

Also, the resolutions of the board of managers of the Commercial Exchange of Philadelphia, against the construction of the canal to connect the Chesapeake and Delaware Bays—to the Committee on Commerce.

Also, the resolutions of the Philadelphia Board of Health, urging the passage of the bill to prevent the adulteration of food and drugs—to the Committee on the Public Health.

By Mr. PHELPS: The petition of H. H. Swift and others, in favor of ad valorem duties on sugar—to the Committee on Ways and Means.

Also, memorial of Mrs. Frances S. Collins, of New Haven, Connecticut, in favor of the passage of the French spoliation claims bill—to the Committee on Foreign Affairs.

By Mr. POST: The petition of the governor, secretary, and other officers of Utah Territory, asking for a charter for a toll-road and ferry—to the Committee on the Territories.

By Mr. RANDALL: The resolutions of the Commercial Exchange, of Philadelphia, relative to the project for a free ship-canal to connect the waters of the Chesapeake Bay and the Delaware Bay—to the Committee on Railways and Canals.

Also, the resolutions of the Philadelphia Board of Trade, protesting against the extension of the patent in steam grain-shovels—to the Committee on Patents.

Also, the resolutions of the Philadelphia Board of Health, in favor of the passage of the bill to prevent the adulteration of food and drugs—to the Committee on Commerce.

By Mr. JAMES W. SINGLETON: The petition of Sophia L. Dyer and others, citizens of Quincy, Illinois, praying that the said Sophia L. Dyer be restored to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. R. W. TOWNSHEND: The petition of citizens of Hamilton County, Illinois, praying for the passage of a bill granting one hundred and sixty acres of land to the volunteer soldiers of the late war—to the Committee on the Public Lands.

By Mr. JOHN T. UPDEGRAFF: The petition of D. G. Bacon & Co., of New York, and 40 other business firms, in favor of the bill imposing ad valorem duties on sugar—to the Committee on Ways and Means.

By Mr. VANCE: Papers relating to the claim of William D. Justus—to the Committee on War Claims.

By Mr. WILLIS: The petition of Sapp, Goldsmith & Co., and a large number of other citizens of Louisville, Kentucky, for the restoration of the harbor at Vicksburgh, Mississippi—to the Committee on Commerce.

By Mr. WILSON: The petition of W. W. Deloe, for a pension—to the Committee on Invalid Pensions.

By Mr. YOUNG: The petition of John Beecher, Jacob Swartz, and many others, citizens of Cincinnati, Ohio, asking legislation against the immigration of coolies—to the Committee on Education and Labor.

## SENATE.

FRIDAY, March 31, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

- A bill (S. No. 383) to amend section 4458 of the Revised Statutes of the United States relating to license fees of officers of steam-vessels;
- A bill (S. No. 42) for the relief of George G. Snyder;
- A bill (H. R. No. 89) for the relief of Cyrus C. Clark;
- A bill (H. R. No. 697) for the relief of Captain William D. Whiting; and
- A bill (H. R. No. 1671) for the relief of H. V. Philpott.

### INTERIOR DEPARTMENT ACCOMMODATIONS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1361) to provide additional accommodations for the Department of the Interior, which was, in line 1, to strike out the word "twenty" and insert "fifteen" before "thousand."

On motion of Mr. ROLLINS, it was

*Resolved*, That the Senate disagree to the amendment of the House to said bill, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

*Ordered*, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ROLLINS, Mr. MORRILL, and Mr. JONES of Florida.

### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War transmitting a report from Lieutenant-

Colonel Craighill, Corps of Engineers, of a survey made in compliance with requirements in the river and harbor act of March 3, 1881, of James River, Virginia, for the purpose of ascertaining the practicability and cost of procuring a channel twenty-five feet deep at full tide from Richmond to the mouth of the river; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting correspondence with Dallas Sanders, under resolution of the Senate of the 28th of March; which, on motion of Mr. Butler, was ordered to lie on the table, and be printed.

### PETITIONS AND MEMORIALS.

Mr. BROWN presented the petition of a large number of merchants of the city of Macon, Georgia, and also the petition of a large number of railroad employes, praying an adequate appropriation for the improvement of the harbor of Savannah; which were referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a petition of gaugers and storekeepers of the eighth internal revenue district of Illinois, praying to be placed upon an equality with other Government employes in respect of leave of absence; which was referred to the Committee on Finance.

### REPORTS OF COMMITTEES.

Mr. LAPHAM, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 1128) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 35) to incorporate the Garfield Memorial Hospital, reported it with an amendment.

Mr. BUTLER, from the Committee on Territories, to whom was referred the bill (S. No. 360) to provide for a scientific exploration of the Territory of Alaska, reported it with an amendment.

### REIMBURSEMENT TO SENATOR INGALLS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections to report the following resolution, and I ask its present consideration:

*Resolved*, That there be paid out of the contingent fund of the Senate the sum of \$8,195 to JOHN J. INGALLS, a Senator from the State of Kansas, in reimbursement of expenses necessarily incurred by him in defense of his title to his seat.

By unanimous consent, the resolution was read the second time and considered as in Committee of the Whole.

Mr. SAULSBURY. I voted the other day against the resolution to reimburse the Senator from South Carolina [Mr. BUTLER] and the Senator from Louisiana, [Mr. KELLOGG,] and I shall vote against this; but I take occasion to say that I know from being a member of the committee that the Senator from Kansas did incur very heavy expenses in defending himself against the accusation of fraud, and his claim is certainly entitled to be considered as much as that of the Senator from South Carolina or the Senator from Louisiana.

I shall vote against this proposition because I voted against the other and because I believed then, and believe now, that it is making a precedent that we ought not to make; but in justice to the Senator from Kansas, upon whose investigation I was placed, I deem it proper that I should say that I know from personal observation that he was under great personal expense in defending himself against charges of fraud.

The resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ADJOURNMENT TO MONDAY.

On motion of Mr. HALE, it was

*Ordered*, That when the Senate adjourn to-day it be to meet on Monday next.

### PUBLIC BUILDING AT COLUMBUS.

Mr. ROLLINS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1501) for the erection of a public building at Columbus, Ohio, to report it with an amendment.

Mr. SHERMAN. This bill provides for the erection of a Government building at Columbus, Ohio. It is one of a series of bills which the Senate has passed, and which are on the Speaker's table of the House. I should like to have this bill, if it is the pleasure of the Senate, considered now. Columbus is really the largest State capital yet unprovided with a Government building. It so happens that we have none there.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Columbus, in the State of Ohio, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States district and circuit courts, internal-revenue and pension office, and for other Government uses. The site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$250,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the

sum of \$100,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Ohio shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. JONES, of Florida. As a member of the Committee on Public Buildings and Grounds, I must say that the provision in this bill, which is incorporated into many others of a like character, in my judgment is entirely unnecessary.

Mr. SHERMAN. What is that?

Mr. JONES, of Florida. That which provides for the cession of jurisdiction to the Federal Government over lands set apart for a public building in any State.

Mr. SHERMAN. There is a law in Ohio, I can inform the Senator, which cedes by general provision jurisdiction whenever the Government of the United States erects a public building in Ohio. A general law of the State cedes to the Government jurisdiction, in the language of the Constitution, over such site.

Mr. JONES, of Florida. I do not think that a post-office or a custom-house is the kind of building that the Constitution contemplated when it spoke of the cession of jurisdiction.

Mr. SHERMAN. This is for the courts of the United States also.

Mr. JONES, of Florida. I understand that. But take the case of an ordinary lot of land in a city or town. The courts of the United States have held that there can be no cession of jurisdiction except it is exclusive, under the Constitution; so that if upon a piece of ground situated in the heart of a great city of this Union a public building is erected for the use of the Government of the United States, and a cession of jurisdiction is made by the State over that land, an offense committed within such ceded land or territory would be cognizable only under the laws of the United States; so that if a citizen's pocket should happen to be picked in the post-office, or a murder should be committed on that land, there would be, under the rulings of the courts of the United States, no jurisdiction to try the offender in the courts of the State. I, after some consideration of this subject in the Committee on Public Buildings and Grounds, in connection with other gentlemen who examined the subject, came to the conclusion that it would be very unwise in cases of this kind to vest exclusive jurisdiction in the Federal Government which would oust the authority of the State to punish every description of offense which would otherwise fall within State jurisdiction.

I remember a leading case that came within my own practice under this provision of the Constitution for the cession of jurisdiction in cases of this kind. It was the case of a murder near the Pensacola navy-yard, where jurisdiction had been ceded by the State of Florida to the United States. The territory, I will say, there was very extensive, being three miles square. The Government exacted a cession of jurisdiction from the State, and a citizen killed another outside of the walls of the navy-yard in Pensacola, not in any wise connected with the Government, but a citizen killed another outside of the walls of the navy-yard within that ceded territory. The State court was powerless to try him. On the other hand, he was indicted under the act of Congress of 1790, which provides for trial and condemnation in all such cases which should take place within the exclusive jurisdiction of the United States. That man was tried in the Federal courts and executed. Although I brought the case to the consideration of the executive government, and obtained the opinion of the Attorney-General, Mr. Black at that time, it was held, after the most mature consideration, that the effect of a cession of jurisdiction of this kind is to oust completely the authority of the State over every description of offender who may happen to commit a crime within the ceded land or territory. If the Senator from Ohio wants that kind of jurisdiction in this case, I shall make no objection.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Public Buildings and Grounds as a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1615) for purchasing a site or sites for additional buildings for the accommodation of the Interior Department and Post-Office Department of the Government of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1616) to repeal and amend certain acts pertaining to the shipment and discharge of seamen; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1617) establishing a certain post-road in the State of Missouri; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave

to introduce a bill (S. No. 1618) for the relief of John Fraser; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### FISHERIES REPORT.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate, (the House of Representatives concurring,) That there be printed 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1881, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 for the use of the Commissioner of Fish and Fisheries, the illustrations to be made by the Public Printer under the direction of the Joint Committee on Public Printing, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto added.*

#### PUBLIC BUILDING AT HOT SPRINGS.

Mr. GARLAND. Senate bill No. 1101 is one of the public building bills reported some time since by the Senator from Missouri, [Mr. VEST,] and I ask the consent of the Senate to take it up and consider it; it will take but a few moments.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1101) authorizing the Secretary of the Treasury to erect a public building in the city of Hot Springs, Arkansas, for the use of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COLLECTORS OF INTERNAL REVENUE.

The PRESIDENT *pro tempore*. The Senate will now proceed to the consideration of the Calendar under the Anthony rule.

Mr. WILLIAMS. A bill was passed over informally yesterday morning without prejudice, which I should like to have taken up this morning, the bill (S. No. 272) for the relief Mrs. S. A. Wright and Mrs. C. Fahnestock.

Mr. MORRILL. I prefer that the bill to fix the term of office of collectors of internal revenue should be taken up now.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that a bill prior in time to the one named by the Senator from Kentucky be taken up, which it was agreed should be taken up this morning.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 724) to fix the term of office of collectors of internal revenue.

The bill was reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

That from and after the passage of this act collectors of internal revenue shall be appointed for a term of four years.

SEC. 2. That the commissions of all collectors of internal revenue who shall have served four years or more on the 30th day of June, 1882, shall expire on that day; and the terms of all collectors of internal revenue then in office shall expire when they have completed a term of four years: *Provided*, That all collectors heretofore appointed or hereafter appointed shall, after the expiration of their terms, hold until their successors are appointed and qualified.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. ALLISON. I move to strike out "four" where it occurs, I think in the second section, relating to the length of the term, and insert "five." I think five years is a better term for these collectors than four, and I might elaborate the reasons but I think they will be apparent to Senators.

Mr. PENDLETON. Is the consideration of this bill liable to a single objection?

The PRESIDENT *pro tempore*. It is, but then the sense of the Senate can be taken upon it.

Mr. PENDLETON. I object to its consideration this morning.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to the present consideration of this bill.

Mr. MORRILL. If the Senator objects, I suppose he will allow it to go over without prejudice.

Mr. PENDLETON. I will to-day allow it to go over without prejudice.

Mr. ALLISON. Mr. President—

The PRESIDENT *pro tempore*. The bill goes over if objection is made to it, and as the Chair understands, the Senator from Ohio is willing that it shall go over without prejudice.

Mr. PENDLETON. Yes, sir.

Mr. ALLISON. I desired to ask the Senator from Ohio if he makes his objection upon the ground that the five-minute rule allows too short a time to debate this bill, because if that be true his objection may as well go to that point, and then we can consider it at some other time.

Mr. PENDLETON. I want to have an opportunity to look into it a little. I am willing to let it go over without prejudice for the present, and then I will consider whether I shall object to it or not.

The PRESIDENT *pro tempore*. The bill will be passed over. The bill referred to by the Senator from Kentucky [Mr. WILLIAMS] will now be taken up.

#### MRS. S. A. WRIGHT AND MRS. C. FAHNSTOCK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 272) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock. It provides for the payment to Mrs. S. A. Wright, widow of the late George Wright, deceased, and Mrs. C. Fahnestock, widow of the late S. S. Fahnestock, deceased, of \$10,000, in full consideration



for the entire past and future use by the Government of the United States of the patent linchpin of the deceased George Wright and S. S. Fahnestock, when a full, sufficient, and legal transfer and license shall be executed and deposited with the War Department, for the Government purposes, free of all charges of royalty.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report is long.

Mr. WILLIAMS. The report had better be read.

The Principal Legislative Clerk proceeded to read the report, submitted by Mr. WILLIAMS February 8, 1882, as follows:

The Committee on Patents, to whom was referred the bill (S. No. 272) for the relief of Mrs. S. A. Wright, widow of George Wright, deceased, and Mrs. C. Fahnestock, widow of S. S. Fahnestock, deceased, which asks for remuneration for the use of the patented linchpin of said deceased George Wright and S. S. Fahnestock, adopted by the United States Government for field-artillery carriages, make the following report:

May 20, 1862, George Wright invented a linchpin for field-artillery carriages, and shortly thereafter obtained a patent for said linchpin. (Previous to the issuance of the letters-patent he assigned one-half interest to his attorney, S. S. Fahnestock, which is duly recorded in liber J 11, page 191, of Transfer of Patents in the Patent Office.)

The invention was adopted by the Ordnance Department and approved by the Secretary of War, under date of September, 1863, and since has been in use by the Government.

In May, 1865, in a communication to the Secretary of War, Mr. Wright says: "That your petitioner above named, seeing the want thereof, for the use more especially of field-artillery carriages, did invent a safety linchpin, which being duly examined and tested, was adopted by the Ordnance Department and approved by the Secretary of War, under date of September, 1863, and for which invention and improvement your petitioner has received letters-patent of the United States. Your petitioner therefore prays that such compensation may be awarded to him for the past and future use of said invention or patent, some seventeen years yet, as, in the judgment of the Secretary of War, Chief of Ordnance, and Hon. W. Whiting, or such other persons of the Secretary's choice, they may consider him justly entitled to."

This petition was referred to the Ordnance Department for report, and by it to Major Benton, commanding at the Washington arsenal, who returned it with an indorsement that Mr. Wright invented this linchpin without orders, but merely from a desire to correct a serious defect in the linchpin then in use in our field artillery. This invention was made while Mr. Wright was employed as a master machinist, at a compensation of \$3.73 per day. It has given entire satisfaction to the artillery, and on the strength of this was adopted by the Ordnance board in the fall of 1863.

The record shows several references, the principal contention being that Mr. Wright was in the employment of the Government as a master machinist when he made this invention, without instructions or orders from his superior officer, consequently was not entitled to compensation. Finally, the whole matter was referred by the Secretary of War to the Judge-Advocate-General, for his opinion on the following points:

"1. The validity of a claim by a Government employé for the use of his patented invention.

"2. Whether the claim in this case is valid in law and proper to be paid."

He returned the following reply to the Secretary on the subject:

"WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,  
April 11, 1866.

"Respectfully returned to the Secretary of War, with the following expression of opinion upon the questions referred by him to this bureau, in the case of the within-named George Wright:

"This bureau is aware of no regulation precluding the Government from contracting with one of its employes not in the military service. Paragraph 1002 of the Regulations prohibits the entering into a contract with 'any person in the military service,' by any military officer or agent, and paragraph 1003 provides that no such person shall receive any compensation for any service, &c., performed by him beyond his fixed pay, &c., 'unless the same shall be authorized by law, and explicitly set out in the appropriation.' This bureau has been informed by the Chief of the Ordnance Department that Wright, who is a master workman at the Washington arsenal, is in no manner connected with the military service. The provisions of the two paragraphs referred to would not therefore apply to his case; and it is accordingly concluded that the Secretary of War may lawfully compensate the party for the past use of his invention, as well as purchase the right to use it exclusively for the future.

"J. HOLT, Judge-Advocate-General."

Later, the Secretary of War referred to the Judge-Advocate-General a communication for an opinion upon the views therein presented, and the following was his reply:

"WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,  
May 30, 1866.

"Respectfully returned to the Secretary of War.

"The within claim of George Wright, an employé of the United States, not in the military service, having been heretofore referred to this bureau, and a report having been returned that such claim was valid in law, and might properly be allowed.

"It may be observed, also, that under our patent laws it is only the inventor, the person in whose brain the new form or method has been conceived, who can be invested with the patent-right. To one who may have furnished the labor or materials necessary to its completion a patent cannot be issued, for the subject of the patent is regarded as the property of the inventor only. In this instance, therefore, the property of Wright in his linchpin is recognized by law, and the United States, for merely using the same for public purposes, (in the absence of any contract,) would be obliged to render him a proper compensation.

"The conclusion of this bureau, therefore, is that the present claim is not invalid in law or equity. \* \* \* As the reasonableness of his demand is not contested, it is recommended that it be approved.

"J. HOLT, Judge-Advocate-General."

The decision of the Judge-Advocate-General establishes beyond doubt that said Wright was not in the military service, but simply a private citizen, and consequently entitled to all the rights, immunities, and privileges as such.

The honorable Secretary of War, E. M. Stanton, finally refused payment to George Wright for the use of his patented linchpin in the military service of the Government on the ground that the Department had no authority to make him compensation, Congress alone being authorized to act.

Under date of November 23, 1874, George Wright submitted to the Chief of Ordnance a request (for his approval or otherwise) that the papers in his case be sent to Congress for its consideration, upon which the following indorsement was made.

Mr. COCKRELL. There is no necessity of reading the indorsements. I called for the reading of the report, but I do not want to hear that

part of it. I should like to hear the letter of the Secretary of War of February 1, 1882, and down to the appendix of the report.

The Principal Legislative Clerk read as follows:

January 23, 1882, your committee referred bill S. 272 to the Secretary of War for his views, and requested certain information. The following is his reply:

"WAR DEPARTMENT,  
Washington City, February 1, 1882.

"SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, inclosing Senate bill 272, Forty-seventh Congress, first session, 'for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock,' which bill provides for the payment of the sum of \$10,000, in full consideration for the entire past and future use of the patent linchpin of the deceased George Wright and S. S. Fahnestock.

"In reply to your inquiries as to whether the amount proposed by said bill is excessive for the Government to pay for said patented linchpin, and as to what amount the Government has paid for the inventions of George Wright, and what saving their use has effected, I beg to invite the attention of the Committee on Patents of the Senate to the inclosed report, dated the 27th ultimo, from the Chief of Ordnance, which contains the information requested, so far as the same can be furnished.

"I concur in the views of the Chief of Ordnance.

"Very respectfully, your obedient servant,

"ROBERT T. LINCOLN,  
Secretary of War.

"Hon. JOHN S. WILLIAMS,  
Of Sub-Committee of the Committee on Patents, United States Senate."

"ORDNANCE OFFICE, WAR DEPARTMENT,  
Washington, January 27, 1882.

