchard fruits of thirty-five varieties. My oldest trees are six years in the ground, and some of that age yielded four and five boxes each, while the largest crabs yielded ten boxes. As to relative hardness I can scarcely give an opinion, for I do not think I have lost any trees from winter-killing out of over sixty varieties, but nearly all of them are considered hardy kinds, and most of them Iron Clads. I have Ben Davis, Winesap, Dominic, Northern Spy, and the Tolman Sweet doing well here, while they can not be raised at all in Northern Iowa, Wisconsin, or in any part of Minnesota. Of pears, Flemish Beauty seems entirely hardy, and several other sorts half hardy. Of plums, the Green, Yellow, and Imperial Gage seem hardy; also Lombard, Pond's Seedling, De Soto, and others. I have fifty varieties of new Russian fruits, but they are not yet bearing. I expect great things from them."

RIVERS.

Perhaps none of the Territories are so well watered as Montana. I make no mention of the smaller streams, but notice only the larger. Among them may be mentioned the Missouri, which is navigable from its mouth to Fort Benton, in Northern Montana, and which has served as a check in the past upon the unreasonable exactions of other methods of transportation; the Yellowstone, which is navigable from its mouth to Miles City, in Eastern Montana; the Rosebud and Tongue Rivers, in the same section; the Madison, the Jefferson, and Gallatin, in Eastern and Central Montana, furnish an unlimited supply of water. Canal companies are now engaged in the construction of irrigating canals, tapping these rivers, which will reclaim millions of acres of land for agricultural purposes.

In Western Montana the Big Blackfoot, the Little Blackfoot, the Hellgate, the Bitter Root, and Flathead Lake were the great factors in producing the marvelous growth and prosperity of that section. In Southern Montana, the Beaverhead, the Bighole, and other streams serve a similar purpose. In Northern Montana, near Fort Benton, in the Sun River country and in the Blackfoot country are large lakes which never appear to vary in the quantity of their water supply. These also are being tapped by canals for irrigating purposes; I predict that within one year the present agricultural area of Montana will be doubled. To these must be added the Teton, the Sun River, and the Marias, in Northern Montana, and the Big and Little Boulder in Central Montana, thus furnishing a system of water ways unexcelled in any part of the Northwest.

CLIMATE.

Latitudes have been shown to be wholly unreliable upon the question of climate. I undertake to say that the climate of Montana, for health and vigor, is unsurpassed in the United States. Epidemic and pulmonary troubles are unknown to us. The fact that for a few days at a time the mercury drops to 15° or 20° below zero is no cause for alarm nor a just criterion by which to judge our climate. There is no moisture in the atmosphere in that country. It is a dry climate, and I am prepared to testify that the temperature in the city of Washington indicated by 10° above zero is more severe than 10° below zero in the dry climate of Montana; but the cold weather referred to is not continuous; it is softened and tempered by a genial wind from the west, called the Chinook, which removes the snow with great rapidity, and brings us balmy days in midwinter most unexpectedly. It always seems to reach us at the proper time. Laden with the least trace of the spices of the tropics from whence it comes, its gentle touch is like Italian softness, transforming silver winter into golden Indian summer. It is the *vade mecum* of the Montanian. It has been so admirably described by Governor Semple, of Washington Territory, in his report to the Interior Department, that I must repeat it. He says:

This is a balmy wind, coming from the Kuro Siwo, or Great Japanese current, of the Pacific Ocean. In the summer it is a cool wind, and tempers the heat of summer so that nowhere within its range do people fall down with sunstrokes. In the winter it is a warm, moist wind, and is sometimes slightly odoriferous, as if spice-laden from the tropics. It is so gentle upon ordinary occasions that its presence could not be noted by its motion, and it is almost miraculous in its effects. Snow and ice disappear before it with rapidity, and it seems to be able to blow for long distances between walls of colder air without parting with its heat. Sometimes it constitutes an upper current, in which case the remarkable spectacle is witnessed of snow melting from the mountain tops while the thermometers in the valleys register below freezing point. At other times it is the surface current, and follows the valleys and gorges as a flood might follow them. It seems to bear healing upon its wings, like Sandalphon, the Angel of Prayer, and it is not difficult to conceive that the Indians would wish to personify it in order to fix upon it their devotions.

This wind sometimes penetrates as far as the upper stretches of the Missouri, and even tempers the air on the plains of Dakota beyond the Rocky Mountains. Wherever it goes the chains of winter are unloosed and the ice-bound rivers are set free. The Chinook is the natural enemy of the odious east wind, and while, ordinarily, it wields its influence as gently as the zephyrs that waft the thistle down in autumn, still there are times when the two winds engage in giant conflicts and fight for supremacy, now in the upper, then in the lower strata, on the mountains and in the valleys, alternately driving each other back and forth, swaying the trees, tossing the leaves, and swirling the rain-drops and the crystals of snow, as the one or the other advances. But the combat is never long, and the victory is always with the Chinook. The inhabitants east of the Cascade Mountains, when winter has setted them, and the east wind dashes snow in their faces, pray for the Chinook to come. They look by day for its moist front, and listen by night for the noise of its combat with the east wind, and when it reaches them they rejoice.

