

## BOND OF ARKANSAS HELD BY UNITED STATES.

DECEMBER 17, 1890.—Referred to the House Calendar and ordered to be printed.

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Mr. McRAE, from the Committee on Public Lands, submitted the following

### REPORT:

[To accompany H. R. 12711.]

The Committee on the Public Lands, to whom was referred House bill 79, have had the same under consideration, and report the same back with the recommendation that it be laid upon the table and that the accompanying bill be passed.

A similar bill was favorably reported from the Committee on Public Lands during the Fiftieth Congress. One to the same effect passed the Senate in 1878, but neither was ever reached for consideration in the House. The Treasurer of the United States has several times suggested the necessity for legislation of this character for defaulting States. It is evident that no settlement between the State of Arkansas and the United States can ever be made upon any just basis without some such legislation.

The committee thinks that the bill ought to pass as early as possible.

The debt due from the State, as well as her claims against the United States, are of long standing and to some extent complicated and confused. In the year 1838 the State of Arkansas borrowed the sum of \$538,000 of the Smithsonian trust fund and issued five hundred \$1,000 bonds, redeemable October 26, 1861, and thirty-eight redeemable January 1, 1868. These and eighty-seven \$1,000 other bonds, held for the Indian trust fund, making in all the sum of \$625,000, are owned by the United States, having been paid by appropriations for that purpose.

In some of the statements of the amount due from the State to the United States it appears that the Treasury accounting officers have computed the interest on the coupons after maturity and payment by the Government at the same rate they bore before. This is without authority and contrary to the principles of law governing such cases. When the bonds matured they were not presented for payment, but the United States paid them and such of the coupons attached as had not been paid by the State. These sums so paid out ought to be repaid by the State, but no more.

The Treasurer of the United States holds for the Secretary of the Interior, trustee of the Indian trust fund, one hundred and sixty-eight \$1,000 bonds, issued December 13, 1872, redeemable January 1, 1900, bearing 6 per cent. interest per annum. The State has paid no interest on these bonds since 1874, except such as the Treasury officials have sequestered under section 3481, Revised Statutes. All sums that have accrued to the State from all sources whatever since 1844 have been withheld to be applied on the said bonds.

The State authorities insist that the sums thus retained, with what is fairly and equitably due on her unadjusted swamp-land claim, will more than pay what she owes on the bonds. Estimating the amount for the fiscal year 1888, there has accrued to the State from time to time, as shown by the statement of the General Land Office from the record of adjusted accounts furnished the committee and printed with this report, the sum of \$262,953.18, on account of 5 per cent. of the net proceeds of the sale of public lands. All of these sums that have accrued since the year 1844 have been held.

The State is entitled to the sum of \$10,307.80 for keeping United States prisoners in the State prison under the order of President Johnson dated February 5, 1867. A copy of the order and the correspondence explaining how this sum accrued has been furnished the committee, and together with the letters will be printed as a part of this report. There were two installments found due but never paid to the State under the distribution act of September 5, 1841; one June 30, 1842, for the sum of \$4,482.79, and the other July 1, 1842, for \$529.37, making a total of \$5,012.16 also held and should be applied on the bonds of the State.

The State claims large amounts of both cash and land indemnity under the acts approved March 2, 1855, and March 3, 1857. Nothing has ever been allowed or credited on this account. The Interior Department admits that the State has a claim, but the amount has never been officially determined.

From a statement furnished the Committee on Public Lands by the Commissioner of the General Land Office during the Fiftieth Congress, it appears that the United States have sold 200,750 acres of such land for the sum of \$196,990, and disposed of, for land warrants, scrip, and homestead, 162,080 acres, worth, at \$1.25 per acre, the sum of \$202,600. The State insists that she should be credited with the sums so received, as of the years in which the sales were made and allowed, \$1.25 per acre for such lands as were otherwise disposed of, making a total claim on this account of \$399,590.

