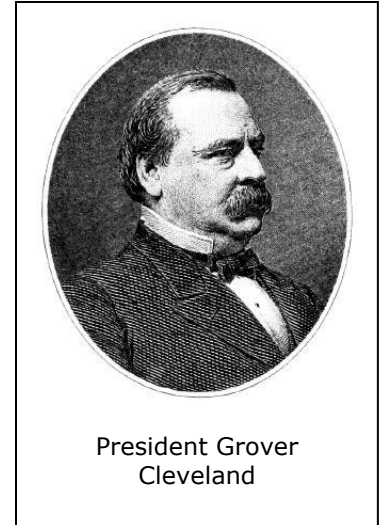


Forty-Ninth Congress

Dec. 7, 1885-Mar. 3, 1887

First Administration of Grover Cleveland

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Historical Background

The 1884 Presidential elections were historic, in no small measure because they saw the first Democrat elected President since the Civil War. This feat would not have come to pass were it not for the defection of a key faction of reformist Republicans known as the Mugwumps, who opposed the candidacy of their party's nominee, former Secretary of State, Speaker of the House, and Senator from Maine James G. Blaine. Blaine had been dogged by persistent allegations of corruption which the reform-minded Mugwumps found inconsistent with their priorities and moved their support to the Democratic Candidate, New York Governor Grover Cleveland. Cleveland's reputation as an advocate for civil service reform and an opponent of corrupt, machine-style politics, meant that the election turned on questions of integrity and corruption, putting Blaine at a distinct disadvantage. Governor Cleveland prevailed, squeaking past his opponent in New York, the state he was currently serving as governor, by a mere 1,200 votes, handing him the presidency.

As the first Democratic President since the 1850s, Cleveland faced a challenge in appointing experienced Democrats to his cabinet. A committed advocate for civil service reform, Cleveland indicated that rather than rewarding loyal cronies with appointments and insisted that his hiring and appointing would be based solely on merit and that any Republican appointees who wished to stay and performed their duties well would not be forced out. More significantly, Cleveland expanded the number of merit-based civil service positions provided for by the recently enacted Pendleton Civil Service Reform Act from 16,000 to 27,000.

In November 1885, Vice President Thomas A. Hendricks died unexpectedly while on a visit to his home in Indianapolis. The loss of the Vice President and the uncertainty that it lent to the question of continuity of leadership in the executive branch so soon after the long incapacitation and ultimate death of President James A. Garfield put the issue of establishing a stable line of

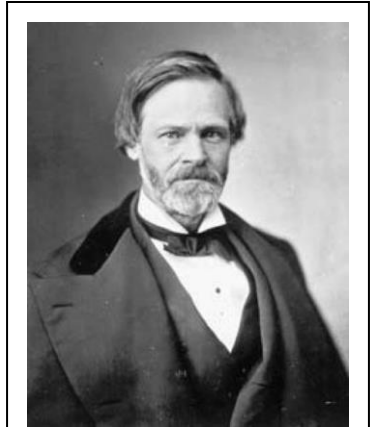
House	Senate
Majority Party: Democrat (182 seats)	Majority Party: Republican (42 seats)
Minority Party: Republican (141 seats)	Minority Party: Democrat (34 seats)
Other Parties: Independent Democrat (1 seat); National (1 seat)	Other Parties: None
Speaker of the House: John Griffin Carlisle	President Pro Tempore: John Sherman

succession on the top of the Congressional agenda. The Presidential Succession Act of 1792 established that in the event that both the President and Vice President are incapacitated, the President Pro Tempore of the Senate would accede to the Presidency, followed by the Speaker of the House of Representatives. However, when Vice President Chester A. Arthur assumed the Presidency upon the death of Garfield, he had no Vice President and there was no President Pro Tempore of the Senate or Speaker of the House. To avoid a future crisis, Congress enacted the Presidential Succession Act of 1886, which established that in the event of the incapacity of both the President and Vice President, the Secretary of State would assume the Presidency, followed by each cabinet secretary in the order in which their department was established.