Such is the Chinook wind, the blessed wind, of the far Northwest.

CATTLE.

The observations heretofore made concerning free ranges are applicable also to cattle. This industry has made rapid strides within the last few years, demonstrating that our ranges are lasting and that they are the best maturing grounds for cattle to be found. Without providing shelter or feeding a pound of hay or anything except the native grasses as they grow and cure upon the range, we send our cattle rolling fat to the great beef markets of the country, commanding the highest prices paid for range cattle. The number of cattle now in Montana is about 1,500,000, representing the choicest and best breeds. Disease among cattle, sheep, and horses is comparatively unknown with us.

SHEEP.

The country embraced within the present Territories of the United States is destined to become the great sheep range of the future. These Territories are now producing large quantities of superior wool and the finest mutton. We have the benefit of an illimitable free range upon public land, which is fit only for grazing purposes, and free timber for sheds and other building purposes. We winter our sheep upon the native grasses, hence it is apparent that that industry can not long survive in the States east of the Mississippi, where flocks have to be fed upon the products of land which commands a hundred dollars an acre. There are over 2,500,000 sheep in the Territory of Montana, and the wool-clip for the last year brought over \$1,500,000. It is claimed that mutton alone will pay the cost of raising sheep in Montana, and that the wool clipped and sold is all profit.

HORSES.

Montana is the natural home for the horse; our altitude is conducive to great development of lung power, our mountain streams are the purest and best water, and the gravelly ranges serve to make the hardest and best feet. Like sheep, our horses feed upon the open ranges the year round, and consequently return handsome revenue to those engaged in the business. There are considerably over 200,000 now on our ranges; we ship them in car-load lots to the East, just as we do cattle and sheep.

In order that I may fairly present this industry in all its magnitude and importance I call attention to the following from the Rocky Mountain Husbandman, the leading stock journal of the Territory:

To be assured that Montana is destined to become one of the greatest horse-producing sections in America, we only have to examine into the affairs that exist in regard to this industry. The introduction of the best blood of the continent with the establishment of our breeding farms from twelve to fifteen years ago, and every year since that date, has marked the incoming of the best of sires, and of later years our horsemen have been bringing both dams and sires. We not only have numerous representatives of the finest and most renowned families of the great American horse, the trotter, but we have thoroughbreds that stand at the top round of the ladder of running fame, and draught horses of every description from beyond the ocean. We have the choicest productions of France and England. Not one or two of each breed, but hundreds have been shipped in, to say nothing of what has been produced here.

As our country has progressed our horsemen have from year to year gone East and attended the stock exhibitions of Chicago, St. Louis, Louisville, and Lexington, and, in fact, have ransacked the Blue Grass State, and spared no expense in securing the best. The stock thus purchased has been brought to Montana and scattered through our valleys, until there is scarcely a herd that does not boast of its celebrities, and most of them number their choice animals by the score. And this year the influx of promising youngsters has been greater than any previous one, and next year will excel this. We have fully one hundred breeding farms in Montana that boast of from fifty to two hundred head of standard-bred trotters, thoroughbreds, or pure-blooded draught animals of some of the popular breeds, and this, together with the incoming of the best of the older sections of the State can produce, will certainly make itself felt in the produce of our country.

But a few years ago the general character of our horses doing service was very ordinary. Now our farmers are beginning to sport spanking teams. Grade Normans, Percherons, Clydes, English draughts and Shire horses are beginning to be the rule rather than the exception, and every village and community has its steppers. Three-minute horses, but a few years since so rare, are now found upon many of our farms and about our small towns. Our people are beginning to pride themselves upon their horse-flesh. Nearly every town and community and most every breeding farm has a race-course, and we are growing—almost unconsciously though it be—to be a horse people. With the rate at which shipments are being made of the best, and the increase of those on hand, one can readily see that a most brilliant future is in store for this industry.

IRON.

The Territory is simply threaded with veins of iron. So far we have established no manufactories for its consumption, and the only way in which it is utilized is for fluxing purposes in the reduction of the precious metals. Large quantities, however, are used for this purpose. The Belt range of mountains in the vicinity of Great Falls is virtually a mountain of magnetic iron, an analysis of which shows it to be second to none in the country for the construction of Bessemer steel, and in the days to come, when the labor cost shall be reduced, iron-work and other manufactories of no mean proportions are sure to spring up at Great Falls, a thriving city of 3,000 people, situated on the Missouri River, and on the line of the St. Paul, Minneapolis and Manitoba and the Montana Central Railroads, convenient to which are the great Sandcoulee coal-fields and the unlimited power furnished by the Great Falls of the Missouri River.

