Murdock, and of Alfred Poffinberger, of Washington County; of Edward Howard, of David Best, of George M. Smith, and of Thomas Johnson, of Frederick County; of Elbert Perry, of Rebecca A. Gloyd, and of Samuel S. Gloyd, of Montgomery County, Maryland, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of James A. Rowe and of Elias Eakle, of Washington County, Maryland, for payment of their war claims—to the same committee.

By Mr. CHARLES O'NEILL: Preamble and resolutions of the Engineers' Club, of Philadelphia, favoring competition in furnishing a plan for the improvement of New York Harbor, upon which it is proposed to expend $1,000,000—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petition of ex-soldiers of Sedgwick County, Kansas, favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June* 28, 1886.

Prayer by Rev. J. G. CRAIGHEAD, D. D., of Howard University, Washington city.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting House Executive Document No. 294, of the present session, as containing the information called for by a resolution of June 17, 1886, directing the certification of claims of volunteer soldiers adjusted since the last deficiency report, and a resolution of June 18, 1866, calling for additional claims not heretofore reported for salaries of postmasters or late postmasters which have been adjusted under the act of March 3, 1883.

The PRESIDENT *pro tempore*. The information called for having already been printed, the letter of transmittal will be printed, and, with the accompanying printed document, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the city council of Zanesville, Ohio, and resolutions adopted by the Board of Trade of Zanesville, Ohio, favoring the passage of the bill to erect a public building at Zanesville notwithstanding the President's veto; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the American Agricultural and Dairy Association of New York city, praying, in behalf of 5,000,000 dairy farmers, 3,000,000 general farmers, and 25,000,000 consumers of butter, for the immediate passage without amendment of the bill taxing oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 32 citizens of Utica, Licking County, and other places in Ohio, praying for the passage of the bill taxing oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented two petitions of 50 citizens of Shelburne Falls, Mass., and a petition of 23 citizens of Fulton, N. Y., praying for the passage of certain bills in regard to the public lands; which were referred to the Committee on Public Lands.

Mr. CAMERON presented a resolution adopted by the Engineers' Club of Philadelphia, Pa., favoring the proposed appropriation for improving the entrance to New York Harbor upon plans approved by the Chief of Engineers; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Garland, Pa., praying for the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Pennsylvania State Board of Agriculture, at Harrisburg, Pa., in favor of the passage of the bill regulating the manufacture and sale of oleomargarine and imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. GEORGE presented petitions of citizens of Brookville and West Point, in the State of Mississippi, praying for the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa, presented a petition of the board of county supervisors of Iowa County, Iowa, praying for the passage of the swamp-land indemnity bill introduced by Mr. SPOONER; which was referred to the Committee on Claims.

Mr. CULLOM presented the petition of Richwoods Grange, No. 1085, Patrons of Husbandry, of Richwoods Township, Peoria County, Illinois, praying for the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present the memorial of 2068 workingmen of the town of Lake, Cook County, Illinois, remonstrating against the passage of the oleomargarine bill, on the ground that oleomargarine has given to the poor a cheap, clean, and healthy substitute for one of the high-priced necessaries of life, and that men earning $1.50 to $2 per day can not afford to pay 35 to 50 cents per pound for butter. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SAWYER presented the petition of Rosanna Eggleston, widow of Lieut. George D. Eggleston, late of Company E, Sixth Regiment Wisconsin Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of Grand Army Post, No. 133, of Appleton, Wis., praying that Rosanna Eggleston, widow of Lieut. George D. Eggleston, late of Company E, Sixth Regiment, Wisconsin Infantry, be allowed a pension; which was referred to the Committe on Pensions.

Mr. HARRISON presented a petition of the Woman's Christian Temperance Union of Indiana, praying Congress to enact such laws as will speedily and effectually abolish the practice of bringing young girls from Canada to the United States for immoral purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of Jacob Hartman and 41 others, citizens of Elkhart County, Indiana, in favor of the passage of House bill No. 8328, defining butter, and imposing a tax upon and regulating the manufacture, sale, &c., of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented a memorial of citizens and dealers of Iron Mountain, Mich., remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER. I present three petitions, largely signed by citizens of New York, praying for the passage of the bill taxing all imitations of butter, which I move be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MILLER presented a petition of 122 consumers of butter, of Mexico, N. Y., praying for the passage of the bill taxing all imitations of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Professor J. S. Newberry, president of the New York Academy of Medicine, and 20 other citizens of New York, praying for an appropriation continuing the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. MILLER. I also present a petition signed by a large number of importers of wines and manufacturers and producers of native wines, which sets forth that the law in regard to the taxing of imitation and spurious wines has not been enforced by the Government, and they pray for such additional legislation as will enable the present law to be effectually carried out. The petitioners also ask for the right of the producers of native wines to use pure grape spirits in the fortification or strengthening of native wines. The petition is largely signed by the principal importers of wines in this country, and is also signed by the principal producers of native or American wines. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. DAWES. I present the petition of Edward P. Everett and a large number of other farmers in the county of Franklin, Massachusetts, praying that the manufacturers and venders of oleomargarine and butterine and such substances may be compelled by law to sell all their products for what they really are. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DOLPH presented a petition of 730 dairymen and butter-makers of Oregon, praying for the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN. I present the petition of Capt. John Cowdon in relation to the Lake Borgne outlet. I move that the petition be printed and referred to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

Mr. COLQUITT presented a petition of citizens of Fulton County, Georgia, praying for the passuge of certain bills in regard to the public lands; which was referred to the Committee on Public Lands.

Mr. WHITTHORNE presented the petition of Berry, Demoville & Co., and a large number of others, citizens of Nashville, Tenn., praying for the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. VOORHEES presented the petition of M. C. Johns and other citizens of Warrick County, Indiana; the petition of William H. H. Kifer and other citizens of Warrick County, Indiana; the petition of Richard Williams and other citizens of Warrick County, Indiana, and the petition of George Kimber and other citizens of Warrick County, Indiana, praying for the passage of a bill granting a pension to all United States soldiers, and for other purposes; which were referred to the Committee on Pensions.

He also presented the petition of George W. Whitney and others, citi-

zens of Indiana, praying for the passage of a bill for the equalization of bounties, &c.; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1409) for the relief of R. P. W. Morriss, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. HOAR. I am instructed by the Committee on the Judiciary, to whom was referred the petition of Louis Levy, praying for relief against a judgment rendered by the special court on the Alabama claims, to submit a report, and recommend that the prayer of the petition be denied.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition, if there be no objection.

Mr. EDMUNDS. The entry should be that the report of the committee be agreed to and the prayer of the petition denied; and that ends it.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

Mr. ALLISON. I am directed by the Committee on Appropriations to report back with sundry amendments and with a written report the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. I give notice that to-morrow morning after the morning business is concluded I shall ask the Senate to take up the bill for consideration.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 3379) granting a pension to George G. Early, reported it without amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report from that committee the following amendment to the sundry civil appropriation bill:

To enable the Secretary of War to prepare suitable plans, drawings, and specifications, and to ascertain and estimate the soundings, site, and foundation for piers and cost of a Lincoln-Grant monumental bridge, with suitable approaches, from Observatory Point, in the city of Washington, across the Potomac River to Arlington gate, $10,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and printed.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof. As the work is progressing now, and the appropriation is needed in order to prevent a stoppage of the work, I ask that the bill may be put upon its passage.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent to proceed to the consideration of the bill reported by him.

Mr. EDMUNDS. Is that a public-building bill?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. Then it ought to take its place on the Calendar; we shall go to all those bills in a short time.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1162) for the erection of a post-office building at Lynn, Mass., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1880) for the completion of a public building at Nebraska City, Nebr., reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported three amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations and ordered to be printed.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8336) granting an increase of pension to Duncan Forbes; and

A bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (S. 2450) granting a pension to Abner Daily, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2720) to relinquish the interest of the United States in certain lands in Kansas, reported it without amendment.

Mr. CAMERON, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 816) to give the right of trial by jury to claimants of pensions, under the laws of the United States, whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions, reported it without amendment, and submitted a report thereon.

WILLIAM H. F. LEE.

Mr. EDMUNDS. I report from the Committee on the Judiciary an original bill to remove the political disabilities of William H. F. Lee, for which, as usual, I ask present consideration.

The bill (S. 2759) to remove the political disabilities of William H. F. Lee, was read twice by its title; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

JOHN K. MITCHELL.

Mr. GEORGE. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (S. 2721) to remove the disabilities of John K. Mitchell, and I ask unanimous consent that it be considered at this time.

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

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

Mr. EDMUNDS. The title ought to be amended by inserting the word "political" before "disabilities."

The PRESIDENT *pro tempore*. Ought not the word "political" to be inserted before "disabilities" in the body of the bill?

Mr. EDMUNDS. We thought as the Constitution only imposes political disabilities that would not be necessary, but only to make the title show. We examined that, and while it is usual it does not seem to be necessary.

The title was amended so as to read: "A bill to remove the political disabilities of John K. Mitchell."

FEDERAL COURTS IN COLORADO.

Mr. WILSON, of Iowa. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 3014) to provide for terms of court in Colorado, to report it favorably without amendment. Inasmuch as it will excite no opposition, I ask that the bill may be considered at the present time.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely: At Denver, on the first Tuesday in May and the first Tuesday in November in each year; at Pueblo, on the first Tuesday in April in each year; at Del Norte, on the first Tuesday in August in each year.

SEC. 2. That acts inconsistent with this act are hereby repealed, but such repeal shall not affect any term of court now in progress. Any court now being held in said district pursuant to an act of Congress may be continued in the same manner and with like effect as if this act had not been passed.

Mr. EDMUNDS. I think on hearing the bill, although it is as much my fault, if there is any fault at all, as it is the fault of my friend from Iowa, that it is open to question whether the law providing for existing terms differing from these is legally inconsistent with this. I think, therefore, the bill had better go on the Calendar, and we had better provide a little amendment, and say that instead of the terms now provided by law these shall be held.

Mr. WILSON, of Iowa. The bill provides that the terms now in course of being held may be continued.

Mr. EDMUNDS. But it would be still open. That would only apply to terms that happen to be sitting at this present time, and the fact that the term is to be held a month before by the existing law and is not now sitting would not seem to be inconsistent with Congress providing in a legal sense for a term to be held a month later, another and independent term; and I think we had better correct that.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. TELLER. I ask that it may be proceeded with now. The judge there, Judge Hallett, drew the bill and sent it down here, and I have no doubt it is well guarded and will take care of the courts. If we are going to pass the bill he ought to know it at once, so that the jury may be assembled for the August term. I hope the Senator from Vermont will withdraw the objection and let the bill pass.

Mr. EDMUNDS. I have not the least possible objection to the bill, but it does not depend merely on the judge; it depends on the law. If there is anything in the suggestion I have made, and the more I think of it the more I think there is—if there is any inconsistency between the present terms of sitting and those provided by this bill, criminals who were bound over to appear at the next term of court and suitors will come to a court not sitting at all, and the judge will not be there,

and they will get off; while a single word or two will correct that and save all possible difficulty.

Mr. WILSON, of Iowa. I hope the Senator from Vermont will suggest an amendment now to that effect.

Mr. EDMUNDS. Very well.

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

Mr. WILSON, of Iowa. The Senator from Vermont has formulated such an amendment as he desires to the bill, and I hope it may now be acted on.

Mr. EDMUNDS. I move to amend by adding at the end of the first section:

Instead of the terms now provided for by law.

And making the period which now stands after the word "year," at the end of the section, a comma.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments, accompanied by a report, which I ask may be printed.

I give notice that I shall ask the Senate on Wednesday morning, or as soon as the legislative appropriation bill is disposed of, to take up and consider the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report will be printed under the rule.

PUBLIC PRINTING AND BINDING.

Mr. MANDERSON. I am directed by the Committee on Printing to report the following resolution; and I ask for its present consideration:

Resolved, That the Committee on Printing is hereby authorized and directed to inquire into the public printing and binding and the distribution and sale of public documents, including the reports of debates, showing the manner in which the work has been executed in years past, with the cost thereof; with authority to sit during the coming recess, to employ a stenographer, and to call for information upon those departments of Government which have printing and binding executed at the Government Printing Office, with a view to the reduction of expenses, and to report a codification of the laws on printing and binding, in print, at the commencement of the next session, embodying such reforms as may to them seem desirable and practicable.

Mr. ALLISON. I ask the Senator from Nebraska to enlarge the inquiry so as to include engraving, lithographing, and other illustrations in connection with public printing.

Mr. MANDERSON. I have no objection to that change. I think perhaps the resolution might as well lie over until to-morrow and be printed.

Mr. ALLISON. Then I move to add:

And engraving and lithographing connected with the printing of public documents.

Mr. PLATT. Photolithographing.

Mr. ALLISON. Very well; I will say photolithographing.

Mr. COCKRELL. I ask that the resolution may be printed and lie over. I should like to look at the resolution before it is acted upon.

Mr. MANDERSON. I have made that request.

Mr. HOAR. I should like before the resolution goes over to add to the scope of the resolution an inquiry in regard to the distribution of documents.

Mr. MANDERSON. That is already in it.

Mr. HOAR. I did not think it was quite covered.

Mr. MANDERSON. If the resolution does not cover it, I will see that it does.

Mr. PLATT. Let the resolution be printed.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2760) granting an increase of pension to Henry Slaughter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 2762) granting a pension to James E. Kabler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2763) granting a pension to Clarinda McLean Holmberg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER. The other day when the bill for the relief of Fitz-John Porter was before the Senate I offered an amendment to that bill. Some of the members of the Military Committee said the proper course to be pursued was to introduce a separate and independent bill. Without committing myself to the practice of placing officers upon the retired-list, I desire to introduce a bill for the appointment and retirement of General Pleasonton, and I ask to have it referred to the Committee on Military Affairs.

The bill (S. 2764) authorizing the President to appoint and retire Alfred Pleasonton a major-general was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONES, of Nevada, introduced a bill (S. 2765) to increase the pension of James Mans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMDEN (by request) introduced a bill (S. 2766) for the relief of Elizabeth Mulvehill and William Lavery; which was read twice by its title, and referred to the Committee on Claims.

Mr. WITTHORNE (by request) introduced a bill (S. 2767) to authorize the southwest extension of the Le Roy and Caney Valley Air-Line Railroad to construct and operate a railway through Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VEST (by request) introduced a joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAWES submitted three amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN R. REYNOLDS.

The PRESIDENT *pro tempore*. The occupant of the chair submits for adoption the following resolution:

Resolved, That the claim of John R. Reynolds, now of the city of Dayton, in the State of Ohio, and late of the State of Mississippi, for quartermaster and commissary stores and supplies and other property alleged to have been sold to and taken and used by the United States Army during the late war from the plantation of said Reynolds, in the vicinity of Natchez, Miss., be referred to the Secretary of War, who shall investigate the justice and equity of said claim and the loyalty of said claimant, and report the amount and value of said supplies sold to the said Army, and the amount and value of other said property taken and used by the said Army, and also what amount, if any, has been paid on the same, and that he report all the facts and evidence in the case for the further consideration of the Senate.

Mr. EDMUNDS. That ought to be referred to the Committee on Claims, clearly.

The PRESIDENT *pro tempore*. There is no objection, and the resolution will be referred to the Committee on Claims.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. HOAR. I desire to give notice that on Wednesday next, after the conclusion of the morning business, I shall ask the Senate to take up the resolution for open sessions so that I may submit some remarks, unless the condition of the public business should be such at that time that it would be inconvenient to the Senate. If it is, I shall not ask the favor.

PENSION APPROPRIATION BILL.

Mr. ALLISON. In the absence of the Senator from Illinois [Mr. LOGAN] I submit the conference report on the pension appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

JOHN A. LOGAN,
A. P. GORMAN,
Managers on the part of the Senate.

R. W. TOWNSHEND,
WM. L. WILSON,
JOHN D. LONG,
Managers on the part of the House.

The report was agreed to.

LEAVES OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

Mr. MANDERSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 544) granting leaves of absence to employés of the Government Printing Office, having met, after full and free

conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

CHAS. F. MANDERSON,
JOS. R. HAWLEY,
A. P. GORMAN,
Managers on the part of the Senate.
E. BARKSDALE,
JAS. W. REID,
JNO. M. FARQUHAR,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2732) to authorize the printing of eulogies delivered in Congress upon the late John F. Miller.

The message also announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 544) granting leaves of absence to employés in the Government Printing Office.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 524) granting a pension to Daniel H. Ross; and

A bill (H. R. 3546) granting a pension to Amanda Housell.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 1462) granting a pension to Addie L. Macomber, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES the managers at the conference on the part of the House.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES the managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 4544) granting a pension to Ann E. Cooney, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES the managers at the conference on the part of the House.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7165) to increase the pension of Manhattan Pickett, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SWOPE, Mr. LOVERING, and Mr. MORRILL the managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the resolution of the House to print the report of the International Polar Expedition to Lady Franklin Bay by First Lieut. A. W. Greely, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARKSDALE, Mr. REID, and Mr. FARQUHAR managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further 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 (H. R. 1357) referring to the Court of Claims the claim for property seized by General Johnston on the Utah expedition for examination and report;

A bill (H. R. 67) for the relief of Fitz-John Porter;

A bill (H. R. 524) granting a pension to Daniel H. Ross;

A bill (H. R. 3546) granting a pension to Amanda Housell; and

Joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor.

EMILY J. STANNARD.

Mr. EDMUNDS. I wish to move, with the permission of and after consultation with my friend from New Hampshire [Mr. BLAIR], that the Senate proceed to the consideration of one pension bill on the Calendar, Senate bill 2609. I ask, in making this motion, unanimous consent to say simply that this lady, Mrs. Stannard, has been for years a totally helpless person, so that she can not lift her hands to her face, and her family are absolutely destitute, too proud to accept charity and too poor to live without the provision that her husband had and which she now wants. I ask therefore that the Senate may take up and consider the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Emily C. Stannard, widow of the late George J. Stannard, brevet major-general of volunteers, at the rate of $100 per month, from and after June 1, 1886.

Mr. BLAIR. The bill should be amended in the middle initial of the name. "C" should be changed to "J".

Mr. EDMUNDS. Yes; it should be "Emily J. Stannard."

The PRESIDENT *pro tempore.* That amendment will be made, if there be no objection.

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 title was amended so as to read: "A bill granting a pension to Emily J. Stannard."

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the conference report on the Post-Office appropriation bill.

The PRESIDENT *pro tempore.* The report of the committee of conference on the Post-Office appropriation bill will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5887) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887," having met, after full and free conference have been unable to agree.

P. B. PLUMB,
WM. MAHONE,
JAS. B. BECK,
Managers on the part of the Senate.
JAMES H. BLOUNT,
J. M. RIGGS,
HENRY H. BINGHAM,
Managers on the part of the House.

The PRESIDENT *pro tempore.* What motion does the Senator from Kansas make?

Mr. PLUMB. I move that the Senate still further insist on its amendments to the bill, and ask for a further conference with the House.

The PRESIDENT *pro tempore.* The Senator from Kansas moves that the Senate insist on its amendments and ask for a further conference.

Mr. PLUMB. On that motion the Senator from Alabama [Mr. PUGH] desires to be heard, and I think some other Senators also.

Mr. PUGH. Mr. President, the bill as passed by the Senate made an appropriation of $800,000 for the support of foreign mail service in American-built steamers. That provision attracted a good deal of public attention, and it is the importance attached to the question of making the appropriation which induces me to assign the reasons why I favor it.

In February, 1881, a few months after I took my seat in this body being a member of the Committee on Post-Offices and Post-Roads, of which the Senator from Texas [Mr. MAXEY] was then chairman, I was instructed to report from that committee an amendment to be offerred to the Post-Office appropriation bill. What took place when I presented the amendment will be found in the CONGRESSIONAL RECORD, volume 2, part 2, Forty-sixth Congress, third session, page 1410:

Mr. PUGH. I offer an amendment from the Committee on Post-Offices and Post-Roads, to come in at the end of section 1.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed, at the end of line 197, to add the following:

For additional postal service to foreign countries, $1,000,000, to be expended under the direction of the Postmaster-General, in the establishment of mail steamship lines, equitably distributed among the Atlantic, Mexican, Gulf, and Pacific ports: *Provided*, That the vessels employed for such service shall be owned and manned by American citizens, and that said vessels thus employed shall be iron steamships, accepted by the Secretary of the Navy, after due inspection, as in all respects seaworthy and properly entitled to such service.

Upon that amendment I addressed the Senate as follows:

Mr. PUGH. Mr. President, I should not undertake to consume the valuable time of the Senate in addressing it upon this amendment were I not impressed with the fact that I can not render a more valuable service to the people of Alabama, whom I in part represent, and in fact to the people of the South, than to give in the form that I have them the figures, the reflections, and the views upon this great subject, to which they have paid no attention and about which they are uninformed, and I make that apology for trespassing upon the courtesy of the Senate.

Mr. President, the amendment reported by the Committee on Post-Offices and Post-Roads to the bill (H. R. 6972) making appropriations for the service of the Post-Office Department is intentionally left incomplete in some important provisions, about which each member of the committee is free to act in accordance with his convictions when the amendment is before the Senate. The main purpose of the committee was to introduce to the Senate for its consideration and action a subject of pressing and paramount importance—a great American question affecting the present and future welfare of every class and condition in each of the United States. Congress is confronted by the undisputed facts in the Report of the Bureau of Statistics on the Foreign Commerce of the United States that "the total value of the foreign commerce of the United States, em-

bracing both imports and exports, amounted last year to $1,613,770,633 and was larger than during any previous year in the history of the country;" that "during the five years ending June 30, 1876, 1877, 1878, 1879, and 1880, the value of our exports of domestic merchandise from the United States has greatly exceeded the value of imports of foreign merchandise into the United States, this excess amounting in the five years to the sum of $825,400,513;" that "the value of the exports during the last fiscal year exceeded the value of such exports during the preceding fiscal year $125,199,217, an increase of over 17 per cent.;" that "the value of the imports during the last fiscal year exceeded the value of such imports during the preceding fiscal year $222,176,971, an increase of over 49 per cent.;" that "the rapid increase in the value of the exports from 1860 to 1880 is shown by the fact that the specie value of such exports during the year ended June 30, 1870, amounted to only $376,616,473, whereas during the year ended June 30, 1880, it amounted to $823,946,353, or an increase of 119 per cent."

When we survey the almost boundless extent of American territory, exceeding as it does the whole of Europe, surrounded as it is by two oceans, the gulf, and the lakes, with an ocean front equal to all other nations combined, and 90,000 miles of splendid railways, and capabilities, opportunities, probabilities, and possibilities for agricultural, commercial, mechanical, mineral, and manufacturing production and development, we are bewildered by the grand spectacle, and rejoice that we are Americans. Great Britain, France, and Germany, the lions of Europe, have culminated in their internal food-producing capacity, and found themselves largely dependent upon American surplus for support of their dense populations. The only self-supporting, attractive resource left for their capital, genius, and enterprise is found in manufacturing and mining at home and their commerce with foreign nations. The total foreign commerce of the United States with Great Britain during last year was $664,410,191; with France it was $169,407,456; with Germany, $109,407,456.

The internal food-producing capacity of the United States is out of the reach of computation. Our boundless fields, in full view of American capital, genius, and enterprise, have attracted and absorbed them, and profitable investment and employment therein have wholly diverted all the agencies of improvement and progress from foreign fields and engaged them in home development. And we find ourselves amazed and confounded by our rapid growth and sudden dimensions. And yet we are in our infancy, and just approaching the untouched and inexhaustible realities and advantages of our situation.

Let us call a halt and look around, and see what is going on between us and our foreign neighbors.

In 1860 we imported in American vessels $228,164,855, and exported same year in American vessels $279,082,902. During the same year we imported in foreign vessels $134,001,399, and exported $121,039,394, making in the aggregate of imports and exports during the year 1860, in American vessels, $507,247,757; and in foreign vessels $255,049,793, over 66 per cent. in favor of American vessels.

In 1880 our imports in American vessels amounted to $164,087,606, and in foreign vessels to $579,394,159. The same year our exports in American vessels amounted to $115,917,891, and in foreign vessels to $730,072,437, a falling off from American vessels to about 17 from over 66 per cent. in twenty years.

This startling loss of the ocean carrying trade of the United States with foreign countries works an annual drainage in coin from American income of about one hundred and thirty millions per annum, paid by Americans to foreign ship-owners for freights and passengers. The causes that produced this remarkable result have been the subject of much speculative inquiry. We find that the United States was the master in ship-building and in the foreign carrying trade when vessels were made of wood and moved by wind and sail; but now, when ships are built of iron and propelled by steam, their superiority in every particular has given them the sway, and England, getting the start and devoting her energy and capital to the buiding of iron steamships and employing them in the foreign carrying trade, while we were engaged and absorbed in home production, development, and enterprise, has established her supremacy upon the ocean.

We have not only lost our carrying trade, and are humiliated by the fact that we have not a single iron ship carrying our flag across the ocean, but American sailors, once the pride and boast of the whole country, have disappeared, and to-day we are in the humiliating position of being powerless for naval warfare or the protection of our vitals exposed upon our sea-coast to foreign attack.

Every American is deeply interested, and should feel the paramount importance of providing, as early as practicable, all the means in our power for restoring to American ship-owners our export and import carrying trade with foreign countries. Every State in our Union and every interest and pursuit suffer materially by the annual payment by citizens of the United States to foreign ship-owners of $130,000,000. This amount of gold is exported annually and goes out of American pockets into the pockets of foreigners. How can we continue to submit to such an enormous annual absorption of American income without serious detriment to our prosperity, on account of the loss of our supply of currency and the consequent derangement of our trade and commerce?

How can we accept the condition of perilous dependence upon perpetual peace with our own nation, and between nations that afford the only market for our vast and yearly increasing surplus productions? It becomes the present and pressing duty of Congress to exercise all its power in removing the obstructions and incumbrances and inequalities that are believed to be in the way, and providing all the aids necessary and proper in the great work of restoring our merchant marine, and of saving to Americans the money of Americans, for American carrying trade with foreign countries.

The difficult question is, what is the best and surest and speediest remedy? How far can Senators agree? It can not be denied that we must have ships enough to accommodate the trade. How shall the indispensable necessity for a sufficient number of ships be supplied? To my mind it is self-evident that the only way to supply the necessary number of ships, or any number of ships, is to make it safe and profitable for men to become ship-owners. Without ship-owners you can have no ship-builders. The inducement to become ship-owners must first exist before there can be any hope of having or employing ship-builders. What will induce Americans to invest their capital in iron steamships and running them as carriers of freight and passengers to and from American to foreign ports? Nothing but reasonable certainty that the investment will be free from legislative impositions and exactions, and profitable. How can these two indispensable predicates to ship-owning by citizens of the United States be supplied?

Ship-owning is by companies or corporations and not by individuals. The amount of money required to build an iron steamship of average tonnage is about $300,000 and only associated capital seeks such investment. An American company finds the ocean free to all carriers, with no power in the Government to protect the company against the competition and rivalry of the ships of other nations for the carrying trade. It finds the iron ships of England in possession of nearly 70 per cent. of the foreign carrying trade of this country; that the tonnage of English ships is taxed only 1 per cent. upon the net income of the ship; that to ascertain the tonnage of an English ship only the space occupied by the cargo is measured; that the cost of the English ship is about one-fourth less than an American-built ship, and that some English lines of ships are carrying the mails at an annual compensation of about $3,200,000. This American company, like all Americans, is anxious to spend its capital in our own country, for ships built here by our own mechanics and workingmen, out of American material, and to run them under the American flag. But on examination they find that the cost of building the ship in an American ship-yard, by better-fed and better-paid American mechanics and workingmen and the higher-priced material, makes the cost of the American-built ship one-fourth more than the English ship. It is also found that the annual tax on the tonnage of an American built and owned ship is 30 cents a ton, whether it is running or tied up in the dock, and that the whole ship is measured without any allowance of space for machinery or otherwise.

Besides, the State and city tax levied on American built and owned ships, like other property, is in New York 2½ per cent. on the value of the ship, and more or less in other States.

Is it not manifest that the difference in the original cost, and in English and American taxation, and the other differences mentioned have and will always destroy the inducement to become American ship-owners and the hope of successful competition and profitable running of ships built in America, registered, and carrying the American flag, in our foreign trade, under existing navigation laws? It is unreasonable to hope for any change in our favor until ship-owners who are citizens of the United States are placed upon terms of equality in the cost, ownership, and running of their vessels with those other ship-owners with whom they must compete upon the ocean.

There is a wide difference of opinion as to the ability of American ship-builders to construct iron steamers in American ship-yards at the same cost of such vessels built on the Clyde. Mr. John Roach, the greatest American ship-builder, and a man of acknowledged capacity and skill in that business, stated in an elaborate speech before the national convention of ship-owners and ship-builders at Boston in October last, that the difference in the cost of building iron steamers in American ship-yards and on the Clyde was only 10 per cent. Why then is it true that during the year ending June 30, 1879, but 193,031 tons were built, including all the schooners, sloops, canal-boats, and barges, and that less than one hundred thousand tons were suitable for foreign trade? Why is it that prior to the introduction of iron steamers, when vessels were built of wood, American ship builders and owners excelled the world in supplying ships for the foreign carrying trade? The American supply of material for the construction of iron steamers is as abundant as it is in England, and it must be the absence of a demand for American-built iron ships by those who have the capital to invest in ship-building for the foreign carrying trade, that is the sole cause of the idleness of our ship-builders and the surrender of the foreign carrying trade to English and other foreign vessels. Why is there no demand for American-built iron steamers? Mr. Roach, in the same speech from which I have quoted, furnishes the answer. He says:

"The truth is, that taxation on the ship, high rate of interest, and the difficulty of concentrating capital in this country, are at the root of the evil in this matter. Taxation is what has compelled American merchants to sell their ships and put them under a foreign flag. Steamship business is done by large companies, and when you start a company the taxation is too great to be borne. English capitalists readily invest their money in ship operations under the English laws, but they naturally hesitate about risking it under the practically prohibitory shipping-taxation laws of this country. "Put the difference in annual taxation," which continues during the whole life of the ship, beside the difference of 10 per cent. in the cost of construction of American ships built in this country, and say which is the more likely to prevent our merchants from owning ships. It would seem to be enough that the interest on American capital should be 6 per cent. while in England it is only 3, without adding such a tax. Beside, the ship carrying the English flag is not compelled to carry the mail unless it sees proper to do so, and getting for its service fair compensation, while the American ship is compelled to carry it for merely the letter postage. But this is not all. The American ship is more costly to build, because 90 per cent. of the cost of construction is labor, and American labor is dearer than European labor. But so is the American labor required to run the ship dearer. In fact, the labor required in building is only a drop in the bucket. The number of days' labor required to man a 3,000-ton iron steamship for two years is about equal to the number of days' labor to build her, while the life of such a ship of the first class is twenty-five years; therefore, there are more than twelve times more labor required in the running than in the building of the ship. It is the plan of deceit to put forward the little fact that we can not build, and try to conceal the big fact that we can not run ships when we have them, unless the barriers of taxation, &c., which I have mentioned, are removed, and an American policy adopted equally as favorable to the building up of a commercial marine as the policy adopted by other nations."

Then I proceed:

The question recurs, what is the remedy?

1. Provide by law that "all materials for the construction, equipment, or repair of vessels of the United States may be imported in bond, and withdrawn therefrom under such regulations as may be prescribed by the Secretary of the Treasury; and upon proof that such materials have been used for such purpose, no duties shall be paid thereon. And all vessels owned wholly by citizens of the United States shall be entitled to registry, enrollment, and license, and to all the benefits and privileges of vessels of the United States."

2. "That as property invested in shipping derives its protection from the Government of the United States, and as such property is subject to Federal taxation, it should be exempt from all local and municipal taxation by special act of Congress, leaving the net income only subject to such taxation."

3. Repeal of the law levying a duty upon tonnage.

4. Change of the navigation laws, so as to allow any citizen, company, or corporation of the United States to purchase iron steamships wherever they can be built or purchased the cheapest, with the right to register, enroll, and license, and sail them under the American flag, the same as if they were constructed in an American ship-yard.

5. That iron steamships so purchased and owned, and registered, licensed, and enrolled shall be engaged by contract with the Government to carry the mails of the United States to foreign countries, and allowed for such service reasonable compensation.

All that can be expected from this Congress is an appropriation of $1,000,000 to be expended by the Postmaster-General in increasing and improving the mail facilities of the United States with such foreign countries as he may select, having reference to the increase and improvement of our commerce and carrying trade with such countries. Shall the appropriation be made? It is opposed by some Senators because we can compel the carrying of mails under existing laws for the postage, which, I am informed, amounts annually, for our entire foreign mail carrying, to about $200,000. And it is insisted that all over the present compensation would be naked subsidy.

We might have saved millions paid annually to railroads for overland mail service if such service had been required free of charge as one of the conditions of our land grants and other Government aid to railroads. But no such right was reserved and we are now paying millions to railroad corporations made rich and powerful by the bounty of the Government. We have shown no such liberality to our ship-owners, but after burdening them with taxation, and allowing no freedom in the race with rival foreign nations for the ocean carrying trade of our own country we compel them to carry the mails for a mere trifle when compared with the millions paid railroads for similar service. And it is not unreasonable to estimate that when American ship-owners establish the several lines of free ships between the important ports of this and foreign countries anticipated by the proposed amendment, that the increase of our trade and commerce will so enlarge our mail necessities and facilities that the amount appropriated will not exceed just compensation for the service.

Other Senators oppose the appropriation because it is not to be expended for carrying our foreign mails on American-built ships, owned, manned, registered,

and run according to our navigation laws. In other words, it is insisted that we shall continue an experiment that is already an established failure, of competing upon a free ocean against free ships purchased at far less cost, and running comparatively free from taxation or other incumbrances or restrictions carried by American-built steamers. How has Germany within the last decade increased her tonnage from 166,000 tons to 950,000? How have Norway and Sweden within the last twenty years increased their tonnage from 20,000 to 850,000 tons? How has Austria, with her limited seaboard, grown from no ship to 220,000 tons? The answer is plain and simple and undeniable that each of these countries have permitted their citizens to go into the markets of the world, on the Clyde or elsewhere, and purchase ships where they can make the best bargains, and when so purchased they are unloaded of burdensome taxation and prohibitory restrictions, and entered into a free fight in an open field. If Germans and Swedes and Norwegians and Austrians can succeed in the struggle for the ocean carrying trade, why can not Americans?

When and where was American genius, skill, and enterprise unequal to any demand or emergency when left to an open field and a fair fight? But it is suggested that other countries pay their ship-owners liberal compensation for carrying their mails to foreign ports. Not one in a hundred of English ships have any mail contracts whatever. Neither do the lines having the advantage of mail contracts monopolize transportation on account of their ability to carry freight at cheaper rates. But I am willing to favor liberal compensation for ocean mail service, and place it on terms of equality with our overland mail service by railroads. I doubt very much whether compensation for mail service, however liberal, will produce any largely beneficial results. I have no idea such inconsiderable aid would enable merchants and capitalists who wish to engage in our ocean carrying trade with other countries to compete with the cheaper built and comparatively untaxed and unincumbered ships of England. As John Roach says, we must go to the root of the evil, and, in my poor judgment, the only way to do so is to legislate as I have proposed. But all we can do now is to vote the appropriation to ships owned exclusively by citizens of the United States, wherever purchased, and try the experiment.

Those were my views in 1881, soon after I became a member of this body. They are my views to-day. What indorsement did I have of those views by Democratic Senators? I read from the same RECORD what Mr. Garland said of that subject, on the same page:

Mr. GARLAND. Mr. President, I do not care to enter into a discussion of the merits of this question further than to say that I am in entire sympathy with the proposition contained in the amendment. The only objection I have to it is that it does not include all that it should. The masterly presentation of the case to which we have just listened from the Senator from Alabama [Mr. PUGH] relieves me of the necessity of saying anything at all in favor of the amendment if it was properly before the Senate. I could not add anything to what he has already so ably said; and I am perfectly willing to let the argument of the question rest upon his speech on that side. I simply point to the speech as the man did who had a prayer copied at the head of his bed, so as to save time, simply saying when he went to bed, "Lord, those are my sentiments."

That is one member of the present Cabinet. I will now read from what my colleague [Mr. MORGAN] said upon the subject of the amendment I offered, found in the same RECORD, page 1459:

Upon turning to the Statutes of the United States on this subject I find that every provision contained in the amendment offered by the committee has been substantially made. Every provision of general law in reference to the transportation of mails to foreign countries is found substantially in the existing legislation upon that subject; but of course the special stipulations of this amendment and the special provisions in reference to the use of this $1,000,000 are not found in any law; but the convenient use, the just application of this amount of money which we are now asked to appropriate for the purpose of paying for the transmission of mails across the ocean, is a subject properly within the power of the Senate to regulate upon a general appropriation bill. It is not necessary that we should go before a committee and have a separate bill passed authorizing us to establish foreign mails, because under existing laws the Postmaster-General has the power to establish foreign mails; or to fix rates of postage, because under the laws he has the power to fix rates of postage; or to declare that the mails shall be carried in steamships, for under the existing law he has the power to declare that the mails shall be carried in steamships. Every substantial provision in this amendment except the mere regulation of the method of its execution is found in the existing statutes. I will now call the attention of the Senate to some of these laws.

"SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted."

There is a general law which makes the whole bosom of the ocean a mail-route, and leaves it to the Postmaster-General to select what ports of the United States the mails shall leave, and at what ports abroad they shall arrive. It is left entirely to his own discretionary declaration to designate those mail-routes which are established under this act as being common to all the ports of our country and all the ports of a foreign country, the ocean being the great way upon which the mails are to be transmitted.

I submit that if the Congress of the United States were to engage itself for a month in providing mail-routes across the ocean, it would not after all have made a system as full and as broad and as comprehensive as that which is contained in section 4007, for Congress in specifying the mail-routes would merely limit the number, whereas section 4007 places no limit on the number of routes or the ports to or from which the routes shall be established, but lays every port open to the access of the mails from abroad, and enables the Postmaster-General to send steamships out of any port of the United States to any port abroad.

Certainly, therefore, in the matter of the establishment of post-routes there is no new general legislation in the amendment; but the amendment falls within and is intended to complete and effectuate a provision of law which is now upon the statute-book. It does not undertake to create a new system or to create new mail-routes.

"SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing vessels when the service can be facilitated thereby."

The amendment provides that the mail shall be transported in iron steamships. Neither do the two sections that I have read nor any other sections confine the Postmaster-General to a specific manner of carrying mails abroad, but the amendment provides an additional means of carrying them abroad, which is that he shall designate the ports from which these lines are to be established, as he has the right now to do, and the mails shall be carried in iron steamships.

"SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea-postage, on the mail so transported."

The amendment provides simply that you may add to that, and appropriates $1,000,000, so that the Postmaster-General, instead of paying in postages under the discriminating rule as between American and foreign ships, may pay in money out of the Treasury of the United States, precisely as we pay a contractor who carries the mail over a railway or on a star route. It is the addition of $1,000,000 to the fund from which is to be drawn the support of our foreign mail intercommunication, and that is all that can be said of it.

On page 1509 of the same RECORD my colleague proceeded with his remarks, as follows:

Some remarks have been made about the doctrine of subsidy contained in this amendment. If you leave it to stand where it is as offered by the committee, Senators claim that it is a subsidy. If you put my amendment upon it, then you say it is not quite so much of a subsidy, but yet some argue that it is a subsidy even after that is put upon it. Let us see what Senators who have been so anxious about subsidies have done on this very bill, and let us see what Democrats in the House and in the Senate, who as yet have a majority of both bodies, have done in reference to the matter of voting subsidies to foreign ships and foreign countries. I will read a proviso in the appropriation bill which follows the appropriation I have just read:

"*Provided*, That the Postmaster-General is authorized to pay to the colonies of New Zealand and New South Wales so much of the cost of the overland transportation of the British closed mails to and from Australia as he may deem just, not to exceed one-half of said cost; and the sum of $40,000 is hereby appropriated for that purpose."

What is that? The two colonies of New Zealand and New South Wales have made by colonial legislation a subsidy of $450,000 per annum to two lines of steamships sailing between those colonies and San Francisco. One of the lines is an American-owned line, and the other is a British line. The American mails are carried upon these steamships, and we pay the sea postage under this very appropriation to those ships for carrying that mail. In addition thereto we subsidize them to the extent of paying one-half of the cost of the transportation of the British mails clear across this continent upon our railroads, in order that we may compensate the British Government for having extended to them such a large amount of subsidy.

Something has been said about John Roach and Brazil. John Roach did receive a subsidy from Brazil, and the Brazilian Government made it a condition of that subsidy that the American Government should pay an equal sum—$100,000 I think it was. We refused to do that upon the ground that we were subsidizing John Roach, an American ship-builder. What have we done in this bill except to subsidize a British line to convey the mails from New Zealand and New South Wales to San Francisco by paying half the expenses of the transportation of the British closed mails across this continent?

Mr. WALLACE. It is not a British, but an American line.

Mr. MORGAN. That makes it only so much the worse. We are subsidizing an American line, then, that carries the British mails.

Mr. WALLACE. We are not subsidizing them; we simply give them the mails to carry.

Mr. MORGAN. We give them the sea postage for the transportation of these mails, and this bill provides for that. In addition to that, we give $45,000 for the transportation of those mails closed across this continent in order to give them that advantage. It can not be that that is a special subsidy. It is nothing but a subsidy, and Senators who put that on the bill and recommend it here rise on this floor and inveigh against an amendment which does contain no feature of a subsidy, but leaves these mail contracts open to competition in bidding just as much as the star-route contracts are left open to all American citizens. We confine what we are doing to American citizens as contractors, but we say they ought to have the right to buy their ships wherever they can buy them for this particular purpose, and after they have been bought for this particular purpose and while they are employed in this particular service they ought to have the liberties, rights, and privileges of American-built ships.

Now I read from what my friend the Senator from South Carolina [Mr. BUTLER] said on that occasion, to be found on page 1510 of the same RECORD:

Mr. BUTLER. I simply desire to say that if the yeas and nays are called on the motion to amend made by the Senator from Alabama I shall vote that the amendment is not in order. I desire, however, to say that I am in entire accord with the principle of that amendment, and if my friend from Alabama will bring it in as a separate proposition I shall vote for it with a great deal of pleasure. But I do not believe it is in order, and therefore shall vote that it is not in order.

I will now read what my friend the Senator from Texas [Mr. MAXEY], then chairman of the Committee on Post-Offices and Post-Roads, said on the subject of the amendment:

The Committee on Post-Offices and Post-Roads endeavors to do its duty, and so I believe every committee of this body endeavors to do its whole duty to the country; and so far as I am concerned, I hold myself responsible, not to the Senator from Kentucky, but to the people of the State which sent me here and to the people of this country for my acts, and they will compare with those, I think, of the Senator from Kentucky.

Sir, the Committee on Post-Offices and Post-Roads believed this measure was a wise one and in the best interest of the country. The Senator from Kentucky thinks otherwise. Am I to charge that because his judgment does not agree with mine, therefore he is endeavoring to build up the interest of some one man as against all others? I am proud that it is not in my heart to believe all men who disagree with me are acting in bad faith. I have learned where men can best learn that fact, that honest men may honestly differ. I give to those who differ with me on this proposition credit for as much sincerity as I have in the position I take. I believe that this measure is in the best interest of the country, and therefore I advocate it; and the Post-Office Committee, of which I have the honor to be chairman, by a large majority took that view of the question and so reported, and we are willing to test the sense of the Senate and go before the country on that. Whether the Senator from Kentucky be right or whether we be right is a question to be settled after the measure is passed.

Mr. President, the difference between the amendment I reported from the Post-Office Committee in 1881 and the amendment now before the Senate is that while my amendment appropriated a million of dollars and allowed Americans to make a purchase anywhere they could get them cheapest of the steamers with which they were to carry the foreign mails, the present amendment appropriates $800,000, and requires the steamers in which the mails are to be carried to be not only owned by Americans, but to be built in American ship-yards. I should prefer that that limitation be not put upon this amendment, but it shall be no reason why I shall not give it my support.

The principle upon which I stand is that the foreign-mail service deserves just compensation as much so as the coastwise mail service, river mail service, or railroad mail service. To illustrate, you make up the

mails of the United States for Alaska, for the Sandwich Islands, for Japan, for China, and for Australia. Those mails are carried from the different parts of the United States by rail to San Francisco, and the railroad companies receive about 55 cents per mile for carrying those mails to San Francisco. When they are delivered at San Francisco the Alaska mail is taken by a coastwise steamer from San Francisco to Alaska and is paid over 67 cents a mile for the same mails that the railroads carry to San Francisco for about 55 cents, and the steamers that leave San Francisco with the United States mails for the Sandwich Islands, for Japan and China and Australia, are paid 5 cents a mile for carrying the mails to those foreign countries.

Again, the United States mail is made up for Cuba. It goes by rail to Tampa. The railroad company receives 55 cents a mile. When it reaches Tampa a steamer takes it from Tampa to Havana for 5 cents a mile. The same steamer brings back the mail from Cuba for the United States to Tampa at 5 cents a mile, and when the railroad takes it to distribute through the United States it gets 55 cents a mile. I say there is no principle or policy upon which that can be justified. It is public service rendered the Government and people of the United States, and the same rule of compensation should be applied to all such contractors.

Now, the consideration that controls me in my vote for this appropriation is that it meets the demand upon this Government for just compensation in the same measure that is paid by the Government of the United States to railroads and coastwise steamers and steamboats on the rivers. The Senator from Kansas [Mr. PLUMB], who has charge of this bill, in a speech he made in support of it, assigned the reasons for this appropriation. If any Senator understands the objects and purposes of this appropriation I concede to him the right of understanding not only the views of the committee from whom he reported this bill but his own reasons that control him in making this appropriation. I read from the RECORD of May 12, 1886 [see Appendix, page 128], containing the speech of the Senator from Kansas, which was delivered May 4, 1886, in support of this appropriation, in which he said:

Mr. President, the theory upon which the committee acted in reporting this amendment, I think I can safely say, was not that it was a subsidy according to any proper use of that term, but it was applying to the transportation of the foreign mails of the United States precisely the same rule of compensation and the same rule of procedure as is now applied as it has been for years to the transportation of the inland mails of the United States. A great deal has been said about the fact that there is to be no competition, and I presume that in many of the cases and perhaps in most of the cases in which we shall transport our foreign mails by means of American steamships there will be no competition; but neither is there competition in the railroad carriage of the inland mails of the United States. Neither is there competition on most of the steamboat lines by which the mails are carried on the inland waters of the United States. The Government in other words in regard to transportation of this kind fixes what is a fair compensation and pays it without requiring competition.

I call the attention of the Senate to section 4002 of the Revised Statutes fixing the rate of pay upon railroads for carrying the mails, furnishing, as I think, a complete illustration of the rule which the committee sought to have applied to the carrying of foreign mails. That section provides the rate of pay as follows:

"That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200, and $25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case"—

according to the plan named in the succeeding portion of the section. Under the practice of the Post-Office Department the lowest price paid to any railroad now is forty-two dollars and a half a mile per annum, no matter how small an amount of mail is carried, the rates having been reduced somewhat by a succeeding statute. The price that is paid for carrying on the smaller routes has no relation whatever to the postage received on the mail carried. There is no comparison sought to be instituted between the amount paid to the railroad company and the amount received by the Government. In point of fact, on all these routes which carry 200 pounds of mail or less the amount received by the railroad company is in excess of the entire receipts of the Government as postage on the mail thus carried.

When we come to deal with the carriage on railroads like the Pennsylvania and the New York Central, which carry the great mails leaving the city of New York, we pay only one-half for carrying 2,000 pounds what we pay for carrying 200 pounds or less on the smaller roads. In other words, where the carriage is very large, and where a very large carriage at a small rate of pay can be made profitable to the railroad company, the Government reduces the rate; but when it is dealing with the railroads in the interior portion of the country, where the carriage is small, it fixes a price totally different without reference to the weight or value of the mail carried. It is fixed at a rate deemed fair, and it is fixed without competition. The question of competition has never entered into the relations of the United States to the railroads in reference to the carriage of the mails.

The carriage of the mails upon the inland waters of the country, including the coast-line service, as the Senator from Iowa reminds me, is almost wholly without competition. It is a service, too, which carries very little mail and at a very high figure. This service costs nearly $600,000 per annum, and is paid for at the least price attainable. No doubt the form of bidding is gone through with, but in a majority of cases only one person bids, for on most of the rivers not more than one suitable steamer runs. Practically no element of competition enters into this service, and the cost of it is out of all proportion to the revenue it yields. It is far more a subsidized service than the foreign-mail service will be in case this amendment is enacted into law.

Now, we seek to apply precisely this same rule to the carriage of mails between the United States ports and foreign ports. As the Senator from Louisiana [Mr. EUSTIS] well said yesterday, the law itself recognizes a distinction already, and always has made a distinction in favor of American steamships and a discrimination against foreign steamships, because in section 4009 of the Revised Statutes it is provided that—

"For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage, on the mail so transported."

The difference between sea postage and sea and inland postage is about as 2 to 5. In other words, the law now provides as part of the settled policy of the Government that American steamships which carry the United States mails may have more than twice the amount authorized to be paid to foreign steamships for the same service. That has not proven sufficient, and the committee seeks in proposing this amendment to further extend this principle, already applicable generally in our foreign-mail service, to the carrying of our foreign mails with a view to encourage greater frequency, speed, and security.

There is no authority given to the Postmaster-General to pay extravagant prices. No one has risen in his place here to say that $1 a nautical mile for the outward trip is too great a price to be paid. I take it, therefore, that there is no dispute as to the reasonableness of the price proposed to be paid; that if we are to favor American steamships the price named in the amendment is a fair one, or at all events that it is not excessive and will not be burdensome upon the Government.

A great deal has been said about our obligations to the tax-payer, and that in matters of this kind any dollar we take from them which is not absolutely necessary is robbery. Mr. President, I agree to that; but what is necessary must be left to a wise discretion to be exercised by Congress. The same Senators who have spoken so earnestly upon this subject and who have characterized this proposition to pay $800,000 as robbery are here consenting to the proposition that we shall pay to a railroad mail line running from New York to Jacksonville, Fla., $291,000, more in proportion than we pay to any other mail line in the United States, in order that the communities along that line and the communities beyond the terminal point of that line, to wit, at Key West and the foreign community at Havana, may have a more speedy and more frequent delivery and distribution of the mails than they would have if we applied to that line the general rule which we apply to all other railroad lines in the United States. If that is the exercise of a wise discretion, wherein is the payment of $800,000 to produce a similar result in the carriage of our mails between our ports and foreign ports robbery?

The United States receives each year a large sum of money from its foreign mail service beyond the cost of that service. I believe the net results to have been during the last year over a million and a half of dollars, because we appropriated only $375,000 for the service and received $2,078,000 from it. But whatever the sum may be, there is no one who has addressed himself to the question but says there is a profit. Why should we not apply that profit to the extension of this useful and necessary service?

When we come to deal with what is known as the free-delivery service we find that it is established in one hundred and seventy-six of the cities of the United States. The service taken all together yields a profit, but every single one of the cities in which that service is rendered, except seventeen, shows a deficiency. That is to say, only seventeen yield a profit, all the rest of them returning a deficit, yet the whole service results in a net profit to the Government, and the Postmaster-General has proposed in his last report that it shall be further extended—extended to still smaller cities than now, to entail a still greater loss of revenue—and he puts it upon the ground that this can be afforded because the seventeen cities yield profit enough to pay not only the deficiency now existing but also that which will be created by extension to other places. Therefore he proposes to take from New York, Philadelphia, Boston, Cincinnati, Chicago, Louisville, Saint Louis, and so on, the net revenue which they give to the Department for the purpose of extending the service to towns where that service will be carried on at a loss. I do not complain of this; but why is it that we may do all these things with reference to our inland mail service, everything of this kind within our discretion at home, but the very moment we seek to apply any of these rules, conceded to be useful and proper and necessary internally, to our foreign mail service, we are met with this great cry about the robbery that is involved?

Mr. President, it would seem as though upon this statement, which can not be gainsaid—it does not rest upon my authority; it stands upon the law and the universal practice of the Department under it—that there ought to be nothing here to contend about in regard to this appropriation of $800,000 to give greater and better mail facilities between this country and South America and the other countries whose trade we are seeking.

I have wondered why it was that when we come to this particular branch of the question, all at once we divide and get into the most earnest and anxious contention in regard to what is proper to be done. I think it is because for now nearly or quite a generation we have devoted ourselves so exclusively to the internal affairs of this country, to the development of its internal commerce, to the extension of its lines of railway, to the settlement of new communities in the far West, to cultivating home trade for our manufactures, and all the other things which have led to the enormous growth and development of the country, that we have come to exclude ourselves wholly from the consideration of those things which pertain to our relations with foreign peoples and to our trade with them.

Great Britain furnishes an example of exactly the opposite character. In generations her policy has been wholly external. Her statesmen know the byways of international affairs better than they know the highways of home affairs, and she gives foremost attention to what concerns her subjects in foreign lands, including the establishment of the swiftest possible communication with them. This external policy has been so consistently and always pursued as, while developing her trade enormously, to also draw her statesmen from the consideration of domestic affairs to such an extent when she is confronted, as she is now, with a very serious matter of domestic concern, she is as much at sea as to the treatment to be accorded to it as we are when we come to consider questions that relate to the extension of our foreign intercourse and trade. What reason can be suggested why the United States should not have adequate mail communication with South and Central America and with other countries with whom we desire to have better trade relations? And why should we not be willing to give as adequate compensation for our foreign as for our domestic mail service, in order that it may grow better in speed, in frequency, and safety? Are not there essentials in the domestic service as well as elements which make the mails a better instrumentality of trade?

What section of the country will derive the greatest benefit from this appropriation if made? The greatest and most direct benefit will come, if it is to yield any benefit at all, to the Southern States. It is conceded that if we are to have foreign trade of any very great proportions, the most sure field for its development is in South and Central America. The mouths with which we shall speak to those countries are the harbors and the cities upon the Gulf of Mexico—Galveston, New Orleans, Mobile, Pensacola, Tampa—and on the South Atlantic—Savannah, Charleston, and Wilmington—not only because of the less distance between them and the countries to be reached, but because the South is in a particularly favorable natural and industrial condition to meet the wants of the people in South and Central America. It is making to-day cheap cotton goods successfully, the goods with the greatest amount of material for the smallest amount of labor, and which by reason of this fact are the most attractive to the people whose necessities and tastes require them, the class of goods of American manufacture which are to-day sold in Manchester, the seat of England's cotton manufacture, and also in India.

If we can sell in these markets in competition with Manchester's own mills we can do the same if we have proper means of communication in South and Central America. The Southern States not only manufacture each year an increasing quantity of this class of cotton goods, but also an increasing quantity of a better article of cotton goods. The South is to be, if the natural law of development is to work out its perfect work, the seat of the great cotton manu-

facture of the United States. More than all that, it has within its limits, within easy reach of tide water and connected with tide water by streams that are always open, great deposits of coal and iron, with which the commerce of the Gulf of Mexico and the Caribbean Sea and the South Atlantic can and will be supplied, if there shall be established frequent and certain and safe steam communication.

Mr. President, the amount of benefit, the extent of the advantages in the great work now before this country of opening and developing our market with foreign countries to be derived from this appropriation is a matter about which we differ. I am free to confess that I can not satisfy myself that any great benefit is to result in the line of development of our foreign trade on account of this appropriation.

Senators who oppose this appropriation as just compensation for our foreign-mail service say that such legislation has been tried in the past and failed; that liberal subsidies have been paid by the Government of the United States to steamship lines to foreign countries, and that no good whatever resulted therefrom. I can understand how we may have failed in the past, and why the same amount of aid or less aid will bring valuable results at this time.

Heretofore American capital and American energy have been devoted to railroad building, to mining, and to manufacturing; but to-day these sources of investment have all been filled up and they are now overflowing. The competition growing out of the extent of our railroad system, of our manufacturing and mining, has so reduced profit as to cause capitalists to direct their minds to some other field for investment. This competition among American industries has caused the supply of the productions of the country to go far beyond the demand, and to-day, on account of the surplus of our productions and our inability to find a demand for them in the American market, the public mind of this country is absorbed in the consideration of what remedies we shall resort to to open up our trade with foreign countries.

The European markets are all closed against us; they have been preoccupied by England, France, and Germany; and the only field that lies out in full view of this country is that in Central and South America. I am willing in every way possible to give encouragement to all enterprises that are to be directed to the development of this field in these foreign countries for the consumption of our productions. How much this will benefit us in that direction, I am unable to say. I think it ought to be a great deal more. I am willing to extend, even if you were to call it subsidy, for this great purpose that is now of most vital importance to this country, any amount of constitutional aid that promises beneficial results.

I have the honor of representing a State that has a vital interest in the development of our trade with Central and South America and the West India Islands and other countries that are not preoccupied by England and France and Germany. In November last there was a convention held at the city of Tuscaloosa of over two hundred able, intelligent, representative men, who are familiar with the resources of Alabama. I know each one of these delegates personally, and I desire to read to the Senate the memorial to Congress in which they set forth the resources of the State of Alabama and the vast importance of development of our river system, with a view to furnishing cheap transportation to the Gulf, so as to find a market for our products in Central and South America:

This publication contains a memorial to the Congress of the United States and the deliberations of a convention of more than two hundred representative business men of Alabama and adjoining States, met together to consider the important subject of river and harbor improvement, looking to the speedy development of our rich coal and iron fields, which lie so close to the Gulf, and accessible by water ways so susceptible of improvement, and to bring into market the fertile lands watered by these streams, so fitly located to carry their bountiful products to the trade of the seas.

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And the undersigned committee respectfully ask the thoughtful attention of the reader, not only to the map, but also to the memorial and the several communications in these pages (from prominent men of scholarship and scientific knowledge, giving reliable and accurate information upon the subjects treated, and information valuable to business men, and valuable to the representatives in the nation's councils from every locality. Indeed, this section of the country is destined at an early day to play a conspicuous part in shaping and controlling the commerce of this portion of the world), and in furnishing cheap coal and iron to the sea-going service of the United States Government.

I read from the memorial:

It is a matter well known that through the harbor of Mobile the agricultural productions of many States are sent to markets abroad, and the convergence of many railroads to the port of Mobile gives it an importance with regard to direct trade with all the neighboring nations of the Gulf of Mexico and the South Atlantic.

This is a matter in common with many other ports on the Gulf of Mexico. In addition to this, and rapidly becoming far more important to the great interests of the whole United States, is the development that at this point, where almost all of the water ways in the State of Alabama pour their floods into the Gulf, is found the nearest and cheapest port to which the immense mineral treasures of the State can be transported.

The rivers which finally fall into Mobile Bay spread out over the State like a fan, touching Northwestern Georgia on the east, and entering the eastern side of Mississippi. All of these rivers traverse immense coal fields, the full extent and richness of which has not yet been fully determined, although enough is known now to justify the assertion that they are unsurpassed in the known earth.

Besides the coal deposits, beds of iron ore, surrounded by every facility to be worked and used by man, are found contiguous to the coal and near all of said rivers.

These coal and iron deposits are rapidly attracting the attention of capitalists in this country and in Europe, and their development in the last ten years has been such as to create surprise in the minds of men habituated to the study of the mineral resources of the world.

For many years the coal used by vessels in navigating the waters which wash the shores of the West Indies, Mexico, and all the South American states on the eastern side of that continent, has been brought from Europe, except a small fraction furnished at very high rates from Chili.

With water transportation, which the improvements of the rivers in Alabama will give, this entire traffic can all be turned to the port of Mobile, and coal of a superior quality, and at vastly cheaper rates, furnished to those who need it.

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The many able papers submitted to the convention from its committees, and which are contained in its printed proceedings, demonstrate fully these propositions:

First. The existence of large and inexhaustible deposits of coal and iron and other minerals in the State of Alabama, near and along the line of the water ways which flow into Mobile Bay.

Second. Also, that along these rivers outside of the means of transportation by railroads there is produced large amounts of cotton and grain which should be the subject of export from said port of Mobile.

Third. That the whole country traversed by said rivers is covered with forests, almost in their virgin state, of the finest timber, suitable for commercial purposes and for ship-building.

Fourth. That all of these things apply strongly to the Tennessee River, with the addition that it flows through several States besides Alabama.

Fifth. That the channel leading to the port of Mobile can be made, with a moderate expenditure of money, of sufficient depth to admit vessels capable of carrying all the immense freight which the country will produce and the rivers bring to it.

Sixth. That the improvement of the rivers of Alabama will have the effect to put at the port of Mobile the best and cheapest coal in the world, sufficient in quantity to supply all the neighboring nations and all the vessels that sail from any of those ports, as well as those of the United States, so as to greatly enrich the whole country.

Seventh. That the water ways of Alabama will not only be of immense benefit to the commerce of this country and of the world in time of peace, but will also be of incalculable advantage to the United States in time of war.

