

Fifty-First Congress

Dec. 2, 1889-Mar. 3, 1891

Administration of Benjamin Harrison

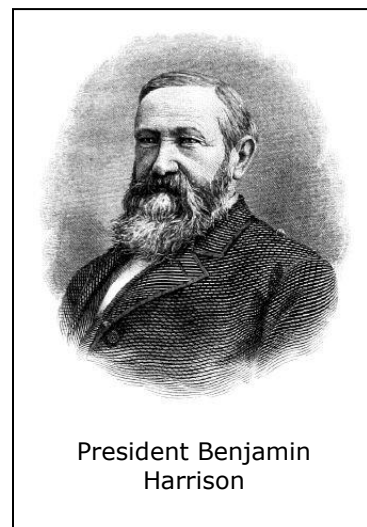
Historical Background.....	1
War or Peace?	3
Economic Trends and Conditions.....	5
Landmark U.S. Supreme Court Decisions.....	7
1889 Events.....	8
1890 Events.....	8
Major Acts.....	10

Historical Background

The 1888 Presidential election pitted incumbent Democratic incumbent President Grover Cleveland against former Republican Senator from Indiana Benjamin Harrison. The traditional partisan divisions of the country were complicated by a suite of issues relating to the rapid economic and industrial growth that had grown out of the Civil War, including labor activism, monopolies and trusts, and foreign trade. Cleveland opposed protectionist tariffs, which he based on his contention that tariffs disproportionately impact the poor, and this put him against most Republican elected officials, who tended to favor protectionist trade policies, though his principled commitment to civil service reform lent him the support of the Mugwumps in the Republican Party. When the votes were tallied, Cleveland had won the popular vote with a plurality of the ballots cast, however it wasn't enough to prevail in the electoral vote tally, which Harrison secured, largely thanks to deep support in the northeast, which broadly supported protectionist trade policies.

The Republican victory was hailed as a popular mandate for protectionism, and the Republicans immediately moved to enact a new tariff as soon as the 51st Congress assembled. Passage of the tariff bill required the support of the Silver Republicans, which they provided in exchange for support for their silver currency bill. Ironically, the McKinley Tariff proved to be extremely unpopular and contributed to the Republican defeat in the Congressional elections of 1890 and the Presidential election two years later.

For much of the 19th century, the territory of the future state of Oklahoma had been the preferred destination for Native American tribes being moved from their traditional lands to make room for white settlers. As the Civil War divided the various Native American tribes in much the way it divided the U.S. citizenry, tribes that had sided with the Confederacy were found to have abrogated their treaties and were forced to negotiate new treaties with the

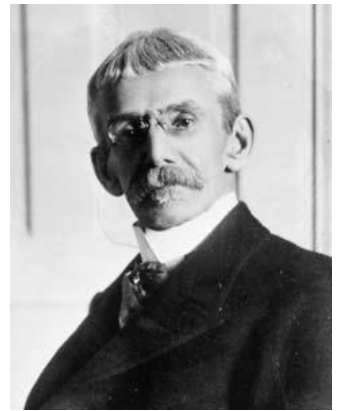


House	Senate
Majority Party: Republican (179 seats)	Majority Party: Republican (51 seats)
Minority Party: Democrat (152 seats)	Minority Party: Democrat (37 seats)
Other Parties: Labor (1 seat)	Other Parties: None
Speaker of the House: Thomas Brackett Reed	President Pro Tempore: John J. Ingalls

