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Report : Mr. Martin

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IN THE SENATE OF THE UNITED STATES.

JANUARY 21, 1895.—Ordered to be printed.

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

REPORT:

[To accompany S. 2273.]

The Committee on Public Lands, to whom was referred the bill (S. 2273) to provide for the payment of certain claims for compensation for publishing advertisements of the list of lands in the Territory of Oklahoma, opened to settlement by the proclamation of the President April 19, 1892, have had the same under consideration and recommend its passage.

The object of this bill is to provide for the payment of the claims of three newspapers in the Territory of Oklahoma for publishing as advertisements lists of the lands known as the Cherokee and Arapahoe lands in the Territory of Oklahoma, opened to settlement by the proclamation of the President of the United States on April 19, 1892, as follows:

First. The State Capital Printing Company, of Guthrie, Okla., for publishing said list of lands in the Oklahoma State Capital, \$750.

Second. Wm. P. Thompson, of Guthrie, Okla., for publishing said list of lands in the Guthrie Daily News, \$750.

Third. Joshua B. Campbell, of Hennessey, Okla., for publishing said list of lands in the Hennessey Clipper, \$316.

On the 14th of August, 1894, the Secretary of the Interior addressed a letter to the chairman of the Committee on Public Lands, Hon. Jas. H. Berry, which letter contains all the material facts in relation to these claims, which letter is hereto attached and made a part of this report. In concluding this letter the Secretary says:

From the foregoing it appears that the publication was made in good faith by the papers hereinbefore referred to; that the service was performed by direction of the governor of Oklahoma, who believed that he had the power to authorize it, and under circumstances which justified the newspapers in supposing the services would be paid for; that the publication was of value to the public service as well as to a large body of settlers, and it no doubt conveyed to the latter the earliest information as to the lands to be opened and tended to prevent confusion and perhaps bloodshed, which might have resulted had not the schedules been widely distributed; that the then Secretary of the Interior was convinced or satisfied of the justice of these claims and ordered them paid; but the fiscal year having expired and there being no sufficient balance available for the purpose it could not be done. I have, therefore, to state that I have no objection to interpose to the passage of the bill in question, provided it is so amended as to make provision for the payment of the sum of \$332.62 to each of the beneficiaries (except in the case of the Hennessey Clipper,

where sum allowed is proper), in lieu of the amounts therein specified; such being the same as that proposed to be allowed in the pending deficiency bill to the El Reno Eagle for substantially the same service and which in my opinion is a reasonable compensation.

Your committee is not prepared to agree with the Secretary of the Interior so far as it relates to the amount recommended by him to be paid to the State Capital Printing Company and to William P. Thompson, of the Guthrie Daily News. The Secretary evidently overlooks the fact that the Oklahoma State Capital is a daily paper, as is also the Guthrie Daily News, and that they published the list of lands mentioned in his letter as an advertisement in their respective newspapers daily for the period required. Whereas the Hennessey Clipper and the other newspapers that received compensation for the publication of said lists of lands were weekly papers. Surely there is no justification for the statement of the Secretary that the services rendered in each case were substantially the same, and it was evidently made under a misapprehension of the facts.

The El Reno Eagle, Times-Journal, and the Free Press, of Kingfisher, referred to by the Secretary of the Interior in his letter, were weekly papers, and it appears that each of these papers published the list of lands only twice each. The evidence before the committee shows that the bills of the Oklahoma State Capital and the Guthrie Daily News, computed at legal rates as authorized by the act of June 20, 1871 (20 Stat. L., p. 206), would amount to the following sums: The State Capital, \$2,250, and the Daily News, \$2,244; but, notwithstanding these facts, the proprietors of these papers, in view of all the circumstances connected with the transaction, consented to a liberal reduction by agreeing to take \$750 in full for their respective claims.

It also appears that the Press, a newspaper published at Kingfisher, was paid \$528 for two insertions of the same advertisement, and if it was fair and reasonable to pay the Kingfisher Press \$528 for two insertions of the advertisement it is certainly not unreasonable to pay the Capital and News \$750 for six insertions each in their daily papers.

The committee agrees with the Secretary in the statement that these publications were made under circumstances which justified the newspapers in supposing that the service would be paid for and that the publication was of value to the public as well as to a large body of settlers, as it no doubt conveyed to the latter the earliest information as to the lands to be opened and tended to prevent confusion and perhaps bloodshed; which might have resulted had not the schedules been widely circulated; and certainly daily publication of this important information was of infinitely greater value than the same publication in a weekly paper.