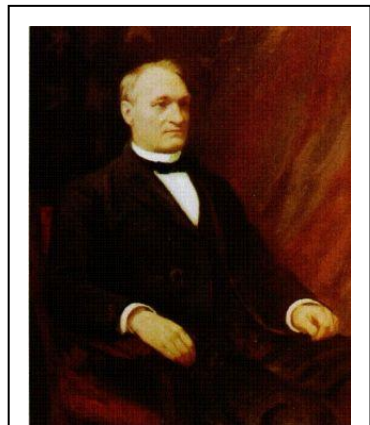
In early 1887, Congress enacted a law in response to the controversy caused by the disputed Presidential election of 1876. During that election, disputes in several states over the admissibility of certain ballots that were drawn largely along partisan lines led to a constitutional crisis when it was clear that neither candidate held a clear majority in the Electoral College. The Electoral Count Act fixed the date for the meeting of electors and deferred authority for determining the final count election count in any state to the states themselves, except in cases of fraud.

Also, in February 1887, Congress enacted the Interstate Commerce Act. The Act was the culmination of years of increasingly public pressure on the government to do something about the growing power and monopolistic practices of the railroad industry. In the preceding years as the nation developed its railroad infrastructure at a dizzying pace, railroad companies had begun to adopt certain practices designed to maximize market share and profits but were increasingly seen as anti-competitive. Smaller railroad companies found that by banding together to form trusts they could charge higher rates than they might otherwise be able to due to competition. Moreover, railroads had developed pricing practices that many felt were discriminatory toward individuals and smaller businesses, including charging higher per-mile rates for shorter trips and offering rebates or discounts to larger industries to attract their business. The Act established the Interstate Commerce Commission (ICC) as the first independent regulatory agency in the U.S. with the authority to investigate and prosecute claims against railroad companies that operate across state lines. The law was also one of the first major salvos fired in the showdown that was developing between the Federal government and the increasingly dominant industrial interests and the monopolistic and other anti-competitive practices that helped them achieve their present status.

As the United States continued its relentless expansion across the western territories toward the Pacific coast, policymakers were forced to contend with the various Native American nations occupying the territories coveted by settlers. During the 49th Congress, the Federal government would inaugurate a shift in its approach to matters concerning tribal reservations and territorial grants that would wreak havoc on traditional ways of life among Native Americans. The Dawes Act of 1887 was aimed at luring Native Americans away from their traditional relationship to the lands on which they lived toward one that embraced the concept of private property and



President Pro Tempore
John Sherman



Speaker of the House
John Griffin Carlisle

encouraged increased assimilation. To do this, the Act authorized the President to survey Native American tribal lands and to divide them into allotments for individual tribal members. Individuals who accepted the government's allotment and lived apart from the rest of their tribe would be accorded U.S. citizenship and the communal land allotted to the tribe would be reduced.

The Hatch Act of 1887, enacted that March, established a national policy of encouraging innovation and modernization in agriculture by establishing the first land grant college system. Each state that opened a school would receive a grant to establish agricultural experiment stations.

Also, during this period, the long-simmering tension between the Federal government and the Church of Jesus Christ of Latter-day Saints, also referred to as the Mormon or LDS Church, entered a new phase. The Church had courted suspicion and even outright hostility from the time it was incorporated by Joseph Smith in upstate New York in the early-19th century. But the level of hostility ramped up appreciably with the announcement of Smith's polygamy revelation in 1848, which described the doctrine of "plural marriage," in which men are commanded to take multiple wives. When the great majority of the community settled in the Utah territory, they found themselves subject to the sovereignty of the Federal government, which was not apt to look kindly upon the de facto theocracy that had developed, led by the church's president Brigham Young. In 1857, in an incident known as the Utah War, President James Buchanan appointed a new, non-LDS governor for the territory and, anticipating some resistance on the part of the Utah Mormons, dispatched 2,500 Federal troops to accompany him. Meanwhile, the church members' practice of plural marriage continued, to the disgrace of virtually the entire rest of the country.