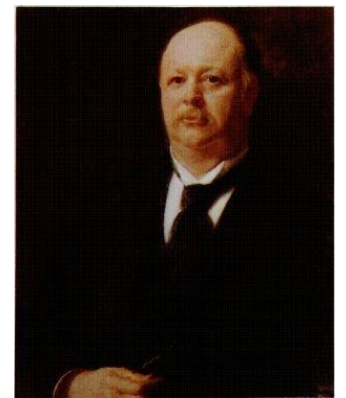
Federal government. Lands that had been ceded to those tribes in Indian Territory reverted to the Federal government, becoming the Unassigned Lands. There was pressure from numerous quarters for the Federal government to open up the Unassigned Lands to settlement under the Homestead Act. In 1884, the United States District Court in Topeka, Kansas ruled that settling on lands ceded to the government under these new treaties was not a criminal act. Then, with the passage of the Dawes Act and the negotiation of new treaties with the Creeks and the Seminoles, the Federal government was actively encouraging individual tribe members to claim individual parcels of land rather than living on communal lands as was previously their custom. Thus, further territories from tribes' communal allotments reverted to the Federal government, opening up new territory in the former Indian Territory to white settlement. In March 1889, the Federal government made an additional 2 million acres to settlement. Then, in May 1890, Congress enacted the Territory of Oklahoma Act, which created the Oklahoma Territory out of the western half of the unorganized Indian Territory. These developments led to a series of land runs beginning in 1889, but really picking up speed with the land runs of 1891 and 1893. The opening of Oklahoma to white settlement and the allotment of individual parcels to Native Americans effectively spelled the end of the traditional way of life of Native Americans in the territory of the United States. As resettlements continued during this period, more and more Native Americans died from exposure to diseases for which they had no defenses. While a smattering of Indian reservations would remain into the 20th century and beyond, their rarity meant that they functioned almost as much as museum settlements as they did as homes for their respective communities.

Responding to public pressure for strong Federal action against monopolies and hoping to dispel the notion that high tariffs were the "mother of trusts," Congress in July 1890 passed the Sherman Antitrust Act formalizing long-standing common law with the basic objective of preserving free enterprise. That same July, the President and his Congressional allies made good on their pledges to the Silver Republicans by enacting the Sherman Silver Purchase Act, which officially returned the nation to a bimetal currency, while requiring the Treasury to purchase a minimum monthly weight of silver.

In June 1890, as a token of appreciation to Union veterans of the Civil War, the 51st Congress passed the Dependent Pension Act of 1890. Other legislation included the admission of several new states into the Union. In November of 1889 North Dakota and South Dakota became the 39th and 40th states, followed quickly by Montana and Washington, the 41st and 42nd later the same month. The following July, in 1890, both Idaho and Wyoming were admitted into the Union, becoming the 43rd and 44th states respectively. In March 1891, Congress enacted the Judiciary Act of 1891, which created an intermediate Federal Court of Appeals to ease the burden on the United States Supreme Court, which had handled all appeals previously. That same month Congress enacted the Timber Culture Repeal Act, which repealed Timber Culture Act of 1878 and authorized the President to set aside forest reserve lands, the predecessor of our national forests. The International Copyright Act, also enacted March 1891, provided copyright protection for



President Pro Tempore John
J. Ingalls



Speaker of the House
Thomas B. Reed

foreign authors whose governments afforded copyright protection to Americans.

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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

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Harrison, Benjamin. [*Papers Relating to the Foreign Relations of the United States, Transmitted to Congress, with the Annual Message of the President, December 3, 1889*](#). House, Dec. 3, 1890. 51st Congress, 1st Session, H.exdoc.1/2 (S1.1:889). ProQuest Congressional, 2714 H.exdoc.1/2

War or Peace?

A Season of Diplomacy

During the 51st Congress the United States was mostly at peace. In his 1890 State of the Union address, President Benjamin Harrison, claimed that the “friendly relations of our country with the nations of Europe and of the East have been undisturbed.” Beginning in October of 1889, the First International Conference of American States, including all independent states of North and South America, was held in Washington D.C. Concluding in April 1890, the conference aimed to promote “closer international relations and the increased prosperity of the states represented.” In July of 1889 a new extradition treaty was signed between the United States and Great Britain so that neither country “should become a secure-harbor for the evil-doers of the other through any avoidable short-coming.” Other negotiations also continued to develop throughout 1889 and 1890. For instance, negotiations were opened with a new treaty of “friendship, commerce, and navigation” between the United States and the independent State of Congo. Similarly, in his 1890 State of the Union Address, President Harrison spoke with confidence about the regulations suggested during the International Marine Conference, including discussions of an agreement on the killing of fur seals.

In mid-1890, however, hostilities broke out between El Salvador and Guatemala, threatening to involve all of Central America. The war originated in Guatemala’s desire to consolidate several sovereign Central American states into a large Federation. President Cleveland would forbear to involve U.S. military personnel, but “through the active efforts of the representative of the United States a provisional treaty of peace was signed August 26, whereby the right of the Republic of Salvador to choose its own rules was recognized.”