I read from a speech made in that convention by Hon. A. O. Lane, mayor of the city of Birmingham:

We must not forget that the productive coal area in Alabama is nearly half as great as that of the whole of Great Britain. The coal measures of Alabama are 2,600 feet in thickness—nearly 500 feet greater than those of any other State in the American Union. It is easily mined by means of drifts and slopes, the mines often draining themselves, and the coal, in rich, thick seams, cropping out on the very banks of the rivers. It ships well, and is admirably adapted to steam, coke, gas, and domestic uses.

And yet, in the face of all these facts, Alabama does not ship a single pound of coal into Mexico and the Central and South American States. She is forced to stand idly by and see this magnificent trade, worth millions of dollars, and which nature ordained should be hers, gobbled up by British bottoms, from coal-fields five times as far away as Alabama's products. Coal is put on board ship in England at $2 50 per ton, while here in Alabama it is put on board cars at, say, $1.25 per ton; and then it costs $2 more per ton to ship it to Mobile, and then, perhaps, it has to be lightered down the bay to deep water. Now, suppose we could transport our coal on barges to the Gulf at a cost of 25 cents per ton, Alabama would soon hold this munificent trade, to which she is so justly entitled by natural advantage and geographical position. Thus not only would Alabama be enriched, but it would be a tardy but glorious triumph for the American merchant marine.

And how is this cheap transportation to be secured? Our rivers must be opened up to navigation. Millions are spent every year in providing cheap transportation from the East to the West. This is reversing nature, and nature is wiser than man. Natural and manufactured products are generally the same on parallels of latitude, and hence there is no very great demand for interchange of products on those parallels, while the natural currents of trade are from North to South for the interchange and barter of all those products, natural and artificial, indigenous, so to speak, to semi-arctic and semi-tropical spheres. Now, nature sends our rivers coursing from North to South, and they must have an outlet to the sea. It is of paramount importance to us to have accessible Southern markets, because the North is already supplied with almost everything we manufacture.

The Mobile Bay receives our noble rivers. Her channel must be deepened so as to float the largest freight steamships of heavy tonnage and great draught. Then her principal feeders—the Warrior, the Coosa, and the Cahawba—must be opened up to navigation into the very heart of the coal belts of Alabama. Mobile should be the focal center, sending out life-blood into all the great arteries of our Commonwealth, and receiving back fresh vitality from every commercial pulsation. By means of jetties at some points, and locks and dams at others, all the principal rivers of Alabama leading to Mobile Bay can be made navigable year in and year out. What a consummation that would be! Then, indeed, would Mobile again become the pride of the Gulf States. We would see her docks crowded with ships from every clime, laden with cotton and fruits and timber and coal and iron. Her pristine grandeur and glory would return with renewed and increased splendor. She would soon whiten the seas with ships of her own build. The reduced cost of coal and iron would enable her to drive out the British products from Mexico and the Central and South American states. She would soon have a national arsenal and heavy ordnance manufactory, impossible for inland cities, because cars can not haul the immense guns, and railroad bridges can not support them. These industries would fill the city with skilled artisans. Foreign and domestic trade would flow in upon her, and she would soon become one of the livest marts, as she is now one of the fairest cities that ever rested on bay or gulf or sea.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Alabama will suspend. It is the duty of the Chair to announce that the hour of 2 o'clock has arrived and to lay before the Senate the unfinished business of Friday last, being the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas and for the forfeiture of unearned lands, and for other purposes.

Mr. HOAR. I suggest that unanimous consent be given to the Senator from Alabama to proceed.

Mr. HALE. Let the unfinished business be laid aside until the present matter is disposed of.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Alabama may conclude his remarks.

Mr. HALE. In order that the present matter may be finished.

The PRESIDING OFFICER. In order that the present subject may

be considered and finished. Is there objection? The Chair hears none, and the Senator from Alabama will proceed, the Post-Office appropriation bill remaining before the Senate.

Mr. PUGH. I continue:

And if there is one thing on this green earth with which I have no patience, it is to have a long homily on the Constitution when my State is crying aloud for the energizing force of Government aid to stimulate her waning industries. But for such monumental folly our State would now be threaded with railroads and traced with navigable streams from Georgia to Mississippi and from Tennessee to the Gulf. I can almost hear the croakers saying now we can not do anything; it is needless to try it.

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If I were deputed by his satanic majesty, and forced to send a curse upon this State, and given power to choose my own instruments of waste and desolation, I would never select locusts, that sometimes sweep over Europe, darkening the heavens, or grasshoppers that march through the West, leaving desolation in their track, or floods that now and then make portions of Louisiana a vast waste of waters, or cyclones that bring terror to the stoutest hearts, or cholera that sweeps away its thousands, but leaves the living in health and vigor. No; I would choose rather a horde of croakers, whose croakings, and croakings, and croakings are more dismal than the croaking of frogs in marshy ponds; and then, without awaiting results, I would repeat the work, thorough and complete, in killing the hopes, and sapping the energies, and benumbing the industries of the people.

I now read from the report which was made from the committee on mineral resources of Alabama by General Joseph W. Burke, chairman, to that convention:

Mr. McCullough, an English writer of the highest authority, speaking of the value of coal as an element of English prosperity, says: "Our coal mines are the principal source and foundation of our manufacturing and commercial prosperity, and no nation, however favorably situated in other respects, not plentifully supplied with this mineral need hope to rival those that are. Our coal mines have conferred a thousand times more real advantages on us than we have derived from the conquest of the Mogul Empire, or than we should have reaped from the dominions of Mexico and Peru."

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The coal area of the United States is estimated at 192,000 square miles. Of this large body the Alabama coal fields contain 5,380 square miles; the Warrior 5,000; the Cahawba 230, and the Coosa 150 square miles.

These divisions take their names from the respective rivers—Warrior, Cahawba, and Coosa—which flow through them. From these streams branch out in all directions innumerable creeks, subdividing the coal measures, and affording, especially in the case of the Warrior, many miles of deep water nine months in the year, thus enabling the coal to be mined far up in the interior and floated to the main stream. Human skill could not have devised a more perfect system of internal canals, or auxiliary water courses than nature has provided on the Warrior.

Branching off in all directions, those creeks cut their way through the measures, and in many cases flow over solid beds of coal.

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Twelve years ago the total coal production amounted to but 10,000 tons. In 1880 the output increased to 600,000 tons; in 1882, to 1,100,000 tons; in 1884, to 1,500,000; and it is believed that the product of 1885 will not be less than 2,000,000 tons.

For the same period the production of pig-iron increased from 60,000 to 600,000 tons. This unparalleled industrial advancement was mainly made possible by the construction of a single line of railway, managed with sagacity and the very personification of enterprise. To the construction of the Louisville and Nashville Railroad is this magnificent coal-field chiefly indebted for its wonderful development, its thriving mining towns, its populous agricultural colonies, and the city of Birmingham. And yet this line but skirts the very verge of the Warrior field on the east. The Alabama Great Southern Railway runs through its Southern border, and the Georgia Pacific Railway, built to its western and eastern boundaries, is located centrally through the basin over a gap of 40 miles. The coal of the Locust Fork, or eastern part of the field, is renowned for its valuable qualities for coking, steam, gas, and forge purposes. The great Pratt seam furnishes the greater body of the coke which is used by the furnaces in Birmingham.

The Warrior seam furnishes the very finest steam coal; the Newcastle, gas coal of an excellent quality. In addition to these mines are the Jefferson and the Black Creek seams. The Locust, or Little Warrior, River and its tributaries penetrate all those seams. On the Mulberry Branch of the Big Warrior the coal changes its character entirely. Here it is hard, compact, lustrous, breaking into cubes, clean, and not affected by the weather. It is in this part of the field that occurs the cannel coal spoken of by Professor Tuomey, State geologist (1865):

"This, of all the coal in the State, will best bear transportation on account of its superior hardness," said this distinguished scholar.

Along the banks of the river, in the counties of Tuscaloosa and Walker, the coal outcrops for miles, and may be loaded in barges at the very mine entrance. Dipping toward the river the seams drain into it, as the coal in many places has an elevation of but 3 degrees, just sufficient for drainage. The seams already discovered, which may be mined with profit and transported by water, are five in number, the smallest seam being 3 feet 2 inches, and the largest 8 feet 4 inches.

In many places three of those seams may be found superimposed on each other, and visible to the eye on the river bank, two above the reach of high water. It is this part of the great Warrior basin that is most accessible by water. In it may be found all classes of bituminous coals, and it is thought to be the only part of the field in which cannel coal has been discovered. Its mineral wonders are almost incredible. "Notwithstanding the definite character and value of the information presented here, no one feels more sensibly than I do how very inadequately it represents this magnificent formation," wrote Professor Tuomey in the Geological Report of Alabama in 1850. Its variety of coals, the ease and cheapness with which they may be mined, their great value for commercial purposes, and the convenience of the mines to the Gulf of Mexico, render it a national reproach that those magnificent deposits should be closed by law to human enterprise, which is actually the case.

THE CAHAWBA FIELD.

The Cahawba coal field has an area of about 230 square miles, and lies in the counties of Bibb, Shelby, and Jefferson. Its general direction is from northeast to southwest. It is drained by the Cahawba River.

The field is now being worked at the following points: At Briarfield and Blockton, in Bibb County; Helena and Aldrich, in Shelby County, and Henry-Ellen, in Jefferson County.

The mines at Briarfield and Aldrich are on the East Tennessee, Virginia and Georgia Railroad; at Blockton, on the Alabama Great Southern; at Helena, on the Louisville and Nashville; at Henry-Ellen, on the Georgia Pacific, or on branches from these roads.

There are now seven or eight seams being worked in the field, varying in thickness from 3 to 7 feet; and there are several more that can be worked advantageously. Almost the entire area of the field is underlaid with workable seams.

The mines in operation find a demand for all that they can mine.

Mr. Richard P. Rothwell, the eminent mining engineer, after a thorough examination of the coals of the Cahawba field, says:

"The Cahawba coals are of a remarkably fine quality, being chiefly distinguished for their dryness, small amount of ash, and large amount of fixed carbon. Some of the coals make an excellent coke, suitable for blast-furnace use, and, as some of them are dry-burning coals that do not coke, they would probably work raw in the furnace.

"The coals are also distinguished for their hardness, freedom from sulphur, and never-slaking quality.

"For steam, gas, and domestic use they rank high in the markets, and are sold largely in Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas."

THE COOSA FIELD.

The Coosa field has an area of 150 miles, and is chiefly situated in Saint Clair, Calhoun, and Etowah Counties.

Until a very recent date this field was entirely undeveloped. The construction of the East and West Alabama and the Georgia Pacific Railroads through it has brought it into more favorable notice; and the Government improvements on the Coosa River, now in progress below Greensport, in Saint Clair County, Alabama, will cause it to take an important position as a very potent factor in the industrial development of Northern Georgia and North Alabama.

The seams of coal in this field are from 3 feet to 5 feet in thickness, and the product is justly regarded as excellent for steam purposes.

Of all the coals in the State that of the Coosa is highest in carbon and lowest in combined volatile matter, and, should it prove successful as a furnace fuel, this part of the State will become a very important iron-producing center, iron ores of rare quality being found in abundance side by side with the best limestone.

There is one remarkable fact connected with the Alabama coal fields which, in relation to their geographical location, gives them enormous advantages over that of any other bodies of coal in America.

England is enabled to supply the world with cheap coal, owing to the fact of the location of her principal mines near tide water.

The Alabama coal fields are the only great body of coal on the Atlantic coast of America so situated as to enable the miner to load his coal-barge on the river banks of the Warrior, Cahawba, and Coosa Rivers, and float them to the tide, the physical obstacles to their progress being of course first removed.

It may be said that the same may be accomplished by the way of Pittsburgh and the Ohio and Mississippi Rivers; but while this is a physical fact, the great distance of Pittsburgh from the Gulf of Mexico, the vicissitudes of climate—frost in the winter and heat in the summer—with low water, make this practically nugatory, as Pittsburgh has never yet been able to export coal out of New Orleans.

The opening of the Warrior, Coosa, and Cahawba Rivers would increase the coal export trade of the United States 3,000,000 tons, and leave all parts of the Gulf independent of Great Britain.

OUR IRON INDUSTRIES.

"Unless all evidence and calculation are at fault, the iron and coal regions of Alabama, within range of cheap production, are practically inexhaustible," says a distinguished writer of this State. The marvelous growth of the iron industry in Alabama is almost equal to that of coal. At first her valuable ores were reduced by charcoal, making iron of quality equal to the best product of Sweden.

After the discovery of coking coal in the vicinity of Birmingham, a remarkable impetus was given this industry, which has made such great progress that it is estimated that the manufactured products of iron in Birmingham alone amount to $20,000 per diem. The cheapness with which iron may be made in Alabama is owing to the fact that the coal, ore, and fluxing material are found in many places within sight of the furnace-stack. The ores are rich in iron, easily mined, and found in the most luxuriant abundance. The Red Mountain, from which Birmingham draws the great supply of her ores, takes its name from its magnificent veins of red fossiliferous ores, and is literally a mountain of iron, extending from Bibb County, Alabama, to the Georgia line, a distance of over 125 miles. On the Louisville and Nashville and Alabama Great Southern Railroads, and the Mineral Railroad of Birmingham, the brown hematite, or limonite, ores exist in great abundance. It is from these great mineral deposits that Birmingham draws her wealth, and her right to the appellation of "The Magic City."

On the East Tennessee, Virginia and Georgia Railroad the iron industry is in a healthful and progressive condition, and on this great line of railroad have sprung up towns and villages from its establishment. The city of Anniston is a notable example of this, increasing in five years from a small village to a large and prosperous town. On this line of railway there are in Alabama ten furnaces renowned for the character of their product, making daily an average of 400 tons of pig-iron of a very excellent quality, and used in the manufacture of car-wheels, bar-iron, and other branches of iron manufacture where "pig" of the best character is desired; and Shelby, Anniston, Briarfield, and Tecumseh high-grade irons are known all over the country.

It is a fact worth noting that during the recent prostration in the iron trade, with its steady and constantly increasing depression since 1880, but one furnace in Alabama suspended operations, and much of our iron found its way into the great markets of the East, being sold there, after having been hauled 800 miles, $1 a ton lower than Pennsylvania iron.

The matter of cheap transportation affects our iron products equally with our coal; and when this problem is solved, Alabama will lead the markets of the world in the cheapness and excellence of both these commodities.

Now, I desire to call the attention of the Senate and of the country to the address of the board of management of the North, Central, and South American Exposition at New Orleans December 9, 1885, on the subject of our foreign trade with the countries I have named:

NEW ORLEANS, *December* 9, 1885.

To the press and public of the Gulf States:

By the board of management of the North, Central, and South American Exposition.

The Gulf of Mexico is the great central sea across which must flow and reflow a large portion of the commercial interchanges which will result from the consummation of this new policy.

The magnitude and importance of the subject can best be appreciated by a glance at a few facts and figures.

TRIBUTARY COUNTRIES.

It is nearly surrounded by the two leading American Republics—Mexico and the United States.

The remainder of the Gulf is bounded by the forty principal West India Isl-

ands, thirty-six of which are owned by European powers, and none by Mexico and the United States.

In a broader sense nearly all of the commercial world is tributary, for this sea is midway between North and South America—the Occident and Orient—and is on an air line from Liverpool to Australia.

TRIBUTARY RIVERS.

The Mississippi and its forty-two principal tributaries, which first border or intersect twenty-one States and Territories, and are navigable to an extent of 15,710 miles, converge, unite, and flow into the Gulf.

In addition to this, there are at least two thousand more miles of tributary navigable rivers in Texas, Louisiana, Alabama, and Mississippi.

TRIBUTARY RAILWAY.

The great trunk lines tributary to the Gulf at New Orleans, Galveston, Mobile, Pensacola, Vera Cruz, and other points, such as the Illinois Central, Southern Pacific, Texas and Pacific, Louisville and Nashville, New Orleans and Northeastern, Louisville, New Orleans and Texas, Houston and Texas Central, Gulf, Colorado and Santa Fé, Mobile and Ohio, Mexican, and other roads, have a total mileage nearly equal to that of the tributary rivers, and intersect a nearly equal area of tributary States and Territories.

TRIBUTARY GRAIN FIELDS.

The grain products of the twenty-one States and Territories intersected by the Mississippi River system contrasted with those of the whole United States were, during the last census year, 1882, as follows: Eighty-nine per cent. of the corn, 76 per cent. of the oats, and 74 per cent of the wheat.

TRIBUTARY COTTON BELT.

The cotton crop of the United States during the present year is estimated at 6,650,265 bales, of which 4,657,918, or 70 per cent., was grown in the following States, either resting directly upon the Gulf, or to a greater or less extent tributary to it:

	Bales.
Texas	1,493,519
Mississippi	954,931
Alabama	853,120
Arkansas	529,872
Louisiana	511,350
Tennessee	260,576
Florida	53,550

To this should be added the tributary cotton-fields of the Gulf States of Mexico, which, although comparatively undeveloped, are capable of producing enormous crops.

TRIBUTARY PINE BELT.

The total amount of merchantable standing pine in the six Gulf States was during the last census year, 1880, as follows:

	Feet, B. M.
Florida	6,615,000,000
Georgia	16,778,000,000
Alabama	21,192,000,000
Mississippi	23,975,000,000
Louisiana	48,213,000,000
Texas	67,508,500,000
Grand total	184,281,500,000

Contrasting the pine supply of these States with that of Michigan, Wisconsin, and Minnesota the result is as follows: Merchantable standing pine of Michigan, but 35,000,000,000 feet, or but a trifle more than half that of Texas; merchantable standing pine of Minnesota, but 6,100,000,000 feet, or less than one-seventh that of Louisiana; merchantable standing pine of Wisconsin, but 41,000,000,000 feet, or less than that of Louisiana, and less than two-thirds that of Texas.

To this should be added the mahogany and other hard-wood tributary forests at and near the Isthmus of Tehuantepec. Also, the india-rubber trees, which grow there in great abundance.

TRIBUTARY COAL FIELDS.

Of the estimated coal areas of the United States, amounting to 195,000 square miles, 157,000 square miles, or 80 per cent., are in the States intersected by the navigable rivers which flow into the Gulf.

To this percentage might be added a portion of the coal areas of Western Pennsylvania and West Virginia, for their products are transported in immense quantities on barges down the Ohio and Mississippi Rivers.

TRIBUTARY IRON DEPOSITS.

The immense iron deposits of Alabama, Tennessee, Kentucky, Missouri, Ohio, and even of Western Pennsylvania, are, to a greater or less extent, tributary to the Gulf, for they are connected by navigable water ways, and form a convenient base for the manufacture of railway iron, mining machinery, farming implements, &c., which Spanish America so greatly needs.

TRIBUTARY SUGAR BELT.

During the last census year, 98 per cent. of the sugar crop of the United States was produced in a single Gulf State—Louisiana.

To this should be added the sugar plantations of Cuba, from which were exported to the United States alone, during the fiscal year ending June 30, 1884, sugar to the enormous amount of over 1,000,000,000 pounds.

Also the rich sugar lands of the other West Indies and of the Gulf States of Mexico.

TRIBUTARY INTEROCEAN ROUTES.

When the Gulf of Mexico is connected with the Pacific by a transit line across the Isthmus of Tehuantepec, the commerce of the world will be tributary. The opening of this route will shorten the voyage (now around Cape Horn) as follows:

	Statute miles.
Between New York and San Francisco	10,768
Between New York and Hong-Kong	8,767
Between New Orleans and San Francisco	12,442
Between New Orleans and Hong-Kong	10,503

The construction of the projected Florida Ship Canal will shorten the distance between New Orleans and New York 571 statute miles each way, or 1,142 miles on the round trip.

TRIBUTARY MANUFACTURES.

The manufacturing industries of the States tributary to the Gulf are comparatively undeveloped, but the rapid strides made during the past few years at Birmingham, Ala., and at other points in the South indicate very clearly that a tidal wave of Northern capital and industrial skill is flowing in this direction.

The unsupplied markets of the non-manufacturing countries of Spanish and Portuguese America are at our very doors, and the South, should hereafter endeavor to supply that demand. Cotton and iron manufactures are the principal commodities needed in those markets, both of which the South can produce to unlimited extent.

TRIBUTARY STEAMSHIP LINES.

While the Gulf has numerous tributary steamship lines engaged in its foreign and coastwise trade, such as the Morgan, Cromwell, West India and Pacific, New Orleans and Central American, North German Loyd, New Orleans and Belize, New Orleans, Honduras and Guatemala, Mexican Transatlantic, and other lines, they are but the forerunners of many others which will soon be needed on the connection of the Gulf with the Pacific at the Isthmus of Tehuantepec, and as a result of the new commercial tidal wave toward Spanish and Portuguese America.

TRIBUTARY COMMERCE.

In estimating the commerce which in the near future will be tributary to the American Mediterranean we should not be governed by precedent, for the new conditions which will arise from the opening of the Isthmus of Tehuantepec, the practical prolongation of the Mississippi River to the Pacific Ocean, the union of the Atlantic and Pacific, and the commercial union of the three Americas, will so revolutionize the commerce of the world that the prestige of the American will soon rival if not eclipse that of the European Mediterranean.

Very respectfully,

ALEX. D. ANDERSON, *Commissioner.*

Approved:

S. B. McCONNICO, *President.*

Important facts and statistics highly instructive on this same subject were also published by the board of management of the North, Central, and South American Expositions, which I will not detain the Senate by reading but have them incorporated in my remarks:

The board of management of the North, Central, and South American Exposition list showing December 8, 1885, the leading object of the exposition, which is new markets for surplus manufactures.

How transcendently important it is can best be appreciated by reference to a few facts and figures:

The foreign commerce of the United States during the first century of its existence was mainly with Europe. As the result of a hundred years of trade, the direction of our present annual exports is as follows:

Exports to Europe and adjacent countries on the east, 81 per cent.

Exports to American countries on the south, 10 per cent.

Exports to British America on the north, 5 per cent.

Exports to Pacific countries on the west, 4 per cent.

This one-sided nature of our commerce may be seen by a glance at the accompanying diagram, illustrating the general course of steamship lines.

Our exports are also unsymmetrical in quality, 74 per cent. being the products of agriculture, and only 15 per cent. the products of manufacture.

Of our total annual manufactures, which during the census year 1880 were $5,369,579,191 in value, but 2 per cent. find foreign markets. This is, indeed, an astonishing state of affairs—a defect in our commercial relations with the outside world which must be cured—a weak spot which must be built up and strengthened.

But we need not look to Europe for adequate outlets for manufactures, for it is well supplied and has a surplus of its own for export. We must rather look to the open, unsupplied, and inviting markets of Spanish and Portuguese America, and the countries surrounding the Pacific Ocean.

THE TWENTY CONTINENTAL COUNTRIES OF SPANISH AND PORTUGUESE AMERICA.

On the continent south of the United States are fifteen Spanish-American Republics, the Portuguese-American Empire of Brazil, and four European colonies.

They have a total population of 40,000,000 consumers and an area of about 8,000,000 square miles, or more than double that of the United States.

In climate, resources, products, supply, and demand they are the reverse and complement of the United States. Commercial exchanges with such countries are, therefore, in accordance with sound laws of trade and political economy.

They are exceedingly deficient in manufactures.

They need our railway iron and supplies, farming implements, cotton and woolen goods, boots and shoes, sewing-machines, telegraph and telephone supplies, clocks, and watches, notions, and a thousand and one products of our invention and skill.

We need their coffee and sugar, tropical fruits, hard wood, fiber plants, and other raw materials.

In brief, these countries represent twenty American Indias, whose unsupplied and inviting trade fields we will find most profitable to occupy with our surplus energy, skill, products, and manufactures. At present, however, our share of that trade is disgracefully small. Their total annual foreign commerce, exports and imports of merchandise combined, is in value about as follows:

The Republic of Mexico	$55,000,000
The five Central American republics	24,428,000
The nine South American republics	348,646,000
The four European colonies	31,950,000
The Empire of Brazil	215,061,00
Total	675,085,000

Of this total trade the United States controls but $126,822,000, or less than one-fifth part, the lion's share being monopolized by Great Britain, France, and other European powers.

Of the total annual imports of these twenty countries, which amount to $303,812,000 in value, we supply but one-seventh part.

THE FORTY PRINCIPAL WEST INDIA ISLANDS.

Facing the southern coast of the United States are the various West India Islands, of which the forty principal ones are owned as follows:

Cuba, Porto Rico, and one other by Spain.

Jamaica, Barbadoes, the Bahamas, and fifteen others, by Great Britain.

Martinique, and four others, by France.

St. Thomas, and two others, by Denmark.

St. Martin, and five others, by the Netherlands.

Tortuga, and two others, by Venezuela.

St. Bartholomew, by Sweden.

Hayti and San Domingo, independent.

These islands have a total area of about 100,000 square miles and a population of about 4,000,000 souls.

Their total annual imports are about $116,000,000 in value, of which but $31,000,000, or less than one-third part, is supplied by the United States.

TEN NEGLECTED PACIFIC MARKETS.

A few weeks before his assassination, in an address to the graduating class at the Naval Academy at Annapolis, President Garfield said:

"The Pacific is yet to be opened, and you, gentlemen, will be the ones to scout it for us. Before long you will sail through the isthmus to open up the Pacific."

The significance of this remark may be appreciated by a glance at the trade statistics of the various foreign countries surrounding the Pacific, and facing the west coast of the United States.

Their annual imports of merchandise, as reported by the State Department, are about as follows in value:

Japan	$29,296,000
China	112,632,000
Hong-Kong	115,834,000
Philippine Islands	18,032,000
Dutch India	55,485,000
Siam	6,500,000
Straits Settlements	73,174,000
Australia, New Zealand, and Tasmania	118,600,000
Total	529,553,000

Of this total demand we supply but $20,497,000 in value, or less than 4 per cent.

This serious defect in our commercial relations with the outside world can be cured by the construction of interocean transit lines across the American isthmus, three being already projected, as may be seen by a glance at the accompanying diagram.

At present, steamships in sailing from New York or New Orleans to the Pacific markets, have to go around distant Cape Horn. The distance between New York and Hong-Kong by way of Cape Horn is 20,359 miles. When the Isthmus of Tehuantepec is open this distance will be reduced to 11,591 miles, making a saving of 8,768 miles each way, or 17,536 on the round trip.

The opening of this isthmian route will also practically extend the Mississippi River, with its 16,000 miles of inland navigation, to the Pacific Ocean; in other words, it will bring the neglected Pacific markets into direct communication with the Mississippi Valley.

When this is accomplished we may expect our due share of the foreign trade of those countries.

This, Mr. President, is all I have to say as stating why I support this appropriation. I suppose it will have very little weight in the great scale that we are now pressing upon the subject of opening up our foreign trade, but whatever it is I am willing that my vote shall contribute it.

The main reason why I support this appropriation I have already stated, because it is nothing but just compensation for public service rendered by American ships, and I am not willing to discriminate between the carriers of our mails on the ocean, on the land, and on our rivers. I am willing to try this experiment and to increase it if I see valuable results in the line of the development of our foreign trade; and whether it does or not I shall always be prepared to vote an amount something like a proper measure of compensation for this mail service.

NEW LIGHT-HOUSES.

Mr. McMILLAN. I desire to submit a conference report.

The PRESIDING OFFICER. There is pending a conference report now, on which the Senator from Kansas [Mr. PLUMB] has submitted a motion.

Mr. McMILLAN. That will lead to discussion, and I ask that it be laid aside informally for the purpose of disposing of this.

The PRESIDING OFFICER. Unanimous consent is asked to lay aside the pending matter informally in order to consider a conference report submitted by the Senator from Minnesota [Mr. McMILLAN]. Is there objection? The Chair hears none.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 17, after the word "Hill," insert the word "provided;" in line 18 strike out the word "which" and insert the words "the structure;" and the Senate agree to the same.

S. J. R. McMILLAN,
J. N. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.
MARTIN L. CLARDY,
A. B. IRION,
ROBERT T. DAVIS,
Managers on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: "including the cost of any additional ground for site, which the Secretary of the Treasury is hereby authorized to purchase, if in his judgment necessary;" and the Senate agree to the same.

WILLIAM MAHONE,
J. D. CAMERON,
J. N. CAMDEN,
Managers on the part of the Senate.
SAMUEL DIBBLE,
THOMAS D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

The Senate resumed the consideration of the motion of Mr. PLUMB, that the Senate further insist upon its amendments to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and ask for a further conference with the House of Representatives thereon.

Mr. PLUMB. Several Senators notified me that they intended to speak on this proposition. I do not wish myself to take the responsibility of detaining the Senate now if they are not disposed to speak. I believe I shall ask that the vote be taken.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate further insist on its amendments and ask for a further conference with the House of Representatives on the disagreeing vote of the two Houses.

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

The yeas and nays were ordered.

Mr. BECK. Mr. President, I would not say a word but for the fact that I am one of the Senate conferees on this question. I am not going to be tempted into a debate on free ships and tariffs or the effect of subsidies on commerce, but will content myself with a plain statement of the pending question. When the Post-Office bill was before the Senate and the subsidy to a few American steamship companies was under discussion I made my objections to it known, and not only mine but those of the Department for whose benefit it professed to be urged. I was defeated, and do not propose to ask the Senate to reverse its action; that is not the question before us for consideration now. The House sent us a clean appropriation bill making provisions for the postal service in all its branches for the fiscal year ending June 30, 1887, limited strictly to the estimates of the Post-Office Department. The Committee on Appropriations of the Senate, after full consultation with the Postmaster-General and his assistants, substantially indorsed the action of the House, and the bill would have been a law more than a month ago but for the steamship-subsidy amendment which originated in the Senate as an amendment to the bill, and was passed I may say against the protest of the Postmaster-General, not in the interest of the postal service, but for the purpose, as its friends avowed, of aiding American ship-building and American commerce.

Differing as I do with the friends of the measure as to its wisdom and beneficial effects, I do not propose now to seek to convince them that I was right or that they were wrong. After the President of the Senate decided the proposed amendment to be in order, it was entirely competent for a majority of the Senate to pass it and ask the House to agree with them. If the bill to increase the Army or Navy, the educational bill, the general pension bill, the oleomargarine, or any other bill had been decided to be in order as an amendment to this Post-Office appropriation bill, any or all of them might have been passed by the Senate in that form and sent to the House for its concurrence, and if the House had agreed with the Senate the bill with any or all of these measures incorporated in it would have gone to the President for his approval. But the House in the exercise of its undoubted right has disagreed in the most pronounced and emphatic manner with the Senate in regard to the subsidy this body saw fit to attach to the Post-Office appropriations for 1887.

They appointed conferees, who have met us twice in conference and have assured us in the most positive and unequivocal terms that the House will not agree to the proposition we have made. Indeed, we knew that from the record without any assurance. It must be conceded that if the Senate had passed the steamship subsidy as an independent measure and it had been rejected by the House in the way this amendment has been, no Senator would for a moment contend that there would be either any just ground for complaint or any reasonable hope of inducing the House to reverse its action, and I hardly think any one will assume in the face of the protests of the President and the Postmaster-General against the need of such legislation so far as the mail service is concerned that the failure to pass the subsidy inserted by the Senate will embarrass the postal service for the next fiscal year, however much it may impair the prospective fortunes of a few favored corporations or individuals who happen to own American-built ships, while it will save the tax-payers $800,000. The Senate may therefore as well look at the proposition as it is; it is a simple one: Will we refuse to pass a fair, clean, just bill, which meets the approval of both Houses, and provides for the postal service for the next fiscal year, to the entire satisfaction of all our officials because the House disagreed with the Senate in regard to a subsidy which has nothing to do with the original bill which both Houses approve or with the service we are providing for?

I hardly think a majority of the Senate is prepared to stop the mail service of the country for a year because the House, in the exercise of its undoubted right, disagrees with them on a proposition of that sort. I admit that in times of high party excitement, when passion rather than reason controlled the action of men, attempts have been made by one House to coerce the other. Things have been done by both parties that neither are proud of. No such condition of things exists now, and there is nothing in our past experience with subsidized steamship lines, either in the methods pursued or in the results produced by them to induce Senators to resort to violent coercive measures against the House

of Representatives because it refuses to tax the people in order to enrich them. I could turn to many debates on this floor in which Senators on both sides asserted, in the most emphatic manner, that while one House had the right to submit any proposition to the other as an amendment to any pending bill which was in order under its rules, it was the duty of the House proposing it to recede from it as soon as it was convinced that the other House was opposed to it. That neither House had any more right to attempt to coerce the other into an agreement when the proposition was submitted as an amendment to a pending bill than it would have if it had been sent to it as an independent measure. The excuse for presenting propositions as amendments when the rules permit being to secure consideration by that method, when, if presented as an independent measure, it probably would not or could not be considered at all. This subsidy submitted by the Senate to the House has been elaborately argued there and rejected, as we all know, in such a way as to leave no doubt that the assurances given by their conferees that the rejection is final may as well be accepted at once.

All I desire to say further is to call attention, among other things, to a statemant made on this floor when the Senator from Maine [Mr. HALE] was urging the building of new ships on a naval appropriation bill and the then Senator from Delaware, now the Secretary of State, and others were opposing it. The Senator from Maine said on the 10th day of April, 1884, and I believe it is the true solution:

> Then, setting aside the question of order, is this not a reasonable thing for us to do in the relations of the two Houses? I want to remove, if I can, the feeling the Senator has that the Senate is now doing anything that may look like coercing the House. I agree fully with him that that can not be done by either House, but I do think, and I hope he will support me in this, that it is legitimate and fair and not encroaching upon the other House to put on this appropriation bill this amendment, which our rule allows us to do, simply to bring the matter before the other House.

The then Senator from Delaware, Mr. Bayard, expressed his entire assent to that proposition and so did a number of others, and again after a good deal of debate no one stated it more strongly than the Senator from Maine when he repeated as an assurance to the Senator from Delaware that there was no intention to press the House further than to obtain a hearing, and if a refusal to agree with the Senate followed a withdrawal of the proposition. Mr. HALE said:

> Yes, I certainly do. I agree fully with the Senator from Delaware that there should be the utmost courtesy and regard for courtesies between the two Houses. Nothing should be done by either House knowingly that is in any way a monition, to say nothing of a menace, to the other; but either body under the rules has the right to put on measures in order to call the attention of the other House to them and in order that the two Houses may if possible get together and settle them in a conference or by vote; nothing more.

That is all I care to say. No Senator here will for a moment believe after what has taken place in the House and in conference that there is any chance for the House to agree with us. The Senate is driven, therefore, to the alternative of either refusing to make appropriations for the Post-Office Department for the fiscal year ending June 30, 1887, because the House will not agree to the subsidy, or it has got to endeavor to coerce the House into it after it has expressed itself in the most unequivocal terms that it will always reject it.

The Senate passed it. The Senator from Alabama or any other gentleman is wasting his time in arguing what we ought to have done. I opposed it. I was beaten, and so were those who agreed with me, but neither he nor any majority of the Senate has any power to make the House of Representatives agree with us; and they have, as the RECORD shows, by a majority larger than the vote cast for the subsidy—much larger—declared that they will not agree to that, and we have no power to coerce them; and if the Senate seeks to stop the postal service of the Government and the mails of the country because it can not get the House of Representatives to agree to a subsidy, that is the alternative that many more votes of insisting will lead to.

Mr. PLUMB. Before the Senator from Kentucky takes his seat I wish to ask him if he is not making the statement too broad as to action of the Senate in proposing to amend House bills? Do we not every session amend House bills in the way of increasing appropriations, changing them, and so on, even in matters on which the House has already disagreed, with a view of calling their attention again to matters of this kind which the Senate deems important, with a view to giving them an opportunity to rectify what we believe to be mistakes?

Mr. BECK. We do, and do it properly, and we ought to do it. We nave done that in this case. We have had two conferences, and we have seen their action and know what it is. I simply mean to say that I regard it hopeless to press the matter any further on them. The Senator knows that as a conferee, though differing with him, I have stood by him and expect to stand by him in the conference hereafter to maintain the action of the Senate; but I think we may as well look the facts in the face.

Mr. PLUMB. I thought the Senator was stating the proposition rather broadly that when the House dissented from anything the Senate ought not to still further insist.

Mr. BECK. Oh, no. I beg pardon. I said that when we had pressed a matter to a point where we had positive assurance that they were opposed to us and on a call of the yeas and nays on a measure like this there was 98 majority for the dissent of the House and only 80 votes cast against it, that when their position was so pronounced and when their conferees advised us that there was no chance to agree, then we must determine the other question: shall the bill pass without the amendment, or will we refuse to pass the bill altogether unless they agree to the amendment? I think we are about driven to that.

Mr. HALE. Mr. President, I agree in the proposition of the Senator from Kentucky that where there is a deadlock between the two Houses somebody in the end must give way, and the body that proposes a definite, marked, significant amendment to an appropriation bill or any other bill has upon it the burden of showing its essential strength in order to convince the other House; and it may be that upon this wise proposition which the Senate Committee on Appropriations reported and the Senate voted upon the bill, the other branch of Congress may adhere to its position and the Senate in the end have to give it up for the time being; but it will only be for the time being. This policy of the United States Government interposing, as every other civilized government in the world that has commerce and foreign trade has done, to encourage and stimulate and increase that foreign trade and commerce will prevail. The House of Representatives may throw itself across the pathway of this movement and may be able to divert it, but it will not end with this session of Congress or with this Congress. The people of the United States have become not only an overproducing people, furnishing millions upon millions of the products of the farm and the shop and the mine and the manufactory, which surplus products are desired and needed by our neighbors especially upon the American continent, but the American people have become more than an overproducing people, and the industries of the United States, fostered as they have been, protected as they have been, are to-day able to compete in producing cheap products with foreign nations, so that if a fair opportunity and a fair field is opened for gaining the commerce of these neighbors of ours in the Central and South American states we shall obtain that commerce, and having once got it shall be able to keep it.

Of all the great products of labor in the United States into which the uses of machinery largely enter the United States can furnish untold millions to these people as cheaply as Great Britain or France or Germany. Many of the products from iron and steel, cotton goods of the cheaper kind, manufactures from leather, agricultural implements of all kinds, that the people in Brazil and Chili and Peru and Venezuela and the Colombian States and the Argentine Confederation are stretching out their hands and demanding, we can send to them at prices as cheap as our European competitors; and but one thing is wanted, and that is transportation, regular, continuous, and as swift as possible. The history of every nation that has extended its commerce is the history of enterprise in the very direction that the Senate is now pursuing.

I am not troubled by the point of order or by the consideration in the nature of a point of order that the Senator from Kentucky has advanced, that this ought not to be put upon a Post-Office appropriation bill, that that is a clean service for the postal convenience of the American people, that it ought to be left there, and that this subject ought not to be introduced here. Why, sir, it has been done by other countries always; the increasing of their communication with other nations has been by aid given to commercial lines as a feature of their postal service. And, Mr. President, the whole Post-Office bill that is reported year by year and passed by Congress and approved by the President of the United States is, to use a word which Senators and others object to, a system of subsidies from beginning to end.

For years Congress aids and assists in appropriations which are actual subsidies for routes in different parts of the country which would never exist but for the appropriations given by Congress. Hundreds and thousands of miles under the star-route feature of the appropriation bills are made by the Government and kept up by its appropriations, where the needs of the communities through which those lines run are in no way commensurate with the expense in which the Government involves itself in maintaining them, because the theory of the whole star-route service is that communication shall be increased for the convenience of the population of the United States, and the question as to the weight of the mails or the extent of the wants of the people does not in any degree measure the appropriations that we make. We are aiding them and subsidizing them constantly. But the moment that any question arises with reference to encouraging our commerce with foreign peoples, to open a market for our overproductions, to enrich the American manufacturer, and the American farmer, and the American laborer, and the whole country as a country, that moment the Senator from Kentucky and those of his school of thinking set themselves squarely in the way to thwart, to oppose, and to defeat.

As I said, the whole postal appropriation bill goes on the theory not simply of carrying the mails for the price that the letters carried shall be paid for, but as subsidies to routes. The Postmaster-General in an official letter dated June 16, in response to a Congressional resolution of inquiry respecting the mail service on inland waters, discourses thus, and I should like the Senator from Kentucky, who is so sensitive upon subsidies, to listen to what the Postmaster-General says about this internal system of ours and our appropriations for it——

> These routes—

He says—

of inland water service are each governed by peculiar circumstances, and it is impossible that there can be any uniformity of rule or compensation regarding them. The carriers who render the service would, in many instances, not be found on the route at all but for the Government contract, and would in few instances be found making the regular trips which the Government requires. Wherever there is either passenger or freight traffic sufficient to keep a carrier in existence, independent of the mails, the latter will be found to be generally transported at a moderate price, notwithstanding the exaction by the Government of regular trips at stated hours subject to deduction or fine for any omission or failure. Higher prices are necessary on those routes where the carrier would not exist, or if to be found at all, would make only irregular trips but for his employment in the postal service.

That is, Congress provides money in the appropriation bill, and where there is less postal communication, less mail carried, there the Government pays its largest prices. If that is not a form of subsidy, to which nobody objects, I am unable to penetrate the meaning and the action and operation of our postal system as exemplified and illustrated by this letter of the Postmaster-General. I have been making some examination into the extent to which this trade with South America and the Central American states may be carried, as shown by the commerce which is now opened and being carried on between us and these countries. There is a line running now from New York to Brazilian ports. It has three ships. It takes in its regular trips the products of the American States to Brazil and finds a ready market. It is a profitable venture for the producers of these goods who send their products by this line, and it is interesting to see how broad and extensive already has sprung up this commerce. I have here the manifest of one of the ships of this line, and it furnishes a most interesting document.

Mr. FRYE. The manifest of one voyage?

Mr. HALE. Yes; this is the report and manifest of a cargo laden at the port of New York on board the American steamship Advance, whereof James R. Beard is master, bound for St. Thomas, Barbadoes, Pará, Pernambuco, Bahia, and Rio de Janeiro, Brazil. That single ship carried the products of twenty-six different States. Her cargo amounted to $155,200, and it represented the labor of the farm and the shop and the mine and the factory of twenty-six different States. This extension of commerce is not a thing that is to benefit monopolies, it is not a thing that is to build up already great accumulated fortunes, but it is to furnish the outlet and the market for the labor of the people of the United States.

It is interesting to look over this list from the different States showing what they sent. Here is California sending an invoice of canned pears; Connecticut sends clocks, axes, revolvers, rifles, cartridges, locks, and plated ware; Delaware sends canned fruit. Dakota, far away as she is, not yet admitted to the Union, had its venture in that ship that sailed from New York for Brazil in tin, the product of her mines. Georgia, a Southern State, which my friend before me [Mr. BROWN] so faithfully represents, who realizes the dawning greatness of that great Commonwealth and its interest in this question and in kindred questions—Georgia sends on this single ship blue drills, gray drills, Augusta plaids, colored cotton drills, fancy drills, sheeting, shirtings, tickings. Iowa, far away in the Northwest it would not be suspected that it would be immediately touched and affected by this commerce, but yet to-day stands ready if it is increased and opened to pour the resources of her great fields and products into this stream that shall flow down to our Southern brethren and neighbors—Iowa sends galvanized barbed wire and plows. Illinois sends butter, hams, corned beef, bacon, iron castings, hardware, scales; and Indiana flour from her mills; Kansas corn-meal; Louisiana cotton-seed oil and cotton gins; Maine codfish and lobsters. If they do not destroy these, if we can properly protect them, there is no end to the market for these our products.

Minnesota sends from her mills, which furnish a product that is the wonder of the world, to the South American states, flour. Michigan sends flour, furniture, ores, sugar-mills. Maryland, right on the coast where the line touches, sends lard, cotton-gin, oysters. Massachusetts, from her innumerable shops of her particular labor, sends bleached sheetings, colored cottons, bleached duck, tea, printing-presses, type. New York sends drugs, medicines, maizena, sewing-machines, soap, water-meters, leather belting, cotton clothing, lubricating oil, lard oil, hardware, flour, freezers, and straw paper. New Jersey sends butter, sewing-machines, flour, granite ware, rubber goods, spool silk. New Hampshire sends prints, shirtings, sheetings, colored cottons.

North Carolina—and I remember that one of the Senators from North Carolina asked me when this debate was up before in the Senate whether that State showed in this list and was interested in this question and in this commerce, and on the single ship that I struck into at random I find that North Carolina sends resin and turpentine. Ohio sends household utensils and maizena. Oregon, far off Oregon, sent down an artesian well and driver with all its parts ready for use; Pennsylvania, petroleum, agricultural implements, axes, stoves, glassware, pumps, locomotive car-wheels and brakes, hollow ware, and charcoal iron; Rhode Island, edge-tools, jewelry; Vermont, prize sheep for breeding. Almost everything is found in this one ship. Virginia, waking up, starting anew, entering in upon the field of enterprise and production, sends flour, corn-meal, rye flour. Wisconsin sends flour. I present this manifest to go in the RECORD in the form in which it is prepared.

Segregation of total values of each separate State's manufacture or products, extracted from certified copy of United States custom-house manifest of American steamship Advance, sailed from New York June 5, and from Neport News, Va., on June 8, 1886, for Brazil and West Indies.

State.	Value.	Articles.
California	$72	Canned pears.
Connecticut	5,605	Clocks, axes, revolvers, rifles, cartridges, locks, plated ware.
Delaware	7	Canned peaches.
Dakota	35	Tin.
Georgia	10,839	Blue drills, gray drills, colored cotton drills, fancy drills, sheetings, shirtings, ticking, brown jeans, Augusta plaids.
Iowa	681	Galvanized barbed wire, plows.
Illinois	11,288	Butter, hams, corned beef, bacon, iron castings, hardware, scales.
Indiana	7,175	Flour.
Kansas	172	Corn-meal.
Louisiana	808	Cotton-seed oil, cotton-gins.
Maine	382	Codfish, lobsters.
Minnesota	1,708	Flour.
Michigan	2,127	Flour, furniture, ores, sugar-mill.
Maryland	11,651	Lard, cotton-gin, oysters.
Massachusetts	13,114	Bleached shirtings, colored cottons, bleached duck, tea, printing press, type.
New York	32,446	Cotton clothing, lubricating oil, lard oil, hardware, flour, freezers, straw paper, drugs, medicines, maizena, sewing-machines, soap, water-meters, leather belting.
New Jersey	4,673	Butter, sewing-machines, flour, granite ware, rubber goods, spool silk.
New Hampshire	2,419	Prints, shirtings, sheetings, colored cottons.
North Carolina	712	Rosin, turpentine.
Ohio	3,493	Household utensils, maizena.
Oregon	1,254	Artesian-well driver and parts.
Pennsylvania	15,122	Locomotive car-wheels and brakes, hollow ware, charcoal iron, petroleum, agricultural implements, axes, stoves, glassware, pumps.
Rhode Island	1,712	Edge-tools, mock jewelry.
Vermont	12,600	Prize sheep for breeding.
Virginia	14,857	Flour, corn-meal, rye flour.
Wisconsin	248	Flour.
Twenty-six States	155,200	

Sworn values at United States customs on export entries.

J. M. LACHLAN,
Manager U. S. and B. M. S. S. Co.

Now, there is what a single ship is doing, representing the products of twenty-six States, and the demand is constantly increasing down there for our products.

The Senator from Kentucky will say—perhaps some other Senator will say—if there is this demand, this need for our products, and if this trade has already sprung up without governmental aid, why pay out money from the Treasury in this direction? This is the answer to that: The ship whose manifest I have given, this line of ships running from New York to the Brazilian ports and touching at other ports, is to-day in competition with foreign ships and foreign lines that can afford to transport goods from France, Germany, and Great Britain for a mere nothing in order to drive our lines out of the business, because their governments so generously subsidize them. The Advance, whose manifest I have here, and the other ships of this line, have to carry at such a rate that it is barely living, and other ships and other American lines have not the encouragement to go into the enterprise because of the competition of greatly subsidized lines of other countries.

Mr. President, it is a fact that so cheaply can they afford to carry freight from European countries to the South American ports that to-day flour, bacon, hams, butter, and cheese are sent from here to England and Holland and there transshipped to the South American countries. Why is this? Because the English Government sees with an unerring eye that the money which they pay in generous subsidies is a matter of the smallest account compared with the great commerce that is opened by these cheaply transporting lines to their people, and that every dollar they invest in sustaining and encouraging a well-conducted line of steamships from their ports to South American ports brings back to their people in the increase of commerce and in the marketing of their productions $10 for every one that they invest, and the American Government is the only government representing a great and enterprising people that has failed to realize this.

We started once years ago, in days of Democratic ascendency, when this very scheme was inaugurated, under the lead of a most intelligent Southern statesman, and began to aid American lines in the direction that Europe was then aiding her lines, in order to maintain and increase our commerce. The moment that that was done, and the American Congress embarked upon the experiment of subsidy to the extent of $1,600,000 in one year, Great Britain put her lines up $6,000,000. Great Britain put hers up four times as much as ours, in order to drive out our lines and our ships from the ocean. Then a timidity seized upon Congress, and the experiment was abandoned, and all this rich mine of trade and commerce, that has been growing incalculably

in the Central and South American states, was turned over to Great Britain. Then her neighbors, witnessing her success, France, and more lately Germany, entered upon the same field, under the same terms and through the same policy. Germany has built up with some of these countries, by encouraging and sustaining lines of transportation, a commerce equal to that of Great Britain.

So in the mean time we, busied with other things, subsidizing without stint at home, developing internal commerce, paying postal routes inordinately not for carrying the mails but for the convenience of our own people, paid no attention to this great field until at last, awakened up as by a fire-bell in the night, the American Congress begins to realize that the condition of the country is such that we must find a market for our increasing overproduction of American labor.

Mr. PLATT. One end of Congress.

Mr. HALE. Yes, as the Senator says, one end of Congress; but it will not stop there. This is not a question that is going to be put down either by an administration that is hostile to it or by one branch of Congress that opposes it. If the measure is defeated here, it will rise again.

While I am about it I will put in connection with the other schedule the schedule of the American steamer Finance, of the same line, sailing from New York February 16, 1886, telling the same story that the other did:

Manifest of the American steamer Finance, which sailed from New York February 16, and Newport News, Va., February 20, 1886.

NEW YORK.

Packages.	Quantities.	Value.	To be landed at—	State manufactured in.
Gray sheetings.....bales...	15	$587	Rio de Janeiro.....	Georgia.
Gray drills.....do.....	4	188	.....do.....	Do.
1 case bleached drills.....yards...	651	44	.....do.....	Do.
10 cases unbleached sheetings.....do.....	12,000	891	.....do.....	Do.
10 cases indigo-blue drills.....do.....	8,635	780	.....do.....	Do.
3 cases cotton sheetings, bleached.....do.....	4,320	498	.....do.....	Do.
14 cases cotton sheetings, bleached.....do.....	11,468	1,130	.....do.....	Do.
10 cases domestic sheetings.....do.....	12,000	.....	.....do.....	Do.
10 cases blue drills.....do.....	8,664	793	.....do.....	Do.
5 cases blue drills.....do.....	4,337	399	Pernambuco.....	Do.
27 bales and 50 cases blue drills.....do.....	64,032	5,900	Rio de Janeiro.....	Do.
3 cases blue drills.....do.....	1,688	151	Maranham.....	Do.
2 cases blue drills.....do.....	1,669	149	Imported.....	Do.
10 cases blue drills.....do.....	8,593	768	Pará.....	Do.
4 cases white cotton.....do.....	2,400	170	.....do.....	Do.
10 cases blue drills.....do.....	8,611	770	.....do.....	Do.
1 case blue drills.....do.....	850	85	.....do.....	Do.
10 cases blue drills.....do.....	8,556	870	Maranham.....	Do.
15 cases blue drills.....do.....	13,002	1,320	.....do.....	Do.
5 cases blue drills.....do.....	4,202	425	Bahia.....	Do.
5 cases blue drills.....do.....	4,097	370	Maranham.....	Do.
1 crate iron range.....pounds...	536	50	Pernambuco.....	Maryland.
2 crates iron ranges.....	.....	40	.....do.....	Do.
1 case canned peas.....dozen...	4	4	Bahia.....	Do.
1 case canned tomatoes.....do.....	3	2	.....do.....	Do.
1 case canned oysters.....do.....	3	3	.....do.....	Do.
10 cases canned oysters.....	.....	40	Rio de Janeiro.....	Do.
50 kegs lard.....pounds...	2,060	165	.....do.....	Do.
1 case canned fruit.....dozen...	2	7	Pernambuco.....	Do.
6 cases canned goods (peaches, salmon, oysters).....	.....	30	.....do.....	Maryland and Oregon.
Do.....	.....	26	.....do.....	Do.
2 barrels resin.....pounds...	975	30	Rio de Janeiro.....	North Carolina.
100 barrels resin.....do.....	30,682	183	Pernambuco.....	Do.
50 barrels resin.....do.....	15,174	91	.....do.....	Do.
20 barrels resin.....do.....	5,450	28	.....do.....	Do.
50 barrels resin.....do.....	13,425	65	Imported.....	Do.
Do.....do.....	19,396	120	Pernambuco.....	Do.
1 barrel spirits of turpentine.....gallons...	49	21	Maranham.....	Do.
25 barrels resin.....pounds...	10,845	150	.....do.....	Do.
1 case tobacco-cutters.....	.....	6	Rio de Janeiro.....	Do.
50 half-barrels resin.....pounds...	6,452	37	Para.....	Do.
1 case canned peaches.....dozen...	2	5	Bahia.....	Delaware.
2 cases cotton sheeting (bleached).....yards...	1,440	418	Pará.....	South Carolina.
2 cases bleached domestics.....do.....	2,864	183	Bahia.....	Do.
10 cases shrimps.....	.....	63	Pernambuco.....	Louisiana.
98 spools wire.....pounds...	11,819	525	.....do.....	Missouri.
75 barrels flour.....	.....	379	Pará.....	Do.
150 barrels flour.....	.....	758	.....do.....	Do.

NEWPORT NEWS, VA.

2,600 barrels flour.....	.....	$15,000	Bahia.....	Virginia.
600 barrels of flour.....	.....	3,600	Pará.....	Saint Louis, Mo.
290 barrels of flour.....	.....	1,740	.....do.....	Kentucky.
30 barrels of flour.....	.....	180	Maranham.....	Michigan.

Here is a very curious illustration of the benefit already derived from the enterprise of the gentlemen who have started this Brazilian line and are running it without our aid.

The great product of Brazil, as everybody knows, is coffee. She exports more than half of the entire amount of coffee consumed upon the globe. She sends to the United States more than $40,000,000 worth of coffee every year. With no American lines running from our ports to the Brazilian ports, British and French steamers would do this business and bring to us the coffee that our people demand upon their breakfast tables, that which has become a necessity of life. If there was no competition, and if there were no American lines, the foreign lines would make their own rates, and their freight charge would be added to the cost of the coffee, and the American consumer, the American laborer, would pay for it in the coffee that he drinks in the morning at breakfast.

What is the history of the operation of a line of our own steamers put on here? There are brought from Brazil to the United States every year about 2,000,000 bags of coffee, coming in bags. The old freight that used to be paid to foreign lines bringing coffee to our ports ran from 75 cents to a dollar a bag; and so much was added to the value of every bag of coffee bought by an American importer and consumed by the American people. What was the result of this American line being put on in competition with the foreign lines? The price of freight per bag fell to 60 cents, then to 40 cents, and lately coffee has been brought at an average as low as 10 and 15 and 20 cents a bag. The result of the establishment of that little line of American steamships carrying our products there, bringing Brazil's product to us, has been that in the article of coffee alone about $1,000,000 have been saved to the consumers of the United States. So great was the benefit of this cheapened transportation not only to us but to Brazil, that in their course of governmental business they were ready to give a subsidy, because they received it back ten times over in the increased markets and call that would arise for their more cheaply furnished products. But as much as the benefit was to them it was infinitely greater to us, and direct, and capable of mathematical demonstration.

Here is this line running, and any day the competing lines that have not been able to drive this line out of business may put down their freights, falling back upon their generous governmental subsidies, and drive our ships from the waters. Great Britain has an eye keenly alive to this. I do not believe there was a Senator present who did not listen with interest the other day to the Senator from Oregon [Mr. DOLPH] as he stood in the aisle and told the story of the attempt that Great Britain is now making to seize upon and control the commerce of the Pacific and drive from the waters of that great sea every Amer-

ican line that is engaged in transporting the products of our country to Asia and Asia's products here in connection with their lines of railroad which are being completed across the Dominion to the Pacific ports of British America. Great Britain stands ready with an enormous subsidy to lines of steamships that shall be put on to connect with that railroad system, and cheapened by a low rate of freights, sustained by that subsidy, they can continue that traffic until they drive every American ship from those waters, because Great Britain knows every dollar that she invests from her treasury in the way of subsidy brings back $10 to her people in a market for their products.

Mr. PLATT. And she has already a steamship line at both ends of that railroad.

Mr. HALE. Yes; as the Senator from Connecticut says, the management is already negotiated and completed for lines of steamship to connect with each end of that road, and subsidized without stint almost by the British Government. No British statesman, no British member of the House of Commons, where all this policy is considered and continued and maintained from year to year, ever ventures to rise in his seat and on the plea of economy and of the danger of subsidy dare to interpose a word against this broad and generous course pursued by the British Government.

If the American Congress goes on in the way that it has been doing of late years and fails to appreciate the magnitude of this question and fails to rise to the importance of the occasion, it will be seen, under increased subsidies by European governments, that the few American ships which to-day are engaged in this commerce will be driven from the waters of the globe. They can not stand the competition. It is a question of transportation. The question of production, as I have said, has been settled; the question of a market has been demonstrated; the question of the desire of those people to take our products has been manifested and has been completely disposed of. It is a question of transportation, of the encouragement of American lines of American-built ships, American-sailed ships, carrying American products, under the beneficent encouragement of the American Government.

This policy has great difficulties to contend with. The House of Representatives with its Democratic majority is against it. It refuses, and insists on refusing, and repeats its refusal to embark in this policy, and spends its time on other projects, to which I will not allude. The administration is hostile to it. The Senator from Kentucky in the debate here six weeks ago declared in terms that his opposition, which was fearless and tireless, represented the administration; that the President was opposed to the policy; that the Secretary of the Treasury was opposed to it; that the Attorney-General was opposed to it; that the Postmaster-General, as everybody knows, was opposed to it; and so it has to contend with this perhaps greatest of all difficulties.

Sir, the time will come when the American people will demand that an administration shall be wise enough and broad enough and far-sighted enough to realize and comprehend this great subject. They will demand an administration which will not spend its time upon little details and smaller considerations, but will have that breadth of statesmanship, that knowledge of the resources of the American people, that knowledge of the demands of American labor, and that knowledge of this vast field which lies open and ready for us to occupy that should characterize an intelligent administration of the affairs of the American people.

I wish that the President could be taken away from some of the things to which he is no doubt honestly giving his time. Let him give less time to the examination and consideration of the subject of a pension to some poor old soldier, and study up this question and learn something of this great field that is open to the American people. Let the heads of his Departments examine into it. Let the Postmaster-General, who acknowledges in the letter which I have read that our postal system is a system of subsidies, awaken to the importance of this subject, and let him see and know and realize that the American people will have a Postmaster-General who will not put the clamps upon American enterprise, and who will not, when the people from South and Central America are asking for our products, stand in the way of every movement that tends to extend this trade.

So I say that while this enterprise may go away and may amount to nothing in this Congress because of the hardihood and density of the opposition, the time will come when such will not be the case, when these lines will be encouraged, and when a constant and increasing stream of commerce carrying our products to these neighbors of ours will in return bring back theirs that we need, and the whole country will be benefited.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. PLUMB] that the Senate further insist on its amendments to the Post-Office appropriation bill, and ask for a further conference, on which question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. JONES, of Arkansas. The Senator from Indiana [Mr. VOORHEES] was called away from the Senate Chamber quite unwell, and asked me to pair with him on this question. If he were present, he would vote "yea" and I should vote "nay."

Mr. MCMILLAN. I desire to state that my colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. Both are absent from the Chamber, sick. My colleague would vote "yea," if he were here.

Mr. CAMDEN. I wish to announce the pair of my colleague [Mr. KENNA], who is detained from the Chamber to-day on account of sickness, with the Senator from Minnesota [Mr. SABIN].

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. I am told by Senators that he would probably vote "yea," if he were here. I do not know as to that; but as this is not a political question I shall vote. I vote "yea."

Mr. BLAIR (after having voted in the affirmative). I am paired with the Senator from Georgia [Mr. COLQUITT]. I withdraw my vote. If he were present, I should vote "yea."

Mr. PLUMB. The Senator from Alabama [Mr. MORGAN], who has a general pair with me, authorized me to transfer that pair, which I now do, to the Senator from Colorado [Mr. BOWEN]. If the Senator from Alabama were present, I suppose he would vote "nay;" and the Senator from Colorado would vote "yea" if he were present. I vote "yea."

Mr. WILSON, of Maryland (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. HEARST. I am paired with my colleague [Mr. STANFORD].

The result was announced—yeas 33, nays 12; as follows:

YEAS—33.

Allison,	Eustis,	Mahone,	Riddleberger,
Brown,	Evarts,	Manderson,	Sawyer,
Call,	Frye,	Miller,	Sherman,
Cameron,	Gorman,	Mitchell of Oreg.,	Spooner,
Chace,	Hale,	Palmer,	Teller,
Conger,	Harrison,	Payne,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	
Dawes,	Ingalls,	Plumb,	
Edmunds,	McMillan,	Pugh,	

NAYS—12.