COAL-FIELDS.

The fuel supply in Montana is no longer an open question. Our mines are being worked systematically, and from this time forward

will show an immense output. These mines are near Cinnabar, Gardiner, Livingston, Sandcoulee, Timberline, Trail Creek, and Red Lodge, and at other points. The coal at Red Lodge is said to be very hard bituminous, requiring the use of powder for mining. The immensity of this field can be approximated when it is known that fifteen veins of discovered coal at Red Lodge are covered by $1\frac{1}{2}$ miles of bluff front, and that these veins are from 4 $\frac{1}{2}$ to 20 feet in thickness, aggregating 136 feet of clear coal. The Timberline, Red Lodge, Sandcoulee, and Livingston mines are reached by railroads. At the latter place the Livingston Coal and Coke Company erected, over a year ago, a large number of coke-ovens and commenced the manufacture of coke extensively. The product of this camp is said to be equal to the best Pennsylvania coke.

What I have said upon this subject is confirmed by Professor G. C. Swallow, for many years State geologist of Missouri, and for ten years last past a resident of Montana, and whose opinion is of great value. His observations are embodied in the following letter:

HELENA, MONT., January 4, 1889.

MY DEAR SIR: My engagements have been such that I could not answer your inquiries as to coal in Montana until to-day.

The whole country east of the main range of the Rocky Mountains, and between the Dearborn and the reservation north, and probably to the Dominion, and as far east as the mouth of Sun River, is underlaid with coal. It is opened in several places on the Dearborn, on the ridge north of the Dearborn, on Flat Creek, at Eagle Rock, in many places on Sun River, on the Missouri below Elm, on the Teton above Choteau, on the Muddy in several places, on Birch Creek, and on the Marias. I saw the coal-beds in all these places and found it abundant and of good quality. In all the locations mentioned above, the coal is mined for local uses only.

At Sandcoulee the coal is good, the bed is thick, and is now worked extensively for the smelters at Great Falls, and for Helena, Great Falls, Benton, and other markets. The Montana Central uses this coal for its locomotives and stations. The same coal-bed, 12 feet thick, is opened in several places on Belt Creek, at Bell City, and also on Smith's or Deep River, and Hound Creek, west of Sandcoulee, and another bed is opened on Willow Creek and at Chestnut.

The workings at Sandcoulee have shown the presence there of at least 20,000,000 tons of marketable coal. There is as much more at the Belt mines, and half as much more in sight on Smith's River. Doubtless the quantity in each place is much larger. The above estimate is what is proved up.

There are three coal areas in the Judith basin, one extending from Utica to the northwest some 15 miles across Willow Creek. This bed is the same as that at Sandcoulee. The quality is good and the quantity is very great. There are two other coal basins on the western flank of the Judith Mountains, and another on the eastern flank. But little is known of these coal areas. Parties are now opening these mines.

There is another large and valuable coal area north of the Musselshell, and extending from Swimming Woman Creek to Careless Creek. There is also the Bull Mountain coal-field between the Musselshell and Yellowstone, at the head of Razor Creek. There are six or seven workable seams in this area, and the coal is good and the quantity immense. There is a coal basin south of the Yellowstone and west of Fort Keogh. Of this coal I know nothing save the locality.

The Rock Creek coal area, to which they are now constructing a railroad from Park City, is one of the most important in the Territory. There are seven beds and a total thickness of coal in all of the beds, 47 feet. The coal is very good and the quantity is said to be very great. These coals will soon be mined in large quantities and placed in the markets of the Territory.

The outcroppings of the Bozeman coal-beds have been traced for a distance of more than 30 miles, and the beds are extensively worked in several places. The Williams mine, 9 miles west of Livingston, now runs forty coke-ovens and make nearly 50 tons of coke a day. This coke is used at Wickes and Toston.

Several mines are worked in the Gardiner coal-field on the Yellowstone near the National Park. This coal is very good, and is largely used by the Northern Pacific Railroad. In December the Horr mine in this coal-field took out and shipped by rail 2,400 tons to the markets on that railroad. The outcroppings of this coal-bed have been traced from Mount Everts, in the Park, to Mount Cinnabar, and thence west and south towards Electric Peak for many miles.

The Timberline coal-mines have been worked for several years with good results.

They are now opening up the coal-mines in the Gallatin valley, with good prospects of developing large quantities of good coal.

A coal-mine has also been opened between Hadersburgh and Boulder City, which is mined for local uses only.

There is a large coal area on the west side of the range in Missoula County. It has been opened in several places for local uses; but I can not speak with any certainty about the quantity and quality of the coal.

There are vast quantities of coal on the Missouri River at the Coal Banks and below. But what I saw of it, and what we tested on the steam-boats many years ago, did not prove very good. Some of the beds have since been worked with good results. There are six or eight beds extending under large areas of the country, but I can not say how much of it will prove good.

Extensive coal-beds are found on Milk River, but I have never seen them, and have no data to give you any useful information about them.