Dawes Act, Ghost Dance and the Wounded Knee Massacre

The Dawes Act of 1887, enacted during the 49th Congress, 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 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. However, because the Dawes Act did not apply to sovereign nations, the government was forced to renegotiate its treaties with the Five Civilized Nations in accordance with the terms of the law. In 1889 the Federal government renegotiated its treaty with the Cherokee nation, the last of the Five Civilized Nations to do so. This marked a complete shift in Federal policy toward the Native Americans to one that dealt with the problem by making assimilation the ultimate goal for Native Americans. On the question of educating the Native American tribes, President Benjamin Harrison claimed that United States Government could "no longer push the Indian back into the wilderness," therefore it only remained "by every suitable agency, to push him upward into the state of self-supporting and responsible citizen." Thus, between the treaty negotiations and the opening up of Oklahoma and Indian Territories to white settlement, the project of erasing the vestiges of earlier civilizations from U.S. territory was virtually complete.

It was in this atmosphere that a Northern Paiute holy man named Wovoka detailed a vision he'd received. In his vision, the Christian Messiah Jesus returned to earth as a Native American, promising that he will raise all Native American believers from the dead and expel the white settlers from Indian Lands. Then the faithful Indians' ancestors would return and lead the believers to land with good hunting and a return of the abundant herds that disappeared with the arrival of the white men. These events would be brought about by the performance of a ritual dance, termed the Ghost Dance, as it called for the return of the Indians' deceased ancestors. Wovoka's movement attracted considerable attention, including among the Lakota Sioux of the Pine Ridge reservation and Standing Rock agency.

White settlers living in the vicinity of the Lakota became alarmed at the sight of large gatherings of Native Americans performing the Ghost Dance, which they worried might be prelude to an attack. James McLaughlin, agent of the Standing Rock agency, which housed Chief Sitting Bull, shared these concerns. U.S. officials decided to arrest some of the chiefs to stymie the Ghost Dance phenomenon and McLaughlin sent Indian Police to arrest Sitting Bull. On December 15, 1890, 40 Indian Police officers led by Lieutenant Bullhead arrived at the home of Sitting Bull to arrest him. Encountering resistance, the officers used force, angering residents of the agency. One among them, a Lakota named Catch-the-Bear, opened on Lieutenant Bullhead, who then fired his revolver, wounding Sitting Bull, who was then dispatched with a bullet to the head by another officer named Red Tomahawk. Fearful of reprisals, several hundred members of Sitting Bull's Hunkpapa band left Standing Rock seeking Chief Spotted Elk at the Cheyenne River Indian Reservation. On December 23, Chief Spotted Elk left the Cheyenne River Reservation along with a small contingent of the Hunkpapa

to seek shelter with Red Cloud at the Pine Ridge reservation. The band was met along the way by members of the 7th Cavalry, who escorted them to Wounded Knee Creek, where the Native Americans were told to make camp. Early the following morning, members of the 7th Cavalry returned to Wounded Knee Creek and ordered the Indians to disarm. As confusion began to build, a Native American with impaired hearing named Black Coyote refused to surrender his rifle having not understood the order. As two soldiers grabbed Black Coyote his rifle discharged, while at the same moment, several young Lakota men who had concealed their rifles threw off their blankets and opened fire. Within moments, the scene turned chaotic, with combatants from both sides firing their weapons indiscriminately. By the time the smoke had cleared from the Wounded Knee Massacre, approximately 300 of the 350 Native Americans camped there were killed, along with 25 soldiers from the 7th Cavalry. The death of Sitting Bull, coming so soon on the heels of the surrender of Geronimo and the renegotiation of Indian treaties and opening of Oklahoma to white settlement, would come to serve as the symbolic punctuation on the long and violent history of the displacement of the indigenous peoples who occupied the territory of the United States.

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Economic Trends and Conditions

The Interstate Commerce Act was enacted by the 49th Congress in an attempt to assert Federal control over the railroad industry, which had accumulated an unsettling amount of power in just a couple of decades. As the economy continued to industrialize at a blistering pace, it became clear that the Federal government would need to develop new authorities and institutions if it had any hope of effectively regulating an increasingly sophisticated industrial economy.