In 1862, President Abraham Lincoln signed the Morrill Anti-Bigamy Act, which banned bigamy in Federal territories, including Utah. Lincoln, who had his hands full prosecuting the Civil War, announced that he'd no intention of enforcing the Act in Utah so long as the Utah territory kept quiet. The issue cropped up again in 1882 when the House of Representatives refused George Q. Cannon a non-voting seat due to his polygamous marriages. Shortly thereafter Congress enacted the Edmunds Act, which amended the Morrill Act to make the practice of polygamy a felony.

By 1887, however, it became clear that these measures were ineffective, and the Federal government found itself with diminished control over the state of affairs in the Utah territory. On March 3, after having been left unsigned by President Grover Cleveland, the Edmunds-Tucker Act of 1887 became law. The law was a significant escalation of the dispute into an existential threat to the young, rebellious religious community. The Act formally disincorporated the LDS Church and its subsidiary organizations such as the Perpetual Emigration Fund and the LDS Corporation on the grounds that they fostered polygamy. The Act required civil marriage licenses and increased the penalties for practicing polygamy imposed by the Edmunds Act. The Edmunds-Tucker Act raised the stakes for the LDS community in Utah and instigated a crisis in the Church that over the coming handful of years would see it formally ban the practice of polygamy thereby

rehabilitating its standing with the Federal government and removing the principal barrier to statehood for the Utah territory.

Sources:

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Dell, Christopher and Stephen W. Stathis. [*Major Acts of Congress and Treaties Approved by the Senate, 1789-1980.*](#) Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

War or Peace?

Renewal of 'America First' Policy

President Grover Cleveland was a non-interventionist of a sort that had been considered peculiarly American since President George Washington's farewell speech in which he warned against attachments and entanglements with other nations. As such, the President focused the major portion of his administration's efforts to strengthening the U.S. economy and was reluctant to pursue international projects and adventures that did little to improve conditions for Americans.

Even so, events in Central and South America during the 49th Congress required the President's attention. In Central America, war broke out when Guatemala attempted to forcibly consolidate the governments of several states into a single federation. As outlined in his first address before a joint session of Congress, President Cleveland forbore involving the United States directly in any military action, opting instead to offer diplomatic support. However, when civil war broke out in Colombia, obligations under the 1846 Bidlack Treaty required the President to send warships to patrol the Isthmus of Panama to assure the safety of commercial vessels and keep the ports open. Moreover, when the Colombian government attempted to unilaterally shut down any ports under the control of rebels and injunct any ships therein, the President blocked the attempt.

Even the long-cherished goal of constructing a canal across Central America linking the Atlantic and Pacific shipping lanes could not overcome President Cleveland's principled isolationism. The Frelinghuysen-Zavala Treaty, negotiated with Nicaragua during the administration of President Chester A. Arthur, recognized the sovereignty of Nicaragua and authorized a payment of \$4,000,000 to the Nicaraguan Government, which granted the United States the right to construct a canal across the territory of Nicaragua. The treaty failed to win the approval of the Senate during the 48th Congress. President Cleveland, arguing that the resources needed to construct the canal would have a greater impact if directed toward domestic projects, withdrew the treaty from consideration, effectively killing it.

End of the Apache Wars

In the western territories, one of the most storied chapters in the history of U.S. westward expansion and its impact on the indigenous peoples of the land came to a close. When the United States formally gained control of the former Mexican territories in California, Texas, Arizona, and New Mexico, it also inherited one of Mexico's more intractable problems in the region: the various Apache tribes. As the U.S. took control of the territory, the Federal government established forts throughout the territory to aid in pacification of the tribes and established reservations, to which many of the Apache groups were reluctant to relocate. Of the various Apache bands, the Chiricahua created the most trouble for Mexico and this continued under U.S. jurisdiction. After the Federal government reneged on an agreement made with the late Chiricahua leader Cochise and forced the band to relocate to the San Carlos reservation, the Apache leader Geronimo led a faction who refused to be relocated and instead took refuge in Mexico. Twice Geronimo was captured and brought to San Carlos and twice he escaped to Mexico. In 1886, Captain Henry Lawton led an expedition of 4th Cavalry to track Geronimo's band, capturing them and returning them to the United States on September 4 at Skeleton Canyon, Arizona. Most of the band and their families were relocated to Fort Pickens in Florida, and within a short time a substantial percentage had died of tuberculosis. Geronimo, painted as a bloodthirsty killer in the press, lived out his remaining years in high demand as an attraction at fairs and carnivals.