Your committee are clearly of the opinion that the claims of these newspapers are just and ought to be paid and we, therefore, recommend the passage of the bill.

As a part of this report we submit the letter of the Secretary of the Interior to the chairman of the Committee on Public Lands under date of August 14, 1894, and a letter from Edward M. Dawson under date of December 7, 1894, and copies of the affidavits of Governor A. J. Seay and Edward M. Dawson, filed before the Secretary of the Interior in support of these claims. Also the sworn statements of Joshua B. Campbell, Wm. P. Thompson, and Frank H. Greer in support of their respective claims. Also copies of the correspondence between Governor Seay and Hon. Jno. W. Noble, Secretary of the Interior, respecting the publication of said advertisements, which several documents are herewith submitted and marked respectively Exhibits A, B, C, D, E, F, G, H and I.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1894.

SIR: I am in receipt, by your reference of recent date, of Senate bill, No. 2273 (Fifty-third Congress, second session) entitled "A bill to provide for the payment of certain claims for compensation for publishing advertisements of lists of lands in the Territory of Oklahoma, opened to settlement by proclamation of the President April 19, 1892," with request for expression of opinion as to the advisability of the legislation proposed therein.

In response thereto, I have the honor to state that it appears from the records and files of the Department that under date of March 11, 1892, A. J. Seay, governor of Oklahoma, addressed a letter to the Secretary of the Interior, recommending that the lists of lands, Cheyenne and Arapahoe, opened to settlement by proclamation of the President of April 19, 1892, be advertised in newspapers in Oklahoma Territory.

In response thereto he was advised, under date of March 26, 1892, that the list would be advertised in papers within the Territory. By Department telegram of April 11, 1892, Governor Seay was requested to state in what Oklahoma newspapers he recommended publication of the list of lands to be opened. He replied by telegram on the same date, recommending the Oklahoma City Times-Journal, El Reno Eagle, Kingfisher Free Press, Hennessey Clipper, State Capital, and News, of Guthrie; from which list the Journal, Eagle, and Free Press were selected, and formal orders sent them under date of April 13, 1892, for publication of the list.

Thereafter bills for publication of the list of lands above mentioned were presented and payment thereof urged upon the ground that same had been done in good faith upon the order of Governor Seay, who, it was assumed, had authority in the premises, to wit:

Guthrie Daily News, 344 squares, at \$1 per square each insertion.....	\$2, 244
Hennessey Clipper, 1,580 lines, two weeks, at 10 cents per line each week...	316
Daily State Capital, \$1 per square, 250 ems.....	2, 250

Under date of July 25, 1892, Governor Seay was advised in response to a verbal inquiry that above-mentioned bills could not be paid, as no order for advertisement in such papers of the list in question had been issued by the Department. Subsequently in December, 1892, the Daily State Capital submitted an amended bill for publication of schedule of allotted Indian lands in the Cheyenne and Arapahoe Reservation, two times, April 15 and 16, 1892, 375 squares of 250 ems, at \$1 per square each insertion, \$750, accompanied by a letter reiterating former statements as to publication having been made by authority of Governor Seay; also calling attention to a personal interview had with Secretary Noble in which he stated that the bill should be paid and to an interview with the then chief clerk of the Department at which the latter informed him there were no funds available for the purpose and that the bill would have to be sent to Congress for a deficiency, furthermore that he regards the charge of \$2,250, as excessive, and suggested a reduction, in pursuance of which suggestion the amended bill was submitted. The records of the Department fail to show that Congress was ever requested to make an appropriation for payment of these bills.

In an affidavit in regard to the matter executed by ex-Governor A. J. Seay, under date of June 4, 1894, and filed in the Department on the 25th of July, 1894, he states:

"That prior to the opening of the Cheyenne and Arapahoe country to settlement, which took place on the 19th of April aforesaid, many thousands of prospective settlers had assembled along the borders thereof at Kingfisher, Hennessey, El Reno, and other cities and towns of the Territory, including Guthrie and Oklahoma City, and it was important that a full and accurate description of the lands to be opened should be speedily and widely published at the earliest practicable moment after the President's proclamation was issued—whereupon he addressed a letter to Secretary Noble dated March 11, 1892, * * * recommending the publication of the lists of lands in local papers; that he received from the Secretary letter dated March 26, 1892, * * * giving assurances that 'papers in Oklahoma would be allowed the advertisement.'

"That on April 11, 1893, deponent received telegram, * * * asking what papers he recommended, to which he answered, officially, Times-Journal, Eagle, Free Press, Clipper, State Capital and News, * * *

"That on or about the 14th of April deponent received a large number of printed copies from the Interior Department of lands to be opened directed to him officially, one of which copies was delivered or sent to every one of the newspapers hereinbefore named, to be by them printed, published, and circulated, which was done.