It may be safely said that the coal deposits of Montana are practically inexhaustible, and they are in such varieties as to supply all the demands for domestic use, for generating steam, and for smelting ores. A large portion of them make excellent coke, as the Bozeman bed, and others will work in furnaces for smelting ores, as the Sandcoulee and Belt coals.

Yours, very truly,

Hon. J. K. TOOLE,
House of Representatives.

G. C. SWALLOW.

FIRE-CLAY.

Fire-clay of a superior quality has been discovered near Thompson Falls, Anaconda, Garrison, Dillon, and Helena. The use of the domestic article promises to become universal in Montana. Considering the large number of mills, furnaces, and smelters steadily running in Montana, it is apparent that this industry is destined to be a large one even if the demand should be confined to the Territory.

OTHER MINERAL.

The Territory abounds in granite, sandstone, limestone, and a superior quality of marble. No finer or more enduring building material

is to be found anywhere. The marble quarries in the vicinity of Deer Lodge, Helena, and Gardiner are known to be of excellent quality, and we are only awaiting the hand of enterprise and capital to give direction and control to a great and profitable industry in that material.

TIMBER.

Our mountains are covered with a dense growth of pine, spruce, and fir. On the more precipitous mountains we have a growth called lodgepole pine; it scarcely ever exceeds 8 or 10 inches in diameter and grows as straight as an arrow, reaching as high as 70 feet. This is the character of timber used for fencing and also for lagging in deep mining. It exists in great quantities, and wherever found is so thick that it reminds you of fields of growing corn. In no section of the country is there a great scarcity of timber, but by far the finest and best timber to be found is on the west side of the main range of the Rocky Mountains in Deer Lodge and Missoula Counties. Here the size and density of its growth is marvelous, resembling very much the famous timber lands of our sister Territory of Washington.

There is no law by which we can purchase these lands; but a law which has long prevailed of permitting the settler to cut and remove timber from mineral lands for agricultural, mining, and domestic purposes without cost still obtains. This privilege is regulated by rules made by the Interior Department under authority of law. Exportation of timber is prohibited. Our greatest difficulty about the preservation of timber arises from forest fires. Annually more timber is destroyed by these fires than our population would consume in five years. But we have an abundance for all time, which, with the great deposits of coal heretofore spoken of, settles permanently the fuel question for Montana.

RAILROADS.

We have about 2,000 miles of railroad constructed and in operation in Montana, giving us virtually three transcontinental lines. The Northern Pacific, the St. Paul, Minneapolis and Manitoba, and the Utah and Northern, connecting the two mentioned with the Union and Central Pacific at Ogden in Utah. Every county seat but three has railroad connections with these through lines of travel, and both of these have projected lines which will be built in another year.

Name of road.	Points connected.	Miles constructed.	Miles projected.
Union Pacific.....	Pleasant Valley and Butte.....	140	.....
Anaconda Branch.....	Stuart and Anaconda.....	9	.....
Montana Union.....	Silver Bow and Garrison.....	44	.....
Union Pacific and Montana (the Word-Drennon-Irvine-Scott-Raymond syndicate).	2. Butte to the Jefferson River. 3. Butte up Yankee Doodle Gulch. 4. Dillon to Helena and via Fort Benton to the northern boundary. 5. Twin Bridges to Utah Northern via Virginia City and the Park. 6. Stuart to Missoula via Silver Lake and Rock Creek. 7. Three Forks to the Yellowstone via Bozeman. 8. Numerous other branches.....	.....	.....
St. Paul, Minneapolis and Manitoba.	Fort Buford to Great Falls.....	399	1,000
Sandowlee Branch.....	.....	20	100
Castle Mountain Branch.....	.....	.....	350
Teton Branch.....	Great Falls to Idaho Line.....	.....	75
Flathead Branch.....	.....	.....	50
Montana Central.....	Great Falls to Helena.....	97	.....
Main Line.....	Helena to Butte.....	74	.....
Rimini.....	Helena to Rimini.....	16	.....
Marysville Branch.....	Junction to Marysville.....	8	.....
Elkhorn Branch.....	Boulder to Elkhorn.....	20	.....
Main Line.....	Butte to Anaconda and Phillipsburgh.....	55	.....
Northern Pacific.....	Sentinel, Butte, and Heron.....	820	.....
Rocky Fork and Cooke City.	Laurel to Cooke City.....	45	45
Rocky Mountain.....	Livingston to Cinnabar.....	51	.....
Helena and Jefferson County.	Prickly Pear Junction to Wickes.....	20	7
Helena and Red Mountain.....	Helena to Rimini.....	17	.....
Helena and Northern.....	Clough Junction to Marysville.....	13	100
Helena, Boulder Valley and Butte.	Jefferson to Calvin.....	30	26
Helena, Boulder and Madison.	Boulder to National Park.....	.....	150
Drummond and Phillipsburgh.	Drummond to Phillipsburgh.....	26	30
Missoula and Bitter Root Valley.	Missoula to Idaho line.....	35	60
Coke Spur.....	Livingston to Cokedale.....	4	.....
Other Northern Pacific Branches.	.....	.....	200
Bozeman and Butte Short Line.	Bozeman to Butte.....	.....	110
Montana, K. and T.....	Miles City to Wyoming line.....	.....	140
Total.....	.....	1,868	2,518

SCHOOLS.