Sources:

Cleveland, Grover. [*Papers relating to the foreign relations of the United States, transmitted to Congress, with the annual message of the President.*](#) House, Dec. 3, 1888. 49th Congress, 1st Session, H.exdoc.1/1 (Pr22.1:885). ProQuest Congressional, 2368 H.exdoc.1/1

Cleveland, Grover. [*Papers relating to the foreign relations of the United States, transmitted to Congress, with the annual message of the President, December 6, 1886.*](#) House, Dec. 6, 1886. 49th Congress, 2nd Session, H.exdoc.1/1 (Pr22.1:886). ProQuest Congressional, 2460 H.exdoc.1/1

Economic Trends and Conditions

The first months of the 49th Congress saw the end of the 1882-85 Depression. In what would be the third longest depression in U.S. economic history, the Depression was thought to be caused by a significant drop in iron and steel prices when railroad construction slowed. The Depression climaxed with the Panic of 1884, in which New York City national banks halted investments after gold reserves in Europe dropped and the New York Clearing House was forced to bail-out banks at risk of failure. Some 10,000 small firms failed during the Crisis. However, despite these economic troubles, the 49th Congress saw an upswing in economic expansion riding on the tracks of railroad transportation and shipping. However, as railroads began to boom, so did discriminatory practices — especially in the realms of labor and fares — and regulation was inconsistent from state to state. It became increasingly apparent that a more overarching authority was needed to regulate railroads and Congress set to work on developing the first independent regulatory

commission. After extensive hearings and much debate, the Interstate Commerce Act was passed in February 1887 and Interstate Commerce Commission was set up with the broad authority to investigate, create rules, and enforce regulations on any railroad operating from state to state.

This act, however, did not help the labor disputes of the day. The U.S. labor market had entered a period of profound instability. The end of the Civil War and emancipation of the slaves and the attendant migrations these generated produced a surplus of workers in some sectors, particularly for unskilled work. In California, these pressures were compounded by the large numbers of Chinese immigrant laborers who had come to the country during the gold rush in the early 1850s and played a decisive role in the construction of the U.S. rail network only to find themselves the target of racially-inflected harassment when soldiers returning from the war contributed to a surplus in the labor market. These pressures all contributed to the stagnation of incomes, as employers exploited the glut of labor to reduce costs and increase their competitiveness in the marketplace.

On May 1, 1886 a general strike was called to protest working conditions and to promote the 8-hour day. In Chicago, protestors took part in the action, demonstrating in favor of the 8-hour workday in the city's Haymarket Square. The peaceful demonstration took a bloody turn, however, when an unknown activist lobbed a dynamite bomb at police who were preparing to disperse the demonstrators, killing eleven, including seven police officers.

Meanwhile, in the western states tensions between white residents and Chinese immigrant laborers continued to mount, occasionally spilling over into spectacular eruptions of violence. On September 2, 1885 in the city of Rock Springs, Wyoming, 150 white miners attacked their Chinese coworkers, killing 28, wounding 15, and driving hundreds more to leave town. Another riot followed in Seattle in February 1886, when white laborers attempted to purge all Chinese from the city. These racially-motivated incidents were met with little resistance by local government officials. President Cleveland expressed his dismay at the violence, despairing of the ability of Chinese to assimilate in the face of such virulent racism, and ordered troops to deploy temporarily to restore order.