"SIR: I have the honor to return letter from Hon. J. S. Williams, Senate sub-committee on patents, inclosing Senate bill 272, for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock, appropriating \$10,000 in full consideration for the entire past and future use of the Wright patent linchpin, &c., and to report:

"To the first question, Is the amount proposed by accompanying bill excessive for the Government to pay for said patented linchpin? I reply: Considering the high commendation given to the invention by distinguished artillery officers from practical experience in its use during the war, and that the petitioners have been waiting for compensation for very many years, I do not think the amount named in the bill excessive. To the second question, What amount has the Government paid for inventions of George Wright, and what saving has their use effected? I reply: That the act approved July 27, 1854, appropriated \$5,000 for George Wright, as a full compensation for the use of machine for making and charging percussion-caps, &c. Also, on the 5th March, 1864, George Wright received \$1,500 from the Government in full for the use of his patented mold for casting Borman fuses, &c. These patents for making percussion-caps and casting fuses were of great value, but it is impossible to say what saving their use effected.

"No percussion-caps nor fuses have been made since 1865.

"Very respectfully, your obedient servant,

"S. V. BENÉT,  
Brigadier-General, Chief of Ordnance.

"The Hon. SECRETARY OF WAR."

The patent being declared a valid one, and the use of the invention for more than sixteen years being admitted by the War Department as a valuable auxiliary to the artillery arm of the service, and its present and future use recognized as a necessity, giving due acknowledgment to the reports of artillery officers, Chief of Ordnance, and recommendation of the Secretaries of War as to the value of the invention to the Government, and considering the many acts of Congress in cases corresponding in principle (cited under appendix) and the decision of the Judge-Advocate-General that "the property of Wright in his linchpin is recognized by law, and the United States for merely using the same for public purposes (in the absence of any contract) would be obliged to render him proper compensation," which is supported by the ruling of the Supreme Court in the case of the United States vs. Burns, that "the Government cannot, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him."

With this state of facts your committee are forced to the conclusion that said linchpin is a meritorious invention, and, as no compensation has been awarded, that the claim for payment for its use by the Government is a valid one.

Five favorable reports have been made by committees of Congress, and a bill passed both Houses of the Forty-first Congress to pay for the use of said linchpin by the Government, but failed to receive the approval of the President through lack of time. A similar bill passed the House of Representatives, and the Senate Committee on Patents of the Forty-sixth Congress unanimously, but did not reach a vote in the Senate. Therefore bill S. 272, as amended, is reported back with recommendation that it pass.

Mr. COCKRELL. This case has been up before. I see that the bill reads "in full consideration for the entire past and future use by the Government of the United States of the patent linchpin." When was the patent granted?

Mr. WILLIAMS. In 1865, as appears by the report.

Mr. PLATT. In 1865.

Mr. COCKRELL. I fail to find any clause in the report stating when the patent was granted. I find on the contrary that it was granted about 1862, or the Senator is incorrect in the statement of his report.

Mr. WILLIAMS. He made the invention in 1862, and under date of May 9, 1865, the patent was granted. The patent is given in the report on page 7:

Given under my hand, at the city of Washington, this ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

J. P. USHER,  
Secretary of the Interior.

Countersigned and sealed with the seal of the Patent Office.

D. P. HOLLOWAY,  
Commissioner of Patents.

Mr. COCKRELL. Yes; I see it is given in the exhibit there.

Mr. WILLIAMS. I scarcely know whether it is necessary for the Secretary to read all those exhibits.

Mr. COCKRELL. I stopped the reading of that part of the report.

Mr. PLATT. I suggest to the Senator that there is an amendment reported by the committee, reducing the amount.

Mr. COCKRELL. I notice the amendment. I do not ask for any further reading of the report.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Patents, in line 7, to strike out "ten" and insert "five," so as to read "the sum of \$5,000."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MINERAL LAND CLAIMS.

The bill (S. No. 26) to amend section 2326 of the Revised Statutes, in regard to mineral lands, was considered as in Committee of the Whole. It provides that the adverse claim required by section 2326 of the Revised Statutes may be verified by the oath of any agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or of the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory.

Mr. BAYARD. From what committee is the bill reported?

The PRESIDENT *pro tempore*. From the Committee on Mines and Mining. There is no report.

Mr. BAYARD. I think whoever reported the bill, as it seems to me one of general law relating to mining claims, should explain its provisions.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. HILL] reported the bill.

Mr. HILL, of Colorado. As the law now stands a person owning a mine and residing at a long distance from the mine is compelled, in case any person should attempt to procure a patent for a portion or the whole of it, to go to the district where the mine is located in order to file an adverse claim. A resident of New York owning a mine in Idaho cannot file an adverse claim without making the necessary affidavit in person, within the district in Idaho where the claim is located. This works a very great hardship in many cases. A claimant for a patent may make all the proofs required by law through an authorized agent.

The object of the bill is to relieve persons who, in protecting their interest, are compelled to make an adverse claim from the necessity of traveling hundreds or thousands of miles to reach the district where the claim is located. That is all there is in the bill, and I think it is a very important measure.

Mr. COCKRELL. If the Senator will permit me, I will read the section of the Revised Statutes that the bill proposes to amend, so that the Senate may understand it. Section 2326 of the Revised Statutes reads as follows:

Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be staid until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver \$5 per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever.

This section does not require the affidavit to be taken by any particular officer.

Mr. HILL, of Colorado. The section read by the Senator from Missouri states:

Where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same.

The Land Office has held that the person making the adverse claim must make the necessary oaths or affidavits within the jurisdiction of the land district. The object of the bill is simply to allow the affidavits to be made by any duly authorized agent or by the principal himself, if a non-resident, at the place where he may reside, before the clerk of any court of record. I am sure there can be no objection to that provision.

Mr. TELLER. The Land Office authorities have held, as stated by my colleague, that the oath must be made in the district where the claim is located. If an application were made, and either my colleague or myself desired to file an adverse claim, if the application interfered with our property, we must go home to do it. A citizen of New York, or any other State, holding property in Colorado or in

the western Territories, is liable to have some adjoining claimant lap over on him, and in some instances there are cases where they have attempted to take the whole claim. The law requires the person then to file this adverse claim. If he does not, and they go on and publish sixty days and get their patent, he is forever estopped from making any complaint. As the law stands now, as interpreted by the officers who have this matter in charge, a citizen of New York must make a trip clear to Colorado, clear to Idaho, or to Montana. This bill is simply to allow him to do by oath what he could do if there in person, if he is not a resident of the State or Territory, or happens to be away.

Mr. COCKRELL. The decision of the Land Office is wrong; that is all there is about it.

Mr. BAYARD. It seems to me, then, that the remedy for that inconvenience is not to allow the affidavit to be made by some other than the person having knowledge of the facts and having the interest but to allow it to be taken anywhere. I am indeed surprised to know that in any proceeding where an affidavit is to be taken, *ex parte*, under the laws of the United States, it may not be taken before a United States commissioner or a United States judge in any part of the United States.

If the inconvenience sought to be remedied is that under the present rulings of the Land Office the distant owner is compelled to go into the State where the land lies in order to set up his claim, it ought to be remedied by permitting the affidavit required by section 2326 to be made anywhere. But I submit to the Senators that you are here authorizing a duly authorized agent to make affidavit of the facts and of title, of matters of knowledge not of hearsay, which must be known and known only to his principal, and who ought to be responsible for what he swears to.

Mr. TELLER. Would not the agent be responsible? He would be liable to indictment for perjury.

Mr. BAYARD. No; I apprehend a man swearing for another's affairs and upon mere knowledge and belief, would not have the same responsibility, and certainly ought not to have the same rights, as where a man is swearing upon his own responsibility. I only make the suggestion to my friends. I think they had much better allow the affidavit to be made anywhere before competent authority. I think this thing of bringing a man a thousand miles and compelling him to go to a distant State for the purpose of making the *ex parte* affidavit required is very hard and inconvenient; but I do not think this is the proper remedy for it.

Mr. TELLER. If the Senator from Delaware will listen to me a moment he will see that he is all wrong. The agent living in Colorado, for instance, will know ten times as much about the question in controversy as the principal can know, because it is not a question of record; it is a question of identity, perhaps of veins. Each party goes out into the wilderness and stakes off his claim. He says that that claim bounded by his stakes and described is his. Another man goes and laps his claim over it, and says that is his. It is a question of identity of veins, whether the veins are the same or not. Very frequently the party, living in New York, has not the slightest idea upon the subject, and never can have except as it is given to him by his agent in Colorado. The agent makes the affidavit if he desires to enter the claim. Nobody objects to that. I can take a power of attorney from anybody in Colorado and go into the Land Office and make the application. I make all the affidavits for my principal; I swear to the amount of work on the claim; I swear to the proper location of it; I swear to everything as his agent. On the other hand, if somebody attacks that claim, why should I not be allowed to make the affidavit? I think it is safe to say that the agent in Colorado, as a general rule, has ten times the knowledge of the facts to be sworn to that the principal has living in New York or Delaware.

Mr. PLUMB. The Senator from Colorado might have gone a little further. Practically, the proof required in establishing an adverse claim or setting it up for the consideration of a court is the same that would be required to prove the claim as an original entry. The question of posting the notice, of running the lines, and all the detail and minutiae going to make up the title is something which no man can know except a person on the ground who participated in the putting up of the notices, or in the various little transactions which went to make the claim valid. For that reason, to prevent the agent himself from making the affidavit would be a practical denial of justice, for the principal would not know that the notice had been put up at a certain time or that a survey had been made at a certain time. He could only know what somebody told him about it, which would fall far short of a basis or foundation for the affidavit which he is required under the statute to make.

There may be some occasion to observe the practical effect of the law as it now stands. It amounts to a denial of justice. In this case and in all other cases in regard to mining claims the person who has the knowledge (and of course he must disclose that knowledge in his affidavit) ought to be entitled to make the affidavit.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Mines and Mining will be read.

The ACTING SECRETARY. In line 5, before the word "agent," the committee report to insert "duly authorized."

The amendment was agreed to.



The next amendment was to add to the bill as an additional section:

SEC. 2. That applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record or before any notary public of any State or Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HILL, of Colorado. An amendment of the title is rendered necessary by the adoption of section 2.

The title was amended so as to read: "A bill to amend section 2326 of the Revised Statutes, in regard to mineral lands, and for other purposes."

#### PUBLIC BUILDING AT ERIE.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up the bill (S. No. 102) to provide a building for the use of the United States circuit and district courts and post-office at Erie, Pennsylvania.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for and cause to be erected a suitable building, with fire-proof vaults therein, for the accommodation of the circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices, at the city of Erie, Pennsylvania. The site and buildings thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$200,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 2. That the sum of \$100,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and toward the construction of said building.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HAWLEY. I have no objection whatever to the bill as reported by the committee and no criticism to make; I know nothing about it; but I avail myself of this opportunity to ask whether the whole matter of erecting public buildings is not in a better condition than it was for many years in this respect. The bill provides, for example, that the building at Erie is to cost not exceeding \$200,000. I should like to know whether that is based upon any plans and specifications and contracts, or whether it is mere verbiage, as it has been in the case of nine-tenths of the public buildings, in the construction of which the architect has made his plans to suit himself and the people of the locality, and started and spent his \$200,000 on the foundation, and come for \$200,000 more each year for a series of years afterward.

If anything has been done to improve that I should be very glad to know it. I have had a painful example of it in my own town, where some \$200,000 or \$300,000 was appropriated for a public building. Comparatively no regard whatever was paid to the amount appropriated; it was taken as a guess. The building is almost done now, after ten years, at a cost of \$900,000.

Mr. MORRILL. The Senator from Connecticut evidently has not listened to the reading of the bill. All the bills reported from the Committee on Public Buildings and Grounds contain a similar provision to that in the pending bill, which reads as follows:

The site, and buildings thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$200,000.

It depends, of course, upon the administration of the Treasury Department. I think for the last half dozen years the Treasury Department have been very rigid and have required this provision in all acts in relation to public buildings and grounds to be lived up to. I do not know of any abuses that have occurred within the last half dozen years.

Mr. HAWLEY. That, of course, is in general satisfactory; only that it does not require a previous contract, and it does not appear, so far as that is concerned, that the abuse may not continue. It is true the Treasury Department may have been more careful, and that is the only reliance you have; but no contract has been made, and there is no absolute assurance that the building will be erected for the amount we appropriate.

Mr. SHERMAN. The provision was introduced some five or six years ago in the law, and has worked very well, that the architect is bound to make the plans of a public building come within the limit fixed for the cost; and if he does not do so he will be called, and is always called, to a very rigorous account, both by Congress and the Department. During the time of Mr. Hill as Supervising Architect

I do not recall a single case where the work was not completed within the amount appropriated; that is, in the last four or five years. There may be an exception, but if so, it was made by Congress. Sometimes the plan of the building did not suit the member of Congress interested. I remember one case in Virginia where the Virginia member was very anxious and got the plan changed by an increase of the amount; but it has always been done by the action of Congress.

Mr. HAWLEY. Let me suggest to the Senator from Ohio, what test is there of the possibility of constructing the building within the amount named? You say the architect is required to submit plans which must come, in the concrete, within a certain sum; but how can you test that save by ascertaining from constructors and builders whether they will contract for that amount?

Mr. SHERMAN. They now have in regard to the public buildings certain plans, mainly of brick and stone, of solid material, and they can tell with great accuracy the cost of building according to certain plans.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RICHARD H. PORTER.

Mr. GROOME and Mr. JONAS addressed the Chair.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order will be proceeded with.

The bill (S. No. 905) for the relief of Richard H. Porter, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out the enacting clause and the bill and in lieu thereof to insert:

Whereas the Third Auditor of the Treasury did, on the 10th day of May, 1861, make the following award:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE.  
"May 10, 1861.

"In pursuance of an act of Congress approved March 3, 1849, entitled 'An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States,' and of an opinion of the Attorney-General dated April 25, 1861, it is adjudged that there is due from the United States to James and Richard H. Porter, for property impressed by order of Colonel Johnson, then in command of the United States forces en route for Utah, and lost by them in the fall of 1857, while transporting goods from Atchison, Kansas Territory, to Camp Scott, Utah Territory, and while said property was in the service aforesaid, as follows: one hundred and seventy-five head of cattle, at \$55 per head, \$9,350; five horses and mules, at \$150 each, \$750; and this sum, \$10,100, is payable to the claimants present.

"R. J. ATKINSON, Third Auditor;"

which award was, on the 16th day of —, 1864, reconsidered by the Third Auditor and modified so as to allow only \$750 instead of \$10,100; and

Whereas there appears to have been no fraud or improper conduct charged against the said Richard H. and James Porter; and

Whereas Attorney-General Bates, in 1861, declared the first award made in accordance with the law, the Solicitor of the Treasury having twice since approved the award: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to Richard H. Porter and James Porter the said sum of \$10,100, less the said sum of \$750 paid them under the second award, in full for all claims for damages or compensation for property impressed by order of Colonel Johnson, in command of the United States troops en route for Utah in 1857.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

The title was amended so as to read: "A bill for the relief of Richard H. and James Porter."

#### BILLS POSTPONED INDEFINITELY.

Mr. COCKRELL. The next bill on the Calendar is the bill (S. No. 283) for the relief of Charles E. Gunn, and the one following is the bill (S. No. 285) for the relief of Van B. Bowers. Both those bills are to pay postmasters for losses suffered, and are covered by a general bill recently passed. I move that they be indefinitely postponed, so as to take them from the Calendar.

The motion was agreed to.

#### PUBLIC BUILDING AT SHREVEPORT.

Mr. JONAS. I ask unanimous consent to take up the bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, after "one hundred," to strike out "and fifty;" so as to read "one hundred thousand dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JABEZ BURCHARD.

Mr. ANTHONY. I give notice that hereafter I shall object to any thing being taken out of order while this rule prevails.

Mr. COCKRELL. The regular order.

The bill (S. No. 738) for the relief of Jabez Burchard was announced as next in order on the Calendar; and it was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to allow to Jabez Burchard, assistant engineer on the retired list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is a report.

Mr. COCKRELL. I should like to have either the report read or some explanation made to show why we are giving this officer back pay.

Mr. CAMERON, of Pennsylvania. I think the Senator will find a full explanation in the report.

The PRESIDENT *pro tempore*. It is a very long report.

Mr. CAMERON, of Pennsylvania. A similar bill passed the Senate certainly once and I think twice before. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Principal Legislative Clerk read the following report, submitted by Mr. CAMERON, of Pennsylvania, February 10, 1882:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 738) for the relief of Jabez Burchard, having had the same under consideration, beg leave to submit the following report:

A bill for the relief of Jabez Burchard passed the Senate at its last session, and a bill for his relief passed the House Committee on Naval Affairs also at the last session of Congress, but was not reached on the Calendar of the House, containing several thousand bills.

The bill, as now introduced, provides that the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. Burchard entered the United States Navy March 14, 1865, as acting third assistant engineer. He served five months on the monitor Naubuc; was detached and ordered to the United States steamer Powhatan. He served a little over two years and six months on this steamer; was detached and granted one month's leave of absence, and was honorably discharged. He re-entered the Navy September 1, 1870, as second assistant engineer and was ordered on special duty at League Island, Pennsylvania; detached from there January 11, 1872, and ordered to the United States monitor Terror, at Havana. While attached to this monitor at Key West, Florida, in July, 1872, he was taken with an affection of the eyes, was examined by a board of medical officers, condemned, and sent home. After remaining on sick-leave for nearly a year he reported as fit for duty, and was ordered to join the United States steamer Tuscarora, at San Francisco. After joining this ship he was again attacked with affection of the eyes, and was again condemned by a medical survey and sent home. After his arrival home he placed himself under the treatment of Dr. P. D. Keyser, an eminent oculist, who pronounced his disease to be one of the worst forms of inflammation of the retina. While in this condition he was ordered before the retiring board at Washington, which board decided that he was unfit for duty by reason of disability which did not originate in the line of duty. This decision placed him on the retired list with the rate of pay of \$500 per annum. The report of the medical officers on the retiring board is as follows:

"NAVAL RETIRING BOARD, WASHINGTON, D. C.,

October 12, 1874.

"SIR: We have examined Jabez Burchard, assistant engineer, United States Navy, and find him affected with chronic retinitis. He had been twice condemned by medical survey of disease for the eyes, and there is no evidence on record that his disability originated in the 'line of duty.' He is at present unfit for duty, and, in our opinion, is permanently incapacitated to perform the duties appropriate to his commission.

"Respectfully, &c.,

"GEORGE PECK,

"Medical Inspector.

"DAVID KINDLEBERGER,

"United States Naval Surgeon.

"Commodore J. W. NICHOLSON,

"President Naval Retiring Board."

Mr. Burchard asserts that when he appeared before the retiring board he was wholly unprepared with essential and necessary proof, such as a certificate from his family physician, who had known him from childhood, and other important testimony, to show that the disease did originate in the service, not deeming it necessary, but that he relied solely upon the merits of his case, which he supposed would be clearly evident from a simple statement of the plain facts of the same.

From a very careful and diligent examination of the papers in this case, your committee are of the opinion that the decision of the retiring board was erroneous and unjust, as will appear from the following certificates from Dr. P. D. Keyser, surgeon at Wills's Eye Hospital, Philadelphia, and Dr. William T. W. Dickeson, the family physician of Mr. Burchard, which show very conclusively that the disease with which he is unfortunately afflicted was contracted in the line of duty while in the service of the United States, and it was not hereditary:

"1630 ARCH STREET, PHILADELPHIA,

May 2, 1876.

"Mr. Jabez Burchard, assistant engineer United States Navy, came to me in October, 1873, suffering from a severe attack of retinitis, which has assumed a chronic form.

"This affection of the eyes is the result of his duties on monitor service, the great heat and severe changes of light, &c. I can find no signs of any constitutional (acquired or congenital) disease.

"He has been under my treatment up to the present date, and is still and always will be incapacitated for any use of his eyes.

P. D. KEYSER, M. D.,

"Surgeon Wills's Eye Hospital, Philadelphia.

"This is to certify that I am personally acquainted with Dr. P. D. Keyser, and know him to be among the first physicians and oculists in this city.

"L. G. WUNDER,

"Chief Clerk Philadelphia Post-Office.

"I hereby certify that I am acquainted with Dr. P. D. Keyser, a physician in good standing, and further that the foregoing is his certificate.

"Witness my hand and official seal this 3d day of May, A. D. 1876.

"ROBERT R. SMITH,

"Magistrate of Court No. 8, Philadelphia.

"MEDIA, PA., May 4, 1876.