While the railroad industry was proving itself agile in adjusting to the new regulatory landscape under the Interstate Commerce Act, demonstrating the need for further checks on the power of the railroads, the formation of monopolies, trusts, and other anticompetitive practices in other industries highlighted the need for new regulatory tools. In July 1890, Congress enacted the Sherman Antitrust Act, empowering the Federal government to investigate and prosecute attempts at monopolizing commerce and gave private individuals who can demonstrate harm caused by monopolistic business practices the right to sue. Taken together, the Interstate Commerce Act and the Sherman Antitrust Act inaugurated a new period in U.S. economic history that would see the phenomenal growth and attendant

accumulation of power of new industries led by perilously wealthy and rapaciously acquisitive industrialists whose drive to consolidate power and eliminate competition was rivaled by the reformers and regulators who worked tirelessly to assure the fairness and openness of the American economy and attainability of the American Dream.

While the Sherman Antitrust Act empowered the Government to prosecute and regulate business activities deemed to be anticompetitive and breakup trusts, the Sherman Silver Purchase Act required the U.S. Treasury to purchase 4.5 million ounces of silver bullion each month at the prevailing market price. By the end of 1890, however, President Harrison noted in his 1890 State of the Union Address that the price of silver had depreciated. He stated that “the rapid rise in price which anticipated and followed the passage of the act was influenced in some degree by speculation and the recent reaction is in part the result of the same cause and in part of the recent monetary disturbances.” He argued, though, that further trial was necessary to determine the permanent effect of the Sherman Silver Purchase Act and claimed that it was “gratifying to know that the increased circulation secured by the act has exerted and [would] continue to exert a most beneficial influence upon business and upon general values.”

Though the 51st Congress transpired during a relative lull in organized labor stoppages, the campaign to introduce the 8-hour work day continued during this period. In May 1886, the United Brotherhood of Carpenters and Joiners of America organized a strike and demonstration in Chicago, calling for the 8-hour workday, but the otherwise peaceful demonstration was shattered when an unidentified activist detonated a bomb aimed at police officers preparing to disperse the crowd. The Brotherhood picked up the baton again in 1890, organizing a strike calling for the 8-hour workday. Their effort was met with mixed results as employers, keenly responding to the spread of labor activism, formed industry associations aimed at mitigating or outright preventing collective labor action.

Other legislation enacted during the 51st Congress included the McKinley Tariff Act which raised the average duty on imports by almost 50 percent with the intention of protecting domestic industries from foreign competition. The price of wheat increased from 81 cents in October 1889 to 1\$ in October 1890; corn from 31 cents to 50 cents; oats from 19 cents to 43 cents and barely from 63 cents to 78 cents. The average number of agricultural patents also increased in 1890. Within the manufacturing industry, the average annual earnings increased from 417\$ in 1889 to 425\$ in 1890. The gross national product total per capita also grew from 12.5 billion in 1889 to 13.1 in 1890.

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Landmark U.S. Supreme Court Decisions

Dent v. West Virginia, holding that the State can set reasonable requirements to obtain a medical license, 129 U.S. 114 (1889)

Chae Chan Ping v. United States (Chinese Exclusion Case), concluded that the Congress had the authority to make new laws that modify the terms of previous treaties, in this case the Burlingame Treaty of 1868, which established immigration and trade policy between the United States and China. Under the terms of the Court's decision, immigration policy is defined as plenary power of the legislative and executive branches of government and therefore the courts do not have authority to review decisions related to immigration policy made by those branches. The case would also become an important precedent for the later idea of consular nonreviewability, under which individual decisions made by consular officials with respect to particular immigration cases are not subject to judicial review, 130 U.S. 581 (1889)

Davis v. Beason, holding that federal laws against polygamy do not conflict with the free exercise clause of the First Amendments and that the U.S. Courts have jurisdiction to hear charges related to polygamy even though it is a part of a religious belief, 133 U.S. 333 (1890)

Hans v. Louisiana, holding that due to State sovereign immunity, the Federal courts do not have jurisdiction over legal actions over the state and determined that the Eleventh Amendment prohibits a citizen of a State from suing that State in a federal court, 134 U.S. 1 (1890)

