

NATIONAL LEGISLATION.

Provisions of Some of the Important Laws Enacted by the Last Congress.

Alien Land-Owners—Fisheries Retaliation
—The Anti-Polygamy Bill,
Etc., Etc.

ALIEN LAND-OWNERS.

The Act Forbidding Their Ownership of Real Estate in the Territories.

The following is the full text of the act to restrict the ownership of real estate in the Territories to American citizens:

Section 1. That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States, or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created; provided, that the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force and no longer.

Sec. 2. That no corporation or association, more than 20 per cent. of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia.

Sec. 3. That no corporation, other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own more than 5,000 acres of land in any of the Territories of the United States, and no railroad, canal, or turnpike corporation shall hereafter acquire, hold, or own lands in any Territory other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of Congress; but the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation.

Sec. 4. That all property acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantive rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned.

ANTI-POLYGAMY.

Mormonism Believed to Have Received Its Death-Blow.

The gist of the anti-polygamy law is in its disestablishment of the Mormon Church, the increased stringency of the means to break up polygamy, and the abolition of female suffrage in the Territory of Utah. The first five sections apply to prosecutions for bigamy, polygamy, or unlawful cohabitation, and make the wife or husband a competent witness, but not to be compelled to testify. The sixth section annuls and disapproves all laws of the Utah Legislature which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife. In place of this it is provided that all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are. The seventh and eighth sections apply to the powers of Court Commissioners and of the Marshal and Deputy Marshals. The ninth and tenth sections apply to the marriage ceremony. They require a certificate, properly authenticated, to be recorded in the office of the Probate Court. The eleventh section disapproves and annuls all territorial laws recognizing the capacity of illegitimate children to inherit or be entitled to any distributive share in the estate of the father. The twelfth section disapproves and annuls territorial laws conferring jurisdiction upon Probate Courts (with certain exceptions). The thirteenth section makes it the duty of the Attorney General of the United States to introduce proceedings to escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of July, 1862—the proceeds of such escheat to be applied to the use and benefit of common schools of the Territory. The fourteenth section regulates proceedings in such cases. The fifteenth section disapproves and annuls all laws of the Legislative Assembly creating or continuing the Perpetual Emigrating Fund Company and dissolves that corporation. The sixteenth section directs proceedings for the disposition of the property and assets of the Emigrating Fund Company. All such property, in excess of debts and lawful claims, is to escheat to the United States for the benefit of common schools in the Territory. The seventeenth section disapproves and annuls the acts of the Legislative Assembly incorporating or providing for the Church of Jesus Christ of Latter-Day Saints, and dissolves that corporation. It makes it the duty of the Attorney General of the United States to institute legal proceedings to wind up the affairs of the corporation. The eighteenth section makes provisions as to the endowment of widows, who are to have one-third of the income of the estate as their dower. Sec. 19 gives to the President the appointment of a Probate Judge in each county. Sec. 20 makes it unlawful for any female to vote in any election, and annuls acts in the Legislative Assembly which permit female suffrage. The next four sections make provisions as to elections, and require of voters an oath or affirmation to support the Constitution and obey the laws, especially the anti-polygamy act of March 22, 1882, and this act. Sec. 25 abolishes the office of Territorial Superintendent of District Schools; makes it the duty of the

Supreme Court of the Territory to appoint a Commissioner of Schools. Sec. 26 gives to all religious societies, sects, and congregations the right to hold, through trustees appointed by the Probate Court, real property for houses of worship and parsonages. The twenty-seventh and last section annuls all territorial laws for the organization of the militia or for the creation of the Nauvoo Legion; and gives the Legislative Assembly of Utah power to pass laws for organizing the militia, subject to the approval of Congress. General officers of the militia are to be appointed by the Governor of the Territory, with the advice and consent of the Council.

FISHERIES RETALIATION.

Power Vested in the President to Cut Off Intercourse with Canada.