We have a first-class public-school system. Governor Leslie, who has derived his information from official sources, reports as follows to the Secretary of the Interior:

The subject of education is a favorite theme in every household in Montana. The people are united and have one common spirit of the largest liberality and eager willingness in sustaining and advancing their public schools. Every child of school age in the Territory is on the school-roll and is at school nine months of the year. In this Territory there is in each of the cities and large towns the very best and highest class of graded schools, and in all the schools of the Territory the very best class of teachers, superintendents, etc.

Montana has no public school fund amounting up to millions, as have the people of the States. The school fund for public schools in this Territory is in the hearts of the people and the taxation of their property. The entire fund, supplemented by a small amount derived from fines, is raised from year to year by direct taxation. No one complains of it; and yet there is more money paid out per capita for public schools by Montana's people than is paid by the people (including their assistance from their great school funds) of any of the States. Besides these public schools for the children that can see, hear, and talk; the Territory has provided by law (and it is being done) for the education of all the blind children and deaf-mutes between eight and eighteen years of age in the Territory, at the very best institutions for that afflicted class in the United States, and pay for their education and transportation, under care of a paid escort from their homes.

St. Vincent's Academy, one of the oldest and best institutions of learning in the Territory, is situated at Helena. A classical school is also maintained there, and a denominational school under the auspices of the Methodist Episcopal Church is being established at the same place. A college, where a purely business course in book-keeping is taught, is also one of the permanent institutions of the capital. At Deer Lodge a college of superior merit, and perhaps the best equipped corps of teachers in the Territory is maintained. Under a recent act of Congress an agricultural college is to be founded. The Legislature now in session will doubtless do whatever is necessary to give us the benefit of the substantial aid provided in the act of Congress referred to, and when we shall have received the benefits to be derived from our school lands so long withheld from us by the General Government, we will have a permanent fund of sufficient amount to give us the best possible educational institutions. We think that we can see the dawn of that glad day breaking through the clouds of doubt and delay which have so long enveloped us.

NATIONAL BANKS.

The volume of business transacted by our national and private banks entitles us to a fair and equitable treatment as a business factor of the nation. We have seventeen national banks with an aggregate capital of \$1,975,000; aggregate surplus and profits, \$1,957,000; aggregate deposits, \$9,758,000. We have fourteen private banks, having an aggregate capital and surplus of \$1,650,000. Deposits with private banks, \$2,500,000.

Mr. E. W. Knight, cashier of the First National Bank of Helena, Mont., to whom I am indebted for the foregoing information, in speaking of the business of the First National Bank, says:

I can not closely estimate the cash transactions for the year, but on the estimate in proportion to capital, we have one-seventh of the capital exclusive of surplus, and our cash footings on one side of cash-book for past year is \$72,000, 000, and seven times that equals \$504,000,000, and I should think that an underestimate.

PUBLIC BUILDINGS.

The several counties of the Territory (being sixteen) are well provided with good and substantial public buildings, consisting of court-houses, jails, school-houses, and hospitals, constructed after the modern styles of architecture. They will afford ample accommodations for many years. From official information furnished the Territorial auditor, I am advised that the cost of said buildings is \$1,658,550.

LAND OFFICES.

Land offices are located at Helena, Bozeman, and Miles City, each of which is a maximum office; that is to say, their business is of sufficient volume to entitle the officers thereof to the largest compensation allowed by law. At the next session of Congress at least two new land offices will be established in Northern Montana to meet the convenience of settlers upon the vast country recently opened to settlement in that section and before referred to.

CITIES AND TOWNS.

There are three hundred and six cities and towns in Montana at which United States mails are delivered; of this number nineteen are what are denominated Presidential offices and forty-one are money-order offices. As an evidence of our rapid growth and prosperity, it is proper to remark that seven of these offices have become Presidential since January 1, 1888, and two have in operation the free-delivery system. Street and motor railroad lines are successfully operated in Butte City and Helena. Gas, electric lights, and water works are maintained in the principal cities, furnishing an adequate supply and excellent quality of each at moderate cost to the consumer. Hotels and churches of splendid proportions and magnificent designs attest the liberality and progressive spirit of our people.

MONTANA AGRICULTURAL, MINERAL, AND MECHANICAL ASSOCIATION.