"I certify that I have known Jabez Burchard, assistant engineer, United States Navy, since he was a child, and can positively assert that there never was any hereditary disease about him; that he was in a sound physical condition on entering the United States service, and had always good eyesight until sent home from duty on board the monitor Terror.

"In his present condition, from chronic retinitis, he is absolutely unable to use his eyes from the painfulness caused by this disease.

"WILLIAM T. W. DICKESON, M. D.

"DELAWARE COUNTY, ss:

"On this 4th day of May, A. D. 1876, personally appeared before me, a notary public of the Commonwealth of Pennsylvania, residing in said county, William T. W. Dickeson, M. D., who, being duly affirmed according to law, says that the above facts are true as he verily believes.

"Affirmed and subscribed before me the day and year above written.

"A. P. OTTEY, Notary Public."

From the following letter of the former Secretary of the Navy, Mr. Robeson, to the Fourth Auditor of the Treasury, it will be seen that it was the opinion of the Navy Department that the disease was incident to the service:

"NAVY DEPARTMENT, Washington, March 1, 1877.

"SIR: Upon a full review of all the facts in the case of Assistant Engineer Jabez Burchard, United States Navy, the Department is of the opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers by section 1588 of the Revised Statutes.

"Very respectfully, &c.,

"GEO. M. ROBESON,

"Secretary of the Navy.

"Hon. S. J. W. TABOR, Fourth Auditor of the Treasury."

The following is a letter from the Secretary of the Navy to Hon. A. A. Sargent, former chairman of the Committee on Naval Affairs of the Senate, which gives a concise history of the whole subject:

"NAVY DEPARTMENT, March 14, 1878.

"SIR: I have the honor to acknowledge the receipt of your letter of this date inquiring, on behalf of the Naval Committee of the Senate, what were the reasons for placing Second Assistant Engineer Jabez Burchard on the retired list on furlough pay, and why it is now desirable to change his status.

"January, 1874, Mr. Burchard was ordered before a retiring board, the finding of which was that he was affected with chronic inflammation of the retina, and was consequently, at the time, unfit for duty, but 'not incapacitated within the meaning of the law.'

"In October, 1874, he was again ordered before the retiring board, and found incapacitated for service, and that there was no evidence that the incapacity originated in the line of duty.

"The President concurred in opinion with the retiring board, and directed that Second Assistant Engineer Burchard be retired on 'furlough pay,' and he was so retired.

"In 1876, Mr. Burchard appealed to the Secretary of the Navy to examine into his case, which he regarded as one of peculiar hardship, and filed certain papers in support of his claim that his disease originated in the line of duty, and asked that the President be requested to nominate him for transfer from the furlough to the retired pay list.

"Copies of these papers are herewith inclosed. The Solicitor of the Navy, to whom these papers were referred, reported: 'The evidence is so strong to prove that Burchard's loss of eyesight was caused by exposure in the performance of duty, that I respectfully advise that he be nominated for transfer from the furlough to the retired pay list.'

"No nomination for a transfer was made, but instead thereof the Secretary of the Navy, March 1, 1877, informed the Fourth Auditor of the Treasury that, upon a full review of the case of Mr. Burchard, he was of opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers under section 1588 of the Revised Statutes.

"It appears that this view was accepted by the Fourth Auditor, and that Mr. Burchard was paid for the time he had been on the retired list the difference between furlough pay and retired pay.

"On the 10th January, 1878, the Second Comptroller called on the Department for a copy of so much of the decision of the retiring board in Mr. Burchard's case as related to the question whether or not the causes were incident to the service, and, it is understood, decided, quite properly it is thought, that Mr. Burchard could only receive the higher pay by transfer, under section 1588 of the Revised Statutes, and gave directions to check against him the difference of pay he had received.

"As he was getting only 'furlough pay,' or half of 'leave of absence pay,' \$500 a year, the checkage of this difference, which he had received, against this small sum of \$500 per annum, was a peculiar hardship. Mr. Burchard therefore applied to the Department for a recommendation to the President for his nomination from the furlough to the retired pay list.

"Under all the circumstances—that is, the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view; that he had received the difference of pay; that a checkage against his small pay of \$500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with nor retired for immoral conduct—I consider the case as one calling for my favorable action, and his name was submitted to the President for nomination from the furlough pay to the retired pay list.

"A copy of the report of the medical officers on the retiring board is herewith inclosed; also a copy of a statement made by Burchard before the board.

"Very respectfully, your obedient servant,

"R. W. THOMPSON,

"Secretary of the Navy.

"Hon. A. A. SARGENT,

"Chairman Committee on Naval Affairs, United States Senate."

Mr. Burchard was subsequently nominated for the retired list of the Navy, so that he could lawfully receive 75 per cent. of sea pay, and he was confirmed by the Senate. He was accordingly transferred from the furlough to the retired pay list, April 1, 1878, to take effect from the date of his retirement, October 28, 1876. The Comptroller, however, still adhered to his former decision that Mr. Burchard could not receive that rate of pay without a special law of Congress allowing the same. Hence this bill.

A bill for the relief of Mr. Burchard was reported from the Committee on Naval Affairs of the House of Representatives at the last session of Congress on the very



last day of the session, but failed to receive the final action of that body for want of time. The report submitted by Mr. Frank Jones, on behalf of the committee, at that time shows that that committee held the same views in relation to the justice of the bill that your committee do. The report is as follows:

"Mr. Frank Jones, from the Committee on Naval Affairs, submitted the following report, to accompany bill H. R. No. 5642.

"The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 5642) for the relief of Jabez Burchard, assistant engineer on the retired list of the United States Navy, having made diligent inquiry in reference to the merits of this bill, respectfully report:

"It appears from evidence furnished from the Navy Department that Assistant Engineer Burchard was retired in October, 1874, on account of defective vision, incapacitating him for active duty, and that a board of officers reported that his disability resulted from injuries received not in the line of duty; he was consequently placed upon furlough pay. In 1876 he appealed to the Secretary of the Navy for a re-examination of his case, and furnished evidence in support of his claim, that his disease resulted from injuries received in the line of his duty. The evidence was so strong in support of the fact that Mr. Burchard lost his eyesight by exposure in the performance of his duty that the Secretary considered it just that he should be transferred from furlough to the retired list of the Navy, and he ordered the accounting officer of the Treasury to allow him 75 per cent. of the sea pay of his grade, which he was accordingly paid. But a new Comptroller coming into office ruled, under the opinion given by the Attorney-General, that having been retired by a report of a board of officers, stating that his disability was not the result of injuries incurred in line of duty, he was entitled to but 50 per cent. of sea pay. Afterward Secretary Thompson, with a view to give him 75 per cent. of sea pay, recommended that he be nominated for the retired list of the Navy, and the President so nominated him; and after an examination of all the papers in connection with the case the Senate confirmed the nomination. He was accordingly put on the retired pay list of the Navy. But the Comptroller still decided that such nomination and confirmation could not give him the 75 per cent. of sea pay without an act of Congress, and in this decision he was sustained by the Attorney-General. There was therefore no recourse left Mr. Burchard but to appeal to Congress. In his letter to the chairman of the Senate Naval Committee, Secretary Thompson said: 'Under all the circumstances, and considering the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view, and that he had received the difference of pay; that a checkage against his small pay of \$500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with or retired for immoral conduct, I consider the case as calling for my favorable action, and his name was submitted to the President for transfer from furlough pay to the retired pay list.'

"Considering all the facts and circumstances in connection with this case, the committee report favorably thereon, and recommend that the bill ought to pass."

Mr. Burchard is entirely incapacitated from pursuing any avocation that requires the use of his eyes, and is therefore debarred from the pursuit of any occupation by which he might earn a sufficient income for his support.

Should the bill recommended by your committee pass, Mr. Burchard will receive pay at the rate of \$1,275 per annum, or 75 per cent. of the sea pay of his grade, his pay at present being \$850 per annum, or 50 per cent. of the sea pay of his grade.

The following statement is incorporated in this report for the information of the Senate, which shows the rate at which Mr. Burchard has been paid since his retirement:

Jabez Burchard retired October 26, 1874, and paid as follows:

From October 26, 1874, to June 30, 1875, at \$950 per annum (248 days).....	\$645 48
From July 1, 1875, to March 31, 1877, at \$500 per annum.....	875 36
From April 1, 1877, to June 30, 1877, at \$1,275 per annum.....	317 28
From July 1, 1877, to September 30, 1877, at \$1,275 per annum.....	321 37
From October 1, 1877, to December 31, 1877, at \$1,275 per annum.....	\$321 37
Checked in first quarter 1878.....	80 43

From January 1, 1878, to January 31, 1878, at \$1,275 per annum.....	240 04
From February 1, 1878, to March 31, 1878, at \$500 per annum.....	108 29
From April 1, 1878, to June 30, 1878, at \$1,275 per annum.....	80 33
Disallowed by Comptroller.....	\$317 88
	105 96

From July 1, 1878, to September 30, 1878, at \$850 per annum.....	211 92
From October 1, 1878, to December 31, 1878, at \$850 per annum.....	214 25
From January 1, 1879, to March 31, 1879, at \$850 per annum.....	214 25
From April 1, 1879, to June 30, 1879, at \$850 per annum.....	209 59
From July 1, 1879, to September 30, 1879, at \$850 per annum.....	211 92
From October 1, 1879, to December 31, 1879, at \$850 per annum.....	214 25
Paid by certificate April, 1877, difference between 75 per cent. of \$1,700 per annum (\$1,275) and 50 per cent. of \$1,900 per annum (\$950) from October 26, 1874, to June 30, 1875.....	214 25

Difference between \$1,275 and \$500 per annum from July 1, 1875, to March 31, 1877, inclusive.....	220 82
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Paid by certificate April 15, 1879, difference between \$500 and \$1,270 per annum from February 1, 1878, to March 31, 1878, and amount checked by paymaster first quarter 1878 (\$80.43).....	1,356 79
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	205 70
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"N. B.—This officer received the pay at \$1,275, or 75 per cent. of the sea pay at \$1,700 per annum from date of retirement, October 26, 1874, to March 31, 1878. April 1, 1878, it was changed to 50 per cent. of \$1,700, (\$850,) and he is so paid to December 31, 1879, last return in."

Your committee are of opinion that this is a very meritorious case, and one that appeals to the magnanimity and justice of Congress.

The bill is therefore reported favorably, and its passage is earnestly recommended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN C. BAMPTON.

The bill (S. No. 110) for the relief of Benjamin C. Bampton was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury, in settling the accounts of Benjamin C. Bampton, passed assistant engineer United States Navy, (retired,) to remove any checkages or suspensions made against him on account of his pay, and provides that thereafter his pay shall be 50 per cent. only of the sea pay grade or rank held by him at the time of retirement, and appropriates, for the purpose of paying him the amount of the checkages or suspensions against him, the sum of \$456.58.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM C. SHOUSE.

The PRESIDENT *pro tempore*. The next case on the Calendar was reported adversely.

Mr. HAMPTON. May I ask the Secretary to read the title of that bill?

The Acting Secretary read by its title the bill (S. No. 607) to increase the pension of Hiram C. Shouse.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed unless some Senator indicates the contrary.

Mr. COCKRELL. I suggest, the Senate not being full now, that the bill had probably better be passed over. The Senator who reported it [Mr. PLATT] is not present.

The PRESIDENT *pro tempore*. The bill will be passed over.

JOHN WAISHKEY, JR.

The bill (S. No. 1188) to confirm the homestead entry of John Waishkey, jr., was considered as in Committee of the Whole. It provides that homestead entry No. 1823, made at the United States land office at Marquette, Michigan, May 8, 1879, by John Waishkey, jr., upon the south half of the southeast quarter and south half of the southwest quarter of section 10, in township 47 north of range 2 east, under authority of the instructions of the Commissioner of the General Land Office, dated July 2, 1878, shall be confirmed as of the day of the date of the entry; but due proof of compliance with the provisions of the homestead law is to be made in the usual manner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH FOSTER.

The bill (S. No. 1189) to confirm the homestead entry of Hugh Foster was considered as in Committee of the Whole. It proposes to confirm as of the date of entry homestead entry No. 1790, made at the United States land office at Marquette, Michigan, March 22, 1879, by Hugh Foster, upon the south half of the northeast quarter and north half of the southeast quarter of section 10, in township forty-seven north of range 2 east, under authority of the instructions of the Commissioner of the General Land Office to the local officers dated July 2, 1878, and recommended for confirmation by special act of Congress by the Secretary of the Interior in the decision on the case rendered November 18, 1861, but due proof of compliance with the provisions of the homestead law is to be made in the usual manner.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

D. T. KIRBY.

The PRESIDENT *pro tempore*. The next bill on the Calendar is the bill (H. R. No. 909) for the relief of D. T. Kirby, a similar bill having passed the Senate as a Senate bill. It was understood that the House bill was not to be referred to the committee, at the suggestion of the Senator from Missouri, [Mr. VEST.]

Mr. ROLLINS. I suggest that the bill had better be referred to the Committee on Military Affairs.

Mr. VEST. What is the suggestion?

Mr. ROLLINS. I think the Committee on Military Affairs ought to make further inquiry in reference to the facts in the case.

Mr. VEST. I think the bill ought to be disposed of. It is a House bill.

Mr. ROLLINS. In reference to this officer I think the facts had better be investigated. If certain statements which have been made are not correct, the Committee on Military Affairs can immediately report the bill and it can be passed. There is ample time to do it.

Mr. VEST. We are ready to meet any charges that may be made.

Mr. ROLLINS. I have no charges to make; but I think the matter had better be further inquired into.

The PRESIDENT *pro tempore*. It is moved that the bill be referred to the Committee on Military Affairs.

The motion was not agreed to.

Mr. ROLLINS. I object to the consideration of the bill.

Mr. VEST. I move that the bill be taken up.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be taken up notwithstanding the objection.

The motion was agreed to.

Mr. ROLLINS. I call the attention of some member of the Committee on Military Affairs who is cognizant of the facts. I call for the yeas and nays on taking up the bill.

The PRESIDENT *pro tempore*. The call is too late. The Chair has announced the decision of the motion. The bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 909) for the relief of D. T. Kirby.

Mr. ROLLINS. Is there a report with reference to the bill?

The PRESIDENT *pro tempore*. None at all; it has never been referred.

Mr. ROLLINS. Never referred to the Committee on Military Affairs?

Mr. VEST. The case was referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. There was a Senate bill on the same subject which was referred and recommended for passage and passed by the Senate. This is a House bill, and the reason that it was not referred, as the Senator from Missouri stated at the time, was because it was similar to the bill that had already passed the Senate.

Mr. VEST. It is the same bill.

Mr. COCKRELL. I will simply state that a bill precisely similar

indeed in the same words precisely, was reported from the Committee on Military Affairs by the chairman, the Senator from Illinois, [Mr. LOGAN,] who is now absent. That was discussed in the Senate, passed the Senate, and went to the House. On the same day that the Senate passed that bill the House was discussing this bill and passed it, and the bills crossed each other. Our bill is pending in the House and the House bill is pending here. They are both the same.

Mr. SHERMAN. There was a statement made on the floor of the Senate by some one that this gentleman had been during the pendency of the bill intoxicated in the streets of this city. Is this the same one referred to yesterday?

Mr. COCKRELL. Yes, sir.

Mr. SHERMAN. That was denied by the Senator from Missouri, [Mr. VEST.] Now, it seems to me that is a proper issue that may be sent to the Committee on Military Affairs to be reported upon. If this gentleman, while applying to Congress to be restored to the Army, has been guilty of the offense for which he was expelled from the Army, it will be another reason why he should not be restored. It seems to me that the bill had better be referred to the Committee on Military Affairs, and let them inquire into the facts. I have no information about it. I move to refer the bill to the Committee on Military Affairs.

Mr. ROLLINS. I should like to inquire of the Senator from Missouri how this officer happened to be suspended. Was it for intemperance?

Mr. COCKRELL. I do not remember the report. I have not got the report here. He was suspended by court-martial. My colleague is more familiar with the case. I can send and get the report; it was made some time ago. He was dismissed; and the Senator from Illinois who examined the case reported a bill to allow him to be restored to the Army. As I stated, that bill passed the Senate, and on the same day that it passed here the House passed a similar bill. The bills crossed each other. The House bill is here and the Senate bill is in the House.

Mr. ROLLINS. What the Senator from Missouri states I have no doubt is correct in reference to the position of the two bills. About the time of the passage of the bill by the House some reports were made discreditable to this officer, and I called the attention of several members of the Committee on Military Affairs to the fact, among them the Senator from Missouri, [Mr. COCKRELL,] and suggested then, as I suggest now, that the House bill had better be committed to the Committee on Military Affairs, and that they inquire as to the real condition of affairs.

If this officer is a deserving man, he ought to be put back and I hope it will be done. If, on the contrary, the reports that have reached us are true, it would be an outrage on the military service of the country, and then I hope it will not be done. I do not want under any circumstances to have injustice done to this officer, and I think the only proper way to do is to have the bill committed to the Committee on Military Affairs and let them inquire into the facts and report to the Senate. There is ample time to do this, the bill having already passed the House; it can be reported back in a few days, and if injustice has been done in this matter the bill may then be acted on. I think that is but a fair and reasonable request, and as I understand it from personal conference with several members of the Military Committee that was just the course which they desired to be pursued, and I made the motion thinking that I represented the views of a majority of the Committee on Military Affairs, and I am inclined to think so now.

Mr. HAWLEY. The Senator from Missouri [Mr. COCKRELL] stated that the same bill in the same words was presented in each House. The House committee reported favorably and the House passed a bill, and the Senate committee reported favorably and the Senate passed a bill, the two bills going through the respective Houses on the same day. Now comes that which I would rather not discuss in the Senate. I should think it had better be discussed in committee. I prefer to have it so now.

This officer was cashiered because of drunkenness. He was a gallant and brave officer, and had done a great deal of good service for his country, and he served well afterward in civil life; but there comes in a story to us from responsible sources that the great joy over this restoration induced a repetition of the offense for which he was cashiered, right on the spot and about this Capitol and about these open streets. I am sorry to be obliged to refer to this. I hope it is a slander; the Senator from Missouri [Mr. VEST] thinks it is; but must we say who told us and what we know about this here in the Senate? I do not care if it is recommitted under instructions to report within a week. I think it had better go to our committee again. I hope there is no truth in the story, but it did make many Senators say all about here that they were glad the case had not got any further than it had.

Mr. VEST. If the bill can be reported back in a few days or within a week, I have no objection to the recommitment.

Mr. HAWLEY. Give the committee time to turn about in the matter.

Mr. ROLLINS. I have no doubt the committee will act upon it forthwith.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to

commit the bill. The Senator from Missouri can move instructions if he sees fit. The question is on the motion to commit.

Mr. VEST. With instructions to report in a week.

Mr. SHERMAN. I propose to refer it to a friendly committee, a committee that has already reported the bill once. It is not usual in the Senate to instruct committees in that way. I do not care anything about it, however.

Mr. ROLLINS. I do not think there had better be any instructions.

Mr. MAXEY. I will say to the Senator from Missouri that the Committee on Military Affairs has not on this or any other occasion shown a disposition to be negligent. If the bill is recommitted, as I think it should be, it will be reported early.

Mr. VEST. I withdraw the instructions.

The PRESIDENT *pro tempore*. The question is on the motion to commit the bill to the Committee on Military Affairs.

The motion was agreed to.

THOMAS DOAK.

The next bill on the Calendar was the bill (S. No. 286) for the relief of Thomas Doak.

Mr. COCKRELL. There is no written report in that case, and therefore I cannot tell upon what ground the Committee on Post-Offices and Post-Roads reported adversely; but it is a claim for losses sustained. I ask that the papers in the case, if they have not already been, be transmitted to the Postmaster-General and the case stricken from the Calendar.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. COCKRELL. And I ask the Secretary to see that the papers are transmitted to the Postmaster-General.

ELLEN M. GODFREY.

The bill (S. No. 718) granting a pension to Ellen M. Godfrey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen M. Godfrey, widow of James A. Godfrey, late captain of Company G, Eighteenth Regiment Maine Volunteer Infantry, subsequently of the First Maine Heavy Artillery, at the rate of \$20 per month, and \$2 per month additional for her minor child, until sixteen years of age, from March 3, 1878.