"From the correspondence this deponent had with the Secretary of the Interior, as well as from the fact that he had been intrusted with other local details of the open-

ing of these lands, and the receipt of advance copies of the schedule following the dispatch of April 11, recommending the foregoing papers, deponent believed he was authorized to procure the advertising of the schedule in the newspapers he had named.

"Deponent, therefore, recommends that reasonable compensation be allowed to such of them as have not been paid."

In an affidavit in regard to the matter executed by Edward M. Dawson, on the 3d day of August, 1894, and filed in the Department on the same day, he states:

"That for some time prior to the month of April, 1892, and thereafter until the month of June, 1893, he occupied the position of and served as chief clerk of the Department of the Interior. That while thus serving, on the 11th day of April, 1892, he prepared and caused to be sent, by direction of the Secretary of the Interior (Hon. John W. Noble), a telegram to A. J. Seay, then governor of the Territory of Oklahoma, requesting him to name the newspapers in said Territory to which he would recommend that authority be given to publish, as advertisement, the list of lands (Cheyenne and Arapahoe) then about to be opened to settlement by proclamation of the President. That on the same day, April 11, 1892, a telegram in reply was received at the Department from Governor Seay naming certain newspapers, among them the State Capital and the News of Guthrie and the Clipper of Hennessey, Okla. That this deponent caused to be prepared for the signature of the Secretary of the Interior, as provided in section 3828, United States Revised Statutes, written authority addressed to certain of the newspapers named by Governor Seay, but such authority was not issued to the State Capital, News, and Clipper for the reason that the appropriation available for payment was not considered sufficient to warrant the same.

"Copies of the list of lands, bearing the name and official title of the Secretary of the Interior were, however, mailed by deponent to the newspapers above named, in the official envelope of the Department and without any instructions as to publication, at the same time that similar lists were sent to the newspapers authorized to publish said list. Thereafter bills were presented to the Department by the owners of the State Capital, News, and Clipper, for services rendered in printing said list of lands, and upon representations made on behalf of said newspaper owners to Secretary Noble he informed this deponent that he was satisfied the publications had been made in good faith and under circumstances warranting the belief on the part of said owners that they would be paid therefor; and upon agreement with said newspaper owners that they would accept an amount considerably less than they had charged at commercial rates, he, the said Secretary, directed deponent to cause official authority, in writing (as provided in section 3828 Revised Statutes), to be prepared for his signature and to be issued, nunc pro tunc, covering such advertisements. But upon examination deponent found that the amount then standing to the credit of the appropriation for contingent expenses of the Department (out of which appropriation, only, payment could be made) was not sufficient to pay any of said claims and therefore the written authority above mentioned was not prepared or issued nor was any payment at that time made to any of said claimants. That deponent's information of the above-stated facts is derived from personal knowledge of the matter therein referred to, coming before him in the proper performance of his duties as chief clerk of the Department of the Interior."

Of the bills presented by the papers in Oklahoma, authorized to publish the list of lands in question the records of the Department show that but one has been paid, to wit: The Free Press, of Kingfisher, \$528, for 2,640 lines, two insertions; for the payment of that of the Times-Journal at \$330.62, and that of the El Reno Eagle, the latter, however, at a reduction of \$224.58 from its bill of \$555.20, as rendered, provision has been made in the pending deficiency bill, H. R. No. 7477, Fifty-third Congress, second session, page 40.

From the foregoing, it appears that publication was made in good faith by the papers hereinbefore referred to; that the service was performed by direction of the governor of Oklahoma, who believed that he had power to authorize it and under circumstances which justified the newspapers in supposing the service would be paid for; that the publication was of value to the public service as well as to the large body of settlers, as it no doubt conveyed to the latter the earliest information as to the lands to be opened and tended to prevent confusion and perhaps bloodshed, which might have resulted had not the schedules been widely distributed; that the then Secretary of the Interior was convinced or satisfied of the justness of these claims and ordered them paid, but the fiscal year having expired, and there being no sufficient balance available for the purpose, it could not be done.

I have therefore to state that I have no objection to interpose to the passage of the bill in question, provided it is so amended as to make provision for the payment of the sum of \$332.62 to each of the beneficiaries (except in case of the Hennessey Clipper, where sum allowed is proper) in lieu of the amounts therein specified,

such sum being the same as that proposed to be allowed in the pending deficiency bill to the El Reno Eagle for substantially the same service and which in my opinion is a reasonable compensation.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. J. H. BERRY,
Chairman Committee on Public Lands, United States Senate.