The committee do not find that the items used to make up this sum have been allowed by the Department, but it does insist that when the claim is compared with the sums allowed to other States on the same account, that it appears reasonable, and that the State should not, at this late day, be required, under the circumstances, to furnish further proof of the character of these lands, selected more than thirty years ago by the State agents and certified by the surveyor-general. The act making the grant made it the duty of the Secretary of the Interior, as soon as practicable after the passage of the act, to make out an accurate list of the lands granted. No such list was ever made.

The State made its selections properly and promptly, and yet there are still pending before the Land Department claims for over a million acres of land, besides the claims for indemnity. A copy of the heading and certificate on such lists is printed in the appendix. By this delay the adjustment of the claims of the State, that it insists should have been applied to the debt due from her, has been so postponed that if allowed it would be absorbed, with interest on her bonds, if the unjust rules of the Department should control in the settlement. The State also insists that she has a right to be credited with 5 per cent. on lands entered under the homestead laws and located with military bounty land warrants and scrip, estimated at the minimum price for Government lands, \$1.25 per acre. At the time the State was admitted into the Union there was no way of disposing of public lands except by sale or for warrants and scrip. The homestead law had not been passed, and

the State, with such a contract as it made, does not think it just that the general Government should be allowed to adopt a policy that will have the effect to diminish the fund upon which she had a right to rely for the payment of the bonds in question.

The greater part of all lands disposed of in Arkansas within the last twenty-five years have been entered under the homestead law. Up to June 30, 1887, as shown by the letter of the Commissioner, the aggregate of such lands taken as homesteads and with bounty warrants and scrip was 7,795,451.02 acres, for which the Government received as fees the sum of \$502,085. Estimating these lands at the minimum price then and now, the State, if her claim should be allowed, would be entitled to the sum of \$487,215.65 more than has been allowed on this account—nearly twice as much as she has been allowed on sales under the present rulings.

The committee are aware that the Supreme Court, in the 5 per cent. cases in 110 U. S. Reports, 471, has decided that the States are not entitled to the percentage on the value of lands disposed of by the United States in satisfaction of military land warrants; but in view of the very able dissenting opinion of Justice Miller, concurred in by Justice Field, and of the fact that the question of jurisdiction was not passed upon by the court at that time, the State does not regard that case as finally settling the matter. The claim for such a percentage on homesteads has never been before the court, and besides, the personnel of the court has very much changed since that decision was rendered.

But whether the decision is adhered to or not it is hardly just that in a matter of contract like this the United States as one party should insist upon so radical a change in the disposition of the lands, and against the right and objection of the State the other party insist upon such a strict construction made by their own courts. It ought to be fair and not technical in matters of contract and account like this.

Here is the contract which the Supreme Court in the said decision calls a compact:

The act of June 23, 1836, for the admission of Arkansas (5 Stats., p. 58), says that in lieu of the propositions submitted to Congress by the Territorial convention, which are rejected, the following propositions are hereby offered to the general assembly of the State of Arkansas for their free acceptance or rejection, which, if accepted, shall be obligatory upon the United States. They were formally accepted by the general assembly. So the propositions were the result of a negotiation. It was a fair contract, entered into between parties authorized to contract. The third item of the contract is as follows:

*Third.* That 5 per cent. of the net proceeds of the sale of lands lying within the said State, and which shall be sold by Congress, from and after the 1st day of July next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals within the said State, under the direction of the general assembly thereof, \* \* \* *Provided,* That the five foregoing propositions herein offered are on the condition that the general assembly or legislature of the said State, by virtue of the power conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said general assembly of said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty land granted, or hereafter to be granted, for military services during the late war shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively."

It would appear from this that the State has the right to tax all the lands of the Government as soon as disposed of and has other rights as to the disposal, but in con-

sideration that she would agree by an ordinance, irrevocable without the consent of the United States, not to interfere with the primary disposal, nor tax non-residents higher than residents, nor to tax the property of the United States, nor lands granted for military services for three years after the date of the patents, either for State, county, or township purposes, there shall be paid to the State 5 per cent. of the net proceeds of the sale of lands lying within the said State, and which shall be sold by Congress from and after the 1st day of July, 1836.