This association has held nineteen annual fairs at Helena, the capital of the Territory, where our ranchmen (farmers), stockmen, and others

enter into a generous rivalry in the exhibition of the products of the ranch and the range. It has grown from a small affair into one of Territorial importance, in which every citizen feels an honest pride, and attests better than empty words the permanency, prosperity, and pride of our population.

MONTANA MILITIA.

Our local Legislature in connection with the General Government has made it possible to establish and maintain a first-class military organization. The present regularly enlisted, organized, and uniformed active militia of Montana consists of seven general staff officers, and the officers and men of one regiment of eight companies of infantry, two companies of cavalry, and one battery of artillery. At the present session of Congress \$33,860.76 was appropriated to properly equip the officers and men of our militia; this will be ample, in connection with the annual apportionment made by Congress, amounting to about \$2,500, to put them on the very best basis. The men composing this regiment are as fine specimens of physical manhood as were ever seen, and may be expected to do the best service whenever the contingent from Montana shall be called upon.

THE YELLOWSTONE NATIONAL PARK

is the "Wonderland" of the world. The Mammoth Hot Springs, second to no place in the United States as a health resort, and many other special objects of interest in the Park, are within the Territory of Montana. The grandeur and beauty of what is there seen, all in a state of nature, is past description. In the other wing of this Capitol hangs a painting by Moran representing the Grand Cañon of the Yellowstone. While it is of superior merit, and reaches perhaps the perfection of art, it gives but a faint conception of its hoary depths and the magnificence and opulence of its coloring. There, too, are geysers shooting immense columns of water hundreds of feet into the air; boiling springs, and beautiful lakes set like emeralds in a wilderness of colors. Thither are attracted annually thousands of visitors in increasing numbers from abroad as well as from the States of this Union. Their line of travel necessarily takes them through Montana, where our resources at once attract attention. Financial investments are left behind them. Then follow settlement and residence, the legitimate results of so inviting a field for permanent success and prosperity.

THE BEST PAID LABOR IN THE WORLD

is in Montana. Our laborers are better fed and clothed and enjoy greater freedom from the oppression of combined capital than in any section of our common country. Permit me to descend into details upon this point.

The following is a fair list of wages paid for the work indicated:

Table listing various professions and their wages, such as Carpenters, Plasterers, Bricklayers, etc., with rates per day or month.

*And board. †And 50 cents per 1,000.

NEWSPAPERS.

The names, location, and politics of the leading Territorial journals are as follows:

- Independent, Helena (daily), Democratic.
Record, Helena (daily), Republican.
Gazette, Missoula (daily), Democratic.
The Age, Boulder (weekly), Republican.
The Leader, Great Falls (daily), Republican.
Tribune, Northwest Missoula (weekly).
The Item, Missoula.
Inter-Mountain, Butte (daily), Republican.
Miner, Butte (daily), Democratic.

- Mining Journal, Butte (weekly).
Herald, Helena (daily), Republican.
Stock Journal (weekly), cow.
New Northwest, Deer Lodge (weekly), Republican.
Times, Missoula (weekly), Republican.
Missoulian, Missoula (weekly), Democratic.
Review, Anaconda (weekly), Republican.
Mail, Phillipsburgh (weekly), Independent.
Northwest Tribune, Stevensville (weekly), Independent.
New Idea, Corvallis (weekly).
Tribune, Dillon (weekly), Independent.
Madisonian, Virginia City (weekly), Democratic.
Sentinel, Boulder City (weekly), Independent.
Courier, Bozeman (weekly), Independent Republican.
Enterprise, Livingston (weekly), Independent.
Gazette, Billings (daily), Independent.
Journal, Miles City (daily), Independent.
Trenchant, Townsend (weekly), Republican.
Husbandman, White Sulphur Springs, for Maginnis.
Tribune, Great Falls (daily), on the fence.
River Press, Benton, Mugwump.
Rising Sun, Sun River.
Calumet, Choteau, Democratic.
Argus, Lewistown, Republican.

And perhaps others I can not now recall.

There are the usual number of religious and class journals.

THE BAD LANDS.

Candor and fairness compel me to mention briefly this strange country. These lands are mostly in Dakota, but a very small section lies west of the eastern boundary of Montana. This is the only spot in a fair domain of 92,000,000 acres which may be said to be wholly uninviting. Happily, however, the amount covered is insignificant. Strange as it may seem, these Bad Lands, or Mauvaises Terres, as they are sometimes known, were quite appropriately named. The country has been the scene of great volcanic action at some time and presents the most unsightly appearance. It possesses no interest except to the scientific and curious. Petrifications and fossils of great antiquity have been discovered in the Bad Lands. At present there is but slight evidence of vegetable life there.