Beck,	Cockrell,	Gray,	Maxey,
Berry,	Coke,	Hampton,	Walthall,
Butler,	George,	Harris,	Whitthorne.

ABSENT—31.

Aldrich,	Gibson,	McPherson,	Sewell,
Blackburn,	Hearst,	Mitchell of Pa.,	Stanford,
Blair,	Hoar,	Morgan,	Vance,
Bowen,	Jones of Arkansas,	Morrill,	Van Wyck,
Camden,	Jones of Florida,	Pike,	Vest,
Colquitt,	Jones of Nevada,	Ransom,	Voorhees,
Dolph,	Kenna,	Sabin,	Wilson of Md.
Fair,	Logan,	Saulsbury,	

So the motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. MAHONE, and Mr. BECK were appointed.

SCHOONER OUNALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I herewith inclose a report from the Secretary of State, with its accompanying copies of papers, relative to the case of the American schooner Ounalaska, which was duly condemned by the Government of Salvador for having been employed in aid of an insurrection against that republic, and was subsequently presented to the United States. It seems that an act of Congress accepting the gift on the part of this Government is necessary to complete the transfer, and I recommend that legislation in this sense be adopted. It further appears that one Isidore Gutte, of San Francisco, has sought to obtain possession of the condemned vessel, and I therefore suggest that a second provision to the law accepting her be made giving authority to the Court of Claims to hear and determine the question of title.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 28, 1886.

CLAIM OF S. A. BELDEN & CO. AGAINST MEXICO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication, with accompanying paper, from the Secretary of State in relation to the distribution of the award of the late Mexican Claims Commission in the case of S. A. Belden & Co. against the Republic of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 28, 1886.

CONFERENCE ON HOUSE PENSION BILLS.

The PRESIDENT *pro tempore* laid before the Senate the action of the

House of Representatives non-concurring in the amendments of the Senate to the following bills and asking a conference with the Senate on the disagreeing votes of the two Houses thereon:

A bill (H. R. 7165) to increase the pension of Manhattan Pickett;

A bill (H. R. 1462) granting a pension to Addie L. Macomber;

A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins; and

A bill (H. R. 4544) granting a pension to Ann E. Cooney.

By unanimous consent, it was

Resolved, That the Senate insist on its amendments to the said bills disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

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

The PRESIDENT *pro tempore* appointed Mr. BLAIR, Mr. SAWYER, and Mr. WHITTHORNE.

KANSAS RAILROAD GRANTS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes; which was ordered to be printed.

DES MOINES RIVER LANDS—VETO MESSAGE.

Mr. PLUMB. I move that the Senate proceed to the consideration of the veto by the President of what is known as the Des Moines River lands bill.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the Chair). The Senator from Kansas moves that the Senate proceed to the consideration of the bill (S. 150) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes. The Chair will state to the Senator from Kansas that the regular order is the bill relating to land grants.

Mr. BUTLER. I was going to ask the Senator from Kansas to yield to me with a view of taking up the bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company. If the Senator is not anxious to proceed with the regular order, I should be very glad to have that bill disposed of to-day.

Mr. PLUMB. I think we can get through with the Des Moines River lands bill within an hour or so anyhow. It will lead to very little debate, I think; and the Senator from New York [Mr. EVARTS], who desires to speak on the question, wants to go away; so that it becomes very material to his convenience to have the matter disposed of now. I think we can get through with it in an hour or two.

Mr. BUTLER. I should be very glad to have the Cinnabar and Clark's Fork Railroad bill disposed of. It has been partly proceeded with by the Senate. Of course it is a matter of great annoyance to me to have an unfinished measure on my hands, and I am sure that it can be disposed of in three-quarters of an hour. So far as I am concerned I will agree not to open my mouth about it, but take a vote on it.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. PLUMB. Under the circumstances I must insist on the Des Moines River lands bill. I have no objection to the bill which the Senator from South Carolina has in charge coming up at at any other time, and I should be glad to help him bring it up; but I think there is ample time to dispose of the Des Moines bill this evening.

Mr. BUTLER. I have given way about half a dozen times, and I am very anxious to get the bill through. I want to leave the city myself, and this is the matter of principal interest which is detaining me here. If the Senator will permit me to go on with it, as I said a moment ago, I am quite willing to take a vote on it without any discussion whatever so far as I am concerned.

Mr. HARRISON. The Senator from South Carolina will allow me to suggest that I know that the Senator from Nebraska [Mr. MANDERSON] desires to speak, I think at some length, on the bill he has in charge, and it is a matter not likely to be disposed of without debate.

Mr. MANDERSON. The Senator from Nebraska does not propose to speak at any great length. However, I desire to be heard when the bill is under consideration, and I do not think it can be disposed of between now and the usual hour of ndjournment.

Mr. BUTLER. Then I move that the Senate proceed to the consideration of Senate bill 980.

Mr. ALLISON. I understand that the Senator from Kansas has submitted a motion.

The PRESIDING OFFICER. The pending motion is that submitted by the Senator from Kansas, who declines to yield, the Chair understands.

Mr. PLUMB. That I think is a privileged motion, and in view of all the circumstances I can not consent to yield, on account of the convenience of Senators who desire to speak on the matter.

Mr. BUTLER. Then I move that the matter to which the Senator from Kansas refers be informally laid aside.

The PRESIDING OFFICER. The motion now before the Senate is the motion of the Senator from Kansas to proceed to the consideration of Senate bill 150. The question is on agreeing to that motion.

Mr. BUTLER. Of course I can not ask the Senator further to yield, but if that motion is adopted I shall then ask the Senate to lay the matter aside informally with a view of taking up the Cinnabar and Clark's Fork Railroad bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

Mr. BUTLER. Now I ask that the pending bill be informally laid aside for the purpose of proceeding with the bill to which I have referred.

Mr. ALLISON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ALLISON. I will assist the Senator some other time to get up his bill.

Mr. BUTLER. I have been having that kind of assurance for the last ten days, and every time I ask for help it is always withdrawn in favor of something else. I should be glad to have the Senator's powerful aid, but he never seems to bring it to the rescue.

Mr. INGALLS. What is the pending question?

The PRESIDING OFFICER. The Senate has agreed to proceed to the consideration of the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. INGALLS. No, not the bill.

Mr. PLUMB. The veto message.

The PRESIDING OFFICER. The veto message of the President will be read.

Mr. INGALLS. Has not the message been read once?

The PRESIDING OFFICER. It has been read once heretofore.

Mr. INGALLS. I do not think it necessary to read it again. The pending question is, Shall the bill pass notwithstanding the objections of the President?

Mr. SAULSBURY. I think if we are going to consider the veto message of the President it ought to be read. It may have been read hastily before, but we are now going to deal with the subject.

The PRESIDING OFFICER. Is there objection to the message being read again? The Chair hears none, and the message will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

I return herewith, without approval, and with a statement of my objections thereto, Senate bill No. 150, entitled "An act to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

This proposed legislation grows out of a grant of land made to the Territory of Iowa in the year 1846 to aid in the improvement of the navigation of the Des Moines River."

The language of this grant was such that it gave rise to conflicting decisions on the part of the Government Departments as to its extent, and it was not until 1880 that this question was authoritatively and finally settled by the Supreme Court of the United States. Its decision diminished the extent of the grant to a quantity much less than had been insisted on by certain interested parties, and rendered invalid the titles of parties who held, under the Territory or State of Iowa, lands beyond the limit of the grant fixed by the decision of the court.

For the purpose of validating such titles and to settle all disputes so far as the General Government was concerned, the Congress, in the year 1861, by a joint resolution, transferred to the State of Iowa all the title then retained by the United States to the lands within the larger limits which had been claimed, and then held by *bona fide* purchasers from the State; and in 1862 an act of Congress was passed for the same general purpose.

Without detailing the exact language of this resolution and statute, it certainly seems to be such a transfer and relinquishment of all interests in the land mentioned on the part of the United States as to relieve the Government from any further concern therein.

The questions unfortunately growing out of this grant and the legislation relating thereto have been passed upon by the United States Supreme Court in numerous cases; and as late as 1883 that court, referring to its many previous decisions, adjudged:

"That the act of 1862 (C. 161, 12 Stats., 543) transferred the title from the United States and vested it in the State of Iowa, for the use of its grantees under the river grant."

Bills similar to this have been before Congress for a number of years, and have failed of passage; and at least on one occasion the Committee on the Judiciary of the Senate reported adversely upon a measure covering the same ground.

I have carefully examined the legislation upon the subject of this grant, and studied the decisions of the court upon the numerous and complicated questions which have arisen from such legislation, and the positions of the parties claiming an interest in the land covered by said grant; and I can not but think that every possible question that can be raised, or at least that ought to be raised, in any suit relating to these lands, has been determined by the highest judicial authority in the land. And if any substantial point remains yet unsettled, I believe there is no difficulty in presenting it to the proper tribunal.

This bill declares that certain lands which, nearly twenty-four years ago, the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

If a law of Congress could, in the manner contemplated by the bill, change, under the Constitution, the existing rights of any of the parties claiming interests in these lands, it hardly seems that any new questions could be presented to the courts which would do more than raise false hopes and renew useless and bitter strife and litigation.

It seems to me that all controversies which can hereafter arise between those claiming these lands have been fairly remitted to the State of Iowa, and that there they can be properly and safely left; and the Government, through its Attorney-General, should not be called upon to litigate the rights of private parties.

It is not pleasant to contemplate loss threatened to any party acting in good

faith, caused by uncertainty in the language of laws or their conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as to prevent them from appealing to the courts for a redress of their wrongs, a plain statute, directed simply to a remedy of such disabilities, would not be objectionable.

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right or lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

A law to accomplish this very object was passed by Congress in the year 1873. Valuable proof is thus furnished, by the only law ever passed upon the subject, of the manner in which it was thought proper by the Congress at that time to meet the difficulties suggested by the bill now under consideration.

Notwithstanding the fact that there may be parties in the occupancy of these lands who suffer hardship by the application of strict legal principles to their claims, safety lies in the non-interference by Congress with matters which should be left to judicial cognizance; and I am unwilling to concur in legislation which, if not an encroachment upon judicial power, trenches so closely thereon as to be of doubtful expediency, and which at the same time increases the elements of litigation that have heretofore existed and endangers vested rights.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 11, 1886.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. EVARTS. Mr. President, by far the greater part of the Senate are not only very familiar with this subject in all its forms, but much more so than I am. My predecessor in the Senate, Mr. Lapham, in attention to the just rights of many of his constituents, gave to this subject a full consideration, and left nothing unheeded in his examinations and nothing omitted in his presentation of their rights.

My attention was for the first time called to this subject about the time that the veto message of the President came in. Before that I had no knowledge on the subject, and when the bill passed this body as it did, and passed the House of Representatives also, I had no knowledge of its pendency.

An examination of the subject has satisfied me that the President is entirely right in his finding the reasons for returning the bill to this body for reconsideration. In examining the debates in which the Senators from Iowa and the Senator from Alabama [Mr. MORGAN], and Mr. Garland, then a Senator from Arkansas, participated, the whole light which could be thrown from one side and the other upon this bill has been reflected from luminous minds and by careful research. The interest of my constituents in the greater part of the lands which are involved in controversy makes it quite my duty to examine their rights and to present them, and without hesitation. I may say that after having made the examination I can see no answer which can be made to the reasons of the President, or to the reasons which have been advanced in previous debates in this body on this subject adverse to the bill.

I find running through the former debates what I shall now concur in fully, a general regret on both sides, by the advocates and the opponents of the bill, a very sincere regret, that competing claimants for the same land, both claiming under titles directly or indirectly from the United States, should thus be in competition. In ordinary relations where a grantor has made inconsistent grants by inadvertence the remedy is complete under the warrantees that the evicted tenant can have his remedy against the landlord. I am not disposed to undervalue in the least the rights of these claimants if they are sincere and honest in their claims. Under the course of legislation and under the course of administration of the lands by the officers of the Government there has been confusion, and are or have been competing claims. I believe that it is the duty of the Government under such circumstances to make a patient and generous examination into the situation, and I do not think that the question of the amount which might be drawn from the Treasury in meeting these competing claims and satisfying the disappointed parties relying upon the action of the Government should be a question for rejecting the proposition.

The title by pre-emption or by the homestead law is as good as any other title. Its origin, its circumstances, and the reasons and the uses of the legislation should give every degree of support to a title thus claimed. The claimants here against the title of those whom I now in this argument represent insist that they, if not in law, yet in equity, in the favor of this Government at least, should be put upon a basis that would enable them to accomplish the purpose on which they have relied in their attempts to gain a title. By whatever means consistent with the rights of property and the observance of law and the Constitution, at whatever cost to the United States, a due consideration should be given to such pretensions. At various stages running through now twenty-five years or more this subject has been treated of in law, in administration, in discussion, and in attempts to pacify if not to satisfy these competing claims.

In the mean while the natural resort and, as I think, not only the natural but the necessary determination of legal rights has been pursued in case after case through the courts of the United States up to the final determination in them of the Supreme Court of the United States. I shall not only find a complete legal determination of the rights of the claimants under the original grant of 1846 for the improvement of the Des Moines River in these statutes and in the proceedings of Congress giving affirmation and renewed affirmation to these statutes, a complete and perfect legal title, but I shall find in the consecutive decisions of the Supreme Court of the United States a decisive, conclusive, and uniform acceptance and insistance upon that legal title.

If that is so, then the question must first present itself, how in the sense of changing or regulating the execution of the law as now existing and its interpretation by the courts of this country should it find access to this Chamber or to this Congress?

I shall not insist upon so full a presentation of the nature of this controversy as I should need to do for my own satisfaction were not the Senate in possession of the topics more completely, as I have already said, than I am myself.

The interest and the dissension arise in this way: Congress as early as 1846 made a grant of lands in Iowa upon the Des Moines River to aid that State in the completion of a system of improved navigation of that river. A grant was made of so many sections upon one side and the other of the river, and the improvement was to be below the forks of the Raccoon River, I think, and the question was whether the grant given was limited to the sections or the lands on the sides of this river below the Raccoon Fork or not. Whatever indeterminateness or carelessness there might have been in the definition of the grant it was in Congress, and these parties now disputing were not responsible for any such obscurity. It was held that the grant did cover the lands above the Raccoon Fork. It was held also by other administrative action that it did not. Then again the first plan was again accepted; and so it went back and forth for a considerable time in the treatment of this topic by the officers of this Government having charge of it.

In 1859, in a suit then pending in the Supreme Court of the United States, it was for the first time, as I understand, determined legally that the grant did not extend north of the Raccoon Fork, and thereupon what had been obscure and had been disputed was as matter of law settled, that the grant had not embraced the lands north of this fork. Then in 1861, after this determination, Congress by a joint resolution of the 2d of March, 1861, conferred this grant according to the interpretation of its including the lands above the fork to the State of Iowa to inure to the benefit of its honest grantee. Prior to this determination by the court in 1859, and prior, of course, to this confirmatory act of Congress, the Des Moines Navigation Company, having completed so far as it had done its duties in the improvement of the river, had settled with the State concerning that work and concerning the stipulated benefit or compensation, and these lands had been vested in the Des Moines Navigation Company by the authentic action of the State of Iowa. Upon the passage, therefore, of this act of 1861 there came to be, as we claim and as the courts have decided as we suppose, a good title in the company under the action of the State of Iowa and under the operation of the resolution of Congress of March 2, 1861.

In 1862 a bill was passed here covering and governing the same subject, but also some other relations to the interests of Iowa in regard to its railroads, and this again was a confirmation of this grant on the construction which embraced these lands in dispute, and thereupon again there came to be an absolute and complete and settled title.

Still later, in 1871, by a new act then passed, brought into existence by reason of some relations to railroad grants for the aid of Iowa and in furtherance of its just right to participate in these lands for improvements, as I understand, a new confirmation was given to this title.

There having been a large discontent and disappointment there to men who had counted upon the plot of land that they occupied as, if not secured, at least to be secured to them under the laws of the land, an effort was made on the part of Congress to ascertain what the extent of persons interested, the number of acres involved, and the value of the property thus in jeopardy in the competing claims, and a commission was appointed which as I understand had for its purpose the informing of Congress what the actual state of these claimants was and how much was involved. These commissioners were appointed under an act of March 3, 1873, by which three accomplished gentlemen, one of Minnesota, one of Iowa, and one of Ohio, were made commissioners to "ascertain the number of acres, and by appraisement or otherwise the value thereof, exclusive of improvements, of all such lands lying north of Raccoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States."

Here was an honest and a generous effort in its design to accomplish a pacification of the disputes and to throw upon this Government the responsibility that should belong to it as growing out of the obscurity or inattention of its legislation. In the report of this commission is a complete statement of the names of the settlers, the description of their property, of the character of their claim or initiatory step, the dates, &c., of all the proper and necessary methods of accomplishing a good title, and an appraisement of the value per acre and of the adverse owners' terms to the United States per acre. It is found that there was involved in this as the total number of acres 39,510; average appraised value per acre, $10.22; total appraised value, $404,228.49; average owners' price per acre, $14.35; total owners' price, five hundred

and sixty-three thousand and odd dollars. Congress seems to have been dismayed or discouraged by the amount that would be required to pacify these claimants. I will occupy no further attention with this part of the matter than what I understand to have been the disposition of these claimants.

Of these 344 persons, it is stated to me upon what I regard as good authority, I may say undisputed, only 12 filed their claims prior to March 2, 1861; that is, only this small number of the 344 had commenced their steps toward securing a title by homestead or pre-emption before the resolution of March 2, 1861, was passed. Prior to May 1, 1880, I am assured that over 270 persons had bought their claims from the navigation company, leaving but 74 not settled with, and it is believed only 10 or 12 are now unsettled with.

I bring this to the attention of the Senate as showing how the matter stands in regard to these dates, when certainly, as it seems to me, it was clear that the title to this land was confirmed by the United States and was no longer in the public domain.

The course of litigation went on, and I shall not recount either the suits or read the decisions, but I think I am quite justified in saying that, as was stated by Senator Garland in his place and by Senator MORGAN in his place, all the questions that it could be supposed it was possible to raise as to the legal rights of these conflicting claimants had been passed upon and determined.

If any one will point out to me the right or the method of asserting these homestead or pre-emption claims against the title made under the State of Iowa to the Des Moines Navigation Company by the United States in their legislation I shall be happy to consider it; but I do not know that when this was challenged in the last debate in the last Congress in this body then that an attempt was made to do so.

Of course that there should be a body of land in dispute is injurious to all concerned. It is always injurious to the neighborhood, to the development of the State. These lands, I am told, are as fortunate and fertile perhaps as any equal amount of the favored land of that great State of Iowa; and all who are involved in either the discouragement or despair of failing in lands which they thought they could gain are entitled to full and ample consideration; but the question of the method to be adopted and pursued to that end brings us now to what is a very simple and a very intelligible proposition.

If it be true that the United States now has any title in this land, if it now constitutes a part of the public domain, the United States can assert by such methods as the law opens to the United States the maintenance of that title; and when that title has been established and by determination the land has come back into the public domain, then I suppose not a single voice would be raised against entertaining and disposing of just claims that have rested upon this dormant title that is finally established, as it would be in the case I have supposed, in the United States.

But this bill does not proceed upon that proposition. Pending the course of legislation and pending the course of judicial determination, such as it is, for a series of years an attempt has been made to put these claimants or the United States in their behalf upon a footing which the law and the courts did not give them. Several times in past sessions the bill has passed one or the other of the bodies of Congress, but not until now has it passed both Houses and been presented to the President for his sanction to its becoming a law. His examination of it has led him to think that for grave reasons, very tersely and yet very comprehensively stated in this message of the President, this disturbance of the courts and of the law and reconsideration by the United States of legislation which has been determinative of this point should not be allowed.

I ask now attention to the bill itself, and then I shall perhaps have done all that I need to do in this behalf.

The bill begins by reciting what is thought to be the basis of the enactment, which I need not read. I might not think upon my own examination of the case that it was altogether properly recited, but that might be perhaps an error on my part. Certainly the Public Lands Committee have intended to be accurate and faithful. The last whereas is:

Whereas there are many settlers who, believing that the said lands were public lands, entered upon the same in good faith, and with the consent of the Department of the Interior, as pre-emptions and homesteads, and since so doing, and after receiving patents, have been held by the courts as trespassers, or that the lands were reserved from settlement.

Now you have the situation directly stated. The courts have held these people trespassers, and they ask now for aid from the United States in legislation to put them on some better footing:

Therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby delared to be, public lands of the United States.

That is an enactment that these lands above Raccoon Fork that had improperly been treated administratively as included in the grant, and that had been treated also in the legislation of the 2d of March, 1861, and in the subsequent legislation, and that had been dealt with in the courts under the solemn and frequent decisions of the Supreme Court of the United States, are to be taken up by legislation now, and the initial, the fundamental, and absolutely necessary proposition to sustain the rest of the bill is this enactment that these lands thus disposed of, thus held by claimants, thus possessed under title made through the United States and the State of Iowa, are to be now made and considered public lands of the United States. Although the mild phrase "are declared" is used in this clause, if it means anything it means are decreed to be public lands of the United States.

We have no declaratory law under our Constitution that can affect property and rights of property *deinde* as of date from the original grant or action. We have no power in Congress to disturb the titles of land, whether gained under homestead or pre-emption, or under grants, or under the ordinary forms under which transmission of land is made. We have no power to change that title. It can not be done. If it is done for public use, it must be by condemnation and compensation. If it is to deprive those who have rights of their existing rights, it can only be done by due process of law, and it can not be done now under the fourteenth amendment, except under the equal protection of the law to all.

But here is an invasion in the most direct form, by absolutely decreeing that the property as now vested by law, if it be vested as the courts have decided, if it be vested as the owners occupying it claim it and assert it to be, shall be taken from the freeholder and resumed to the United States as its property for public uses. And yet in the discussion before the Senate a year ago in the Congress of that date the assertion of Senator Garland and of Senator MORGAN was that there was no footing whatever upon which to establish a proposition that was to transfer to the public domain what by law and by judgment was not the public domain, and it might as well be attempted in reference to any land that was held by any man under whatever title.

Now let us see the purpose. Does the United States undertake to resume these lands and keep them for public use as its lands? No; it undertakes to throw a title or claim of title under which the United States may assert and litigate these competing titles. Does it do it as it might do, by permitting the officers of this Government in the Law Department to undertake the prosecution of the right according to existing law? No; it not only condemns by transferring the title from the present possessing owners to the United States, but it then proceeds to determine the grounds of determination in the suits that may spring out, either private or public, from this new legislation, the rules and principles upon which the possession of the land is to be determined.

It is restored to the public domain—

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified and confirmed, and made valid.

That is to say, all these lands that are vested in the citizens of New York and of Ohio and several other of the States of the Union, that are theirs now, that have been decided to be theirs in fee-simple absolute, shall not be disturbed by the United States unless there is a counter-claim. This is legislation about land and about title. It is not a disposition of what belongs to the United States. If that be so, it can now determine by its own litigation without the aid of any legislation what the titles may be. Now we come to the further proviso. After having shown that we shall be ratified in all our claims where there is no counter-claimant, the further proviso is:

Provided, further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them, their heirs or their proper assigns, and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent.

This statement of the persons that are thus to derive patents against the claimants whom I represent are not persons that have gained under the pre-emption law or under the homestead law any title that those laws are calculated to give; nor is it limited to those who went on in good faith while there was obscurity and while there was uncertainty in the administration by the land offices. But up to 1880, after the legislation of March 2, 1861, and that of July 12, 1862, and March 3, 1871, and after all these litigations and all these public decisions, if a party can bring himself, not on a footing that the courts will determine, but on a footing that the United States as dominant owner of the fee shall accept as good reason, the bounty and favor of the Government is extended. How does it read?

That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880.

They are to have a better title and deprive us of our title made under the original legislation and the decisions of the courts. Of course this proviso can have no legal footing in the courts, and it can have no lawful support in the legislation of Congress unless the principal fact be that the land is now in the United States without this legislation. None of these contrivances, first of establishing an apparent title in the United States, and, second, of confirming to us those lands that were not disputed, and then confirming to all that did dispute or put themselves in the position of being occupants or claimants at any time previous to 1880 and saying they are to have the better title, can stand the test of

scrutiny. The action must rest upon taking the claimant's property as derived under existing laws and decisions and giving it to others that under existing laws and decisions have no such title.

There is a further proviso:

Provided, further, That the title of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

This is circumlocution, for it comes to this, that the act declares that these lands are the property of the United States and have been since 1846, because it was there the vice was, in the grant that was construed wrongfully, we will say for the sake of the argument, ever since 1846, and that you now propose to give them not according to the title of *bona fide* claimants under the statutes and under the laws of Iowa, but to people that have got the footing, or desiring, or planning, or hoping that they might come to a title that would be good.

The President has pointed out that this is, as he words it, so nearly trenching at least upon the established rights of property—I do not quote his words—that Congress should not undertake that method of dealing. I am under no obligation to maintain any such reserve. I, in my view as a lawyer and under an examination of the decisions, can not but treat this bill, however good may be the motives and however desirable certain ends might be gained by proper means, this encroachment upon the rights of property and the right to maintain them according to existing law in the courts of the country, is a subversion of the constitutional provisions as well as of the principles of justice.

Mr. President, I might occupy your attention with reading the clauses of these acts of Congress; I might draw your attention to the decisions of the courts in full, as I believe in previous discussions in this body this detail and this analysis have been carefully spread before the Senate; but I have said enough, in addition to the very competent and careful treatment of the subject in the message of the Executive, to show you that upon views which approve themselves to my judgment and my examination the passage of this bill should be prevented.

Much has been said in previous debates on the part of the learned Senators and others who espoused the cause of the bill and faithfully and carefully and intelligently exposed the mischiefs now existing and the desirability of their being terminated. As I said before, I heartily concur in that view; but I have before me now a single bill, and I can not find in that any of the opportunities to do justice or to encourage hope. I have not the least expectation that if this act should become a law the claims made by the United States or made by these claimants could find hospitable reception in the courts of the United States for their decision, and I can not suppose that it can be now raised as a claim that a declatory law of Congress can prevail with the courts of this Union on any point to change the law as existing at the time the declaratory act is passed in reference to anything that has taken place before.

I find in one of the principal newspapers, the Iowa State Register, of Saturday, April 17, 1886, a statement of a resolution with recitals that passed the senate of that State unanimously, as it is stated, and it is supposed would have passed the other house had there been time for its consideration. I ask that the Secretary will do me the favor to read this.

The Chief Clerk read as follows:

Whereas many of the settlers upon the so-called "Des Moines River lands," located above the Raccoon Fork of that river, entered upon the same in good faith, with the intent to make pre-emption or homestead entries, in accordance with decisions of the Department that the same were public lands and subject to pre-emption and homestead entry as such; and

Whereas by repeated decisions of the Supreme Court of the United States the lands so entered upon by such settlers have been held to have been reserved from such entry as lands embraced in the Des Moines River grant of August 8, 1846, and the title hereto to have passed, by virtue of the joint resolution of March 2, 1861, "to quiet title to lands in the State of Iowa," and an act of Congress of July 12, 1862, entitled "An act confirming a land claim in the State of Iowa, and for other purposes," to the State of Iowa for the benefit of *bona fide* purchasers thereof from said State; and

Whereas a bill for an act entitled "An act to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes," passed by the Senate and House of Representatives of the United States at its present session has failed to become a law by reason of the veto of the President, the reason of such veto being, as maintained by the President, want of power in Congress to enact the same: Therefore,

Be it resolved by the senate of the State of Iowa (the house of representatives concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure the prompt enactment of a law whereby full and complete indemnity shall be provided for all persons who in good faith, with intent to obtain title thereto under the pre-emption or homestead laws of the United States, have entered upon any of the lands for which indemnity lands have been selected and received under and by virtue of the adjustment and settlement referred to in the act of Congress of March 3, 1871, entitled "An act confirming the title of certain lands," and which lands so entered upon, under decisions of the Supreme Court of the United States heretofore made, were not subject to such entry for the reason that the same were reserved from entry and sale as belonging to the Des Moines River land grant of August 8, 1846: *Provided*, That such indemnity shall not in any case be for any greater quantity of land than 160 acres.

Mr. EVARTS. Mr. President, as the grounds on which I have put this argument admit of no qualification, if I am correct in the views I have presented, it is hardly worth while to insist very much on the imprudence of this legislation in encouraging hopes, in keeping alive dissensions, and in relieving the parties whose interests are undoubtedly so near and valuable to them, from being longer tossed about in conflicting legislation; and it must be apparent that under such a law as this no parties who understand their rights, or are advised concerning them, would surrender this litigation except by the determination of the courts of the land. How much better then to consider the matter, as it now should be, as determined and finally settled; that it is for Congress to relieve from this mischief, which Congress alone is reponsible for.

The second section of the act is a peculiar one, and furnishes the operative mode of carrying out the propositions of right and of law which are contained in the first section. The second section provides:

That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands and remove all clouds from its title thereto—

That is, the title of the United States—

and until such suits shall be determined, and Congress shall so provide, no part of said lands shall be open to settlement or sale except as hereinbefore provided. And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

This is anomalous, and, it seems to me, indicates its own incongruity. This statement is that the lands belong to the United States, that the Attorney-General shall commence a suit for the United States to resume these lands and clear up these titles. So much is very well if the United States has a title. Then it proceeds that on this land belonging to the United States, to be asserted and restored to the domain as the property of the United States, individuals may join as coplaintiffs of the United States in asserting title in which they have no right, and the whole of which is in the United States. By these circuities it is attempted to disguise the directness of the proposition that the United States means to take back this land against the grantee and the claimants under the grantee as of the original title of the United States in the year 1846.

Mr. ALLISON. Mr. President, this bill affects a great many interests in the State which I in part represent and a great many people in that State, and therefore it is an important bill, to be considered with care and with the intelligence which the subject requires. But it is important in another aspect. The President of the United States has sent to us a message objecting to the passage of this bill, and by that message has made it necessary that two-thirds of the votes of both Houses shall be secured in order to enable it to become a law.

The Senator from New York [Mr. EVARTS] very properly says that this case is a new one to him, that he had not heard of it until about the time of the Presidential veto. It is also, as appears from this veto message, a new one to the President, and I am satisfied from the statements in the veto message as well as from the statements made by the Senator from New York to-day in support of that veto, that neither one has sufficiently studied this case so as to understand the facts fully or the decisions of the courts fully.

I dislike of course to occupy the time of the Senate in going over the details of this case, but the importance of the subject requires that I should review, and I will do so as briefly as possible, the suggestions made by the Senator from New York, and the reasons given by the President for withholding his approval of the bill.

This grant of lands now the subject of controversy was made to the State of Iowa in 1846, just forty years ago, for the purpose of improving the navigation of the Des Moines River from its mouth to the Raccoon Fork, which river falls into the Des Moines at the point where the city of Des Moines now is. That grant allotted to the State of Iowa five alternate sections on either side of that river from the mouth to the Raccoon Fork. There is not on the language of that law, at least so say the Supreme Court of the United States, the slightest doubt as to the legislative intent in passing it, that there was no purpose in the Congress of the United States in making the original grant to grant one acre of land above the Raccoon Fork. The State of Iowa also so regarded it, and it was so regarded by all the officers of the Government at Washington, including the Secretary of the Treasury then having control of the public lands of the Government for nearly three years after the grant.

Three years after the grant was made some ingenious persons in Iowa—and we have a great many of them there—conceived the idea that the grant could be so construed as not only to extend to the Raccoon Fork but to the source of the Des Moines River, which would have carried this land-grant far away into the State of Minnesota; and a pressure was made upon the then Secretary of the Treasury to induce him before he left his office to write a letter putting a construction upon the grant that it extended to the northern boundary of the State of Iowa.

Mr. DAWES. What Secretary?

Mr. ALLISON. The Secretary at that time was Robert J. Walker. He wrote his letter just before retiring from office. It is perfectly apparent that he gave this subject very little consideration, and that it was a letter to satisfy a pressure made upon him by those then exerting an influence in the political affairs of the State. The honorable Thomas Ewing, of Ohio, came into the Interior Department, which was just then organized, and to which the Land Office was assigned, and reversed

the decision of Robert J. Walker, holding that this grant only extended to the Raccoon Fork. Then there was a decision invoked of the Attorney-General, and the contest continued some two or three years, until Mr. McClelland became Secretary of the Interior, and he conditionally, as all the records show, certified a portion of these lands to the State of Iowa above the Raccoon Fork.

The State of Iowa proceeded, under a board of public works established by authority of law, to make this improvement, and from time to time as it expended money upon the improvement to the extent of $30,000 lands were certified or allotted as the original grant authorized on the basis of $1.25 per acre.

The State of Iowa continued in its own behalf to proceed toward the completion of this improvement until December, 1853. It found then that the grant of lands above the Raccoon Fork was in very great doubt; it found the expenditure larger than it had supposed it would be; and a New York corporation came along and organized itself under the laws of the State of Iowa, we having a general incorporation law, and proposed to the then Legislature of the State of Iowa and the officers having control of this improvement that if they were put in charge and could receive the lands that the State was entitled to under the act of 1846, and could have the absolute and unlimited control of the river from the mouth to the city of Des Moines for sixty years, and authority to levy such tolls and charges for the transportation of traffic over this improvement as they should choose to charge, and also authority to charge rents for the water-powers that had been and were to be created along the river, they would take the land grant from the State of Iowa and they would complete this improvement. The Legislature of the State of Iowa authorized this contract to be made with this New York corporation, excluding liability on the part of the State beyond the grants and concessions made in the contract.

The New York corporation proceeded with this improvement, and it also immediately proceeded to Congress to secure an enlargement and construction of the land grant whereby it could be made to extend not only to the Raccoon Fork of the river, not only to the northern line of the State of Iowa, but along the entire route of the river many miles into Minnesota. They made an effort here through two or three sessions of Congress, and upon one of those bills and questions growing out of its consideration a distinguished member then from the State of New York was reported by a committee of Congress for expulsion, and I believe was not expelled for the reason that he resigned, because of some supposed relation to the effort of this company to secure an extension of this grant from the mouth of the Raccoon Fork 400 miles in a northwestern direction that was regarded as improper. That effort failed; and when the company failed to secure legislation at the hands of Congress extending the grant, they abandoned the improvement in 1856 practically, and refused to expend any more money upon it.

When the State of Iowa made a settlement with them it was disclosed by the reports that they had expended in actual work upon the improvement $185,000 up to the end of the year 1856, and that they had actually received and had patented to them 53,000 acres of land, worth from $8 to $10 per acre, or $530,000, at the time the money was expended or the improvement abandoned.

The State of Iowa before making this contract with the Des Moines River and Navigation Company had already sold to settlers and to *bona fide* purchasers for cash 53,000 acres of the conditionally certified lands north of the Raccoon Fork; so that when the decision of the Supreme Court in 1859 appeared it was at once supposed that that was the end of the Des Moines Navigation Company. It was supposed that the railroads would carry the grant, and that the land not carried by the railroads would go to actual settlers.

When the State of Iowa made the contract in 1853 with this improvement company the conditional certifications that were made by the General Land Office and by the Secretary of the Interior of course were turned over to the company as assets.

As the Senator from New York says, they claimed this grant to extend beyond the Raccoon Fork and there was a large interest. I will not undertake to state now who the corporators were, but there was a large interest then in the State of Iowa and in the State of New York to obtain such a construction of the laws as would secure this enormous grant to a company that expended in construction upon the improvement but $185,000 in money and left the river worse at the end than it was at the beginning when they undertook it, the State of Iowa having expended already nearly $400,000 upon it, and in 1856 they abandoned this improvement.

This land grant extended from the city of Keokuk, or in the neighborhood of that city, in Iowa, being the southeastern corner of the State, in a northwesterly direction diagonally across the State of Iowa.

In 1856 the Congress of the United States granted to the State of Iowa four grants for railroad purposes extending across the State of Iowa in an easterly and westerly direction. It so happened that two of these land-grant railways crossed the Des Moines River above the Raccoon Fork and within the point claimed by the Des Moines Navigation Company. So it became then a question of importance to the railway companies whether the grant of 1856, comprising a belt 10 miles in width and 10 miles in length along their lines, should go to the railroad companies or whether it had already been granted to the State of Iowa under the act of 1846, and inured to the benefit of the Des Moines River and Navigation Company under their contract with the State; and the contest went on between these companies in the courts for some years.

I wish to show the Senate how these settlers in the mean time were ground to powder beneath the upper and nether millstone of this navigation company claim and the claim of these two other incipient corporations who were seeking to build railways across the State of Iowa from east to west and seeking all possible under their grants.

In 1859 the question came before the Supreme Court of the United States as to whether the grant made to the navigation company extended above the Raccoon Fork, and the Supreme Court of the United States, I believe Judge Catron delivering the opinion, decided that there ought not to have been a question with reference to the true construction of the grant, that it only extended to the mouth of the Raccoon Fork, and that by no ingenuity of construction could it go beyond that. This was in 1859.

The representatives from the State of Iowa came here in 1861 and asked of Congress that a joint resolution should be passed, protecting whom? Protecting the *bona fide* purchasers from the State of Iowa, that is those who purchased from the State prior to January, 1854, or December, 1853, not the navigation company; and the navigation company could have made no reasonable pretense of being a *bona fide* purchaser, as I shall show presently in this argument. I have before me that joint resolution. It provided—

That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly—

That was the decision of the Supreme Court—

which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

That joint resolution was intended to cover, and did cover, only the lands which had been sold in good faith by the State of Iowa to the people who went upon them and settled there. I have not time, of course, to go into the numerous and multifarious documents upon this question, but I have examined them with care. Governor Kirkwood, who is personally well known to many of the gentlemen in this body, having served in it with fidelity and ability, was then the governor of our State. The Commissioner of the General Land Office called upon him as governor.

I may say at this point, because I wish Senators to bear it in mind, the United States have never dealt with this navigation company. The Government of the United States have had no relations with the navigation company. Our entire treatment of this case has been with the State of Iowa.

Governor Kirkwood was called upon to certify the number of purchasers under the resolution of 1861. He certified to 53,000 acres, and no more, as being comprised within the grant of 1861; so that the Senator from New York is greatly in error when he suggests that this navigation company, its successors or assigns, his constituents, have any benefits through the joint resolution of 1861. They were as firmly and as absolutely excluded from the resolution as language could exclude them. If it had been proposed here or anywhere to confirm the title of this corporation, which had proved faithless to its contracts with the State of Iowa, there could not have been a man found in the State of Iowa who would have advocated the joint resolution of 1861.

Mr. DAWES. What does the Senator mean by conditional certifications?

Mr. ALLISON. I mean by conditional certifications that Mr. Secretary McClelland in his letter giving the certifications stated that he would leave the question to the courts as to whether the grant extended beyond the Raccoon Fork, and by this gave notice to everybody that there was doubt about it.

That is the history of this case down to 1861. However, I should state that in 1858, after a great deal of controversy between the Legislature of Iowa and the corporation called the Des Moines Navigation Company, there was a final settlement and adjustment with that corporation, and the State of Iowa made a quit-claim deed to the corporation of all the lands that it owned or claimed under this conditional certification of the Secretary of the Interior; and it was also provided that if the Supeme Court—because this settlement was made in 1858, before the decision of the Supreme Court had been reached with reference to the extent of the grant—if the Supreme Court should decide that the grant extended to the northern boundary of the State the navigation company was to have none of it beyond the amount already certified conditionally as I have stated, but it was to go to a railroad company which at that time had partially built a line of railway along the Des Moines Valley toward the city of Des Moines.

The Senator from New York says that the people of whom he speaks, those claiming the grant under this action of Iowa, were benefited by the legislation had in 1862. I have the act of 1862 before me, and I wish to show to the Senate that instead of its being a benefit the Congress of the United States left the navigation company where it belonged, to treat with and to deal with the State of Iowa, because the United States had no relation to it. The act of 1862 provided—

That the grant of lands to the then Territory of Iowa for the improvement of

the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, approved March 22, 1858.

That being the act under which this settlement was made with the Des Moines Navigation Company. I wish to call the attention of Senators to these further significant provisions in this act of 1862.

And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under the joint resolution of March 2, 1861—

I should like to ask the Senator from New York if his constituents got title under the act of March 2, 1861, what possible benefit could the act of 1862 be to them, because if the act of 1861 was to operate upon them it was absolute and conclusive upon everybody thereafter, as respects all the lands claimed by the navigation company—

the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof.

Then comes the proviso which grants to the State of Iowa in trust indemnity for any loss it or its grantees sustained by the decision of the Supreme Court limiting the grant to the Raccoon Fork:

Provided, That if the said State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to, and be held as a trust fund for the benefit of, the person or persons respectively whose titles shall have failed as aforesaid.

I repeat this statute in full:

That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers), lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, approved March 22, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: *Provided*, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to, and be held as a trust fund for the benefit of, the person or persons respectively whose titles shall have failed as aforesaid.

Approved July 12, 1862. (United States Statutes at Large, 1862, page —.)

What was that? It was that if these lands which had been improperly certified to the State of Iowa still belonged to the State and the State was under an existing equitable obligation to treat with these people, then the lands should be given to the State and held as a trust fund for the purpose of making that settlement and adjustment. The Des Moines Navigation Company so understood it, because, following the act of 1862, the Legislature of the State of Iowa in 1864 dealt with the questions and trusts imposed by the act of 1862. The Legislature of Iowa, having familiar knowledge of the conduct of the corporation and knowing how much money it had put into this improvement and what it had received, absolutely refused to set apart one single acre or one single dollar of the proceeds of the land to the corporation as indemnity under this trust created by this act of 1862 for its benefit, if any equitable obligation existed.

I say to the Senator from New York that the Government of the United States, so far as this corporation and its grantees are concerned and so far as the State of Iowa is concerned, has amply and fully complied with every obligation, because the United States granted lands here to be held in trust to secure them for any losses that they might sustain, to be judged by the State of Iowa, as the trustee of the United States; and the State of Iowa, as such trustee, familiar with all the circumstances of the case, not only refused to grant them the indemnity granted here as a trust but ceded the land granted to the Keokuk and Des Moines Railroad Company, as the contract of 1858 with the navigation company provided it might do.

I think I have made it clear that the acts of 1861 and 1862 which the Senator from New York quoted as confirmatory of the title of which he speaks are in so many words an exclusion of the idea that the navigation company, or its assigns, have any status with reference to these lands.

Now, what happened following the decision of the Legislature of Iowa in the disposal of the lands included in the act of 1862? When the Des Moines Navigation Company found that they could get none of these lands from the State of Iowa (because the Government was dealing with the State of Iowa, not with the company), they proceeded to make up a case in the courts of the United States for the purpose of seeing whether they could not secure some decision that would save them with reference to these lands. They went to the courts, not of Iowa, but to the circuit court of the southern district of New York, first beginning a case which was tried before Judge Shipman, the case of Burr *vs.* The Navigation Company, both parties being alike in interest; and both parties having the same interest and the same title substantially, they made up a suit. The first case was Burr *vs.* The Navigation Company, which was tried before Judge Shipman, and Judge Shipman charged the jury that upon these statutes the navigation company had no case. They were not satisfied with that and they made up another case known as the Walcott case.

Mr. GEORGE. Who were the parties in these cases?

Mr. ALLISON. The Des Moines Navigation Company.

Mr. GEORGE. Who was the other party?

Mr. ALLISON. The nominal party was Burr in the first case, and the other was Walcott, being the treasurer, I believe, of the navigation company and being an owner of the land by virtue of having it segregated and set apart to him as a stockholder in the company.

Mr. GEORGE. It was a suit by the company against itself?

Mr. ALLISON. It was a suit by the company against itself. The decision of 1859 having decided that the grant did not extend above the Raccoon Fork, in 1863 the Secretary of the Interior certified a portion of these lands to the railroad companies under the grant of 1856, so that Mr. Walcott came in and sued the Des Moines Navigation Company for the consideration money on the ground that because the Secretary of the Interior had certified these lands to the railway company his title had failed, the tract which he had nominally purchased of the navigation company being within the grant to one of the railroads. So the direct question involved was whether the railway company owned these lands by virtue of the certification of the Secretary of the Interior and the act of 1856.

Mr. GEORGE. But neither the railway company nor the State of Iowa were parties?

Mr. ALLISON. The State of Iowa was not a party. When the case finally got into the Supreme Court I believe the railway company intervened by a sort of argument with reference to it, claiming to have some interest; but it came at a late day, and after the record was fully made up, knowing, as I believe, nothing of the case until it appeared in the Supreme Court.

I wish to call the attention of the Senate to a curious thing in the Walcott case. I have examined the record on file in the office of the clerk of the Supreme Court, and that record was made up practically by the same attorneys, as I have stated, and in the same interest. They set up title, as the Senator from New York sets up title, under the grant of 1862, and in reciting that grant they left out the proviso entirely, so that when the record came to the Supreme Court, and when it appeared before Judge Nelson, who decided the case on the circuit in New York, it appeared to Judge Nelson that this act was cited in the record without the proviso, which declared that if the title to any of these lands had proved invalid then they, the navigation company, should have indemnity, and that these lands were set apart as a trust fund. That question was not before the court. It was neither before Judge Nelson nor before the Supreme Court, and Walcott in his pleadings stated that he was a *bona fide* purchaser and the navigation company admitted that he was a *bona fide* purchaser and that his title was good under the joint resolution of 1861. So that this question of *bona fide* purchaser, the turning point in the case, was admitted in the pleadings and formed the basis of the decision.

Mr. GEORGE. Did the case made pretend to set out the statute under which the parties claimed?

Mr. ALLISON. They set out a portion of it.

Mr. GEORGE. Did they pretend to set out all?

Mr. ALLISON. They set forth the act of 1862, without intimating or indicating to the court that they had only partially set it out.

Mr. GRAY. They were public statutes, were they not?

Mr. ALLISON. The United States statutes usually are; but I am speaking of the record. I suppose that when a lawyer pleads a statute as the foundation of his case the court is very likely to take that statement when both sides agree to it.

Mr. GEORGE. In the case made in the record were the statutes set out *in totidem verbis*, omitting that proviso?

Mr. ALLISON. They were, omitting the proviso. In other words, a part of the statute was set out and not all of it.

I wish to call the attention of the Senator from New York and of the Senate to what that decision is. That decision says nothing about this navigation company. It gives no title to the navigation company. The Senator from Mississippi [Mr. GEORGE], who is giving me attention, will see with reference to these public-land statutes that the statute of 1856 recited that the railroad grant did not carry with it any lands heretofore reserved by the United States. The court simply decided in that case that the statute of 1856 provided that that grant should not touch reserved lands, and these lands were at the time of the passage of that act partially reserved or wholly reserved, at least sufficiently reserved for the purposes of the law from sale because of the grant of 1846, and they were not open at that particular moment of time to pre-emption and settlement; so that they were not included in the grant to the railroad company, and that the railroad company did not have title to the land, and because thereof Walcott's title had not failed; and that was the only question decided in the case. So the case of Walcott, although made up between the same parties, simply decided that the railroad company was not entitled to these lands.

That was the first case, and there have been numerous cases. I will not undertake to state them or even to enumerate them, but there were several cases which were decided afterward hanging wholly upon the Walcott case. There was the case of Crilly. Some Senators may have some knowledge of Mr. Crilly. The case of Crilly went to the court, and Crilly feels aggrieved because of the decision.

What was the decision in Crilly's case? It was that although Mr. Crilly was a pre-emptor and went upon the land in 1855, yet because of this reservation under the authority of the Secretary of the Interior, and because of this withdrawal from sale at that time, Mr. Crilly could not be a lawful pre-emptor under the pre-emption law, and they set aside his patent upon the bare, naked technicality that if the lands had not been reserved from sale by the authority of the Interior Department Crilly would have carried his pre-emption by all proper and just inference with reference to that decision. That was the decision in the Crilly case.

Mr. GEORGE. They only decided that he was not entitled to the land?

Mr. ALLISON. They only decided the single question that he was not entitled to hold that land, because he was not a pre-emptor, the land having been exempt from sale at that time. So, running along through the cases, the next one of importance is the case of Baker *vs.* Williams, with which I have no doubt the Senator from New York is familiar. That was an important case. It was a railroad case; a case wherein the Cedar Rapids and Missouri River Railroad Company came in conflict with the Des Moines River and Navigation Company; and that case decided, as the case of Walcott *vs.* the Navigation Company, simply that these lands were reserved from sale at the time the grant was made in 1856, and therefore the railroad company took no title.

Those are the decisions. I sent a moment ago to the Clerk's office to have brought in, and I have before me here, the original act of 1862 as it passed the Senate, showing, if any Senator will look at it, that it was the intention of the Public Lands Committee at that time in reporting and passing the bill to make it absolutely clear and certain that that act should not apply to the lands which are now claimed by the Des Moines River and Navigation Company.

So I affirm that wherever these cases have appeared in the courts they have appeared only as involving practically two questions, first, a contest between the navigation company and the railroad company where the rights of the settlers, or of the pre-emptors if you please, or the homestead settlers, were kept out of view, were not before the court, and their interests were not decided except in the cases I have named, where they excluded them on the ground that they had no authority under the laws of the United States to make pre-emption at the time they settled upon the land because at the time the lands were reserved from sale.

Now, I come to the statute of 1871, which was the next statute upon this question. I have shown that the act of 1862 was an act intended to grant to the State of Iowa, in order that the State might settle with the navigation company if they had any equities, a right to hold this land in trust until that settlement was made, and to grant the residue to the Keokuk and Fort Des Moines Railroad Company, it being understood clearly, as indicated from the statute of 1862, that the railroad company was the beneficiary of the grant, as was originally provided in the act of settlement of the General Assembly of the State of Iowa in 1858.

I have omitted to state that the Secretary of the Interior in 1863 opened up to settlement the lands which the Supreme Court decided did not belong to the navigation company, and which were not included within the railroad grant, because the railroad did not absorb all the lands that the navigation company claimed. There was an interval between the railway grants and the navigation company grants. If the navigation company grant failed there were about 80,000 acres or less in the Des Moines Valley that would not go to the railroad companies, because the lands were not within the granted limits. Therefore the Secretary of the Interior, then Mr. Caleb B. Smith, I believe, opened up these intervening lands to settlement, and these people went upon the lands.

In 1867 when the Supreme Court of the United States decided that the railroad companies took nothing by these grants because of the fact of the reservation, Mr. O. H. Browning, then Secretary of the Interior, again opened up the whole of these lands to settlement. Senators who were familiar with Secretary Browning know that he was a lawyer of eminence, and that he administered the affairs of the Interior Department with care as respects the public domain. He opened up these lands to settlement; so that twice under the decisions of the Supreme Court the lands were opened up to settlement by the executive authority of the Interior Department. Of course they were valuable lands, and homesteaders and pre-emptors entered upon the lands. In 1872 the case of Baker *vs.* Williams was decided.

However, I want to say one word about the act of 1871. The act of 1871 was nothing more than a confirmatory act of the settlement made between the State of Iowa and the Government of the United States with respect to all these grants. The United States said they would have nothing to do with the Des Moines River grant except to confirm what the State of Iowa had done respecting it, namely, not to allow the navigation company to take an acre of it, and they gave it as they had a right to do, being the trustee, to the railroad company as the settlement provided.

The Senator from New York has read from a report made under the act of 1873. I have the act of 1873 before me; I want to call attention to it that it may be seen what it was proposed by Congress to do under that act. The act of 1873 provided:

> That the President of the United States shall be, and he is hereby, authorized to appoint three commissioners, who shall ascertain the number of acres, and by appraisement or otherwise the value thereof exclusive of improvements, of all such lands lying north of Raccoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States.

That law was intended to allow, as this Government has allowed from its foundation, the honest settler to remain upon the land, and if an adverse title springs up to give indemnity to the non-resident holder. That was the case in Georgia; it was the case in Mississippi many years ago, I do not remember the time, when the Government of the United States appropriated more than $100,000 to buy out adverse titles which the Supreme Court had decided to be against the settlers upon those lands. I believe that case was decided in 1820; it is alluded to in the report of the chairman of the committee.

It has always been the policy of the Government, where bodies of land come in conflict with regard to conflicting grants, that the settler, the man who tills the soil, shall have the benefit of holding possession as against the man who holds the adverse title if the United States feel bound in honor to make reclamation or settlement; that the indemnity shall go to purchase the adverse title.

I have gone over these statutes and every one of them. My colleague and myself were in Congress during most of this period. I was in Congress when many of these acts were passed, and they were all passed in the interest of the settlers as was supposed at the time, of the people who hold this land, and they seem to have failed in their purpose most signally according to the argument of the Senator from New York.

By the act of 1873 it was intended that the Government of the United States should find out the value of these lands exclusive of improvements, because it was not pretended that the Des Moines Navigation Company had placed any improvements on the lands, and that the Government of the United States should settle with the Des Moines Navigation Company or its assigns for whatever interest they held adverse to the occupants of the land. The answer at once was made by those who represented this company or who were its assignees, holders of these lands, that they had no settlement, and that they did not desire the Government to indemnify them, and therefore these people went on and valued these lands, and Congress afterward undertook to appropriate money to the occupants of the land, but the bill failed to become a law, and afterward the bill now before the Senate was devised as a remedy for these disputes. These lands may be claimed by large classes of people in New York, but the great owners, who held thousands of acres of them, refused to make an adjustment at the time in reference to these matters as I understand. When the commission went out they made an appraisal of the value of the lands as nearly as they could and gave the names of the settlers, and when that report came back to Congress an effort was made in the other House and here to secure an appropriation for that purpose, which failed as I have stated.

That is the history as briefly as I can state it of this whole transaction. Now, then, who is this Des Moines Navigation Company? It is a corporation that without consideration to the State of Iowa, except as I have stated, and which if this bill shall pass will have received from the State, and not from the Government of the United States, nearly 200,000 acres of land that is worth to-day probably $4,000,000.

Mr. GEORGE. As much as that?

Mr. ALLISON. Absolutely. This navigation company, after these decisions and after its settlement with the State of Iowa, and after it abandoned this work after spending $185,000 in actual construction upon it, so far as it could dissolved the corporation and divided up the lands among the individual holders of the stock and of the bonds of the company, and they were all or nearly all the same persons, in proportion to the amount of lands that each stockholder or bondholder was entitled to hold; so that to-day the men who are opposing this bill, or most of them, are the original stockholders of the Des Moines Navigation Company and their successors, and in some cases their grantees, but in the main they are the men who inaugurated in 1853 the project of securing lands on the Des Moines River not only to the northern boundary of the State of Iowa but nearly 200 miles into the State of Minnesota, and they are the same men who, after they failed to secure the extension of the grant by construction or legislation, abandoned this work upon which the State of Iowa had spent nearly $400,000, and upon which they had spent in actual construction only $185,000.

Mr. GEORGE. For which they had received 53,000 acres of land.

Mr. ALLISON. For which they have received 53,000 acres of land, and this bill gives them the residue.

I am not surprised that the Senator from New York should find fault with the phraseology of this bill, inasmuch as the proviso says

that the people holding this adverse title, except where they come in conflict with the homestead settlers and pre-emptors, shall take their title. Although I have no doubt the chairman of the Committee on Public Lands and all his associates on that committee believe that this navigation company is not entitled to an acre of this land, yet this bill is so framed that all the lands that are not occupied by homestead and pre-emption settlers will be by this bill made perfect and complete in this Des Moines Navigation Company, its assignees and grantees.

Mr. GEORGE. How much will that be?

Mr. ALLISON. Two hundred and thirteen thousand acres were originally turned over to this company, according to the statement found in the report. To be deducted from that are whatever number of acres are actually occupied by homestead or pre-emption settlers.

Mr. CHACE. How much is that?

Mr. ALLISON. That is probably sixty or seventy thousand acres. I do not know the exact amount.

Mr. CHACE. That is 60,000 out of 213,000?

Mr. ALLISON. Yes.

Mr. CHACE. That would leave 153,000.

Mr. ALLISON. So that this navigation company, its successors and assigns and its grantees, if this bill shall pass, will gather from the State of Iowa, I repeat, nearly 200,000 acres of land by means of this bill, which to-day is worth, not an acre of it, less than $20 an acre; some of it is worth $200 an acre.

Mr. BROWN. Are these lands above or below Raccoon Fork?

Mr. ALLISON. All above the Raccoon Fork.

Mr. EUSTIS. Why are not the lands forfeited?

Mr. ALLISON. They ought to have been forfeited. This navigation company got their indemnity, as I have shown, by the act of 1862, and Congress turned them over to the State of Iowa to settle with the State of Iowa for their indemnity; but the State of Iowa having knowledge of all the facts and believing then as its people believe now that they have been paid many times for the money they invested in the State, refused to hold that land in trust for them and gave it to another company to build a line of railway, and then came the trial of the Walcott case and the decisions which have followed from that time to this.

Mr. EVARTS. The Senator does not say that the grantees of the navigation company or the navigation company have ever received any land except what was in place according to the original grant made in 1846 as construed and enforced afterward; in other words, no indemnity lands have ever come to the company.

Mr. ALLISON. I so stated distinctly. I stated distinctly that no indemnity lands went to the company. Why? Because the Congress of the United States turned the indemnity land over to the State of Iowa to deal with it as equity required.

Provided, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid—

What lands were those? They were the lands that the Supreme Court of the United States, in 1859, had said by no pretense could go to the Des Moines Navigation Company. The act of 1862 says further:

Any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to and be held as a trust fund—

For whom?

for the benefit of the person or persons, respectively, whose titles shall have failed as aforesaid.

Mr. GEORGE. I want to know if the Senator from Iowa desires to be understood as saying that the company got 53,000 acres of land below the Raccoon Fork as I understand, worth, as he says, $530,000 for an expenditure of $185,000, and that if this bill passes they will get 200,000 acres of land more?

Mr. ALLISON. I did not mean to say that. I meant to state, as I understand the facts to be, that the Des Moines Navigation Company received 53,000 acres below the Raccoon Fork.

Mr. GEORGE. I understand, but——

Mr. ALLISON. Which land at the time, as shown in the records and statements, was worth from $8 to $10 an acre, or $530,000.

Mr. EVARTS. In 1854?

Mr. ALLISON. They received this land in 1856. It was worth $10 an acre then. The Senator from New York will appreciate this when I tell him that there is scarcely a mile of this land from 50 or 60 miles below the city of Des Moines to Fort Dodge, the northern terminus of this district, that is not underlaid with coal, which is becoming every year more and more valuable, and in the neighborhood of Fort Dodge there are disputed lands not only underlaid with coal, but some of these lands have beds of gypsum upon them many feet in depth, of incalculable value in the future; these gypsum beds covering many miles of territory. So this contest between the navigation company and these railroad companies was a contest between these corporations for most valuable land.

Now, I repeat, if necessary, to the Senator from Mississippi that if this bill shall pass it quiets title to every acre of the lands above the Raccoon Fork that is not actually held and occupied and claimed to be owned by a pre-emption or homestead settler.

Mr. GEORGE. How much is that land?

Mr. ALLISON. It is variously estimated at from sixty-five to eighty thousand acres. So there is over 100,000 acres, the title to which, as I understand, will be settled in favor of the navigation company, or the grantees of that company, some of whom also occupy the land purchased from the company.

Mr. CALL. The navigation company, I understand, that is entitled to nothing will under this bill get a large quantity of additional land.

Mr. ALLISON. It is entitled to nothing as I believe, I mean in equity, but the Senator from New York insists that it is entitled to the whole of the land, and that these settlers, variously estimated at from 500 to 800, shall without further process be turned out of doors for the benefit of these parties who claim to hold these lands by virtue of assignment from the navigation company.

Mr. WILSON, of Iowa. If my colleague will allow me, I will state that the number of settlers there is from ten to twelve hundred.

Mr. ALLISON. I was not aware there were quite so many. I had forgotten the number.

Mr. CALL. Feeling that the settler ought to be protected, why would it not be better to let the veto stand and pass a bill forfeiting the entire grant and protecting the settler?

Mr. ALLISON. If the Senate desires to do that it can be done in this bill by striking out the proviso which the Senator from New York seemed to think was a little incongruous, and I am entirely willing that the proviso should be stricken out.

Mr. HOAR and others. You can not do that.

Mr. ALLISON. Perhaps not. However I will say to the Senator from Florida that in my judgment, as I believe the Committee on Public Lands intended that this bill should be a bill of peace, this is satisfactory to these people in the State of Iowa. They have lived on these lands from ten to thirty years most of them, their children have grown up there, they have cultivated their farms, built their houses and their barns, and they have been in trepidation and fear for nearly twenty years. They are people who have neither the money nor the opportunity to employ lawyers to try their cases. They wanted this one suit that would enable them to go into the courts of the United States and settle once for all whether they were to be driven from their homes ruthlessly, or whether this Government that to-day has in its Treasury more than $70,000 of their money paid in through pre-emption purchases and homestead fees shall see to it that they are protected and cared for in their interests in this Congress, so far as it is in the power of Congress to protect them.

Mr. GEORGE. I wish to ask the Senator one question. Why is not the title of pre-emption settlers for twenty years good against everybody else in the world under the statute of limitations?

Mr. ALLISON. That is the reason why the first section is inserted in this bill declaring that the United States shall institute the necessary proceedings to give them the title which they have promised and many of them already obtained.