The fisheries retaliation legislation is covered in a single bill, as follows:

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British Dominions of North America, are then or lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are then or lately have been unjustly vexed or harassed in the enjoyment of such rights or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or, when the President of the United States shall be satisfied that any such fishing vessels or fishermen having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British Dominions of North America, are then, or lately have been, denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or, whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters, or ports, or places of the British Dominions of North America, are then or lately have been denied any of the privileges therein accorded to the vessels, their masters, or crews of the most favored nation, or unjustly vexed or harassed in respect of the same, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States in his discretion, by proclamation to that effect, to deny to vessels, their masters and crews, of the British Dominions of North America any entrance into the waters, ports, or places of or within the United States (with such exception in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place on such destined voyage; and also to deny entry into any port or place of the United States of fresh fish or salt fish, or any other product of said dominions or other goods coming from said dominions to the United States. The President may in his discretion apply such proclamation to any part or to all of the foregoing named subjects, and may qualify, limit, and renew such proclamation to any part or to all of the foregoing named subjects, and may qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act.

Every violation of any such proclamation or any part thereof is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation, or coming to, or being in the waters or ports of the United States contrary to law may now be enforced or proceeded upon.

Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

THE ELECTORAL COUNT.

Provisions of the Act Relating to State Electors.

The electoral count law requires that the electors of each State shall meet in their respective capitals the second Monday in January following their appointment, and that if any State has provided by previously enacted laws for the final determination of any controversy concerning the electors, such determination having been made six days prior to the meeting, shall be conclusive, and shall govern the counting of the electors appointed by such State. The Executive of the State is to transmit to the Secretary of State of the United States a certificate of final ascertainment of the electors appointed, the same certificate to be delivered in triplicate to the electors and transmitted to the seat of government at the same time with the list of persons voted for as President and Vice President. If there has been a final determination in a State of any controversy or contest, it is made the duty of the Executive to communicate it to the Secretary of State of the United States, who is to transmit to both houses of Congress all certificates received at the State Department in the prescribed manner. The second Wednesday in February succeeding the meeting of the electors Congress is to meet in the hall of the House of Representatives to receive the certificates, the President of the Senate presiding. When the reading of the certificates from each State takes place, if there is objection to any certificate it must be stated in writing and the ground thereof, and must be signed by at least one Senator and one Representative. When all the objections to the vote of a State have been received the Senate is to withdraw and the objections be submitted to each house for its decision. No electoral vote or votes from any States which have been regularly certified, and from which but one return has been received, shall be rejected, but the two houses concurrently may reject the vote or votes when they agree that these have not been regularly given by the electors whose appointment has been so certified. In case more than one paper or return has been received by the President of the Senate, and there arises a question

which of two or more State authorities determining what electors have been appointed is the lawful tribunal of the State, the votes regularly given those electors, and those only, shall be counted whose titles as electors the two houses acting separately shall concurrently decide is supported by the decision of such State so authorized by its laws. Where there has not been the specified determination in a State, and more than one return is presented, the concurrent action of the two houses, acting separately, is to decide which votes were cast by the lawful electors appointed in accordance with the laws of the State, unless the two houses concurrently decide such votes not to be the lawful votes of the legally appointed electors. If the two houses disagree in respect to the counting of such votes, then the votes of the electors whose appointment shall have been certified by the Executive of the State shall be counted.

Other provisions relate to the details of the joint meeting in which the vote is counted.

PACIFIC RAILROAD INVESTIGATION.

Three Commissioners to Examine the Books and Accounts.