The bill was reported from the Committee on Pensions with an amendment, which was, after the word "artillery," in line 8, to strike out the words "at the rate of \$20 per month, and \$2 per month additional for her minor child, until sixteen years of age, from March 3, 1878."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3045) to authorize the Secretary of the Treasury to remit certain customs duties and custom-house charges to Consul-General Alfred E. Lee; and

A joint resolution (H. R. No. 183) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Mississippi River.

The message also announced that the House had passed a concurrent resolution granting the use of the Rotunda, and rooms immediately adjacent, to the Ladies' Aid Association for the Garfield Memorial Hospital on the first Saturday in May, for the purpose of holding a reception; in which the concurrence of the Senate was requested.

PRESIDENTIAL ELECTIONS.

The PRESIDENT *pro tempore*. The hour of two o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (S. No. 613) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Mr. DAWES. I ask that that be laid aside informally with a view to take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill will be laid aside informally.

MISSISSIPPI RIVER OVERFLOW.

Mr. GARLAND. There is a joint resolution of very great importance that has just come over from the House, and inasmuch as the Senate will not sit again until Monday, and the Secretary of War indicates that he wants to have the money called for in the joint resolution at once, I ask to call it up now. It will take but a few minutes.

The joint resolution (H. R. No. 183) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Mississippi River was read twice, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it. It appropriates \$100,000 for the purpose indicated,



and authorizes the Secretary of War to co-operate with the authorities of the several States of which the overflowed district is a part in making the distribution.

Mr. GARLAND. I hope the resolution will be acted on immediately.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GARFIELD MEMORIAL HOSPITAL.

Mr. ALLISON. I ask that the House concurrent resolution be acted on.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

*Resolved by the House of Representatives, (the Senate concurring.)* That the use of the Rotunda and rooms immediately adjacent be granted to the Ladies' Aid Association for the Garfield Memorial Hospital on the first Saturday in May, to hold a reception, the object being to raise a fund for the current expenditure of the association.

Mr. ALLISON. I move that that be concurred in.

The resolution was concurred in.

#### HOUSE BILL REFERRED.

The bill (H. R. No. 3045) to authorize the Secretary of the Treasury to remit certain customs duties and custom-house charges to Consul-General Alfred E. Lee was read twice by its title, and referred to the Committee on Finance.

#### AMENDMENT TO AN APPROPRIATION BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was ordered to lie on the table and be printed.

#### LEAVE OF ABSENCE.

Mr. BROWN. I ask an indefinite leave of absence for my colleague, [Mr. HILL, of Georgia.] The accounts I have from him are favorable; his wound is healing; but the physicians cannot say at what time he may be able to return to the Senate, and as no fixed time can be named at present I ask that leave of absence be granted to him indefinitely.

The PRESIDENT *pro tempore*. Shall the request of the Senator from Georgia be granted for an indefinite leave of absence for his colleague? The Chair hears no objection, and it will be granted.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Committee on Appropriations.

Mr. HOAR. I will modify the amendment by making the sum appropriated \$500,000. I wish also to make another modification. Instead of moving this as a substitute, I offer it as an additional amendment, to come in after the twelve hundred and fifteenth line, so that the clause recommended by the committee will stand, and may be adopted without any motion of mine to amend it. I suppose, therefore, the question is first on the amendment of the committee.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment of the Committee on Appropriations, which will be read.

The ACTING SECRETARY. The amendment reported by the Committee on Appropriations is, after line 1204, to insert:

And the Secretary of the Interior is further authorized and directed to provide for the care, support, and education of one hundred Indian children at any established school or schools other than those herein provided for, in any of the States of the United States, such schools to be selected by him from applications made to him, at a cost not exceeding \$167 per annum for each child; and for this purpose there is hereby appropriated the sum of \$17,000, or so much thereof as may be necessary: *Provided*, That not more than twenty of said pupils shall be educated in any one State.

The amendment was agreed to.

Mr. HOAR. Now I move my amendment, as modified, to insert after the amendment just adopted—

And the Secretary of the Interior is further authorized and directed to provide for the care, support, and education of all Indian children dwelling west of the Mississippi and not belonging to the five civilized tribes in the Indian Territory, or so many thereof as may be practicable, under such regulations as may be approved by the President, in any of the States, at a cost not exceeding \$200 per annum for each child; and for this purpose there is appropriated \$500,000 or so much thereof as may be necessary.

Mr. BAYARD. Mr. President, I have not been able to hear all the discussion on this subject, but I wish to know whether the computation of the amount of half a million of dollars is based on an actual knowledge of the number of children to be educated. It is very well known that whatever may be the amount of your appropriation, it follows as certainly as the night follows the day that all will be expended.

Mr. HOAR. I think not, if the Senator will pardon me for interrupting him. The number of children to be educated is probably nearly thirty thousand. At \$200 apiece, that would take \$6,000,000;

but a very large proportion of them cannot be educated in this way; the Indian parents would not consent at present. This amendment limits the amount to be expended for each child, to be expended in the discretion of the President or Secretary of the Interior, to \$200 a year, and limits the entire appropriation to half a million dollars. I presume that probably the President or Secretary of the Interior will not find it practicable to provide for expending more than a portion of that amount the first year. We are now paying \$60 a year for their rations. I believe the accurate estimate of the persons in charge at Hampton and Carlisle is that this expense can be conducted at \$167.50 per child, if I am not mistaken.

Mr. BAYARD. This appropriation is entirely extra to the present appropriation for the Hampton and Carlisle schools?

Mr. HOAR. Entirely extra.

Mr. BAYARD. I always hesitate, Mr. President, to obtrude my voice or counsel in matters to which I have not given some degree of attention and examination; and I deem it necessary, therefore, in this body to rely upon the judgment of those of our associates who have carefully considered and adjusted a plan, although that plan may be one involving as this does the expenditure of a large sum of money. I am one of those who feel, and always have felt since I arrived at years of discretion, that the treatment of the Indian tribes by the people of my own race in this country had been very dishonorable and shameful; that if we are to look for our title as a Christian people it must be outside of our management of Indian affairs. For that reason I strongly favor every attempt made, however tardy, to repair the injustice to which this fast-fading remnant of a once powerful race has been subjected during all the time of the white man's government in this country.

At the same time, while I am disposed to give, and probably shall give, my vote in favor of this proposition, I can only express the hope that this appropriation has been founded upon a diligent and well-digested inquiry, such as will make the law efficient for the relief of this very class; and if it does so, if the law is efficient to reach and remedy their wants, it will be one of the very few from which the Indians receive the benefit which the Government designed for them. From one of the good men of this country who did great public service in a quiet way—I refer to the late William Welsh, of Philadelphia—I have heard a great deal of the complete perversion, diversion, destruction of the charities of the Government—I will not call them charities, but the duties of the Government—as intended to be performed toward these people—how the supplies which by treaty stipulations were to be furnished, supplies the result of purchases by their own moneys, were completely defeated and they were given dust and ashes instead of comfort and support.

Therefore it is that when this scheme, not reported by a committee, but which comes from a very intelligent source, is offered now as an amendment to this bill, I am disposed to vote for it. I have only to express my hope that it has been so arranged that this liberal sum of money—more liberal I take it per capita than any educational appropriation ever voted in Congress, for I do not think anywhere in Congress or in the Legislature of any State a sum so liberal as this, of \$200 per head, has ever been sought to be given by law—will reach the objects for which it is designed. If it does so I shall not regret that the whole of it has been voted.

Mr. HOAR. I desire to call the attention of the Senator from Delaware, with reference to the last point he made, to the fact that this appropriation is for a class of persons whom the United States are now supporting at an expense of \$60 on an average per head, and the appropriations made in the States are for pupils who are supported at home, and are merely appropriations for expenditures in the day-schools. The point which I endeavored to make apparent was that it was cheaper for the United States to increase this appropriation of \$60 a head for the five years of schoolage to have these Indian youths trained in the English language, and in agriculture, to \$160 or even \$200 a year, and end the expense at that time, instead of paying the whole \$60 a year to them and their posterity forever.

Mr. DAWES. Mr. President, this amendment is so in the line and the spirit of the amendments proposed by the Committee on Appropriations, and only carrying along in the same line further those amendments, that I confess to some embarrassment between the duty with which I am charged by that committee to maintain the integrity of this bill as reported to the Senate from that committee, and an inclination and desire to vote for the amendment itself.

It is due, however, to the committee as well as to the action of the Senate already upon its amendments, all of which have been adopted without opposition by the Senate, that I call their attention to what has been recommended by the committee in this line and what has already been determined by the Senate to be their policy in reference to the education of Indians.

I have caused a table to be prepared of all the appropriations in this bill as it is now adopted by the Senate, including what came in it from the House and the amendments offered by the committee and adopted, which are exclusively for educational purposes. There is running through the whole bill, however, not included in this amendment, a provision which the committee believed would work out a further advancement in that line, and a more particular application to purposes of instruction of the Indian appropriations which have been heretofore made in such general terms that there was no requirement of law to apply them to that purpose, and they naturally floated

away into subsistence and clothing and annuities and the like, which were much easier of expenditure and much more calculated to keep the Indians quiet and comfortable for the time being than any other expenditure of the fund. But for the exclusive purpose of the education of the Indian, and outside of treaty obligations, the bill as adopted by the Senate thus far now contains for the support of industrial schools and for other educational purposes of the Indian tribes in one gross sum \$150,000. That was the whole sum estimated for by the Department. That is as far as the Department desired to go. In addition to this, there have been appropriated for the support of the industrial school at Carlisle \$68,500; for the support of a like school at Hampton, Virginia, \$16,700; for the support of a school at Forest Grove, Oregon, \$30,000; for the education of one hundred Indian children in the States—a new feature in the bill—\$17,000; making a total of this character of appropriations of \$282,200. There is, in addition, for educational purposes, an appropriation for the erection of two new buildings for school purposes for Indian children \$50,000, and then an amount for educational purposes specifically named under treaties of \$80,000.

Mr. TELLER. What is the total not named in treaties?

Mr. DAWES. The total not named in treaties is \$282,200, and \$50,000 for the erection of two new buildings for school purposes, making \$332,200. In addition there are appropriations, as I have said, under treaty obligations, of \$80,000, making a total of \$412,200. In addition to this is the creation of a new office called an inspector of Indian schools, with a salary of \$3,000, and \$2,000 for traveling expenses, out of which if properly discharged the committee, and I believe the Senate, as they concurred with the committee, have great hope in future in respect to the improvement of the Indian schools.

It would be interesting, if it would not tire the Senate, to go over in this table, as I have had it prepared, just at what points and just how much at each point under existing treaties educational provision is made; and perhaps the Senate will indulge me, because it is instructive when you come to look at the general question of education of the Indian in a practical way, and when you come to inquire how far you can add to this expenditure and in what places; and although I may tire the Senate, I think it will be instructive to go over it.

Under existing treaties, the appropriations in this bill for educational purposes are: for the Apaches, Kiowas, and Comanches, one teacher, about \$900; Cheyennes and Arapahoes, one teacher, about \$900; Boise Fort band of Chippewas, one teacher and books, \$800; Chippewas of the Mississippi, support of schools, \$4,000; Chippewas, Pillagers, &c., education, \$2,500; Choctaws, education, \$6,000; Creeks, education, \$10,000; Crows, teachers, books, &c., \$1,500; Kiowas, for education or other beneficial purposes, \$2,875; Kickapoos, for educational and other beneficial purposes—the character of which I do not at this moment call to mind—\$4,679.05; Klamaths and Modocs, two school teachers, \$1,800; Miamies of Kansas, for educational purposes, \$1,094.24; Moles, teachers, schools, and subsistence of pupils, \$3,000; Nez Percés, two matrons in charge boarding-schools and two assistant teachers, \$2,000; Northern Cheyennes and Arapahoes, one teacher, \$900; Osages, for educational purposes, \$3,456; Pawnees, support of two manual schools and two teachers, \$11,800; Qnapaws, for education, \$1,000; Sacs and Foxes of the Missouri, \$200; Seminoles, support of schools, \$2,500; Shawnees, for educational purposes, \$5,000; Shoshones and Bannocks, one teacher, \$900; Sioux of different tribes, five teachers and for schools, \$11,200; Tabequache, Muache, and other Utes, two teachers, \$1,800—\$80,804.29.

You will observe, Mr. President, that this sum of \$80,804.29 is distributed at twenty-four different points in addition to the general purposes of education otherwise provided for. So, while I would go just as far as machinery and instrumentalities can be provided to make every dollar tell for the purpose for which it is applied, we have nevertheless not left the Indian entirely abandoned in respect to education. I am one of those who believe with my colleague that every dollar expended properly and judiciously in educational purposes is a dollar saved in subsistence and care of the Indians, and that if every such dollar shall be properly expended the time is not far distant when the \$5,000,000 expended for Indians, if two and a half million of it should be spent for that purpose, would entirely disappear from the statute-book; that the Indian may be made, if not as valuable a citizen as his Caucasian brother, nevertheless a self-supporting citizen, and to some extent a strength instead of a weakness to this country.

But the Committee on Appropriations must look at it as a present practical question; and in the amendment last adopted by the Senate this morning providing for the taking of one hundred Indian children from different parts of the Indian tribes and distributing them among the educational institutions of the States—an amendment suggested by the distinguished chairman of the Committee on Appropriations, [Mr. ALLISON,] who has heretofore contributed, as my colleague has well said, so much in the line of educating our own people up to the idea of educating the Indian as a relief from the burden—is to be found the germ of a method from which, properly carried out and cared for, will grow up the instrumentality that will finally cope with and dispose of this whole work. It can, as the Senate will see, be added to and carried on simply by an addition to the sum appropriated just as fast as we shall find beneficial results

flowing from it, either from the effects upon the Indian children themselves, or the disposition of the tribes to have their children educated, or from the disposition of the educational institutions throughout the country to co-operate and aid this work.

It is precisely in this line that the addition of \$500,000 now proposed by my colleague is a measure that would be desirable if it were perfectly clear that it could be utilized at this moment, and I am inclined to vote for it notwithstanding I am charged with the duty of maintaining the integrity of the bill as it came to the Senate. I do it because I do not want to vote it down. I do not want the Senate to vote down this proposition lest an unjustified inference may go out to the country. The committee and the Senate have committed themselves to the doctrine I know, but nevertheless to vote down this would lead the country to infer that the Senate has turned its back upon a proposition of this kind to relieve through educational instrumentalities the country from this great burden.

When the proposition to which this is an addition was made, it seemed to me to reach better the need of the moment than any I have heard of; and how far we are prepared to go at once, of course is for every Senator himself to judge. The committee—and I was one of the committee and I agreed with the committee—were entirely unanimous in the opinion that the bill as it came from us in this particular was about as far as at this time we were able to go. I shall be gratified, however, if the Senate shall see its way clear to go further in the line urged so ably by my colleague yesterday.

Mr. TELLER. Mr. President, I propose to vote for the amendment of the Senator from Massachusetts, [Mr. HOAR,] but I want to correct a little history before I speak on the amendment. The Senator from Massachusetts [Mr. HOAR] yesterday read from the report of the Commissioner of Indian Affairs of 1867 with regard to an occurrence in the Territory of Colorado. I have no fault to find with the Senator from Massachusetts. He read from a public document which has been read from before in this Senate and in other parts of the country; but I wish to put on file here a denial of the statement in that report. It is there stated:

In December, 1864, occurred the horrible Sand Creek massacre of friendly Cheyennes and Arapahoes in Colorado Territory. Exasperated and maddened by this cold-blooded butchery of their women and children, disarmed warriors, and old men, the remnant of these Indians sought the aid and protection of the Comanches and Kiowas, and obtained both.

The statement that the Cheyennes and Arapahoes were friendly Indians in 1864 is not supported by any fact in the world. I speak now of what I have personal knowledge of, and what at least twenty-five thousand people living in the then Territory of Colorado also had personal knowledge of. The population of Colorado was then about twenty-five thousand. In 1860 we were represented as having about thirty-three thousand people; the emigration took another direction that fall, and then broke out the war, so that our population was reduced, as shown by our census in 1865, taken by the Territory, to a little less than twenty-six thousand people.

Here were twenty-five thousand people at the base of the Rocky Mountains. It was five hundred miles to the nearest settlement in the East. The only communication that we had with the East was by a wagon-line, a stage-line, and a telegraph line. There was no railroad line west of the Missouri River at that time. These twenty-five thousand people were called upon early in the war to contribute their due proportion, which they did, to the Union cause; and I may say partially of them as was said of Kentucky, that the quota was partly filled, at least, on both sides, for we furnished men for the confederate army. Out of about twenty-five thousand people, we had furnished, when this Indian war broke out, four thousand men for the United States Army. We had had more or less trouble during the years 1862 and 1863, but early in the spring of 1864 a general Indian war broke out. The entire tribe known as the Cheyennes, with all its different branches, and the Arapahoes, with the exception of one little band of Indians controlled and headed by an Indian by the name of Friday, were engaged in this outbreak. Friday, with his band, living in Colorado in our midst, was uninjured and undisturbed during the whole war. But these Indians who were said to have been friendly and peaceable at Sand Creek had raided our entire Territory, had extended themselves into neighboring Territories, had murdered our settlers, had driven our miners out of the mining camps, had driven the settlers from the outside in toward the capital of the Territory, and these Indians came within twelve miles of the capital of the Territory and murdered a whole family. They came nearer than that, and they alarmed the whole community. All portions of the Territory were terrorized by these Indians. We had not any troops, the United States had not any troops there. A few militia were called out and sent out, and later in the season the Government called for a regiment of troops. These troops were organized in accordance with the laws of the United States and placed under the control of a military officer of the United States.

These Indians, when cold weather came, assembled themselves in the southern part of the Territory, away from the settlements, where our people never went, and where, undoubtedly, they supposed they would be secure, and went into winter quarters. Colonel Chivington, who commanded the United States troops, composed, of course, of citizens of Colorado, without consultation with anybody except the governor, as we know—I do not know what his directions may have been from Washington, but without consultation with his troops at



least—went down into the neighborhood where he knew these Indians were assembled, and early one morning, at the break of day, made an attack upon their camp. At the very time that he made the attack, in the center of the encampment the leading chief had swinging from his tent the scalps of a great number of the citizens of Colorado, which were captured by these troops, and recognized by their friends as the hair from the heads of those who had been killed; and these scalps were flying from the tent of the leading chief of that tribe.

Mr. President, as early in the morning as the attack was made these Indians were not there peaceably; they were in their rifle-pits with their embankments prepared to make a defense if any troops came. They knew they had forfeited the right to be treated as friendly Indians, and they were prepared to make the fight, and they were nearly equal in numbers with the soldiers, and they made the fight, men, women, and children, and a desperate fight they made, and a great many of them were slaughtered in the end, as of course they would be under such circumstances. The superior force, the superior courage of the settlers, exasperated as they were, controlled by skillful officers, put them into a position to subdue the Indians; at least to defeat them in the battle. The Indian women, as well as the men, engaged in that contest, and when the dead were gathered up it was found that a number of women had been killed; it was found that some children had been killed.

I do not suppose it can be denied, I do not suppose it will be doubted, that among these ten or twelve hundred were some exasperated men whose families had been destroyed; for there were men in that regiment whose wives had been murdered, whose children had been murdered, whose houses had been burned, whose stock had been destroyed and run off, who committed outrages upon these Indians. I believe in some instances Indians were killed after they had surrendered. I believe that the superior Caucasian race for a little while was disposed to treat the Indians as the Indians had treated them; but the great mass of the men who were engaged in that battle repudiated any such conduct and saved such of the prisoners and children as they could.

Now, Mr. President, I do not want it to go down in history that the people of that country made an attack on an unoffending band of Indians. I know whereof I speak. I had been myself called out of my bed by the ringing of bells in the night-time to notify me that there was danger from Indian attacks, and the people of the whole Territory had been in alarm all the summer and all the season. For six weeks during that season we had had no communication with our friends in the East. We did not know whether the confederate government was the supreme government of the land, or the National Government; and the line from the Mississippi River to Denver was marked with the nameless graves of hundreds and hundreds of men who were seeking that new country in which to make them a home.