Mr. GEORGE. What is the statute of limitations as to land in your State?

Mr. ALLISON. Ten years. I should add in answer to the Senator from Mississippi that technically these lands were at the time of settlement reserved from sale, and the courts have held that they could not enter upon these lands because they were reserved, and the first section of the bill cures that defect and gives them a status which they do not now have.

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

Mr. PLUMB. Can we not have a vote to-day?

Mr. HARRIS. I am told that probably there is to be no further debate on the pending proposition; and if so I withdraw the motion I made in order that we may come to a vote.

Mr. ALLISON. I hope we shall have a vote on the bill to-night. Let us finish it. I want to take up an appropriation bill to-morrow.

Mr. WILSON, of Iowa. I am quite content to withhold any remarks and let the vote be taken now.

Mr. EVARTS. If Senators prefer that this matter should be concluded to-night, it will concur with my convenience. I propose to reply——

Mr. GEORGE. I do not think we ought to go on to-night if the Senator from New York desires to speak. It is very late now, and I think it is due to the Senator from New York that he should have full opportunity to be heard.

Mr. PLATT. Can we not have an agreement that a vote be taken at a certain time to-morrow.

Mr. EVARTS. I will accede to the wishes of the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi [Mr. GEORGE] submit a motion?

Mr. HARRIS. If the Senator from New York, having the floor, will yield to me, I will renew my motion that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. You might as well move to adjourn at once.

Mr. EVARTS. My impression is that the Senate will not wish to sit through the matter to-night. So far as I am concerned it makes very little difference. I will go on to-morow if the desire of the Senate is that they should adjourn now.

Mr. GEORGE. What is your desire? I want to conform my action to your desire.

Mr. EVARTS. I think I would make a shorter speech to-morrow than I should to-night.

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

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 29, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 28th day of June, 1886.

TERRITORIAL JUDGE.

William W. Porter, of California, to be associate justice of the Territory of Arizona, *vice* Daniel H. Pinney, term expired June 19, 1886.

UNITED STATES ATTORNEY.

William G. Ewing, of Chicago, Ill., to be attorney of the United States for the Northern district of Illinois, *vice* Richard S. Tuthill, resigned.

UNITED STATES MARSHAL.

Samuel T. Wilson, of Tennessee, to be marshal of the United States for the middle district of Tennessee, *vice* George N. Tillman, resigned.

COLLECTOR OF CUSTOMS.

Frank M. Porch, of New Jersey, to be collector of customs for the district of Bridgeton, in the State of New Jersey, *vice* Joseph H. Elmer, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1886.

UNITED STATES MARSHALS.

Arthur H. Keller, of Alabama, to be marshal of the United States for the northern district of Alabama.

William M. Desmond, of Iowa, to be marshal of the United States for the northern district of Iowa.

UNITED STATES ATTORNEYS.

J. Bomar Harris, of Mississippi, to be attorney of the United States for the southern district of Mississippi.

William H. Denson, of Alabama, to be attorney of the United States for the northern and middle districts of Alabama.

CHIEF-JUSTICE OF NEW MEXICO.

Elisha Van Loud, of Indiana, to be chief-justice of the supreme court of the Territory of New Mexico.

POSTMASTERS.

Andrew M. Phlegar, to be postmaster at Bodie, Mono County, California.

William J. Bryan, to be postmaster at San Francisco, San Francisco County, California.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 28, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FORAN, for four days, from and including Monday, June 28.

To Mr. SAWYER, for to-day, on account of important business.

To Mr. GREEN, of North Carolina, for one week, to attend the funeral of Judge Davis.

To Mr. BUCHANAN, indefinitely, on account of sickness.

To Mr. GOFF, for one week, on account of important business.

To Mr. JOHNSTON, of Indiana, for one week, on account of important business.

To Mr. THROCKMORTON, for to-day.

To Mr. CROXTON, from June 28 to July 2, inclusive, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions.

DAILY HOUR OF MEETING.

Mr. WHEELER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That from and after Monday, June 28, 1886, the sessions of this House commence at half past 10 o'clock in the morning and continue until half past 5 o'clock in the evening.

JOHN C. HAMMOND.

Mr. WHEELER introduced a bill (H. R. 9655) for the relief of John C. Hammond; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRIET C. HUNTER.

Mr. WHEELER also introduced a bill (H. R. 9656) for the relief of Harriet C. Hunter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID C. WILLIAMS.

Mr. WHEELER also introduced a bill (H. R. 9657) for the relief of David C. Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. VARIN.

Mr. WHEELER also introduced a bill (H. R. 9658) for the relief of F. Varin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. JONES.

Mr. WHEELER also introduced a bill (H. R. 9659) for the relief of William H. Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH LOONEY.

Mr. WHEELER also introduced a bill (H. R. 9660) for the relief of Elizabeth Looney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. POTTS.

Mr. WHEELER also introduced a bill (H. R. 9661) for the relief of J. A. Potts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POLLIE LESTER.

Mr. WHEELER also introduced a bill (H. R. 9662) for the relief of Pollie Lester; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. WILLBUR.

Mr. MARTIN (by request) introduced a bill (H. R. 9663) for the relief of James M. Willbur; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LYDIA BURDICK.

Mr. WAIT introduced a bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BEELAND.

Mr. HAMMOND introduced a bill (H. R. 9665) granting a pension to James M. Beeland, of Henry County, Georgia, a soldier in the Creek war of 1836; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZABETH VAN TUYL.

Mr. NEECE introduced a bill (H. R. 9666) granting a pension to Elizabeth Van Tuyl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH F. GARRETT.

Mr. NEECE also introduced a bill (H. R. 9667) granting a pension to Joseph F. Garrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MORRISON.

Mr. MATSON introduced a bill (H. R. 9668) for the relief of James Morrison; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSANNA MALONEY.

Mr. MATSON also introduced a bill (H. R. 9669) for the relief of Susanna Maloney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. TODD.

Mr. MATSON also introduced a bill (H. R. 9670) for the relief of William J. Todd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. MORRIS.

Mr. HOLMES introduced a bill (H. R. 9671) granting a pension to Charles H. Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARA M. TANNEHILL.

Mr. CONGER introduced a bill (H. R. 9672) granting a pension to Clara M. Tannehill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VICTORIA MAY.

Mr. MAYBURY introduced a bill (H. R. 9673) granting a pension

to Victoria May, widow of Paul May, late private in Company A, Second Regiment Michigan Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GUNVOLD JOUSRUD.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 9674) to increase the pension of Gunvold Jousrud; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF ROBERT Y. WOOD.

Mr. BARKSDALE also introduced a bill (H. R. 9675) for the relief of the legal representatives of Robert Y. Wood, late a citizen of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. BEACH introduced a bill (H. R. 9676) granting the Hot Springs reservation to the State of Arkansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAILWAY THROUGH CROW INDIAN RESERVATION.

Mr. MULLER (by Mr. BEACH) introduced a bill (H. R. 9677) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian reservation, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANK H. JOHNSON.

Mr. MILLARD introduced a bill (H. R. 9678) granting a pension to Frank H. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. REID, of North Carolina, introduced a joint resolution (H. Res. 192) to print 2,000 copies of the report of the Commissioner of Agriculture on the international sheep and wool show held in Philadelphia in September, 1880; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WINDSOR HOTEL COMPANY, WASHINGTON, D. C.

Mr. WILKINS (by request) introduced a bill (H. R. 9679) to incorporate the Windsor Hotel Company, of the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

D. W. HILL.

Mr. McKINLEY introduced a bill (H. R. 9680) granting a pension to D. W. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS W. EGAN.

Mr. BINGHAM introduced a bill (H. R. 9681) granting a pension to Thomas W. Egan, late colonel of the Fortieth New York Volunteers, brigadier-general and brevet major-general United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCOME TAX ON VOLUNTEER OFFICERS.

Mr. OSBORNE introduced a bill (H. R. 9682) to prohibit the retention of an income tax from pay of volunteer officers between date of commission and date of muster, and directing the Secretary of the Treasury to refund to officers whose claims have been paid any sums retained by the United States on account of such tax; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY J. DECKER.

Mr. BOUND introduced a bill (H. R. 9683) granting a pension to Mary J. Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. HOWARD.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 9684) granting a pension to John C. Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. WALLACE.

Mr. EVERHART introduced a bill (H. R. 9685) for the relief of John A. Wallace, late postmaster at Chester, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE A. MERCER.

Mr. EVERHART also introduced a bill (H. R. 9686) for the relief of George A. Mercer, late postmaster at West Chester, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BUSINESS OF PUBLIC BUILDINGS COMMITTEE.

Mr. DIBBLE introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That on Thursday, July 1, and on Thursday, July 8, the House take a recess from 5 o'clock p. m. to 8 o'clock p. m., and that the evening sessions on the days aforesaid be set apart exclusively for consideration of business reported from the Committee on Public Buildings and Grounds, the sessions not to extend beyond the hour of 11 o'clock p. m.

SECTION 5258 REVISED STATUTES.

Mr. LIBBEY introduced a bill (H. R. 9687) amending section 5258 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OBADIAH P. HILL.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 9688) to increase the pension of Obadiah P. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVESTER ABEYTIA.

Mr. JOSEPH introduced a bill (H. R. 9689) for the relief of Sylvester Abeytia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEANDRO BACA.

Mr. JOSEPH also introduced a bill (H. R. 9690) for the relief of Leandro Baca; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROCK CREEK PARK.

Mr. ROWELL introduced a bill (H. R. 9691) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called Rock Creek Park; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STREETS AND AVENUES IN THE DISTRICT.

Mr. ROWELL also introduced a bill (H. R. 9692) to provide for the extension of streets and avenues in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

POLITICAL CONTRIBUTIONS.

Mr. GALLINGER submitted the following resolution; which was read:

Whereas it is a matter of current newspaper rumor that the officers of the Democratic Congressional committee, the chairman and secretary of which organization are members of the Forty-ninth Congress, through a person not an officer or employé of the Government, are engaged in soliciting contributions of money from Democratic Congressmen and others in the employ of the United States Government; and

Whereas such a flagrant disregard of law, if it exists, should not be allowed to go unchallenged; and

Wheras the decision of the United States court in General Curtis's case distinctly and unequivocally covers this alleged violation of law: Therefore,

Be it resolved, That the Committee on Reform in the Civil Service be requested to institute an immediate investigation into this matter with a view of ascertaining whether or not section 11 of the act entitled "An act to regulate and improve the civil service of the United States" has been violated by the officers of the Democratic Congressional committee; said Committee on Reform in the Civil Service having authority to send for persons and papers and to employ a stenographer.

Mr. MILLS. I suggest that the resolution go to the Committee on Mines and Mining.

Mr. BINGHAM. Or to the Committee on Ways and Means.

The resolution was referred to the Select Committee on Reform in the Civil Service.

GEORGE L. KEY.

Mr. HOWARD introduced a bill (H. R. 9693) for the relief of George L. Key; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CRAWFORD.

Mr. HOWARD also introduced a bill (H. R. 9694) for the relief of Thomas Crawford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. MOORE.

Mr. ELY introduced a bill (H. R. 9695) restoring to the pension-roll the name of John H. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. ELY also introduced a bill (H. R. 9696) granting a pension to John H. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. POULTER.

Mr. STONE, of Missouri, introduced a bill (H. R. 9697) granting arrearages of pension to John D. Poulter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH CLARK.

Mr. STONE, of Missouri, also introduced a bill (H. R. 9698) granting an additional pension to Joseph Clark; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MOSES SHEPHERD.

Mr. MORRILL introduced a bill (H. R. 9699) to increase the pension of Moses Shepherd; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES IREDELL MEARES.

Mr. BENNETT introduced a bill (H. R. 9700) for the relief of James Iredell Meares, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMILIE L. MAJOR.

Mr. GAY introduced a bill (H. R. 9701) for the relief of Emilie L. Major, formerly of New Orleans, La., but now of Chatawa, Miss.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TARIFF AND INTERNAL REVENUE.

Mr. RANDALL introduced a bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal-revenue taxes, and to modify the laws in relation to the collection of the revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEVANDER JENKINS.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 9703) for the relief of Levander Jenkins, of Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OPIUM IN THE DISTRICT OF COLUMBIA AND THE TERRITORIES.

Mr. CURTIN (by request) introduced a bill (H. R. 9704) to restrict the use and sale of opium in the District of Columbia and the Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES H. WHITE.

Mr. RYAN introduced a bill (H. R. 9705) granting a pension to James H. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CERTAIN UNITED STATES LANDS IN KANSAS.

Mr. RYAN also introduced a bill (H. R. 9706) to relinquish the interest of the United States in certain lands in Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOUISA SCOTT.

Mr. LANDES (by request) introduced a bill (H. R. 9707) granting a pension to Louisa Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA A. SPROUSE.

Mr. LANDES (by request) also introduced a bill (H. R. 9708) granting a pension to Maria A. Sprouse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD F. DEWEY.

Mr. LINDSLEY introduced a bill (H. R. 9709) for the relief of Edward F. Dewey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ENDERS, ADMINISTRATOR.

Mr. STONE, of Kentucky, introduced a bill (H. R. 9710) for the benefit of William Enders, administrator of Henry Enders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES REGAN.

Mr. CAREY introduced a bill (H. R. 9711) for the relief of First Lieut. James Regan, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL M. MAULDING.

Mr. TOWNSHEND introduced a bill (H. R. 9712) granting an increase of pension to Daniel M. Maulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the morning hour for the call of committees be dispensed with, and pending that I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

REPORT OF INTERNATIONAL POLAR EXPEDITION.

Mr. BARKSDALE. I ask the gentleman from Pennsylvania to withdraw that motion in order that I may submit a report from a committee of conference in regard to the concurrent resolution to print the report of the International Polar Expedition to Lady Franklin Bay.

The SPEAKER. Has the House disagreed to the Senate amendments?

Mr. BARKSDALE. It is a report recommending disagreement to the amendments and agreement to the request for a conference.

The SPEAKER. That requires unanimous consent. The Clerk will read the report, after which the Chair will ask for objections.

The Clerk read as follows:

The Committee on Printing, to whom was referred House concurrent resolution that 4,500 copies, with the necessary illustrations, be printed of the report of the International Polar Expedition to Lady Franklin Bay, by First Lieut. A. W. Greely, with the Senate amendments, respectfully report a disagreement with the Senate amendments and recommend agreement with the request for a conference.

The SPEAKER. The Clerk will read the amendments.

The Clerk read as follows:

Resolved, That the Senate agree to the foregoing resolution of the House of Representatives with the following amendments:

In line 9, strike out the words "and three thousand two hundred and fifty" and insert "two thousand five hundred."

In line 10, after "Representatives," insert "and 750 copies for distribution by the Signal Service Bureau."

The SPEAKER. If there be no objection the Senate amendments will be disagreed to and the request for a conference agreed to.

There was no objection, and it was so ordered.

The SPEAKER appointed Mr. BARKSDALE, Mr. REID of North Carolina, and Mr. FARQUHAR as conferees on the part of the House.

ORDER OF BUSINESS.

The SPEAKER. The question now is on the pending motion of the gentleman from Pennsylvania [Mr. RANDALL] to dispense with the morning hour for the call of committees.

The motion was agreed to—more than two-thirds having voted in the affirmative.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

Mr. HALL. Mr. Speaker, I ask the gentleman from Pennsylvania to withdraw that motion for a moment to permit me to call up for present consideration Senate bill 1942 and to make a brief explanation of it.

Mr. RANDALL. I wish to be exactly fair, and if I withdraw the motion for one gentleman I shall have to do the same for another.

Mr. DUNN. Regular order.

The SPEAKER. The regular order is called for. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now resolve itself into Committee of the Whole.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the sundry civil appropriation bill. The Clerk will report the pending paragraph.

Mr. RANDALL. Mr. Chairman, there was an agreement that when we reached the point of the bill where we now are general debate should be allowed upon the land question. I would prefer to have that debate at this time.

Mr. BLANCHARD. When the committee rose on Saturday I had been recognized to offer an amendment. Does the gentleman from Pennsylvania desire to have the debate before the amendment is offered or afterward?

Mr. RANDALL. The gentleman's amendment relates to the subject of receivers and registers of the land offices, and can come in after the general debate just as well as now.

The CHAIRMAN. There was unanimous consent, the Chair understands, that when the time for general debate arrived the committee should go back to the paragraph proposed to be amended by the gentleman from California [Mr. MORROW].

Mr. MORROW and other members. That was the understanding.

Mr. BLANCHARD. Then I understand that I am to be recognized to offer my amendment at the proper time.

Mr. RANDALL. That is understood. Mr. Chairman, I should like to have the committee agree to some limit for this debate.

Mr. DUNHAM. I think fifteen minutes would be sufficient.

Mr. RYAN. The gentleman from Illinois may suggest fifteen minutes for himself, but there are other gentlemen on this side of the House who have been promised the opportunity to speak on this subject.

Mr. RANDALL. I mean to execute every promise.

A MEMBER. Let it be an hour and a half.

Mr. DUNHAM. I would suggest the propriety of this bill being passed before the 30th of June, and for that reason we had better not take any unnecessary time discussing it.

Mr. HOLMAN. I think an hour and a half ought to be sufficient.

Mr. PETERS. I want a half hour.

Mr. RYAN. I do not think that less than two hours will do.

Mr. McCOMAS. Make it two and a half.

Mr. NELSON. I object to so short a time.

Mr. COBB. This is a very important question and ought to be fully discussed.

Mr. RANDALL. I do not suppose the whole scope of our public land system is to be gone over in this discussion. The debate was intended, as I understand, for a particular part of this bill, and if we can not agree upon some time I shall have to move that the committee rise to limit debate.

Mr. HENDERSON, of Iowa. Make it two hours and a half, and I think that will be satisfactory all around.

Mr. PAYSON. We ought to have at least three hours.

Mr. PETERS. I think all the argument will be confined to a motion to strike out and to insert. I know that is the case so far as I am concerned.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills, and pending that I move all debate upon the land question, as embraced in this bill, be closed in two hours.

Mr. PAYSON. I move to amend by making it three hours.

Mr. RANDALL. I demand the previous question upon the motion and amendment.

The previous question was ordered.

Mr. MORROW. I wish to make a parliamentary inquiry, whether or not this motion affects the preceding agreement as to the thirty minutes to which I am entitled on another part of the bill?

The SPEAKER. The Chair thinks not.

Mr. RANDALL. It does not. This motion applies only to the public land question.

The question was taken on the amendment submitted by Mr. PAYSON; and on a division there were—ayes 49, noes 75.

So the amendment was not agreed to.

The motion to limit debate to two hours was agreed to.

Mr. RANDALL moved to reconsider the vote by which the House agreed to limit debate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD DEVANNEY.

Mr. KELLEY introduced a bill (H. R. 9713) for the relief of Edward Devanney; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL J. LA DUE.

Mr. KELLEY also introduced a bill (H. R. 9714) for the relief of Daniel J. La Due; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGIANA SHOWERS.

Mr. KELLEY also introduced a bill (H. R. 9715) granting a pension to Georgiana Showers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIANA BROMLEY.

Mr. KELLEY also introduced a bill (H. R. 9716) granting a pension to Juliana Bromley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN MUTUAL BENEFIT ASSOCIATION, MEXICAN WAR.

Mr. WILLIS introduced a bill (H. R. 9717) for the benefit of the American Mutual Benefit Association of the Mexican War Veterans; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PANAMA CANAL.

Mr. KING introduced a joint resolution (H. Res. 193) in opposition to the proposed action of the French Government in appropriating a sum of money in aid of the De Lessep's Panama Canal; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

STORMS IN LOUISIANA.

Mr. KING also introduced a joint resolution (H. Res. 194) appropriating $200,000 for the relief of sufferers from recent violent, unprecedented, and desolating storms in certain districts in Northern Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEVICE FOR CANCELING POSTAGE-STAMPS.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 9718) authorizing the Postmaster-General to adopt a device for canceling postage-stamps; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM SHEPPERD.

Mr. HEWITT introduced a bill (H. R. 9719) granting a pension to William Shepperd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HALPIN.

Mr. GLOVER introduced a bill (H. R. 9720) granting a pension to William Halpin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. KING.

Mr. GLOVER also introduced a bill (H. R. 9721) granting an increase of pension to John A. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES JACKSON.

Mr. GLOVER also introduced a bill (H. R. 9722) granting an increase of pension to Charles Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. BARKSDALE introduced a joint resolution (H. Res. 195) to print the annual Report of the Commissioner of Agriculture; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES B. M'NAIR.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 9723) for the relief of the heirs of James B. McNair, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. REAGAN in the chair).

The CHAIRMAN. By order of the House all debate on the land clause of the bill is limited to two hours.

Mr. RANDALL. Of course the Chair will see that the time is equally divided between the two sides.

The CHAIRMAN. The Chair would suggest, inasmuch as the Chair can not know what side gentlemen are going to espouse in the debate, that the gentleman from Pennsylvania control the time for one hour and some gentleman on the other side control it on that side.

Mr. RANDALL. That would be satisfactory to me, and I would suggest that the gentleman from Nebraska [Mr. LAIRD] control the hour on that side.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose.

Mr. RANDALL. There has been a criticism made to me since the suggestion was made, that perhaps some member of the Committee on Appropriations should control the time on that side. I would suggest, therefore, that the gentleman from Kansas [Mr. RYAN], who is the older member of the Subcommittee on Appropriations, or the gentleman from Maryland [Mr. MCCOMAS] control the hour.

Mr. LAIRD. That will be entirely satisfactory to me if I can get a part of the time. I do not care who controls it.

Mr. RYAN. I will take charge of the time and will divide it as best I can among gentlemen.

Mr. COBB. Who will control the time on this side?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL].

Mr. MORROW. I believe I am now entitled to the floor.

The CHAIRMAN. The gentleman from California is recognized on his amendment in relation to Chinese immigration.

Mr. LAIRD. How is this? I understood the general debate was to be on the land clause.

Mr. FELTON. There was a distinct agreement that when the committee reached this portion of the bill before the land clause was discussed we should return to this proposition in relation to the restriction of Chinese immigration and that my colleague [Mr. MORROW] was to be allowed thirty minutes.

Mr. MORROW. The section to which I propose to address my remarks is found on page 34 of the bill. I ask the Clerk to read my amendment.

The Clerk read as follows:

In lines 812 and 813 strike out "five thousand five hundred dollars" and insert "ten thousand dollars: *Provided*, That the Secretary of the Treasury shall cause to be prepared and furnished to collectors of customs at ports where the same may be required, suitable books of registration and books of preliminary and return certificates, in such form as shall enable the said collectors to conveniently set forth and certify accurately, distinctly, and fully all the particulars necessary to identify the Chinese persons to whom such certificates shall be issued."

Mr. RANDALL. I think the understanding was that we should begin now with the general debate touching the land question. I will

cheerfully meet in a fair spirit the gentleman from California [Mr. MORROW] at a later period in regard to the other matter.

The CHAIRMAN. The committee agreed to pass over the clause relating to Chinese immigration with the understanding that the gentleman from California [Mr. MORROW] should be recognized afterward on his amendment.

Mr. RANDALL. I object to going back.

The CHAIRMAN. The Chair understood the agreement to be that the clause from line 807 to 815 should be passed over, and that when the land clause was reached that clause should be returned to, so that the gentleman from California might submit his remarks.

Mr. RANDALL. There was no agreement so far as I remember except that the gentleman from California should be heard. I think thirty minutes was the time specified.

Mr. FELTON. Thirty minutes were to be given to my colleague, but there was no understanding that the debate should be limited to that period.

Mr. RANDALL. I want the debate on the land clause to proceed.

The CHAIRMAN. Perhaps the Chair may be in error, but he believes the agreement was that when the land clause was reached the gentleman from California should be allowed to address the committee on the other question.

Mr. RANDALL. But not preceding the debate on the land clause.

The CHAIRMAN. That is the impression of the Chair.

Mr. MORROW. I was recognized in the time of the gentleman from Massachusetts [Mr. LONG] when this matter came up. I was then entitled to the floor, and gave way with a distinct understanding that when we reached this part of the bill I should be recognized.

Mr. RANDALL. Let us go to the RECORD. If that shows that the arrangement is as has been stated I will adhere to it.

The CHAIRMAN. The Chair will cause the RECORD to be read.

The Clerk read as follows:

Mr. MORROW. Mr. Chairman, I offer an amendment which I send to the desk.

The amendment was read, as follows:

* * * * * * *

Mr. STORM. I reserve a point of order on that proposition as new legislation.

Mr. MORROW. When the Committee of the Whole was first proceeding to consider this bill the gentleman from Massachusetts [Mr. LONG] reserved certain time, a portion of which he has kindly agreed to surrender to me; and I will, if it be agreeable to the committee, occupy that time now.

Mr. LONG. Being entitled, under the agreement made when this bill was taken up, to certain time for general debate, I yield twenty minutes of that time to the gentleman from California [Mr. MORROW].

Mr. RANDALL. Let us pass this item.

Mr. RYAN. Let us pass it, and wait until we come to the general debate.

Mr. MORROW. All I want is my twenty-five minutes—five in my own right and twenty yielded to me by the gentleman from Massachusetts.

The CHAIRMAN. Does the gentleman from California consent to pass this item for the present?

Mr. MORROW. I understand the amendment is to be passed for the present, and discussion will take place when the general debate is reached.

Mr. RYAN. When we reach the clauses in relation to the public lands, which will be soon.

Mr. RANDALL. It will be observed the gentleman claimed twenty minutes in addition to his five minutes under the five-minute rule, and that was agreed to; but this is the general debate on the land clause.

The CHAIRMAN. It was understood that when the committee reached the land clause the gentleman from California was to have twenty-five minutes on his amendment relating to the restriction of Chinese immigration.

Mr. FELTON. The Chair is correct.

Mr. MORROW. The understanding was that when we reached that clause I was to be recognized.

Mr. RANDALL. Then I desire we shall come to some understanding as to the limit of debate on this paragraph.

Mr. COX. I desire to have five minutes.

Mr. RANDALL. The gentleman from North Carolina [Mr. COX] should have some time, of course. I suggest that the debate be limited to forty minutes.

The CHAIRMAN. Would that include the time of the gentleman from California [Mr. MORROW]?

Mr. RANDALL. My proposition is that the forty minutes shall include everything.

Mr. MORROW. That would not be sufficient, as I am myself entitled to twenty-five minutes. I ask the gentleman from Pennsylvania to agree to an hour.

Mr. RANDALL. Very well; I will agree to an hour.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time for debate on this paragraph be limited to one hour, including the time to which the gentleman from California [Mr. MORROW] is entitled. The Chair hears no objection. The Chair suggests that the gentleman from California [Mr. MORROW] shall control the time on the one side and the gentleman from Texas [Mr. COX] shall control the time on the other.

Mr. MORROW. Mr. Chairman, if I can have the attention of the committee for a short time I will explain as briefly as possible the condition of affairs on the Pacific coast calling for the most effective restrictive legislation that can be devised by Congress for the purpose of excluding Chinese immigration from the country and the necessity for a larger appropriation than is provided for in this bill to carry such legislation into effect. In doing this I shall not weary the committee with any matters not strictly pertinent to the subject-matter under consideration. This bill proposes to appropriate the sum of $5,500 "to meet such expenses as may be necessary to be incurred in carrying out the provisions of the act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, including the printing of certificates therein required."

This sum is wholly insufficient for the purpose intended. In 1884 an appropriation of $5,000 was made to meet the expenses of carrying out the provisions of the restriction act for the year 1885. The insufficiency of this appropriation compelled the Treasury Department to exercise such rigid economy in providing the machinery for executing the provisions of the act that the law has been evaded in a most shameful manner. The return certificates furnished to departing Chinamen have been printed so meanly and with such meager detail that instead of preventing further immigration of Chinese laborers as the law intended, the certificates have been used in aid of illegal immigration. I hold one of these certificates in my hand. An inspection of the document will show its useless character. The Chinese Government under the law is authorized to issue certificates to Chinese merchants coming to this country. Under this authority that government prepared and furnished to departing immigrants a certificate containing a description of the person to whom it was issued with the most elaborate detail. Compared with that document our own certificate designed for our protection is utterly worthless.

For the year 1886 no appropriation was made for the purpose of executing the law, and the result has been that the Chinese have been pouring into California at a rate far in excess of the average annual immigration prior to the passage of the restriction act.

In response to the numerous complaints that have been made to the Secretary of the Treasury concerning the inefficient method of executing the provisions of the present law, that officer has replied that there were no funds at his disposal for carrying the law into effective execution. Within the last month the United States district judge at San Francisco is reported as having declared that for the want of funds certain provisions of the law were practically nugatory. I refer to an article in the San Francisco Morning Call of June 13, 1886, concerning the attempt of two Chinamen to land in San Francisco contrary to law. The cases were brought before the United States district judge, who found that they were not entitled to come into the country, but what to do with them was the serious question. The report says:

Judge Hoffman admitted to the reporter that the situation is embarrassing. Said he:

"Although the law which provided for the remanding of these Chinese to the place from whence they came intimates that it shall be done at the expense of the United States, there is no fund appropriated for that purpose. Consequently the only way in which the marshal can obey the order of the court, where a company refuses to receive a remanded Chinaman without the payment of his fare, is for that official to buy the ticket at his own cost and then take chances of being reimbursed by the Government. That is a matter that rests solely with the marshal, though, and I can not compel him to take such a chance. Neither can I order the two Chinamen to be confined in the county jail indefinitely. My idea is, however, that the steamer which brought them here can be compelled to take them away at its own expense, as in law the men can not be regarded as having landed from that vessel. Consequently I will again remand them to China, and when the City of Peking next arrives in port I shall instruct the marshal to place the two men on board of her."

This condition of affairs certainly ought not to continue. The Government should be provided with the means to execute its own laws in a matter of this grave importance. This weakness, hesitation, and uncertainty, if continued, will drive the people of the Pacific coast to desperation, and the consequences may be deplorable.

The Secretary of the Treasury has asked for an appropriation of $10,000 for this particular service, and I know that the sum is little enough under any circumstances. There is a bill amending the restriction act on the House Calendar, and another which has passed the Senate and has been referred to the Committee on Foreign Affairs. The people of the Pacific coast have been anxiously hoping that one of these bills should become a law. Whether they are to be disappointed or not I can not say, but I can say that there is no more important matter before Congress than the effective restriction or prohibition of Chinese immigration. The effort so far has been a failure, and it remains for you to say whether you will allow conditions to grow worse before you take active measures to settle this great question.

Permit me to call your attention to a few plain facts, from which you can draw your own conclusions.

DEFECTS OF THE PRESENT LAW.

The defects in the present law relate mainly to the privilege accorded to certain classes of Chinamen by the treaty to go and come at pleasure. This privilege is preserved by the statute to the classes named in the treaty, but with safeguards so insufficient that Chinese laborers are continually obtaining admission into the country under the pretense of belonging to one or the other of the privileged classes.

The provision of the treaty referred to is as follows:

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the

rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

RETURN-CERTIFICATES NOT REQUIRED OF CHINAMEN WHO WERE HERE ON THE 17TH DAY OF NOVEMBER, 1880, AND DEPARTED PRIOR TO MAY 6, 1882.

It will be observed that Chinamen in the United States at the date of the treaty, to wit, on the 17th day of November, 1880, are allowed to go and come of their own free will and accord. This privilege has been greatly abused in affording an opportunity to Chinese laborers to come into the country who have never been here before, and the opportunity to evade the law has occurred in this way. No method was provided for the identification of those that were here at the date of the treaty, and it was not until May 6, 1882, that Congress passed an act providing for the return-certificate of identification for those departing from the country. In the mean time several thousands had gone away without such certificates, and upon their return they claimed the right to come into the United States on parol testimony showing that they were here on the 17th day of November, 1880, and had departed prior to the 6th day of May, 1882. The question was brought before the courts of the United States and the claim was sustained.

The result of this decision was that not only those came back who were here at the time named, but Chinamen who had never been in the country were instructed by their better-informed countrymen how to assert and support this claim. Maps of San Francisco and other places on the Pacific coast were furnished to new-comers on board ship, so that they might acquire a certain familiarity with the character and location of places, and thus be able to answer questions in a way to indicate a former residence in the country. There is no doubt that many succeeded in evading the law in this manner. As soon, however, as the officers of the Government began a critical examination of the persons making this claim the Chinamen devised a still better scheme in aid of their immigration. The return certificate provided by the present law, although intended to identify the person to whom it is issued, is really a much more useful document, since it may be used to identify any one of many thousands with equal certainty.

There is a remarkable similarity in the size, complexion, color of eyes and hair, and general appearance of all Chinamen coming to this country. It therefore happens that the present certificate of identification issued to a departing Chinaman will do equally as good service as a certificate of admission into the country for a thousand other Chinamen. And since an American return certificate is worth at least $100 in China, the patient, submissive, and frugal follower of Confucius takes one with him on his departure from this country and sells it to a countryman in China at the market price. He then returns, if he so desires, and is admitted on the claim of having resided here at the date of the treaty. Under the circumstances he comes back to us, as can be well understood, with a "smile that is child-like and bland." By the sale of his certificate he has paid the expense of his journey to the graves of his ancestors, or the greater part of it, and there are two Chinamen in this country where there was only one before.

The amendment I propose is intended to cure some of the defects of the return certificate, in giving authority to the Secretary of the Treasury to prescribe such forms as will secure a better identification of the persons to whom the certificates are issued. The amendment will also provide the necessary means for carrying into effect either the present law or any amendatory act that may be passed by the present Congress.

THE CLAIM OF BEING A MERCHANT.

The privilege accorded to merchants has also been abused by persons not belonging to that class. As negative proof was of course out of the question as to the occupation of immigrants many were able to pass without detection. At one time nearly all the vessels arriving at San Francisco from Hong-Kong came laden with Chinamen supplied with certificates from the Chinese custom-house at Canton showing that the holders of the certificates were merchants. These passports were very elaborate and carefully prepared documents, with the photograph of the alleged merchant securely attached. But two vessels a month, loaded to the guards with Chinese merchants, was too absurd a proceeding to continue long. The certificates were refused by the officers at San Francisco, and the Chinamen that were landed were compelled to produce other evidence of their right to come into the United States under the law.

THE TRANSIT PRIVILEGE.

Another way of avoiding the terms of the restriction act has been the claim of being in transit across the territory of the United States. I do not believe that the privilege of transit was intended to be granted to Chinese laborers either by the act of May 6, 1882, or the amendatory act of July 5, 1884, but under a decision of the Attorney-General of the United States and the regulations of the Secretary of the Treasury the privilege has been conceded under such terms as to permit the coming of Chinese laborers into the United States without sufficient safeguards being provided against their remaining in the country.

That this plea has been a serviceable one is shown by the report of Special Agent Spaulding to the Secretary of the Treasury, dated November 2, 1885, and the records of the custom-house at San Francisco, from which it appears that the arrival of Chinese passengers at San Francisco, claiming to be in transit, from August 5, 1882, to December 31, 1885, was as follows:

From August 5, 1882, to December 31, 1882	76
During the year 1883	3,498
During the year 1884	3,792
During the year 1885	5,159
Total	12,525

What proportion of this large number of arrivals at San Francisco were in actual transit and how many took their departure from the United States are not known. It is certain, however, that the plea of being in transit has not been made in good faith in many cases, and the increase in numbers of those arriving at San Francisco, from 76 in the five months of 1882 to 5,159 in the year 1885, is significant, and shows that there must be some connection between this traffic and the continued increase of the Chinese population in the United States. It is but fair to say that the present Attorney-General holds that the transit privilege is not authorized by law, but he holds that the correction of the evil requires the action of Congress.

Other defects in the law might be pointed out, but enough has been shown to demonstrate the necessity for further effective legislation to restrict this immigration. The determination on the Pacific coast to have this question settled has never been so emphatic as it is now. There has never been such intense feeling upon this subject as there is at present among all classes throughout that entire region. And if you would know the cause you have only to examine the situation of affairs and consider what you would do under like circumstances.

The situation is far more serious in California to-day than at any other time in the history of the State, and calls for immediate and effective action.

The white adult male population of San Francisco does not much exceed 50,000. The number of votes cast at the last Presidential election was 47,535. Now, compare this with the Chinese population, estimated to be from 45,000 to 50,000, or as large a number as in all the seven colonies of Australasia, with their 3,000,000 of population. This Chinese population in San Francisco is nearly all male and over 21 years of age.

The special committee of the board of supervisors, recently appointed to investigate the Chinese quarter of that city could only find 1,385 females and 722 children in the city, classified as follows:

Women	57	Living as families.
Children	59	
Women	761	Herded together with apparent indiscriminate parental relations, and no family classification, so far as could be ascertained.
Children	576	
Prostitutes	567	Professional prostitutes and children living together.
Children	87	

This statement discloses a condition of things that can not be discussed here. In a Chinese population of nearly if not quite 50,000 only fifty-seven families can be found. You must draw your own conclusions as to the condition of the Chinese population in San Francisco and its effect upon the white male population, which it equals if it does not exceed. In no other civilized community on the face of the globe has it reached such proportions and conditions. If Congress knew the whole truth of this Chinese question and its probable consequences upon American civilization the Burlingame treaty would not be in existence an hour.

The time allowed me will not permit the present discussion of other important facts connected with this immigration. If the bill amending the restriction act is brought forward before adjournment I propose, if I have the opportunity, to submit further facts of a character that should attract the attention of Congress and the country to the magnitude of this growing evil.

For the present I must be content with simply presenting the urgent demand of the people of the Pacific coast that Congress shall take some action toward effectually prohibiting Chinese immigration.

A POPULAR REPRESENTATIVE CONVENTION IN CALIFORNIA DEMANDS AN IMMEDIATE AND ABSOLUTE PROHIBITION OF CHINESE IMMIGRATION.

On the 10th of March last two conventions assembled at the capital of the State of California for the purpose of taking into consideration the situation of affairs as involved in the Chinese question. One of the conventions had met at San José a short time before and had adjourned to meet at Sacramento, inviting a full representation from all parts of the State. The other convention was composed of delegates appointed by the boards of supervisors of the several counties. Both of these conventions were non-partisan, and represented every business, trade, and profession in the State. It was composed of adherents of both of the leading political parties, and I have no doubt included men who could be said to voice the moral sentiment of the State. The two conventions united under one organization, adopted a number of resolutions and a memorial to Congress. The latter was recently introduced in the Senete by Senator MITCHELL, of Oregon, and ordered printed (Senate Miscellaneous Document No. 107). The resolutions are as follows, so far as they relate to action on the part of Congress:

THE PLATFORM.

The report of the committee on resolutions was presented by Hon. Horace Davis:

Whereas the people of the State of California are with a unanimity of senti-

ment unparalleled in history opposed to the presence of the Chinese in their midst, and are likewise opposed to the further immigration of that race into the United States; and

Whereas this opposition is not of sudden growth, but is the result of more than thirty years' experience; and

Whereas the history of all countries where the Chinese have been permitted to reside among other races is a precise counterpart of our own; and

Whereas the evils arising from the presence of the Chinese are:

First. Their coming is an invasion, not an immigration.

Second. They have no families or homes among us.

Third. Their domestic relations and modes of living are such as forever preclude their assimilation with our people.

Fourth. By education and customs they are antagonistic to a republican form of government.

Fifth. They maintain in our midst secret tribunals in defiance of our laws.

Sixth. The presence of so many adults owing allegiance to a foreign government is dangerous.

Seventh. They deter laboring men from coming to California.

Eighth. The contract system by which they come to this country is virtually a system of peonage, hostile to American institutions.

Ninth. Their presence deters the growth of a reliable labor element among our boys and girls.

Tenth. After subsisting on the lowest possible portion of their earnings they remit the residue, amounting to many millions annually, to China, while the substitution of American labor would retain this vast sum of money in our country.

For these reasons they are a constant and growing source of irritation and danger to our State, and it is necessary that their immigration be immediately stopped, and every lawful measure adopted to remove those among us.

Resolved, That we demand that the Government of the United States take immediate steps to prohibit absolutely this Chinese invasion.

PETITION FROM THE KNIGHTS OF LABOR.

I might stop here perhaps and ask whether anything more is required on our part to present this question fully to Congress and obtain for it that careful and earnest attention its importance deserves, but I have still a further duty to perform in this matter, which, to me, is one of most impressive significance. The people of California, having determined with remarkable unanimity that the evils of Chinese immigration are past further endurance, have adopted every apparently effective form of expression and declaration to make that determination known to Congress. It has remained, however, for the Knights of Labor to resort to the sacred right of petition in a way that is so formidable and expressive as to indicate the exceeding earnestness of their appeal. They have, with infinite labor, obtained the signatures of fifty thousand citizens of th State to a petition to Congress asking that such action be taken by appropriate legislation or by a change in the present treaty with China as may be necessary to forever prohibit the further immigration of Chinese into the United States.

This petition is the work of an organized army of laborers, loyal to the institutions of the country, devoted to its best interests, and hopeful of the future. They have adopted the method pointed out by the Constitution to ask the Government to protect the laboring classes of the United States, and particularly those of the Pacific coast, against a ruinous and vicious competition. They ask that Congress shall preserve the principles of this free Government for the benefit of those who must support and defend it. They ask that an impending foreign invasion shall be prevented and peace and prosperity assured to all the people. The petition is short and to the point, and I will read it with a few of the names attached thereto.

PETITION.

To the Senate and House of Representatives of the United States:

The undersigned, citizens of the State of California, request your honorable bodies to take such action, either by appropriate legislation or by a change in the present treaty with China, as may be necessary to forever prohibit the further immigration of Chinese to the United States:

(Signed by:) George Stoneman, governor; Thos. L. Thompson, secretary of state; John P. Dunn, State controller; D. J. Oullahan, State treasurer; H. I. Willey, State surveyor; W. T. Welcker, superintendent public instruction; James J. Ayers, superintendent State printing; Talbot H. Wallis, State librarian; E. B. Pond, supervisor, San Francisco; W. B. Farwell, supervisor, San Francisco; J. E. Abbott, supervisor, San Francisco; John E. Kunkler, supervisor, San Francisco; D. L. Farnsworth, supervisor, San Francisco; Jas. Williamson, supervisor, San Francisco; Jas. Gilleran, supervisor, San Francisco; Robert Roy, supervisor, San Francisco; A. Heyer, supervisor, San Francisco; Washington Bartlett, mayor of San Francisco; E. W. Playter, mayor of Oakland; John Q. Brown, mayor of Sacramento; E. F. Spence, mayor of Los Angeles; C. T. Settle, mayor of San José; Peter Hopkins, sheriff, San Francisco; Fleet F. Strother, auditor, San Francisco; L. Wadham, tax collector, San Francisco; J. A. Bauer, treasurer, San Francisco; Jas. J. Flynn, county clerk, San Francisco; D. M. Cashin, recorder, San Francisco; J. L. Meares, M. D., health officer; M. C. Conroy, license collector, San Francisco; Ira G. Hoitt, president board education; L. F. Holtz, assessor, San Francisco; J. V. Coffey, superior judge, San Francisco; R. F. Morrison, chief justice supreme court; John Hunt, superior judge, San Francisco; F. W. Lawler, superior judge, San Francisco; T. H. Rearden, superior judge, San Francisco; J. F. Sullivan, superior judge, San Francisco; D. J. Toohy, superior judge, San Francisco; James G. Maguire, superior judge, San Francisco; William Irwin, ex-governor; F. F. Low, ex-governor; Samuel W. Backus, postmaster, San Francisco; P. Crowley, chief of police, San Francisco; M. C. Blake, ex-mayor, San Francisco; Stuart Taylor, naval officer; D. McMillan, supervisor, San Francisco; Samuel Valleau, supervisor, San Francisco; Justin Gates, supervisor, San Francisco; H. C. Kinne, 120 Fourth street, San Francisco; John Payne, 919 Harrison street, San Francisco; W. W. Stone, 31 Liberty street, San Francisco; Calvin Ewing, 547 Howard street, San Francisco; D. McSweeney, 1220 Polk street, San Francisco; Ed. J. Rose, 239 Kearny street, San Francisco; T. H. Corcran, 1610 Hyde street, San Francisco; J. Livingston, 729 O'Farrell street, San Francisco, and about 50,000 others.

It is evident that no considerable part of the petition can be read, nor can it be printed in the RECORD. It is nearly a half-mile long, and contains the names of the officers of the State, county, and municipal governments of California. It is signed, of course, by the Knights of Labor and wage-workers generally.

Mr. BELMONT. Will the gentleman permit me to ask him whether he does not know that, under the treaty it is not possible to entirely prohibit Chinese immigration.?

Mr. MORROW. I am presenting here the petition of people asking that something shall be done about this matter; and the gentleman from New York, as chairman of the Committee on Foreign Affairs, should come before this House with some measure or some proposition which would assure the Pacific coast that there is in this Congress a desire and a sentiment to do something for the working people of this country.

Mr. BELMONT. The Committee on Foreign Affairs has had under consideration the bill introduced by the gentleman from California [Mr. MORROW], and therefore I thought it proper to ask him the question whether he did not himself know that under the treaty, which he has no doubt read and considered, it is absolutely impossible to prohibit entirely the immigration of Chinese labor?

Mr. MCKINLEY. What has the committee done?

Mr. MORROW. I understand the construction placed upon the treaty by the gentleman from New York and by the committee which he represents, but the question is, What has the committee done? I am here simply asking that the committee shall proceed to act, and proceed at once. If they bring in here the bill I have introduced, I have no doubt about the effect of such a law. It would restrict Chinese immigration and afford the relief that the people of the Pacific coast demand.

Mr. BELMONT. The gentleman has not yet answered my question.

Mr. FELTON. I wish to ask the chairman of the Committee on Foreign Affairs if it is not a fact that his committee have had before them a bill drawn under the treaty, in accordance with the usages of nations, and which obviates entirely the objections suggested in the remarks he has just made; and, if so, I ask him why they have not reported that bill?

Mr. BELMONT. I will answer the gentleman by saying that the bill is already reported to the House.

Mr. FELTON. What bill?

Mr. BELMONT. The bill introduced by the gentleman from California [Mr. MORROW].

Mr. FELTON. I am not talking about that. I am talking about another bill, drawn under the provisions of the treaty and in accordance with the views which the gentleman from New York is expressing here.

Mr. BELMONT. Mr. Chairman, there is a unanimous report by the Committee on Foreign Affairs, and it only remains for the House to carry out its agreement with that committee to give it a day for the consideration of the bill.

Mr. MORROW. We on this side of the House will aid you in bringing that bill before the House with a great deal of pleasure.

Mr. BELMONT. But will the gentleman from California now answer my question, whether he does not know that under the treaty it is absolutely impossible to entirely prohibit this immigration?

Mr. MORROW. No, sir; the Congress of the United States is sovereign; and if it is the desire of Congress to prohibit this immigration it may do so by legislating in any way, even though it be in contravention of the treaty. There can be no doubt about that.

Mr. WILLIS. It has been decided by the Attorney-General over and over again that Congress can repeal a treaty.

Mr. MORROW. Certainly; Congress can repeal a treaty if it so desires.

Mr. BELMONT. Still the gentleman must remember the language of the treaty of 1880 with China. The words of Article I are as follows:

The United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Mr. MORROW. I must decline to yield, Mr. Chairman. My time is limited. The gentleman has been very courteous heretofore, and I acknowledge it, but I can not yield further at this time.

In many towns, like Pomona for example, every adult male citizen has appended his signature to the petition I now present to this House. It represents the forces from every trade, profession, and calling enlisted in the cause of redeeming the industrial interests of the country from Chinese usurpation and monopoly. This powerful and urgent appeal should arrest the attention of Congress and secure an earnest consideration of the subject it presents. I shall ask that the petition be referred to the Committee on Foreign Affairs.

PROTECTION TO AMERICAN LABOR.

The great political question involved in Chinese immigration relates to the declared policy of this Government to protect the interests of labor and guard well the industries of this country. A protective tariff, or a tariff for revenue, with incidental protection, is but a sham and a delusion, if pauper labor can come here and compete with our own laboring classes. Chinese cheap labor is the very worst form of free trade, for it involves no exchange of commodities. The Chinaman lives on Chinese products at the least expense possible wherever he goes, and gives nothing back to the communities of other nationalities on which he fattens. Money paid to him for his labor or his products ceases to be a circulating medium. He breaks the circuit of exchange and the money disappears. He is a parasite on the body-politic. He attaches himself to the vigorous growth of a more generous civilization and absorbs its

strength and vitality. Like the daughters of the horse-leech he cries, "give, give," and if you are not prepared to shake him off you should abandon the false pretense of being in favor of protecting American labor. We can not afford to trifle with this grave question any longer. This immigration must absolutely cease. American labor demands and will have protection, and either this or some future Congress must provide the machinery for executing the will of the people on this subject.

The people of the Pacific coast, loyal and devoted to the institutions of this country, have waited long and patiently for a settlement of this great question. The two leading parties have declared in national conventions that we shall not wait in vain. As we stand here the danger increases. Between the dignity of American labor and the vice of Asiatic slavery there is an irrepressible conflict as decided and dangerous as the antagonism between the free labor and slave labor of this once distracted country, and which could only be broken over the "perilous ridges of battle." It rests with us to say whether this conflict shall go on, and, gradually extending its lines, involve the whole country in a common ruin, or whether we will arrest its progress and bar the door to further intrusion.

Every consideration having in view the public welfare demands that we should act promptly and effectively in resisting this unwelcome and dangerous invasion. It is a disturbing element we can not control, and, unrestrained, will produce consequences we can not foresee. Let us, therefore, with such wisdom as we possess, seek to draw around the privileges and benefits of the Republic the protection of the law, and thus demonstrate to the world the value and dignity of American citizenship. [Applause.]

Mr. COX was recognized and yielded ten minutes to Mr. RICE.

Mr. RICE. Mr. Chairman, I am glad that the gentleman from California has at last found an opportunity to utter the speech with which he has been so long laboring, and to give to this House the warnings which seem to burden his heart against the danger of additional Chinese immigration. I am sorry, sir, that he should have reflected upon the Committee on Foreign Affairs of this House, which has given more time to the consideration of this question than to any other that has come before it during the present Congress, and which has reported unanimously a bill calculated to relieve as far as possible the difficulties which the gentleman from California has portrayed to this House. Let me say, sir, at the outset, this is not a question of the restriction of the immigration of Chinese laborers into this country. That immigration has been already fully and carefully guarded against by previous legislation. This House has given to the subject its most careful consideration, and twice, by great majorities, it has passed acts which since then have been operative, and efficiently operative, in regard to this matter. The gentleman portrays the dangers of Chinese immigration. Why, sir, during the less than three years in which the last act passed by Congress on this subject has been in operation, the Chinese laboring population on the Pacific coast has been reduced 21,000.

Mr. MORROW. I desire to say to the gentleman that he is very much mistaken about that.

Mr. RICE. I make the statement on the report of the Treasury official who has made careful inquiry into the subject on the spot.

Mr. MORROW. Yes, sir; and the same Treasury report shows that the Chinese immigration last year was 57, when in fact it was 14,208 into the port of San Francisco alone.

Mr. RICE. I object to being interrupted by the gentleman. I know that he contradicts this statement, but I affirm in the presence of this House that this report is the only authentic, reliable information upon the subject which has yet come to our knowledge, and it comes from a careful, faithful, industrious, honest official appointed by the Treasury Department.

During the time that this last act has been in operation the Chinese labor population on the Pacific coast has been reduced 21,000—reduced so much that there is already complaint on the part of the employers of labor in California that their industries are suffering on account of this sudden reduction of their labor force. It is not, then, a question of restricting Chinese immigration. This has always been restricted—restricted to this great extent that there has been a reduction of one-fourth of the Chinese population within the three years during which the act has been in operation. So much for that.

The gentleman says that there have been coming into this country under this act still a few Chinese laborers—a very few. I do not think they "hanker" much to come from their flowery kingdom into the land of the Pacific coast to meet with such treatment as they have received during the last three or four years.

The gentleman says they go there in transit, and that there is opportunity of evading the provisions of the act. His amendment does not cure that. But there is no danger from that source. Every Chinese laborer who touches the Pacific coast for the purpose of passing through this country, as he has a right to do under the treaty, is at once put under guard. He can not become a part of the population of this country. This report to which the gentleman has alluded so states. There is no trouble about that matter. Let a vessel touch the Pacific coast having on board Chinese laborers whose purpose is to pass to some other country, and that vessel is at once covered by the officials of this Government, and no Chinaman is allowed to land unless he gives, as it were, bail for his return. And there has been no violation of the immigrant act on account of this privilege of transit.

Now, Mr. Chairman, this is no longer a question of restricting Chinese immigration; that has already been attended to in the manner we have stated. I doubt not that vague and fictitious statements have been made which have excited many on the Pacific coast as they have my enthusiastic friend who has addressed us just now. But they are baseless. Let those who entertain any fears of that kind read the Treasury report, and let their vain terrors abate.

Just so much as can be done under the treaty provisions of this country has been done; and the Foreign Affairs Committee of this House, instead of being subject to the adverse criticism of the gentleman from California, has devoted itself to the preparation of a bill ulmost identical with that proposed by the gentleman himself, the only modifications being in two or three instances, for the purpose of avoiding infraction of the treaty. That bill has been reported unanimously to this House, and only waits the opportunity to be called up for discussion.

But some say, "Let us avoid the treaty." Says my friend from Kentucky [Mr. WILLIS], "Congress can repeal a treaty." I say, yes; it can. The king does no wrong. The king can set at naught a contract. The king can avoid payment of his just debts to his subjects. Congress can repeal a treaty. But when this great nation has sought to make a treaty, when it has been deriving from that treaty benefits to itself, and when it has derived from it protection to its merchants and its missionaries in China, and when there is no necessity, no crying wrong and evil arising to our own country from the continuance of the treaty, then it does not sound well, coming from the lips of a gentleman who is seeking to educate our people in lessons of morality and Christian intelligence, to say that this Government should repeal that treaty which itself sought and of which it has thus far been the beneficiary.

But when the question of a repeal of the treaty comes up we will consider that question. In the mean time we have done all that we can. We have done it efficiently; we have done it to the very best advantage; and the only authentic report which comes to us says that the law has been operative to an extreme degree—to such a degree that California is suffering to-day from the reduction of this labor element within its borders.

Of course, Mr. Chairman, I can not properly discuss this question in five or ten minutes. But I desired that in addition to the expression from the chairman of our committee [Mr. BELMONT], who has given this subject most attentive and careful consideration, there should be one other voice in defense of the unanimous action of that committee, which I believe to be justified by the circumstances of the case.

Mr. COX. I yield seven minutes to the gentleman from California [Mr. FELTON].

Mr. FELTON. Mr. Chairman, in the very brief time allotted to me, but seven minutes, I shall not attempt to discuss to any extent this vital question of Chinese immigration. But you will permit me to say that if there is any question before this House upon which the people of this nation have expressed their approbation it is this. Both of the great political parties in the last Presidential election embodied in their platforms a principle favoring the restriction of Chinese immigration, and upon those pledges and this principle was elected this Congress and this administration.

The object of this amendment is simply to furnish the means to enforce the present restriction act, and the question is, are we willing to keep our pledges to the people?

Mr. Chairman, with all due respect to the committee who have reported this bill—and I have great respect for the gentlemen composing the same—I say to them in all sincerity I hope they will depart in this instance from the policy of this Government, which seems to me, with my small experience, to be inconsistent.

Sir, it may be that the American people have a higher order of statesmanship than is possessed by the older nations from whom we come. Be this as it may, it is certain that their policies differ widely from ours. They are eminently practical, and, in my opinion, we are dealing in experiments and theories. For example, while they are straining every sinew to its utmost tension to protect and maintain their commerce, appreciating its direct influence on their home industries, we sit quietly and give them ours—yes, and pay them $150,000,000 per annum for the taking. Having virtually given them our deep-sea commerce, we are now endeavoring, by the aid of a free-register or free-ship bill, to pave the way for their taking our coastwise and inland commerce and thus displacing thousands of our laborers for the benefit of aliens.

While they are stretching around, and to the utmost parts of the earth, for territory on which to settle a redundant population, we are inviting and materially assisting them to come and take possession of our public domain, and thus robbing our children of their natural heritage. While there is no Pacific island too small to be beneath their notice and desire, we are endeavoring to abrogate a treaty that practically gives us the Gibraltar of the Pacific, and which under the treaty has to all intents and purposes become an American colony.

While we are passing tariff laws for the avowed purpose of protecting the American laborer and giving him the time and means in and with

which to enable him to become a fit citizen for a republican form of government, we permit the importation of contract labor, the meanest and the cheapest Europe can produce, to compete with. Yes; and with all the pomp and circumstance of diplomatic conventions negotiate and execute a treaty which permits any portion of four hundred and fifty millions of Asiatics to enter this country with all the material rights and privileges of our own citizens and shamefully assent to clauses that deprive the American citizen of corresponding privileges within the flowery kingdom, in which he is not permitted to travel its sacred paths.

And still, consistent in our inconsistencies, while we have a law for the restriction of Chinese immigration, yet we refuse to pass a law to make its operation possible, to appropriate means to execute and carry out its provisions.

In answer to my friend from Massachusetts [Mr. RICE], a gentleman for whom I need not say I have great respect, I will say that he forgets not only the 3,000 miles of territory adjoining British Columbia and Canada but also that we have a thousand miles of territory lying contiguous to Mexico; and it is a fact known to us all beyond the Rocky Mountains, and I wish it were equally well known on this side of those mountains, that the Chinese are coming in at times and places to suit their convenience, and in such numbers as they desire. Then we might hope for your sympathy. It is not the port of San Francisco alone that tells this story of the number coming or that needs to be protected. For that reason the statistics my friend relies on are wrong, in my opinion.

Mr. Chairman, ignoring the fundamental and immutable laws underlying human nature, the creation of He who created us all, ignoring the facts and teachings of all past history, we have evolved the sentimental theory of the brotherhood of nations and man, and under it invite a conflict of races and civilizations, one that ever has been, is, and ever will be irrepressible. With the beastly, dastardly, and cowardly massacre of Rock Springs fresh in our memory, a legitimate result of this immigration, history is simply repeating itself.

We will in this House vote an indemnity of $147,000 for the sufferers with a million of the same kind of claims to be hereafter considered, but we will appropriate but the paltry sum of $5,000 to prevent a recurrence of similar outrages sure to occur if this immigration is permitted.

Are we not in fact crystallizing that science of the distinguished gentleman from Pennsylvania—the dismal, the cheap, and nasty?

And, sir, why all this absurdity, this inconsistency? Is it not our insatiate greed for gold, for cheap labor to coin it, to further fill the overflowing purses of the already too powerful at the expense of their less fortunate brothers? Are we not legislating for to-day, regardless of the future and the evils that may follow? And here let me add this Government and its institutions can only be preserved by the aid of justice and a due regard for the rights of all its citizens. Mark the distinction—"its citizens." [Applause.]

[Here the hammer fell.]

Mr. COX. I will yield now five minutes to the gentleman from Iowa [Mr. WORTHINGTON].

Mr. WORTHINGTON. Mr. Chairman, I do not rise to oppose particularly this amendment or the appropriation of any sum which may be reasonable for the purpose of fairly enforcing the present laws and regulations against Chinese immigration. I think, sir, there is substantial agreement on both sides of the House that this species of immigration is not desirable.

We have tried it and are not satisfied with the result; and now, in the advocacy of any measures that may be opposed to it, we are not inconsistent with our former professions that under our flag the downtrodden and the oppressed of every nation may find a home and a safe refuge. If these people came to our coasts for the purpose of refuge, if they believed that they were oppressed at home, if they came to be relieved from the bonds of servitude, or from slavery, or with a view of making a new home in the New World, I should be one of the last in this House to favor a measure that would in any degree prevent their free immigration. But, Mr. Chairman, it is well known that they do not come for any such reasons. They do not come to seek a home among us because they dislike the institutions of China. They do not come because they believe they are deprived of their rights there; they do not come to acquire citizenship under our flag; but they come simply because they believe they can earn in a little while more money here than at home, and they come with a view of earning that money and with the intention of returning home with their gains so as to be buried in the land of their ancestry.

But, sir, while all of this is true, I can not accord with the suggestions of some gentlemen on this floor that because they are unwelcome immigrants, and because we believe them to be unfair competitors of those who work for wages in our land, that we should feel ourselves at liberty by legislative enactment to violate and disregard all of the sacred obligations of the treaty which we have made. Gentlemen can not forget the fact that China for hundreds of years insisted upon secluding herself and having no intercourse with any of the rest of the world, or any of the so-called civilized nations. They should not forget that it was the civilized nations of the world who knocked at her doors and demanded that the wall of seclusion should be broken down, and that there should be free intercourse, free egress and ingress of the citizens of the civilized world into China. In return for these concessions on the part of China it was agreed that there should be free ingress and egress to citizens of China in our own country. I find by referring to the Burlingame treaty, and all gentlemen present know the origin and purpose of that treaty, Article V provides:

> The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. * * *

And article 6:

> Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation.

Now, sir, I say that as a Government we can not afford to abrogate or willfully disregard the solemn obligations under which we have placed ourselves with China simply because we have the power to do so. We can not afford to set aside a solemn treaty entered into by the United States, which claims to be a Christian and civilized nation, with a government which we are in the habit of referring to as a heathen or uncivilized people. Nor is it necessary.