Land warrants were receivable for public lands at \$1.25 per acre. The homestead was granted to all settlers who are qualified, upon the payment of certain fees and five years' continuous residence and cultivation upon the lands. This was a wise and proper policy for Congress, but the same necessity for public roads exists in a country settled under the homestead law as one settled under the preëmption or graduation laws. It is now admitted that it is the best disposition to make of public lands, but the State should not be cheated out of the 5 per cent. of the value which she had contracted for and had a right to expect. Many of the Western States settled prior to the passage of the homestead law, or principally under the preëmption law, have received large sums on such sales.

Exclusive of the 5 per cent. on lands disposed of otherwise than by cash sales, the claim of the State can be stated as follows:

Five per cent. fund retained.....	\$188,775.02
Cash indemnity for lands sold.....	196,990.00
Land indemnity, at \$1.25 per acre.....	202,600.00
Keeping United States prisoners.....	10,377.80
Due under distribution act.....	5,012.16
Seminary lands, at \$1.25.....	8,947.72
Total.....	612,702.70

The following table will show the claim of the State, allowing the same rate of interest as the bonds bear, calculated from the year the sales were made:

Amount cash indemnity.....	\$195,290.00
Interest on same.....	389,121.30
Five per cent. fund.....	188,775.02
Interest on same.....	846,683.64
Amount land indemnity.....	202,600.00
Interest on same.....	290,464.84
United States prisoners.....	10,377.80
Sixteen years' interest on same.....	9,962.68
Under distribution act.....	5,012.16
Forty-six years' interest on same.....	13,833.55
Seminary lands.....	8,947.72
Total.....	2,161,067.71

This calculation and statement does not include any interest on homesteads for which indemnity is claimed, nor the claim of 5 per cent. on the valuation of homesteads, and yet the aggregate is greater than the amount claimed by the United States, exclusive of the Indian trust funds.

## APPENDIX.

*HON. W. H. HALLIBURTON'S STATEMENT OF THE CLAIMS OF THE STATE OF ARKANSAS AGAINST THE UNITED STATES.*

By virtue of the compact entered into between the United States and the State of Arkansas under act of Congress approved 23d of June, 1836, the State of Arkansas to receive "5 per cent. of the net proceeds of the sale of lands lying within the said State," on condition that said State should "never interfere with the primary disposal of the soil within the same by the United States, nor with any regulation Congress may find necessary for securing title in such soil to the bona fide purchasers thereof, etc."

The total land surface of the State of Arkansas, according to the report of the Land Department of the United States, as shown on page 1190 of History of the Public Domain, is 53,045 square miles, equal to 33,948,600 acres.

Of these lands the United States has, by sales, grants, donations, etc., disposed of 16,258,813.63 acres, leaving a balance of 17,689,986.37 acres, from which balance deduct 1,013,528.52 acres for swamp lands claimed by the State as hereinafter shown, and we have 16,676,465.85 acres, on which the State claims 5 per cent. of the net proceeds of sales thereof.

At the date of the compact the minimum price of all the lands in the State was \$1.25 per acre, and by an act of Congress approved March 3, 1857, as quoted and referred to on page 724 of History of the Public Domain, it was made the duty of the Commissioner of the General Land Office in stating accounts between the United States and the States entitled to this fund "to allow and pay to each State such amount as should thus be found due, estimating all lands and permanent reservations at \$1.25 per acre.

Estimating the 16,676,465.85 acres at \$1.25 per acre, we have the sum of \$20,845,582.31, less expenses of surveying and selling the same on which to claim the 5 per cent. under the compact.

By reference to page 192, History of the Public Domain, it will be seen that the average cost of "surveys and disposition from 1785 to 1880" of the public lands is 6.2 cents per acre; this gives the sum of \$1,033,940.80 as total cost of surveying and selling the 16,676,465.85 acres, which sum deducted from the sum of \$20,845,582.31, the estimated value of the lands, leaves the sum of \$19,811,641.43, on which the State claims 5 per cent.

This gives the State the sum of \$990,582.07. Of this sum the State has received \$68,177.16, leaving balance due the State on the 5 per cent. fund the sum of \$922,404.91; to the foregoing must be added the sum of \$5,012.16, under the distribution act of Congress, approved the 4th of September, 1841, and the sum of \$10,377.80 due the State for keeping United States prisoners in the State prison, under Executive order dated 5th of February, 1867.

