CONTESTED ELECTION. TERRITORY OF LIVIE.

Geo. R. Maxwell vs. G v. O. Cannon Argument of Halbert E. Paine, Counsel for Sitting Member.

B fore the Committee on Elections of the Huse of Representatives of the United States, Washington, D. C., 18(1.)

(CONTINUED.) But this was the mit as Comgress

passed it:

"SEC. 1. Be it charted, de., That the Secretary of the Interfor be, and he is hereby, authorized and required to cause the several Indian reservations heretofore made. dian reservations hefetolore made, or occupied as such, in the Territory of Utah, excepting Uinta Valley, to be surveyed into tracts or lots, not exceeding eighty acres each, under the direction of the commissioner of the General Land Office, and upon the completion of such surveys shall cause sald tracts or lots to be sold," &c. See U. S. State at Large, p. 63.

Besides, he keeps in the back-ground the title of the act, which stands in these words: "An act to vacate and sell the Indian reservations in Utah Territory." Now this carelessness, in the very act of disclosing the "stupendous fraud" would not do for a Mormon, how-ever well it may answer for a highwhich so horrifles the contestant minded Gentile. For the omission of these words "and required," and of the title of the and required, and law in such a shape that it, might with great plausibility be elaimed that the act did not, of its own force, vacate the reservations, but merely empowered the Secretary of the Interior to vacate them, at his discretion. And yet the law as it actually stood, was, as its title indicated, immediately operative to vacate the reservations. The work of the surveyor, in cutting them up into forty or eighty acre tracts, had no more effect than the east wind upon the substantive fact of their vacation. You will soon see the significance of these words "or occupied as such." You will soon see that only the Uinta Valley reservation was ever made such according to law; that the others were only occupied as such by the permission of the Indian agents, without the order of the President.

same act. The second section nuthorized and required the territorial superintendent of Indian affairs to collect and tegate all the Indians of the Territory,or as many as should be found practicable, in the Uinta valley, which was set apart on the 3d of October, 1861, by an order of President Liucoln, for their permanent settlement and exclusive occupation. And by the third section the sum of thirty thousand dollars was appropriated for the execution of this law for the settlement of Uints valley and the vacation of the other four res-

But this is not the most serious mistake of the counsel. He asserts, as I have s aid, that nothing has been done under this statute to vacate these reservations, and that these lands still remain unsurveyed, except as reservations. But on the 2d day of March, 1867, the sum of fifteen thousand dollars was ap-propriated (see 14 Stats., 513) for the surveys under this act of May 5, 1864; and on the 20th of July, 1863, the sum of seven thousand five hundred dollars was appropriated (see 15 Stats., 119) to pay the balance of the cost of these surveys. And now, gentlemen of the spirmtitee, if you will refer to the several reports of the Commissioner of the General Land Office for the years 1865, 1866 and 1867, you will find that all of these reservations, excepting that of the Uinta valley, were long ago surveyed under and according to the vacating act of May 5, 1864. On page 10 of the Executive Documents of the first session of the ments of the first session of the 39th Congress, you will read in the commissioner's report, which is dated October 3, 1865, this para-

"Under the provisions of the act of Congress approved May 5, 1864, entitled 'An act to vacate and self the present Indian reservations in entitled 'An act to vacate and self the present Indian reservations in Utah Territory,' contract has been entered into for the survey and subdivision into forty-acre tracts of the following reservations, namely: the Spanish Fork, San Pete, Corn Creek and Deep Creek, yet no returns of surveys have been received from the surveyor general." from the surveyor general.

gress, you will read in the report of the Commissioner of the General Land Office, dated October 2, 1863, the following statement, namely:

of surveying have been received of the Spanish Fork and Sanpete res-ervations."

On page 74 of the Exec. Docs., 1st session, 40th Congress, in the report of the Commissioner of the Land Office, under date of October 15, 1867, you will find this statement:

"Utah Territory, forming part of the surveying district of Colorado, is without an organization for the disposal of the public lands, no land disposal of the public lands, no land district having as yet been authorized. No surveys, therefore, have been prosecuted in Utah during the last year, except the subdivision of the vacated Indian reservations of Deep Creek and Corn Creek into forty-five acre tracts, as required by the provisions of the act of Congress of May 5, 1864, for vacating and selling the present Indian reservations thereon."

These reports show that each one in which to come involved in his upheaval of the "stupendous frauds" of these contestant has tah reservations. Not only have these four reservations, whatever these four reservations, whatever these were, been vacated, but they were in fact never Indian reservations in any such sense as to be closed against the lawful settlement of white inhabitants. The Territory of Utah was acquired from Mexico by the treaty of Goadalupe Hidalgo. It came to us free from any incumbrance of anterior Indian treaties. In this respect it differed from the Leviana purchase, which brought with it the incumbrance of the existing Indian treaties of France and Spain. (TO BE CONTINUED.)

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of these four reservations had been surveyed before the middle of October, 1867. But we have not yet fathemed the depths of the error in which the center of the coror in which the center of the certer of the center of the certer of the center of the cent

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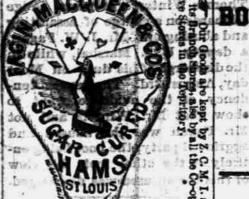
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