Mr. President, the people of that country were the people of the United States. Of the 33,000 people in that Territory in 1860, 4,125, the census said, came from the State of Ohio, 4,000 from the State of New York, 1,400 from the State of Massachusetts, 1,000 from Connecticut, and so the great mass of those men who were then in Colorado were people from the Northern and the Eastern States of the Union. The State of Indiana had sent 1,500 men to Colorado, Illinois 3,000. They were men like other men in this country; they were active, energetic young men mostly, that had come out there to make them a home or to make wealth and return with it and enjoy it in their eastern homes. They were not barbarians. They had endured all these things from the Indians during the summer, and when they found an opportunity to chastise them they chastised them severely.

Then, Mr. President, when the camps were examined there were found the household utensils, there were found the garments that the Indians had taken from the desecrated ranches all over the State, and as I said there were found scalps in great numbers. Other things were found there, of which I need not speak, that convinced everybody in that country that this band of Indians had been warriors and not peaceable Indians during the entire season.

But we were away, far away, from the seat of Government; and owing to some dissensions in the Army, as some parties desired that Colonel Chivington should not receive any benefits from this achievement, he was immediately charged with having made an attack upon a friendly band of Indians. Chivington had supposed, his friends had supposed, that he would be complimented for this action; but those who preferred that other men should be promoted took the other view of the case, and Chivington was complained of. An investigation was had here, and the people of Colorado were not heard; rarely were any of those who had participated in the battle consulted about it, and so it has gone into history that this peaceable band of Indians, numbering several hundred warriors and a great many women and children, were slaughtered by the people of Colorado.

Mr. President, the Senator from Massachusetts has said nothing offensive in that matter, because he simply quoted history; but I merely wanted to put on record the denial that there was any barbarity excepting in the few extreme cases I have mentioned, and I want to say that they were not a tithe, not a hundredth part of the barbarities that had been practiced upon our people. I say also that the burnt ranches and desolate homes of that new Territory were much more numerous than the wigwams made vacant by

that battle; and I think that it is but fair to those young men who went into that battle in defense of their homes, in defense of their families, that I should put on record my emphatic denial that there was any reason to complain of the attack of the troops upon the Indians at Sand Creek. I speak from personal and actual knowledge, having contributed during that summer a considerable amount of money to the operation of the people of that Territory, and having myself gone into the field and sat down by the smoking fires in these Indian camps to eat my dinner. I know whereof I speak when I say that those people are traduced and slandered when they are charged with having committed crimes of this character.

Now, Mr. President—

Mr. HOAR. Before the Senator passes from that point I should like to ask him, as a part of his very interesting historical statement, whether he has any reason to question the accuracy of the estimate given by the Commissioner of Indian Affairs as to the cost of that war?

Mr. TELLER. I would say that I have not, and I believe I have on two or three occasions here spoken of the great outlay of money by reason of the stupidity, I think I have even said, of the Government in dealing with the Indians.

Mr. HOAR. If my honorable friend from Colorado will permit me, I wish to say a word, though I do not suppose it is necessary for his satisfaction; but I should like to have it go in connection with his remarks, that it may be read elsewhere. I read yesterday an extract from the report of the Commissioner of Indian Affairs of that year in which he said he had culled certain facts as to the origin of that war from the official records. I made no statement of my own. The statement which I read from him does not contain any suggestion that these things were done by the people of Colorado; on the contrary, wherever he speaks of their being done, he says they were done by the United States forces. When I read that sentence, however, I interrupted the reading, and to say that I made these extracts, not for the purpose of charging any cruelty or wrong-doing upon anybody—that was not my point—but because they were so inextricably interwoven with the statement of the cost of the Indian war that I could not very well read one alone without mutilating the record from which I read.

I endeavored yesterday, in making the point which I made, to confine myself to this one proposition, that under the present method of dealing with these 250,000 Indians who ought to be controlled by the force of a single city with civilization at its back, and a pretty small city, too, the United States with its fifty million people was expending millions upon millions of dollars every year, and had expended a thousand millions since the foundation of the Government, and was to increase and not diminish that wasteful, profligate expenditure if it went on without a change; that to take all the Indians of school age, make them hostages for the good behavior of their parents while they were held, and to educate them, would cost a million or two a year for four or five years, and end the whole problem; and I fortified that argument by this statement from the official records as to the cost of the wars.

Mr. TELLER. Mr. President, if the Senator had listened to me when I commenced speaking he would have noticed that I exonerated him, that I said I did not refer to this matter because I had any complaint to make of him; I only referred to it because it was put in the RECORD as a historical fact, and I could not leave it there without some contradiction of it. I had no fault to find with the Senator. I saw that he could not make his statement without reading this, and therefore I stated that I had no complaint to make of him upon that subject.

Mr. President, I am not disposed to quarrel with the Senator in reference to the results of the education of Indians. The only thing that I take exception to really is what he said. I think, perhaps, there are two views he presented which may be somewhat doubted. The first is that if we had educated the Indian we should have saved all this money. That cannot be exactly true, because it was necessary that there should be some conflict; we had to come in contact with the Indians; we could not get at them to educate them until we had expended some money growing out of that necessary contact. I want to put on record my protest against the idea that you can educate Indians so that they become civilized and will discharge the duties of citizens in five or ten years; and that is what I complain of; that is what I have complained of in the Senate again and again, that we proceed upon a false assumption; that we do not understand the character of the Indians, and that we propose to take a race of men who have had certain notions ingrained in them by a thousand years of existence and to take from them their pride and their prejudices and their passions and put them on the plane occupied by intelligent, educated people, in five or ten years. It is a moral impossibility. It cannot be done.

Mr. HOAR. The honorable Senator will allow me to inquire, if it will not interrupt him—because I ask the question for information and not by way of disbelieving what he says—could we not accomplish it with the present instrumentality if we had money enough, so far as it has been done within a generation in the case of the Cherokees, as described by Mr. Bushyhead in his proclamation which I read, and so far as it was done in less than twenty years in the case of the people of the Sandwich Islands? Of course nobody supposes that the Cherokee or the present Sandwich Islander equals or approaches the

white man; but two things have happened to both those communities: they have become able to support themselves in a certain degree of civilization, and they have acquired enough intelligence and knowledge of the arts of life not to undertake to make themselves the source of military danger to anybody, if you can call it military danger.

Mr. TELLER. I will answer that as I go along. The question the Senator asks me illustrates the difficulty we have in contending with this Indian problem. The moment that I doubt the honorable Senator's conclusion, then the honorable Senator doubts my anxiety to do what he is trying to do.

Mr. HOAR. Oh, no; I do not.

Mr. TELLER. If not, it would seem so at any rate by the question. But I know that is the general feeling in the country. The moment a man stands on this floor and says that that thing cannot be done with money, that it cannot be done at all within a certain time, that time must be given to do it, then it is immediately said, "You do not believe the thing can be done at all." And very likely such a man will be charged with having the sentiment that a dead Indian is the only valuable Indian in the country.

Mr. HOAR. I certainly said nothing which would warrant the Senator in coming to such a conclusion. My point was this: the Senator said that it is a great misfortune to suppose you can civilize a race which has had thousands of years of savage life, savage habits, savage traits, in five or ten years. My question was, supposing that to be true, conceding it, is it not true in the Senator's judgment that they can be so far civilized, as I supposed in my question, as was done in the case of these other savages? Now, I do not see that there is anything in that which imputes to the Senator a preference for a dead Indian over a live one.

Mr. TELLER. I thought the honorable Senator seemed impatient that I was going to take too much time to do it.

Mr. HOAR. Oh, no.

Mr. TELLER. Now, I will answer his question, because the Senator does not seem willing that I should reach it in the regular course of my remarks.

I believe it to be the duty of the Government to proceed now and to adopt any theory that will promise the quickest result; but I do not want to be misunderstood; I do not want our people to start it upon the theory that they are going to civilize these Indians in five or ten years, and at the end of that time find they have not done it, and then throw the whole matter aside and say it cannot be done at all. I want to proceed upon an intelligent theory, first that the Indians are to be educated, and when I speak of their education I do not mean education simply in books. I agree with the Senator from Kansas, [Mr. PLUMB,] that there is something else to be done with these Indians besides teaching them to read and to write and to spell and to cipher. I think the first thing to be done is to teach them to work, and in my judgment that is the great civilizer of the human race. If I have not read history wrong, no people have ever come from a savage condition to a civilized one until they first became laborers, and whenever you have taught your Indians to work, then you have entered upon a solution of this great Indian problem. I would couple with the learning to work the learning to read; I would couple with it the book knowledge that every man ought to have who is to be able to take care of himself; and I believe that is the theory upon which the Senator proposes this amendment to this bill.

The honorable Senator refers to the Choctaws as an example of what can be done, and refers to the proclamation of Mr. Bushyhead. Let me call the attention of the Senator to the fact that the Choctaw Indians when first known in this country were agricultural Indians. They had some of the elements of civilization; they were laborers; they were cultivators of the soil in the beginning of their history in this country. You may take the Sandwich Islanders, and they are a very different class of men from our Indians. They have not half the mental strength of the Indians. Such of them as I have come in contact with are not as capable as the Indians, in my judgment. I believe there is a great deal of mental strength in the Indian, but I do not believe that he will readily take to books. I believe that when you attempt to educate the Indian, I mean now in the book line, you have a big job on your hands. I do not deny but that it can be done; I do not deny their ability to take in knowledge; I do not deny but what they will learn readily to read. The trouble is whether you can keep them at it; the trouble is to keep them steadily employed. You may take them to Carlisle, and you may put them there, and they will learn, and I have no doubt they will make as much proficiency as any other class of students that you can pick up; I mean taking them generally through the country. I have no doubt of it. I think that some branches of the Indian tribes that I have met are really very superior men.

I think the Ute Indians, of whom you have heard something from me in the Senate on one or two occasions, are a remarkable people. I think they are capable of high improvement in time, whenever you can tear out of their minds the prejudice of their traditional training. Whenever you can get a Ute Indian to say and to determine that he wants to be like a white man, then he can be like a white man, and as quick as any other savage man in the world he can be like a white man, and quicker than most of the savages of the world. But he has so much pride, so much feeling, so much

tenacity of purpose to stick to his ancestral notions that he will not readily take any instruction in the way of books, and he will not labor until he is compelled to do it, because he has been educated in the idea that labor is degrading to him. And it is not strange, it is one of the misfortunes that here you have a savage, and the question is how you are to deal with him.

On various occasions I have said in this Chamber that the Government owed to the Indians a duty; I have repeated it every time the Indian question has come up, and I have never since I have been a member of the Senate voted against a liberal appropriation either for the subsistence or the education of any Indian tribe. I believe, as the Senator from Massachusetts has said, that it is the duty of the Government to educate them, and I believe it is cheaper to educate them than it is to fight them, but I do not believe that education will save them from more or less conflicts with the white people; but, Mr. President, it will help. I do not believe you can bring Indian children from Dakota or from the Indian Territory to Carlisle or Hampton and do them very much good. A few may be benefited, but the trouble is you cannot take the mass of them.

I spoke a little while ago of an Indian in Colorado by the name of Friday. Friday was an educated Indian, who read English, who spoke English, who read French and Spanish. I do not know whether he had any knowledge of the Greek roots, but it would not have helped him if he had. At all events, he was an educated Indian, and yet he was not any better than the rest of the Indians, and why should he have been? He was the only Indian of his band who spoke English; he was the only Indian I know of in all that country who could read at all. He had not any association but the blanketed Indians, and why should he not be an Indian? He was an hereditary chief; he was the leader of his band; and why should he not naturally be an Indian?

When you take these children to Carlisle and send them back, they will be skilled in some things; they will be capable of domineering and dominating a certain class of Indians, but the danger is that if you do not have a mass for them to associate with who have notions like unto theirs they will go right back to the same condition that their ancestors were in and that they themselves were in before they were taken to Carlisle. Is that to be the history of Indian education? There have been Indians educated to such a degree that they would be an ornament to any society in the world, and yet those same Indians have roamed over the country with their blankets and their guns as savage as the most savage Indians of all their clan or tribe. I have looked into the history of Indian education in this country, and I find that a very large percentage of all the Indians who have been educated have gone back to barbarism and savage life; and it is not the fault of the Government; it was the fault of the people who attempted to educate a few and did not educate enough to give them the support and the strength that they ought to have had; and that is why I say that you cannot educate the Indian race and bring it from degradation to civilization by the education of a few in Pennsylvania or Virginia. You must extend the benefits to the whole tribe, to all the Indian youths, and you cannot take them to Pennsylvania; you must put your schools down by the side of them where they can be got at, and where the children can be brought in either by moral suasion or by force, and give them the advantages of education.

I know, Mr. President, that it is said you must take the Indian children away from the adults, that you cannot educate them if you keep them in contact with their parents. I will admit that; I will admit that it is very difficult to educate them if you allow them to go home and stay at the lodges over night; and yet I believe that the education of the children will have some little influence upon the adults, and I believe that if you could bring the school within a reasonable distance, where the parents could occasionally go and see that their children were taken care of, where they could see that they were not improperly treated, it would add very much to the strength of this system. The Indian is as much attached to his children as the white man is. I believe they are a remarkably affectionate people so far as their family relations are concerned. They object, as I find from looking over the reports, to sending their children away to the eastern schools to be educated, and if one of them dies those who had objected to the children going, say to the Indians, "look here, they killed your child down there." You must do as is done in this bill when it puts an Indian school in Oregon; if you want to educate the Indian children of Oregon, put the school in Oregon; if you want to educate the Indian children of Colorado, put the school in Colorado; if you want to educate the Indian children of Utah, put the school in Utah; and so on.

Mr. President, there are many theories with reference to the Indians, and every man in this country who has a sympathetic heart, who is anxious for their welfare, adopts a theory of his own. Two years ago it was "land in severalty." I remember we were promised if we would only pass a bill giving to each Indian one hundred and sixty acres of land, that that would end the Indian problem. Why, Mr. President, the Indians who want land in severalty are already civilized Indians. Land in severalty is all right for such of the Indians as are capable of understanding it and appreciating its advantage, but not for all. So education is good for some, but it will not do to attempt to educate them all at once. It cannot be done. It will be found to be a physical impossibility.



I am in favor of this amendment. I am in favor of giving to the President—for I understand it is lodged in him—the discretion to establish just as many Indian schools in this country as in his judgment will be beneficial to the Indians. I do not care what the expense is. I realize that the Senator from Massachusetts is correct when he says that our Indian policy has cost us a thousand millions of dollars. I think it has cost us all of that money. I know a very intelligent man who lives in the Indian country, who told me that it had cost \$1,250,000,000 two years ago here in this Capitol. A few millions, as the Senator said, in the way of an educational fund can be well spent; but not, as I said before, will this Indian question be solved in five, ten, fifteen, or twenty years. It will go on for some considerable time, and there will be Indians left in some parts of the country who will resist with great energy all efforts to give them an education; but the mass of the Indians in this country, I believe, can be brought within the influence of schools provided there is a sufficient appropriation of money, and provided, further, that the man who is mentioned in this bill as the superintendent, or whatever he is called, is wisely selected. Much will depend upon that. You may take a man learned in all the learning known to the age and send him out there, and if he lacks good practical common sense and a disposition to adapt himself to the circumstances he will prove a failure in that place. You may pick up a man who perhaps is not noted for his education, like this man Captain Pratt, or some such man who by nature is adapted to the business, who has skill, who has patience, and all that is desirable; who, if put in this place, may make a grand success of it; but a man ought to understand when he takes the place that he is not to be removed by change of administration for political purposes; he ought to dedicate his life to this service; and if you get such a man, and Congress shall support him thoroughly with money and with encouragement, the time will come when this question will be robbed of its difficult and objectionable features at least.

Mr. ALLISON. Mr. President, I entirely sympathize with the Senator from Massachusetts [Mr. HOAR] in the object he has in view as proposed in this amendment. I do not know but that I ought to thank him for the kind allusions he made to the report which I had the honor to make to the Secretary of the Interior some years ago in reference to the Sioux tribes. In that report I substantially agreed with the suggestions now made by the Senator from Massachusetts. I said then that the Sioux tribes could only be made self-supporting by means of the enforcement of the treaty made with them in 1868. I think, however, that the amendment proposed by the Senator from Massachusetts appropriates more money than is necessary to carry out the object he has in view. The bill as reported from the Committee on Appropriations provides for two new schools which shall each support one hundred and fifty children, one to be located in the neighborhood of the Indian Territory for the purpose of educating the children of such Indian tribes as are not comprised in what are known as the five civilized tribes, and the other to be located in the neighborhood of the Sioux reservation for the purpose of educating the youths of that race. Thus provision is made for three hundred children.

We have also made reasonable provision for the education of such of the Indian youths as are willing to come to Carlisle and Hampton, as I believe it is now conceded that both those institutions have proved a success, where they teach not only the English branches of education but also the varied industries to which the Indians are supposed to be willing to apply themselves when they shall have finished their education.

We have also provided in this bill for a superintendent of Indian education, a person whose duty it will be to study in detail and with care, having regard to the situation of these Indian tribes, this very question of Indian education.

Now, the Senator from Massachusetts proposes to supplement all these things by providing for the education within the next fiscal year of 2,500 Indian youths at \$200 apiece. I submit to him that in the very nature of things—

Mr. HOAR. Only so many of them as it may be practicable to provide for at present.

Mr. ALLISON. Undoubtedly; but I submit to the Senator that in the very nature of things it will be found impossible to get 3,000 Indian children who can be provided for next year in the way proposed in the amendment.

I think there is another difficulty in the way of the Senator's amendment, unless it be that he intends to carry out the provision already in the bill which provides for the education of a hundred children, which I did not mention, namely, that those children shall be educated at schools now established and in existence; because if school buildings are to be erected, and if all the necessary machinery is to be supplied for them, there is no provision made for that, because the expenditure cannot exceed \$200 for each child.

Mr. HOAR. If the Senator from Iowa will excuse me for interrupting him a moment, this amendment of mine has in mind the point which was so forcibly stated by the Senator from Colorado; that is, you have provided for the education of two or three hundred children in all out of the 30,000 in the country. The Senator from Colorado says what I had said previously myself, but more briefly; he said it more at length, and of course with much more authority, because he lives in the neighborhood of the Indian country, if you take half a

dozen boys from a tribe, educate them a year or two, or three or four years, at a white school and send them back to be the companions of a generation of savages of their own age, they will go back inevitably into barbarism.

If my friend will pardon me I will state a fact that I was told by a very high official in this country in corroboration of that. In one of the recent surveying expeditions, one of the young scientific gentlemen, a graduate of Yale College, was sitting alone in a hut in a country where there was great danger of an attack from hostile Indians. The expedition had gone away leaving him behind, alone. He looked up and saw an Indian, naked, with a very trifling exception, and with his war paint, standing silently, motionless behind him. He was a good deal alarmed at the apparition. The Indian broke silence by saying, "Can you tell me whether old Professor Kingsley, of Yale College, is living now?" The man had been a graduate of Yale College, had been in Europe, and had gone back to his tribe and resumed their habits, and was out on the war-path at that moment; but regarding the tie of a Yale College graduate as stronger than the hostility between him and the whites, he thus addressed a fellow-graduate.

Some of these bands are large and some are small. If you enable the Secretary of the Interior to consult with the honorable Senator from Colorado some time next year, if he shall be in his neighborhood, and act upon the idea and take from some one tribe boys enough to give knowledge to the whole generation when they go back, you will have done the work for that tribe. That is what the provisions made by the committee taken alone will hardly permit, but this additional appropriation of mine will permit; and it only authorizes or directs this to be done by the Secretary of the Interior so far as he shall find it practicable, limiting the number to 2,500 in all. If he cannot find the means of doing it for 2,500 in the next year, he will not do it. That is the theory on which I went.

Mr. ALLISON. I was only intending to state that in my judgment the sum proposed by the Senator from Massachusetts is not necessary and not practicable; that is, that not more than one-half the sum can possibly and reasonably be used during the next year.

Mr. TELLER. You speak now of the whole \$500,000?

