

the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;" and

Joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

The bill (H. R. 10346) providing for the erection of fire-escapes in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 8012) for the relief of M. M. Gibson was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 456) for the relief of the widow of Lieut. John F. Stewart was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 206) to continue the provisions of a joint resolution approved June 30, 1888, entitled "A joint resolution to provide temporarily for the expenditures of the Government," was read twice by its title.

Mr. ALLISON. I move that that joint resolution be referred to the Committee on Appropriations.

The motion was agreed to.

The joint resolution (H. Res. 205) to provide temporarily for the support of the Army was read twice by its title, and referred to the Committee on Appropriations.

#### BOUNDARIES BETWEEN BRITISH GUIANA AND VENEZUELA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of 11th April last, a report of the Secretary of State, with accompanying correspondence, relating to the pending dispute between the Government of Venezuela and the Government of Great Britain concerning the boundaries between British Guiana and Venezuela.

EXECUTIVE MANSION,

Washington, July 26, 1888.

GROVER CLEVELAND.

The PRESIDENT *pro tempore*. The exhibits accompanying this message are very voluminous and perhaps had better be referred to the Committee on Printing before the formal order to print is made.

Mr. PLATT. The message should be referred to the Committee on Foreign Relations in the first instance.

Mr. SAULSBURY. I make that motion.

The PRESIDENT *pro tempore*. The Chair did not understand the motion.

Mr. PLATT. I was suggesting whether the message had not better first be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. It will be so referred.

#### BRIDGET FOLEY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1447, entitled "An act granting a pension to Bridget Foley."

Joseph F. Foley, the husband of the beneficiary named in this bill, enlisted on the 22d day of August, 1862, and was discharged February 13, 1863, for disability which was certified to arise from chronic rheumatism contracted prior to enlistment.

He appears to have been sick with rheumatism a large part of the time he was in the service, and because of that fact never reached a point nearer the front than the city of Washington.

He died May 13, 1873, of consumption.

His widow filed in 1884 a declaration executed by the deceased shortly before his death, in which he alleged that he was first attacked with rheumatism at Capitol Hill, in the District of Columbia, in October, 1862. The soldier never applied for a pension.

It is strenuously disputed that he had this complaint before enlistment. However this may be, it is certain that he died of consumption, and I can find no proof that this disease was contracted in the service, or had any relation thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 26, 1888.

The PRESIDENT *pro tempore*. The question being, shall this bill pass notwithstanding the objections of the President of the United States, it will be referred with the message, if there be no objection, to the Committee on Pensions.

#### RIGHT OF WAY THROUGH INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2644, entitled "An act granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas."

This bill grants a right of way 100 feet in width, with the use of adjoining lands for stations and other purposes, through the eastern part of that portion of the Indian Territory occupied by the Cherokee Indians under a treaty with the United States.

By the terms of the treaty concluded between the Government and the Cherokee Nation in 1866 these Indians expressly granted a right of way through their lands "to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee Nation."

There are excellent reasons why this clause in the treaty should be construed as limiting the railroads which should run through these lands, at least without further permission of the Indians, to only one from north to south and one other from east to west.

It is evident, however, that the Congress has either not so interpreted this provision of the treaty or has determined that it should be disregarded; for there have been six or seven railroads constructed or authorized through these lands by the permission of the Government.

It has become very much the custom to grant these rights of way through Indian lands and reservations merely for the asking. They have been duplicated to such an extent that rival roads are found struggling for the advantage of a prior Congressional grant or for the possession of a contested route through these reservations.

I believe these indiscriminate grants to railroads, permitting them to cross the lands occupied by the Indians, if not in absolute violation of their treaty rights, are dangerous to the success of our Indian management.

While maintaining their tribal condition they should not be easily subjected to the disturbance and the irritation of such encroachments. When they have advanced sufficiently for the allotment of their lands in severalty they should be permitted, as a general rule, to enjoy and cultivate all the land set apart to them, and not discouraged by the forced surrender of a part of it for railroad purposes. In the solution of the problem of their civilization by allotments of land they need the land itself and not compensation for its appropriation by others. They can not be expected to understand this process in any other way than an indication that their tenure is uncertain and the assurance that they shall hold their allotted land for cultivation a delusion.

It is not necessary in the treatment of this subject to insist that in no case should a railroad be permitted to cross Indian reservations. There may be valid public reasons why in some cases this should be allowed. Important lines of through travel should not be always obstructed or defeated by a refusal of such permission. But I think there should be shown in every case a justification in the public interest or in furtherance of general growth and progress, or at least in a plain local necessity or convenience, before such grants are made.

It seems to me also that the consent of the Indians for the passage of railroads through their land should as a general rule be required; that the means of determining the compensation to be made for land taken should be just and definite and easy of application; that the route of the proposed road should be as particularly described as is possible; that a reasonable time should be fixed for the construction of the road, and in default of such construction that the grant should be declared null and void without legislation or judicial action, and that in all cases the rights and interests of the Indian should be carefully considered.

The bill under consideration grants to the railroad company therein named the right to construct its road over substantially the same route described in a law already passed permitting the Kansas City, Fort Scott and Gulf Railway Company to build its road through this reservation. No necessity or good reason is apparent why these two roads should be built upon the same line.

The bill makes no provision for gaining the consent of the Indians occupying these lands. The Cherokee Nation of Indians have their local laws and legislation, and are quite competent to pass upon this question. They have heretofore shown their interest in such subjects, I am informed, by protesting against some of the grants which have been made for the construction of railroads through their lands.

The bill provides for the taking of lands held by individual occupants and the manner of fixing the compensation therefor; but it is declared that when any portion of the land taken by the company shall cease to be used for the purposes for which it is taken the same shall revert to the nation or tribe from which the same shall have been taken. There is no provision that in any case land taken from individual occupants shall revert to them.

In the fifth section of the bill it is provided that the railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands its line may be located, in addition to other compensation, the sum of \$50.

It was of course intended to declare that this sum should be paid for every mile of road built through Indian lands; but it is not so expressed. I am by no means certain that the context will aid this omission, which is quite palpable, when that part of the bill is compared with others of the same character. In any event this is a provision which should be free from all doubt.

There is no time limited in the bill within which the proposed road through the reservation shall be completed, and consequently no forfeiture fixed for non-completion. The nearest approach to it is found in a clause providing that the company shall build at least 50 miles of its road in the Indian Territory within three years from the passage of the act or the rights granted shall be forfeited as to that portion not built.

The length of the proposed route through the Cherokee lands appears to be considerably over 100 miles; and it is plain that there is no sufficient guaranty in the bill that the entire road will be built within any particular time. There is no forfeiture and no limitation for the completion of the road if 50 miles is built within three years, and there may be some doubt how far the forfeiture would extend in case of a failure to finish the 50 miles within the time specified.

I believe these grants to railroads should be sparingly made; that when made they should present better reasons for their necessity and usefulness than are apparent in this case, and that they should be guarded and limited by provisions which are not found in the bill herewith returned.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 26, 1888.

The PRESIDENT *pro tempore*. The question is, Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. PLATT. I move that the bill, with the message, be referred to the Committee on Indian Affairs.

The motion was agreed to.

#### ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 19 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 27, 1888, at 12 o'clock m.