In re Neagle, determined that the Attorney General of the U.S. has the authority to appoint U.S. Marshals as bodyguards to Supreme Court Justices, 135 U.S. 1 (1890)

The Late Corporation of the Church of Jesus Christ of Latter-Day Saints v. United States, holding that Congress has supreme authority over territories, including power to dissolve the LDS Church's corporation and seize its property not actually used for religious worship, 136 U.S. 1 (1890)

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

1889 Events

- **Jan. 8:** [Herman Hollerith receives a U.S. patent for his electric tabulating machine](#)
- **Jan. 15:** The Coca-Cola Company is originally incorporated as the Pemberton Medicine Company in Atlanta, Georgia
- **Jan. 30:** Crown Prince Rudolf of Austria and his mistress Baroness Mary Vetsera commit a double suicide
- **Feb. 22:** The Enabling Act is signed into law, admitting North and South Dakota, Montana, and Washington as U.S. States
- **Mar. 4:** [Benjamin Harrison is sworn in as the 23rd President of the United States](#)
- **Mar. 31:** [the Eiffel Tower is inaugurated exceeding the previously tallest structure of the world by 130 m](#)
- **Apr. 22:** *Land Run of 1889* - [thousands rush to claim land in the Oklahoma Territory; the cities of Oklahoma City and Guthrie are formed within hours](#)
- **May 31:** *Johnstown Flood* - [the South Fork Dam collapses in western Pennsylvania, killing more than 2,200 people](#)
- **June 6:** The Great Seattle Fire ravages through the downtown area without any fatalities
- **June 8:** The Wall Street Journal is established
- **July 7:** The Great Bakersfield Fire of 1889 destroys almost 200 buildings in Bakersfield, California
- **Aug. 14–Sept. 15:** London Dockers strike for a minimum wage of sixpence an hour, during the London Dock Strike marking a landmark development of New Unionism in the United Kingdom
- **Aug. 26:** The Prevention of Cruelty to, and Protection of, Children Act, (Children's Charter) passes in the United Kingdom, imposing penalties for child abuse for the first time
- **Sept. 23:** Nintendo Koppai (Later Nintendo Company, Limited) is founded by Fusajiro Yamauchi to produce Hanafuda playing cards
- **Oct. 6:** The Moulin Rouge cabaret opens in Paris
- **Nov. 2:** [North Dakota and South Dakota are admitted as the 39th and 40th U.S. states](#)
- **Nov. 8:** [Montana is admitted as the 41st U.S. state](#)
- **Nov. 11:** [Washington is admitted as the 42nd U.S. state](#)
- **Nov. 14:** Nellie Bly and Elizabeth Bisland both attempt to travel around the world in less than 80 days for their respective publications, The New York World and The Cosmopolitan, having been inspired by Jules Verne's novel

1890 Events

- **Jan. 25:** "Nellie Bly" (Elizabeth Cochrane) completes her journey around the world in 72 days, 6 hours, and 11 minutes, for the New York World tabloid
- **Feb. 18:** [National American Woman Suffrage Association formed by the merger of the National Woman Suffrage Association and the American Woman Suffrage Association](#)

- **Mar. 2-7:** The Cherry Creek Campaign between the Apaches and the U.S. Army occurs near the mouth of Cherry Creek in the Arizona Territory
- **May 20:** Dutch artist Vincent van Gogh moves to Auvers-sur-Oise on the edge of Paris where he will produce around seventy paintings in as many days
- **June 1:** [U.S. Census Bureau begins using Herman Hollerith's tabulating machine, a landmark computing hardware. Hollerith's company eventually becomes IBM](#)
- **June 20:** 'The Picture of Dorian Gray' by Oscar Wilde published by Lippincott's Monthly Magazine
- **July 1:** Heligoland-Zanzibar Treaty is signed by Great Britain and Germany
- **July 2:** [The Sherman Antitrust Act goes into effect](#)
- **July 3:** [Idaho is admitted as the 43rd U.S. state](#)
- **July 10:** [Wyoming is admitted as the 44th U.S. state](#)
- **July 26:** Revolución del Parque takes place in Argentina, forcing President Juárez Celman to resign
- **Aug. 6:** William Kemmler becomes the first person to be executed in the electric chair in Auburn Prison, New York
- **Sept. 25:** [Sequoia National Park is established](#)
- **Oct. 1:** [Yosemite National Park is established](#)
- **Oct. 9:** The first brief flight of an airplane operating solely under its own power occurs
- **Oct. 11:** [Daughters of the American Revolution is founded, admitting women who can prove lineal descent from a patriot of the American Revolution](#)
- **Nov. 4:** The first deep level London Underground (Tube) Railway named the City and South London Railway opens officially
- **Nov. 23:** King William III of the Netherlands dies without a male heir, and his daughter Princess Wilhelmina becomes Queen, causing Luxembourg to declare independence
- **Nov. 29:** [The Meiji Constitution goes into effect in Japan and the first Diet convenes](#)
- **Nov.:** Scotland Yard, headquarters of the Metropolitan Police Service, moves to a building on London's Victoria Embankment, as the New Scotland Yard
- **Dec. 29:** *Wounded Knee Massacre* - [Wounded Knee Massacre occurs in South Dakota when the U.S. 7th Cavalry Regiment tries to disperse the non-violent "Ghost-Dance" of the Lakota Sioux](#)