## SWAMP LANDS.

By virtue of the provisions of section 1 of the act of Congress, 28th of September, 1850, commonly known as the swamp land act, Congress granted to the State of Arkansas "the whole of the swamp and overflowed lands made unfit for cultivation" then remaining unsold in the State, to be selected and reported to the Land Department of the United States under the direction and supervision of the Department of the Interior.

Under this act and instructions from the General Land Office, the constituted authorities of the State of Arkansas, prior to the 5th of October, 1854, selected and reported to the General Land Office 10,324,915.75 acres. (See report of Swamp Land Commissioners of October 5, 1854, page 9.) Of these lands the Commissioner of the General Land Office acknowledges the receipt and filing of lists containing 8,652,472.93 acres, and has approved for confirmation and patents 7,638,944.41 acres, leaving a balance of 1,013,528.52 acres acknowledged as having been received by the Department, as shown on page 697 of History of Public Domain.

The difference between the number of acres reported by the State authorities and that acknowledged by the United States is 1,672,442.62 acres. And that between the number of acres reported and approved is 2,685,971.34 acres.

The cause of this difference the State has no means of knowing, but her authorities are advised that several lists of swamp lands, embracing a large number of acres, are now among the archives of the General Land Office and have been for years, but failing to have any official evidence of receipt and filing indorsed on them, are rejected.

A large number of acres embraced in the list selected and reported to the General Land Office, and suspended, has been sold by the United States for cash, land scrip,

and military-land warrants, for which the State of Arkansas claims indemnity under acts of Congress 2d March, 1855, and 3d March, 1857.

Accepting the acreage suspended (1,013,528.52), or the value thereof, as all that is coming to the State under the swamp-land grant, she will be entitled to a credit of \$1,266,910.65, valuing the lands at \$1.25 per acre, that being the minimum price of the lands.

To this must be added the sum of \$8,947.72 for 7,158.18 acres of seminary, internal improvement, and public building lands, at the value of \$1.25 per acre, yet due the State under the various grants.

#### RECAPITULATION OF CREDITS.

Amount claimed by the State on account of the 5 per cent. fund.....	\$922,404.91
Amount due under distribution act.....	5,012.16
For keeping convicts in the State's prison .....	10,377.80
Amount claimed for swamp lands.....	1,266,910.65
For seminary and other lands due the State.....	8,947.72
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	2,213,653.24
Table showing the number of acres in the State of Arkansas and disposition of same:	
Total land surface, square miles.....	53,045
Total number of acres .....	33,948,800
See Public Domain, page 1190.	
Number of acres on which the State is not allowed 5 per cent., as shown by the following, viz:	
Cash sales prior to July, 1836.....	1,871,283.87
Military service .....	2,258,146.92
Commissioner's Report 1867, page 186.	
Swamp lands approved to June 30, 1882:	
Public Domain (page 1249).....	7,639,794.39
Internal improvements .....	500,000.00
Public Domain (page 255):	
Sixteenth section, Public Domain, page 228.....	886,460.00
Seminary (72 sections), Public Domain, page 228.....	46,080.00
Indian scrip .....	275,972.64
Commissioner's Report for 1867, page 188.	
Public buildings (Commissioner's Report for 1867, page 189).....	10,600.00
Grants to individuals and companies (Commissioner's Report for 1867, page 189).....	139,366.25
Private land claims (see Commissioner's Report for 1867, page 189).....	118,451.12
Deaf and Dumb Asylum of Kentucky (see Commissioner's Report for 1867, page 189).....	2,097.43
Railroad grants to June 30, 1882 (see Commissioner's Report for 1886, page 292).....	2,517,718.69
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	16,265,971.81
Less the number of acres due the State for seminary, internal improvement, and public building lands.....	7,158.18
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	16,258,813.63
Swamp lands selected and reported to the Commissioner of the General Land Office yet due the State .....	
See Public Domain, page —	1,013,528.52
Number of acres on which 5 per cent. is claimed .....	16,676,465.85
Swamp lands:	
Number of acres reported by the State authorities to 5th of October, 1854 (see report of swamp land commissioners October 5, 1854, page 9).....	10,324,915.75
Number of acres approved .....	7,638,944.41
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Balance .....	2,685,971.34
Number of acres selected and reported as acknowledged by General Land Office.....	8,652,472.93
Number of acres approved (see History of Public Domain, page 697) ..	7,638,944.41
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	1,013,528.52

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., January 24, 1888.