Mr. ALLISON. I say that \$250,000 is an ample fund for the purpose indicated in the amendment proposed by the Senator from Massachusetts; and that being so, I hope he will consent that this experiment may be tried with one-half the sum he proposes.

Mr. DAWES. You mean that that is all that can be used, but not that it is sufficient to accomplish the purpose.

Mr. ALLISON. I say it is all that can in the nature of things be safely and prudently used within the first year, and I say that in the face of the fact that I sympathize with him thoroughly, as also with the Senator from Kansas and the Senator from Colorado. Their speeches and advocacy supplement each other. I agree with them that you cannot make the Indian a laboring-man until you teach him the habits of a laboring-man. You cannot do that otherwise than by changing to some extent his present nature and condition. I visited the Sioux tribe in 1875. I should myself despair of making those Sioux who are over forty years of age in any way self-supporting, and yet I believe that if we could go into the Sioux Nation and take from that nation a majority or even a large portion of the youths of the tribes, and put them in places separate from their fathers and their mothers, and educate them for four or five or ten years, and then send them back, if you please, to mingle with those who remained, they would dominate, and not the savage portion of those tribes; but you never can make the Sioux Nation a self-supporting nation until you practically educate all the youths of that nation. I advocated that in 1875; I advocate it to-day, and if there was not a particle of sentiment in this question, if there was nothing of humanity in it, or nothing of a disposition to elevate a savage race to a condition of civilization, our own self-interest requires us with reference to that particular tribe to adopt this method.

As was said graphically yesterday by the Senator from Massachusetts, the Sioux tribe and the Kiowas and Comanches and all the affiliated tribes, ranging from the borders of Texas to the borders of the British dominions on the north, were engaged in a savage warfare with our own troops in 1864, 1865, 1866, and 1867. We expended beyond question during those years \$100,000,000 for the suppression of those Indian hostilities. Those Indian hostilities arose from the contemplated incursions of civilization into the regions over which they had roamed for generations of time. We said we will build the Union Pacific Railroad, threading its pathway through nearly a thousand miles of Indian territory which had scarcely ever before seen the foot of a white man. So it was in the region toward New Mexico and toward Arizona. Those Indians resisted and resented that incursion, and said this region was set apart for them, and they went to war for the purpose of protecting what they supposed to be their homes and firesides and those of the generations who had gone before them.

Mr. MAXEY. I ask the Senator from Iowa, from his knowledge of Indian character and habits, if it would not be better if we adopt the system here indicated, to establish the schools right among them where the fathers and mothers can visit them, and where the influence of the schools will be spread about all over the land?

Mr. ALLISON. I would establish these schools in the neighborhood. As I was about to say, that question was agitated in Congress

in 1866 and 1867, and a commission was selected to make peace with those tribes. That commission was a joint commission; I believe General Sherman, of the Army, was placed at its head; and in 1868 they did make treaties with all those Indian tribes, and treaties which would have been munificent fortunes to any other but savage people. If we were to carry out the letter and spirit of the treaty which we made with the Sioux tribes in 1868, it would cost this Government more than \$100,000,000 in money. We have already expended in the execution of that treaty nearly \$30,000,000. There is in this bill for subsistence and clothing alone for those tribes and for little scraps of education \$1,800,000.

I said in the report referred to by the Senator from Massachusetts, and I repeat it here to-day, that this expenditure of \$2,000,000 will go on as long as the Sioux tribes last unless we change our policy with reference to them. It made me sad in 1875 to see \$2,000,000 expended there with these tribes merely for the purpose of giving them a pound and a half of beef per day, and so many pounds of coffee and other rations for each hundred pounds of beef selected.

Now, that is to go on unless we educate the youths of those tribes. I say this in the face of the statement made by the Senator from Kansas [Mr. PLUMB] yesterday with reference to the Navajoes. The Navajoes, it is true, were always a savage tribe, but there are old men in this Chamber who will remember that away back in 1856 and 1857, nay, earlier than that, a Navajo blanket was the greatest luxury that could be purchased in the eastern portion of our country. The Navajoes for nearly half a century have been engaged in that class of labor. It is true they have grown immeasurably since 1869, under the impetus and stimulus of the treaty of 1868; but the Navajoes live in a different country from the Sioux. There is no possibility of the Sioux living as the Navajoes live to-day or have lived. In the first place they are on a reservation which is not largely agricultural; they live in an inhospitable climate; they cannot raise sheep and other stock in that region without laying up during the summer time a large amount of forage for the stock in the winter. Every man knows that an Indian will not do that. Therefore that system will not do for the Sioux tribes, although it has proved so excellent in the case of the Navajoes.

I say then that the only way to solve the problem with reference to this great tribe of forty thousand people is to educate them. As the Senator from Texas [Mr. MAXEY] very properly suggested, I would educate them in the immediate neighborhood of the Sioux reservation; but I would not place the schools upon the reservation or in the midst of the locations of the tribes; because if you do that it will be much more difficult to educate the children than it would be if separated from them.

Mr. MAXEY. I will state to the Senator that one reason I gave was from my personal knowledge. In the civilized tribes living near me there are schools all over every one of those nations, and in my judgment nothing has done more toward the civilization of those tribes than the influence of the schools. What does good in one place I think ought to do good in another.

Mr. ALLISON. But the Sioux are a warlike nation; they are a hunting people. Now their game is gone; they have no means of livelihood except by the munificence of the Government as provided in the treaties. The Union Pacific Railroad traverses their old reservation. The Black Hills were discovered in their present reservation, and we took a great hole out of it. There are two railroads now, with their own consent, running into the reservation to the Black Hills. The Northern Pacific Railroad runs through their reservation. It will be only a few years when they will be completely surrounded on all sides by civilization, and their reservation will be penetrated into its very heart by railroads, by towns, by miners, and by agriculturists. Therefore, they must in some way adopt our civilized habits and civilized life, and we must enable them to begin by providing them with industrial schools of some character.

My judgment is that, although the sum is small this year, if the experiment is to be successful it must be much larger next year; but as a practical question you cannot establish the schools within the next year. Therefore I would suggest a smaller appropriation; and I would take the school superintendent the bill provides for, and let him visit the Sioux tribes and the Kiowas, Comanches, and other barbarous tribes, as well as the half-civilized tribes, and report to us a method by which we can expend prudently and economically this money, without going into it haphazard and not knowing exactly what the effect and result will be.

Mr. COCKRELL. Will the Senator from Iowa permit me to ask him a question?

Mr. ALLISON. Yes, sir.

Mr. COCKRELL. Did not the Committee on Appropriations go just as far in that line as it ought to go, or as it is right to go?

Mr. ALLISON. The Senator from Missouri knows that I would have been willing to go considerably further. The committee went as far as they could agree to go, I admit; but I think we could have gone further with perfect safety.

Mr. BECK. Let me ask, was there any suggestion from any member of the committee to go any further than we did in the way of the education of the Indians?

Mr. ALLISON. I do not think there was any material change suggested. If I may be permitted to state what occurred in com-

mittee, I will say that I suggested \$50,000 under that last appropriation. We finally settled down upon a smaller sum.

Mr. BECK. What I want to understand is this—for I have not taken any part in this debate—are the Senator from Massachusetts, [Mr. DAWES], the member of the committee in charge of the bill, and the chairman of the committee [Mr. ALLISON] now about to add on large additional sums to the amounts appropriated by the committee for educational purposes in this bill?

Mr. ALLISON. I do not know what the Senator from Massachusetts [Mr. DAWES] proposes to do.

Mr. BECK. I did not hear his speech.

Mr. ALLISON. I should myself be willing to vote for \$200,000 or \$250,000 for the purpose suggested by the Senator from Massachusetts, [Mr. HOAR.]

Mr. BECK. I should like to ask the Senator from Massachusetts [Mr. DAWES] the question.

Mr. DAWES. The Senator from Kentucky I think heard what I said myself.

Mr. BECK. I beg pardon, I did not; and that is the reason why I ask the question.

Mr. DAWES. I said, that being charged with the duty of maintaining the bill intact, I had great embarrassment between my duty in this respect and my inclination to vote for the amendment, because the amendment was precisely in the line of an amendment which the committee had agreed to, and which the Senate had adopted; and that my only hesitancy about the question was whether in that line we could expend more money than we had provided for in the bill, being disposed, as I thought the whole committee were, to go just as far as every dollar could be judiciously spent. That I understood to be the position of the committee. I endeavored to hold myself true to the committee in this matter. I said that I did not want the amendment voted down, for the reason that it might be misconstrued into a condemnation by the Senate of the very proposition which we had agreed to already, but that I wanted to vote for the amendment.

Mr. BECK. The reason why I ask the question is because, having been obliged to go to the House of Representatives on some business with a colleague there, I was called out while the Senator from Massachusetts made his speech, and I was not aware of the position that the Senator from Massachusetts in charge of the bill had taken in regard to the amendment of his colleague. I understood the junior Senator from Massachusetts [Mr. HOAR] to say yesterday when he began his speech, that while he desired to go a good deal further, he was somewhat obliged to the committee for taking the rather liberal view they had taken. The serious apprehension I have is that in the conflict that will necessarily arise between the two Houses over the bill, we have indeed gone quite as far as we shall be able to maintain ourselves. After the experiment has been once fairly tested, if it works as well as we hope it will, and we are able to maintain what we have done, upon a subsequent occasion, perhaps on the very next year's bill, we may proceed still further. But I am afraid that any effort to go beyond what we have done may result in failure, as we must all admit it may, and we should then be thrown back instead of being advanced.

Mr. HALE. Mr. President, the bill as reported to the Senate does go very far in the direction of the experiment of Indian education. It provides for the support of the Indian industrial school at Carlisle, Pennsylvania; it provides for the Hampton Indian school, at Hampton, Virginia; and it also provides for an Indian training school at Forest Grove, Oregon. In addition to that, the bill provides for a new school to be set up in Kansas near the Ponca and Pawnee reservations, and for an additional new school for the Sioux Indians in Dakota Territory; and having done all that, it embarks on an entirely new experiment. On the suggestion of the chairman of the committee, the Senator from Iowa, the bill makes an appropriation for taking Indian children from their reservations and introducing them into the schools in the different States to the number of one hundred and educating them there. I do not know what other way there is of experimenting further in the matter of the education of Indian children.

Mr. HOAR. Will the Senator from Maine allow me to ask him a question?

Mr. HALE. I can only talk for a moment, and I would prefer if the Senator would let me finish.

Mr. HOAR. I wanted to get a fact on the point the Senator is stating.

Mr. HALE. I have no objection to the Senator asking a question.

Mr. HOAR. If the Senator has no objection I will ask it; if he has, I will not. My question is, of all the 10,000 school children for whom the chairman of the committee affirmed we are bound by treaty to provide education, what number does the committee provide for?

Mr. HALE. There is no limitation, excepting in reference to the one school to be established near the Sioux reservation, as to where the children shall be drawn from. If it is thought desirable, the whole of the hundred children provided for by the amendment, on page 50, may be taken from the Sioux.

I see no other method of experimenting which is available except the methods provided in the bill. It may be that we can experiment further by expending more money in these directions; but I think



the provisions I have pointed out cover what will be said by sensible men to be the available methods of experimenting in the education of Indian children. After all, it is an experiment, and being an experiment, and the committee having gone as far as it has in this direction, and a year being but a brief time, I am content to rest here for the present. I should like to have the appropriation of \$17,000 placed in the hands of the Secretary of the Interior, to be used for the year coming in order to see whether it is a success, to see whether it is even possible to take a hundred Indian children from the tribes and introduce them into our schools, and see if it can be set afoot and a year from now reported as an experimental success. I am willing to stop there. I think the method can be proven either in one way or the other in the next year. I agree with the Senator from Iowa that it is better to wait and spend no more money for this purpose now.

Mr. PLUMB. Mr. President, my objection to the amendment is not that it seeks to appropriate \$500,000 for the education of Indians, but because, as I said yesterday, it begins at the wrong end. In my judgment, we have got to take hold of the Indian as he is; we have got to make use of his ordinary and legitimate aptitudes. He is keen enough, he is smart enough in the directions in which his intellect and his ambition have been heretofore directed. The Indian is now confronted, as we are, with a changed condition of things, and the question is whether we shall turn around completely and seek to put him into an entirely new channel of thought and of action, or whether we shall utilize him as he is and as he has been in the direction of self-support. My own belief is that the expenditure of this money will simply tend to make so many Indians, if not paupers, genteel loafers.

The Sioux Indians—and that tribe has been mentioned by the Senator from Iowa, who has seen their reservation, as I have not—occupy a territory to-day which is more than one-half in territorial extent the size of the State of Kansas. More than 40,000 square miles of territory are embraced in the reservation of that tribe. The tribe numbered at the last census about twenty-four thousand. It is a country which is, perhaps, not susceptible of agriculture as we ordinarily use that term, but it is a country covered with grass, and is bisected with running streams of water. It is calculated in the highest degree for grazing. It is a better country for grazing than the country which lies four hundred miles south of it. While the climate is not so temperate, the average weight of cattle is at least one hundred and fifty pounds each greater; and the white people who live in that country have no trouble whatever in wintering their cattle, wintering them substantially without cut forage. It is idle to say that an Indian cannot take care of an animal during winter time as well as during the summer time. To say he cannot do that is to confess the whole case away against him; because if he cannot do that, how can he do the more intricate thing, requiring more deftness, more intellect, more judgment, more capacity, that of taking care of himself in the mechanic arts? He certainly cannot compete with the white people in those things which naturally grow out of school-book education. He can compete with them as a herdsman, he can compete with them as a grower of stock, he can take care of himself.

The objection to this amendment is that we are diverting ourselves from the true point in this controversy; that we are deluding ourselves with the idea that we can make the Indian self-supporting by educating him; and to that extent we are neglecting his obvious capacities and our equally obvious duty. Instead of giving \$250,000 to educate him in the school-houses, we ought to give him \$250,000, or \$500,000, or \$1,000,000, as the case may be, in order that he may be provided with stock, in order that he may take care of himself. That is the reason why I object to the amendment. The old colonists, of whose descendants the Senator from Massachusetts is a representative, said they would give millions for defense, but not a cent for tribute. I would give millions for cattle and millions for sheep before I would give a cent for education. When I say "education" I mean the education of the books.

Mr. President, what is education? Is it not educating a man to teach him to do something that he has not before done? Is it not educating a man to teach him to take care of cattle that he has not before done? Is it not educating a man to teach him to take care of his body and lead himself from the pauperized condition in which he is found? Is there any higher education than that? If so, what is it? When you have put a man in a condition to cover his back, to clothe himself, to feed his stomach, and to relieve himself of the good offices and charities of the Government, is there any other office the Government ought to perform in regard to him? Whatever else comes to him will come to him because of the inducement which the result of his labor brings to his comprehension. If he wants the A B C's, it will be because by reason of what he has learned he realizes that the A B C's enlarge his capacity; that he can take care of more cattle; that he can multiply his faculties, his opportunities, and his offices. As I said, we are beginning at the wrong end when we neglect these obvious things and propose to give the money of the Government to these Indians for that which they do not appreciate, and which cannot in any appreciable way make them self-supporting.

I yielded on the committee to the amendment which was reported and which has been adopted by the Senate, proposing to add to the large sum heretofore appropriated for the purpose of education proper, because I was unwilling to put myself against what seemed

to be the universal disposition; but I say now as I said yesterday, and as I have said before on this floor, that the whole Indian policy has been a mistake, a wretched, grievous, wicked, and cruel mistake from the beginning, in that it has not taken the Indian as we found him, but sought to make him other and different from what we found him; not making use of the capacities which he confessedly has, but endeavoring to give him capacities which he has not. I say that by just as much as we pursue this line we get away from the true theory; we commit ourselves to his support; we pauperize him in advance, and we pledge ourselves that hereafter for all time to come we will support him from the Treasury of the United States. The Sioux Indians, yea nine-tenths of all the Indians in the United States, would in the next five years, by pursuing the policy I have indicated, be put upon a basis of self-support by the appropriation of one-half the money that we appropriate now for school-books and teachers and school-houses, and thus the Indian problem would settle itself. Is there any one who will say that any other obligation remains over against the United States? Why does it not equally pertain to all the people who are uneducated within the entire limits of the country? It is a mistake, a grievous and a cruel mistake. It is a mistake which will result in the destruction of the Indians, physically and morally. It is a violation of the obligations of humanity. It is a violation of the objects and purposes of the Government.

If the Senator from Massachusetts will move that half a million dollars be appropriated for the purpose of supplying, not school-books, not teachers, not school-houses, not food, but stock and instruction in the care and in the use of stock to these Indians, I will vote very cheerfully with him for the appropriation of that sum of money, because, as I said yesterday, this is not a question of money. Five hundred thousand dollars is no sum of money if the object is proportionate to the amount to be expended; but it is because of the fact that this money is to be expended for a purpose which can result in no good, which will result in detriment, which will result in wrong and a perpetuation of wrong, that I say we ought not to go any further than we had proposed to go already in this bill before the amendment of the Senator from Massachusetts was offered.

Mr. BECK. Mr. President, I acquiesced very cheerfully in all the efforts that were made by the Committee on Appropriations in the direction we have gone in this bill as amended by the committee, and I am afraid to go any further at present; first, because it is an experiment. While I think it is an experiment in the right direction, what we have agreed to allow is about all that the Department have advised us that they can very well use, and the fact will be developed whether we can properly go further after the experiment has been made.

I believe the best thing we can do is to endeavor to educate the younger Indians. I believe it is one of the safest things we can do to get them into our possession and take good care of them; and it should be done somewhere in their own neighborhood, so that the older Indians can see that their children are well cared for. They should not be taken away and held as hostages, for they are very jealous in matters of that sort, but they should be somewhere where they could go home and visit their parents and friends occasionally.

Mr. HOAR. Will it disturb the Senator from Kentucky if I make a brief statement? It has been said by two or three gentlemen that the committee have done all that the Department asked. I do not know whether the Senator from Kentucky alluded to the report of the Commissioner of Indian Affairs—

Mr. BECK. I referred to the estimates of the Department.

Mr. HOAR. But still they made their estimates undoubtedly on the theory that the present policy was to be continued substantially. The Commissioner of Indian Affairs, in his annual report for 1881—and unless I am much mistaken there is a corresponding paragraph in the report of the Secretary of the Interior—says:

It becomes more evident with each year that the obstacle to the education of the Indian children of this generation lies not in their inability to be taught, nor in the indifference or hostility of the parents to education, but in meager appropriations.

Then he goes on to speak of the obligation of the Government to educate the 10,000 Sioux and the necessity for a large appropriation for that purpose. This report is made up largely of that subject. Then, also, he sets forth that what the Senator speaks of as an experiment to be tried has been tried successfully at Hampton and at Carlisle.

I beg the Senator's pardon for interrupting him, but I repeat the statement which I made yesterday that in five years with a proper appropriation for education this whole Indian matter can be removed from the Government, and that is a quotation from a statement to me by the present intelligent Commissioner of Indian Affairs; it is his language.

Mr. BECK. I am entirely willing to make the experiment so far as I think it can be faithfully carried out. I think the whole committee have endeavored to do that. We made treaties with those Indians in 1868 which of course we were obliged to violate. The railroad system compelled us, if you please, to do it; and a great many things crept into that system which proved very bad, indeed so bad that in 1870 or 1871 Congress refused to carry out the treaties altogether, and appropriated a sum in gross to the then President of the United States, General Grant, to manage the matter as well as

he could. The next year the House were so stubborn over the whole treaty question that the Senate of the United States agreed to the passage of an act, which is now a part of the Revised Statutes, providing that the Government should make no more treaties with the Indians without the consent of the House of Representatives, abandoning the whole policy of the Government from its foundation, and by a law giving up the whole question.