EXHIBIT B.

UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 24, 1894.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true copies of the originals as they appear of record in this Department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed the day and year first above written.

[SEAL.]

JNO. M. REYNOLDS,
Acting Secretary of the Interior.

TERRITORY OF OKLAHOMA, EXECUTIVE DEPARTMENT,
Guthrie, March 11, 1892.

SIR: Presuming that the Cheyenne and Arapahoe country will be opened very soon, I desire to recommend that you select from the newspapers of this Territory such as may offer to do the work at reasonable prices—the advertisement of the lands which are to be opened for settlement in counties C, D, E, F, G, and H.

We think that but little good is to come from advertising in papers outside of the Territory. I am sure that the work can be done as well here as anywhere, and that the home seekers could be much better informed through local than through outside papers.

I hope you will give this matter some consideration.

Very truly, yours,

A. J. SEAY, *Governor.*

JOHN W. NOBLE,
Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, March 26, 1892.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, requesting that the advertisement of the lands which are to be opened for settlement in counties C, D, E, F, G, and H be given to papers in the Territory of Oklahoma.

In reply, I assure you that papers in Oklahoma will be allowed the advertisement; but, as has been the practice, upon due consideration by the Secretary, it will be given to outside papers, also.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. A. J. SEAY,
Governor of Oklahoma, Guthrie, Okla.

[Telegram.]

KINGFISHER, OKLA., *April 11, 1892.*

JNO. W. NOBLE,
Secretary, Washington, D. C.:

The Times-Journal at Oklahoma City, the Eagle at El Reno, the Free Press at Kingfisher, and the Clipper at Hennessey; if deemed necessary you could add the State Capital and the News at Guthrie.

A. J. SEAY, *Governor.*

EXHIBIT C.

UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 27, 1894.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed is a true copy of the original, as it appears of record in this Department.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.]

WM. H. SIMS,
Acting Secretary of the Interior.

APRIL 11, 1892.

Governor A. J. SEAY,
Guthrie, Okla.:

What Oklahoma newspapers do you recommend for publication of list of lands to be opened? Answer.

JNO. W. NOBLE.
Per E. M. D.

EXHIBIT D.

UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 26, 1894.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed is a true copy of the original on file in this Department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.]

WM. H. SIMS,
*Acting Secretary of the Interior.*TERRITORY OF OKLAHOMA, *Kingfisher County:*

A. J. Seay states that on and for some time prior and subsequent to the 19th day of April, 1892, he was governor of the Territory of Oklahoma. That prior to the opening of the Cheyenne and Arapahoe country to settlement, which took place on the 19th of April aforesaid, many thousands of prospective settlers had assembled along the borders thereof, at Kingfisher, Hennessey, El Reno, and other cities and towns of the Territory, including Guthrie and Oklahoma City, and it was important that a full and accurate description of the lands to be opened should be speedily and widely published at the earliest practicable moment after the President's proclamation was issued; whereupon he addressed a letter to Secretary Noble, dated March 11, 1892 (hereto attached, marked Exhibit A), recommending the publication of the lists of lands in local papers.

That he received from the Secretary a letter dated March 26, 1892 (copy attached, marked Exhibit B), giving assurances that "papers in Oklahoma would be allowed the advertisement.

That, on April 11, 1893, deponent received a telegram (hereto attached, marked Exhibit C), asking what papers he recommended, to which he answered officially: Times-Journal, Eagle, Free Press, Clipper, State Capital, and News (a copy of which telegram is hereto attached, marked Exhibit D).

That on or about the 14th of April deponent received a large number of printed copies from the Interior Department of lands to be opened, directed to him officially, one of which copies was delivered or sent to every one of the newspapers hereinbefore named, to be by them printed, published, and circulated, which was done.

From the correspondence this deponent had with the Secretary of the Interior, as well as from the fact that he had been intrusted with other local details of the opening of these lands, and the receipt of advance copies of the schedule following the

dispatch of April 11, recommending the foregoing papers, deponent believed he was authorized to procure the advertising of the schedule in the newspapers he had named.

Deponent therefore recommends that reasonable compensation be allowed to such of them as have not been paid.

A. J. SEAY.

Sworn to and subscribed before me, the undersigned notary public, this 4th day of June, 1894.

[L. s.]

J. C. SMITH, *Notary Public.*

(My commission expires January 18, 1896.)

EXHIBIT E.

UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 4, 1894.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true copies of the original on file in this Department.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.]