The joint resolution authorizing an investigation of the accounts of the Pacific railroads provides for the appointment of three Commissioners by the President, whose term of office shall not extend beyond the beginning of the next session of the Senate. If the Senate shall be convened after March 4, 1887, and before Dec. 1, and the duties of the Commissioners shall not then be completed, the President shall then, by and with the advice and consent of the Senate, appoint three Commissioners who shall perform and complete the duties prescribed in this act. It is made the duty of the commission to examine into the working and financial management of the railroads that have received aid from the Government in bonds, to ascertain whether they have observed all the obligations imposed upon them; and whether their books and accounts are or have been kept so as to show the net earnings of the aided roads, or whether there has been a diversion of earnings of aided roads to less productive branches, or whether there has been a diversion of earnings of aided roads to wrongful or improper purposes; whether there is a discrimination of rates in favor of unaided against aided roads; whether any, and if so how much, money is due and owing to the United States on account of mistaken or erroneous accounts, reports, or settlements made by said roads; and also to inquire into and report as to the kind, character, and amount of the assets of said companies, and what assets are now subject to the lien of the Government; and also whether any dividends have been unlawfully declared by the directors or paid to the stockholders of said companies, and if so, to what extent and whether the amount thereof may not be recovered; whether any new stock or bonds have been issued without authority of law; what amounts of money or credit have been or are now loaned or borrowed by any of said companies to any person or corporations; what amounts of money or other valuable consideration such as stocks, bonds, passes, and so forth, have been expended or paid out by said companies; and further, to inquire and report whether said companies have paid money or other valuable consideration or done any other act or thing for the purpose of influencing legislation; and to investigate and report all the facts relating to an alleged consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Denver Pacific Railway & Telegraph Company into an alleged corporation known as the Union Pacific Railway Company. The Commissioners are also authorized to consider and report whether the interests of the United States require any extension of the time for performance of the obligations to the United States of said companies, or any of them. One hundred thousand dollars is appropriated for the purposes of the investigation. The President is authorized to redeem prior liens if such a course is deemed advisable. It is further provided that the sinking funds of the Pacific Railroad Company may be invested in the first mortgage bonds of the companies.

The inquiry as to whether there has been a diversion of the earnings to the purchase of non-productive branch lines is intended especially to take in the Northern Pacific Company, and is based on the statement that several gentlemen who are interested in the construction of a railroad in Montana, which is expected to be operated as a part of the Northern Pacific system, have lately visited New York to urge the directors of the Northern Pacific to consummate the purchase of this road without submitting the contract to a meeting of the stockholders. If this transfer should be completed upon the terms substantially agreed upon the Montana syndicate will be able to proceed with the construction of several other branch roads which it has in contemplation, and which will be assumed by the Northern Pacific upon terms not unfavorable to the projectors. The commission will determine whether the avails of the land-grant to the Northern Pacific Company have been misappropriated by being charged with the payment of bonds issued or guaranteed in favor of branch lines purchased by syndicates, and whether persons connected with the management of the Northern Pacific company are interested in these syndicates.

INDIAN AFFAIRS.

Allotment of Lands in Severalty to Our Dusty Wards.

The act to provide for the allotment of lands in severalty to the Indians authorizes the President to allot the lands on any specified reservation which is deemed advantageous for agricultural and grazing purposes in severalty to the Indians located thereon as follows:

"To each head of a family, one-quarter section; to each single person over 18 years of age, one-eighth of a section; to each orphan child under 18, one-eighth of a section; to each other single person under 18 now living, or who may be born prior to the date of the order directing the allotment, one-sixteenth of a section."

Where there is not enough land on a reservation to allot in the quantities above specified the partitioning shall be on a pro rata basis in the above proportion. Where the lands are valuable only for grazing purposes additional quantities can be set aside for each individual. Where treaty stipulations or previous acts of Congress provide for allotment in greater quantities than above specified these stipulations shall be strictly observed. Special agents are to be appointed by the President to make the allotments, the conditions of which are laid down. Upon the approval of the allotments by the Secretary of the Interior he is to issue patents in the name of the allottees, which shall declare that the United States holds the land thus allotted in trust for twenty-five years, the trust to be discharged free from incumbrances at the end of that period. The surplusage of lands over the allotment is to be bought from the Indians by the United States and to be disposed of to actual and bona fide settlers in tracts not exceeding 160 acres to any one person. The sum paid by the United States as purchase money for any reservations to be held in the Treasury for the sole use of the tribe or tribes to which the reservation belonged. At the completion of the allotments and patenting of the lands every member of the bands or tribes of Indians to whom the allotments have been made shall be subject to the laws, both civil and criminal, of the State or Territory in which they may reside. Every Indian born within the United States to whom allotment shall be made, or who has voluntarily taken up his residence apart from any tribe, is declared to be a citizen of the United States. The provisions of the act do not extend to the tribes in the Indian Territory.

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