SIR: in reply to your letter of this date relative to the 5 per cent. fund due the State of Arkansas, in accordance with the acts of June 15, 1836, and March 3, 1857, you are informed that the State of Arkansas has been allowed by accounts adjusted in this office 5 per cent. of all net receipts from the sales of public lands within her borders, from the date of her admission to the Union to June 30, 1886, amounting to \$244,009.58.

The total receipts from such sales from the admission of the State to the 30th of June, 1886, have been \$5,506,980.39; while the net receipts therefrom, after the deduction from the gross receipts of expenses incident to the sales of these lands, and of repayments made for lands erroneously sold, have been \$4,830,165.44. With the exception of the comparatively small amounts of land sold under the graduation act of August 4, 1854, all these sales have been at the rate of \$1.25 per acre or more.

Lands entered under the homestead and timber-culture laws or located with scrip or military bounty land warrants are not included in the area embraced by the term "sales of public lands," and the fees received from such entries or locations are not included in the above aggregate of receipts.

Very respectfully,

Hon. THOMAS C. MCRAE,  
House of Representatives, Washington, D. C.

S. M. STOCKSLAGER,  
Acting Commissioner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., May 9, 1888.

SIR: I am in receipt of your letter of the 28th ultimo, asking to be informed of the area of lands in Arkansas entered under the homestead laws, and located with military bounty land warrants and scrip since the admission of the State into the Union, and in reply you are informed that the areas of public lands thus disposed of to June 30, 1887, are as follows:

	Acres.
Area of original homestead entries.....	5,531,344.10
Area of military bounty land warrant locations.....	2,263,226.92
Area of scrip locations.....	880.00
Total.....	7,795,451.02

Very respectfully,

Hon. T. C. MCRAE,  
House of Representatives.

T. J. ANDERSON,  
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., January 28, 1889.

SIR: I am in receipt of your letter of the 10th ultimo, requesting to be informed of the amount received as fees upon public lands entered in the State of Arkansas, and in reply thereto you are informed that the amount of money so received to June 30, 1888, is \$502,085.

The figures above given are approximately correct.

Very respectfully,

Hon. T. C. MCRAE,  
House of Representatives.

T. J. ANDERSON,  
Assistant Commissioner.

Statement of the amount accruing to the State of Arkansas on account of 5 per cent. of the net proceeds of the sales of public lands in said State from July 1, 1836, to June 30, 1887, as appears from the record of adjusted accounts in the General Land Office; also the estimated amount accruing for the fiscal year 1888 not adjusted.

No. of report.	Dates covering time of adjustment.	Amount.
4464	July 1, 1836, to December 31, 1839.....	\$53, 459.16
4902	January 1, 1840, to December 31, 1840.....	6, 311.68
5293	January 1, 1841, to June 30, 1842.....	3, 634.21
5711	July 1, 1842, to June 30, 1843.....	1, 830.72
5828	July 1, 1843, to December 31, 1843.....	1, 019.78
6086	January 1, 1844, to June 30, 1844.....	1, 132.95
6208	July 1, 1844, to December 31, 1844.....	1, 788.76
6474	January 1, 1845, to December 31, 1845.....	870.62
7152	January 1, 1846, to December 31, 1846.....	2, 609.28
7774	January 1, 1847, to December 31, 1848.....	10, 196.73
8475	January 1, 1849, to December 31, 1849.....	3, 009.71
9227	January 1, 1850, to December 31, 1850.....	3, 617.06
10099	January 1, 1851, to December 31, 1851.....	8, 041.80
11115	January 1, 1852, to December 31, 1852.....	3, 271.60
11528	January 1, 1853, to December 31, 1853.....	10, 188.69
11982	January 1, 1854, to December 31, 1854.....	8, 313.15
13468	January 1, 1855, to December 31, 1856.....	18, 700.79
16045	January 1, 1857, to December 31, 1859.....	65, 941.81
17727	January 1, 1860, to December 31, 1860.....	10, 634.75
29746	January 1, 1861, to December 31, 1861.....	1, 780.43
32485	January 1, 1862, to June 30, 1880.....	485.41
33063	July 1, 1880, to June 30, 1881.....	1, 502.13
34025	July 1, 1881, to June 30, 1882.....	3, 365.85
36010	July 1, 1882, to June 30, 1883.....	6, 293.56
41837	July 1, 1883, to June 30, 1884.....	2, 852.89
41837	July 1, 1884, to June 30, 1885.....	1, 675.53
41837	July 1, 1885, to June 30, 1886.....	1, 581.63
42543	July 1, 1886, to June 30, 1887.....	13, 943.60
		257, 953.18