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[Annual Report of the Comptroller of the Currency to the First Session of the Forty-Ninth Congress of the United States](#). Office of the Comptroller of the Currency, Department of Treasury. Dec. 1, 1885. 49th Congress, 1st Session, H.exdoc.3 (T12.1:885). ProQuest Congressional, 2386 H.exdoc.3

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Landmark U.S. Supreme Court Decisions

Yick Wo v. Hopkins, the first case where the United States Supreme Court ruled a law that is race-neutral on its face, but is administered in a

prejudicial manner, is an infringement of the Equal Protection Clause in the Fourteenth Amendment to the U.S. Constitution, 118 U.S. 356 (1886)

Santa Clara County v. Southern Pacific Railroad Company, case on taxation of railroad properties. Though not written in the court opinion, the Court held during oral arguments that the Fourteenth Amendment's equal protection clause granted constitutional protections to corporations as well as natural persons. This laid the basis for corporate personhood in American law, 118 U.S. 394 (1886)

Boyd v. United States, case on taxation of railroad properties. Though not written in the court opinion, the Court held during oral arguments that the Fourteenth Amendment's equal protection clause granted constitutional protections to corporations as well as natural persons. This laid the basis for corporate personhood in American law, 118 U.S. 394 (1886)

Source:

Costello. George A. and Johnny H. Killian. [Constitution of the United States of America. Analysis and Interpretation](#). Senate, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6. ProQuest Congressional, 14152 S.doc.6

1885 Events

- **Jan. 24:** Irish terrorists damage Westminster Hall and the Tower of London with dynamite
- **Feb. 5:** King Léopold II of Belgium establishes the Congo Free State as a personal possession
- **Feb. 16:** Charles Dow publishes the first edition of the Dow Jones Industrial Average; the index stood at a level of 62.76, and represented the dollar average of 14 stocks: 12 railroads and two leading American industries
- **Feb. 21:** [U.S. President Chester A. Arthur dedicates the Washington Monument in D.C.](#)
- **Feb. 26:** [Final act of the Berlin Conference regulates European colonization and trade in the "scramble for Africa"](#)
- **Mar. 3:** A subsidiary of the American Bell Telephone Company, American Telephone and Telegraph (AT&T), is incorporated in New York
- **Mar. 26:** Prussian government, motivated by Otto von Bismarck, expels all ethnic Poles and Jews without German citizenship from Prussia in the Prussian Deportations
- **Apr. 14:** Final engagement of Sino–French War, with a French victory at Kép; China withdraws its forces from Tonkin
- **June 17:** [The Statue of Liberty arrives in New York Harbor](#)
- **July 6:** Louis Pasteur and Émile Roux successfully test their rabies vaccine on Joseph Meister, a boy who was bitten by a rabid dog
- **July 19:** [S Andromedae, the only supernova seen in the Andromeda Galaxy so far by astronomers, and the first ever noted outside the Milky Way, is discovered](#)

- **July 23:** [Former U.S. President Ulysses S. Grant dies of esophageal cancer](#)
- **Sept. 2:** *Rock Springs Riot* – a riot breaks out in Rock Springs, WY around racial prejudice toward Chinese miners who were perceived to be taking jobs from white miners resulting in the massacre of immigrant Chinese workers