Little by little we have been improving. The first report which was ever made that struck me as conveying the whole sense of our conduct with the Indians was made by the late Superintendent of the Census, General Walker, when he was Commissioner of Indian Affairs. I sent for it a moment ago, and I will read the principles he set forth. He says:

The mistake of those who oppose the present Indian policy is not in erroneously applying to the course of the Government the standard they have taken, but in taking an altogether false standard for the purpose. It is not a whit more unreasonable that the Government should do much for hostile Indians and little for friendly Indians than it is that a private citizen should, to save his life, surrender all the contents of his purse to a highwayman; while on another occasion, to a distressed and deserving applicant for charity, he would measure his contribution by his means and disposition at the time. There is precisely the same justification for the course of the Government in feeding sassy and mischievous Indians to repletion, while permitting more tractable and peaceful tribes to gather a bare subsistence by hard work, or what to an Indian is hard work. It is not of course to be understood that the Government of the United States is at the mercy of Indians; but thousands of its citizens are, even thousands of families. Their exposed situation on the extreme verge of settlement affords a sufficient justification to the Government for buying off the hostility of the savages, excited and exasperated as they are, and most naturally so, by the invasion of their hunting-grounds and the threatened extinction of game.

Again he says:

The first month of hostilities would see fifty valleys, up which population is now slowly but steadily creeping under cover of the feeding system, swept bare by the horrid atrocities of Indian warfare, or deserted by their affrighted inhabitants, hastily driving before them what of their stock could be gathered at a moment's notice, and bearing away what of their household goods could be carried in their single wagons. Such would be the result even with the most favorable issue of military operations.

Now comes a sentence which I wished particularly to read:

It is right that those who criticize the policy of the Government toward the Indians, and ridicule it as undignified in its concessions and unstatesmanlike in its temporizing with a recognized evil, should fairly face the one alternative which is presented. There is no question of national dignity, be it remembered, involved in the treatment of savages by a civilized power. With wild men, as with wild beasts, the question whether in a given situation one shall fight, coax, or run, is a question merely of what is easiest and safest.

I have regarded that as the key-note. We have to do the best we can. If we can get possession of a number of their children in a friendly way, and educate them near where they are living, so as to let the other Indians see that we are taking care of them, and let them understand that the Government of the United States is endeavoring to treat them justly, and get those people to recognize this country and not their tribal relations, we shall have made a great advance. I remember that when the senior Senator from Massachusetts [Mr. DAWES] was chairman of the Committee on Appropriations of the House of Representatives, the first band of Sioux I ever saw came to Washington. Red Cloud and Spotted Tail came with them. We visited them at the Washington House. Red Cloud was very sulky; he and Spotted Tail had quarreled. They were kinsmen, I believe, but did not speak. The interpreter told them who we were and what we came to do. We held the interview, and if he reported Red Cloud aright, and I have no doubt he did, for that Indian saw that he was in the presence of men who had to deal with Indian affairs, who had to make their appropriations—he acquiesced, and in his speech (and no man in the Senate can make a better one) he told us of the treaty of 1868; he told us of the violations of it; he told us of the troubles he had had and of his desire for peace, of the effect of the bad treatment. He said that he had intended to go upon the war path, but he had come here; he had passed through Chicago, and had passed through different cities on his way to Washington; he had seen how hopeless and helpless his people were in a contest with a great country like this, and all he begged of us was that we would do the best we could, so that he could go home and tell his people that they must submit, that they were hopeless and helpless. He asked the committee to do him reasonable justice, for he did not believe that he could make the Indians believe that half he had seen was true. They would say somebody had conjured him, that somebody had done something to him and converted him from being a warrior into a squaw. I never will forget the speech he made. Every time you bring a band of Indians here and show them our power, every time you put Indian children under our control and have them improved, every time you do anything in that direction you break down the hostile spirit of the Indians and make them understand their true relations to this country.

I do not mean to compare the people from whom I sprang with the Sioux, but the Highlanders of Scotland, three or four hundred years ago, were not a very great deal better off in the respect that they fought under their clans, stood together as separate tribes, and each stood by the head of the clan. They knew no law but Roderick Dhu's command; they cared nothing for loyalty to the government. The Campbells on the one side and the Grahams on the other brought their clans together, and it never was until after the rebellion of 1745 and after the battle of Culloden, when they abolished the tribal relations and took off the kilt, when they could look to the government for their school-houses, that they became good citizens and law-

abiding people. Do not misunderstand me. I do not draw any analogy between the Highlander and the Sioux except in the one single feature of loyalty to the clan and fealty to its chief. As long as the Sioux and each of the different bands stand by each other and regard the order of their chief as higher law than the law of the United States or obedience to the Government, you will have no peace. You have got to bring them somehow or other into subjection to this Government.

I was willing to make the experiment, and I think we have gone as far as we can now in building some school-houses among them, aiding them in every way that we can in order to see if we cannot bring about that condition of things. I desire to make them work. I believe with the Senator from Kansas [Mr. PLUMB] that there is nothing so demoralizing as to pauperize them and to keep them begging and relying upon us to furnish them rations. Whatever we can do in that direction I am willing to do. I think that is the first step. At the same time we may conjointly with that make some experiments toward educating their children, which this bill proposes to do, as far, I think, as we ought to go. That is the idea I had in voting in committee, and the only idea I had.

This is a difficult problem. We have got to work it out the best way that we can. I do hope the Senator from Massachusetts will not press the committee any further at this time with what may hereafter be a very judicious amendment. But I think we have gone as far as we can in order to carry the bill through a conference of the two Houses, and as far really as has been fairly asked for. If the experiment proves to be a success the Senator can come with great power at the next session of Congress and tell us that what has been done has worked well, and we can extend it further and extend it properly.

Mr. SAUNDERS. Mr. President, I wish to say a very few words on this question. My own opinion is that we have got to take up this subject as we would all others where we are trying to make reforms and do it by degrees. I do not think it necessary to appropriate a very large sum of money for the purpose now proposed for the first year or two. It will require some money, but I do not think we need appropriate the large amount which is proposed by the amendment of the Senator from Massachusetts, [Mr. HOAR.] I rather agree with the Senator from Iowa [Mr. ALLISON] in thinking that one-half of that amount will be sufficient.

I rose, however, mainly for the purpose of reading an extract from a letter which I have received from a friend of mine, who is a very intelligent gentleman and is located as a trader at one of the agencies, the largest of any I believe in the country, the Red Cloud agency. I wrote to him some time ago to get some information. I knew that he was devoting a great deal of time to the study of the Indian character in order to ascertain what was best to be done for them. He is not only an intelligent gentleman but he has the disposition to try and elevate the Indian if possible. He had written me before that the best step which had ever been taken by the Government was in giving employment to the Indians, instead of allowing the white men to do all the work and get all the money around these agencies. He stated as one fact that \$51,000 had been saved by the Ogalalla band of Sioux Indians at that agency in one year by hauling their own goods from the Missouri River to the agency, some two hundred miles or more, and that it had encouraged the Indians so much that many of them had now commenced to try and lay up some money. Heretofore they had spent it all as fast as they received it; but when they earned it themselves they were inclined to save it. That will apply to white people as well as to Indians; when they earn money themselves they think more of it than they do when it has been given to them by the Government.

I do not wish to be tedious and therefore will read only a part of this gentleman's very interesting letter. I have no doubt it would be interesting to every Senator here to hear it all, but I shall only give a part of it to the Senate now. After going on to thank me for asking him the questions and thus giving him an opportunity to state his views, he said:

During my stay here I have tried to have in mind something more than the subject of money-making, and have accordingly studied the character, habits, moral and religious ideas, as well as capacity of the mind. A word in regard to the progress made by these Indians in three years. Three years ago not one of them lived in a house, while now there are more than two hundred families occupying houses built by their own hands, Government furnishing doors, windows, and boards; then there were hardly more than six bands of Ogalalla Sioux, while now they are subdivided until there are five times that number; then 6,000 Indians were within six miles of the Government store-house, now they are scattered over thirty miles and have located with reference to desirable lands, timber, and water; then the head chief was with them a head soldier or general, whose order was supreme, the agent being more a disbursing officer than an agent of the Government, whose duty it was to control their acts. Now chieftainship is spelled with a small c and agent with a large A. Instead of Indian soldiers guided by a big chief, we have fifty Indian police, armed and equipped by the United States and governed by its agent.

Two years ago the organization of the police force was strongly opposed by a large number of Indians, particularly the chiefs. A noticeable case was that of Chief Three-Bears, who opposed it in bitter terms by act and word of mouth. He afterward resigned his chieftainship and volunteered to become a private on the police force. He died a few days since and was escorted to the grave with full military honors, a salute being fired over the grave by ten Indian police.

Three years ago there was but one school and that poorly attended, now there are six and the attendance at each larger than at the one then. At that time it was counted a disgrace for a "buck Indian" to do any kind of work; now they do a large amount of freighting, a good many are employed as day-laborers by the agent, and two of the best employees are full-blood Indians employed by the com-



missary department. They are more and more taking up the ways of the whites in style of labor, dress, and amusements. Three years ago the sale of a wagon, buggy, bed, chairs, clothing, boots, hats, or anything of the kind to an Indian was not thought of; now I have a good trade in all these things. While few of them provide for the future there are cases where several hundred dollars have been saved by Indians from their own earnings. A good number of them have not only wagons furnished by the Department but extra ones with two sets double harness bought by themselves. A few have put up barns and about them are seen cows, pigs, and chickens, and a stack of hay for winter use. Earning money by work is giving them some idea of its value, though most of them spend money foolishly. The great drawback to their becoming self-supporting is the unfortunate fact that they have been located where a white man could not possibly gain a living by farming. Crops will not grow here unless the lands are irrigated, and this is out of the question, or rather it cannot be done to any advantage or with any profit. The streams are small and where an irrigation ditch can be used it is only to water a very small area of land; the lands being "broken" and the bottom lands narrow. The grass growing here is the most nutritious of any I ever saw and has better fattening qualities, yet I do not believe it is a desirable country for breeding cattle, as the loss by severe winters is great and the natural increase is much smaller than farther south.

For horse raising or breeding it is superior to any country I have any knowledge of. Texas horses used in driving cattle through reach here poor, sore-backed, and sore-footed, and yet in spite of the severe winters they will improve without hay or grain and in the spring "come out" fat. I noticed this last winter when the weather was the most severe I ever experienced, both on account of cold and snow. Horses paw through the snow for food, a thing cattle will not do. If it is the intention of the Department to invest any more money for stock for any of these northern Indians, I think it would be much better to put it in good work-horses than in cattle.

Then I pass on. He says, after alluding to the raising of stock, &c.:

The best thing ever done to improve these fellows was Commissioner Hoyt when he issued wagons and harness, and I understand that Commissioner Price has the same idea of teaching them to work. The first step has been taken and men working now are not called "squaws." Though these Indians have but recently been located here and at a great expense, the time will very soon come when they will have to be moved to an agricultural country or they never will be self-supporting, but always Government paupers. The Government has lacked a great deal here in improvements for the Indians, and a change now of location would be a poor policy, though it will have to be done soon, both in the interest of the Indians and of the Government.

Probably I have read enough to show what I wanted to present to the Senate, that we need to train the Indians as much in the business of life as in educating them in books. We want to do both, but we may overlook the more important matter.

The Indian, I have often thought, is like some of the wild animals of the country, he is a little hard to be tamed and cultivated up to become a part and parcel of our own people; it takes a great while to do it. I know the school that was taught in the building referred to in one of the amendments of the committee, which building now belongs to the Government. It was once used by the Pawnees. The younger Indians would go to the school and would learn a little something, but you never could get them to talk the language when outside. They went right back and mixed up with the others and talked the same language the others did, and they would be ashamed to talk with any one else. I have met them myself and I would ask them, "Can you talk English?" They would shake their heads and would not talk English; and that was the case with those who had been in the school some time and had learned considerable. On that account, in the expenditure of money for schools the Indian children ought to be located at some distance from the tribe so that the Indians who are being educated can talk to the whites.

I could speak further on this subject, because I have learned a great deal not only from the experience I have had heretofore from being near to the Indians but from what I have been told by others. However, there has been enough said on this subject to enlighten the Senate and the country. I take it there is no danger but what this experiment will be properly kept up from year to year until it is fully tried; at any rate, I hope so. Being as I am near to the Indians, nearer than many here, I feel more interested in the subject than many others do. I know that a great many of our western people take the view that we never can make anything out of the Indians, and I doubt myself whether we can ever make much out of those who are now grown up, the older ones; but I believe the younger ones can be taught to do something, and will become finally self-sustaining. It will take time, it will take work, it will take money; but I am in favor of giving them a reasonable amount. I am not in favor of giving so large an amount as the amendment of my friend from Massachusetts calls for, and I shall favor an amendment cutting the amount down to \$250,000.

Mr. MAXEY. Mr. President, I do not desire to prolong this debate, but I wish to add a few words to what has been said in regard to the pending amendment.

There is very much in what was said by the Senator from Kansas [Mr. PLUMB] in respect to beginning the education of the Indian by teaching him how to herd cattle and sheep, and to raise horses. The first thing to do toward the education of the Indians, in my judgment, is to break up their tribal relations, localize them, and teach them individuality and self-reliance.

I am in favor of the amendments reported by the Committee on Appropriations because they are, in my judgment, in a wise direction. The committee recognize the policy heretofore adopted by the Government in the sending of Indian children to the schools at Hampton, Carlisle, and Forest Grove, in Oregon. That is not changed by the committee, but they go further than that and, in my judgment, in the true direction; the committee go on and make appropriations for the building up of schools right among the Indians.

Whenever you teach the Indians that the Government of the United States, instead of laying the mailed hand of oppression upon them, as the Senator from Massachusetts [Mr. HOAR] endeavored to prove yesterday, desires to treat them kindly and well and manifests that desire by building school-houses among them, by taking their children and sending them to school and educating them, then their respect and love for the Government will be increased. Besides, an Indian only believes what is in sight. When you bring these school-houses where they can see what the Government is doing, where they may see their own children taken to those schools and educated and treated kindly, they will visit them, and the motherly influence radiating from the schools all over those people, in my opinion, will be very great, and the amount of good flowing from the schools established among the Indians will be far greater than from the schools established at Hampton and Carlisle and elsewhere.

Therefore the departure which the committee has taken is right, I think; but if I have counted rightly, all those appropriations made in this bill amount to \$432,200. When you come to count them up and take the entire number of Indians who have to be provided for, and cut out of those the number now in schools, you will find that it is a very large appropriation. I for one am not willing to go any further than the committee has gone in this direction. Let us see how this will work, and if it works well then we can go on in the same direction hereafter.

Before you can make anything out of the Indian you have got to break up the idea that he is dependent upon the Government; you have got to break up the tribal relation; you have got to localize the Indians and divide the lands in severalty among them, teaching them not only to raise cattle and sheep and hogs and horses but gradually to raise corn and wheat and oats and other things, and elevate them from the pastoral to the agricultural state, and so along step by step. In the mean time, while doing all that, let us educate the Indian children, as this bill provides for doing, and do not make any collision between the theory of the Senator from Kansas and the theory of the committee. Both in my judgment can be very well carried out.

I make no pretensions to be a philanthropist; I do not run in that direction to any very alarming extent; but I believe that I am as true a friend of the Indian as any one here. I certainly have had more to do with the Indians than most men on this floor. I have had some experience and some observation not only with the civilized tribes, but with the wild tribes; I have had a great deal to do with them, and my judgment is that the direction which the committee has taken is about right; if it works well we can keep on. I think the Senator from Maine [Mr. HALE] was precisely right in that view of the question. *Festina lente*. We have to make haste slowly about anything which is of so much importance as this. We are now trying to change the practice which has been going on from the time the colonies were first settled down to within the last few years, the practice of bringing power to bear upon the Indians, and we are to replace that by kindness, by attempting to educate them. There is a bill now pending in the Senate to break up their tribal relations, to localize them, giving them their lands and teaching them how to take care of themselves.

Mr. HOAR. I desire to make one suggestion merely in reply to what the honorable Senator from Kentucky [Mr. BECK] has said. The Senator from Kentucky says that the committee have proposed an experiment which he thinks goes far enough in this direction. I do not see that the committee have proposed any experiment at all. The schools at Hampton and Carlisle have been thoroughly tried and tested. The Hampton school has been in operation six or seven years; Indian children have been educated there with great success and have gone back and have taken places in life and are doing well. So of Carlisle. It is not a new experiment, but something which the Department report to us has been already successfully tried. Then, in addition to that, except the appropriation for such schools as have been in the Indian tribes, there are two schools to be established, one in the neighborhood of the Sioux and one in the neighborhood of the Indian Territory, on the Ponca and Pawnee reservation, for one hundred and fifty children each. That certainly is not a new experiment.

Mr. BECK. I meant to say, if the Senator will allow me, that gratified as we were with what had been done elsewhere we were now endeavoring to establish schools in the neighborhood of the Indians themselves where the other Indians could be with them, as we had done on the Sioux reservation, in order to see how that would work.

Mr. HOAR. They had a school there, as the Commissioner reports, for ten or twelve years. Being under treaty obligation and pledge of faith to educate and provide schools for 10,000 Sioux children, we have provided schools for 100 or 200 for a number of years past. When the Sioux are ready to fill the schools for their education, one additional school, which will accommodate 150, is called a new experiment, and Senators say it is as far as they think on the whole we ought to go, and we had better make haste slowly. Gentlemen say they do not want to expend \$500,000; that it is more than can be usefully expended this year. My amendment does not propose to expend \$500,000; it only proposes to authorize up to that limit the Secretary of the Interior, under regulations established by the President, to educate as many children as he shall find it practicable to educate.

I should like to ask the Senator from Kentucky to answer this proposition: you and I have promised that we will educate 10,000 Sioux. If the Secretary of the Interior is of opinion that he can educate 1,500, the Commissioner of Indian Affairs having already said it could be done and that the only difficulty with this whole Sioux business is the want of our keeping faith, and there not being an appropriation, is that a reason for refusing to let him use it? Can there be any better test of the success of an experiment than the adjudication of that officer that it is a success? The objection is made to my proposition by a gentleman nearest the neighborhood of the Indians, the Senator from Colorado, [Mr. TELLER,] not that your plan will fail for educating any of them, but because you do not educate enough; that nothing will be gained toward removing this mass of Indian savagery from our limits if you only take a few hundred children and send them back to a savage tribe to live there as soon as they have left school. That is a sound, clear argument. The honorable Senator from Kentucky says, "Oh, let us keep trying that experiment, which has failed over and over again; we do not want to go any further; perhaps, if that does well, we will do something else next year."

Mr. DAWES. Now, Mr. President, I hope we may have a vote. The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. SAULSBURY. Before the vote is taken I should like to inquire of the Senator from Massachusetts [Mr. DAWES] who has charge of this bill how much is appropriated by the committee for educational purposes in the bill?

Mr. DAWES. If the Senator will turn to the twenty-fourth page of the RECORD of yesterday he will find it stated there to be \$412,200 in the bill as it has already been adopted by the Senate; in addition to which is the superintendent of Indian schools at \$3,000 salary and \$2,000 for expenses; and in addition to which, going through the whole bill, are some verbal amendments which require that which heretofore may have been all appropriated for subsistence to be partly applied for education.

Mr. SAULSBURY. I only inquire as to the educational appropriation. I should like to follow that with another inquiry. How many children of the Indians are to be educated?

Mr. DAWES. At Hampton there are to be 100 and at Carlisle 300; at the two places where there are to be new buildings erected 300 more, which makes 700; and 100 more are to be taken from the Indians at large and distributed among the schools in the States. That makes 800, and 130 at Forest Grove makes 930, in addition to those who will obtain education under the appropriations in the second table in the RECORD to which I refer, which is a table of the expenditure of \$80,804.49, in compliance with the Indian treaties. That is in response to the inquiry of the Senator from Delaware. What I have stated are appropriations not required by Indian treaties. There are appropriations to the amount of eighty thousand and odd dollars required by Indian treaties, which are expended in twenty-four different places among the treaty Indians.

Mr. SAULSBURY. Then, as I understand, there are appropriated in this bill, outside of treaty obligations, over \$450,000 for educational purposes; and besides that, there are appropriations under treaty stipulations of about \$80,000, making more than half a million dollars appropriated for educational purposes among the Indians.

Mr. HOAR. What does the honorable Senator mean when he says "outside of treaty obligations?" Does he mean that we appropriate one-tenth part of what our treaty obligations require?

Mr. DAWES. I will explain to my colleague what I meant by that phrase. "Outside of treaty obligations" refers to Indians with whom we have no treaty stipulations that we shall expend anything; but to those with whom we have treaty stipulations for educational purposes we have appropriated \$80,000.