Estimate of amount due for fiscal year 1888..... \$5,000

DIVISION OF ACCOUNTS, GENERAL LAND OFFICE, *January 19, 1889.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
*Washington, D. C., January 25, 1888.*

SIR: In reply to your letter of the 24th instant, I have the honor to advise you that the lands selected by the State of Arkansas under the swamp grant of September 28, 1850, amount to 8,655,210.10 acres. Notice of these selections was given the local officers for the district in which the lands were situated as soon as practicable after the surveyor-general approved the selection, and the instructions given required that said lands be withheld from sale or entry; but in many cases lands were sold or entered before notice of the State's claim reached the local office, and in a number of other cases the lands selected have been found not to be swamp or overflowed within the meaning of the grant, and the claim of the State rejected and the lands opened to settlement and entry, so that the amount of land now withheld from disposition is not known and could not be ascertained without a detailed examination of the records of both this and the several local offices in the State, which would require several months.

Of the lands selected and reported to this office, 7,659,619.13 acres have been approved by the Secretary of the Interior, and 7,503,196.13 acres have been patented to the State under the grant. The difference between the amount selected and the amount patented to the State (1,152,013.97 acres) is not the actual amount of land now in dispute. It embraces many duplicate selections; all the lands for which the claim of the State has been rejected; many tracts disposed of both before and after the date of the swamp grant by sales, or locations of warrants and scrip, or under other grants to the State, and numerous tracts covered by claims adverse to the State, yet to be determined, as well as for those for which the question of title between the State and the United States only remains to be decided. Separate records of these different classes have never been made up, so that the amount of land already selected to which the State is entitled can not even be estimated.

Under date of November 2, 1850, a circular (see Lester's Land Laws, vol. 1, p. 543) setting forth the provisions of the grant of September 28, 1850, with instructions



thereunder, and allowing the States to elect which of two methods they would adopt for the purpose of designating the swamp lands, was sent to the governors of the States to which the grant applied. These methods are:

First: The field-notes of Government survey to be taken as the basis for selections, and the lands shown by them to be swamp or overflowed within the meaning of the act, which were vacant and unappropriated September 28, 1850, would pass to the State.

Second. The selections to be made by State agents and reported to the United States surveyor-general for the district, with proof of the character of the lands.

By an act approved January 6, 1851, the legislature of the State of Arkansas provided for making selections according to the second method, which has since formed the basis of selections in said State.

Recently the State authorities sought to have the method of adjusting the claims of the State under the swamp land acts changed, but so far they have not met the requirements of the Department in the matter. (See 4 L. D., 295-7 and 5 *Id.*, 636.)

The regulations governing the adjustment of cases where persons seek to file claims for or enter lands claimed as swamp which have not been approved and certified to the States are contained in the inclosed circular of December 13, 1886. After such approval and certification the State's claim can only be contested upon a showing that the approval was the result of fraud or mistake, unless the applicant alleges some right under the public land laws acquired prior to the approval.