The Chinese Government, so far as we know, has met cordially every proposition on the part of our Government to restrict emigration from their government in accordance with the conditions of this Burlingame treaty. Notwithstanding the fact that under that treaty they were given free intercourse into this country, at the suggestion of our Government a period of ten years was fixed during which time the Chinese laborer could not be permitted to enter the United States. This period I believe will not expire for six years.

Mr. RICE. Six years remain.

Mr. WORTHINGTON. All that we want now is a rigid observance of the present law existing between this Government and China. It is claimed by gentlemen representing the Pacific coast that the law is violated; that those who have lived in the United States and returned to China, and who are entitled under existing law to return to this country, fraudulently dispose of their permits to other Chinese laborers who have never been here, who are thereby permitted in violation of the law to acquire a residence.

Now, the Committee on Foreign Affairs has reported to the House a bill that I believe will effectually prevent this violation of the spirit of the law by the enactment of this species of fraud in future, and have reported it unanimously. There is no dissent of opinion upon that question.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, from the remarks made by the gentlemen who have preceded me in this discussion it is clear that there is no substantial disagreement as to the propriety of this increased appropriation. The question arises as to whether the Department which is familiar with the difficulties encountered in executing the law is the best judge of the amount required or the Committee on Appropriations. The committee have only allowed half the amount called for, and in my opinion have not appreciated the magnitude of the undertaking. In making this remark I do not intend to depreciate its labors, for from the character of its membership I know they have been careful and painstaking. Yet of all laws upon our statute-books, this one affecting as it does our international relations as well as the peace and good order of the whole Pacific coast should be most rigidly enforced. All parties should rest satisfied that Congress intends to make ample provision for its due enforcement.

The unanimity with which the necessity for Chinese exclusion is now conceded by Congress is a matter for profound congratulation. It is an earnest of a well-defined and accepted American policy in her foreign relations. It is such a policy as during President Grant's incumbency assured the speedy and honorable adjustment of the Alabama claims; and which during the present administration brought order out of chaos in the Panama outrages. It is such a policy as inspires confidence at home and commands respect abroad. There is no international tribunal to which contentions between nations can be appealed, therefore prudence and principle dictate that in the assertion of rights we should respect those solemn treaty obligations which constitute the golden rule of personal and international communion.

> To thine own self be true;
> And it must follow, as the night the day,
> Thou canst not then be false to any man,

is a sentiment no less appropriate to nations than to individuals. No lust of gain, no sickening sentiment, no mock philanthropy should ever persuade us to disregard the reasonable demands for protection from the people of any portion of this great Government, either through the fear of offending or the apprehension of encountering false sentiment. A government which protects its citizens from oppressions, whether at home or abroad, wins their confidence and commands their obedience; a contrary course leads to rivalries, jealousies, and ultimate decay.

The Mokanna of Chinese cooly influx has time and again obtruded itself upon the attention of our national Legislature. Our friends on the Pacific coast at first hailed with delight the advent of the Mongolian among them, but soon discovered that instead of proving a blessing it was an invasion by an alien and obnoxious race, which, if continued, would drive out and displace the wholesome and stable native population, whose genius and labor only can permanently improve and beautify their magnificent country. By State legislation the Californians sought to turn this tide from their doors, but the courts of the United States decided that emigration was not a question for State regulation, and they were thus driven to seek redress from Congress.

A cynic has said there are no misfortunes we bear with such complacency as those of our friends. This doubtless appeared true to the people of the Pacific States when they appealed in vain to Congress.

COOLY LABOR.

Labor first rebelled against the baneful effects of cooly competition, for the American laborer, with the honorable responsibilities which education and morality give him, with the enlightened civil and social refinements of a wife and children to maintain, with the preservation of civil and religious culture, can not successfully compete with this class who have no patriotism or love for the land they encumber, and whose peculiar and inexpensive habits call for almost no outlay to preserve life. Alien in sentiment, in morals, religion, and education, the Chinese stand a constant menace to the prosperity and happiness of our people. Was it unnatural, therefore, that American laborers should feel dissatisfied, and even rebellious, at seeing these people engaged in striking down their wages, taking their children's bread, and otherwise bringing distress and suffering upon those dearest on earth to them? Hence forbearance ceased to be a virtue, great discontent prevailed, public meetings were held, Chinese immigration was denounced, and riot and bloodshed followed. At first these conflicts were believed to be inspired by "sand-lot" oratory, which inflamed violent and disreputable characters to breaches of the peace and the disorganization of society. About this time one Dennis Kearney, a man of strong natural parts and rugged oratory, appeared upon the scene to add fuel to the flame. In the East he was classed as a socialist and incendiary, a dangerous leader of mobs; and this excitement was believed to have arisen from the narrow prejudice of our race toward a harmless and unoffending people, and sympathy went out to the Chinese. Thus condemnation was aroused against agitation, and opinions difficult to combat were lodged in the minds of persons, who, distantly removed from the scenes of conflict, enjoyed immunity through a harmonious population, and discovered no occasion for demonstrations believed to be the natural offspring of political demagogy and race resentments. It was not then known that the sordid, selfish, immoral, and non-assimilating habits of the Chinese caused them to be recognized as a continual threat to the social and political institutions of the state.

As early as the Forty-first Congresss, an unsuccessful effort was made by the people of California to secure restrictive legislation. Not discouraged by failure, but with an indomitable courage and faith in the justice of their countrymen, which has ever characterized the people of the West, they again appeared with numerous petitions, memorials, and addresses, and continued to clamor for relief until in the Forty-fourth Congress their appeals met with a favorable response. A joint resolution was then passed calling upon the President to open negotiations with the Chinese Government, for the purpose of modifying the provisions of the treaty between the two countries, and "restricting the same to commercial purposes." At the next session of the same Congress a second joint resolution was passed, requesting the incorporation of an additional article to the treaty of July 28, 1868, wherein the right to regulate, restrict, or prevent immigration should be reserved to the respective countries.

CHINESE DIPLOMACY.

Singular to say, while the inhabitants of the Celestial Kingdom had been regarded by us as unused to the customs and manners of the outside world, yet in negotiating this treaty their diplomacy clearly manifested their great superiority over the frank and unpracticed diplomats of the Western world. They early secured as their friend and ally to negotiate the treaty a man whom the American Government had imprudently trusted as her chosen minister to the Chinese Empire.

In our zeal to acquire what we supposed to be great commercial advantages we conceded extraordinary privileges to that kingdom, without obtaining corresponding rights for our own. While we had granted them the unrestricted right to emigrate to our country, and the appropriation of blessings enjoyed by our people, no such reciprocal advantages were accorded to us; on the contrary, we secured the bare permission of trading at certain ports, and permission for our missionaries to preach the gospel on the exterior of their country. And the latter privilege was but as the beauty of ashes to a people whose civilization antedated ours by thousands of years and whose population constitute about one-third of the habitable globe. While we have about nine inhabitants to the square mile the Chinese Government has an average of about two hundred and twelve souls to the same area, and many parts of their country are rugged and barren and inhabited chiefly by a degraded and impoverished people. With such surroundings their natural desire to flock to this land in overwhelming numbers should have been reasonably anticipated and provided against.

Those who may suppose all Chinese are such as the cooly immigrant that seeks to improve his condition among us are egregriously mistaken; for the ruling classes among them are cultivated, scholarly, enlightened statesmen and accomplished diplomats. While many regard them as stupid heathens and idolaters, yet possessing as they do a religion and civilization beyond the records of history, they naturally look down on us as "outside barbarians," rude, materialistic, and progressive, we caring more for the present and future; while they with the rich treasures of ages delight to dwell in contemplation over the past. The Chinaman's purpose is to reside among us only so long as is necessary to improve his fortune, then return to the Flowery Kingdom, and there amidst the bones of his ancestors dwell in stolid contemplation and ease. This is not his country, and he does not desire to make it such. Should he die in this land of "the barbarian," his bones are transferred, that they may not rest in unhallowed soil. As their families do not accompany them to the New World, they are cut off from all the endearments and refining influences of domestic life, and their immorality and degradation can be conjectured but not realized. Except by their bare labor, they contribute but little to developing our wealth, for even their food and clothing are in the main imported from their own country.

It is therefore not unnatural that the people of the Pacific coast, of all ranks and conditions of society, who intend to make those States and Territories their permanent abode, should look with jealousy at the sojourning among them of a race the effect of whose presence is to excite continual friction and retard the prosperity of their section, by discouraging the emigration of those who have the same hopes and aspirations with themselves.

It may be inquired whether we can afford to reverse the traditional boast of this country being the land of the free and the home of the oppressed to gratify the wishes of our friends of the Pacific coast?

To which we answer, this is no longer an open question, for by our treaty with China of November 17, 1880, Article I, it is expressly conditioned that—

> Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of this country, or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

So that the Chinese Government by her voluntary action has placed a ban upon this class of her subjects. The reasons must have been satisfactory for doing so.

To give an idea of the opinion entertained of cooly laborers by the people of California even prior to the adoption of the supplementary treaty, I invite attention to the following extract from the address of the committee appointed by the Legislature of that State, which memorialized Congress on this subject, and which graphically and ably sets forth the objection to Chinese emigration. The committee say:

> In view of these facts thousands of our people are beginning to feel a settled exasperation, a profound sense of dissatisfaction with the situation. Hitherto this feeling has been restrained, and with few exceptions the Chinese have had the full protection of our laws. The people of this State have been more than patient; the condition of affairs as they exist in San Francisco would not be tolerated without a resort to violence in any Eastern city. It is the part of wisdom to anticipate the day when patience may cease, and by wise legislation to avoid its evils. Impending difficulties of this character should not, in this advanced age, be left to the chance arbitrament of force. These are questions which ought to be solved by the statesman and the philanthropist, and not by the soldier.

This address was adopted and published on the 13th of August, 1877. Congress had prior to this time appointed a joint special committee to visit the Pacific coast, to examine and report as to the necessity for a change in the Burlingame treaty. After the examination of numerous witnesses, whose testimony covers over 1200 pages of printed matter, and embraces the views of all classes of the community and every variety of interest, the report closes with these words:

> From all the facts that they have gathered bearing upon the matter, considering fairly the testimony for and against the Chinese, the committee believe that the influx of Chinese is a standing menace to Republican institutions upon the Pacific, and the existence there of Christian civilization. * * * This problem is too important to be treated with indifference. It must be solved, unless our Pacific possessions are to be ultimately given over to a race alien in all its tendencies, which will make of them practically provinces of China rather than States of the Union.

So impressed was this committee of the necessity for relief from this terrible scourge that it recommended restrictive legislation on the part of Congress, whether approved by the Chinese Government or not. But the Executive moved with prudence and secured the amended treaty to which I have referred, and maintained the most cordial and friendly relations between this Government and that of China, which I am happy to say has continued to the present time, and which should not be causelessly impaired. The right of this Government to prevent the influx of elements hostile to its internal peace and security can not be questioned, even where there are no treaty stipulations to authorize it. It is the duty of every government to first maintain the peace and good order of its subjects, who maintain and support it, and they have the correlative right of protection.

CONFLICT OF RACES.

Notwithstanding the repeated acts of restrictive legislation by Congress, it is believed that manifold evasions of the law are still practiced, and this belief has culminated in precipitating the disastrous conflicts and bloodshed which have recently been witnessed in the Territories of the far West. All this time the people of California have sought relief through the channels prescribed by the law, and are entitled to our highest respect and confidence for their forbearance and good faith amid the most exciting temptations. In return for their exemplary conduct it is still insisted by certain doctrinaires and pseudo-philanthropists, whose esthetic sentiments prompt them to reverse the proverb of Solomon, who declares that "better is a neighbor that is near than a brother far off." They can see no virtues in their blue-eyed brothers who are near, provided they can discover a tawny stranger afar off. They declare that these conflicts are merely struggles for political ascendency; that the present restrictions are ample; that there is no influx of cooly labor to our shores; on the contrary, Mr. Spaulding, the special agent of the Government, in his report (Executive Document No. 103, Forty-ninth Congress), shows that these Chinese, taking advantage of the clause which does not restrict passengers in transit, continued to augment annually their numbers from 76 in 1882, when the first restrictive act went into effect, to 11,162 in 1885.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask the privilege of extending my remarks.

There was no objection.

Mr. CUTCHEON. Can you not invent some mode of keeping out dynamiters and anarchists?

Mr. COX. I would be pleased to see it done.

To show what is thought by the people of California at the present time in regard to this immigration, I beg to call attention to the following extracts from the memorial to Congress, adopted by the anti-Chinese State convention, held at Sacramento, March 11, 1886. This convention, I will add, was comprised of representative men of all classes from every part of the State. In addition, there is a memorial to Congress now in possession of the Foreign Affairs Committee signed by over five thousand people from one Congressional district of the State, besides memorials from Territorial Legislatures asking for the total abrogation of the Burlingame treaty. The paragraphs to which I invite attention are as follows:

Speaking for the entire people of this State, your memorialists represent that for thirty-six years we have been settled upon the shores of the Pacific, and thus brought face to face with the great Mongolian hive, with its 450,000,000 of hungry and adventurous inhabitants. For thirty-six years we have watched the industrial and social system that has resulted from it, and weighed the advantages and disadvantages as they have developed.

NECESSITY OF RESISTANCE.

Under these circumstances we feel that we can understand better than any others the necessity of resisting the tide of immigration setting out from China, which has already done so much mischief to nations bordering upon that country, and which threatens to do so much more. Our fellow-countrymen east of the mountains have always been too much in the habit of forming their judgment upon the Chinese question from its material aspect, and as a mere question of industrial development and progress and the creation of wealth, wholly overlooking and ignoring its social, moral, and political sides. We do not deny that the people of the Pacific coast are influenced by material considerations and that each one of us is trying by all legitimate means to better his condition.

But we say that, regarded from the standpoint of immediate material results and considered as the coldest question of dollars and cents, and putting aside all considerations of Government, social and moral order, and even patriotism, there is no advantage or profit in the mixed-race system now being forced upon this coast, or in any mixed-race system whatever; that there is more mere money profit in dollars in a homogeneous population than in one of mixed races, while the moral and political objections are unanswerable. For while the Chinaman works industriously enough he consumes very little, either of his own production or ours. That he imports from China much that he eats and much that he wears, while a vast catalogue of articles consumed by our own people, the production and sale of which makes our commerce and our life what it is, the Chinaman does not use at all. Indeed, as far as he is concerned, hundreds of useful occupations essential to our system of civilization might as well, and if they depended upon him would have to, be abandoned altogether. Then he underbids all white labor and ruthlessly takes its place, and will go on doing so till the white laborer comes down to the scanty food and half-civilized habits of the Chinaman, while the net results of his earnings are sent regularly out of the country and lost to the community where created.

And while this depleting process is going on the laboring white man, to whom the nation must in the long run look for the reproduction of the race and the bringing up and educating of citizens to take the place of the current generation as it passes away, and above all to defend the country in time of war, is being injured in his comfort, reduced in his scale and standard of life, necessarily carrying down with it his moral and physical tone and stamina.

But what is even more immediately damaging to the general welfare is the fact that he is kept in a perpetual state of anger, exasperation, and discontent always bordering on sedition, thus jeopardizing the general peace and creating a state of chronic uneasiness, distrust, and apprehension throughout the entire community. That this alarms capital and forces it into concealment or out of the State in search of greater security, checks enterprise, increases the cost of government, especially for police purposes, while decreasing the sources of revenue from which that cost can be obtained.

Eastern political economists may think that they discover patent fallacies in the theories of the people of this coast, and that our supposed grievances are either greatly exaggerated or do not exist at all.

To this we answer that it is they who are the theorists, while we alone are acting upon genuine experience, and that experience is the only sure guide in all political matters.

It is certainly possible, indeed it is probable, that the wages of labor on this coast, instead of increasing when the Chinaman is gone, will decrease, but the belief of the entire producing class of the white race to the contrary is fixed and profound, is a great political factor, breeding discontent and dissaffection and disturbing the body-politic.

And if wages do come down when the Chinaman is gone, our own people will have more steady and sure employment, which is of more importance than high wages; whatever is earned in the country will be kept in it, and if our people are not better off they will at least be better satisfied.

The white workingman we must have with us if the nation is to continue to exist. The Mongolian can be dispensed with, and as he is a disturbing element, for that reason, if for no other, he ought to be dispensed with.

THE EUROPEAN RACE.

We assure our fellow-countrymen East that in this Chinese question is involved no less than the dominance, if not the existence, of the European race in this part of the world.

We call their attention to the act that the Malayan Peninsula, as well as other countries bordering upon China and the China seas, have already been overrun by the Chinese, and that the Malayan, one of the great races or types of the human family, is being rapidly annihilated to make place for them.

* * * * * * *

Among other duties as American citizens, we hold ourselves to be trustees of posterity. We are keeping the soil of this fair land for the thirty million Americans of our own race and kindred who are to come after us. To barter away their places while they are yet unborn is a gross violation of duty. To do so under the pretense of high morality and humanity and national generosity is to add the sin of hypocrisy to that which without it would be a great public crime. Our common ancestors came to the American continent to found a state, and they did it. The greatness of a nation does not lie in its money or in its material prosperity, but in its men and women, and not in their number but in their quality, in their virtue, integrity, honor, truth, and above all things in their courage and manhood. To a nation that is to remain, the capacity to fight is indispensable. It is not enough that it is able to trade and barter, or to work and produce, it must be able to fight for and defend what it has. The nation that can not defend itself against all comers will find that its days are numbered, and this is as true in the nineteenth century as in any other age of the world. The strong nations of the earth are now, as they have always been, the most thoroughly homogeneous nations; that is to say, the most nearly of one race, language, and manners. And when they are of one race it is not so material what race, as that they be a pure race. The purest-blooded man of any race is the strongest man of that race.

No state where the great distinct types of the human species have been mixed together on the same territory has ever held power for considerable time. And no race of mongrels, if such a thing is possible, has ever held empire or even kept its own independence.

* * * * * * *

M. Vattel is a high authority upon public and international law. This is what he says:

"The country which a nation inhabits, whether that nation has emigrated thither in a body or the different families of which it consists were scattered over the country and then uniting formed themselves into a political society, that country I say is the settlement of the nation, and it has a peculiar, an exclusive right to it." (Vattel, book 1, chapter 18, section 203.)

"The sovereign may forbid the entrance to his territory, either to foreigners in general or in particular cases, or to certain persons or for particular purposes, according as he may think it advantageous to his state. Formerly the Chinese, fearing lest the intercourse with strangers should corrupt the manners of the nation and impair the maxims of a wise but singular government, forbid all people entering the empire—a prohibition that was not at all inconsistent with justice. It was salutary to the nation without violating the rights of any individual, or even the duties of humanity, which permits us in case of competition to prefer ourselves to others." (Ibid., book 2, chapter 7, section 94.)

Our country has, without doubt, been benefited by the coming hither of emigrants from Europe of our own race and religion, some speaking our own language and all speaking closely allied languages and with similar manners and customs; people that have become identical with ourselves in a short time. How long this character of immigration will continue to be beneficial to us is problematical. It therefore appears that the immigration even of the same race and general type of the human family of people, possessors of the country, is sometimes beneficial and sometimes mischievous, depending upon circumstances that are liable to change.

A PUBLIC CALAMITY.

But we undertake to say that the immigration, whether voluntary or forced, into a country of non-assimilative races is always an unmixed evil and a public calamity. The same spirit of greed and avarice which is at the bottom of the cooly immigration of this age lay at the bottom and was the impelling motive of the forced immigration of African slaves into the country all through the eighteenth century. No doubt the slave-traders and slave-purchasers of that day tried to make the world believe that they were doing good and that their motives were noble and patriotic. Men are fond of giving themselves credit for lofty motives in all they do. No doubt they talked loudly about developing the resources of the country and about Christianizing the poor African; but at the bottom was the mammon of cheap labor and the money to be got out of it. The world has not changed much. The selfishness of those men has already borne much bitter fruit. Through it the curse of race heterogeneity has taken deep root in the soil of our common country. Out of that evil we have had one bloody war for which the nation has not yet thrown off its mourning. But the war was nothing to what is left behind. It is true that it has settled the slave question; but the negro question, the question of the relations between the white man and the black man and the relations of each to the State, has only ust begun. Twenty generations will not see it ended. And our fellow-countrymen at the South who are compelled to carry on a government under such conditions to preserve order and maintain law and civilized society are entitled to the sympathy of all thoughtful men. They have a task the difficulties of which are not appreciated.

DOMINANT RACES.

We give it as our interpretation of the lessons of history that a genuine republican government, as we Americans understand the term, meaning a government in which all the people governed participate equally, under the conditions existing in the South, namely, one-third of the population consisting of one race and two-thirds of another, is a political impossibility. One race will always dominate the other and no power can prevent it, except by destroying the liberties of both. They can only be equal in a common servitude that overwhelms both. Remember we do not undertake to say which race will rule the other; that will vary with circumstances, depending upon their relative numbers and strength. In the South just now it is the white race that dominates; in San Domingo it is the black race. The wisdom of Shakespeare, though put in the mouth of Dogberry, states the case: "Neighbor Verges, an' two men ride of a horse, one must ride behind." We do not put these race antagonisms and the fruit of them upon the supposed superiority of one race over the other. Nobody has heard or will hear anything from us about "superior and inferior races." These terms the thoughtful man will be very cautious about employing. One race may be the superior for one place and not for another. We only say they can not live well or happily together, and it is unwise to compel them to do it.

The statesmen who look for a change that is to harmonize the South so that both races shall stand equal and be equal have never lived in a mixed community and know nothing about it. They know nothing of the hereditary and instinctive race antagonism always latent in every individual human breast and always springing into active vitality on bringing together two different races

or types of men into the occupancy of the same territorial habitation. Such statesmen overlook an unfailing human quality or instinct, and one too universal not to have a profound purpose in the general economy of nature. We can not help thinking that purpose to be the evolution of higher human types, to be secured not by crossing and hybridizing, but by adhering to purity of stock. But in this we ask no man to agree with us. We are only speaking of facts, and are regarding the question as one of politics and not of abstract ethnology.

The efforts that have been made by nations in the past to rid themselves of the evils of mixed races, and even mixed tribes, tongues, and religions, and to reach homogeneity, and the repose, strength, and security it affords, are well worthy of consideration in examining the Chinese problem in this country.

SHAM SENTIMENTALITY.

The growth and development of the sham sentimentality about the right of free immigration to this country has always had lucre as its chief underlying motive. The money-seeking sentimentalist has easily recognized the very obvious fact that the increase of population has increased the value of property and made business lively and there he has seen his profit.

If it were once demonstrated that the coming hither of any number of the best people in the world, English, Irish, Scotch, or German, reduced the market value of property 10 per cent., or regularly made business dull, that very day the last whisper about the inherent and inalienable right of immigration and about this glorious country of ours being the refuge of the oppressed of all nations, would be hushed forever, and in a week the country would be in arms to keep the intruders out. * * *

RIGHTS OF THE WHITE RACE.

We would only be following the common instincts of human nature in preferring our own race to that of the alien Chinamen, were it even less worthy than his, and for no higher reason than because it is our own. But when we remember that ours was the race which was first to seize upon nature's forces and harness them to the car of progress that has smoothed the earth's surface and made it more fit for man's habitation, we think he has earned the right even if he had it not before, to hold any place he has once secured to the exclusion of all comers, and we will make an effort to hold this place as our home and settlement.

It will be observed that I have employed very extended extracts from the able and philosophical memorial of the anti-Chinese convention of California. Aside from the intrinsic merits of this statesmanlike address, as touching the question before us, it is replete with suggestive thought to the student of history, and displays a most profound study of the teachings of the past, and it comes before us with the rare indorsement of being printed by the Senate of the United States as one of the miscellaneous documents of that body. Instead of apologizing for the extended extracts employed, I rather regret it is not convenient to incorporate the whole address into my remarks. But other phases of this subject demand consideration, and to such I must now invite attention.

While quoting liberally from this memorial I desire it to be distinctly understood that I neither indorse nor adopt those suggestions and conclusions which are merely theoretical and speculative. Such quotations as I have made are worthy of serious thought and further amplification.

It was the dissimilarity of races that recently precipitated the war between pure and half-breeds in Canada; and the demoralization arising from the admixture of races has ever proved the instability of Mexico. The white man and the Indian have lived on this continent in close proximity since the discovery of this country. Still, as the former advances the latter retires, and they are socially no nearer together to-day than they were centuries ago. Despite all of our efforts to civilize, Christianize, and educate him, and the millions of dollars annually appropriated for this purpose, he is, with gratifying exceptions, the same wild and untutored savage he has always been, who

Sees God in
Clouds or hears him in the wind.

Of a wholly different type and organization from ourselves, it seems impossible for him to imbibe the feelings, aspirations, and emotions of the white man. He still delights in the amusements of the chase and in gaining a precarious subsistence through the labors of his women, for regular labor is repulsive and thought unworthy of the natural liberty of the man.

Negro emigration can only measurably be compared to that of the Chinese. When purchased in Africa he was a naked barbarian, and was transported to this country in slave ships. He was wholly untutored, and had everything to learn from the master to whom he was enslaved, and his person and will were subjected to the superior power and control of the white man, from whom he imbibed his ideas of civilization and moral culture. Through long pupilage and attrition his nature has changed, and his intellectual and moral progress surpasses that of his race in any other part of the world. Now, even he would be the last to encourage the natives of Africa to come among us. The contrast between him and the Chinaman is here most striking. The latter comes among us fully educated, free to control his own actions, and instead of associating with the white man, naturally prefers the association of his own countrymen, and retains the manners and prejudices and customs of the region from which he came. He is not a barbarian, but possessed of a civilization compared with which ours is but as of yesterday. He brings with him his language, literature, morals, and religious beliefs, which have been perpetuated for centuries. Instead of looking up to the Caucasian as his mentor he naturally looks upon him as his inferior; for the Chinese is proud of his learning, of his traditions, and of his country. So far as the mechanical arts and manual pursuits are concerned, he acknowledges our superiority, and is prompt to adopt and apply them. His emigration tends to increase the unequal distribution of wealth and the difficulties arising in the application of remedial measures. Corporate wealth aggrandizes and disregards individual efforts, and this element is ever at its command.

As has been shown cooly labor is an element in the political and social life in California, which is capable of and does arouse the most violent passions. No wise parent or head of a family would think of introducing under his roof a family of totally different origin and habits from his own, the only effect of which would be to demoralize instead of elevating them. Then, why should there be introduced into our Republic a race which engenders prejudice and social bitterness, and which deepens the chasm already sufficiently broad between capital and labor? It is the part of statesmanship to foster and cherish the laboring and wage-earning classes of our native population, "man the worker, man the brother." The poor should feel that in the halls of Congress they have friends and protectors, Knights of Labor if you please, instead of those who are neglectful of their interests. True statesmanship points out the duty we owe to this class of our citizens, and bids us throw around them every protection which the law can secure. They should be made to feel that instead of submitting to the restrictions and exactions of protective organizations, whose rules and authority are often such as no free man would voluntarily submit to, unless to escape greater imaginary or real hardships, that through their Representatives they can secure every redress the laws of the land can guarantee them. No one will deny that the laborers in this country are exposed to many grievances. We have escaped the abuses of the Old World merely to have others fastened on the New. We are not Utopian enough to suppose that mere legislation will prove a panacea for all such evils. The thews and sinews of a government are its revenues. Let the grant of supplies be coupled with the securing of prerogatives. Put honest and capable men at the helm, and we may rest at ease. The power of the laborer is in the ballot, and not in the bullet. While the former falls as a snowflake, the strongest must heed it; the latter arouses resentment and bloodshed. At the same time the laboring man should see that the delusive heresies of the mere demagogue are worth nothing. We must have a Government of law, founded on reason and justice; or of the mob, asserted by violence and passion.

In conflict with those in authority, whose blood is shed? Who are the sufferers? Are they the bondholders, the wealthy stock-brokers, and monopolists, or the humble officials appointed to restrain excesses, and the laboring man who, wrought upon by his feelings and misfortunes, rushes madly to his ruin? The inquiry need only be stated to furnish its answer.

RESPECT FOR LAW.

Every American should remember that in this country we have no classes. There are wealthy and poor persons, but the laborer of to-day may be the millionaire of the future. Every man has permission to refuse employment, but should not put himself and friends in the wrong by preventing others from enjoying the liberty he claims. Tyranny, even to the humblest, awakens resentment. The law can not permit such invasions of rights, while co-operative organizations to ameliorate and improve the conditions of the laborers do accomplish good, and are to be encouraged.

The Chinese laborer, as I have already shown, makes more intolerable the burdens of the poor native laborer; and the legislator who sympathizes with the toiling masses should see that their burdens are not increased by the introduction of this class among us. I wish it understood that so far as every one now with us, every American citizen is concerned, from the highest to the lowest, I would not impair one of his rights, but am opposed to the further introduction of alien non-assimilating races. Among the European people from whom our population has been drawn there are differences of race, customs, and religion, but they belong to the same subdivision of the human family. Their religion is but the modifications of a common creed, and their civilization is of essentially the same character. But even here, within the last few years, restrictions have been imposed on certain classes of these races. Our laws no longer permit the criminal and pauper classes of Europe to be precipitated among us. With a population of 55,000,000 of inhabitants, with our public lands rapidly being settled up, with the introduction of labor-saving machines, and the unequal distribution of wealth, the means of subsistence for the poorer classes are continually becoming more and more difficult to secure. Poverty and misfortune bring discontent, and a disregard of restraining social and political influences. Officers of the law are continually multiplied to preserve the peace and good order of society, and that freedom of action and security of person which obtain in a less populous country are gradually surrendered to the demands of society. Our duty, therefore, is to take every precaution to preserve the Government in its purity and simplicity by wise and judicious legislation.

RESTRICTION OF EMIGRATION.

To do this it is necessary to impose restrictions against the emigration of all alien and non-assimilating races which shall seek an asylum on our shores; and more especially when they attempt to enter in such numbers as may imperil the peace and safety of our own people.

Some strictures have been made during this debate at the expense of the Committee on Foreign Affairs for its delay in presenting their bill for a modification of the Burlingame treaty. I do not insist it is alto-

gether excusable. Yet that committee has had a bill on the Calendar for some time which I think should have been acted on, but the difficulty has been in getting a day when it could be considered. I will now explain its provisions and give some reasons for its passage.

This bill is a bill supplementary to and amendatory of "an act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

It has the support of all the Representatives in Congress from the Pacific coast. While some of them would prefer to see the Burlingame treaty entirely abrogated, and have introduced bills to that end, yet I feel authorized to say they will be satisfied with the adoption of this measure. Your Committee on Foreign Affairs, after long and painful deliberation, feel that their recommendations are in the line of conservative legislation, and with that due regard to our treaty obligations which has ever characterized the actions of this Government in its liberal and unselfish policy toward all other peoples and nations.

It will be observed that the treaty of 1884 restricted the emigration of Chinese laborers to this country for a period of ten years from and after the passage of the act, and this bill extends the period for ten years from and after the passage of the amendatory act, the committee being of the opinion that it was reasonable to infer that the whole question would most probably be satisfactorily adjusted within that time, and that this extension would tend to remove the feeling of insecurity and disquiet from among those affected by this emigration.

REMEDIES PROPOSED.

In order that the House may judge whether by the passage of this bill we would be observing in good faith the spirit and the essence of the treaty, I now present for its consideration the four most important sections, which are as follows:

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

The ten years' limit which is fixed in this bill is such as has been deemed reasonable in all former legislation on this subject. As the object of the treaty was to restrict legislation for a reasonable time, and as the Chinese Government is in full sympathy with this movement, assuredly no one can complain at the length of time.

Section 4 of the bill has for its purpose the adoption of some means of identifying Chinese laborers who were in the United States on the 17th day of November, 1880, or who came into the same prior to the 5th day of August, 1882, and who, under various acts in regard to the subject, have the right to come and go at will. It is not disputed that, owing to the similarity in appearance between these cooly laborers, there is the greatest difficulty in distinguishing one from the other. Hence it was provided that a laborer desiring to visit China and return should procure a certificate or passport, which should contain a full and minute description of his person, and especially of any natural or artificial mark that might tend to distinguish him. These certificates are of high market value in China; and it is charged that a Chinaman leaving this country with such a certificate and not desiring to return would frequently sell it to some Chinaman not entitled to come here, and the difficulty of detecting one from another leads to frequent frauds upon the law. Every Chinaman returning with one of these certificates is subject to a rigid examination, and, as this is not always conclusive, there are appeals to the courts in San Francisco, where these quasi-criminal cases have precedence, and their number blocks the wheels of justice by deferring the trial of civil causes. In order to avoid obscurity this section provides that a Chinaman desiring to go abroad shall provide four photographs of himself; one to be furnished to the collector of the port for preservation as part of the records, and to be used, if necessary, for the future identification of the applicant; one to be pasted in a book of registration, so as to form part of the description of the person registered; one to be pasted to the preliminary certificate, so as to form part of that portion of the certificate describing the person to whom it is issued; and the other to be attached to the return certificate. To those who may insist that this is a violation of the treaty we answer no, for the object of the amended treaty is to exclude the very class of Chinamen who may seek to commit a fraud upon the law. It is a police regulation, and while it is believed to be more effective than the present regulation, of which no complaint has been made, it operates in favor of honesty, as against those who would practice fraud. The honest Chinaman would be benefited, as it gives him facilities for identification, and operates alone against the dishonest person who is not entitled to the favor of the law. Indeed, this means of identification originated in China, as the certificate I now hold in my hand, which is a Chinese certificate, tends to demonstrate. This is not controverted.

The third amendment proposed by the bill prescribes the number of Chinamen who may be permitted to come over on any one ship, to wit, one to every 50 tons, not including of course those who are entitled to come and go at will under the existing treaty. As great abuses have arisen from those who claim to be entitled to come as passengers in transit, this precaution is deemed necessary, and is similar to a like regulation adopted in Canada, Australia, and other countries. It is believed that the whole of these restrictions are in compliance with the provisions of the treaty. We reserve the right to limit, regulate, or suspend the coming of Chinese laborers, but not to absolutely prohibit it. This does not prohibit but merely abridges the right of coming in such numbers at any one time as might prove dangerous to the welfare of society. When taken into consideration that it was the object of the two contracting nations to restrict these laborers from coming among us, and when it is further remembered that the Chinese Government desires to keep her people at home, and we do not wish them among us, and when it is provided that if the restrictions are considered oppressive the Chinese minister at Washington is authorized to call the attention of our Government to what he may deem an infraction or an abridgment of these rights, it is insisted that the treaty should be interpreted with greater liberality than it should be with a nation who had formulated one with the clear and expressed intention of securing the emigration of its subjects to this country.

I have thus, Mr. Chairman, at some length dwelt upon the propriety and explained the necessity for the proposed legislation. I have contrasted cooly labor with our own. I have touched on Chinese demoralization, and I have shown the dangers threatening the peace and prosperity of one of the most beautiful and attractive sections of this Union. And now, in the name of honest labor, in the name of the people of the Pacific States and Territories, and in the name of pure and refined womanhood, and in the name of the whole American people, I appeal to the members of this House to take up this bill at the earliest opportunity and put it upon its passage, as well as to increase the appropriation in the bill now before the House.

Mr. MORROW. In the short time which remains to me I shall not restate the argument in favor of the amendment, nor is it necessary, as I understand there is substantial unanimity here on the part of all the members representing the committee and others in favor of the increased appropriation.

I have only this to say in answer to the gentleman from Massachusetts [Mr. RICE]. I have examined carefully all these reports concerning Chinese immigration. I have not done it as a matter of mere idle curiosity, looking to a footing here or a footing there, but I have gone through all the details of the returns in the custom-house and the reports of special agents. The result is, I find that the immigration of Chinese on the Pacific coast last year was in excess of the average Chinese immigration for the thirty years prior to the restriction act.

Mr. CUTCHEON. Does the gentleman from California think the increase from $5,000 to $10,000 would be of material benefit?

Mr. MORROW. I believe it would; because it has been a subject of complaint on the part of the Treasury Department and of the customs officers in San Francisco that they have not had the funds to carry the act into execution. I know the law should be made more effectual and such provisions should be made as are substantially contained in the bill originally introduced by myself. I think the effective restriction of immigration would be accomplished and the purposes of the treaty carried into effect by that act.

The CHAIRMAN. The time of the gentleman from California has expired.

The question being taken on Mr. MORROW'S amendment, it was adopted.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] is recognized to control one hour of the general debate on the land section of the bill.

Mr. RYAN. I yield twenty-five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. When that portion of the bill under consideration shall

be reached which I now read I shall offer a motion to strike out these lines—line 963 to line 965:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

During the debate on a like proposition contained in the legislative, executive, and judicial bill a controversy arose in the House concerning the administration of the Land Department by the present Commissioner, and the gentlemen on the other side seemed anxious that the opponents of the present policy of the Land Department should produce some evidence of what we have represented to be the condition of feeling on the part of the settlers and citizens of the section adversely affected by that policy. I hold in my hand a selection from a series of letters received from people in that section of the country complaining of the hardships of the present administration of the Department, some of which letters I will now read. I read first from the preamble of a petition sent here by a large number of settlers of the county of Frontier in the district which I have the honor to represent. This petition, speaking of the order suspending patents, says:

Such suspension is working a very great injury to all classes of business in Western Nebraska by reason of the cloud which such arbitrary action throws upon their titles and others similarly situated; that these settlers are in destitute circumstances, but are worthy citizens, and are deprived by these orders of the chance to borrow money on their lands, and that they can not improve their land and make material progress without money, and that the practical effect is to drive many from that part of the State.

This comes to me signed by the county judge and other officials, and by settlers, whose appeals are entitled to consideration.

One homesteader in Northern Nebraska says:

We in this northwestern part of Nebraska can not be too grateful to the Nebraska members for the interest you are taking in our welfare, for Sparks's orders have virtually put a stop to all improvement. Commissioner Sparks should come out to the front and then he would know how it is himself, and not send his spies and informers here to lie away our titles. I came up here in 1880, and if you remember the winter of 1880–'81 you can form some idea of the hardships we all had to undergo during that long and cold winter to obtain a home on Government land, grinding corn in a coffee-mill and scratching in the snow for acorns. I voted for Grover Cleveland, and now he allows Sparks to make war upon the poor homesteaders who subdue the soil to raise their bread and butter.

Another homesteader from the same section, writing in behalf of himself and his neighbors, says:

If the rulings of Sparks are carried out we homesteaders of the wild West are ruined and our hopes forever blasted. These orders have cast a gloom over the entire Northwest, emigration has fallen off, money is scarce, and produce goes a-begging for want of buyers. We all feel as if a cyclone had passed over. We call upon you to fight this infamous administration of the law; fight like a tiger against injustice and wrong. If conquered by the heartless moneyed men of the East, who are injuring their own money interests, you will return and be welcomed by those whose homes are menaced in defiance of law and reason.

Another grantee of a settler, writing from Western Nebraska on behalf of himself and several others, says:

In 1884 father bought some land and obtained warranty deeds, and finds receipts dated 1883. Patents being withheld on the recent rulings, he can neither raise money nor sell. Sparks seems to be making laws rather than executing them. This is only one case among hundreds.

I submit another letter from a constituent:

DEAR SIR: The actions and rulings of Commissioner Sparks in regard to the issuing of patents as affecting deeding and mortgaging land on final receipts will almost depopulate Southwest Nebraska unless it is reversed.

The idea of prohibiting people from obtaining money enough to live on while they are trying to improve this "Great American Desert" appears to me most ridiculous. The effect of the whole matter will be to force the homesteaders to sell their claims for whatever they can get and leave the country and go back to the densely populated East; and of course the lands will fall into the hands of the cattle syndicates.

It would look very much like this was the intention of the Commissioner "to a man up a tree;" but the more charitable view to take of the case is that Commissioner Sparks has never lived, with a wife and half a dozen ragged children, in a sod house for four or five years trying to prove up on a homestead, and knows but little of the effect of his rulings.

Sincerely, yours,

——— ———.

Another constituent, on behalf of his neighbors, says, from his home at Culbertson:

Day after day some poor half-starved homesteader comes to me and asks me as their State representative to intercede with our member of Congress to use his influence to have their patents issue. * * * Draw on your imagination, and then you will fall short of picturing the sufferings caused by Sparks's rulings. Men who came here with only a team took pre-emptions or homesteads, mortgaged their teams for money to live on through the summer, and make final proof in time on their entries, and mortgage their land to redeem their teams and improve their land, but now not a cent can they realize on their final certificate, and the sheriff sells the team. * * * Only yesterday a man came in and wanted to mortgage his farm with $600 worth of improvements on it to redeem his team, wagon, harness, and cow, mortgaged for only $270, but he could not get it, and he finally gave a man a warranty deed to his farm worth at least $1,200 to redeem his personal property. This is by no means an isolated case.

We have had the grasshopper scourge that depopulated Western Nebraska. In 1875–'76 our section was resettled, and in 1878–'79 the extreme drought again depopulated this section. Now the greater scourge has come. The settlers then had their teams to carry them out, but now they must remain objects of charity. There are claims that should be held for cancellation, but why make the innocent suffer with the guilty? The claim of ex-Postmaster Freese, who lived on it five years, is held for cancellation.

In a letter from a prominent and very thoughtful and intelligent citizen of Iowa, acquainted with the situation in Dakota, a man who had seen the progress of Iowa and the rapid development of Dakota, he says, addressing a Democratic Senator and speaking of Sparks's orders and policy:

The picture of the direful consequences to the settlers of these rulings is not at all overdrawn. A few persons—very few as compared to the whole population—may from selfish interests, incompatible with the general good, decry against the otherwise universal complaint, and affirm that no harm can result to the honest settler. I have been familiar with the men and methods whereby Dakota, for example, has within a few years sprung into a condition having all the essential elements of a permanent commonwealth; a position which demands every facility of business deemed indispensable by communities East of slower growth and more years.

With the precedents of the Land Department and the decisions of the courts before them (settlements having generally been made in conformity with law and requirement) settler and citizen find it difficult to assign a worthy reason for these rulings. They are reluctant to believe the insinuation of some that a mere political partisan motive should have prompted so cruel a repression of the vital stimulus to all social progress and development; that is, the permanence of land titles and the right to enjoy vested rights.

They prefer to ascribe it to a vague and ill-considered desire to emphasize a new administration by some radical changes. * * * Whatever the motive or the object proposed, it has proven most disastrous in its operation.

If such ground had been taken by the Land Office ten years ago, neither would the railroads have been built, nor the country settled as now, nor the many millions' worth of the products of the West been annually shipped to the East. There would have been no West as we see it to-day.

A very intelligent, disinterested, and fair witness, who has been over the counties of Dundy, Hitchcock, Hayes, Chase, Red Willow, and Frontier, in Western Nebraska, where most of the entries have been taken within two years, says—

A candid and fair view of the whole situation convinces the writer that there is very little need, if any, at present for the work of the special agent, providing always that the register and receiver are thoroughly strict in taking testimony when final proof is being made.

From the number of contest cases now constantly on hand it certainly appears that the people will take care that no more fraudulent proofs are made. If a man takes a claim and gets through with it he must comply with the requirements of the law. There are a dozen anxious home-seekers watching for all the loosely held claims, and upon the slightest pretext a claim is "jumped" and protested. It did not require the ill-advised suspension of the issuing of patents nor the mousing about of a special agent to stimulate the efforts of the homesteaders in complying with the homestead laws. The natural demand, the unparalleled rush for claims has put every one upon the lookout, and the home-seeker goes upon his claim with the intention of sticking to it.

Lest it should be supposed that these letters have been selected by me from a partisan motive for the purpose of bearing out an assertion made in heat of argument, I will read from an authority which I take it will be acceptable to gentlemen upon the other side, namely, from the Omaha Herald, edited by Dr. George L. Miller, a prominent advocate and supporter of Mr. Cleveland, I believe a member of the convention that nominated him, and a very strongly indorsed candidate for the office of Postmaster-General in his Cabinet at the time of the forming the same. The article is as follows:

Can the Democratic party longer afford to have its standing before the people jeopardized by the continuance of such a man in office as Land Commissioner Sparks? Can the administration retain Sparks in place without prejudice to it? Mr. Sparks's most recent freak certainly furnishes support for an emphatic "No!" to both questions.

The order issued on the 2d instant by Sparks commanding all registers and receivers in the United States to suspend until the 1st of August next filings or applications for entries of public lands was the most remarkable official blunder ever committed by a Federal Department head. The making or unmaking of laws in this country is intrusted by the Constitution exclusively to Congress. The law made declares that registers and receivers shall receive applications for entry. Commissioner Sparks can not unmake that law, and in attempting to set it aside is guilty of a blunder equivalent to a crime.

Such a rash and reckless official should not be allowed to slosh around at will in this manner. True, his order was reversed by level-headed Secretary Lamar in time to prevent serious trouble; but that does not justify the continuance in power of a man who is a menace to the administration and the dominant party. Turn Sparks out!

Mr. PAYSON. Will the gentleman allow me to make one suggestion here? Would it make any difference to the gentleman's argument if the fact should turn out to be that the order of Commissioner Sparks, to which the gentleman now refers, was issued with the full concurrence of Secretary Lamar, and after it had been subjected to the scrutiny of the President of the United States and approved by him? I assert that to be the fact, and now I ask the gentleman from Nebraska whether that fact would make any difference about his argument?

Mr. EZRA B. TAYLOR. That simply extends the wrong further.

Mr. SPRINGER. But suppose there had been a line of similar precedents extending back for fifty years?

Mr. LAIRD. I will answer both the gentlemen at once. If fifty times fifty Presidents, precedents, and Secretaries could be cited as authority for this unwarranted invasion of the laws and the rights of these people, it would make not the slightest difference with my views.

Mr. Chairman, I see by the annual report for 1884 of Commissioner McFarland, of the Land Department, that there were in that year 51,641 pre-emption filings; original homestead entries, 55,045; timber-culture entries, 26,898; making an aggregate of 133,484 entries, involving in all 20,178,532 acres of the public lands.

Out of this the number of cases submitted for investigation by the Land Commissioner in that year under a Republican administration was 3,563. Of these 680 cases were found to be fraudulent, and 953 were found upon investigation to be not fraudulent.

Now, then, if anybody will take the trouble to figure this up, he will find that, making no allowance for the cases that were not investigated to a conclusion, taking out of the 3,563 only the 953 that were found to be good and were passed to patent, the entire number amounts

to only 2 per cent. of the total number of entries made during the year 1884. Or, in other words, all of the entries were good save 2 per cent.

I have referred to the report of 1884 on the subject of fraud, and the investigation thereof made by the Commisssoner under a Republican administration, for the purpose of calling attention to the following statement: A tabular statement was prepared by the fraud division of the Land Office for Mr. Commissioner Sparks's annual report for 1885, a statement showing the number of entries canceled upon special agents' reports without giving the entrymen hearings, the number of entries canceled after investigation by special agents and after public hearings, the number canceled for fraud, and afterward reinstated upon testimony taken at hearings, and the number of alleged fraudulent entries voluntarily relinquished by the claimants. This tabular statement was not published by Commissioner Sparks, but the facts were suppressed, contrary to the uniform practice of his predecessors.

The facts if made known would have shown that in nearly every instance where a claimant accused of fraud has been permitted to answer the charges made against him he has succeeded in showing their falsity.

Mr. Chairman, does any man on this floor doubt for an instant that if this statement concerning fraud had borne out the extravagant statements of Commissioner Sparks that 90 per cent. of the Western entries were fraudulent the statement would have been incorporated in his report and scattered broadcast over the world? But instead of publishing the facts he publishes the "opinions" of his spies. What presumption runs against a man who suppresses evidence? Is it not the rule that every presumption is against him? If not, why did he suppress this report?

Mr. BUTTERWORTH. Does the gentleman mean to say that these receipts are canceled before a hearing?

Mr. LAIRD. Up to a certain time—I think July 31, 1885—that was the order. They were canceled without giving the man whose property was assailed a day in court or a chance to be heard. They were canceled upon the secret report of an agent, which report is not only secret when made but secret in the hands of the Land Commissioner; they were public records affecting the titles of citizens, but were for the private use of the Land Commissioner alone.

The rule up to July 31, 1885, was to cancel all entries on the agent's report without a hearing. During July, 1885, Secretary Lamar modified the practice so as to allow an entryman "a day in court," and this is the way Sparks carries out the order of his superior:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 31, 1885.

Registers and receivers and special agents:

GENTLEMEN: The practice of ordering hearings as a matter of course and without application in cases of entries held for cancellation on special agents' reports is discontinued.

Hereafter when an entry is so held for cancellation the claimant will be allowed sixty days after due notice in which to appeal to the Secretary of the Interior, or to show cause why the entry should be sustained.

Applications for hearings must be accompanied by the sworn statement of the claimant, setting forth specifically the grounds of his defense and what he expects to prove at such hearing. He must also make oath that his application is made in good faith and not for the purpose of delay.

Attorneys appearing for alleged fraudulent entrymen will be required to file the written authority of the claimant for such appearance.

Very respectfully,

W. A. J. SPARKS, *Commissioner.*

Mr. BUTTERWORTH. I will ask the gentleman (I have been advised upon the point, but my information may not be correct) whether in point of fact the very man who complains or charges fraud may not pre-empt the identical land concerning which he makes the charge?

Mr. LAIRD. He may.

Mr. PAYSON. But in every such case he is then the contestant; and there is always a hearing between the contestant and the contestee before the local land office.

Mr. NELSON. Not if the entry is canceled.

Mr. PAYSON. But when a contest is pending, as suggested by the gentleman from Ohio.

Mr. BUTTERWORTH. In a case of which I knew something I was informed that the cancellation was made before the hearing, so that the very man upon whose complaint the cancellation is made might himself deliberately squat upon or take up the land in regard to which he has been instrumental in charging fraud.

Mr. LAIRD. That is undoubtedly true, and under this secret system is often practiced. The man who furnishes "opinions" upon which to found an agent's report gets the land of the settler as his reward.

It appears by the report of Commissioner Sparks for 1885 (pages 6 and 7) that there were 47,944 pre-emption filings, 50,877 homestead filings, and 30,988 timber-culture entries, aggregating 129,811 entries of all kinds. On pages 320 and 321 of Commissioner Sparks's report for the same year it appears that the total number of cases investigated by the special agents was 2,452, which is less than 2 per cent. of the total number of entries for the year 1885.

The total number of entries of all kinds made in the State of Nebraska during the year 1885, as shown on pages 282 to 286, was 37,680. The total number of cases of different kinds referred to the special agents for investigation in the State of Nebraska during that year was 60. That is, one-sixth of 1 per cent. of the entries made in the State of Nebraska were alleged to be fraudulent.

Or, in other words, of a total of 37,680 entries, 60 were referred to agents to investigate, and pending that investigation Commissioner Sparks suspends action on 37,620 cases presumed to be innocent while he hunts for 60 cases supposed to be fraudulent. Under the merciful construction of Sparks 37,620 entrymen, representing 188,100 people, are permitted to starve while Sparks theoretically vindicates the majesty of the law.

While Sparks was suspending 37,680 cases in Nebraska on account of 60 cases of supposed fraud, why did he not suspend the entries in the State of Louisiana, where there were 90 cases of supposed fraud (see page 321, Sparks's report for 1885) at the same time, or in Florida, where there were 64 cases?

[During the delivery of the foregoing remarks, when the hammer fell,

Mr. LAIRD said: I ask leave to print that portion of my remarks which I have not had the opportunity to deliver.

Mr. TOWNSHEND. I shall have no objection if the gentleman does not indulge in any personal remarks further than he has done. I do not object to printing anything which is not of a personal character.

Mr. LAIRD. I shall endeavor to avoid "offensive partisanship." I want to assure the gentleman from Illinois [Mr. TOWNSHEND] that this is not a partisan question in my part of the country. Democrats and Republicans alike join *in common condemnation.*

Mr. TOWNSHEND. With the understanding that there shall be no personal or partisan remarks, I have no objection.

Mr. LAIRD. I will be answerable to the House under the rules for what I may put into the RECORD.]

Mr. TOWNSHEND. I shall object unless with the understanding I have stated, which is always demanded upon your side of the House.

Mr. LAIRD. What is the gentleman's statement?

Mr. TOWNSHEND. I shall object unless the gentleman pledges himself that he will not, in extending his speech, indulge in any personal or partisan remarks.

The CHAIRMAN. The gentleman from Illinois must object or not object; he can not object conditionally.

Mr. TOWNSHEND. With the understanding I have stated I do not object. That is the usual understanding in such cases.

Mr. BUTTERWORTH. I understood the gentleman to say that the contests between the various settlers or those desiring to make settlement would suffice to protect the interests of the settlers and to protect the Government against fraud.

Mr. LAIRD. It will, sir.

Mr. BUTTERWORTH. Is that ground set forth in your speech?

Mr. LAIRD. Yes sir, it is plainly shown.

The CHAIRMAN. The Chair hears no objection to permitting the gentleman from Nebraska [Mr. LAIRD] to print the residue of his remarks.

Mr. LAIRD. Mr. Chairman, in what I shall say in support of the motion to strike out the portions of the bill which appropriate nearly $90,000 to pay the per diem and expenses of the spies of the Land Department I do not desire to be understood as making any personal attack on the honorable Commissioner of the General Land Office, nor as attacking the administration of that office for political effect.

I shall not speak as a partisan at all, but as a citizen, defending, as is my duty, the legal rights of the people I represent and others of the Great West from the hardships of the calamitous rulings and policy of the Land Department as administered by Mr. Sparks. I shall, of course, avoid all offensive partisanship and appeal frankly and fearlessly to the sense of justice of this House, and ask its members to protect the citizens and settlers of the country west of the Missouri River and between that and the Pacific Ocean from what I must believe is the mistake rather than the malice of the Land Commissioner. The questions involved are of the greatest importance to the entire territory named in the order of the Land Commissioner, dated April 3, 1885, and scarcely of less interest to all the rest of the country, whether North, South, or East. That order is as follows:

SUSPENSION OF ENTRIES.

Final action in this office upon all entries of the public lands, except private cash entries, and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following localities, namely:

All west of the first guide meridian west in Kansas. All west of range 17 west in Nebraska. The whole of Colorado except land in late Ute reservation. All of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad and east of the indemnity limits of Saint Paul, Minneapolis and Manitoba Railroad.

In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878; also upon all cases of desert-land entries.

W. A. J. SPARKS, *Commissioner.*

APRIL 3, 1885.

As appears by the report of the Commissioner of the General Land Office, the number of pre-emption entries made during the year was 47,946, which he says would cover 7,671,360 acres of land. The number of homestead entries made during the year is placed at 50,877, embracing an area of 7,415,885 acres. The number of pre-emption entries unacted upon under the operation of the foregoing order at the close of the fiscal year was 32,374, and the number of home-

stead entries unacted on was 28,811—making a total of settlers' claims unacted on of 61,185, which would represent 9,789,600 acres of land.

The Commissioner states that final proof was made in 22,066 of the 50,877 homestead entries, but does not state that patents issued in any of such cases. It is fair, therefore, to presume that no patents have issued to any of the 22,066 homesteaders who have made final proof. This would give 3,530,560 acres to add to the 9,789,600, making a total of 13,320,160 acres of homestead and pre-emption land suspended.

To any one conversant with the land laws of the United States, it is known that any homesteader or pre-emptor of the public lands, having complied with the laws as to settlement and improvement of the tract taken by him, can make final proof on the same at the expiration of six months, and on the payment of the minimum or double minimum price, as the case may be, receive a final receipt for the land, which final receipt, under the decisions of the Supreme Court of the United States and the decisions of the State supreme courts, has always been treated as absolute title, and would be treated so now but for this order, which operates as an impeachment of title, as well as an impeachment of the good faith of the 84,251 settlers making the settlements and proof thereon.

As the report of the Commissioner relates to the 30th of June, 1885, all of the persons who had made settlement on the public domain by that time would now be entitled to make, and where able no doubt would have made, final proof on their lands and received their final receipts, provided they could show, as probably ninety-nine in every hundred of them can, compliance with the law as to settlement and improvement. This would make the number of homestead and pre-emption settlers on the public domain of the United States now possessed of absolute title (final receipt) and entitled to patent without delay or hinderance, as shown by the Commissioner's report and estimated, 84,251 and over. That is, 84,251 persons, heads of families, representing at a fair estimate a population of 252,753 persons, under the ordinary operations of the law holding absolute title to 13,320,160 acres of land, and now deprived of their right to control that property—robbed of their vested right by the order above cited, and since its revocation by the honorable Secretary of the Interior still deprived of their right to own or control their own property by the failure of the Commissioner to proceed with the public business according to law; robbed of their own by a policy which seeks to subject every one of the 84,251 valid titles to the examination either of a special agent in the field or an unauthorized circumlocution office erected by the Commissioner in the General Land Office, and where some 31,583 cases ready for patent are now filed up waiting the Jove-like nod of the honorable Commissioner by whose discretion we own or do not own, as it suits his brittle humor, 13,320,160 acres of land to which we have acquired title by compliance with the laws, and which title the courts say is good.

The Government has received $1.25 per acre for all the land taken under the pre-emption or commutation of homestead law, and it is not an unfair assumption to say that the Government has by this time received from these settlers for this land the sum of $16,650,200. And still, according to the ruling and policy of Commissioner Sparks, it is not theirs and will not be until he has "got through with them," which will take him one and one-half years, provided we give money enough to hire one hundred spies, or five years if we do not, that is assuming the correctness of Mr. Sparks's report, May 6, 1886, to the Senate. Meantime the settler owns the land according to all the courts, and does not own it according to Commissioner Sparks. The settler owns the land for the purpose of paying taxes on it, but does not own it for the purpose of selling it or raising money on it.

Let this Congress refuse the supplies of money with which the Commissioner proposes to hire a hundred agents to hunt down ninety-nine men in the laudable effort to catch one land thief. Let them refuse this, and pass a resolution directing the Land Commissioner to pass to patent all the final homestead and pre-emption entries made in the district of agricultural lands, say, in Kansas, Nebraska, Eastern Colorado, and Dakota, against which no specific charge of fraud is made and no contest is pending.

Let this be done and the settlers would be able to raise from $200 to $400 each on their claims with which to make life tolerable, to pay their taxes, purchase seed, buy a team, or raise a roof above their heads.

In this connection I call the attention of the House to the effect of the ruling and policy of the Commissioner on investments in the West.

LINCOLN, NEBR., *December* 15, 1885.

DEAR SIR: I have to advise that we shall be obliged to make it a rule not to make loans on pre-emptions or commuted homesteads until the entries have been approved for patent by the Land Department at Washington. Heretofore we have had such a rule, but during the past summer have made some exceptions to it, and we now find that owing to the late rulings of Commissioner Sparks there is going to be a much greater percentage of such entries canceled than under the former administration; and we also find that the attention of Eastern investors has been directed to this matter, owing to the discussion which has been had in the newspapers about it, and Eastern parties frequently write to know if we are making loans on that class of titles. So that I am afraid it will injure our credit in the East if we loan on these two classes of entries.

We therefore can not take any such applications, and if you have such applications on hand, or any loans awaiting completion, do not close them until further advised. If you have any such cases, please write me at once and I will decide and see what we can do.

Yours truly,

LOMBARD INVESTMENT COMPANY.

The policy as to loans in the western part of Nebraska adopted by the Lombard Investment Company is followed by all the other companies doing business in that State, and is also the rule in other States and Territories named in the order of April 3, 1885.

Mr. Chairman, I come now to the revocation of Mr. Commissioner Sparks's maiden effort by the Secretary of the Interior. The two are given together, and if the gentlemen who will arise to defend the administration of Sparks can get any consolation out of the language of the Secretary revoking the April 3 order, they are all welcome to it.

The order is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1886.

SIR: On the 3d of April, 1885, you issued the following order:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., April* 3, 1885.

"Final action in this office upon all entries of public lands, except private cash entries and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following localities, namely:

"All west of the first guide meridian west in Kansas. All west of ranges seventeen west in Nebraska. The whole of Colorado, except land in late Ute reservation. All of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad, and east of the indemnity limits of Saint Paul, Minneapolis and Manitoba Railroad.

"In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878. Also upon all cases of desert-land entries.

"Very respectfully,

"W. A. J. SPARKS, *Commissioner.*"

THE COMMISSIONER GENERAL LAND OFFICE.

Whatever necessity may have existed at the time of its promulgation has ceased to be sufficient to longer continue an order suspending all action, and involving in a common condemnation the innocent and guilty, the honest and the dishonest. While I earnestly urge the exercise of the strictest vigilance to prevent, by all the agencies in your power, the consummation of fraudulent or wrongful land claims, yet, when the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed, or their consideration refused on general reports or rumors.

The above order, as issued by you, is therefore revoked, and you will proceed in the regular, orderly, and lawful consideration and disposal of the claims suspended by it.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Mr. Chairman, will the gentleman kindly note the language of the Secretary:

Whatever necessity may have existed at the time of its promulgation has ceased to be sufficient to longer continue an order suspending all action, and involving in a common condemnation the innocent and guilty, the honest and dishonest.

When the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed or their consideration refused on general reports or rumors.