1886 Events

- **Jan. 1:** Upper Burma is formally annexed to British Burma, following its conquest in the Third Anglo-Burmese War of November 1885
- **Jan. 16:** A resolution is passed in the German Parliament to condemn the Prussian Deportations
- **Feb. 6-9:** *Seattle Riot of 1886* - [a mob of white laborers affiliated with the anti-Chinese Knights of Labor violently expel over 200 Chinese people from the city](#)
- **Feb. 14:** First train load of oranges leaves Los Angeles via the transcontinental railroad
- **Mar. 17:** A mob of white men attack a courthouse in Mississippi, killing 23 African Americans, in the Carroll County Courthouse Massacre
- **May 1:** [A general strike in support of the eight-hour day, organized by the Federation of Organized Trades and Labor Unions, begins across the country with Chicago at the movement's center](#)
- **May 4:** *Haymarket Affair* – a peaceful Chicago rally advocating for the 8-hour workday turned deadly when an unidentified individual detonated a dynamite bomb as police attempted to disperse the crowd, killing eleven, including seven police officers
- **May 8:** American pharmacist Dr. John Stith Pemberton sells his first batch of a fizzy carbonated beverage that would later become Coca-Cola
- **June 2:** [U.S. President Grover Cleveland marries Frances Folsom in the White House, becoming the only president to wed in the executive mansion; she is 27 years his junior](#)
- **July 3:** Karl Benz officially unveils the Benz Patent Motorwagen, the first automobile
- **Sept. 4:** [After almost 30 years of fighting, Apache leader Geronimo surrenders with his last band of warriors to General Nelson Miles at Skeleton Canyon in Arizona](#)
- **Sept. 9:** [Berne Convention for the Protection of Literary and Artistic Works signed in Berne, Switzerland](#)
- **Oct. 28:** [U.S. President Grover Cleveland dedicates the Statue of Liberty. Designed by Frédéric Auguste Bartholdi, the Statue is a gift from France](#)
- **Nov. 11:** [Heinrich Hertz verifies at the University of Karlsruhe the existence of electromagnetic waves](#)

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Major Acts

Presidential Succession Act of 1886. Provided that "in case of removal, death, resignation, or inability of both the President and the Vice President," the heads of the Executive Departments, in order of the creation of their offices, would succeed to the Presidency. Approved Jan. 19, 1886. ([24 Stat. 1, Chap. 4](#))

Electoral Count Act. Fixed the day for the meeting of Presidential electors and delegated to each State the responsibility for enumerating its electoral returns as far as possible. Required Congress to accept a State's electoral vote unless it was unable to decide the matter, or if a fraud were committed. Approved Feb. 3, 1887. ([24 Stat. 373, Chap. 90](#))

Interstate Commerce Act. Created a presidentially appointed five---man Interstate Commerce Commission (ICC). Declared that all charges made by interstate railroads must be "reasonable and just" but did not define those terms or authorize the ICC to fix rates. It also prohibited pooling operations, discriminatory rates, drawbacks, and rebates, and outlawed the practice of charging more for a short haul than for a long haul over the same line. Railroads were required to post their rates and were forbidden from changing them without 10-days' public notice. The ICC was authorized to investigate railroad practices and to issue cease and desist orders. Railroads were required to file annual reports on operations and finances with the ICC, and to adopt a uniform system of accounting. Approved Feb. 4, 1887. ([24 Stat. 379, Chap. 104](#))

Dawes Act of 1887. Authorized the individual allotment of Indian reservation lands to tribal members and conveyed citizenship upon the allottee on termination of the trust status of the land or to any Indian who voluntarily established residence apart from his tribe and adopted the "habits of civilized life." Provided that the head of each household was to be allotted 80 acres of agricultural land or 160 acres of grazing land. A single person under 18 was to receive half this amount. The Federal Government was to retain title to the land for at least 25 years, or longer if the President deemed an extension desirable. Approved Feb. 8, 1887. ([24 Stat. 388, Chap. 119](#))

Hatch Act of 1887. Provided subsidies to States for the establishment and support of agricultural experiment stations administered by agricultural colleges in each State for educational extension programs for farmers and for agricultural research. Approved Mar. 2, 1887. ([24 Stat. 440, Chap. 314](#))

Tenure of Office Act Repeal. Repealed the Tenure of Office Act of 1867. Approved Mar. 3, 1887. ([24 Stat. 500, Chap. 353](#))

Edmunds-Tucker Act of 1887. Disincorporated the Church of Jesus Christ of Latter-day Saints and the Perpetual Emigration Fund, LDS corporation, on the grounds that they fostered polygamy. Prohibited the practice of polygamy and punished it with a fine of from \$500 to \$800 and imprisonment of up to five years. Also required civil marriage licenses, disenfranchised women, and directed the confiscation of all church properties valued over a limit of \$50,000. Approved Mar. 3, 1887. ([24 Stat. 635, Chap. 397](#))

Source:

Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#). Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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