

west of the Mississippi the State of Alabama received its five per centum as fast as the lands were sold, but on lands (called reservations) allotted to Indians in severalty the State did not receive its five per centum, because the lands had not, and could not, be sold by the United States. Hence the act of March 2d, 1855, which, in substance, directed the Commissioner of the General Land Office to state an account between the State of Alabama and the United States, and allow and pay to said State the said five per centum, estimating all lands and permanent reservations at one dollar and twenty-five cents per acre.

That State, as heretofore stated and as the records will show, had already received its five per centum on all lands which had been sold, whether they were formerly Indian reservations or not, and then, under the said act of 1855, received five per centum on Indian allotments (called reservations.)

Having established the precedent for Alabama, Congress, on March 3d, 1857, passed another act similar to the act of 1855, and made it general, so as to apply to all the States, as heretofore shown.

I refer thus fully to the acts of 1855 and 1857 to show conclusively that Congress intended that the public land States should be placed on the same footing one with another, and receive an amount equal to five per centum on all lands sold by Congress or set apart as permanent reservations in the States, respectively.

To pay the States this sum out of the proceeds of sales of the public lands, as guaranteed by Congress, does not in the least interfere with Indian trust funds. At least, such payments never have so interfered, and yet the policy has been in practice for more than half a century.

Such payments are made, as I understand it, under a permanent annual appropriation, and do not in any manner interfere with trust funds.