This is the language of the Secretary of the Interior; it is likewise the language of a man who evidently believes that the settlers on the Western plains have some rights that even the Commissioner of the General Land Office ought to respect. It is likewise the language of a gentleman who is evidently tired of some things and disgusted with somebody.

Assuming, Mr. Chairman, that Mr. Lamar was talking to a man up a tree we could all guess who that man was, and could all doubtless agree that in the opinion of the Secretary it was about time for that "Zaccheus" to "come down." "When the vigilance of all the agencies shows no substantial evidence of fraud or wrong," as seen by the great head of the Department of the Interior, is it not about time for us to profit by the gracious advice of the amiable gentleman from New York [Mr. HEWITT], and not "empty the contents of the Treasury into the streets for the benefit of those who will not work," but who are perfectly willing to waste millions of Government money in the ineffectual effort to find fraud which haunts Mr. Commissioner Sparks, but is invisible to the official eye of his official superior, the honorable Secretary of the Interior.

Mr. Chairman, I take it that Secretary Lamar is a good witness, even from the standpoint of the gentlemen on the right [Democrats], and also that while he may not "*hanker*" after fraud, as does Mr. Commissioner Sparks, still even Mr. Sparks will admit that Mr. Lamar knows something about fraud; and will further admit that Mr. Secretary is not one of the 90 per cent. frauds, and that his evidence can not be swept away by the insinuation that he is suspected of fraud himself. He is a witness called by Sparks, and can not be impeached. And, sir, when the Secretary of the Interior, the responsible head of this great Department, after one year of observation of the workings of Mr. Sparks's order, after four years of trial of the system of espionage upon the people, makes use of this language—

Yet when the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed or their consideration refused on general reports or rumors—

I take it, sir, that when that officer makes use of that language it has some significance among some men in Congress and out of it, and that we shall do well to heed it, and cease the attempt to silence the cry of fraud by pouring Government gold down the throat of every lunatic or paid spy who yells for the edification of the volcanic gentleman who presides over the General Land Office, or for the emoluments incident to the yelp itself.

Mr. Chairman, what "evidence" is it that the Secretary of the Interior characterizes as "general reports or rumors?" It is the evidence, so called, collected by these secret agents of the Government, bought in open market by the Commissioner of the General Land Office; and in the face of the denunciation by Secretary Lamar as "general report and rumor," we are asked to buy $90,000 more of that misrepresentation which after years of search and investigation Secretary Lamar says has shown "no substantial evidence of fraud," has produced no

better result than that which he stigmatizes as "general report and rumor."

While the order of April 3, 1885, has been revoked, the general policy of the Commissioner has not been changed; the wrongs which honest settlers suffered under its operation have not been remedied. It is to-day violated by Mr. Sparks in spirit, and we are asked to contribute $90,000 more from the public Treasury to aid in the further violation of law and equity.

Commissioner Sparks, in his report to the Senate, dated May 6, 1886, discloses the fact that notwithstanding the Secretary of the Interior ordered him on the 6th of April, 1886, to "proceed to the regular, orderly and lawful consideration of the claims suspended" by the order of April 3, 1885, there still remain thirty-one thousand five hundred and eighty-three final entries not acted on, and he further discloses that unless he is permitted to put one hundred of these special agents in the field it will take five years in which to complete the examination of the cases which he proposes to submit to them! Is this the "regular order" required of the Commissioner by the Secretary?

By the statement of May 6, 1886, of the Commissioner, which, in my judgment, is minnified by one-half, that officer holds the vested rights of 31,583 persons, representing a population of 157,915 people, subject to a secret examination, which he announces will take five years to make unless we yield to his demand! This Government has received from the sale of these 31,583 claims of commuted homesteads or preemptions, representing about 5,063,280 acres, the sum of $6,316,600 paid by settlers, which Commissioner Sparks having coolly pocketed, now bids them whistle for their patents!

Mr. Chairman, upon what warrant of fact is this suspension predicated, this examination ordered? In the light of the extraordinary consequences of evil to the States and Territories affected by this policy of the Commissioner, and of which the proposed appropriation under consideration is the vital part, it becomes important to know upon what basis of fact this wholesale slaughter of titles and rights of the citizens of the West is based. The facts upon which the Commissioner relies are drawn from the reports of some eighteen "special agents." (See report of Commissioner of General Land Office for 1885.)

These "special grants" are relied upon to impeach the sworn testimony of 84,251 final entrymen, backed by the sworn evidence of 166,502 disinterested witnesses, who in turn are supported and certified by competent officers of the Government to be persons entitled to credit; and in addition to all this there is behind every one of these final entries the official and judicial finding of the trusted local land officers of the Government that each entryman has proved to his satisfaction that he has complied with the laws of the United States authorizing the taking of public land.

This so-called "evidence" of eighteen "special agents" is relied upon to overcome the testimony of 250,753 witnesses, and also the presumption of good faith on the part of public officers who have approved the final proof of these entrymen. That is, in the mind of Commissioner Sparks the report, not under oath, not subject to examination by the party secretly accused, or his counsel, of eighteen "special agents," who must in the nature of the case speak from mere hearsay, from "common report and rumor," from the general unguarded say-so of persons whose motives they can not and do not know, and who are not responsible for lies, outweighs the sworn evidence of a quarter of a million of people, 166,502 of whom are disinterested, and who must disclose their qualifications under oath, and who are subject to all the pains and penalties of perjury.

The "evidence," so called, of these eighteen "spotters" of the Land Department is what the honorable Secretary refers to as "general report and rumor." This is the investigation Secretary Lamar refers to when he says:

> When the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed or their consideration refused.

Some of the evidence (reports) of the special agents would seem to commend itself to the ridicule of all reasonable men by statements of this kind:

> I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly successful cultivators.

Here the gentleman is speaking of timber-culture claims, and, on the strength of this opinion of a man hired to hunt down these settlers of the frontier an order issues suspending not only timber-culture patents, but all patents. When before, with the approval of civilized men, was the opinion of an informer taken as ground for the suspension of the due course of law? No one from the West, that region which has suffered most from the aggressions of the landed corporations, but will sympathize with the Commissioner in his effort to protect the public domain from the encroachments of the corporations of all kinds, whether cattle-kings, so called, or railroads.

We do not object to the suspension of timber-culture entries or to the suspension of any entry of whatever kind whenever a specific charge of fraud is made against that entry. We do protest against a cloud being cast upon the honest claims of settlers on the agricultural lands of Nebraska and other States and Territories by the dust raised by eighteen spies whose official heads hang upon the slender thread of the caprice of an administration mad with reform, and a department which believes itself laboring with a mountain of fraud, which seems to breathe an atmosphere of suspicion, and which appears more than willing to see in the sweat-stained face of the Western settler a masked and contemptible scoundrel, intent on robbing the people of their great patrimony, the public land.

Does not this Congress understand that in Nebraska, where every hundred and sixty acres of agricultural land is worth from $500 to $1,000 as soon as patented, and where there are from five to twenty claimants for every claim, where every man has the right to contest any entry, fraud upon the public domain is an impossibility? Does it not occur to the honorable Commissioner that he is doing in these States and Territories, where the land is valuable for agriculture, the very thing that the land-grabbers and thieves want done?

This order makes it impossible for an honest settler to raise a dollar on his final receipt; failing in this, he must abandon the land or stay on it and starve. The result is plain; he is compelled to sell, to sacrifice for almost nothing what has cost him the torture of long toil to get; his claim is "gobbled" by the land shark, the cattle syndicates, and he is sacrificed to a special agent who rides through the region of "suspected lands" in a palace-car and writes lurid reports of crimes and shames that smack of the sensational, that ought no more to be received as evidence of the character of the homesteaders than the illustrations in the Police Gazette ought to be received as evidence of the fireside morality of New York.

Mr. Speaker, these men are poor—good proof they are not rascals. They are not prepared for a siege, much less can they withstand for years the fire of all the official batteries. They have some rights as human beings; they are not wholesale liars. Men do not commit perjury by the hundred thousand.

This order covers half a continent. Men do not sin by the continent—they do not attempt to take an empire by perjury. Men are not punished geographically, or condemned by the million without their day in court. The reasonable doubt which saves the wretch trembling for his life, "the presumption of innocence" which guards us all, speaks for these men and demands that the heel of the Department of the Interior be taken from the neck of these settlers.

Let this "power for evil" which has been too long the property of one officer be taken from him not in the name of fraud but in the name of justice and the orderly administration of the law. Let this Congress, acting upon the sustained judgment of the Secretary of the Interior, refuse to invest the millions of the people in the purchase of "rumors and general reports." Let it vote not these items, which are an insult to the integrity and a menace to the vested rights of a quarter of a million American citizens. Let it refuse to permit a great department of the Government to be prostituted through imposition or credulity into an engine of oppression. Take this power from the head of a bureau who forgets that the presumptions as to honesty of his fellow-men do not change with the change of a political administration.

Mr. Chairman, so much for authority of fact produced by the Commissioner in support of a policy interdicted by his official superior, but still pursued by him in defiance of an order which terminates in the following emphatic manner:

> The above order (April 3, 1885) as issued by you is therefore revoked, and you will proceed in the regular, orderly, and lawful consideration and disposal of the claims suspended by it.

What would be the lawful consideration to which the order of Secretary Lamar limits the investigations of the Commissioner? If limited to legal bounds, the investigations of the Commissioner must be confined to inquiries into frauds committed prior to the issuance of a final receipt. If I rightly comprehend the law as laid down by the courts and authorities he is estopped from all inquiry into the sufficiency of the proof upon which a final receipt is based. He can not in any case go behind the action of the local land officers in awarding a final receipt, unless the question be presented to him on appeal. He has no original jurisdiction in the matter. His orders annulling a final receipt are void. The final receipt is a contract of purchase, and he can not impair that contract which is complete when executed by the local land officers, who are alone clothed with power to execute it.

Mr. Chairman, this theory of the case presents a legal issue of the gravest character, for if the Commissioner of the General Land Office is pursuing a policy which is void, if he has no legal power to set aside a final receipt, if he can not go behind the finding of the register and receiver except on appeal, then there is no warrant or authority on our part to vote an appropriation of money here unless it be asked for the investigation of frauds committed or attempted by claimants prior to issuance of final receipt. The Commissioner clearly discloses that he wants this money to "work up" evidence which shall become the basis for the cancellation of final-entry cases, not on appeal, but by the exercise of an original jurisdiction which he assumes he has. That the power to do this rests alone with the committees, is, in my judgment, established by an unbroken line of authorities. That the Commissioner is a mere ministerial officer, absolutely without power in the premises, except he obtain it by appeal, is, I think, established beyond controversy by the following authorities.

In a recent decision in the circuit court of the United States in

Oregon—Smith *vs.* Ewing *et al.*, the court held—(Copp's Land Owner, volume 12, No. 7, pages 104, 5)—

That a certificate of purchase issued in due form, in favor of a pre-emptor, for land subject to entry under the pre-emption law, can not be canceled or set aside by the Land Department for alleged fraud in obtaining it; and that in such case the Government must seek redress in the courts, where the matter may be heard and determined according to the law applicable to the rights of individuals under like circumstances.

The right of a party holding a certificate of purchase of public land and that of his grantee is a right in and to property of which neither of them can or ought to be deprived without due process of law.

The Land Department had attempted to cancel a final certificate upon rumor and report.

The court said:

Has the Commissioner any such power? It is not given to him in terms by any act of Congress that I am aware of. His right to pass upon conflicting claims to the land under the pre-emption law seems confined to cases that come before him on appeal from the decision of the register and receiver in case of a contest between two or more settlers under such law. Doubtless the Commissioner may also refuse to give effect to a certificate and issue a patent thereon when it appears from the face thereof, or the proof accompanying it, that it was issued contrary to law. But if the land is open to pre-emption and the proof is formally sufficient, as that it is made by the oaths of the proper and prescribed number of witnesses to the necessary facts, the Commissioner can not disallow the certificate or refuse to issue a patent thereon because the proof is not satisfactory to his mind or because it is suggested to him that it is false. The law devolves the determination of that question on the register and receiver (R. S., § 2263), and it can only come before the Commissioner on an appeal from their decision by a party to a contest before them.

When a certificate of purchase has been issued to a pre-emptor in due form and no appeal has been taken from the decision or action of the register and receiver the land described in the certificate becomes the property of the pre-emptor. He has the equitable title thereto and has a right to the legal one as soon as the patent can issue in the due course of proceedings. And he can dispose of the same and pass his interest therein as if the purchase had been made from a private person. Carroll *vs.* Safford, 3 How., 460; Myers *vs.* Croft, 13 Wall., 291; Camp *vs.* Smith, 2 Minn., 155; Cornelius *vs.* Kissel, 58 Wis., 237; Bull *vs.* Stiles, 35 Ill.

In Perry *vs.* O'Hanlon, 11 Mo., 585, the supreme court of Missouri held that a cancellation of a pre-emption certificate by the Commissioner was a nullity. To the same effect is the ruling in Prill *vs.* Stiles, 35 Ill., 309; Cornelius *vs.* Kissel, 58 Wis., 241.

The acts of Congress have given to the register and receiver of the land office the power of deciding upon claims to the right of pre-emptors; that upon these questions they act judicially; that no appeal having been taken from their decision it follows as a consequence that it is conclusive and irreversible. This is true of every tribunal acting judicially while acting in the sphere of their jurisdiction. (Wilcox *vs.* Jackson, 13 Peters, 498.)

In the course of their duty the officers of that department (the Land Department) are constantly called upon to hear the testimony as to matters presented for their consideration, and to pass upon its competency, credibility, and weight. In that respect they exercise a judicial function, and therefore it has been held in various instances by this court that their judgment as to matters of fact properly determined by them is conclusive when brought to notice in a collateral proceeding. Their judgment in such cases is like that of other special tribunals upon matters within their exclusive jurisdiction, unassailable except by direct proceedings for its correction or annulment. (Smelting Company *vs.* Kent, 104 U. S. Reports, 640.)

The appropriate officers of the Land Department have constituted a special tribunal to decide such questions (pre-emption proofs), and their decisions are final to the same extent that those of other judicial or quasi tribunals are. (Vance *vs.* Burbank, 101 United States Reports, 519.)

An actual settler upon the public lands of the United States, who has filed the proof required by the act of Congress of 1830, chapter 208, and has paid the price of the land to the receiver, can not be deprived of his land by the department. (9 How., 314.)

In Myers *vs.* Croft (13 Wall., 291), the Supreme Court held that there was no lawful restriction upon the power of alienation after final proof and payment had been made; and in the recent case of Quinby *vs.* Conlan (104 U. S., 420), the same court said: "This court held (Myers *vs.* Croft), looking at the purpose of prohibition, that it did not forbid the sale of the land after the entry was effected—that is, after the right to a patent had become vested—but did apply to all prior transfers."

When the purchase-money has been paid under the pre-emption laws and the receiver's receipt issued to the purchaser by the local land office, the title is vested in the purchaser, and the land ceases to be under the control of the Government; the purchaser has a vested right that can not be interfered with except by a judicial tribunal. (Frisbie *vs.* Whitney, 9 Wall., 187; 37 Cal., 475.)

The eminent jurist and text writer, Hon. T. M. Cooley, in his opinion, Boyce *vs.* Danz (29 Mich., 146), says:

"The action of the register and receiver of the United States land office in accepting the proofs furnished by a pre-emptor as satisfactory, and receiving his money and issuing to him the usual duplicate receipt, is a judicial determination of his rights which is conclusive in all collateral proceedings."

Judge Cooley further says that he knows of no act of Congress which authorizes the Commissioner of the General Land Office to review and reverse the register and receiver's action in a case where there has been no adverse claim under the pre-emption laws. (See also 13 Pet., 498, and 9 How., 333.)

If the honorable Commissioner of the United States Land Office should commit the error of attempting to cancel a title by arrogating to his office the powers of a court—that is, after the title has parted from the Government and become vested in the individual—his act will be annulled by the courts when a contest arises between parties claiming title to the lands upon his ruling. (Shepley *vs.* Cowen, 91 U. S. R. (1 Otto), 330; 45 Wis., 196, Sheldon *vs.* Kearne.)

After the Government has sold land by certificate it holds the legal title until the patent issues, but only in trust for the purchaser, and can not act judicially and determine that the purchaser is not entitled to the land. (Arnold *vs.* Grimes, 2 Iowa, 1.)

See authorities in harmony:

Cavender *vs.* Smith, 5 Clarke (Iowa), 189; Arnold *vs.* Grimes, 2 Clarke, 1; Carroll *vs.* Safford, 3 How., 460; Morton *vs.* Blankenship, 5 Mo., 346; Carman *vs.* Johnson, 29 Mo., 94; Bagnell *vs.* Broderick, 13 Pet., 450; Forbes *vs.* Hall, 34 Ill., 167; McDowell *vs.* Morgan, 28 Ill., 532.

The patent is not the title, but only additional evidence of the title. (Washburn on Real Property, third edition, section 526, volume 3.)

And this text writer further says:

The granting of a patent is a ministerial act; it does not pass the title, but is merely evidence that it has before passed; the entry and payment of the purchase-money virtually has the effect of creating the title to lands purchased.

The certificate of the register of the land office that a purchase has been made of lands is of as high a nature as a patent itself. (Wash. on Real Property, section 527, volume 3.)

A purchaser from the United States by the act of entry and payment acquires an inchoate legal title which may be alienated, will descend, and may be divested in the same manner as any other legal title. (*Ibid.*, section 528.)

The patent does not invest the purchaser with any additional property in the land; it only gives him better legal evidence of the title which he first acquired by certificate. He could in the mean time sell and convey the land as completely before he obtained the patent as he could after. (*Ibid.*, page 179.)

The idle decision of the Commissioner that he cancels a title is of no force. The Commissioner is not a court to divest citizens of the United States of their property; he, together with the Secretary of the Interior, might be called a quasi-court for the purpose of establishing rules of practice in disposing of the public lands, but having once disposed of them, their power ceases in relation to those lands. That they are disposed of under the pre-emption laws, upon final proof by cash entry and the issuing of the certificate of purchase, is an established principle of law too strong to be questioned. (Wash. on R. E., volume 3, page 180, third edition.)

Secretary Lamar says:

In Thomas *vs.* Saint Joe and Denver City Railroad Company this Department held: Each of the three elements of which this transaction is composed forms an essential part thereof, the application, the affidavit, and the payment of money; and when the application is presented, the affidavit made, and the money paid an entry is made, a right is vested.

He reaffirms this in Gilbert *vs.* Spearing. (See The Reporter, April, 1886, page 904.)

Mr. Chairman, these authorities, running from the text-books through the decisions of the supreme courts of the Western States and culminating in the Supreme Court of the United States, demonstrate by an unbroken line of authorities that the power to set aside a final receipt rests alone with the courts, and not with the Commissioner of the General Land Office, unless he acquires jurisdiction thereof by appeal from the ruling of the court of original jurisdiction, the register and receiver of the local United States land office. From the rule hereby established it follows that the money given to the Commissioner with which to buy fraud would be thrown away. He can buy fraud, but he can not buy jurisdiction over that fraud. Power is fortunately not for sale, and particularly judicial power.

If the country has been wronged in 90 per cent. of the entries, as alleged by Commissioner Sparks on the authority of his agents, let him go to the courts and through them bring an action to set aside the final receipts obtained through fraud. Let him go to law if he wants to; the courts and not Congress have the power he wishes to usurp. And before the courts, thank God, there will be no secret reports, no confidential betrayal of the property rights of the settlers. They will be entitled to their day in court, and it will not be in the power of the Government to deprive them of their rights except by due process of law. They will be entitled to the treatment of civilized beings; be allowed to examine the complaint, to look at the subpœna, and know the names of, and confront, the accusing witnesses. They will have the blessed right to cross-examine the spies who now condemn in secret. They will be tried and not robbed.

In the light of these decisions it appears that the demand of the Commissioner in this bill for $90,000 with which to hunt fraud is a demand on the legislative branch of the Government made by the executive branch for money to be expended in the furtherance of an attempt of an executive and ministerial officer to usurp the powers of the judiciary. Let the honorable Commissioner prove all that he seems to think he can, and let him cancel the final entries (receipts) and withhold the patents and all this for fraud, and he has accomplished nothing. His collateral assault upon the vested rights (final receipts) of settlers is a nullity, a mere legal nothing. He will have accomplished nothing save the squandering of the millions Congress may throw away in the effort to clothe Sparks with the three great powers of the Government, the executive, the legislative, and the judicial personally, and might be willing to see him commit a rape of the judicial power, and, for that matter, of the other powers if they came in "handy."

It would make things lively; we should have the reign of "eternal smash." But for one I shall have to curb my desire to behold the "wrecks of matter and the crush of worlds" in deference to official duty, and the Commissioner will have to "restrain his impetuosity" or resign.

I come now, Mr. Chairman, to the consideration of the veto by the Land Commissioner, not of a proposed law but of an existing statute, or rather of three existing statutes—that allowing citizens of the United States to take land under the pre-emption law, under the timber-culture, and under the desert-land acts. These laws were passed by Congress, approved by the President, and unquestioned by the courts, and yet Mr. Sparks on June 2 suspends their operation. He repeals and vetoes existing law. Here is his order:

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 2, 1886.

To registers and receivers United States land offices.

GENTLEMEN: The repeal of the "pre-emption," "timber-culture," and "desert-land" laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.

WM. A. J. SPARKS, *Commissioner.*

And here is the order of the Secretary of the Interior suspending Sparks and his order:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1886.

To registers and receivers United States land offices:

GENTLEMEN: Based upon satisfactory evidence that an unusual number of entries under the pre-emption, timber-culture, and desert-land laws are at this time being made anticipating the action of Congress repealing said laws, and following numerous precedents of this office and Department deemed to be in substantial harmony therewith, the following order, approved by the Secretary, was on the 2d instant issued to you:

"The repeal of the 'pre-emption,' 'timber-culture,' and 'desert-land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time."

Now, in view of serious question as to the existence of sufficient absolute legal authority therefor, the same is hereby revoked.

WM. A. J. SPARKS, *Commissioner.*

Approved:

L. Q. C. LAMAR, *Secretary.*

Mr. Chairman, what justification is attempted for this invasion of the constitutional powers of the legislative department of the Government?

The justification is this: The repeal of the pre-emption, timber-culture, and desert-land laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended until the 1st day of August, 1886.

Mr. Chairman, how are the "mighty fallen?" I had supposed that what little legislative power there was in this country was by the Constitution of the United States fixed in Congress. It seems not. The Constitution was supposed to be the only limitation on our power. So the fathers taught, but the fathers had not heard of Sparks. And now we hold our powers subject to the limitations of the Constitution and the discretion of Sparks.

Mr. Chairman, where are those gentlemen on that side [Democratic] to whom the Constitution was from "aforetime" given in special charge? Where are the guardians of the "ark of the covenant?" Where are the constitutional pillars of the political temple? Will they not come forward and defend us from this "mad bull" in the constitutional "china shop?"

It occurs to me, Mr. Chairman, that some years ago I heard something about "centralization" and the unwarranted interference of the executive department with the political affairs of the people—I heard, and we all heard it. It was the slogan of all your (Demecratic) political battles. Here is a case of unwarranted interference with the property rights of the citizens of the West and an unwarranted interference with the constitutional powers of Congress, which is unprecedented in the history of constitutional government. And I ask that you come to the rescue; particularly I appeal to the gentleman from Texas, to whom the Constitution is peculiarly dear, who sits eternal on the Democratic constitutional Sinai and sounds the alarm. I call on him to either justify Sparks or defend Congress and the settlers from these indefensible invasions and usurpations of power by a ministerial officer. Is it not time that notice was served on the faithful that one of the fathers of the herd was loose and that it was time to call a halt and have a "round-up?"

Mr. Chairman, suppose we examine the justification of this order of June 2 from another standpoint. The Land Commissioner orders the suspension of pre-emption, timber-culture, and desert-land entries because of the probable passage by Congress of a law repealing these laws. Now, if Mr. Sparks was actuated by honest motives in suspending these laws, if he sincerely desires to protect the public land from aggressions of thieves and monopolists, why does he not make his order broad enough to cover all the mischief?

His annual report for 1885 shows that there were 473,000 acres of public land sold in the United States during the year 1885 at private sale, without settlement, without competition in the bidding, without any restriction as to the quantity that any man could purchase, without requiring the purchaser to be a citizen of the United States. One man, and he an alien, could have bought it all. Nearly all of this 473,000 acres so sold, without settlement and without competition, was located in the South. Had that anything to do with the one-sided nature of the Commissioner's orders and policy?

His reason for suspending the law in the West and denying the right of settlers in that country to take land according to law is that Congress is considering the repeal of certain laws. But Congress at the same time and in the same bill was considering the repeal of the law allowing the purchase at private sale of the valuable Government lands in the South—now withdrawn from settlement and subject to unrestricted sale.

There were over one hundred and fifty cases of fraud from the Southern States even under the lax laws as to purchase, and still Mr. Sparks sees no occasion to interfere with the laws which permit monopolists to "gobble" all the land in the public-land States of the South, but finds himself divinely commissioned in the name of fraud to choke the life out of the settlers of the West.

How stands the fraud account between these States, Mr. Chairman? Commissioner Sparks's 1885 report, page 321, shows that the number of cases referred to his special agents for investigation for alleged fraud and reported on by them was as follows: Nebraska, 60 cases; Florida, 64 cases; Louisiana, 90 cases.

In the 1884 report of Commissioner McFarland the number of cases investigated and reported on as between the West and South was as follows: Nebraska, 170; Alabama, 153; Florida, 71.

I cheerfully admit that there is a much larger number of cases alleged to exist in the West than in the South, that is, when you take into account non-agricultural lands. But I deny that as between the agricultural public lands in the South (say in Alabama and Florida or Louisiana and Florida) and the agricultural public lands in the West (say in Nebraska and Kansas) there is any substantial difference in the fraud charged or found; and if the protection of the public domain demanded the suspension of the law in one case to prevent fraud there it was with equal justice to the public interests demanded in the other; and as not only this but all his orders excepts the South from their operation while striking at the West, I say his orders and his policy together stand impeached on his own showing because of a want of both uniformity and equity.

What is the matter? Do you want to depopulate the West? Are you afraid of the unborn Nebraskas and Nevadas of the West? Is there a political method beneath all this fraud-madness? Does Sparks put his heel upon the West with the consent of his party? Does he fear the new States as your party feared the birth of Kansas and Nebraska? Is this the revival of the old spirit of repression of the West? I will not believe it; the mistakes and crimes that made a tragedy of the admission of Kansas and Nebraska are not to be repeated from the loathsome level of hired falsehood and official usurpation. I will not believe that Congress will lend its sanction to the continuance of this policy, which is little less disastrous to Kansas and Nebraska than the crimes of 1858 and 1860 were to the eastern portions of the new States.

Mr. COBB addressed the committee. [See Appendix.]

Mr. SPRINGER. Mr. Chairman, the gentleman from Nebraska [Mr. LAIRD] will wish to make some reply to the gentleman from Indiana [Mr. COBB], and I suggest that ten minutes further be allowed on each side.

Mr. LAIRD. The gentleman from Indiana can have all the time he wants. I can say all I wish to say in two minutes.

The CHAIRMAN. There are thirty-five minutes remaining.

Mr. SPRINGER. I ask unanimous consent that the time be extended ten minutes on each side.

Mr. LAIRD. Mr. Chairman, now, I take it, is the proper time for me to ask this House to hear me a few minutes, aside from any rule or agreement as to the division of the time.

The CHAIRMAN. The Chair has no power to grant what the gentleman asks.

Mr. LAIRD. I presume it is scarcely possible in this House that a gentleman may not rise in his place and defend himself from a contemptible assault, notwithstanding the rules.

Mr. SPRINGER. I ask again, Mr. Chairman——

Mr. COBB. I do not know whether the gentleman means that my assault was "contemptible" or not.

Mr. LAIRD. You will find out what I mean when I get the floor, among other things. I mean what I say.

Mr. COBB. I am responsible for all that I said. I made no charge against the gentleman, but summarized the "evidence" on file against him; and that I will do against any man.

Mr. LAIRD. You are entitled to all the dignity you may get by scattering the contents of the Commissioner's garbage cart in this House.

Mr. COBB. I will "heap dirt" whenever it comes in the shape that this does.

Mr. PERKINS. I think that by unanimous consent the time may be extended ten minutes on each side. The gentleman from Nebraska [Mr. LAIRD] wants a little more time, and I think there will be no objection to that proposition.

The CHAIRMAN (Mr. MCCREARY). If there be no objection the time will be extended ten minutes on each side, so that there will be one hour and ten minutes debate on each side. The gentleman from Nebraska [Mr. LAIRD] is entitled to the floor.

Mr. SPRINGER. I suggest that the gentleman from Indiana [Mr. COBB] be allowed to complete his statement, so that the gentleman from Nebraska may reply to everything at once.

Mr. LAIRD (to Mr. COBB). If you have anything further to say, go ahead.

Mr. COBB. I will reserve my time.

Mr. SPRINGER. The only object of my suggestion was that the gentleman from Nebraska might understand the whole case of the gentleman from Indiana.

Mr. LAIRD. If he has got anything more to say which is personal to me I hope he will say it now. The rest I do not care about.

Mr. Chairman, the gentleman from Indiana produces here a report which he says is from one Green, a special agent. My answer to that is brief. His statements are false so far as they concern myself from beginning to end. As nearly as I can remember the allegations they are as follows:

That I am a member of a cattle concern known as the firm of Kelly

& Laird. This is not true. There is no concern of the name of Kelly & Laird to my knowledge. I am not interested in the cattle business in Nebraska and never have been. I never owned a hoof nor a horn in the country in question, neither individually nor in partnership.

That I procured certain lands to be entered in the McCook land district. That is not true. I never entered any land in the McCook land district nor procured any to be entered, nor were any entered openly or secretly in my interest or at my solicitation.

Mr. COBB. The gentleman will allow me to say that he is mistaken as to what I said. I only stated what the evidence on file was. I make no assertion myself.

Mr. LAIRD. I understand the gentleman. He makes no assertion; he peddles what he calls "evidence," namely, the report of Special Agent Green. Will the gentleman tell me how this has the dignity of evidence—the unsupported statements, slurs, insinuations, and lies of a hireling? On such "evidence" any man on earth can be convicted of land frauds or any other kind of frauds, of all crimes and shames conceivable. It is on this kind of "evidence" that 90 per cent. of the homesteaders and pre-emptors of Nebraska are denounced as thieves. I perfectly well understood, when I undertook to defend the interests of the people that I represent, to protect the good name of my fellow-citizens and defend the reputation of my State, that I should be subject to the attack of every scoundrel in the employ of the Interior Department who carried a slung-shot for secret use in the protection of the public lands by means of hearsay and opinion.

I was hundreds of miles from those lands when they were taken. I never was present at that land office prior to that time, and I never stepped into it for over a year after these transactions, and yet by the "evidence" to which the gentleman is pleased to appeal I am convicted of defrauding the Government. This is a sample of how 90 per cent. of the people of the State are found guilty upon the secret reports of agents. The gentleman from Indiana can drive on with his garbage-cart. I will defend the good name of my constituents and the fair name of my State from all these false and infamous assaults, slurs, and charges made against them, whatever may be the consequence to myself. I have no personal warfare to make on Commissioner Sparks, but I shall never cease to make war upon what I believe to be his outrageous policy and methods until he takes his heel from off the neck of the settlers of Nebraska.

That through influence of mine with certain land officers certain advantages were permitted to entrymen on the day of the opening of the land office at McCook. That is not true. I was not present at the time the entries by the Hastings men were made, and I did not procure them to be made. I did not influence the land officers to give them any advantage, nor do I believe that the land officers did give them any advantage. I never spoke to the land officers in question on this subject in my life. I do not think I had seen the land officers prior to these entries for over one year, and I have never spoken to them since about them, except I believe to call the attention of Mr. Laws, the receiver, to the statements of Green, and this I think was done by letter.

The answer of Mr. Laws to the statements of Green, asserting that he (Laws) had been guilty of favoritism, is on file in the General Land Office, and if the gentleman from Indiana, who is so industrious in hunting up reports, will find the statement of the land officer, he will see that the allegations of Green are denounced from beginning to end as falsehoods—at least so far as they affect Mr. Laws. Mr. Laws is a one-legged soldier and an honorable man, as is possibly evidenced by the fact that he still occupies the position in the Land Office to which he was appointed on my recommendation. If he has been guilty of conniving at frauds on the public domain for the purpose of aiding me or people interested with me in perpetrating such frauds, how is it that your administration allows him to stay there undisturbed for over a year?

Mr. COBB. They will turn him out when they hear of this.

Mr. LAIRD. No, they will not; or if so, not for this, for they have known it for years.

The gentleman, by his next friend, Agent Green, states that the lands in controversy at McCook were entered by my friends. That may be true. I have some friends in my own country, and as these gentlemen are very respectable people I am not disposed to disown them. He says there was one man of my name interested in them, and that is true. He was my brother, but he was twenty-one years of age and a citizen of the United States, as I believe the rest were, and if they took land, they had a right to. They complied with the law. If that is fraud, let the gentleman from Indiana make the most of it.

As for myself, I never owned an inch of public land except what I took by virtue of my right as a soldier, and that was a homestead which I took fourteen years ago. Outside of this I have not a penny's worth of interest in the public domain from one end of the country to the other, unless I have some interest in this land received by virtue of my brother's entry and his death, which took place in February last.

What is it from which the gentleman has read? He reads what he calls a prepared statement from the report of Special Agent Green—a summary of what he calls "evidence."

What is the matter with the original raw material of the report? Could you not trust that, or was it necessary for you to make some modifications in the general allegations? While you are in the special-agent business why did you not read from the report of Special Agent Coburn, some paragraphs from which I submit in this connection. They are as follows (page 10, Coburn's report):

The parties, citizens of McCook, whose affidavits I inclose are citizens of standing there, but of course neighbors and intimate friends of the local officers. Taking into consideration their statements in connection with the circumstances heretofore related, and the further fact that the register assured the parties that conflicting applications by those present would be considered as simultaneous, I conclude that the charge [of favoritism and discrimination] against the land officers is not substantiated.

It may be well to call attention to the statement of the register and receiver that there was no conflict of applications and that Hurlburt and Moore obtained the land described in their applications. Though this was said to be the result of an erroneous description, the affidavit of Hurlburt shows how it arose, and does not connect the local land officers with the deception alleged to have been practiced. It may have been an error for the officers to have opened the doors and permitted a crowd to enter before the hour of business at a time when a rush was to be expected, but that at least appears to be incidental merely. Summarizing the whole matter of this report, my conclusions are as follows:

1. That while the circumstances surrounding the original entries made by the Hastings party were liable to cause suspicion, the character and standing of most of the men engaged in the matter were such as to raise a presumption in favor of their good faith.

5. The preponderance of evidence goes to acquit the local officers of favoritism and discrimination, or at least [to show] that such a charge is not substantiated, and that they have erred in some minor points of administration of the duties of the office.

But my investigation develops the fact that many claimants in this case are men of means and social standing, and not in the employ of any one. But aside from the close resemblance to known cases of fraud above alluded to, there appears to be little evidence that it was a scheme concocted in the interest of any one party or corporation.

And, if I remember right, Special Agent Green's report is based upon two affidavits, one made by a man named Hurlbut and the other by a man named Moore. It appears that Hurlbut undertook the rôle of accuser of the Hastings entrymen because, as he supposed, they got a piece of land which he desired, but as it afterward turned out that Hurlbut got the very land that he wanted nothing further was heard from him, and I believe nothing further has ever been seen of him in that country so far as my information goes. The affidavit of Moore was dated September 15, 1883, and on October 2 of the same year he made the following affidavit, which pretty clearly discloses the uses to which his affidavit was put by some thrifty person after it had been signed and sworn to by him.

I see by the newspapers and I have heard some talk that they claim that JAMES LAIRD is interested in the land business on the Stinking Water. I know that he has no claim on the Stinking Water, and I do not believe that he is interested in any way. In my affidavit of September 15, 1883, which was written by other parties, I see the following sentence appears in it which was not in it at the time I signed it: "I mean JAMES LAIRD, the member of Congress from Nebraska."

If it did appear, it was overlooked by me. I did not intend to bring JAMES LAIRD into the matter, for I do not think he was interested nor in any way to blame for any wrong done myself or Mr. Hulbut. In my affidavit where the name of Laird & Kelly appears it has no reference to Hon. JAMES LAIRD.

Sworn to and subscribed in my presence this 2d day of October, 1883.

JOHN R. KING,

[SEAL.] *Notary Public, Hitchcock County, Nebraska.*

In this connection I also submit a statement of the gentlemen interested in the entries spoken of by Agent Green, and likewise a letter from Land Commissioner McFarland, which are as follows:

We, the undersigned, being the persons who have taken land by homestead or timber-culture entry on what is known as "Stinking Water Creek," in Chase County, Nebraska, state the facts connected therewith to be as follows:

We took said lands on June 15, 1883, at McCook, Nebr., at our own suggestion and for our own benefit, and not for the benefit of JAMES LAIRD, nor at his suggestion, nor that of any other person for him, nor has JAMES LAIRD any interest in these claims, nor is there any understanding that he is to have in the future.

We were each personally present, made our own affidavits, and signed them, and we were each personally identified and sworn to the same by one of the land officers, and we each paid our own fees, which fees were handed over by our attorneys. JAMES LAIRD was not in McCook on that day. We each took these claims in full compliance with the law and have complied with it in making improvements, and propose to hold them unless defeated by fraudulent affidavits. All charges of fraud made against JAMES LAIRD in connection with these claims are utterly false.

I. POLLARD,	A. YEAZEL,
W. F. SCHULTHEIS,	SIMON KELLY,
AUG. SCHMIDT,	ARTHUR WILLIAMS,
H. M. OLIVER,	HARRY CLARK,
O. H. McNEIL,	JAMES WALLACE,
HARRY RANDALL,	FRANK STINE.
A. W. LAIRD,	

In a letter to me from Washington under date of September 20, 1883, Land Commissioner McFarland says:

There is no report by any agent, nor papers on file in this office, reflecting in any manner upon you, nor connecting you with unlawful entries of public lands.

Mr. COBB addressed the committee. [See Appendix.]

Mr. CAREY addressed the committee. [See Appendix.]

Mr. RYAN obtained the floor and said: I yield ten minutes to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Chairman, I am not here to defend frauds in any form. I concede that considerable fraud has crept into our land system; that there have been numerous fraudulent land entries; but I deny that this has occurred to any such extent as is claimed in the reports of these special agents. I am not here to make any attack upon the Commissioner of the General Land Office. I regard him as an honest enthusiast, such as we have numerous examples of in the ecclesi-

astical history of the Middle Ages. [Laughter.] I think there is nothing dishonest or corrupt about him, but that he is one of the most misguided of men. For the sake of ferreting out and punishing fraud in connection with our land entries, he and the administration back of him have undertaken to suspend the general laws of this country—a power that has never been claimed, never been attempted to be exercised before in the history of this country, nor for the last two hundred years anywhere within the realms of common law.

Every entryman after he has made his final proof and entry, and paid his fees at the Land Office, is entitled to have his entry passed upon and the patent issued to him in due course of law. This right, granted to every citizen in this country who has made a final entry or attempted in good faith to make a final entry, General Sparks, by his order of April, 1885, suspended. He did not suspend it in respect to fraudulent entries merely; he did not suspend it in respect to certain interdicted persons only, but he suspended the operations of the Land Department and of the land laws as against all persons within certain extensive territorial boundaries. An embargo was put upon all, the good as well as the bad. It was as though certain portions of this country had been put in law quarantine and cut off from the benefit and operation of all law.

But this order of the Commissioner of the General Land Office is not all. A greater and graver usurpation of law has been attempted. During the present month he has gone a step further, and, as the gentleman from Illinois [Mr. PAYSON] informs us, he is sustained in this by the Secretary of the Interior and even by the President—he has gone a step further and entirely suspended the operation of the pre-emption and timber-culture laws in this whole country.

What is the justification for this? Gentlemen undertake to refer us to precedents. I will show you that those precedents are the veriest sophisms, that they have no bearing at all upon the legal question and the right to suspend. The precedents they cite are simply the constructions of the Land Department in reference to certain land grants to railroads. From the time when we had any such land grants to construe it has been held and construed by the Land Department that whenever any land grant company filed the plats of the definite location of its route in the Land Office at that time its grant took effect, not only as to the granted limits but as to the indemnity limits, and that at the time these grants thus took effect it was just and proper under the law to withdraw the land within the indemnity limits as well as that within the granted limits, because without doing this you would render the provision for the indemnity limits entirely nugatory and useless.

This decision of the Land Department has been practiced and adhered to for more than a quarter of a century. It has never been reversed by any court; it has never been reversed by any authority until General Sparks undertook to do so within the present year, and it is, in my mind, a very grave question whether his ruling in that respect is not erroneous. I have no doubt but that the courts will ultimately overrule him on this point. That is the precedent which gentlemen cite in one form or another. They can not cite any precedent where any official connected with the Land Department of the Government has ever before undertaken to withdraw all the lands of this Government from the operation of the pre-emption law, or has ever attempted to say to citizens competent as pre-emptors, "You can not have the benefit of the law:" General Sparks and President Cleveland have suspended the operations of one of the old laws of this country that has existed ever since 1841. Gentlemen, you can find no precedent in the land history of this country, nor any precedent in the history of this country at all, but you can find a precedent, to which I will refer, in the history of the Stuart dynasty in England. The Stuarts attempted, as the Tudors had done before, to suspend the operations of the laws of the realm. This power so asserted and exercised by the Stuarts is known as the dispensing power. I will read what Mr. Macaulay, in his History of England, says on this subject.

The truth is, that the dispensing power was a great anomaly in politics. It was utterly inconsistent in theory with the principles of mixed government, but it had grown up in times when people troubled themselves little about theories. It had not been very grossly abused in practice. It had therefore been tolerated, and had gradually acquired a kind of prescription. At length it was employed, after a long interval, in an enlightened age, and at an important conjuncture, to an extent never before known and for a purpose generally abhorred. It was instantly subjected to a severe scrutiny. Men did not indeed at first venture to pronounce it altogether unconstitutional; but they began to perceive that it was at direct variance with the spirit of the constitution, and would, if left unchecked, turn the English Government from a limited into an absolute monarchy.

Now I will read to the gentleman from Illinois and the gentleman from Indiana a precedent two hundred years old, in the case of King James. I read from the same author:

May was now approaching, and that month had been fixed for the meeting of the houses; but they were again prorogued to November. It was not strange that the king did not then wish to meet them, for he had determined to adopt a policy which he knew to be in the highest degree odious to them. From his predecessors he had inherited two prerogatives, of which the limits had never been defined with strict accuracy, and which, if exerted without any limit, would of themselves have sufficed to overturn the whole polity of the state and of the church. These were the dispensing power and the ecclesiastical supremacy. By means of the dispensing power the king purposed to admit Roman Catholics not merely to civil and military but to spiritual offices. By means of the ecclesiastical supremacy he hoped to make the Anglican clergy his instruments for the destruction of their own religion.

This scheme developed itself by degrees. It was not thought safe to begin by granting to the whole Roman Catholic body a dispensation from all statutes imposing penalties and tests, for nothing was more fully established than that such a dispensation was illegal. The cabal had, in 1672, put forth a general declaration of indulgence. The Commons, as soon as they met, had protested against it. Charles the Second had ordered it to be canceled in his presence, and had, both by his own mouth and by written message, assured the houses that the step which had caused so much complaint should never be drawn into precedent. It would have been difficult to find in all the inns of court a barrister of reputation to argue in defense of a prerogative which the sovereign, seated on his throne in full Parliament, had solemnly renounced a few years before. But it was not quite so clear that the king might not, on special grounds, grant exemptions to individuals by name. The first object of James therefore was to obtain from the courts of common law an acknowledgment that, to this extent at least, he possessed the dispensing power.

Then the historian goes on to tell us how King James laid claim to this dispensing power and under it sought to interfere with and suspend the operation of the civil and criminal laws of the realm; and finally how in his efforts to obtain a judicial construction in his favor he removed all the judges of the highest judicial tribunal, reorganized it, and thus obtained a decision that the sovereign of England held the dispensing power—the power to suspend the operation of the general laws of the realm at pleasure and without limit. But the action of the last of the Stuarts brought on a great crisis in English history. The result was the English people hurled the Stuarts from the throne and called upon William of Orange and Mary to administer the British Government. When they had done so the British Commons in Parliament assembled put the stamp of censure and condemnation upon this right and power claimed by the Stuarts, and now, after a lapse of two hundred years, claimed and asserted by this Democratic administration. I will read again from the historian on this interesting subject:

On these grounds the Commons wisely determined to postpone all reforms till the ancient constitution of the kingdom should have been restored in all its parts, and forthwith to fill the throne without imposing on William and Mary any other obligation than that of governing according to the existing laws of England. In order that the questions which had been in dispute between the Stuarts and the nation might never again be stirred, it was determined that the instrument by which the Prince and Princess of Orange were called to the throne, and by which the order of succession was settled, should set forth, in the most distinct and solemn manner, the fundamental principles of the constitution. This instrument, known by the name of the Declaration of Rights, was prepared by a committee of which Somers was chairman.

The Lords and Commons having deliberated, resolved that they would first, after the example of their ancestors, assert the ancient rights and liberties of England. Therefore it was among other things declared that the dispensing power lately assumed and exercised had no legal existence.

The CHAIRMAN. The gentleman's time has expired.

Mr. NELSON. One word, Mr. Chairman, further. From that day to this, for two hundred years, it has never been claimed before by any executive power in England or America that it had the right to dispense with the operation of the laws of the realm. Here is a precedent which I ask gentlemen to study. It should be a warning rather than something to imitate.

[Here the hammer fell.]

Mr. PAYSON. Mr. Chairman, I have no apology to make when I ask the attention of the House for the time allotted me while I discuss a few of the questions presented by the proposition offered by the gentleman from Nebraska [Mr. LAIRD]. During my term of service here I have never sought to attract the attention of the House unless I thought I had something to submit worthy of its consideration and directly connected with a practical pending proposition. And I would but assert the veriest truism if I said the questions involved in this discussion are of great importance to the people of this nation.

No one connected with public affairs can have failed to notice the amount of public lands remaining for disposal is being in some way rapidly diminished, and it has been a matter of earnest investigation on the part of the best men connected with Congress for the last six years in both Houses, as well as those occupying executive positions, to determine precisely what the evil was, the extent of it, and the remedy for it.

At the outset, Mr. Chairman, I am bound to notice there has been an attempt made to give this debate a partisan character. When the legislative appropriation bill was under discussion under a motion I believe to strike out the last word of the pending paragraph, the gentleman from Nebraska [Mr. LAIRD] and the gentleman from Maine [Mr. REED] and a few other gentlemen vigorously rushed to the front denouncing the present Commissioner of the General Land Office and his official conduct and apparently expecting the gentlemen on the other side of the Chamber to champion him and protect him from the criticisms passed upon him.

It seems to be expected as a matter of course that the vigorous assaults made by gentlemen on this side upon the Land Office shall be replied to and the course of the Commissioner justified, if at all, by those of his political party.

Sir, there is no question of party politics involved here. The question is one of orderly, proper administration of executive duty, and should be discussed with that impartiality, candor, and calm considerateness which alone in a legislative body can produce satisfactory results.

With the general course of procedure in the Interior Department as relates to the public-land system since the present administration came into power I may say without boasting I have been intimately familiar.

When it took charge of affairs it found accumulated evidences of

frauds upon the public lands gathered in by Republican agents appointed by Secretary Teller and Commissioner McFarland, many of which have been so recently read and referred to in the House as to render a rereading unnecessary.

There was found, also, an appalling state of affairs as to the unlawful inclosing of the public lands—millions upon millions of acres of public lands inclosed with barbed-wire fences, many of these erected by foreigners.

Notices had been served upon the parties in possession; Commissioner McFarland had sent out formal circulars against them, but all was ineffectual.

The slow methods of litigation under common-law rules had been invoked, but these were not productive of results.

A statute has been enacted by the Forty-eighth Congress for the summary, efficient cure of the evil, but too late to be enforced by the outgoing Republican administration.

The bill which became a law I had the honor to introduce, and I had been connected with some matters of land reform with other gentlemen on the Committee on the Public Lands, with which I desire to say Mr. Teller and Mr. McFarland were in hearty sympathy.

This was known to Mr. Secretary Lamar, and early in his experience at the head of that Department he did me the honor to ask me to give him the benefit of my experience and observation as to these matters, and I unreservedly did so.

This led to an intimacy between us, which otherwise would probably never have existed, and justifies me in saying what I take especial pleasure in, that from the first the Secretary of the Interior and the Commissioner of the General Land Office have been inspired by the desire to honestly, efficiently, and thoroughly administer the land laws, so that the public domain should be utilized for the benefit of actual settlers. The official reports at their hands showed an actual necessity for some earnest, vigorous action. As against the unlawful inclosures, a proclamation by the President was issued, and orders given at once to the law officers to proceed criminally, if necessary, against offenders unless the new law was obeyed.

As against fraudulent entries of the public lands, various plans were considered. That the evil was enormous was conceded by everybody.

The last administration had hoped that the laws allowing pre-emption, timber-culture, and desert-land entries would be repealed.

It had repeatedly urged upon Congress the necessity of such action, and a modification of the commutation feature of the homestead law. Under these acts as they stood these frauds had been perpetrated, and the last administration earnestly endeavored to secure such Congressional action as should render the further perpetration impossible.

The bill, as recommended, passed the House, and with an amendment, not germane, the Senate; the House, late in the short session, would not concur in the Senate amendment, and so the bill failed.

Congress, and not the last Republican administration, was to blame for this. This was the situation; and after a great deal of consideration, as I know, on the part of those who had made the subject a study and were familiar with the official reports and statements, the order of April 3, 1885, which I will refer to later, was issued.

At the outset I desire to say, Mr. Chairman, and in as plain language as I can express the proposition, once for all, because I do not wish to be misunderstood in reference to it, that, so far as the order of Commissioner Sparks of April 3, 1885, is concerned, as a member of the Committee on Public Lands I was consulted in reference to the propriety of its issuance, and, under the circumstances as I have stated them, I counseled and advised that it should be issued. And I stand by that order to-day, and whatever criticism may be imposed in reference to it I am ready and willing to bear my share of it.

I am ready now and here to defend the policy as well as the legality of it, and I hope to make myself fully understood with reference to it before I am done, and whatever credit may attach to an honest effort to stay the tide of fraud and corruption then and now painfully apparent, I shall in like manner insist on having my share.

The only regret I have is it was not continued in force until to-day for the reasons I shall give a little further on. [Applause.]

Mr. Chairman, the evil sought to be remedied by that order is nothing new.

When the legislative bill was under debate this discussion was begun. To the observer it would appear that it was a Republican attack on Democratic methods, as such.

Why, the gentleman from Maine announced here that when Mr. Sparks first went into that office, and before he had fairly got warmed in his seat, he suddenly discovered that great frauds were being committed upon the public lands system. I wish to state to him that he is mistaken. The performance of his committee work has not familiarized him with reference to the condition of affairs connected with the public-lands system. I say to him what I know of my own personal knowledge when I tell him that in the Forty-eighth Congress—no, earlier than that; in the Forty-seventh Congress—this matter was a subject of serious consideration on the part of Secretary Kirkwood, Secretary Teller, and Commissioner McFarland, and, as a member of the Committee on the Public Lands, I was frequently in consultation with these gentlemen at their request in reference to these very matters. I hold in my hand an interview with Commissioner McFarland, published in 1884, and which is embodied in some remarks I submitted to this House on the 7th June of this year, where, if gentlemen will take the trouble to examine, they will see that the very evils out of which this debate has arisen to-day were conditions which were then subjects of consideration by the Commissioner of the Public Land Office, and that his specials agents were making these reports to the office at that very date. Perhaps I can not do better than to read an extract or two from that interview, premising it by saying simply that I know the words quoted here by the newspaper reporter were a part of Commissioner McFarland's own language. In reply to the question, "How is the system of special agents working?" he said:

"Satisfactorily. The special agents have been in the field about six months, and reports from some of them are received every day. I have examined and acted upon about eight hundred illegal and fraudulent entries reported by them. These entries covered about 128,000 acres, of which the Government would have been deprived except for the new service."

"Have any of the persons who held such entries appealed from the finding of the special agent?"

"Yes; in eighty cases only out of the eight hundred examined under this system have objections been offered to the proposed cancellation of the entries. This fact is significant of the correctness of the agents' reports and of the wholly indefensible character of the impeached entries. The reports are in all cases based upon a personal examination by the agent of each tract of land, and the entry is held for cancellation except upon positive evidence. It is further found that in few, if any, of the eighty cases have the objections come from the persons in whose names the entries were made. They usually appear to be from persons who furnished the money for the entries or bought them afterward."

"What kinds of lands did these fraudulent entries cover?"

"Pine-timber lands in Minnesota, Michigan, Wisconsin, and Missouri, made ostensibly for settlement under the pre-emption and commuted-homestead laws, but actually to obtain the valuable timber for the nominal price at which agricultural lands are sold to settlers. The principal operators are persons largely engaged in the timber business, the 'settler' being a convenient myth. Another class consists of timber lands in California, Oregon, Nevada, and Washington Territory. The reports of special agents, particularly in California and Washington Territory, disclose a combination of large capitalists, English as well as American, to obtain title to immense tracts of timber land by hiring men, women, and children to swear to false affidavits that they make the entries as required by law for their own use and benefit, and not for speculation. The prices regularly paid for a set of false entry papers range, according to the reports, from $50 to $100. The Government gets $2.50 an acre, the land perhaps being worth ten times its cost to the speculators. Agricultural lands in Dakota have also received marked attention.

"The persons concerned, directly or indirectly, embrace English peers, Eastern capitalists, adventurous spirits who emigrate to the booming Territory to grow up with the country, and enterprising land agents and attorneys. Pre-emption, commuted-homestead, and timber-culture entries are the favorite instrumentalities of fraud in this region. No sooner is a township of land surveyed than it is plastered over with entries and filings, more or less bogus, but generally more, and the actual settler who goes to stay, the farmer who is to produce the subsistence of the nation, must buy off these pretended claims at high rates before he can obtain the privilege of making an honest entry of the land. The timber-culture laws have proved especially advantageous to the fraudulent control of public lands. The principal sphere of operations under these laws is at present Minnesota, Dakota, Kansas, and Nebraska.

"The failure of the timber-culture law to produce the results contemplated and its success in promoting fraudulent land entries are paralleled by the desert-land act, the frauds under which are committed mainly in the Pacific States and Territories. But the frauds do not stop there. The Government price for coal lands is from $10 to $20 an acre. Fraudulent entries of coal lands are made under the pre-emption and other agricultural laws. The reports of the special agents cover heavy transactions of this sort in Colorado and other States in which coal abounds, the fraudulent entries proving to be the property of mining companies.

"But by far the most extensive frauds are found in the grazing country, where the cattle-kings have fenced in the country by whole counties, and the investigations by agents show that the land within these inclosures is being covered by bogus entries made by employés of the stockmen, the former supplying the needed affidavits of settlement and the latter paying the land office fees and pocketing the title. Many entries of this class have been canceled or held for cancellation.

"The practice in such old Territories as New Mexico and Arizona is found to be that the cowboys are brought up in squads to the district land office to swear in mellifluous Spanish names to affidavits that they have resided on the land ten, twelve, or twenty years, when in fact they may have not been in the Territory as many months or days; but they swear all the same, and each serves as the regulation witness for the other. The cost of 160 acres to the stock company is by this process about $18, a trifle over 10 cents an acre. In the newer Territories, where long inhabitancy is not so easily proven, the operation is like that of Democrats repeating in New York city elections. A gang of 'pre-emptors' is fitted out, who make all the entries required by their employers by merely adoping a sufficient number of names and repeating the process of swearing as principals and witnesses alternately."

Knowing this condition of affairs, the Secretaries of the Interior under the last and this administration, as well as the Commissioners of the General Land Office for several years have recommended the repeal of these laws.

Mr. MacFarland, in his last annual report, speaking of this law, says:

In my last annual report I renewed the recommendation frequently made by my predecessors that the pre-emption law be repealed. Continued experience demonstrates the advisability and necessity of such repeal. The objection that much good has heretofore resulted from the pre-emption system, and that it should not be discontinued because abused, appears to us without good foundation under the changed conditions created by the homestead laws.

Our committee said to the last Congress, and I emphasize it now and here:

Whole townships of the public domain have been acquired under this law by capitalists who do not reside within hundreds of miles of the land, and never did. They have secured them through paid agents in their employ, who receive so much for their services when they make the proof necessary to entitle them to a patent from the Government, and assign their claims to their employers. This is done, of course, through perjury and subornation of perjury, for each one of these agents or claimants is required to make settlement on the pre-emption claim under the law, and he must make oath before the register or receiver of the land district in which the lands are situate, on which he claims to

have settled for the purpose of pre-empting, and that he has never had the benefit of any right of pre-emption; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use, and that he has not directly or indirectly made any agreement or contract in any way or manner with any person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself. And yet it is well known that this oath is daily taken by parties who make it under contracts such as we have indicated above. They file with the register of the proper land district their declaration, make their proof, affidavit, and payment required by the law, and receive their title and transfer the same to the parties with whom they made the contract before they attempted to make the pre-emption.

Here let me remark that the appropriation now before us is not asked for the continuation of an old service, which has been in existence for years. It was inaugurated on an appropriation bill in the Forty-seventh Congress by Republicans, and has been in operation only about four years.

Mr. LAIRD. Let me ask the gentleman a question.

Mr. PAYSON. Certainly.

Mr. LAIRD. I hold in my hand an annual report of Mr. McFarland, concerning which the gentleman speaks, and I find on page 146:

Entire number of entries investigated	3,563
Entries canceled	680
Entries approved after investigation	953

Now——

Mr. PAYSON. Nobody disputes that. The figures to which you allude run back for years and years. I take no issue with the gentleman on that subject. The office is now over three years behind. A large proportion, if not the largest proportion, of these entries to which he refers were made under prior administrations and before the special agents were set to work to investigate the frauds.

Mr. LAIRD. Let me complete the statement.

Mr. PAYSON. I am not going to be diverted from the general line of remarks which I had designed to make here by any question of veracity as to the personal experience or general observation of any gentleman who may represent land districts and who may have formed his own opinions in reference to these matters. I am willing to concede for the sake of the argument that in the district which the gentleman behind me [Mr. LAIRD] represents the people who have gone upon these lands are all, absolutely all, honest—though I do not believe it, knowing what the records show. [Laughter.] In the district of the gentleman from Kansas who, I understand, is to follow me I will make the same admission. But I want to ask him to give me a reason why it is that in those districts nearly every land agent who has business there advertises as a prominent feature of his business "Relinquishments for sale." I have before me a number of these advertisements, which I hope the gentleman will not overlook when he comes to answer this argument. I want him to tell me what he thinks of that kind of practice and if it was any evidence of a fraudulent transaction in the public lands as a part of the business of those who engaged in sending these advertisements out.

I will insert some of these, omitting the names of the parties, for I do not care to give them the benefit of the advertisement:

Real estate and Government land agents.
All business before the United States Land Office correctly and promptly attended to. Relinquishments for sale. Town lots and city property for sale or rent. Special attention given to collections.
Richfield, Morton County, Kansas.
Contesting claims a specialty.

Land attorneys.
Locate settlers on Government land. Relinquishments always on hand. Contests a specialty. Correspondence solicited.

Come all, and come quick. We have deeded land and relinquishments so cheap it will make you smile. There are also a few pieces of Government land left, but will soon be gone. Come and see us.
Real estate, loan, insurance, and financial agents, Jetmore, Kans. Office on Main street.

Real estate agents, Gandy, Sherman County, Kansas.
School lands, deeded lands, homesteads, and timber entry.
Relinquishments bought and sold.
Refer to any of the banks in the Oberlin land district. Correspondence solicited.

The records at the Land Office show the methods by which these "relinquishments" are made available, and their fraudulent, speculative character.

Mr. Chairman, the method is this: the speculative entryman makes a "filing" on a tract: the books at the local office, of course, note the fact, and the land is technically "taken."

The law provides that when a "filing" on a homestead or pre-emption is "relinquished" at the local land office, the land shall thereupon be restored and become a part of the public domain. The "relinquishment" is executed, put into the hands of these agents (those named being all in the district of the gentleman from Kansas, Mr. PETERS) for sale, and the settler, if he gets the lands, must buy the speculative relinquishment, or enter a contest to defeat it; it is cheaper to buy, and he does so; takes the relinquishment to the local office, files it, thus releases the land, and then makes his as an original entry.

That is the method, and it is susceptible of easy proof at the General Land Office, that this practice, illegal and unlawful as it is, has assumed immense proportions.

Under the law, every entry for homestead or pre-emption must be *bona fide* for settlement by the entryman. These almost exclusively are for speculation, and to fleece the settler who really wants the land for a home.

I know it will be said that there are cases where *bona fide* settlers, because of illness, misfortune, &c., become discontented and desire to or are compelled to sell their settlement rights. True enough; but there are exceptional cases, and no one will pretend to assert that they are of sufficient volume to cause the conspicuous advertisements I present.