Sources:

["An Act To incorporate The National Society of the Daughters of the American Revolution."](#)
(29 Stat. 8, Chap. 23; Feb. 20, 1896). ProQuest Congressional

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Major Acts

Territory of Oklahoma Act. Created the Oklahoma Territory out of the western half of the unorganized Indian Territory. The new territory included primarily that area not reserved for the Five Civilized Tribes, plus a strip of land west of the 100th meridian which had been acquired from Texas in 1850. It also provided for a temporary government for this new territory. Approved May 2, 1890. ([26 Stat. 81, Chap. 182](#))

Dependent Pension and Disability Act. Granted pensions to veterans of the Union forces with at least 90 days' service during the Civil War who had been honorably discharged, and who were suffering at the time of

enactment, or would in the future, a physical or mental disability of a permanent nature, which rendered them unable to earn a livelihood by manual labor. Pensions were also to be provided to minor children, dependent parents, and widows who had married veterans before passage of Act and had to work for a living. Approved June 27, 1890. ([26 Stat. 182, Chap. 634](#))

Sherman Antitrust Act. Empowered the Federal Government to prosecute any corporation or person entering into contracts of restraint of interstate trade or commerce with foreign countries. Provided for fines of \$5,000 and jail terms of up to one year for persons found guilty of monopolizing or attempting to monopolize commerce. Gave any private individual "injured in his business or property" by monopolistic practices the right to sue for triple damages. Jurisdiction over such cases was assigned to the Federal Circuit Courts. Approved July 2, 1890. ([26 Stat. 209, Chap. 647](#))

Sherman Silver Purchase Act. Required the U.S. Treasury to purchase 4.5 million ounces of silver bullion each month at the prevailing market price and to issue legal tender Treasury notes redeemable in gold or silver at the option of the Government. Repealed the Bland-Allison Act of 1878. Approved July 14, 1890. ([26 Stat. 289, Chap. 708](#))

McKinley Tariff Act. Raised duties an average of between 48 to 49 percent. Provided for the first protective duties on agricultural products. Raised the duties on all foreign articles which under previous tariff laws could compete with similar articles of domestic production. Provision made for limited reciprocity treaties to encourage reciprocity between the United States and countries that produced sugar, molasses, coffee, tea, and hides. Approved Oct. 1, 1890. ([26 Stat. 567, Chap. 1244](#))

Judiciary Act of 1891. Created an intermediate court to be known as the Court of Appeals to relieve the United States Supreme Court of considering all appeals. The system was to be made up of eleven districts each containing from 3 to 15 circuit judgeships. Approved Mar. 3, 1891. ([26 Stat. 826, Chap. 517](#))

Timber Culture Repeal Act. Repealed the Timber Culture Act of 1878 and authorized the President to set aside forest reserve lands (subsequently called national forests) in any part of the public domain. Approved Mar. 3, 1891. ([26 Stat. 1095, Chap. 561](#))

International Copyright Act. Provided copyright protection for foreign authors whose government's permitted American authors the benefit of copyright on substantially the same basis as they did their own citizens. Approved Mar. 3, 1891. ([26 Stat. 1106, Chap. 565](#))

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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