Mr. HOAR. How much do the treaty obligations require?

Mr. DAWES. The treaty obligations require in addition to that appropriation for building school-houses and maintaining schools which cannot be measured exactly in dollars and cents, but have been estimated by the Department at a very large sum, something between three and four hundred thousand dollars, I understand.

Mr. SAULSBURY. I do not intend to occupy the time of the Senate in discussing this question. I shall vote against the amendment of the Senator from Massachusetts, [Mr. HOAR,] regarding all this effort to educate the Indians as a mere experiment. I think the appropriations reported by the committee are sufficient for the purpose of making an experiment. Therefore I shall vote against the amendment of the junior Senator from Massachusetts.

We have had this Indian question here a great many years. Ever since I have been in the Senate, year after year, this Indian question has been up, and various schemes have been devised for the civilization and improvement of the condition of the Indians. Sometimes the proposition was to give them land in severalty; sometimes it was to do one thing and then another. The proposition now is to give them an education, and the Senator from Massachusetts proposes an appropriation of \$2,000,000 in addition to that which has been recommended by the committee. As was remarked, I believe, by the Senator from Texas, [Mr. MAXEY,] we ought to move slowly in this matter, and at least see whether the money we are appropriating is going to have any benefit toward the civilization and the improvement of the condition of these people. I believe there is a great deal in what the junior Senator from Kansas [Mr. PLUMB]

said, that we must have some reference to the condition of the Indians and provide for them in reference to their situation and surroundings. We cannot undertake to say that we will send these people to Harvard University or to some other fine college, and by that means civilize those that remain out on the plains. I shall vote against the amendment.

Mr. WINDOM. I move to amend the amendment proposed by the Senator from Massachusetts by reducing the amount to \$250,000. I do this, not in hostility to the proposition, but because I believe \$250,000 will answer the purpose and make the test, and perhaps it is as much as we can use successfully in the coming year; and I think that sum would be more likely to stand. I am exceedingly in favor of the principle of the amendment.

Mr. SAUNDERS. If the Senator from Minnesota will allow me, I wish to suggest that I think the Senator from Iowa [Mr. ALLISON] moved such an amendment to the amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa did not make the motion.

Mr. WINDOM. He made some such suggestion, but moved no formal amendment.

Mr. HOAR. In deference to the suggestion of the Senator from Iowa, [Mr. ALLISON,] who I know is friendly to the general accomplishment of the object, as well as to the Senator from Minnesota [Mr. WINDOM] and the Senator from Nebraska, [Mr. SAUNDERS,] I will accept the amendment to the amendment rather than have a separate vote.

Mr. PLUMB. I think it is just as vital to the principle involved that the amendment should be voted down at \$250,000 as at \$500,000. We are simply starting in the wrong direction. If it is only \$250,000 thrown away, we had twice as well throw away \$500,000. If the Senator from Massachusetts will modify his amendment so as to appropriate \$250,000 to place these Indians upon a self-supporting basis, I will vote for it; otherwise I shall not.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts as modified, reducing the appropriation to \$250,000.

The question being put, there were on a division—ayes 30, noes 13.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Several SENATORS. Let the amendment be read.

Mr. HOAR. As I have modified it.

The Acting Secretary read as follows:

And the Secretary of the Interior is further authorized and directed to provide for the care, support, and education of all Indian children dwelling west of the Mississippi and not belonging to the five civilized tribes in the Indian Territory, or so many thereof as may be practicable, under such regulations as may be approved by the President, in any of the States or Territories, at a cost not exceeding \$200 per annum for each child; and for this purpose there is appropriated \$250,000, or so much thereof as may be necessary.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CONGER, (when Mr. FERRY's name was called.) My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. BECK, (when Mr. McMILLAN's name was called.) I forgot when my name was called that I am paired with the Senator from Minnesota whose name has just been called, [Mr. McMILLAN.] He would vote "yea" if he were here. I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote of the Senator from Kentucky will be withdrawn.

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan [Mr. FERRY] on political questions. This I do not regard as a political question, but I suppose we should differ on our votes. I would vote against the proposition, and I suppose he would vote for it. Therefore I shall not vote.

The roll-call was concluded.

Mr. ALDRICH. I am paired on political questions with the Senator from Florida, [Mr. CALL.] Not understanding this to be a political question, I have voted.

Mr. PLATT, (after having voted in the affirmative.) I voted, not thinking that I was paired with the Senator from West Virginia, [Mr. CAMDEN.] I do not know how he would vote, and therefore I withdraw my vote.

Mr. CONGER. I made the announcement of the pair of my colleague [Mr. FERRY] as he requested me to do, without thinking that this was not a political question. I have no objection at all, and I presume he would have none, to the Senator from Delaware voting.

Mr. SAULSBURY. I do not care to vote on the proposition, as I suppose the Senator's colleague and myself would differ. While we were only paired on political questions, believing that we would differ in our votes on this amendment, I shall not vote.

Mr. CONGER. I have no doubt my colleague would vote in favor of the amendment; but I presume he would have no objection to the Senator voting.

The result was announced—yeas 29, nays 18; as follows:

#### YEAS—29.

Aldrich,	Davis of Illinois,	Lapham,	Sawyer,
Allison,	Dawes,	Mahone,	Sherman,
Anthony,	Frye,	Miller of N. Y.,	Teller,
Bayard,	Harrison,	Mitchell,	Walker,
Blair,	Hawley,	Morrill,	Windom.
Butler,	Hill of Colorado,	Pendleton,	
Cameron of Wis.,	Hoar,	Rollins,	
Conger,	Ingalls,	Saunders,	



## NAYS—18.

Cockrell,  
Coke,  
Farley,  
Garland,  
Gorman,

Groome,  
Hale,  
Hampton,  
Harris,  
Jackson,

Jonas,  
Maxey,  
Morgan,  
Plumb,  
Pugh,

Ransom,  
Voorhees,  
Williams.

## ABSENT—29.

Beck,  
Brown,  
Call,  
Camden,  
Cameron of Pa.,  
Davis of W. Va.,  
Edmunds,  
Fair,

Ferry,  
George,  
Grover,  
Hill of Georgia,  
Johnston,  
Jones of Florida,  
Jones of Nevada,  
Kellogg,

Lamar,  
Logan,  
McDill,  
McMillan,  
McPherson,  
Miller of Cal.,  
Platt,  
Saulsbury,

Sewell,  
Slater,  
Vance,  
Van Wyck,  
Vest.

So the amendment was agreed to.

Mr. DAWES. There is one more amendment reserved.

Mr. HALE. That is on page 7.

The PRESIDENT *pro tempore*. The reserved committee amendment will be read.

Mr. PLUMB. Before that is acted on I move, in line 443, after the word "dollars," to insert "to reimburse them for money expended in 1881." That is an amendment suggested by the Commissioner of Indian Affairs to remove an objection to that paragraph.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question will now be on the reserved amendments in the paragraph from line 156 to line 172.

Mr. HALE. The amendment that I proposed to offer I have put in a different form from what I gave notice of the other day. I move as a substitute for that part of the bill from line 156 to 172, inclusive, the following:

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provision of the fourth section of the act of April 10, 1869, \$10,000.

I have no desire to consume the time of the Senate, as it is late, by any lengthy discussion. The amendment which I have offered is the provision that from year to year was passed in the Indian appropriation bills providing for the continuance of the board of Indian commissioners. It is an old subject; it has been discussed time and again in the Senate and in the House, and after much discussion last year it dropped out, was not left in the bill, I think unwisely. I believe the board had its uses, was valuable. It was so certified by the Secretary of the Interior and by the Commissioner of Indian Affairs; and I have offered this amendment for the purpose of raising that question in the Senate whether it will continue that commission with its old powers and to the extent that it was continued for years, or whether we will drop it.

Mr. DAWES. The committee were of opinion that it was not wise to dispense altogether with this commission, but that it was quite proper to confine their duties somewhat more than they had been heretofore. If the amendments proposed by the Committee on Appropriations shall be adopted, they will be confined to those duties imposed by the original statute which created the commission.

The commission came into existence under these circumstances: in 1869, after the ratification of that series of treaties to which the Senator from Iowa alluded this afternoon, a series of treaties which involved such an immense charge upon the Government, and which the House of Representatives at that time thought was unreasonable, there sprang up between the House and the Senate a difference about those treaties. The House took the ground that they had been made with a handful of Indians, and they discovered that in the executive sessions of the Senate they had been ratified in the most perfunctory manner by two or three Senators—I am only speaking of the rumors which prevailed in the House—and the House took the ground that they would not recognize those treaties as binding law upon the United States, and that if they made appropriations in conformity with those treaties there would be a ratification by an act of Congress. They determined not to do that thing, and the Senate taking the same decided ground in support of the treaties, the Indian appropriation bill fell between the two Houses.

It seemed utterly impossible to come to an agreement, and at the last moment, in order that the Indian service might not be left without any appropriation, it was determined to put in the hands of the then new President—President Grant—the sum of \$3,000,000 to dispose of in his discretion for the support of the Indian service. It was apparent that the President could not devote his individual attention to the distribution of that money, and these men came forward and tendered their services in aid of the President for that purpose, and they were enacted into a commission, agreeing to serve without compensation and to superintend, under the President, the expenditure of that money in the Indian service.

That is the origin of the commission. After the law of Congress was enacted forbidding the making of any more treaties with Indians and the Senate and House came to an understanding thereafter upon the Indian bill and appropriations were made in much the ordinary way that had prevailed for many years before, the Indian commission had rendered such valuable service in the manner of seeing to the allowance of contracts, in the manner of seeing to the delivery of goods, and in the manner of watching Indian agents and keeping

guard over those in the Indian service, that they were continued in precisely the same language by which they were originally created, and have come down and have had added in practice to their duties prescribed by the original law many other duties. One was to superintend and pass upon the allowance of all accounts for the Indian service when we had officers in the Interior Department and officers in the Treasury Department for that very purpose. Another was to supervise and indorse contracts when we had officers to draw those contracts in the Interior Department, and officers to pass upon the character of contracts and all that, until within a few years there has sprung up an opposition to the commission growing out more of the superadded duties imposed upon them than out of the performance of the duties prescribed by the statute.

The present House of Representatives, having refused to follow the last House, which took the ground of retaining the commission but refusing to pay their expenses, requiring of them by statute important duties and yet refusing to pay even the traveling expenses of the commission, the Committee on Appropriations on the part of the Senate thought that if you retained the commission with the duties prescribed in the statute enjoined upon them, and they continued to serve without personal compensation for their services, it did not become Congress to withhold from them the necessary expenses at least, and therefore they have provided for the payment of their secretary, who has served the last year, I believe, without any compensation—certainly he has received none from the United States—we have provided for their secretary a reduced compensation of \$2,000; we have provided for room-rent—

Mr. HARRIS. If the Senator from Massachusetts will yield to me for a moment, I should like to ask him if it would not be more agreeable to him to conclude his remarks on Monday? [Laughter.]

Mr. DAWES. I will state to the Senator from Tennessee that it would be much more agreeable to me not to make them at all, and I would not do it except that I thought—

Mr. HARRIS. I thought perhaps the Senator would prefer to yield the floor for the purpose of enabling me to move that the Senate adjourn.

Mr. DAWES. If the Senator from Tennessee will let us finish the bill I will sit down. I hope the Senate will finish the bill, and I will agree to say nothing more.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine [Mr. HALE] to the amendments of the Committee on Appropriations in the clause from line 156 to line 172.

Mr. PLUMB. Before that is put I desire to call attention to the action of this commission. I concurred with the members of the Committee on Appropriations in the provision which I find in the bill continuing this commission.

Mr. VOORHEES. Will the Senator from Kansas yield for a motion to adjourn?

Mr. PLUMB. I will yield entirely in a moment.

We found that this commission had been exercising a certain control over contracts; we found that that control had been the occasion of great delay in the performance of the obligations of the Government, and in reporting what we have reported here we thought we had covered the ground substantially of keeping the commission in existence for all it was intended to perform.

If the Senate will have the curiosity to examine the report of this commission for the last year, the thirteenth annual report of the commission, they will find that out of the ninety-seven pages it contains fifty-six pages are a reprint absolutely of matter which is contained in the report of the Commissioner of Indian Affairs, and the remainder of it is wholly comprised of an account of the operations of certain missionary societies among the Indians. In other words, this commission prints fifty-six pages of matter which is contained in the report of the Commissioner of Indian Affairs, which is therefore totally unnecessary, and justifies its existence by printing in addition to that about forty pages of the reports of various missionary societies among the Indians, and not one single page of its own doings whatever. I think on the whole that a board which is required to justify its existence by reprinting a large amount of expensive matter which is printed by another executive officer of the Government, and then printing the proceedings of outside organizations, is pretty hard put to to justify itself.

I think on the whole that the Senate Committee on Appropriations have done all that this board could require, all that the obligations of the Government to the Indians could require. We have put this board in the condition of doing all that it can possibly do for the purpose of protecting the Indians and the interest of the Government, and it would not, as I think, be wise to enlarge its functions as provided by the Senator from Maine.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to the amendments of the Committee on Appropriations.

The amendment to the amendments was rejected.

The PRESIDENT *pro tempore*. The question is on the amendments of the committee in this paragraph.

Mr. PLUMB. I ask consent of the Senator from Massachusetts (and, I think, in connection with a letter of the Commissioner of Indian Affairs which he has he will consent to it) that all of line 170, and the remainder of the word "purchased," in line 171, may be stricken out.

Mr. DAWES. I agree to that.

Mr. PLUMB. The words I propose to strike out are:

And in connection with him shall inspect all goods purchased.

The Commissioner of Indian Affairs recommends that that be stricken out.

Mr. DAWES. I will say that I consent to those words being stricken out because they are in the Revised Statutes already.

The PRESIDENT *pro tempore*. It is proposed to strike out, in line 170, "and in connection with him shall inspect all goods purchased."

Mr. BECK. What is that?

Mr. DAWES. If the Senator from Kentucky will look in the Revised Statutes he will find the words there.

Mr. BECK. I know that.

Mr. DAWES. There is no harm in there being here, I suppose.

Mr. BECK. I think not, but if they are stricken out it just leaves these commissioners nothing to do, but allows the Commissioner of Indian Affairs to do whatever he likes.

Mr. PLUMB. Oh, no.

Mr. DAWES. I see that the Senator from Kentucky is right, because the word "only" is here.

Mr. BECK. That is the trouble.

Mr. DAWES. Yes, the word "only" is here, and the Senator from Kentucky is right. The words should not be stricken out. The Commissioner of Indian Affairs was laboring under a mistake. He was under the impression that these words imposed a new duty; but they are found in the Revised Statutes. Since the word "only" is put in line 167, if we strike these words out here the result will be to take that duty away from this commission, which is an important one.

Mr. ALLISON. If these words are not to be stricken out, they should be modified perhaps, "and in connection with him;" that is, in connection with the Commissioner of Indian Affairs. It is perfectly certain that the Commissioner of Indian Affairs cannot inspect all these things. It would take five men to do it.

The PRESIDENT *pro tempore*. The Chair will put the question on striking out.

Mr. VOORHEES. What is the precise question before the Senate?

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The ACTING SECRETARY. After the word "supplies," in line 169, it is proposed to strike out "and in connection with him shall inspect all goods purchased."

Mr. VOORHEES. I should like to hear the chairman of the committee explain why those words are to be stricken out, if it is agreeable for him to do so.

Mr. DAWES. I will call the attention of the Senator from Iowa to these words in the Revised Statutes:

And shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

The Commissioner was under the impression that he was only to be consulted as to samples. I have shown him this provision of the Statutes, and he says he was mistaken.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendments, to strike out the words which have been read. The amendment to the amendments was rejected.

The PRESIDENT *pro tempore*. The question is on the amendments of the Committee on Appropriations to this paragraph of the bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. JOHN BAILEY, its chief clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 183) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Mississippi River; and it was thereupon signed by the President *pro tempore*.

#### ORDER OF BUSINESS.

Mr. MAXEY. In pursuance of the agreement entered into the other evening, I now ask that the bill in charge of the Senator from Massachusetts [Mr. HOAR] be laid aside informally, in order that Senate bill No. 60 may be taken up for consideration.

The PRESIDENT *pro tempore*. If there be no objection, the unfinished business will be laid aside informally, with a view to take up the bill indicated by the Senator from Texas; but the Senator can call it up on Monday just as well.

Mr. MAXEY. I ask that it be read by its title.

The SECRETARY. "A bill (S. No. 60) ratifying the act of the general council of the Choctaw Nation of Indians granting to the Saint Louis and San Francisco Railway Company right of way for a railroad and telegraph line through that nation."

Mr. MAXEY. I ask that it go over as unfinished business.

The PRESIDENT *pro tempore*. The unfinished business is the bill of the Senator from Massachusetts. The Senator from Massachusetts can give way on Monday.

Mr. VOORHEES. For what it is worth, I desire to give notice to

the Senate that after the disposition of the bill called up by the Senator from Texas I will ask the Senate to consider the bill (S. No. 842) authorizing the construction of a building for the accommodation of the Congressional Library. I give notice that after the disposition of the bill called up by the Senator from Texas I will ask the Senate to consider the bill which I have named.

Mr. HOAR. The Senator does not expect to displace the pending business, which is the Presidential count bill?

Mr. VOORHEES. I supposed it was not the desire of those having that bill in charge to press it for discussion at this time. Perhaps I was led to that conclusion from the fact that the Senator from Vermont [Mr. EDMUNDS] is not present. I do not wish to antagonize any measure that has the right of way before me.

Mr. HOAR. If the Senator from Indiana will allow me to make one statement to him, this Presidential count bill was taken up a few days ago. On inquiry about the Senate I found no hostility to it. It is a unanimous report of the committee and has once passed the Senate; but one Senator who was on the committee that reported in its favor, the Senator from Alabama, desired to make a speech which would extend more than five minutes. So we did not keep it in the five-minute rule, but it has the right of way. Then I consented to accommodate the Senator from Georgia, [Mr. BROWN,] who is somewhat unwell and desires to be absent from the Senate, and who is interested in the bill that the Senator from Texas [Mr. MAXEY] has called up, to lay my bill aside informally that that might be taken up; but of course I should not have done that if at the expiration of that time some other Senator was going to displace my bill altogether, because I should have got my bill through by this time if I had not given way. I will say to the Senate that I do not believe the Presidential count bill will take two hours.

Mr. VOORHEES. Then there will be no trouble about arranging the matter.

Mr. HOAR. None at all.

#### EXECUTIVE SESSION.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 31, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

#### ORDER OF BUSINESS.

Mr. MCKINLEY. Mr. Speaker—

Mr. CAMP. I call for the regular order.

Mr. ROBESON. I desire to have a correction made in the RECORD.

The SPEAKER. The gentleman will state it.

#### CORRECTION OF THE RECORD.

Mr. ROBESON. On page 17 of the RECORD of this morning I find that I am reported as saying—

Well, I object on a broader principle. I object, and shall object hereafter, to important legislation going through here by unanimous consent. If gentlemen desire important measures considered, there are rules under which it can be done.

I did not say that. What I said was "let them make the rules so that it can be done." That is the correction I would like to have made.

The SPEAKER. The correction will be made.

Mr. ROBESON. I did not commit myself to the folly of saying that the rules were now so that important business could be done; because just to the contrary is the case.

Mr. REED. With your views of eternity you could not tell a lie like that. [Laughter.]

Mr. RANDALL. We are ready to discuss the rule question if you desire it.

#### INTERNAL REVENUE, ETC.

Mr. KELLEY. I am directed by the Committee on Ways and Means to ask unanimous consent that House bill No. 5237, to amend the laws relating to internal revenue, and for other purposes, be taken from the Calendar of the Committee of the Whole House on the state of the Union, and recommended to the Committee on Ways and Means. There being no objection, it was ordered accordingly.

#### ALFRED E. LEE.

Mr. MCKINLEY. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of House bill No. 3045, to authorize the Secretary of the Treasury to remit certain customs dues and custom-house charges to Consul-General Alfred E. Lee, and that the bill be taken up for present consideration.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit to Alfred E. Lee, late consul-general of the United