But to return. I do not know how it may be in the district directly represented by the gentleman who has spoken, for I know nothing except from the records; but this I do know, that the Commissioner of the General Land Office could not act efficiently or at all except upon reports made to him by the duly accredited agents of the Department. I do not see how he could otherwise act intelligently upon the questions. It is alleged—in fact it has never been denied—it is confessedly admitted that frauds in the public-land system exist everywhere. There is a dispute as to the degree in which these frauds are being carried on, but none as to the fact that they exist. The enthusiastic gentleman from Nebraska admits something of the kind. The gentleman from Minnesota, who has gone back into the matter of ancient history, admits that frauds are numerous under the public-land system; and I have no doubt it will be conceded by the gentleman from Kansas. How then is the Commissioner of the General Land Office to determine except by reports which go to him from duly accredited agents of the Department what he ought to do? These are part of the instructions given them so far as relates to this matter.

Circular of instructions to special agents.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 23, 1885.

SIR: Having been appointed a special agent of this office for the protection of the public lands from fraudulent or illegal entry or appropriation, you are instructed that your general duties will be as follows:

1. You will carefully, accurately, and thoroughly investigate every case of alleged fraudulent or illegal entry or appropriation of public lands referred to you by this office, or in any manner brought to your attention in the discharge of your official duties.

2. You will, in all cases, personally examine the land involved, taking pains in every instance to accurately and positively identify the tract, and to see and take the statements of claimants, if they can be found.

3. In the examination of alleged fraudulent homestead and pre-emption claims you will carefully note the character and condition of the land (when that is essential to your inquiry), and in all cases fully examine and note the nature, character, extent, condition, and value of all improvements, if any, thereon, and all the facts pertaining to settlement on, and inhabitancy of, the tract, or the want thereof.

4. You will make and preserve full and accurate notes in all cases investigated by you upon every point involved in the case, to enable you—

First. To report thereon, conclusively, to this office.

Second. To give your evidence, when necessary, before the register and receiver, or in proceedings in the courts.

Third. To give information or enter complaints in criminal actions.

5. You will also take the affidavits, when practicable, of parties giving you information, and of the witnesses whose evidence may be necessary in the case. When parties are unwilling to make affidavits, you will take their names and addresses and a note of the matters to which they will testify. But the affidavits of witnesses should be obtained in all cases, if possible.

6. When making investigations in an unsettled district, and in other cases when absolutely necessary, you will be authorized to employ a guide, surveyor, or other assistant, or, in extreme cases, assistants to aid you in finding and identifying the land, and in the procurement of testimony, or the service of notices. You will not, however, employ a surveyor without special authority from this office, unless in cases of emergency, when you will at once fully report the necessity for the service and the nature of the emergency.

7. The affidavits of your assistants to the facts found upon the investigation of any cases will be taken by you fully and in detail, and will be transmitted to this office with your report.

8. Where the land is uninhabited and unimproved, and in other well-established cases, your own report, and the affidavits of your assistants, when such are employed, may be sufficient for the purposes of cancellation or other action. But you will be careful to see that all requisite evidence is obtained and preserved, and that yourself and your assistants are fully prepared to give testimony in the case when required to do so.

9. In all cases when there are other witnesses whose testimony can be obtained you should secure their affidavits, as mentioned in paragraph 5.

10. As an officer of this Department, detailed to investigate frauds, you are authorized by section 183, United States Revised Statutes, to administer oaths and take affidavits in any matter pertaining to your official inquiries.

11. You will bear in mind—

First. That where homestead affidavits are made before a clerk of a court, and the party, or some member of his family, is not actually residing on the land at the time, and a *bona fide* improvement has not been made thereon, such entries are *prima facie* fraudulent.

Second. That where the affidavit is made before the local land officers, and residence is not established on the land within six months after date of entry, the entry is subject to forfeiture. Failure to establish residence as required also raises a presumption of fraud in the entry.

Third. That a pre-emption claim can be lawfully initiated only by actual settlement on the land, and that the filing of declaratory statement in the absence of a preceding *bona fide* settlement is illegal.

Fourth. That the filing of a soldier's declaratory statement, when the soldier has no intention to enter the land and actually reside upon it, is fraudulent, and that the procurement of powers of attorney to make such filings with an agreement or promise to sell the land filed upon is a fraud both upon the soldier and the Government. Filings by powers of attorney should be thoroughly inquired into.

Fifth. That commuted homestead entries made without actual residence upon and improvement and cultivation of the land for the prescribed period are fraudulent.

Sixth. That pre-emption and commuted homestead entries made in the interest of speculation or monopoly are an extensive and dangerous class of frauds and need to be closely watched and rigorously investigated.

Seventh. That homestead and pre-emption entries made on timber lands for the purpose of obtaining the timber, and not for the purpose of actual inhabitancy and cultivation, are fraudulent. You should discover the use made of the

timber in such cases, and the amount cut or removed, and trace the connection between the parties obtaining it and the parties to the fraudulent entries.

Eighth. That homestead and pre-emption entries made on known mineral lands are illegal and fraudulent. Fraudulent agricultural entries on coal and iron lands will be particularly investigated.

Ninth. That placer or other mineral entries made on non-mineral lands for the purpose of purchasing agricultural, timber, or other lands that are not subject to private entry, or for the purpose of controlling the water, or for other speculative objects, are fraudulent.

Tenth. That entries of timber lands in California, Nevada, Oregon, and Washington Territory, under the act of June 3, 1878 (30 Stat., 89), are fraudulent if made on land valuable for agriculture, or if made for the benefit of others than the entrymen, or otherwise in violation of the restrictions of the act.

Eleventh. That desert-land entries are fraudulent if made on lands not desert in character, or if made for speculative purposes, or in the interest of others than the entryman, or otherwise in violation of the restrictions of the act.

Twelfth. That timber-culture entries can be made only for the cultivation of trees, and not for speculation or relinquishment, and not for the benefit of any other person than the party making the entry. You will particularly investigate alleged fraudulent timber-culture entries and will direct special inquiry as to whether such entries have been made by the procurement of land agents or others.

Thirteenth. That speculative and collusive entries, and entries made by employés, or in the interest or by the procurement of others than the entryman, under any of the settlement or improvement laws of Congress, are fraudulent.

They are sworn to perform their duty; they go into the field under these instructions. They show nothing whatever with reference to the performance of his duty that should not be exacted from an agent intrusted with the performance of such duties as he is called upon to discharge; nothing that is secret about it; nothing that is nefarious or underhanded, but everything that is open.

These agents report, and have made the reports which were read here in the hearing of the House when the legislative bill was up for discussion showing the degree of the frauds and the manner in which they have been committed. They show the hiring of men by the month to make entries for their employers in fraud of the law; how they go on and build little shanties, 7 by 9, in order to comply with the provision of the law with regard to residence. In some cases they were only 4 by 6 feet. It is shown that they have slept on the land only six nights in six months. Affidavits which I have show with reference to the Tallant case, which has been heralded as a specimen of the harsh treatment which settlers receive, that one house he had was only 7 by 9, put up by a man in his employment; and he got 320 acres of the public land for his employer, who was holding a county office at the county seat.

I may as well notice this Tallant case here. I read in the RECORD the following, used in the Senate, as similar letters have been used here:

I have a letter in my hand, which I received this morning from the clerk of the district court in Dakota, a gentleman I do not know, but I will read his letter as a sample of the cases of which I personally know—cases in my State, as affecting the actions of special agents and the general action of the Department on the question of entries which have already been made. He writes me from Lakota, Dak. The printed heading, with the date, is as follows:

"[W. S. Tallant, clerk of the district court, Nelson County.]

"LAKOTA, DAK., *June* 18, 1886."

After a little introductory paragraph, which it is not necessary to read, the writer says:

"The special agents of the Land Office have been causing almost every settler here trouble and expense, which they can not afford, and not doing the Government any good. Now, I speak from personal knowledge when I say that I do not think that any part of the public domain has ever been proved up with better intent and a better compliance with the laws. Yet we are told that ninety-nine out of every hundred proofs made will be canceled.

"I can cite you my own case for one. I made a homestead entry on June 26, 1884, and moved on the land June 27, 1884, and made proof in October, 1885"—

Procured evidently in that case under what is called the commutation clause of the homestead law, which provides that a person who has made an entry under the homestead law may change his entry to a pre-emption entry at any time after six months, and instead of getting the land for nothing, as he otherwise would at the expiration of five years, by paying a dollar and a quarter an acre for it getting a final-entry certificate at the time he makes his payment and his proofs—

"having when I proved up 40 acres broken and cropped, and a good house thereon. Since that date I have built a barn that will cost me about $500, and have had the whole claim broken up and gotten ready for crop next year. I also have another claim which joins my homestead on the west, giving me 320 acres, all of which is now broken up and ready for crop, out of which I have in crop on the land this year about 170 acres, and have buildings on the land that altogether cost me nearly $2,000. Every cent that I have made for the last three years has gone on the place and I have refused at least half a dozen offers to sell at good figures.

"Now at this late day comes a special agent and says that he has reported my homestead for cancellation for the reason that I am not now living on the land.

"But I am keeping men there to work the place for me, and it is the only land that I own in the world, and I have had to undergo great hardships to get these claims and have acted in every way in good faith and intent.

"Yours, &c.,

"W. S. TALLANT."

As I said, this letter was used in the Senate the other day in perfect good faith, I am sure, as an illustration of the evils of the special-agent service.

I thought I would look up Mr. Tallant's case, and this is a sample of the proofs as to him—only a sample:

TERRITORY OF DAKOTA, *County of Grand Forks, ss:*

I, Joseph Hofer, being duly sworn, depose and say: That I made D. S. entry No. 7995, dated March 25, 1884, for the NW.¼ Sec. 13, Tp. 151, R. 62, Grand Forks series, and commuted the same to C. E. No. 10309, July 18, 1884; that I reside on and work for the Elk Valley Farming Company, 1¼ miles south of Larimore, and that my post-office address is Larimore, Grand Forks County, Dakota Territory.

That I am well acquainted with Walter S. Tallant, of Lakota, Nelson County, Dakota Territory; that on or about the 20th of October, 1882, said Tallant asked me if I would file on a claim and prove it up for him; if I would he would give me two hundred ($200) dollars. That I replied that I could not do it now, as I had not proved up on my homestead.

That I worked for said Tallant from May 24, 1882, to March 17, 1884, continuously at $20 per month; that in last-named month I made settlement with said Tallant for all the work I had done for him; that he paid me in cash in full of all demands.

That about the 2d of November, 1882, said Tallant instructed me to go to Tp. 151, R. 62 with him to assist in building several shanties, which I did. That during a conversation in March, 1884, Walter S. Tallant said to me: "Say, Joe, in this land matter we did not make any arrangement; you can do as you want with the land." That said Tallant told me to board with my brother, John Hofer; that he furnished my said brother with provisions for both of us.

That I mortgaged my said tract for $250, to whom I do not know, but think it was to Walter S. Tallant; that out of said amount I received nothing. That said Tallant is a notary public, and he transacted all the business in connection with my filing on and proving up my said tract, paying fees and for said land.

That I gave a second mortgage for $650, to whom I do not know; that I did not know what this second mortgage was for, and do not understand it now, as I did not owe said Tallant anything.

That I received three hundred ($300) dollars from said Tallant on condition that I would deed my said tract to him (Tallant) at the expiration of one year from making my said final proof.

That I first established my residence on said tract April 10, 1883, and resided continuously thereon until September 15, 1883; from last date to March 18, 1884, I slept in my brother John's house on the NE.¼ Sec. 14, 151—62; that I boarded with my said brother all the time that I resided on my said tract; that since March 18, 1884, I have visited my said tract only four times, to wit: April 17, May 8, June 17, 18, and 19, and July 3 and 4, 1884; a total of seven days.

That in April, 1883, Walter S. Tallant said to me that if my brother (John Hofer) would file on a claim for him (Tallant) he would give him (my said brother) $300; that I soon afterward told my brother what said Tallant had offered; that my brother said if it was all right he would do so; that he did so file on the E.½ NE.¼ NW.¼ of NE.¼ and NE.¼ of SE.¼ Sec. 14, Tp. 151 N., R. 62 W.

JOSEPH HOFER.

Subscribed and sworn to before me this 31st day of January, A. D. 1885.

TRAVIS RHODES,
Special Agent, General Land Office.

Witness:

JOHN HOFER.

TERRITORY OF DAKOTA, *County of Grand Forks, ss:*

I, John Hofer, being duly sworn, depose and say: That I reside on the NW.¼ Sec. 13, Tp. 150, R. 56, and that my post-office address is Larimore, Dak.; that I made D. S. No. 7993, dated March 25, 1884, for the E.½ NE.¼, NW.¼ of NE.¼ and NE.¼ of SE.¼ Sec. 14, Tp. 151, R. 62, and commuted the same to C. E. No. 10442 August 7, 1884.

That I am well acquainted with Walter S. Tallant, of Lakota, Nelson County, Dakota Territory; that I understood, through my brother, Joseph Hofer, as I could not at that time understand English, that I was to file on my said tract, prove it up, and after making said proof that I was to deed the same to Walter S. Tallant.

That said Tallant paid all expenses in connection with my filing on and proving up said tract; he also paid for and kept me supplied with provisions until I made my filing on said tract on the 25th of March, 1884; that I boarded my brother, Joseph Hofer, from the 16th of May, 1883, until March 18, 1884.

That I mortgaged my said tract to some one unknown to me for an amount unknown to me; that Walter S. Tallant, as a notary public, transacted all business in connection with my filing on and proving up my said tract; that after mortgaging said tract I received $300 from said Tallant.

That I first established my residence on said tract May 16, 1883; that I am married, and my family consists of wife and two children; that I resided on said tract from May 16, 1883, to March 18, 1884, continuously; that I have not resided on said tract since last-named date.

That my improvements consist of house, 7 by 14, 7 feet high, built of common lumber, shed roof, tar papered; value, $25; 40 acres breaking and backsetting at $5 per acre, $200; total value of improvements, $225.

That Walter S. Tallant paid for all of said improvements.

That a crop of oats was raised on said tract (40 acres) by said Tallant, who harvested and appropriated to his own use the proceeds thereof.

JOHN HOFER.

Subscribed and sworn to before me this 31st day of January, A. D. 1885,

TRAVIS RHODES,
Special Agent, General Land Office.

Witness:

JOSEPH HOFER.

TERRITORY OF DAKOTA, *County of Ramsey, ss:*

I, George W. Pierce, being duly sworn, depose and say: That I am the identical George W. Pierce who made D. S. entry No. 7992, dated March 25, 1884, for the SE.¼ Sec. 24, Tp. 151, R. 62, and commuted the same to C.E. No. 11239 January 3, 1885; that I reside on said tract, and that my post-office address is Jerusalem, Dak.

That I am well acquainted with Walter S. Tallant, of Lakota, Nelson County, Dakota Territory; that some time in March, 1883, I was in Walter S. Tallant's office, in Larimore, Dak., when he wanted to know of me how much I would charge him to break and backset one hundred acres of land in Tp. 151, R. 62; that I told him I would charge $500; that he then wished to hire me to come out here (151—62) and hold a claim for him (Tallant); he said he would give me $300 to hold one for him for six months; that I informed him that I would not do it, as I wanted my said claim for myself; that on my next trip home to said tract I lost one of my horses by death; that I returned to Larimore and informed Tallant of said loss, when he said that if I would hold said tract for him he would procure me another horse, and also agreed to pay all expenses in connection with holding and proving up my said tract, including provisions; that said Tallant did not carry out his part of said agreement, in that he did not furnish me anything whatever; but, on the contrary, said Tallant is still in my debt; that I paid all expenses in connection with my said tract.

That in July, 1883, I learned that I would be likely to get myself into trouble if I carried out said agreement, and from that time have ever since repudiated, and still repudiate, my contract or agreement to that effect.

That after proving up I mortgaged said tract to the Merchants' Bank, of Grand Forks, Dak., for $250. That I paid cash for my said land.

That in the aggregate my improvements are worth $174. That as yet I have raised no crop on said tract.

That I am married, my family consisting of my wife and self.

GEORGE W. PIERCE.

Subscribed and sworn to before me this 26th day of January, A. D. 1885.

TRAVIS RHODES,
Special Agent General Land Office.

Mr. Chairman, I have here, also, Mr. Tallant's own affidavit, a lengthy

paper, too long to print, as I think, but which I shall be glad to hand any one desiring to see it, in which he makes a showing, over his own signature, of his speculative entries—his employés making claims, he furnishing shanties 7 by 9 feet as residences—"taking parties out to locate" on their promise to sell to him, or mortgage, when they got title, &c., one of the parties being a Scandinavian girl, from the name, a domestic servant then and since, continuously, for whom he found a claim.

This is the party whose case, on this record, is held up as a specimen of the hardship of the order of April 3, 1885, simply because the Commissioner desired to examine the matter!

Now, with these things before him, what is the duty of the Commissioner of the Land Office? But before I come to that I have one remark to make. It is said, Mr. Chairman, that when the Commissioner of the General Land Office made his report here he had selected from the official reports which came to him those which were sent to him by his own satellites—I think the elegant and euphonious term of "sapsuckers" was used by the gentleman from Nebraska in reference to agents of the Government "who were sent out by Mr. Sparks to ride in palace cars and drink whisky at the public expense." These men, he said, had sent in their reports, and the most outrageous and exaggerated ones had been selected by Mr. Sparks to be embodied in his official report.

Now, let me be understood here in what I say. Every report which is embodied or cited in the report of the Commissioner of the General Land Office to this House as illustrative of the evils against the public land system was made by a Republican appointed by Senator Teller when he was Secretary of the Interior—every one of them! Not one of them had known Mr. Sparks officially when he reported. I repeat there is no partisan party question with reference to it. Sir, I hope, earnestly, the time may never come in my political experience—and I profess to be as good a Republican as any one sitting within the sound of my voice—I hope the time may never come in my experience in public life, and it never will, when I will fail to render justice to one of the opposite party when he is striving to do what he believes to be his duty as I believe General Sparks is trying to-day to do. I am in favor of doing justice to any man who is in his position. What is he? The gentleman from Minnesota says he is an honest man. Who ever denied it? Who has ever questioned the personal integrity of William A. J. Sparks? It is said he is an enthusiast. I agree to that; but his enthusiasm with reference to this question is in favor of the poor man of American citizenship who desires to receive from his country a home at the hands of the Government free of cost to himself and his family, as against speculators and land-grabbers. [Applause.]

When the gentleman from Minnesota asks me to go back to the realms of ancient history and examine what took place in the times of the Tudors, I say for myself as a member of the House of Representatives, and in view of what I know relative to the public land system, I prefer to deal with present experience rather than ancient history. What has General Sparks done? What is this order of his about which so much declamation is made here and which it is alleged is going to ruin the nation if it is carried into execution?

How many gentlemen within the sound of my voice have read it? How many of the men who have discussed this order and criticised General Sparks, can state what it is? Not one. I assert that these gentlemen can not repeat that order which they denounce. Now, I hold it in my hand. It is too long to read, but the substance of it is, and is only, that, in certain specified portions of this country, there shall be, for the present, a suspension of final action with reference to land patents. Whom does it harm? No vested right is taken from anybody. The gentleman from Minnesota [Mr. NELSON] used what I think is a very happy expression with reference to it. He said, gentlemen will remember, that Commissioner Sparks had placed this section of country in a kind of quarantine. I thank the gentleman for the word. It is a quarantine. When the small-pox appears in a neighborhood it is quarantined. Why? In order to protect healthy people outside and those who are free from disease within; and that is precisely what was done by Commissioner Sparks—that, and nothing else. It came to the knowledge of the executive officers of the Government that these frauds were being carried on in localities, and carried on to an extent which no man in this House would believe if told to him as a narrative; and he placed these localities in quarantine—that is it exactly—until the moral leprosy could be ascertained.

Who would believe, unless his attention was officially called to it, that corporations, syndicates, some of them foreign, without a dollar of domestic capital invested, had at one time 30,000,000 acres of the public lands fenced with barb-wire fences shutting out American citizens who were seeking homesteads, and that the arm of the nation was substantially paralyzed so far as any remedy was concerned? Who would believe it? And yet that is the fact. I hold in my hand a report from the Committee on Public Lands, which was the basis of the law which I had the honor to introduce, and which was passed and became a law, prohibiting these unlawful inclosures and providing a summary method for their destruction.

The facts are worth reproducing, that the magnitude of the evils these officials were called on to deal with may be appreciated, and we will not wonder that stones were cast at the offenders instead of grass.

This was from Secretary Teller:

The following localities, in addition to the counties above mentioned in the State of Nebraska, are referred to, namely:

Kingman, Pratt, Barbour, Butler, Harper, Comanche, and Lane Counties, Kansas; Billings County, Dakota; Cassia and Oneida Counties, Idaho; Carbon, Laramie, and Sweetwater Counties, Wyoming; Humboldt, Mendocino, and Plumas Counties, California; Madison, Meagher, Gallatin, and Yellowstone Counties, Montana; Sevier County, Utah; Colfax and Mora Counties, New Mexico; and Bent, Las Animas, Pueblo, Fremont, Park, El Paso, Weld, and La Plata Counties, Colorado.

Among the cases specially reported, additional to the Brighton Ranch, in Nebraska, are those of the Arkansas Valley Cattle Company, in Colorado, whose inclosures embrace upward of 1,000,000 acres; the Prairie Cattle Company (Scotch), in Colorado, upward of 1,000,000 acres; H. H. Metcalf, River Bend, Colorado, 200,000 acres; John W. Prowers, Colorado, 200,000 acres; McDaniel & Davis, Colorado, 75,000 acres; Routchler & Lamb, Colorado, 40,000 acres; J. W. Frank, Colorado, 40,000 acres; Garnett & Langford, Colorado, 30,000 acres; E. C. Tane, Colorado, 50,000 acres; Leivesy Brothers, Colorado, 150,000 acres; Vrooman & McFife, Colorado, 50,000 acres; Beatty Brothers, Colorado, 40,000 acres; Chick, Brown & Co., Colorado, 30,000 acres; Reynolds Cattle Company, Colorado, 50,000 acres; several other cases in Colorado embracing from 10,000 acres to 30,000 acres; Coe & Carter, Nebraska, 50 miles of fence; J. W. Wilson, Nebraska, 40 miles of fence; J. W. Bosler, 20 miles; William Humphrey, Nevada, 30 miles; Nelson & Son, Nevada, 22 miles; Kennebeck Ranch, Nebraska, from 20,000 to 50,000 acres. In Kansas entire counties are reported as fenced. In Wyoming 125 large cattle companies are reported having fencing on the public lands. Among the companies and persons reported as having "immense" or "very large" areas inclosed, but specific quantities not mentioned, are the Dubuque, Cimmaron, and Renello Cattle Companies, of New Mexico; the Carlisle Cattle Company (English), in Colorado; the Marquis de Morales, in Dakota; the Wyoming Cattle Company (Scotch), in Wyoming; the Rankin Live Stock Company, in Nebraska. Several companies and persons in Montana and elsewhere are mentioned as having inclosures with no data as to areas. A large number of cases in the several States and Territories west of the one hundredth meridian are reported where the inclosures range from 1,000 to 25,000 acres and upward.

The cases above referred to are to be regarded merely as indicative of the situation.

DEPARTMENT OF THE INTERIOR, *Washington, March* 3, 1884.

DEAR SIR: Referring to our conversation on the subject of foreign companies controlling inclosures of the public lands, I send you the inclosed memorandum, which I think contains the facts you wanted. The land described, with the exception of perhaps a few thousand acres, is all Government land.

Very respectfully yours,

H. M. TELLER, *Secretary.*

Hon. L. E. PAYSON, *House of Representatives.*

The Arkansas Cattle Company have fenced in the following-described public land in the States of Colorado and Kansas, namely:

Beginning on the north bank of the Arkansas River, on the line between Secs. 19 and 20, in T. 23 S., R. 41 W., and running a northerly direction to Sec. 20, in T. 15 S., R. 41 W.; thence a northwesterly direction to Sec. 20, in T. 15 S., R. 44 W.; thence a southwesterly direction to southeast corner of Sec. 35, in T. 15 S., R. 48 W.; thence a southerly direction to the northeast corner of T. 19 S., R. 48 W., and thence a southeasterly direction to the bank of the river in Sec. 26, T. 22 S., R. 46 W. of the sixth principal meridian. Also all that other tract or parcel of land being on the south side of the Arkansas River, in Bent County, Colorado, and bounded as follows, namely: Beginning on the south bank of the Arkansas River on the east line of T. 23 S., R. 42 W., and running south on said township line to the south line of said township; thence west along the south line of said township to the middle of Sec. 33 in said township, and thence north to the Arkansas River on the north line of Sec. 21, in said township.

There appears to be about forty townships, or 921,600 acres embraced in the inclosure.

On March 24, 1884, Secretary Teller sent to the House a supplemental report relative to unlawful fencing of public lands in the State of Nebraska. The report is a special one, made by United States Deputy Surveyor G. W. Fairchild. Mr. Fairchild says:

The whole country embraced in my contract (Northwestern Nebraska) is occupied and run by capitalists engaged in cattle-raising, who have hundreds of miles of wire fence constructed to inclose all desirable land, including watercourses, to form barriers for their cattle and to prevent settlers from occupying the land. They also represent that they have desert and timber claims upon the land they have inclosed. Upon their fences they have posted at intervals notices as follows: "The —— who opens this fence had better look out for his scalp." The fences are built often so as to inclose several sections in one stock ranch, and the ranches are joined together from the mountains clear round to the mountains again. Persons going there intending to settle are also informed that if they settle on the land the ranchmen will freeze them out; that they will not employ a man who settles on or claims land, and that he can not get employment from any cattle-men in the whole country.

Sir, some of the gentlemen who are now opposing the action of the Interior Department are the same gentlemen who upon this floor did everything they could to prevent the consideration of that bill.

Mr. PERKINS. Did the syndicates of which the gentleman speaks claim the land which they had fenced under any existing law?

Mr. PAYSON. They did not. They simply went on and fenced it.

Mr. PERKINS. Then of course their action was unlawful.

Mr. PETERS. And their fences were thrown down and the lands were opened to settlement.

Mr. PAYSON. Yes; but not until after that bill became a law, and they were threatened with indictment by the district attorney of the western district of Kansas.

Mr. LAIRD. I wish the gentleman would name one man on this floor who defended that land-grab.

Mr. PAYSON. I do not say that gentleman defended, but they threw obstructions in the way of the consideration of the bill which was designed to put an end to it. I could name some gentlemen, whose voices will be heard here to-day, who objected time after time when unanimous consent was asked to take up that bill.

Mr. PERKINS. The bill to remove trespassers on the public lands?

Mr. PAYSON. Yes, sir.

Mr. PERKINS. I would be glad to have the gentleman name one of them. I know that the gentleman from Nebraska and the gentle-

men of my delegation did all they could to favor the passage of that bill.

Mr. PAYSON. The members of the gentleman's delegation did not do so.

Mr. BUTTERWORTH. Do I understand the gentleman from Illinois [Mr. PAYSON] to say that there was no practical way of stopping these frauds of which he speaks without issuing the order which the Commissioner did issue?

Mr. PAYSON. No, sir; I did not say that.

Mr. RYAN. Will the gentleman from Illinois name any member who opposed the consideration of the bill of which he has been speaking?

Mr. PAYSON. Well, the gentleman who will follow me to-day is one [Mr. PETERS].

Mr. PERKINS. He can speak for himself.

Mr. RYAN. I only want to say that I was heartily in favor of that bill.

Mr. PERKINS. So was every member of our delegation.

Mr. PAYSON. Not by action.

Now, Mr. Chairman, I have stated the condition of things when Commissioner Sparks came into office. Proclamations had been issued on the subject, but nothing was done. For four years there were reports from the Committee on Public Lands of this House showing that these frauds were being committed, and that whole townships of agricultural lands were being taken up by public speculators. What was to be done. I was consulted with, with other members of the Committee on Public Lands, and it was thought best then to serve notice on the whole thieving crowd that a halt would be called, to say to them "You can go on in this way, making your entries by your hired men, building your houses 7 by 9, and moving them on wheels from one tract of land to another, you can go on with these performances to your heart's content, but those lands will never be patented in this Land Office. [Applause.]

As I have said, I was consulted as to the propriety of issuing the order which was issued by the Commissioner of the General Land Office, and I gave it my hearty concurrence, and all I regret is that, owing to the pressure brought to bear by men who were steeped to the lips in these transactions, the Secretary of the Interior was induced to rescind that order instead of keeping it in force and insisting upon its execution.

Mr. LAIRD. Will the gentleman yield for a question?

Mr. PAYSON. No, sir; I do not care to yield for a question. When I am through I will be glad to answer any question that may be asked me.

Mr. EZRA B. TAYLOR. I would like to ask the gentleman a question.

Mr. PAYSON. I am not willing to have my time consumed with questions which may only anticipate what I am going to say. When I am through I shall be pleased to answer any question that may be asked.

Mr. EZRA B. TAYLOR. Mine is a very simple question. It is this: Even if these great abuses did exist by what right does an executive officer of the Government suspend the laws of the land?

Mr. PAYSON. I will be glad to answer that before I get through. I am coming to that point.

Now, Mr. Chairman, it was stated when the legislative bill was under discussion that all this array of facts and figures had no other basis than the reports of these special agents, that no action had been taken in the Interior Department going to show that these charges were well founded, and one gentleman went so far as to say that if the facts were known the official conclusions of the officers of the Interior Department would show that there was no basis for the charges. I hold in my hand a letter written to me in response to inquiry which I addressed to the Commissioner of the General Land Office at that time, and I shall ask to have it inserted in the RECORD here.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 19, 1886.

DEAR SIR: In reply to your letter of the 16th instant I have to state that the records of this office will contradict any assertion that may be made to the effect that alleged frauds on the public domain rest wholly upon the unsupported reports of special agents, and show that such a statement is wholly without foundation.

Special agents are required (see paragraphs 5, 7, and 9 of circular of June 23, 1885, copy inclosed), to obtain and transmit with their reports the affidavits of parties cognizant of the facts, and this is habitually done. It frequently happens that parties cognizant of facts are afraid to volunteer testimony, and in some classes of cases there are no inhabitants on or near the land. But even with these drawbacks other testimony than that derived from the personal examination of agents is sent up with their reports in fully three-fourths of the whole number of cases examined and reported. Special agents are also instructed to take pains in every instance to see and obtain the statements of claimants if they can be found. (See paragraph 2 of inclosed circular.)

In many cases the agent furnishes the affidavits of the claimants themselves, in which they swear to their own and their associates' illegal and fraudulent acts. One agent alone within the last four or five months has transmitted to this office the affidavits of entrymen in eighty-three cases, in which they admit that they never saw the lands, and that they were hired by the agents of the speculators to make the entries.

In other cases the affidavits of the agents of the speculators are submitted with the reports, and there is hardly a case reported without giving the names of witnesses and a brief statement of what they will swear to in regard to the alleged fraud.

The evidence furnished by the agents or filed by individuals informing this office of frauds is generally of the best character and is often substantiated or in a measure supported by the records.

The claimants, however, are not deprived of the lands by this evidence without the privilege of a trial. On the report of an agent showing the fraud, the entry is held for cancellation, the party in interest being allowed sixty days after due notice within which to apply for a hearing. In the notice he is fully informed of the substance of the special agent's report and of the allegations against the entry and given full opportunity to controvert the charges and show the validity of the entry.

The records of this office show that many of these claimants, after being advised of the facts alleged against them, decline to make a defense.

Since August 1, 1885, five hundred and thirteen entries have been canceled upon reports of special agents showing fraud, after claimants were duly notified that they would be given the privilege of defending their entries and had declined to do so.

These are of the most flagrant and indefensible character of cases, and the default was made simply because the parties did not, in the face of the facts discovered, care to run the risk of being prosecuted for the perjury they would have to commit in order to sustain the entries. The peril of such a course was too great and the prospect of success too doubtful to be undertaken even by the boldest and most desperate violators of the law.

The number of cases reported by special agents from April 1, 1885, to March 31, 1886, is 2,606.

Cases examined in the General Land Office from April 1, 1885, to March 31, 1886, 2,591.

Indorsed no fraud or held for further examination, 368.

Action taken:

Conclusively (*a*) or *prima facia* (*b*) fraudulent.	
Canceled (*a*)	1,044
Held for cancellation or hearings ordered (*b*), &c	1,179
Total	2,223

It will be seen that out of the 2,591 cases reported and examined 2,223 have been shown to be fraudulent. Of the 368 suspended cases a large proportion have also been shown to be of such character as to require further investigation.

The foregoing does not include many hundreds of cases where entries have been canceled for fraud developed in contest proceedings between private individuals.

Hearings have been ordered in a considerable number of cases reported by the agents as fraudulent and the result of five hundred and fifteen of the hearings have been received since July 1, 1885.

Two hundred and seventy-four of these cases have been examined and passed upon, and the testimony taken in two hundred and sixty out of the two hundred and seventy-four confirms the correctness of the reports of the agents, and the entries were held for cancellation on the evidence adduced at the hearings.

A cursory examination of the remaining two hundred and forty-one cases shows that the percentage of cases in which the testimony taken at the trials sustains the agents' reports is fully as great as in the cases acted upon. It will thus be seen that the special agents' reports are generally sustained at a formal hearing in cases in which hearings have been had and acted upon during the period specified, and that these are the only cases in which the parties desired or were willing to attempt a defense of the entries.

In other cases they admit by their action that the reports were true; so that I can safely say that the reports alleging fraud in nineteen cases out of twenty are correct beyond question, and it is not to be assumed that the reports in the remaining twentieth are incorrect, but simply that the agents failed, through inability to secure attendance of witnesses or otherwise, to make out the case of the Government.

The parties who actually defend entries reported as fraudulent are quite uniformly purported assignees—frequently persons who procured the entries to be made—and every expedient known to violators of law is resorted to in order to defeat the Government at these hearings. Witnesses are often tampered with or intimidated. In the Estes Park cases in Colorado, where a large quantity of public land was fraudulently entered by the procurement of agents of the Earl of Dunraven, not a witness could be produced at day of hearing, although the testimony previously obtained by affidavits of numerous citizens was overwhelming in character. In Nebraska witnesses have been warned by "regulators," and in California not long since an important witness for the Government was murdered by employés of parties being proceeded against.

Every impediment is thrown in the way of the Government in attempting to discover and suppress frauds upon public lands, and obviously perjured testimony in favor of claims has constantly to be met with. Parties possessing great wealth and influence are engaged in these frauds, and all the inducements by which special agents are surrounded are adverse to, rather than in favor of, a vigorous discharge of their duties. Only men of high character and strong integrity can be employed in such service with any safety to the Government. The liability to which agents are subject is that of unduly favoring claimants, not that of improperly reporting against them. An agent may have much to lose by being faithful to the interests of the Government, since, if so faithful, he is liable to be attacked from very high and influential quarters. If he chooses to be dishonest he may have everything to gain by being unfaithful to the Government in the discharge of his duties, since violators of law are pretty apt to be willing to pay more for immunity than the Government pays for fidelity.

Special agents have no motive for reporting against meritorious cases, and there is absolutely no truth whatever in the contrary statements sometimes made.

Neither are entries held for cancellation on special agents' reports upon merely trifling grounds or for some technical failure of compliance with law. The cases in which such action is taken are those of flagrant fraud and violation of law, and the evidence is required to be of the most convincing character before action against the entries is proceeded with.

Your attention is called to my report to the Senate of May 6, 1886 (Executive Document No. 134), copy herewith, and also to pages 64 *et seq.* of my annual report.

In further compliance with your request I inclose a copy of memoranda handed Mr. COBB relative to circular of June 2, 1886, temporarily suspending preemption, timber culture, and desert-land entries. My report upon the Senate resolution on this subject has just been submitted to the honorable Secretary of the Interior for transmittal to the Senate. It is suggested that this report will be preferable to the memoranda hastily furnished Mr. COBB.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. L. E. PAYSON, *House of Representatives.*

The clamor is raised, too, that a new set of rulings is being made under this order at the Interior Department. This is best refuted and set at rest by the following letter, appearing on the files of the Land Office, explaining itself.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of recent date inclosing a letter addressed to you by William Coleman, of McCook, Nebr., asserting that "the action of the Hon. Mr. Sparks in his stopping the issue of patents has caused a wonderful amount of suffering this winter." You also allude to similar letters received by you from others and desire me to favor you with information for intelligent replies to these letters.

I have the honor to state that the case referred to by your correspondent is not affected by any order of suspension, and that this is the fact in respect to similar complaints of which I have heard. In the case mentioned the entry was made in 1885. The work of this office has for many years been at best between one and two years in arrears, and frequently longer. Entries are now being examined in regular course that were made in 1884. The order of suspension complained of affects, therefore, only entries made before that date which would not and could not be patented if there had been no suspension.

Another "hardship" alleged by your correspondent is that my rulings prevent settlers from selling or mortgaging their homestead and pre-emption claims. I beg to say that no rulings of mine prevent them from doing so. Nor have I changed any rulings upon that subject, but am simply following the laws and the decisions of the Supreme Court in the matter. It is not held by me, as alleged, that no deed or mortgage can be given until after patent. Undoubtedly a man can sell or mortgage anything he has, and can give to another just as good a title as he has himself—and no better. This is the ruling of the Supreme Court, and it is my ruling.

In Myers *vs.* Croft (13 Wall., 291) the court said that "the object of Congress was attained when the pre-emptor went with clean hands to the land office and proved up his right and paid the Government for his land," and that the pre-emptor was "free to sell his land after the entry, if at that time he was in good faith the owner of the land, and had done nothing inconsistent with the provisions of the law on the subject."

In this, as in all Federal and State decisions upon the subject, the primary proposition is that the entry shall be a good-faith entry, and the laws shall have been fully complied with. In such cases the transfer is good; not otherwise. Strenuous efforts have repeatedly been made to assert the doctrine that although a claim might be worthless while in the hands of the entryman, on account of his failure to comply with the law, or for other reasons, it may be strengthened and made a matter of absolute right by virtue of a transfer to a third party. Such doctrine is without foundation in legal principle, and has never been admitted by the courts or by this Department. "The purchaser takes no better claim for title than the entryman has to confer; and whatever right is thus acquired is subject to the subsequent action of the Land Department." (R. M. Chrisinger, 4 L. D., 247.)

In Root *vs.* Shields (1 Wool., 364) the court said:

"I think it pretty clear that some at least of these defendants purchased and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers, for a valuable consideration, without notice, in the sense in which the terms are employed in courts of equity."

It is the universal rule of law that purchasers of an equity take no better title than their grantor had to give. Persons purchasing before patent take only an equity, and this is settled law of which everybody had notice. If an entryman's claim is not good his transfer does not make it any better. This is the ruling of the courts followed by me.

If in advising the public through these rulings and decisions that entries must be valid in order to be confirmed, and if found invalid they can not be confirmed, and that I mean, as an administrator of the law, to find out whether they are valid or not, reminding purchasers and mortgagees that they must look to the foundation of their titles as in all other cases of land transactions between man and man, then a service and not an injury will be done to people who desire to be reasonably prudent and careful in their investments.

It is not believed that every honest settler who has taken up land for a home is suffering for an opportunity to mortgage it. If a man has taken up land on purpose to sell or mortgage it, he has made a fraudulent entry and has no right to impose his pretended title upon his fellow-citizens nor to prevent other men from getting the land from the Government without paying him a bonus for the privilege.

It is inconceivable that whole communities of farmers are anxious to mortgage their actual farms. Ordinarily where people live upon land as homes they want to keep them from the grasp of money-brokers and usurers as long as they can.

A particular case which your correspondent presents is the case of a man who, after an apparently doubtful "settlement" for six months and the most meager "improvements," wants to sell or mortgage his "asserted" home on the public lands in Nebraska for the most he can get and return to his actual home in some Eastern State. This is a very common case. I do not believe that the population of a State is increased by a settlement that is abandoned as soon as its temporary purpose is accomplished, nor that the wealth of the State is augmented by an influx of money that is immediately carried out of the State in this manner.

Another case is where a man made an entry, sold the land for $800, and the purchaser finds his title not good. The real hardship in this case is that an honest settler who wants to get a home upon the public lands is compelled to remain homeless or buy off a fictitious claim. This kind of hardship I am endeavoring to prevent.

The complaint of your correspondent is that of a loan agent. His letter shows such to be his business. There are very few complaints from entrymen on account of suspension of patents. In fact there are no complaints to this office by *bona fide* entrymen because of delay in the issue of patents. It is the experience of this office that *bona fide* entrymen are in no haste for their patents (thousands remaining in this and the local offices uncalled for). But the clamor for them comes from the procurers of fraudulent entries who want patents issued before falsity of the claims can be ascertained by the Government. Regular homestead entries are not suspended, but are being examined for patent as rapidly as possible. As a matter of fact I am now causing the issue of a greater number of patents per month than have ever before been issued from this office, and in so doing am causing to be issued to lawful claimants as fast as they can be ascertained.

The suspensions that have been made are chiefly pre-emption and commuted homestead cases, of which very few are now found upon investigation to be genuine. My predecessor for three years laid before Congress in his annual and special reports, the alarming prevalency of fraudulent entries of these classes. On assuming charge of this office I found reports from officers appointed under the late administration asserting as the general result of their examinations, experience, and information that a very small per cent. of such entries were valid, and that the public domain was being largely taken under cover of pretended settlement claims made for speculation, or in the interest of corporations and combinations of capitalists, foreign and domestic, who were acquiring title to public lands in vast bodies by fraud, bribery, and perjury. Under these circumstances I caused final action looking to the issue of patents on entries conditional upon settlement, improvement, and cultivation to be suspended in districts of country in which the evidence before this office is that such entries are so largely fraudulent.

In so doing I have exercised an authority which has always been exercised by the Land Department, and which was recognized as lawful and proper by President Jackson and by Attorney-General Butler as far back as 1836. (Laws, Opinions, and Instructions, 92; 3 Opinions Attorney-General, 93.)

These early instructions and opinions were given under laws existing prior to the act of July 4, 1836 (5 Statutes, 107), which act imposed upon the Commissioner of the General Land Office increased powers and duties of supervision and control over the sale and disposal of public lands.

My immediate predecessor suspended for two or three years certifying for the issue of patents on all lands in New Mexico, the greater portion of Colorado, and in certain classes of entries in various other States and Territories. Such suspensions have always been found a necessary act of administration to prevent illegal appropriations of the public domain, and it has never been found that hardship has resulted to *bona fide* claimants from such suspension.

There have been hardships imposed upon settlers under rulings and decisions of this office and Department in years past, especially in connection with Congressional grants for railroads and other causes. When this has occurred settlers have not been slow to make their complaints direct to the office. Any injustice or fancied injustice is at once followed by complaints. But actual settlers on public lands have not complained to this office of my action in suspending the issue of patents, or otherwise in respect to my rulings and decisions.

On the contrary, I have received many letters expressing the gratification of *bona fide* settlers because of my efforts to protect the public lands against fraudulent entries, which are justly regarded by them to be inimical to their interests no less than frauds upon the Government. It is the universal testimony of gentlemen of disinterested observation who have visited me that the body of the people in the land States and Territories approve my course.

It is equally the universal testimony that money-brokers, professional land locators and speculators, attorneys and managers of cattle corporations and timber syndicates, and the whole array of persons engaged in the promotion and procurement of illegal and fraudulent entries, or realizing the benefits thereof, are just as bitterly opposed to this course as *bona fide* settlers are heartily in favor of it. That multitudes of complaints have been poured in upon Senators and Representatives in Congress, purporting to be from settlers or from persons assuming to represent settlers, or pretending to speak in their behalf, I have reason to believe, and also have reason to know the motives by which such communications as a class have been inspired and the objects sought to be attained.

It was formerly a practice in this office to make cases "special" for patent; that is to say, to advance them out of their order at the instance of attorneys, backed frequently by political or official influence. Even suspended cases were thus taken up and patents procured in large numbers of cases. "Suspensions of patents" were not objected to as long as a way existed for getting cases through notwithstanding the suspension. On the contrary, the parties who now complain of "suspensions" were benefited by the former practice, for the ordinary attorney's fee of $25 for getting a patent upon an unsuspended case was immediately increased by a demand for $100 more as soon as a case was found in the suspended-list. Now, no honest settler can afford, nor does he need, to pay $100 or $25 or any other sum to hasten the issue of his patent. It is not surprising, therefore, that these expedited cases turn out to be fraudulent after patents have issued and it is too late to remedy the wrong by administrative action.

I found it necessary, as a matter of justice to all claimants not less than as a measure in the public interest, to refuse to make any case "special." That has been the fundamental grievance against my administration, of attorneys who thus found a profitable vocation cut off.

Again, my early rulings and decisions clearly indicated a purpose to hold land-grant railroad corporations to the line of the law, instead of permitting their agents and attorneys to continue control of the practice and policy of this office. In like manner it was seen that magnified claims under alleged Spanish and Mexican grants were likely to meet with a scrutiny they had never before received, and finally that all claims for public land would be judged by the laws, and compliance with law insisted upon, and that robbery of public lands should be prevented so far as I had power to that end.

As soon as this was made clear an organized movement was started in this city with a view of attempting to break down any reform in the administration of the Land Department and to restore the era of successful frauds, favoritism, and fees. Circulars were issued and sent broadcast to local attorneys and land and money brokers, laying out a plan of campaign and advising them to cause letters to be written to Senators and Representatives in Congress protesting against my action in suspending final action pending the issue of patents, and representing the hardships to settlers resulting from such action.

That the letters with which Senators have been deluged are the products of this inspiration there is no manner of doubt. Individual money-lenders who, in their eagerness to exact a rate of interest that no cultivator of the soil can pay and keep his land, having loaned money without looking to their security, or loan agents who to get their percentages on the investments of their principals have taken risks beyond the bounds of prudence or reason, may of their own motion have added to the volume of systematic complaints, but the general plan of operations, in which all having a similarity of interest could join, was marked out as above stated.

In attempting to stand by the landmarks of the law I was quite as well aware at the outset as now of the interested hostility that such course would evoke. I have not expected that the unlawful clutch of speculation could be loosened from the public lands without a struggle; nor that an aggressive domination, disastrous to present and prohibitive of future actual inhabitancy over half a continent, could be checked or controlled without encountering a determined resistance.

What is complained of, Mr. Senator, to yourself and others is in reality, in my opinion, that, as an officer charged with the administration of the law, I have regarded it my duty to certify for patents to issue to those entrymen only who have made *bona fide* entries and have complied with the conditions prescribed by law as conditions-precedent to entitle them to have patents, and that, to the extent of my official responsibility and the means which Congress provides, I am endeavoring to prevent the consummation of frauds upon the public domain.

The letter of your correspondent is herewith returned.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. CHARLES F. MANDERSON,
United States Senate.

Before the gentleman from Kansas proceeds I wish only to say in reply to my friend from Ohio [Mr. EZRA B. TAYLOR] that from 1834 down to the present day the power of the Commissioner of the General Land Office and the Secretary of the Interior to investigate frauds and refuse patents after final certificate has never been questioned in the Interior Department. I have the authorities here at hand.

I deny the doctrine asserted here that the final certificate is title. I deny that the Commissioner is only a mere clerk to ratify the finding of the register, and I assert that until the patent issues the power resides in the Department to inquire into alleged fraud and when it is proven to deny the patent, and I cite some of the many cases on the question, all, except one by Judge Deady of one of the courts in Oregon, to the same purport.

The practice has been uniform in the Interior Department, as I have said.

Mr. Attorney-General Butler in 1834 gave an opinion (3 Op. A. G., 93), the substance of which is that the local land officers act in a quasi-judicial capacity in determining the questions of fact on which the final certificate issues, but the issuing of patents, however, depends on the Commissioner, who may suspend them where the decisions of the local officers were obtained by fraud or founded on material errors of fact or law.

This has been followed without exception to this date, notable cases being the Charlemagne town case, decided on review by Mr. Secretary Teller February 20, 1884 (Decisions, volume 2, page 780); the Cogswell case (volume 3, Decisions), July 21, 1884, by Secretary Teller, and the Chrisinger case, by Mr. Secretary Lamar, January 25, 1886.

And in the courts the authorities are numerous that not only has the Department the power to investigate after final certificate, but the purchaser from the entryman takes no better title than the entryman has.

I call attention to a collection of cases on the question in a letter of the Commissioner in the RECORD of June 22 instant.

The questions are: First, that the action of the register and receiver is conclusive except in case of fraud; second, that the assignment of an entry before patent estops an inquiry into the validity of the claim even in case of fraud; and third, that an entry of public lands can be set aside for cause only by the judicial courts.

These propositions have been advanced in scores of cases before the Supreme Court of the United States and the supreme courts of the several States, and have as repeatedly been denied.

The propositions that the transfer of a claim adds anything to its efficacy against the United States, or that a certificate of purchase is in the nature of an investiture of title, or that the purchaser of an entry before patent is in any legal sense an innocent purchaser, are refuted by decisions hereinbefore cited. Many others might be referred to.

In Irvine *vs.* Marshall (20 How., 555) it was held that although a certificate may be the subject of bargain and sale, yet the United States can take care that conveyance shall be to him who is in good faith its vendee, and the court said:

> The reception of the certificate of purchase as evidence of title may be regular and convenient as a rule of business, but it has not been anywhere established as conclusive evidence, much less has it been adjudged to forbid or exclude proofs of the real and just rights of claimants.

A mere declaration in writing by a vendor that the vendee has paid the purchase-price of land, and that he intends to give him a deed, is not a document purporting to convey title. (Osterman *vs.* Baldwin, 6 Wall., 116.)

Legal title does not pass by contract of purchase without deed, and one who holds or claims by contract only is not protected as a *bona fide* purchaser for value. (Boone *vs.* Chiles, 10 Pet., 177.)

It will not do for a purchaser to close his eyes to facts which are open to his investigation for the exercise of that diligence which the law imposes. Such purchasers are not protected. (Boush *vs.* Wall, 15 Pet., 111.)

Purchasers by quitclaim deed even are not regarded as *bona fide* purchasers without notice. (Oliver *vs.* Piatt, 3 How., 333; May *vs.* Le Claire, 11 Wall., 217; Dickerson *vs.* Colegrove, 100 U. S., 578.)

Party without title can not acquire it by payment of taxes on land. (Homestead Co. *vs.* Valley R. R., 17 Wall., 153.)

A purchaser of land must look to every part of the title which is essential to its validity. (Brush *vs.* Ware, 15 Pet., 112.)

States have no power to declare certificates of purchase of equal dignity with a patent. (Bagnell *vs.* Broderick, 13 Pet., 436.)

If, before patent issues, the Land Department finds the entry erroneous it may treat the assignment as void, and, notwithstanding it, set the entry aside. (Franklin *vs.* Kelley, 2 Nebr., 78.)

> The act of 1841 provides that the entry shall be made with the register of the Land Office. The acts organizing the Land Department of the Government provide that the action of the register shall be subject to revision and supervision by the Commissioner of the General Land Office; and entry with the register is dependent upon the approval of his superior, so far as the course and order of the business go; and, without the affirmative action of the Commissioner, the patents issue. It would be a great evil if a party claiming a pre-emption right could, as soon as his entry was made, convey the land to a third party, and thereby prevent the Commissioner from re-examining and disapproving the entry if it was erroneously allowed. Such course would expose the Government to serious loss, and pervert a statute conceived in a wise policy and a generous spirit into a means of perpetrating the greatest frauds. This is the mischief aimed at. The object was to protect the Government, and in this view the language—that the right secured by the act should not be assigned—is apt. As between the claimant and the Government, his interest is a right merely until the patent issues. It is subject to reinvestigation and, on inquiry, to be disregarded by the Department. Until the patent issues, it is treated by the Government not as a title but as a right or a claim of right.
>
> I admit that if an entry under the act is made with the register, and the Commissioner finds that it was illegally allowed, as, for instance, if the entry is upon lands not subject to pre-emption, and he sets it aside, a conveyance intermediate the entry and the official act of vacating it would be void. Such a conveyance would be within the mischief. But if a valid entry be made, and a patent issued upon it, a conveyance intermediate those two acts would not be within the mischief. The issue of the patent is a confirmation of the entry; it relates back to it, and takes effect from it. (Astrom *vs.* Hammond, 3 McLean, 107.)

The courts have often ruled that where the right to a patent has once become vested in a purchaser of public lands it is equivalent, so far as the Government is concerned, to a patent issued. (Stark *vs.* Starrs, 6 Wall., 402; Simmons *vs.* Wagner, 101 U. S., 260.) But none of these decisions hold that the certificate and receipt of the register and receiver is conclusive evidence that a right has vested, nor that a patent is not necessary for the conveyance of the legal title. In Myers *vs.* Croft (13 Wall., 291), the court says that the pre-emptor could sell after entry if he came up and made his proof and payment "with clean hands." But he must be in good faith the owner of the land and have "done nothing inconsistent with the provisions of the law on the subject."

The validity of a conveyance depends upon the validity of the entry, and that is always a proper subject of inquiry by the Land Department at any time before patent issues, and by the courts in a proper proceeding afterward.

In the case of Harkness *vs.* Underhill (1 Black., 316), counsel for plaintiff urged that—

> The register and receiver having sold the land to Waters in conformity with the instructions of the Commissioner of the General Land Office had no further power or jurisdiction over it. Neither had the Commissioner of the General Land Office power to set aside the sale even for fraud. This could only be done by judicial authority.

Counsel for defendant in reply cited the language of the supreme court of Missouri (in Green *vs.* Hill, 9 Mo., 322):

> It is the duty of the Commissioner of the General Land Office to revise the proceedings of the register and receiver and vacate entries which may have been illegally made, and thereby arrest the completion of a title originating in fraud, mistake, or violation of law. And to the same effect: Perry *vs.* O'Hanlon, 11 Mo., 585; Huntsucker *vs.* Clark, 12 Mo., 333; Nelson *vs.* Simms, 23 Miss., 383; Glen *vs.* Thistle, 23 Minn., 42; Mitchell *vs.* Cobb, 13 Ala., 137; Dickinson *vs.* Brown, 9 Smeade & Marshall, 130; Gray *vs.* McCance, 4 Ill.

The court (Mr. Justice Catron) said: "The question is again raised whether this entry having been allowed by the register and receiver could be set aside by the Commissioner.

> This question has several times been raised and decided in this court upholding the Commissioner's powers. (Garland *vs.* Winn, 20 How., 8; Lytle *vs.* The State of Arkansas, 22 How.)

In Barnard *vs.* Ashley (18 How., 43), the court said that the power of supervision by the Commissioner of the General Land Office "is exercised by virtue of the act of July 4, 1836, which provides 'that from and after the passage of this act the executive duties now prescribed, or which may hereafter be prescribed by law appertaining to the survey and sale of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all grants of land under the authority of the Government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land Office, under the direction of the President of the United States.'

> The necessity of "supervision and control," vested in the Commissioner acting under the direction of the President, is too manifest to require comment, further than to say that the facts found in this record show that nothing is more easily done than apparently to establish, by *ex parte* affidavits, cultivation and possession of particular quarter-sections of lands, when the fact is untrue. That the act of 1836 modifies the powers of registers and receivers to the extent of the Commissioner's action in the instance before us, we hold to be true. But if the construction of the act of 1836 to this effect were doubtful, the practice under it for nearly twenty years could not be disturbed without manifest impropriety.
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> The case relied on, of Wilcox *vs.* Jackson (13 Pet., 511) was an ejectment suit, commenced in February, 1836; and as to the acts of the register and receiver, in allowing the entry in that case, the Commissioner had no power of supervision, such as was given him by act of July 4, 1836, after the case was in court.
>
> In the next case (9 How., 333) all the controverted facts on which both sides relied had transpired and were concluded before the act of July 4, 1836, was passed; and therefore its construction, as regards the Commissioner's powers under the act of 1836, was not involved. Whereas, in the case under consideration, the additional proceedings were had before the register and receiver in 1837, and were subject to the new powers conferred on the Commissioner.
>
> In Vaquire *vs.* Tyler (1 Black, 195) the court recognized and affirmed the "plenary powers conferred upon the Commissioner by the act of July 4, 1836," and said that the power of the Secretary of the Interior under the act of March 3, 1849, to revise on appeal is "necessarily coextensive with the powers to adjudge by the Commissioner."

In Shepley *vs.* Cowan (91 U. S., 340), the court say:

> The officers of the Land Department are specially designated by law to receive, consider, and pass upon proofs presented with respect to settlement upon the public lands with a view to secure the rights of pre-emption. If they err in the construction of the law applicable to any case, or if fraud is practiced upon them, or they themselves are chargeable with fraudulent practices, their rulings may be reviewed and annulled by the courts when a controversy arises between private parties founded upon their decisions.

In Marquiz *vs.* Frisbie (101 United States, 475) the court say:

> We have repeatedly held that the courts will not interfere with the officers of the Government while in the discharge of their duties in disposing of the public lands, either by injunction or mandamus. (Litchfield *vs.* Register and Receiver, 9 Wool., 552; Gaines *vs.* Thompson, 7 *Id.*, 347; The Secretary *vs.* McGarrahan, 9 *Id.*, 289.)
>
> After the United States has parted with its title and the individual has become vested with it, the equities subject to which he holds it may be enforced, but not before. (Johnson *vs.* Towsley, 13 *Id.*, 72; Shepley *vs.* Cowan, 91 U. S., 330.)
>
> We did not deny the right of the courts to deal with the possession of the land prior to the issue of the patent or to enforce contracts between the parties concerning the land. But it is impossible thus to transfer a title which is yet in the United States.

In The United States *vs.* Schurz (102 United States, 395) the court say:

> The Constitution of the United States declares that Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. Under this provision the sale of the public lands was placed by statute under the control of the Secretary of the Interior. To aid him in the performance of this duty a bureau was created, at the head of which is the Commissioner of the General Land

Office with several subordinates. To them, as a special tribunal, Congress confided the executing of the laws which regulate the surveying, the selling, and the general care of these lands.

Congress has also enacted a system of laws by which "rights to these lands may be acquired and the title of the Government conveyed to the citizens. This court has with a strong hand upheld the doctrine that so long as the legal title of these lands remained in the United States, and the proceedings for acquiring it were as yet *infieri*, the courts would not interfere to control the exercise of the power vested in their tribunal. To that doctrine we still adhere.

And again (*Id.*, 411):

The question whether any particular tract belonging to the Government was open to sale, pre-emption, or homestead right is in every instance a question of law as applied to the facts for the determination of those officers.

In Quinby *vs.* Cowlan (104 U. S., 420) the court say:

The laws of the United States prescribe with particularity the manner in which portions of public domain may be acquired by settlers. They require personal settlement upon the lands desired and their inhabitation and improvement, and a declaration of the settler's acts and purposes to be made in the proper office of the district within a limited time after the public surveys have been extended over the lands. By them a land department has been created to supervise all the various steps required for the acquisition of the title of the Government. Its officers are required to receive, consider, and pass upon the proofs furnished as to the alleged settlements upon the lands, and their improvement when pre-emption rights are claimed, and, in case of conflicting claims to the same tract, to hear the contesting parties.

The proofs offered in compliance with the law are to be presented, in the first instance, to the officers of the district where the land is situated, and from their decision an appeal lies to the Commissioner of the General Land Office, and from him to the Secretary of the Interior. For mere errors of judgment as to the weight of evidence on these subjects by any of the subordinate officers the only remedy is by an appeal to his superior of the Department. The courts can not exercise any direct appellate jurisdiction over the rulings of those officers or of their superior in the Department in such matters, nor can they reverse or correct them in a collateral proceeding between private parties.

In this case, the allegation that false and fraudulent representations as to the settlement of the plaintiff were made to the officers of the Land Department is negatived by the finding of the court. It would lead to endless litigation and be fruitful of evil if a supervisory power were vested in the courts over the action of the numerous officers of the Land Department on the mere questions of fact presented for their determination. It is only when those officers have misconstrued the law applicable to the case as established before the Department, and thus have denied to parties rights which, upon a correct construction, would have been conceded to them, or where misrepresentations and fraud have been practiced necessarily affecting their judgment, that the courts can in a proper proceeding interfere and refuse to give effect to their action. On this subject we have repeatedly and with emphasis expressed our opinion, and the matter should be deemed settled. (Johnson *vs.* Towsley, 13 Wall., 72; Shepley *vs.* Cowan, 91 U. S., 330-340; Moore *vs.* Robbins, 96 *Ibid.*, 530.)

The doctrine applicable to the conclusive character of the solemn judgments of courts, with full jurisdiction over the parties, and the subject-matter, made after appearance, pleading, and contest by parties on both sides, can not be properly applied to the proceedings of the land office, where no issue is taken, no adversary proceedings had, no contest made, and the land officers act only on such evidence as claimant presents, with no means of controverting its truth. (United States Minor, 114 United States, 243.)