WM. H. SIMS,
Acting Secretary of the Interior.

DISTRICT OF COLUMBIA, *Washington, ss:*

Personally appeared before me, a notary public in and for the District aforesaid, Edward M. Dawson, of Washington, D. C., to me well known as the person he represents himself to be, who being by me duly sworn, deposes and says: That for some time prior to the month of April, 1892, and thereafter until the month of June, 1893, he occupied the position of and served as chief clerk of the Department of the Interior. That while thus serving, on the 11th day of April, 1892, he prepared and caused to be sent, by direction of the Secretary of the Interior (Hon. John W. Noble), a telegram to A. J. Seay, then governor of the Territory of Oklahoma, requesting him to name the newspapers in said territory to which he would recommend that authority be given to publish, as advertisement, the list of lands (Cheyenne and Arapahoe) then about to be opened to settlement by proclamation of the President.

That on the same day, April 11, 1892, a telegram in reply was received at the Department from Governor Seay, naming certain newspapers, among them the State Capital and the News, of Guthrie, and the Clipper, of Hennessey, Okla.

That this deponent caused to be prepared for the signature of the Secretary of the Interior, as provided in section 3828, United States Revised Statutes, written authority addressed to certain of the newspapers named by Governor Seay, but such authority was not issued to the State Capital, News, and Clipper for the reason that the appropriation available for payment was not considered sufficient to warrant the same.

Copies of the list of lands, bearing the name and official title of the Secretary of the Interior were, however, mailed by deponent to the newspapers above named, in the official envelope of the Department and without any instructions as to publication, at the same time that similar lists were sent to the newspapers authorized to publish said list.

Thereafter bills were presented to the Department by the owners of the State Capital, News, and Clipper for services rendered in printing said list of lands, and upon representations made on behalf of said newspaper owners to Secretary Noble he informed this deponent that he was satisfied the publications had been made in good faith and under circumstances warranting the belief on the part of said owners that they would be paid therefor; and upon agreement with said newspaper owners that they would accept an amount considerably less than they had charged at commercial rates, he, the said Secretary, directed deponent to cause official authority in writing (as provided in section 3828, Revised Statutes), to be prepared for his signature and to be issued, nunc pro tunc, covering such advertisements. But upon examination deponent found that the amount then standing to the credit of the appropriation for contingent expenses of the Department (out of which appropriation only pay-

ment could be made) was not sufficient to pay any of said claims, and therefore the written authority, above mentioned, was not prepared or issued, nor was any payment at that time made to any of said claimants.

That deponent's information of the above-stated facts is derived from personal knowledge of the matter therein referred to, coming before him in the proper performance of his duties as chief clerk of the Department of the Interior.

EDWARD M. DAWSON.

Sworn to and subscribed before me this 3d day of August, 1894.

[SEAL.]

WM. H. DE LACY, *Notary Public*.

EXHIBIT F.

GUTHRIE, OKLA., *March 19, 1894.*

The UNITED STATES SENATE:

Your petitioner, The State Capital Printing Company, of the city of Guthrie and Territory of Oklahoma, by Frank H. Greer, its editor and manager, respectfully represents:

That it is the proprietor and publisher of the Oklahoma State Capital, a newspaper of general circulation issued daily and weekly at the city of Guthrie aforesaid, and that said newspaper was issued and circulated in the month of April, 1892, as well as before that date, and has continued to be issued since.

That on or about the 11th day of April, 1892, your petitioner was informed by Hon. A. J. Seay, at the time governor of the Territory of Oklahoma, that the Secretary of the Interior had requested him to designate the newspapers in the Territory which should be authorized to publish the advertisement of the schedule of Cheyenne and Arapahoe lands to be opened to settlement on the 19th day of April, 1892, in accordance with the proclamation of the President; and the governor further told your petitioner that in his answer by telegraph to the Secretary of the Interior he had named the Oklahoma State Capital as one of such papers.

That thereafter, on or about the 14th day of April, 1892, Governor Seay furnished your petitioner an official copy of said schedule with instructions (verbal) to publish the same in the Oklahoma State Capital daily six times, and said schedule was printed in full and circulated accordingly, commencing on the 15th day of April, 1892, and continuing thereafter six times, as directed, said printed matter measuring, for each and every insertion, 375 squares of 250 ems each, for which the charge, at the usual commercial rates charged by said newspaper, would have been \$2,437.50.

In addition to the regular issue of the Oklahoma State Capital your petitioner was directed by Governor Seay to print and circulate extra copies to the number of 10,000 among the thousands of persons on the border of the lands referred to, awaiting the arrival of the hour named in the proclamation for the opening.