These vagrant lines, so perfect in description, have fallen in my way. I do not know who wrote them nor of what he wrote, but every person who has passed the Bad Lands will readily recognize the picture as a counterpart of that country:

Far away a scene discloses—strangely solemn—wildly strange,
Lay aside all brilliant colors, painter, now the palette change;
Bring me amber, bring me sepias, vandyke and all tints of brown—
Whoso'er will best paint Nature where she wears her gloomiest frown.
Like a ruined world it seemeth, burnt, upturned and scarred by fire;
Vestige of Almighty vengeance, record of Almighty ire!
Mountains in amorphous masses—sea beds of some earlier sea;
Land whereon no flower bloometh—never grows umbrageous tree;
Dreary hills and drearier valleys—howling waste of sage-clad sand,
Chaos of God's first creation—picture, too, of silver land!

And now, Mr. Speaker, having furnished the House a knowledge of our resources in detail, I ask your indulgence for a moment until I present a comparative view somewhat in the language of the last official report made to the Secretary of the Interior.

The annual output of our mines ten years ago was estimated at \$7,000,000; now it is over \$40,500,000.

The total value of taxable property then was \$12,000,000; now it is \$70,000,000 (not estimating the value of mines nor the 17,838,000 acres of Northern Pacific Railroad land grant).

The number of cattle in the Territory then was 220,000; now it is over 1,500,000.

The number of sheep then was 120,000, now it is over 2,500,000.

The number of horses then was 40,000, now it is over 200,000.

The number of acres of land then under cultivation was 265,000, now there are over 3,000,000 acres appropriated and settled upon for agricultural purposes.

Then the commerce of the whole Territory was \$20,000,000, now it is \$50,000,000.

Then there were no railroads, now there are about 2,000 miles constructed and operated.

Then the population was about 20,000, now it is over 175,000.

Mr. SPRINGER. I have no doubt from investigations I have made that the present population of Montana is over 200,000.

Mr. TOOLE. Then the Territory was in debt \$112,000, now it is out of debt and has plenty of money in the treasury.

Then taxes were high, now they are low; then we lived in cabins, now piles of brick and mortar make our homes; then twenty or thirty school-houses were to be found, now hundreds of them fit our children for the battle of life; then only a few scattering churches decked the land, now hundreds of temples point their spires to heaven; then every man was in pursuit of fortune, now every man is in pursuit of political liberty. [Laughter and applause.]

OTHER TERRITORIES.

Mr. Speaker, in conclusion I want to go on record as a warm advocate of the section of this bill which provides for the admission of other Territories whenever they shall have reached a population sufficient to entitle them to a Representative in Congress according to the present ratio of representation. New States add to the glory and dignity of the Republic; their admission ought to be provided for here and now;

nothing ought longer to be left to implication; no condition of things ought to be permitted whereby this inestimable right shall be made to yield to policy or expediency in the future; the rights involved are too sacred to be made subservient to the will and pleasure of the petulant and prurient partisan. I have no fear of the character of their citizenship; they are faithful and prompt in the discharge of every public duty. No jurisdiction covering the same extent of country and embracing the same number of people can boast of less crime and vice among the citizens. I speak with some means of information and with some feeling upon this question. More than half of my life has been spent among the kind of men who people these Territories. I know their stern integrity and rugged honesty, their capacity for local self-government, and their deep devotion to the principles of our institutions.

In this connection there come crowding into my memory these oft-repeated and much-appreciated lines:

What constitutes a State?
 Not high-raised battlements or labored mound,
 Thick wall or moated gate,
 Not cities proud, with spires and turrets crowned,
 Not bays and broad-armed ports,
 Where laughing at the storm rich navies ride;
 Not starred and spangled courts,
 Where low-browed baseness wafts perfume to pride;
 No! Men, high-minded men,
 With powers as far above dull brutes endued,
 In forest, brake or glen,
 As beasts excel cold rocks and brambles rude;
 Men who their duties know,
 But know their rights; and knowing dare maintain,

These constitute a State.

Upon this important question I beg of you to make no mistake. Do not dam up the river of progress. Do not obstruct the march of American manhood towards the destiny contemplated by the Constitution. Popular development and popular government have made us powerful and great among the nations of the earth, but we have not yet reached the zenith of our power and greatness. Let us remember that delays are dangerous; that now is the time and here the place to provide the way by which eight new stars may be added to the flag, and two million of our countrymen in the Territories shall be enfranchised; and then rest assured that the wisdom and patriotism of our course will be vindicated by the deliberate judgment of mankind. [Long-continued applause.]

Mr. JOSEPH obtained the floor.

Mr. BRECKINRIDGE, of Kentucky. As this is a question of very considerable importance, and as the House is now very thin, I think we had better adjourn and let the gentleman from New Mexico [Mr. JOSEPH] speak to a full House to-morrow. It is a question in which of course he feels a very great interest.

Mr. JOSEPH. I will yield for a motion to adjourn, retaining, of course, my right to the floor.

Mr. BAKER, of New York. I move, then, that the House adjourn.

Mr. SPRINGER. Before that motion is put I desire to state that this subject will be called up immediately after the reading of the Journal to-morrow, and that we hope to bring it to a final vote early in the day.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was received, by Mr. PRUDEN, one of his secretaries, who also announced that the President had on the 14th instant approved and signed the bill (H. R. 7935) for the relief and civilization of the Chippewa Indians in the State of Minnesota.