Under the acts of Congress approved March 2, 1855 (10 Stat., 634), and March 3, 1857 (11 Stat., 251), indemnity is allowed for lands entered with cash or located with warrants or scrip between September 28, 1850, and March 3, 1857, upon proof by the State that such lands were swamp or overflowed within the meaning of the grant of 1850. If the land was entered with cash, the purchase money is paid over to the State, except in cases where more than \$1.25 per acre was received. In such cases the rule is to allow only \$1.25 per acre. Where the land was located with warrants or scrip, certificates issue authorizing the location of a like amount of public land, subject to entry at \$1.25 per acre, within the limits of the State. In case of those States in which there are no public lands subject to entry at the price aforesaid this office has for a number of years refused to issue such certificates.

There is no authority of law for allowing indemnity for swamp lands sold or located after March 3, 1857, or for lands entered under the homestead or other later laws.

The State of Arkansas has received no indemnity, either in money or land, and has submitted no proof with a view to obtaining indemnity to swamp lands.

Very respectfully,

S. M. STOCKSLAGER,  
*Acting Commissioner.*

Hon. THOMAS C. MCRAE,  
*House of Representatives.*

HOUSE OF REPRESENTATIVES, UNITED STATES,  
*Washington, D. C., October 12, 1888.*

SIR: Please give me a memoranda showing the quantity of land disposed of by the United States in the State of Arkansas for each year since the act of September 28, 1850, that is claimed by the said State as shown by the several selection lists made under said act, giving the amount of cash sales as well as the area of the lands otherwise disposed of.

Respectfully,

THO. C. MCRAE.

Hon. S. M. STOCKSLAGER,  
*Commissioner, etc., Washington, D. C.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
*Washington, D. C., January 24, 1889.*

SIR: Pursuant to your request of October 12, 1888, I transmit herewith a memorandum showing, approximately, the quantity of land disposed of by the United States since September 28, 1850, which is claimed by the State of Arkansas under the act of Congress of that date granting swamp and overflowed lands to said State. This memorandum was made after a somewhat careful examination of the records, and, while it approximates the amount disposed of, it is not intended as an accurate statement of the amount of land involved.

Very respectfully,

S. M. STOCKSLAGER,  
*Commissioner.*

Hon. THOMAS C. MCRAE,  
*House of Representatives.*







FOR KEEPING MILITARY PRISONERS.

DEPARTMENT OF JUSTICE,  
Washington, August 17, 1888.

SIR: Referring to your letter of the 1st of May last, herewith is inclosed a copy of a letter from the Second Auditor of the Treasury, dated the 10th instant, respecting the support of military prisoners since July 1, 1867.

Very respectfully,

G. A. JENKS,  
Acting Attorney-General.

Hon. THOMAS C. McRAE,  
House of Representatives.

TREASURY DEPARTMENT,  
SECOND AUDITOR'S OFFICE,  
Washington, D. C., August 20, 1888.

SIR: Referring to your verbal inquiry as to payments made by the United States for keeping military prisoners in the Arkansas State penitentiary, I have the honor to inform you that on further examination I find that the sum of \$10,800, being the aggregate of seven accounts for keeping prisoners from July 1, 1871, to March 31, 1873, was not paid to the State of Arkansas, or to the authorities of the penitentiary, but was disposed of as follows:

Paid to the Treasurer of the United States and deposited in the Treasury as a payment by the State of Arkansas on account of interest due on certain bonds guarantied by it and held in trust by the United States for the benefit of the Chickasaw Indian Nation.....	\$10,377.80
Paid to C. Delano, Secretary of the Interior, being amount due on the funding of ninety bonds of the State of Arkansas.....	422.20
Total.....	10,800.00

I also inclose for your information a copy of the executive order designating the State penitentiary of Arkansas as a place of confinement for military prisoners.

Respectfully, yours,

J. B. CALDWELL,  
Acting Auditor.

Hon. THOMAS C. McRAE,  
House of Representatives.

EXECUTIVE MANSION.  
Washington, D. C., February 5, 1867.

The State penitentiary of Arkansas, at Little Rock, Ark., is designated as a prison for military prisoners sentenced to the penitentiary or to be kept in confinement.

ANDREW JOHNSON.