That on the same day the copy was received from Governor Seay, another copy of the same, bearing a written signature of the Secretary of the Interior (John W. Noble), addressed to your petitioner, was received by mail, inclosed in the "official penalty" envelope of the Department of the Interior, Office of the Secretary, without any letter or indorsement indicating any intention on the part of the Department at variance with the instructions received by your petitioner from Governor Seay.

That your petitioner had no reason to doubt the authority of Governor Seay to order the publication of the advertisement, but, on the contrary, implicitly relied thereon, as coming from the representative of the Secretary of the Interior, highest in authority in the Territory. This confidence was further confirmed and sustained by the receipt, as above mentioned, of the signed copy of the schedule, directly from the Secretary.

That, as before stated, thousands of people were in Guthrie and along the borders of the lands embraced in the schedule, and it was of the greatest importance to the Government, as well as the expectant settlers, that exact and full information as to the lands to be opened should be widely made known at the earliest practicable moment after the issue of the proclamation, and your petitioner, at great expense for labor and material, promptly printed and circulated the advertisement, as before stated, in accordance with what he confidently believed to be competent authority, the amount of compensation now claimed being barely sufficient to cover the cost of such extra labor and material, without any profit whatever.

That upon presentation of a bill for said advertising to the Department of the Interior, your petitioner was advised and then first became aware of the requirement of the formal written authority of the Secretary of the Interior, as provided in section 3828, United States Revised Statutes, before said bill could be paid. But after an interview with the Secretary of the Interior, and at his suggestion, your

petitioner prepared and presented to him, under date of July 30, 1892, a statement in writing of the facts, substantially as hereinbefore recited, and having consented to a liberal reduction in the amount of the bill, whereby your petitioner agreed to accept the sum of \$750 as full compensation for said advertisement, the Secretary of the Interior verbally directed that a formal order be given therefor, as required by the statutes, and that this amount (\$750) be paid to said petitioner for said service.

It was found, however, as your petitioner was informed, that the amount then available of the appropriation for contingent expenses of the Interior Department for the year 1891-92 (the only fund out of which payment could be made) was not sufficient to meet this expense, and the said order was, therefore, not issued nor was any payment then made, nor has your petitioner ever received any payment whatever for the valuable service rendered the Government in perfect good faith.

Wherefore your petitioner prays the passage of an act authorizing the payment of the amount (\$750) awarded to him by the Secretary of the Interior for said service, and remaining unpaid.

[SEAL.]

STATE CAPITAL PRINTING COMPANY.
By FRANK H. GREER, *Manager*.

Subscribed and sworn to before me this 19th day of March, 1894.

[SEAL.]

GEORGE H. DODSON,
Notary Public and Register of Deeds.

EXHIBIT G.

GUTHRIE, OKLA., *April 8, 1894.*

The HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Your petitioner, William P. Thompson, of the city of Guthrie, Territory of Oklahoma, respectfully represents:

That he is editor of the Guthrie News, a newspaper of general circulation, issued daily and weekly at the city of Guthrie aforesaid, and that said newspaper was issued and circulated in the month of April, 1892, as well as before that date, and has been continuously issued since said date.

That on or about the 11th day of April, 1892, your petitioner was informed by Hon. A. J. Seay, at that time governor of the Territory of Oklahoma, that the Secretary of the Interior had called upon him to designate the newspapers in the Territory which should be authorized to publish the advertisement of the Cheyenne and Arapahoe lands to be opened to settlement on the 19th day of April, 1892, in accordance with the proclamation of the President; and the governor further told your petitioner that in his answer to the Secretary of the Interior he had recommended the Guthrie News as one of such papers.

That thereafter, on or about the 14th day of April, 1892, Governor Seay furnished your petitioner an official copy of said schedule of lands, with verbal instructions to publish the same in the Guthrie News daily six times, and the said schedule was accordingly printed in full and circulated, commencing on the 15th day of April, 1892, and continued daily thereafter six times, as directed, said printed matter measuring, for each and every insertion, 310 squares of 220 ems each, for which the charge, at the usual commercial rates charged by said newspaper, would have been \$1,085.

Your petitioner was also directed by Governor Seay to print and circulate a large edition of the News, in addition to the regular issue, and extra copies in great number were distributed amongst the thousands of persons on the border of the lands referred to, awaiting the arrival of the hour named in the proclamation for the opening.