LEAVE OF ABSENCE.

Pending the motion to adjourn,

Mr. BUTTERWORTH, by unanimous consent, obtained leave of absence for four days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. RUSSELL, of Connecticut, by unanimous consent, obtained leave to withdraw, without leaving copies, papers presented in connection with House bill 7256, there having been no adverse report.

The motion of Mr. BAKER, of New York, was then agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CHIPMAN: A bill (H. R. 12217) granting a pension to William Balow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12218) for the relief of James D. Elderkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12219) granting a pension to Jedediah Yeager—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 12220) for the relief of James Legg—to the Committee on War Claims.

By Mr. DORSEY: A bill (H. R. 12221) to increase the pension of Sally Mallory—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 12222) for the relief of Edward Y. McCauley—to the Committee on Naval Affairs.

By Mr. HAYES: A bill (H. R. 12223) granting a pension to John N. Wells—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 12224) granting a pension to Asa M. McKinney—to the Committee on Invalid Pensions.

By Mr. S. I. HOPKINS (by request): A bill (H. R. 12225) for the relief of John Richardson and others, and for other purposes—to the Committee on Agriculture.

By Mr. A. C. THOMPSON (by request): A bill (H. R. 12226) for the relief of Mrs. E. G. C. Abbott—to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 12227) to refer the claim against the United States of Calphurnia (Californy) Willson, widow of the late Stewart Willson, to the Court of Claims—to the Committee on War Claims.

Change in the reference of a bill, improperly referred, was made in the following case, namely:

A bill (H. R. 4551) for the relief of James Healy—from the Committee on Invalid Pensions to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOWEN: Resolutions of the State Grange of Wadesville, Va., in regard to pure food, etc.—to the Committee on Agriculture.

By Mr. J. R. BROWN: Petition of citizens of Glade Hill, and of Union Hall, Franklin County, Virginia, in favor of pure food—to the Committee on Agriculture.

By Mr. T. H. B. BROWNE: Petition of Peter Slumme and 13 citizens of Grimes, Va., in favor of pure food—to the Committee on Agriculture.

By Mr. CHIPMAN: Petition of Milton Bills and 19 citizens of Wayne County, Michigan, and of L. J. Blount and 18 citizens of Wayne County, Michigan, in favor of pure food and pure lard—to the Committee on Agriculture.

By Mr. DINGLEY: Memorial of the Maine State Grange, for legislation to secure pure food—to the Committee on Agriculture.

By Mr. DORSEY: Petitions of citizens of Nebraska, asking the creation of two land districts and location of land offices at Broken Bow and Alliance, Nebr.—to the Committee on the Public Lands.

By Mr. ERMENTROUT: Memorial of the Maritime Association, for the immediate construction of harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Mrs. Jacob Geiger, of Birdsborough, Pa., requesting the passage of House bill 4356—to the Committee on Invalid Pensions.

By Mr. FITCH: Petition of the owner of the steamer Nautilus, of New York—to the Committee on Merchant Marine and Fisheries.

By Mr. GAINES: Petition of citizens of Virginia and other States, for an international copyright bill—to the Committee on Patents.

By Mr. GIFFORD: A memorial of representative citizens of North Dakota in convention assembled at Jamestown, December 5, 1888, for the admission of North Dakota as a State—to the Committee on the Territories.

By Mr. HATCH: Resolutions of the National Farmers' Congress, held at Topeka, Kans., November 13, 1888, in relation to agricultural legislation and other subjects—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Resolution of the Board of Trade of Dubuque, Iowa, favoring the opening of the Sioux reservation—to the Committee on Indian Affairs.

Also, petition of business men of Dubuque, Iowa, for the same—to the Committee on Indian Affairs.

By Mr. HOLMAN: Petition of Dr. James H. Sale, for a pension—to the Committee on Invalid Pensions.

By Mr. MCCOMAS: Petition of E. L. Hartshorne and 18 citizens of Brighton, Md., and of C. R. Hartshorn and 13 citizens of Brighton, Md., in favor of pure food and lard—to the Committee on Agriculture.

By Mr. MAISH: Petition of James B. Hawke, Company E, One hundred and thirtieth Regiment Pennsylvania Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Resolutions of the Maritime Association of New York, for the construction of a harbor of refuge at Point Judith—to the Committee on Commerce.

Also resolutions of the Typographical Union No. 13, indorsing the Chace copyright bill—to the Committee on Patents.

By Mr. WHEELER: Petition of Calurny Willson, of Lauderdale County, and of Elizabeth Pace, of Jackson County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petitions against the passage of the international copyright bill were received, and severally referred to the Committee on Patents:

By Mr. DORSEY: Of W. H. Needham, of Nebraska; of C. Selah, of Ewing, Nebr.