

Also, case of Agricultural College lands in Kansas, decided by the Honorable Secretary on October 25, 1886.

In this case, after briefly stating the facts relative to previous action and former decisions, the Honorable Secretary says :

“ To open the case now on such showing would be to invite the re-examination by this Department of all questions decided during that time in which errors of law might be alleged. Such an undertaking cannot be assumed. It is entirely opposed to the practice of Courts and of this Department.”

It is conceded by all, I believe, who have examined this Agricultural College case, that the State is lawfully entitled to a part of the lands claimed ; one tract, especially, of 320 acres, which lies entirely outside and beyond all railroad limits, and which by mistake was certified as double minimum ; but the case having been once examined and decided, there is now, it seems, no relief under the principle of *res adjudicata*. Therefore, if the rule holds good in the case of Agricultural College lands, it ought to be equally good and binding in the five per cent. case now pending.

II.

But, Mr. Secretary, we do not raise the question of *res adjudicata* in this case because of any doubt as to the legality of the claim or the validity of former decisions, but because the case has been properly adjudicated and settled. The States were all admitted into the Union on equal footing in every respect.

The acts, under and by virtue of which they were admitted, provide that they shall have five per centum of the net proceeds of sales of all public lands within their respective borders, and the act of March 3, 1857, provides :

“ That the Commissioner of the General Land Office be, and he is hereby, required to state an account between the United States and the State of Mississippi for the purpose of ascertaining what