That on the same day the copy was received from Governor Seay another copy of the schedule of lands, bearing a written signature of the Secretary of the Interior (John W. Noble), addressed to the Guthrie News, was received by mail, inclosed in the official penalty envelope of the "Department of the Interior, Office of the Secretary," without any accompanying letter or indorsement indicating any intention on the part of the Department at variance with the instructions received by your petitioner from Governor Seay.

That your petitioner had no reason to doubt the authority of Governor Seay to order the publication of the advertisement, but on the contrary implicitly relied thereon, as coming from the representative of the Secretary of the Interior, highest in authority in the Territory. This confidence was further sustained and confirmed by the receipt, as above stated, of the signed copy of the schedule directly from the Secretary

That, as before stated, thousands of people were then in Guthrie and along the borders of the lands embraced in the schedule, and it was of the greatest importance to the Government, as well as to the expectant settlers, that exact and full information as to the lands to be opened should be widely made known at the earliest practicable moment after the issue of the proclamation; and your petitioner, at the great expense for labor and material, promptly printed and circulated the advertisement, as before stated, in accordance with what he believed, confidently, to be competent authority, the amount of compensation now claimed being barely sufficient to cover the cost of such extra labor and material without any profit whatever.

That upon presentation of a bill for said advertising to the Department of the Interior, immediately after said service was performed, your petitioner was advised and then for the first time became aware of the requirement of the formal written authority of the Secretary of the Interior, as provided in section 3828, United States Revised Statutes, before said bill could be paid; but upon presentation of all the facts, as hereinbefore recited, to the Hon. John W. Noble, then Secretary of the Interior, he verbally stated that he would direct, and your petitioner is informed and believes that he did direct, that an order be issued to cover said advertising, in the form required by the statute, provided that your petitioner would make a substantial reduction in price from ordinary commercial rates, which reduction was assented to by your petitioner, and the bill reduced to \$750, which amount the Secretary directed to be paid to your petitioner.

It was found, however, as your petitioner was informed, that the amount then available of the appropriation for contingent expenses of the Interior Department for the fiscal year 1891-92 (the only fund out of which payment could be made) was not sufficient to meet this expense, and the said order was therefore not issued in writing nor was any payment then made, nor has your petitioner ever received any amount whatever in payment for the valuable service rendered the Government in perfect good faith.

Wherefore your petitioner prays the passage of an act authorizing the payment of the amount (\$750) awarded to him by the Secretary of the Interior for said service and remaining unpaid.

WILLIAM P. THOMPSON,
Editor and Proprietor of the Guthrie News.

Subscribed and sworn to before me this 9th day of April, 1894.

[SEAL.]

J. W. MILLER, *Notary Public.*

(My commission expires December 31, 1894.)

EXHIBIT H.

Your petitioner, Joshua B. Campbell, of Hennessey, Territory of Oklahoma, respectfully represents:

That during the month of April, 1892, as well as before and after said month, he was the editor and proprietor of the Hennessey Clipper, a newspaper of general circulation, issued weekly at the city of Hennessey aforesaid.

That on or about the 11th day of April, 1892, your petitioner received information from Hon. A. J. Seay, at that time governor of the Territory of Oklahoma, that the Secretary of the Interior had requested him to designate the newspapers in the Territory which should be authorized to publish advertisements of the schedule of Cheyenne and Arapahoe lands to be opened for settlement on the 19th day of April, 1892, in accordance with the proclamation of the President; and the governor further informed your petitioner that in his answer by telegraph to the Secretary of the Interior he had named the Hennessey Clipper as one of such newspapers.

That thereafter, on or about the 14th day of April, 1892, Governor Seay furnished to your petitioner an official copy of said schedule, with verbal instructions to publish the same in the Hennessey Clipper, weekly, two times, and said schedule was printed in full and circulated accordingly, commencing on the 15th day of April, 1892, and continuing weekly thereafter two times, as directed, measuring for each and every insertion 3,160 squares of 250 ems each, for which the charge, at the usual commercial rates charged by said newspaper, would have been \$458.

Your petitioner printed and circulated a large edition of the Clipper in addition to the regular issue, and extra copies to the number of 3,000 were distributed among the thousands of persons then on the borders of the lands referred to awaiting the hour named in the proclamation for the opening.

That on or about the same day the word was received from Governor Seay, that another copy of the schedule of lands, bearing a written signature of the Secretary of the Interior (John W. Noble), addressed to the Hennessey Clipper, was received by mail inclosed in the official penalty envelope of the Department of the Interior, Office

of the Secretary, without any accompanying letter or indorsement indicating any intention on the part of the Department at variance with the instructions received by your petitioner from Governor Seay.

That your petitioner had no reason to doubt the authority for the publication of the advertisement, but on the contrary, implicitly relied thereon as coming from the representative of the Secretary of the Interior, highest in authority in the Territory. This confidence was further sustained and confirmed by the receipt, as above stated, of the signed copy of the schedule directly from the Secretary.

That, as before stated, thousands of people were then in Hennessey and along the borders of the land embraced in the schedule, and it was of the greatest importance to the Government, as well as to the expectant settlers, that exact and full information as to the lands to be opened should be widely made known at the earliest practicable moment after the issue of the proclamation, and your petitioner, at great expense for labor and material, promptly printed and circulated the advertisement, as before stated, in accordance with what he confidently believed to be competent authority, the amount of compensation now claimed for such service being barely sufficient to cover the cost of such extra labor and material, without any profit whatever.

That upon application to the Department of the Interior for payment for said advertising immediately after the service was performed, your petitioner was advised, and then for the first time became aware of the requirement of formal written authority of the Secretary of the Interior, as provided in section 3828, United States Revised Statutes, before said bill could be paid; but upon presentation of all the facts, as herein stated, to the Hon. John W. Noble, then Secretary of the Interior, he verbally stated that he would direct, and your petitioner is informed and believes that he did direct, that an order be issued to cover said advertising in the form required by the statute, provided your petitioner would make a substantial reduction in price from ordinary commercial rates, which reduction was assented to by your petitioner, and the bill reduced to \$316, which amount the Secretary directed to be paid to your petitioner.

It was found, however, as your petitioner was informed, that the amount then available of the appropriation for contingent expenses of the Interior Department for the fiscal year 1891-92 (the only fund out of which payment could be made) was not sufficient to meet this expense, and the said order was therefore not issued in writing, nor was any payment then made, nor has your petitioner received any amount whatever in payment for the valuable service rendered the Government in good faith.

Whereupon your petitioner prays the passage of an act of Congress authorizing the payment of the amount (\$316) awarded to him by the Secretary of the Interior for said service, and remaining due and unpaid.

J. B. CAMPBELL.

Subscribed and sworn to before me this 1st day of May, 1894.

[SEAL.]

W. C. LONG, *County Clerk.*

EXHIBIT I.

WASHINGTON, D. C., December 7, 1894.

SIR: I have the honor to invite your attention to a report of the honorable Secretary of the Interior to your committee, dated August 14, 1894, upon the bill (Senate No. 2273) to provide for the payment of claims of certain newspapers for publishing as advertisements the list of lands in Oklahoma opened to settlement by proclamation of the President, April 19, 1892.

The report fully sustains the justice of the claims embraced in the bill, but suggests that the amount to be allowed in each case be reduced to \$332.62, because Congress at its last session appropriated that amount for publishing the same list of lands in the El Reno Eagle. The statement in the report, that the service rendered in each case was substantially the same, was evidently made under a misapprehension of the facts.

The El Reno Eagle was, at the time the service was rendered, a weekly paper, and published the advertisement twice only, for which, as above stated, it has been allowed \$332.62.

The State Capital and the News (both of Guthrie), beneficiaries named in the bill, were then (and are now) daily papers, and published the advertisement six times.

These papers, issued at the capital of the Territory, had a circulation many times larger than that of the Eagle at El Reno, and reached many thousands more of the expectant settlers than did the Eagle.

The evidence before your committee shows that, computed at usual commercial

rates, as authorized by the act of June 20, 1878 (20 Stat. L., 206), the value of the service rendered by the State Capital amounted to \$2,250, and of the News to \$2,244. It also shows that on demand of the Department, and promise of payment, these newspapers consented to a liberal reduction and agreed to receive \$750, which is the amount named in the bill for their relief.

The records of the Department also show that the Press, of Kingfisher, was paid by the Department \$528 for two insertions of the same advertisement.

In other words, it is proposed in the Secretary's report that the Capital and the News should be paid only about 15 per cent of their commercial rates and less than 50 per cent of the reduced amount (\$750) which the Department at one time deemed reasonable and would have paid if there had been funds applicable; and further, to pay for the six insertions in these daily papers less by \$250 than was paid the Press for two insertions.

It would seem, from his statement, that the service rendered by the different newspapers mentioned in the report was "substantially the same," that the honorable Secretary had lost sight of the difference in the number of insertions of the advertisement—to say nothing of the difference in circulation—and I have to ask that the committee, in its action upon the matter, will give this difference due consideration.

Very respectfully,

EDWARD M. DAWSON,
Attorney for State Capital and the News.

Hon. JAMES H. BERRY,
Chairman Committee on Public Lands, United States Senate.