The quasi-judicial nature of the functions of land officers has reference only to cases in which individuals have, as against each other, contested the right to a patent before them. (*Id.*)

Where a patent has been obtained through mistake or by fraud and perjury, and there are no innocent holders for value, the legal title conveyed by the patent may be set aside in a court of equity. (*Id.*)

The principles settled by the courts are that the action of registers and receivers in admitting an entry of public lands is not conclusive, but is subject to review by the superior officers of the Land Department, by appeal in cases of contest between private parties, and as a matter of executive supervision in cases not of individual contest; that the latter are cases between the Government and the entryman alone; that assignees before patent have no standing as innocent purchasers; that until patent issues on public-land entries the legal title to the land remains in the United States; that the Commissioner of the General Land Office may reject and cancel unpatented entries for illegality and fraud; that this is necessarily an act of executive jurisdiction; that the duties of supervising the disposal of public lands are executive duties and are not the subject of judicial interference; that the question of passing the title of the United States upon an entry of public lands under the public-land law is essentially a question of executive and not of judicial determination; that the point where the jurisdiction of the courts begin is the point at which executive jurisdiction ceases, namely, after patent has been issued, when, in a proper proceeding, the courts may intervene to correct the errors of executive action; and that it is only after the conveyance of legal title by patent that purchasers for value are protected by the courts.

I do not intend to go into an argument as to the legality of the recent order temporarily suspending certain classes of entries pending the proposed legislation repealing the pre-emption laws. My colleague on the committee [Mr. COBB] has announced his intention of printing in the RECORD Senate Ex. Doc. 170, which shows a long line of precedents, running back for over fifty years, of suspending the right of purchase or entry of public lands for a limited time in anticipation of legislation proposed and pending.

Not, as the gentleman from Maine [Mr. NELSON] assumes in his remarks, for railroad purposes, after a map of definite location of the road was filed in the Department. Not at all; most of the cases referred to were in advance of legislation, and all before any map of definite location was filed. The gentleman's argument is based on an entire misapprehension of the facts, for the purpose of giving the corporations to be benefited the fullest advantage of all the public lands.

I read a few extracts from that document:

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 2, 1886.

To registers and receivers United States land offices:

GENTLEMEN: The repeal of the pre-emption, timber-culture, and desert-land laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications or entry under said laws during said time.

WM. A. J. SPARKS, *Commissioner.*

Approved.

L. Q. C. LAMAR, *Secretary.*

I have the honor to state that a circular of which the foregoing is a copy was issued from this office with the approval of the Secretary of the Interior on the 2d instant.

The authority to issue such circular was founded upon precedents, deemed to be sufficient, of more than forty years' standing, sanctioned by judicial decisions and by Congressional recognition.

The legislative authority upon which these precedents were established appears to have been drawn from the general powers of supervision and administration conferred upon the executive department (act of April, 1812, 2 Statutes, 716; July 4, 1836, 5 Statutes, 107; 3 March, 1849, 9 Statutes, 395; Revised Statutes, sections 441, 452), and upon the special recognition of the power of the President to create reservations of public lands found in the pre-emption act of 1841 and similar acts.

The following are among the leading decisions of the Supreme Court of the United States in which the authority of the President to reserve public lands from entry has been affirmed, the acts of the officers of the Land Department in this respect recognized as the acts of the President, and the legal effect of such reservations upheld.

In 1827, in the case of Chotard *vs.* Pope (12 Wheat., 586), the court said:

"An authority 'to enter' a certain quantity of land does not authorize a location on lands previously appropriated or withdrawn from the lands offered for sale."

In McConnell *vs.* Trustees (12 Wheat., 582), the court recognized "the reasonableness of reserving a public spring for public uses."

In Kissell *vs.* Saint Louis, an entry was held invalid because the land had been "reserved from sale" by officers of the Land Department. (18 How., 19.)

At the request of the Secretary of War, the Commissioner of the General Land Office in 1824 colored and marked upon a map a section of land as reserved for military purposes and directed it to be reserved from sale for those purposes. In the case of Wilcox *vs.* Jackson (13 Pet., 513), involving this land, the Supreme Court reciting the foregoing said:

"We consider this, too, as having been done by authority of law, for among other provisions in the act of 1830 all lands are exempted from pre-emption which are reserved from sale by order of the President. Now, although the immediate agent in requiring this reservation was the Secretary of War, yet we feel justified in presuming that it was done by the approbation and direction of the President. The President speaks and acts through the heads of the several Departments in relation to subjects which appertain to their respective duties. Both military posts and Indian affairs, including agencies, belong to the War Department. Hence we consider the act of the War Department in requiring this reservation to be made as being in legal contemplation the act of the President; and, consequently, that the reservation thus made was, in legal effect, a reservation made by order of the President, within the terms of the act of Congress."

In the pre-emption act of 1830 it is provided that the right of pre-emption contemplated by the act shall not extend "to any land which is reserved from sale by act of Congress or by order of the President." In the pre-emption act of 1841 (section 2258 Revised Statutes), it is provided that "lands included in any reservation by any treaty, law, or proclamation of the President of the United States" shall not be subject to entry under the act. The act of 1853, extending the pre-emption laws to California, excepted from their operation lands "reserved by competent authority."

In Grisar *vs.* McDowell (6 Wall., 381), the Supreme Court, construing the foregoing acts, say:

"The provisions in the acts of 1830 and 1841 show very clearly that by 'competent authority' is meant the authority of the President and officers acting under his direction."

And the court further said in this case "that it was of no consequence to the plaintiff whether or not the President possessed sufficient authority to make the reservation." It was enough that the title remained in the United States. A legal entry could not be made while the lands were in the reserved condition.

In 1846 Congress made a grant of lands for the improvement of the Des Moines River below the Raccoon Fork. This grant was constructively held by the Commissioner of the General Land Office and the Secretary of the Interior to apply to lands above the Fork, and lands above the Fork, amounting to upward of 270,000 acres, were, on June 1, 1849, withdrawn from sale and entry by this office for the benefit of the river grant. It was afterward held by the Supreme Court that there was no grant above Raccoon Fork But under the excepting provisions of an act making a railroad grant, subsequent to the river grant, which subsequent act declared that lands reserved to the United States in any manner by competent authority, for any purpose whatever, should be reserved from the operation of the act, the courts have steadily held that lands so reserved by the Land Department for river improvement purposes, although under an erroneous construction of the law, did not pass with the railroad grant, and have also held that the withdrawal was an inhibition against settlement and pre-emption rights. (Wolcott *vs.* Des Moines, 5 Wall., 681; Homestead Co. *vs.* Valley R. R., 17 Wall., 153; Wolsey *vs.* Chapman, 101 U. S., 755; Dubuque and Sioux City R. R. Co. *vs.* Des Moines Valley R. R. Co., 109 U. S., 329.)

And in Wolsey *vs.* Chapman it was specifically held that an order of reservation sent out from the appropriate Executive Department in the regular course of business is the legal equivalent of the President's own order to the same effect, and is therefore such a proclamation by the President reserving land from sale as the law contemplates. (P. 770.)

The foregoing decisions recognise the abstract right of the Executive Department to withhold lands from entry and thus to suspend the operation of the public-land laws to the extent of such withdrawals. Necessarily specific cases are treated of in these decisions because specific cases were before the court, but the court affirmed in these cases a general principle which it applied to the particular cases decided. This was the right of the Executive to reserve lands from entry. Given the right of suspension, the only question that remains is that of the necessity or expediency of its exercise—the question of propriety. The extent of suspensions may be considered in connection with the question of expediency or propriety, but does not enter into a discussion of the question of abstract right. Neither does the occasion for suspensions—the reasons why they are made—touch the fundamental question of the right to make suspensions.

If a suspension of public-land entries, wholly or in part, in executive discretion, is lawful for one cause deemed sufficient by the executive authority, it is equally lawful for another cause deemed equally sufficient. It is the judgment of the Executive that determines the sufficiency in either case, and in either case the question whether the occasion is sufficient or not is one affecting the responsibility of executive officers in the exercise of their powers, and not a question of the power itself. Conceding the right to withdraw, or withhold from entry, one section of land, or any subdivision of a section as a matter incident to administrative supervision and control, the right to withhold any larger area is equally admitted. It can not be said that a suspension of entries is authorized for a limited quantity of land, but not authorized for a larger quantity; that it may be made for one locality and not for another; for a part of one State or Ter-

ritory and not for the whole State or Territory; or that it may be made for a portion of the public lands and not for all of them. It is a question of principle, and not a question of the extent to which the principle shall be applied. Indeed, a suspension confined to certain localities and in favor of particular interests is a far more dangerous exercise of the power of suspension than one operating generally. In the former case a latitude of discretion is opened which may be abused for the promotion of favorite interests or the accomplishment of particular purposes not of general or public import. In the other case there is a uniformity through which all interests are affected alike, and such general suspension can be founded only upon public considerations.

Among the precedents relied upon as authority for the circular named the following are cited:

On March 3, 1883, Congress passed an act exempting the public lands in the State of Alabama from the operation of the mineral laws, and providing for the sale of lands previously reported as mineral, and for the disposal under agricultural laws of unsold lands of that character after an offering at public sale.

The operation of this act, so far as relates to sales and entries of lands previously reported as mineral, has been in suspension up to the present date in anticipation, as I am advised, of amendatory legislation. On two occasions (one under the previous and one under the present administration) executive proclamations have been issued carrying the act into effect, and in each instance the President has revoked the same.

As early as September 28, 1828, Commissioner Graham, by direction of the President, instructed the register of the land office at Piqua, Ohio, to reserve from sale the lands along and within 5 miles of what was supposed would be the route of the canal from Dayton to Lake Erie, in aid of the construction of which a grant of land had been made to the State of Ohio by act of Congress approved May 24, 1828. This reservation embraced about 500,000 acres.

On April 11, 1844, the Commissioner of this office (Thomas H. Blake), by direction of the Secretary of the Treasury, instructed the proper district land officers in Wisconsin to withdraw from sale or entry for any purpose whatever all the vacant lands, surveyed and unsurveyed, situated within 2 miles of the Fox and Wisconsin Rivers, in anticipation of a proposed grant by Congress to the State of Wisconsin to aid in the improvement of the navigation of said rivers.

The Congress then in session having failed to make the proposed grant, the withdrawal was revoked by this office under instructions from the Secretary of the Treasury dated July 14, 1845, having been in force for more than a year. This withdrawal covered about 500,000 acres.

During the years 1853 and 1854 a great quantity of land was withdrawn from sale or entry (except for valid pre-emption claims) by the Commissioner of this office, "by order of the President," "issued on the representations and at the solicitations of members of both Houses of Congress," in anticipation of grants being made to aid in the construction of certain proposed railroads. The lands so withdrawn were situated in ten States and thirty-four land districts, and amounted to about 31,000,000 acres, according to Commissioner Wilson's report for 1854, as follows:

"At the instance of many members of Congress and others, about 31,000,000 of acres in several of the land States had been withdrawn from the market in anticipation of grants for railroad and other internal improvements. As such grants were not made, it was deemed expedient to restore these masses of lands to market, especially in view of the passage of the bill graduating the price of the public lands, and this has been done, except where the reservation was for a fixed period, or grants have already been made." (Land Office Report, 1854, page 6.)

Congress having failed to make the proposed grants, the lands were restored to market, by order of the President, during the months of October, November, and December, 1854.

In anticipation of a grant to the State of Iowa to aid in the construction of four railroads in that State, Commissioner Hendricks, on May 10, 1856, issued telegraphic instructions to the registers and receivers for the six land districts in said State, withdrawing from sale or location all lands south of the line between townships 91 and 92, comprising about two-thirds of the entire State. The act making the grant did not receive the signature of the President until May 15, 1856.

During the year 1856, in anticipation of railroad grants to the States of Louisiana, Michigan, Wisconsin, and Mississippi, the Commissioner of the General Land Office issued telegraphic instructions to the local officers of twenty land districts in said States suspending from sale and location large bodies of land, as follows:

State.	Order of suspension.	Date of grant.
Louisiana	May 31, 1856	June 3, 1856
Michigan	May 30, 1856	June 3, 1856
Wisconsin	May 29, 1856	June 3, 1856
Mississippi	Aug. 9, 1856	Aug. 11, 1856

The lands thus withdrawn in anticipation of proposed grants amounted to at least 50,000,000 acres exclusive of lands previously appropriated.

During the same year railroad grants were made to the States of Florida and Alabama, and in 1857 grants for several roads were made to the Territory of Minnesota. Long before any of the roads provided for in said grants had been located, and consequently before any right to any particular lands under the grants had vested in the States, the Commissioner of the General Land Office issued directions to the local officers of nineteen land districts in said States and Territories suspending the sale and location of all lands within what was supposed would be the limits of the several grants, amounting to more than 28,000,000 acres, exclusive of lands previously appropriated, as follows:

State.	Date of grant.	Order of suspension.
Florida	May 17, 1856	May 17, 1856 May 23, 1856 June 9, 1856 July 8, 1856 Sept. 6, 1856
Alabama	May 17, 1856	May 17, 1856
Do	June 3, 1856	June 19, 1856
Minnesota	Mar. 3, 1857	Mar. 7, 1857

Representations having been made that pre-emption claims for speculative purposes were being placed upon the lands within the limits of the withdrawals in the States of Wisconsin, Michigan, Alabama, and Florida, the local officers in said States were, on December 16, 1856, February 2, February 13, and April 29, 1857, respectively, directed by the Commissioner of the General Land Office to refuse to receive any pre-emption claims, based on settlements initiated after the receipt by them of said orders, on large bodies of lands in their districts. These suspensions from pre-emption were prior to the location of the several roads in whose interest they were made, and consequently prior to the attachment of any right under the grant to any particular lands. This inhibition against the right of pre-emption affected more than 40,000,000 acres of public land.

Mr. Chairman, these cases are cited as illustrative of the practice, where railroads were to be benefited, and this practice has been continued down to a very recent date.

Now, the bill repealing these laws by which these frauds were possible is pending in this Congress and has passed both Houses, and only because the Senate has added other provisions not as yet accepted by the House has the bill failed to become a law.

Under these precedents, so numerous and so uniform, and the power to so act never having been questioned, and the Supreme Court having affirmed their validity when the suspending orders were issued, I insist, sir, that the Secretary had the power to issue the circular and that the exigency of the case warranted it.

Mr. Chairman, a single word more and I am done.

The object of all this Department action is one which should commend it to every patriotic heart. It is the attempt to save, so far as is possible, the remainder of the public lands for the actual settler, direct from the Government instead of through the intermediary of the speculator; as a gift from the nation rather than a purchase from a trader; and to this end the Secretary and Commissioner have given their best efforts and most earnest endeavor.

They desire and should receive the hearty support of every honest citizen. Indeed, sir, when and where the facts are known they do receive it.

I deeply regret that gentlemen have thought it necessary to make these personal attacks upon General Sparks. His honesty, his personal integrity, has not been attacked; indeed it has been conceded in this debate.

It goes without saying that he has no motive but the impulse of right-doing in the administration of the affairs of his office and to deserve public approval and popular commendation. His object is to protect and provide for the poor and the homeless, and the war which he has made and is making is upon the lawless and the depredator. Good men commend him and his course. The gentleman from Indiana [Mr. COBB] has read an earnest letter from one of the citizens of my own State of whom the nation feel proud—Hon. E. B. Washburne—which speaks volumes; and knowing that another of our citizens, whose indorsement would be a matter of pride to any man, had written a letter to General Sparks of similar import, I have procured it and will read so much of it as relates to this matter:

BLOOMINGTON, ILL., *April* 16, 1886.

DEAR GENERAL:

* * * * * * * *

The great corporations and other monopolies have for many years been stretching out their strong and unscrupulous arms over the public lands remaining for enterprising and honest settlers. Millions of acres of this domain have been seized and stolen, and I have to say this robbery could not have succeeded without the collusion and co-operation of agents employed to protect the interests of the people.

Astounding frauds have been perpetrated and are now constantly coming to light, proving how vast and how reckless this organized plunder has been.

Thousands of laboring men with their wives and children have been denied the chance to gain a livelihood by the power and greed of heartless and rich corporations. Immense combinations have been formed, including the ties of political and social life, for a common object—to break down all attempts at Washington to crush out a venal system which has flourished by departmental indifference or favor.

Whoever stands in the way of this selfish league must expect to be confronted with relentless hostility and bitter persecution.

He will be assailed with most formidable influences outside and inside the party to which he may be attached.

Corruptionists are not troubled with scruples. They use politics as the tools of a vile traffic, and shift from side to side as interest may be best served by convenient change. By means of wealth and association they can procure what would seem externally to be a good showing to help the worst cause.

Do not be deterred in your good work by malicious opposition or insidious injustice.

Be firm and temperate, and the country will sustain whatever is right.

Throttle land-grabbing corporations; punish fraud, and protect the plain people, as Lincoln loved to call his chief support in time of peril and vexation.

Very truly,

DAVID DAVIS.

General W. A. J. SPARKS,
Washington, D. C.

The harsh criticism, the severe censure, and the denunciation of the Department in the interest, directly or indirectly, of these fraudulent acquisitions of the public lands may well be borne by one who can receive such commendations from men like Washburne and Davis, and he may with serene composure and confidence await the finding and verdict of that greater tribunal to which, as public servants, we are all amenable and in which we must acquiesce, the judgment of the American people.

The CHAIRMAN. That can not be done.

Mr. TOWNSHEND. It was done in one instance a while ago; why can it not be done now?

The CHAIRMAN. The House has fixed a limit upon the debate, and in the opinion of the Chair the Committee of the Whole has no right to vary that limitation.

Mr. TOWNSHEND. An extension of time was made half an hour ago in Committee of the Whole; why can it not be done again?

The CHAIRMAN. The present occupant of the chair, who was not in the chair at that time, is informed that in the case referred to there was an extension of time to both sides alike, which balances that account. The present occupant of the chair declines to submit a proposition to extend the time beyond the limit which the House has fixed.

Mr. MCCREARY. Mr. Chairman, this House did limit debate on this question to one hour on each side. Afterward, by unanimous consent, the Committee of the Whole extended the time by granting ten minutes additional to each side. I think there are ample precedents for such action.

Mr. EZRA B. TAYLOR. There need be no more talk about unanimous consent. It can not be obtained to extend the time of this discussion on either side.

Mr. RYAN. I yield the remainder of my time to my colleague [Mr. PETERS].

Mr. PAYSON. Before the gentleman from Kansas proceeds I wish only to say in reply to my friend from Nebraska [Mr. LAIRD] that from 1834 down to the present day the power of the Commissioner of the General Land Office and the Secretary of the Interior to investigate frauds and refuse patents after final certificate has never been questioned in the Interior Department. I have the authorities here at hand.

Mr. LAIRD. Will the gentleman from Kansas yield to me, that I may ask the gentleman from Illinois [Mr. PAYSON] one question?

Mr. PETERS. I want to ask the gentleman from Illinois a question myself. I desire to ask him whether I understood him to state that I had opposed the passage of a law making it a criminal offense for parties to fence public lands. I did not so understand the gentleman, but I am informed by those around me that he did say I opposed the passage of such a law.

Mr. PAYSON. I said that the gentleman as a member of the Kansas delegation opposed the consideration of the bill on different occasions, and in support of this statement I refer to gentlemen who now hear me.

Mr. PETERS. I have never opposed the passage of any law of that character.

Mr. PAYSON. Let us not be misunderstood. Upon the passage of the bill the gentleman voted in favor of it. But he will remember, if he drives me to make the statement—I do not care to make it unless he desires——

Mr. PETERS. I want to understand you.

Mr. PAYSON. That on three different occasions the Speaker had agreed to recognize me to ask unanimous consent to consider and pass the bill, but on two of those occasions the gentleman said he would object, and did object, and he stated to me the reason why.

Mr. PETERS. I have no recollection of the circumstance whatever.

Now, Mr. Chairman, I want to make a further statement in answer to the gentleman from Illinois. When he says that a large portion of the land of Southwestern Kansas had been fenced by a cattle company, the settlers being thereby kept out, he refers, I presume, to the Comanche Company. The best answer that can be made to that statement and the best argument which can be submitted upon the proposition now pending is a reference to the situation of the seventh Congressional district of my State and the wonderful increase in population, including that very territory which three years ago was fenced in by the cattle companies. I say that the facts and figures as presented in that district alone constitute an irrefutable argument against all these propositions which have been made, so far as they apply to the State of Kansas.

In 1880, according to the United States census, the seventh Congressional district had a population of 147,000. It embraced thirty-one counties, eighteen of which were at that time organized and thirteen unorganized. The census of March 1, 1885, taken under the authority of the State of Kansas, disclosed the fact that the seventh Congressional district had 204,000 people within its limits; and to-day every county of those thirty-one within that Congressional district, with one exception, has either been organized or steps are being taken to organize it. All of those counties have been organized except four; and in three of those four the census-taker has been appointed and the necessary preliminary steps are being taken for organization. Under our State law no county can be organized unless it has a *bona fide* population of 2,500 inhabitants; and before the organization of a county a census-taker appointed by the governor of the State must take the census of the county. If that census discloses 2,500 *bona fide* population the governor declares the county organized and calls an election for county officers.

I state again that to-day, with the exception of one county, every one of those thirty-one counties is organized, or preliminary steps have been taken for organization. According to the census of 1885, the seventh Congressional district had a population of 204,000. Since that time no census has been taken except the township census. But upon a careful estimate from all sources the population of that district to-day is not less than 315,000. There are but few cattle ranches in it. It is one vast agricultural region, taken up by the homesteader, the pre-emptor, the mechanic, the artisan, who, driven out of the overcrowded cities of the East by failure to obtain employment, have taken Horace Greeley's advice, "gone West," and established for themselves homes in Southwestern Kansas, where the best part of the public domain remains. I ask, does this state of affairs indicate that extensive frauds have been committed?

Upon this map of the State of Kansas which I have here members can see the boundaries of the seventh Congressional district. Take Comanche County, to which the gentleman refers, which was organized three years ago. Prior to that time nearly three-fourths of that county was fenced in one field and was under the control of the Comanche County pool. But when it became demonstrated that the rainfall was so equitably distributed that all that country was fit for agricultural purposes there came the tide of emigration rolling from the East, each successive wave going farther West. Thus the wire fences of this Comanche County pool were torn down until every quarter-section of available land in that county was taken up and the county organized, it having now a population of 7,000 or 8,000 people. All this has been done in three years; and this was the end of those cattle-men. They have taken their cattle into the Indian Territory or New Mexico or up into the northern Territories, and now the farmer and home-seeker has taken possession of the land.

I want to call attention of gentlemen to certain counties particularly in reference to the order issued by the Commissioner of the General Land Office. I do not attack his honesty; I only attack his lack of judgment in the interest of the constituency I represent. But take some of the counties which come under the ban of that order itself and let us see what has been their progress.

Take Barber County. In 1880 it had a population of 2,661. In 1885 it had a population of 7,868.

Take Harper County, one in which a large number of entries have been suspended because claimed by the administration to be fraudulent under the influence of the General Land Office. Harper County in 1880 had a population of 4,133, and yet in 1885 it had 14,921, and to-day it has 19,000.

Take Kingman County. In 1880 it had a population of 3,713, and in 1885 it had a population of 9,933. Pratt County in 1880 had a population of 1,840, and in 1885 it had a population of 6,064. Then we come to Reno County. In 1880 it had a population of 12,824, and in 1885 it had a population of 20,294.

These, Mr. Chairman, are illustrations of the wonderful increase in population which has accrued to these counties which come under the ban of the order of the Commissioner of the General Land Office.

Do you say there have been 90 per cent. of fraudulent entries in the settlement of the public lands? Let me show some figures from the Garden City land office. There are three land offices in that district, located at Garden City, Larned, and Wichita. I will refer to Garden City land office, being the one that has charge of the southwestern portion of this district. It has been known as a great cattle region. The buffalo and Texas cattle roamed over it almost intermingled some years ago.

I have some figures here in reference to entries of land in that district. I have only the figures from April 12, 1885, to April 12, 1886, one year. And the entries amounted to 20,754, with an aggregate number of acres of over 3,000,000. Those lands were taken under the homestead, pre-emption, and timber-culture laws. Taken under the pre-emption laws there were 1,074,840 acres. Under the homsteads laws—and mark it, there can not be fraud under the homestead laws, because the man who makes a homestead entry is required to live on them for five years and to cultivate them—under the homestead laws there were 1,265,940 acres.

You will see from this that the amount taken under the homestead predominates. Here is a grand total of 2,340,780 acres taken in one year in one land district under the homestead and pre-emption laws. This accounts in part for the wonderful growth of this Congressional district from 147,000 in 1880 to 315,000 in 1886. The new Kansan is there, at home on his farm in the very heart of what was a few years ago the great American Desert. The cattle and the buffalo have departed, and the wheat field, the corn field, the farmer's dwelling, humble though it may be, the typical Kansas school-house, and the prosperous town and city, evidence the new order of things; and above all, these evidences are permanent. The settler is there to stay. Unfortunately, as I think, orders from the Land Office, honestly issued I doubt not, can not drive him away; can not deprive him of his interest in his adopted State. You may cry fraud, you may punish or oppress him, but never again will he give way to the cattle syndicates. In time there will be "cattle upon a thousand hills," but the settler will own them.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. PETERS. I do not think it is just to me to deduct from my time what was taken in the confusion.

The CHAIRMAN. Five minutes were allowed.

Mr. PETERS. I wish to inquire whether I do not have five minutes remaining?

The CHAIRMAN. The two hours would have expired at five minutes before 3 o'clock. It was extended to twenty minutes in debate that would have reached to fifteen minutes after, but in order to cover the time which was taken up outside twenty minutes were added.

Mr. PERKINS. That charges him with all of the time lost.

Mr. PETERS. How much time did I occupy?

The CHAIRMAN. Between twelve and fifteen minutes.

Mr. HOLMAN. It is understood here the amendment to the Chinese clause of the bill was adopted.

Mr. RANDALL. I do not so understand it.

Mr. HOLMAN. If so, there is evidently some misunderstanding about it.

Mr. RANDALL. It should not have been adopted or voted on.

The CHAIRMAN. The Chair did not understand there was objection taken to the adoption of that amendment before the debate proceeded on the land clause.

Under the arrangement that existed the gentleman from California was to be heard before we reached that point. At the close of his remarks the question was put upon the amendment and carried.

Mr. RANDALL. The understanding was that there was to be general debate upon it.

The CHAIRMAN. That was a separate general debate.

At the close of that general debate of forty minutes, which was extended to one hour by consent, a vote was to be taken.

Mr. RANDALL. That was not my understanding; I was not even present.

The CHAIRMAN. There were two periods for general debate, as the gentleman will remember.

Mr. RANDALL. Two subjects for general debate.

The CHAIRMAN. Yes. This clause had been passed over by unanimous consent until we reached the point where the general debate should close. That general debate was fixed at forty minutes and was subsequently extended to one hour. At the close of that time the general debate on that paragraph closed. The vote was then taken and the amendment adopted.

Mr. RANDALL. I say that there was no understanding to have a vote taken upon the proposition until after the debate on the land clause had been exhausted. The understanding was clear that the general debate on both of these points should be had first.

The CHAIRMAN. Without objection the vote will be taken over again.

Mr. RANDALL. I was in the committee-room, and of course did not know what was going on here, supposing all the time that the order to which I refer would be carried out.

Mr. MORROW. The understanding was that the discussion was to be had, and I do not think there was any understanding as to what time a vote should be taken.

Mr. RANDALL. I shall ask the House to allow by unanimous consent the vote to be taken anew on that proposition. I refer to the proposition included in lines 807 to 813. I do this because, having charge of the bill, I had a right to go back and take it up at the time I selected for a vote upon it.

Mr. MORROW. I shall object unless I know some reason for it.

Mr. RANDALL. I think an objection would be very unreasonable in view of the time that was yielded to the gentleman.

Mr. MORROW. I do not propose to be unreasonable, because the gentleman has acted very fairly toward me; but I do not want to lose any rights which I may have in the matter.

Mr. RANDALL. I never dreamed that a vote was to be taken during the period fixed for general debate, and could not know, of course, that the committee had undertaken to vote upon it in opposition to what I believed to be an agreement.

The CHAIRMAN. The Chair will submit the request for unanimous consent.

Mr. MORROW. I am not disposed to take any advantage of the courtesy shown by the gentleman from Pennsylvania.

Mr. RANDALL. I merely wish to inquire whether the gentleman interposes an objection?

Mr. MORROW. Is there objection to the amendment?

Mr. RANDALL. There is to the vote that has been taken upon it—only to the vote.

Mr. MORROW. If the gentleman from Pennsylvania insists that he did not understand that the vote was to be taken I shall be compelled, of course, to withdraw the objection.

Mr. RANDALL. Why, I meant to make the point of order upon it.

The CHAIRMAN. If there be no objection the vote will be taken over again.

There was no objection.

Mr. RANDALL. Now I prefer to go back to that after we get through with the public land.

The CHAIRMAN. We are now through with the general debate upon this clause, and the Chair thinks the vote should be taken at once.

Mr. RANDALL. But there is an amendment pending to the last paragraph——

The CHAIRMAN. According to the agreement of the House this section was passed over until we reached the general debate upon the public lands. It seems now to the Chair, in view of that understanding and the agreement that another vote may be taken upon the amendment, that we should now conclude this section before going on to another part of the bill.

Mr. RANDALL. Very well.

The committee deemed that the amount specified was sufficient, $5,500. There was $3,470.50 paid to the Bureau of Engraving and Printing for Chinese labor certificates last year, which were printed under the customs division of the Treasury Department. They had but $5,000 in 1885 and 1886. I hope the increase suggested will be voted down. I supposed at first that it was a *pro forma* amendment, to enable the gentleman from California to make his remarks.

Mr. MORROW. I desire to say but a word in reply. In the general discussion I showed that the amount named in the amendment was the amount estimated by the Secretary of the Treasury and is determined by the Department to be absolutely necessary. The law was not enforced last year, as it should have been, and I have called the attention of the House to the statement of Judge Hoffman, that no provision had been made to carry in effect at least one provision of the law.

Mr. RANDALL. There were $5,000 in 1885, and as I am informed that was not expended in that year, but a part of it in 1886. There is no appropriation for 1886. I know the estimate is for $10,000. But we made an examination, and believe that $5,500 is sufficient.

Mr. MORROW. Let me say to the gentleman from Pennsylvania, with all fairness and with no desire to exaggerate or mislead the gentleman or the House, that the law has not been executed even with the appropriation of 1885.

Mr. RANDALL. There was none in 1886.

Mr. STORM. I wish to ask the Chair what became of the point of order which I made on the proviso contained in the amendment of the gentleman from California [Mr. MORROW]?

The CHAIRMAN. The debate has proceeded on the merits of the amendment. The point of order is now too late.

Mr. STORM. But the point of order was reserved before the debate commenced.

The CHAIRMAN. The amendment was debated and voted on. Unanimous consent has been given that the vote be taken again, and since then the proposition has been again debated under the five-minute rule.

Mr. STORM. But the point of order was made at the beginning, and ought to have been disposed of.

The CHAIRMAN. The gentleman should have called attention to it.

Mr. STORM. With my colleague the gentleman from Pennsylvania [Mr. RANDALL], I did not think that under the arrangement for general debate the amendment was to come up to be voted on.

The CHAIRMAN. The Chair holds the point of order is made too late.

The question being again submitted on the amendment of Mr. MORROW, there were—ayes 56, nays 71.

Mr. MORROW. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from California [Mr. MORROW].

Mr. REED, of Maine. I hope the gentleman from Pennsylvania will give us a yea-and-nay vote in the House on this amendment.

Mr. RANDALL. I will not.

The committee again divided; and the tellers reported—ayes 73, noes 90.

So the amendment was disagreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BLOUNT took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

The bill (H. R. 5201) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1887, and for other purposes.

A bill (H. R. 2148) to amend an act entitled "An act to provide a building for the United States circuit and district courts of the United States and post-office and other Government offices at Williamsport, Pa., and making additional appropriations therefor;" and

A bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 3014) to provide for terms of court in Colorado.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2609) granting a pension to Emily J. Stannard;

A bill (S. 2721) to remove the political disabilities of John K. Mitchell; and

A bill (S. 2759) to remove the political disabilities of William H. F. Lee.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will report the amendment sent up by the gentleman from Louisiana [Mr. BLANCHARD].

The Clerk read as follows:

In lines 952 and 953 strike out "$475,000" and insert in lieu thereof "$522,000;" so that it will read:

"Salaries and commissions of registers and receivers: For salaries and commissions of registers of land-offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $522,000."

Mr. BLANCHARD. I trust the gentleman from Pennsylvania [Mr. RANDALL] representing the Appropriations Committee will not make any opposition to this amendment. In the Book of Estimates the amount recommended for salaries and commissions of receivers and registers is $522,000. In the last sundry civil bill the amount allowed was $525,000. In the bill now under consideration the amount fixed for that purpose is $475,000, being $47,000 less than the estimates and $50,000 less than what was appropriated for this purpose for the present fiscal year. I do not see why the Committee on Appropriations reduced the amount under that suggested in the Book of Estimates for the salaries and commissions of these officials.

This is a question, Mr. Chairman, in which many States of the Union are interested. There are throughout the United States one hundred and eight land offices, distributed as follows: Two in the State of Alabama, two in Arizona, four in Arkansas, ten in California, nine in Colorado, ten in Dakota, one in Florida, five in Idaho, one in Iowa, ten in Kansas, two in Louisiana, four in Michigan, nine in Minnesota, one in Mississippi, three in Missouri, three in Montana, nine in Nebraska, two in Nevada, two in New Mexico, five in Oregon, one in Utah, nine in Washington Territory, six in Wisconsin, and two in Wyoming.

In each of these land districts there is a register of the land office and a receiver of public moneys. So that there are in all two hundred and sixteen registers and receivers throughout the United States.

Now, Mr. Chairman, by law the salary of these registers and receivers is fixed at $500 each; but in addition to this salary of $500 they are allowed commissions. A provision of the law, which I have before me, stipulates, however, that none of these officers shall receive more than $3,000 a year, notwithstanding the fact that many of them may and do earn twice that much. A statement in the Book of Estimates, which I have here, shows that in the last fiscal year many of these receivers and registers earned far more than $3,000. Under the law they are required to pay into the Treasury every dollar that they earn in excess of the $3,000.

[Here the hammer fell.]

Mr. HEWITT was recognized, and yielded his time to Mr. BLANCHARD.

Mr. BLANCHARD. Now, Mr. Chairman, what the Government is called upon to pay in the way of salaries and commissions to these registers and receivers is not a tax upon the country. The commissions that they earn over and above the $3,000, to which they are entitled, and which are required to be paid into the Treasury, amounts yearly to about $180,000. So that instead of these officials being a tax upon the Government their earnings afford a revenue to the Government of that amount. Here is a statement to that effect from the Commissioner of the General Land Office, which I will read. On page 227 of the Book of Estimates, under the estimate of the Land Department for salaries, &c., of registers and receivers, I find the following:

The estimate submitted for compensation of registers and receivers is based upon the salaries earned and fees and commissions collected and covered into the Treasury by them during the fiscal year ending June 30, 1885, with the addition of the office to be opened at Cœur d'Alene, Idaho. For a number of years past it has been necessary to appropriate annually large amounts to cover deficiencies in this service. The amount estimated for herein is based upon the actual amounts paid to registers and receivers during the fiscal year ending June 30, 1885, and therefore is not excessive. The compensation of registers and receivers is limited by law not to exceed $3,000 for any one officer, regardless of the amount in excess of that sum earned by them. During the fiscal year ending June 30, 1885, the fees and commissions earned by registers and receivers amounted to $847,924, while the entire appropriation for their salaries and commissions was $525,000. Of this sum of $887,924 there was collected from the entrymen $705,187, which was turned into the Treasury, and if the entire appropriation of $525,000 is expended there remains as a net revenue to the Government the sum of $180,187.86.

This statement shows, then, that these officials are not a tax upon the Government. Therefore I ask, what is the reason that an amount adequate to meet their salaries and commissions as fixed by law is not provided in this bill?

Mr. HERMAN. Will the gentleman permit me to make a suggestion in the line of his argument, which is that in the event of the Senate passing the bill repealing the pre-emption law fully one-half of the fees which these officers now receive will be cut off.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, it does not always do to depend upon the estimates of a Department. There are one hundred and eight receivers and one hundred and eight registers, making in all two hundred and sixteen of these officials to be provided for, but the President has power to consolidate offices if he sees fit.

Mr. BLANCHARD. Has he done so?

Mr. RANDALL. He has not, that I know of. The amount appropriated in 1885 was $500,000. There was $496,000 expended. The amount appropriated in 1886 was $525,000 on an estimate of $545,000, and for the first six months of the current year there was expended $244,000. This shows that with proper economy of expenditure $475,000 is sufficient; but I am willing to assent to an appropriation of $490,000.

Mr. BLANCHARD. Why not make it the amount that the Commissioner of the General Land Office asks?

Mr. RANDALL. Because that is in excess of the amounts both for 1885 and 1886; and when I concede $490,000, that is in excess of what will be expended this year. All these officials do not receive $3,000. If they did, this appropriation would have to be $650,000. Many of them do not receive any such sum; and a safe limit beyond all peradventure would be $490,000.

Mr. RYAN. I want to say to the gentleman that the appropriation for the current year was $525,000, $50,000 more than this bill carries.

Mr. RANDALL. Yes; and the expenditure during the first six months for the current year was at the rate of only $488,000; so that if we now appropriate $490,000 it will be entirely adequate.

Mr. BLANCHARD. If each of these two hundred and sixteen officials should receive $3,000, which is the sum the law allows to each, provided he earns it, there would have to be appropriated for this purpose $648,000. Now, I find by examination that those receivers and registers who do not earn as much as $3,000 each number only thirty out of the two hundred and sixteen. If for these thirty we make the proper deduction from the $648,000 there would still be required $558,000 to meet these expenses. I have the figures before me.

Mr. RANDALL. The compensation allowed to these officials is $500 and 1 per cent. commission on the sales, provided the aggregate compensation shall not exceed $3,000. That law as to the manner and amount of compensation has not been changed; therefore we can safely take as a basis for the present appropriation the expenditures of 1885 and 1886. For this reason I have assented to the appropriation of $490,000.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. BLANCHARD. I move to further amend by striking out the last word. I wish to call the attention of the chairman of the Committee on Appropriations to the fact that the Commissioner of the General Land Office in making this estimate states that Congress has been called upon for a number of years past to appropriate large amounts to cover deficiencies in this very service. If this be true—and it is the official record—I can see no sound reason why we should not appropriate at the outset a sufficient amount.

It is well known to my friend from Pennsylvania that the present Commissioner of the General Land Office, when he served, as he did for years, on this floor as a member, was second only to the gentleman from Indiana in the advocacy of economical expenditures by the Government. The gentleman from Indiana and the gentleman from Pennsylvania know this. Hence when this official comes before Congress, making the statement that he requires $522,000 for this purpose, why not appropriate it?

The gentleman from Pennsylvania says that it is within the discretion of the President to consolidate these land offices and reduce the number of these officers. But the President has not done so, and it is not likely that he will. I warn this House that if we appropriate any less than the sum named in my amendment we shall be called upon at a future session to supply the deficiency.

Mr. RANDALL. The committee in making this appropriation rely upon the expenditures of 1885 and 1886, not upon the estimates. This is a safe course to pursue. Besides, there has been legislation which will tend to reduce not increase these expenditures. I refer to the repeal of the timber-culture law, the desert-land law, and especially the pre-emption law. Four hundred and ninety thousand dollars is clearly a safe amount to appropriate. I am quite willing, as a member of the committee, to accept that.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his *pro forma* amendment to strike out the last word?

Mr. BLANCHARD. Yes, sir.

Mr. WARNER, of Ohio. I move to amend the amendment so as to make the appropriation $490,000.

Mr. BLANCHARD. I desire to repeat, that according to the report of the Commissioner of the General Land Office the department has been obliged year after year to call for a deficiency appropriation for this service.

The CHAIRMAN. The question is first on the amendment of the gentleman from Ohio [Mr. WARNER] to the amendment of the gentleman from Louisiana [Mr. BLANCHARD]. The amendment of the gentleman from Ohio will be read:

The Clerk read as follows:

Amend the amendment by striking out "$522,000" and inserting "490,000."

The amendment to the amendment was agreed to.

The question being taken on the amendment as amended, it was adopted.

Mr. SPRINGER. I move to amend by inserting at the end of the pending paragraph the following:

All fees collected by receivers or registers from any source whatever which would increase their salaries beyond $3,000 each a year shall be covered into the Treasury.

Mr. RYAN. I raise a point of order on that amendment. It is a change of existing law.

Mr. BLANCHARD. I ask that the amendment be read again.

The Clerk again read the amendment.

Mr. BLANCHARD. I make the point of order that this matter is already fixed by the existing law, a copy of which I hold in my hand.

Mr. RYAN. If this provision were incorporated in the bill and should become law it would allow every one of these officials a salary of $3,000.

Mr. HOLMAN and Mr. SPRINGER. Oh, no.

Mr. RYAN. By implication they will be entitled to that amount.

Mr. SPRINGER. No; they will get nothing over $500 except their fees.

Mr. BLANCHARD. I ask the attention of the committee to section 2240 of the Revised Statutes, which reads as follows:

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate $3,000 a year each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro rata allowance of such maximum.

Section 2241 of the Revised Statutes reads as follows:

SEC. 2241. Whenever the amount of compensation received at any land office exceeds the maximum allowed by law to any register or receiver the excess shall be paid into the Treasury, as other public moneys.

Mr. SPRINGER. These sections of the Revised Statutes show what the law is, but they do not show what the construction of the law is.

Mr. BLANCHARD. My point of order is if this is a repetition of the law then it is unnecessary.

Mr. SPRINGER. The gentleman admits it does not change existing law, but there has been a construction which has grown up in nearly all these offices of the officers retaining the fees, which makes the salaries of the officers amount to about $6,000 a year. I get this information from the Land Office. My object is to put a construction upon the Revised Statutes so that the law shall be just what the gentleman has read it. It is for the purpose of informing all those officers that is the law and that it ought to be filled. I hope my amendment will be agreed to.

Mr. CANNON. Does not my friend suppose if this administration will violate that they will violate this?

Mr. SPRINGER. In my opinion this will be the last legislative construction, and I hope my colleague will not object to its going on this bill, especially as we are told by the other side of the House these are our officers.

The CHAIRMAN. As the amendment reads it is clear the registers and receivers of the land office are to return whatever fees are received beyond $3,000. The excess is to be covered into the Treasury. It is difficult to understand whether this would require uniform increase as to the registers and receivers.

Mr. SPRINGER. Increase in salary?

The CHAIRMAN. If the object is to make the amount $3,000——

Mr. SPRINGER. Oh, no; but to limit it to that as it is limited by the statute. This will be a legislative construction of what was intended by the law.

The CHAIRMAN. The question whether this is the same as the law heretofore is a matter for the committee and not for the Chair. The point of order is overruled

The amendment was agreed to.

The Clerk read as follows:

Contingent expenses of land offices: For clerk-hire, rent, and other incidental expenses of the several land offices, $120,000.

Mr. BLANCHARD. I move in line 956 to strike out "20" and insert "55;" so it will read "$155,000" instead of "$120,000."

And I would like to have from the chairman of the committee some explanation why this amount is fixed in the bill $35,000 less than the estimate and $40,000 less than the last sundry civil bill.

Mr. RANDALL. I will answer promptly. We have all been commending the Commissioner of the General Land Office for his high character and habits of economy, and the truth of the encomium is nowhere more exemplified than in this paragraph. The appropriation for 1885 was $140,000; in 1886, $165,000, and his estimates for 1887 were $155,000. But when we come to look at the expenditures they are $170,000 against $140,000. In 1886, the current year, under General Sparks's direction, the first six months show an expenditure of only $54,000.

Mr. RYAN. Then why does he ask for $155,000?

Mr. RANDALL. I do not know. He reduced the estimate, however, from $165,000 to $155,000. But the expenditure during the first six months of this year was only $54,000, and according to that there would be necessary only for this paragraph $108,000, but we have given $120,000.

Mr. SPRINGER. We will try to worry through with that amount.

The question being taken on the amendment of Mr. BLANCHARD, it was not agreed to.

The Clerk read as follows:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Mr. HOLMAN. I move to strike out "$75,000" and insert "$90,000."

That is the amount claimed in the estimates as being the full amount required, and while I do not as a general thing favor the increase of any item of appropriation beyond that fixed by the committee, there has been so much shown as to the importance of preserving our forests from destruction of late years, that it seems to me we can afford on a subject like this to vary a little from what is a good rule under ordinary circumstances and give the whole amount of the estimate which is to be applied to so laudable an object. There is certainly no one subject of public interest, except the public-land system of the country, which is of more importance than the preserving of the forests for many reasons; and it seemed to me that if the Commissioner of the Public Lands believed that $90,000 would be required for this purpose, which I think is not unlikely, as it is probably not more than he actually requires, it ought to be given.

My own observations during the summer of last year in this portion of the country where our forests are mainly found indicated the fact that extraordinary vigilance would be required in the future to prevent these timber depredations or else there would be an entire destruction of our great forests within a very few years.

Mr. RANDALL. In 1885 $75,000 was given and $75,000 was expended. Since Mr. Sparks has been at the head of the Land Office, which I believe is just about one year, the expenditure up to this time has only reached $22,000.

Mr. WEAVER, of Iowa. It takes some time to get hold of all the rascality.

Mr. RANDALL. That is very true; but these appropriations are based upon the expenditures, and they show that only $22,611.27 has been spent up to this time; and we believe that in this year the amount which will be required for this service will not exceed the amount appropriated in the bill.

Mr. HOLMAN. I do not wish to press this if the gentleman thinks the amount is sufficient.

Mr. RANDALL. There has been no purpose on the part of the committee to cut this matter down, believing that the importance of the subject would justify a very ample appropriation, but at the rate of expenditure up to this time would not much exceed $50,000. The committee thought $75,000 for next year would be enough.

Mr. HOLMAN. I had occasion some time ago to call the attention of the Secretary of the Interior to the fact that our forests were being destroyed for the sake of the timber.

Mr. RANDALL. I think the gentleman had better reserve his amendment until we reach another section.

Mr. HOLMAN. In view of the statement ef the gentleman from Pennsylvania, if he thinks enough is given for this purpose I will withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

Mr. LAIRD. I move to strike out the paragraph, lines 963 to 965 inclusive, and yield my time to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, in the debate that has taken place here in connection with these several propositions, I think there has been no disposition to defend any man who is making a fraudulent entry on any part of the public domain. That is not the feeling of gentlemen here representing Western constituents. We desire that that domain shall be preserved and protected for the honest settlers. But while it is protected for them, we desire that the rights of the settlers shall be respected by the Executive Departments of the Government.

And I desire briefly to call the attention of the House to the workings of one branch of the executive department of the Government under existing law; and if I can convict the Commissioner of the General Land Office of slander and of misrepresentation by his own official utterances and publications, I think gentlemen will agree with me that I have a right to do so. He charges in his annual report that 90 per cent. of the public land entries in my State are fraudulent, and in one paragraph he goes to the extreme of saying that 100 per cent. of the pre-emption filings are fraudulent.

In another he says that 100 per cent. of the entries under the commuted homestead law are fraudulent, and I desire to call in this connection the attention of the House to the fact that quite recently this Commissioner made an official report to the Senate of the United States, in answer to a resolution of that body, in which he admits that he has only found it necessary to send special agents to investigate eighteen thousand entries suspended by him.

According to his annual report there were 104,431 entries made under existing law during the last fiscal year besides the miscellaneous ones, and with these and all the accumulated business he admits in his recent report to the Senate that he only finds it necessary to put eighteen thousand cases into the hands of his special agents to be investigated, confessing by his conduct he defamed the settlers upon our public domain when he charged that 90 per cent. of their settlements were fraudulent and corrupt.

To investigate these eighteen thousand entries he says in his recent report that he has thirty-four special agents, and he says they are able

to make nine investigations per month each, and he says that at this rate these thirty-four special agents will in five years be able to investigate the eighteen thousand entries that have been referred to them.

During that time, Mr. Chairman, what is to be the condition of these settlers? Their entries are suspended, their credit is destroyed, their homes are to a certain extent impaired, and their right to enjoy and possess them is very greatly paralyzed, and uncertainty and doubt are created by the action of this executive officer. These eighteen thousand entries that have been sent to the special agents to be investigated are to consume five years, says this officer, and the gentleman from Illinois confesses on this floor he is glad of the fact that he with others prevailed upon that Commissioner within eight days after he was inducted into office to suspend one hundred and twenty-six thousand entries upon the public domain; and he says he only regretted that the Secretary of the Interior suspended that order. If the gentleman from Illinois can take pleasure in the fact that he was instrumental in tying up one hundred and twenty-six thousand entries on the public domain in this country I do not envy him the distinction or the pleasure. At the rate of investigation that the Commissioner is now prosecuting and conducting, how long would it have required to have investigated these one hundred and twenty-six thousand entries?

If eighteen thousand can be investigated in five years, one hundred and twenty-six thousand would have required thirty-five years. And yet the gentleman from Illinois says he is glad that he with others prevailed on this executive officer to suspend one hundred and twenty-six thousand entries upon the public domain, and to do what he could to render uncertain and insecure for thirty-five years the entries, the homes, the earnings, the enterprises of our pioneer settlers, who are struggling against adverse circumstances to secure habitations upon the public domain.

[Here the hammer fell.]

Mr. PERKINS. I move to strike out the last word.

Mr. Chairman, precedent has been sought for this, and this officer quite recently, in vindication of his own conduct and in support of his own order, issued a document which is printed as Senate Executive Document 170, from which extracts have been read to-day, and I desire to state to this House that I find he quotes one hundred and twelve precedents for this action of his. And yet when you read them and examine them you find that not a single precedent that he quotes bears him out or sustains him in his unauthorized and arbitrary order.

Every one of these precedents was the withdrawal of some portion of the public domain from settlement and from entry. But is not the order made by this executive officer of which we complain? We do not complain because he withdrew some public lands from settlement, but we do complain that after men, under existing law, had gone on the public domain, had made settlements and homes, were cultivating their lands, and doing that which entitled them under the law to a title and to occupy and possess them, found themselves and all their proceedings suspended by the arbitrary action of the Commissioner. Of these one hundred and twelve precedents which he cites not one sustains him. No man who ever occupied that office or any other executive office of the Government heretofore arrogated to himself the right to suspend and strike down the statutes of this nation. Yet this man, supposing himself supreme, not content with the ruin, with the wrong and injury he has worked to these men, has even arrogated to himself the right to say to Congress and to the country, "The laws of the United States shall be suspended till it is my pleasure to put them again in execution;" and at the same time he directs the officers of the local land offices to violate their oaths and to deny to settlers the right to make entries and to secure homes on the public lands.

Of these one hundred and twelve orders I find fifty-six were made by the late Democratic Vice-President, Thomas A. Hendricks, when he was Commissioner of the General Land Office; and I find that the fifty-six he made were all in the interest of land-grant railroads, withdrawing some portions of the public domain in their interest and for their benefit. But there is not an order cited that suspends an entry. There is not an order that suspends a statute. There is not an order that says to the local land officers, "You shall violate your oaths and not permit an honest settler on the public domain to file his declaration and take the initiatory steps to secure a home." And yet this officer is so obtuse or so willful that he can not observe the distinction between these orders and his own, and cites them as authority for suspending the statutes of the United States, violating his oath of office, and wrecking and ruining hundreds and thousands of homes occupied by men as honest as can be found in any State or any country.

I do not deny, Mr. Chairman, the right of an executive officer to withdraw temporarily certain portions of the public domain from occupation or settlement. But because this is true does it necessarily follow that when public land has been settled upon under existing law and homes made that those settlements can be destroyed, those homes removed, and all driven to litigation, chaos, and confusion, and the law suspended and statutes stricken down by the arbitrary, willful, and slanderous order of a subordinate officer clothed with some brief authority?

When we contemplate the wrong this man has worked, the injury he is now doing to the settlers of the West, it is a remarkable circumstance to me that any man should stand here and say he derived pleasure from the injury and wrong. Great communities have been well-nigh prostrated by it and hundreds of honest settlers absolutely ruined. As was said by my colleague, no State ever developed so rapidly as the State I have the honor in part to represent; and it has not been under fraudulent entries or by willful evasions of public statutes. But it has been the result of honest *bona fide* settlement upon the public lands; and yet these men now find their interests suspended. They find, as I have suggested, that they are unable to obtain credit, that they are unable to tax their lands, unable to build school-houses, unable to build bridges, unable to secure railroad advantages or the conveniences that are needed by pioneers upon the frontier, because they can not get any title to their homes. These, in part, are the injuries that are worked by this officer.

Mr. Chairman, I regret exceedingly that I have not the time to proceed further in the discussion of this subject. The gentleman from Illinois [Mr. PAYSON] speaks of the enthusiasm of the Commissioner of the General Land Office for the poor settler. Ah, sir, if he had any enthusiasm or any sympathy for the honest settler upon the public domain he would never have made such an order as that which was promulgated by him. That order was made in the interest of the land-grant railroad companies and the cattle companies, or such is its effect.

[Here the hammer fell.]

Mr. WEAVER, of Iowa. Mr. Chairman, it is a strange position that is occupied by those who are assailing the Commissioner of the General Land Office. It must be remembered that the testimony upon which that officer has proceeded is all drawn from Republican sources. His action is based upon the investigations and the testimony of Republican officials who had been for years in the public service and were perfectly familiar with the dishonest raids that were being made upon every part of the public domain. The reports of those officials are on file.

Take, for example, the report of Mr. A. R. Green, late a Republican State senator in Kansas, and at this very time, I believe, a Republican editor, and a man in good standing in his party in the district of the gentleman who has just taken his seat [Mr. PERKINS]. Let me read some things that Mr. Green says about these frauds:

> The hopelessness of the attempt was apparent to every one who was familiar with the soil and climate of the region proposed to be reclaimed at the outset, but the opportunity for getting a quarter-section of land for a trifle induces men to go through the merest form of compliance with the law and make up the rest by perjury. I hesitate to make the statement that in a large proportion of cases no pretense of complying with the law has been made, but I believe such to be the case. I have traveled over hundreds of miles of land in Western Kansas, Nebraska, and Central Dakota, nearly one-fourth of which had been taken under the "timber-culture act," without seeing an artificial grove even in incipiency, and can scarcely recall an instance in any one day's travel where the ground had been more than scratched with the plow for the purpose of planting trees.
>
> I have seen small patches of land (possibly 5 acres) were the prairie sod had been "listed" in furrows 6 or 8 feet apart each way, and occasionally a sickly cottonwood-sprout, 2 or 3 feet in height, of the thickness of a man's thumb, standing thereon. In other cases the land had evidently been honestly plowed at some time, but through neglect had grown up again to grass, and the trees (?) were holding up their tiny cattle-browsed, fire-burnt branches in mute protest against the farcical absurdity of the "timber-culture act."
>
> As to the proportion of land entered under the timber-culture act that is not improved as required by that act, I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly sucessful cultivation.
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> * * * * * * *
>
> A more vicious system of fraudulent entries has been successfully practiced by and in the interest of cattle-men and stock corporations. If the law had been enacted solely for their benefit it could scarcely have been more successful.
>
> I have been told that entrymen engaged in this character of frauds seldom make a pretense of plowing or planting trees or complying in any particular with the law. My own observation confirms this statement, and I believe it to be true. This is largely the case in Colorado, Dakota, Montana, Nebraska, and New Mexico, where immense stock ranches have been established and all the valuable grass land and water have been secured. This system also obtains to no inconsiderable extent in Kansas, I believe.
>
> The method is simple, effective, and infamous.

Thus I might go on for a score of pages in this report, but I will not further trespass upon the time of the House by reading.

Whence does the opposition to the policy of the Land Office emanate?

Mr. PERKINS. Will the gentleman yield for a question?

Mr. WEAVER, of Iowa. No, sir, I can not; I have only five minutes. It emanates chiefly from the cattle syndicates, the land speculators, and the loan agents. I now send to the Clerk's desk an item which I cut from one of the city papers and which I will ask the Clerk to read, leaving the gentleman from Kansas [Mr. PERKINS] to make an explanation of it if he desires.

The Clerk read as follows:

> SIX AND EIGHT PER CENT. INVESTMENTS—PRINCIPAL AND INTEREST GUARANTEED—ABSOLUTE CERTAINTY AND SECURITY.
>
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[Here the hammer fell.]

Mr. DOCKERY was recognized, and yielded to Mr. WEAVER, of Iowa.

Mr. PERKINS. If the gentleman is going to charge me anything for this advertisement I do not want to pay it. [Laughter.]

Mr. WEAVER, of Iowa. I charge you nothing, sir. This loan office of which the gentleman from Kansas [Mr. PERKINS] is president (as he has a perfect right to be) is situated in the Wichita land district. Within this district during the past few years, as the gentleman knows or ought to know, fraudulent entries were made of some of the very best lands in Kansas, out of which entries prosecutions arose which resulted in sending some men to the penitentiary.

The gentleman from Kansas [Mr. PERKINS] is not ignorant of the fact and ought not to be unmindful of the fact that large numbers of fraudulent entries have taken place within his own district, and that those transactions are notorious throughout the entire State of Kansas. Now, I have said, and I believe it to be true, that the objections to the policy of the Land Office come, as a rule, from the cattle syndicates, the loan agents, and the land speculators. I protest against a land policy which enables the speculators to get hold of the virgin lands of the West to the exclusion of the poor settler who seeks to secure a home.

Mr. WARNER, of Ohio. Let me ask the gentleman if there is anything in the order of the Commissioner that necessarily throws any cloud or doubt upon the right or title to a patent?

Mr. WEAVER, of Iowa. There is not. It only suspends the granting of a patent until the question can be investigated. The opposite policy is to grant the patent without an investigation, and now it is proposed here to strike out this entire appropriation, which is designed to enable the Commissioner of the General Land Office to continue his investigations for the protection of the public domain—it is proposed to strike out that appropriation and turn over the remaining public lands to the speculators and the land-grabbers.

Mr. PETERS. As the gentleman has spoken of Wichita and of Sedgwick Counties and of fraudulent entries there, I wish to ask him a question. If there is such a large proportion of fraudulent entries as the gentleman states and as the Land Office claims, how does it happen that the population of that country increased from 18,753 in 1880 to 36,022 in 1885? And then I want to ask him this further question: How is it that Sumner County, just below Sedgwick, on the Territory line, where thousands of these "Oklahoma boomers" are waiting to go into the Indian Territory to take up land—how does it happen that the population of that county increased from 8,812 in 1880 to 32,889 in 1885? I say that these figures, upon their face, show that no such wholesale frauds on the public domain as are alleged can possibly have been committed.

Mr. PERKINS. And I ask him further whether he does not know that every quarter-section of land in those counties has an occupant.

Mr. WEAVER, of Iowa. Oh, I will answer the gentleman. I am posted about Wichita.

Mr. PETERS. I want to say that the gentleman knows nothing about Sedgwick County or Sumner County, while I have been over every foot of both, and I know that every quarter-section that is available for farming has a farm upon it and a farm-house.

Mr. WEAVER, of Iowa. Yes, but those lands are not held by the entrymen.

Mr. PETERS. They are held by men who have gone upon them to make homes.

Mr. WEAVER, of Iowa. Does the gentleman deny that men were arrested there for making fraudulent entries and sent to the penitentiary?

Mr. PETERS. No, sir; I do not claim that there were no frauds committed.

Mr. WEAVER, of Iowa. Ah! Then it is a question of how many.

Mr. RYAN. Is that evidence of wholesale frauds?

Mr. WEAVER, of Iowa. It is a question of how many such frauds were committed.

Mr. PETERS. Mr. Chairman, I insist that I shall not be deprived of my time. I do not deny that there have been frauds committed under the pre-emption act, the homestead act, and the timber-culture act, but I do say that any person who makes the assertion that 90 per cent. or 60 per cent. or 50 per cent. or 25 per cent. of the entries in those counties in Kansas have been fraudulent makes the statement either ignorantly or maliciously. It is perfectly evident that the increase in the population of those counties that has taken place could not have taken place if there had been any such wholesale frauds committed on the public domain as have been charged here.

I want to answer another suggestion made by the gentleman from Illinois [Mr. PAYSON] who paraded before this House advertisements of sales of relinquishments. Is there anything strange or suspicious about that? A man goes out there and takes up a claim. He finds that his health fails. He goes to a claim agent and says, "I have put improvements to such an amount on my land; I am not able to stay and comply with the law; I do not want to lose all the work I have put on the place; therefore I wish to sell to some man the improvements I have put upon it, and let him go on and complete the entry." That is all there is of it.

Mr. PERKINS. And such a man is branded by the Commissioner as guilty of fraud.

Mr. PETERS. Yes; that honest homesteader, that honest mechanic, it may be, who has gone out there for the purpose of establishing a home, and has found himself unable to stay there and comply with the provisions of the law, when he wants to obtain a little money for the improvements he has placed upon the land is branded as a fraud and a rogue.

Mr. HOLMAN addressed the committee. [See Appendix.]

Mr. PAYSON. I yield my time to my colleague [Mr. PLUMB].

Mr. PLUMB. Mr. Chairman, the provision of this bill which appropriates $90,000 for protecting public lands from illegal and fraudulent entry is a necessary one and ought not to be stricken out.

That frauds have been committed against the Government under existing laws providing for entries on the public lands has become so notorious as to demand serious attention. It would seem, Mr. Chairman, that for some reason the public lands have come to be regarded as legitimate public plunder. The idea prevails that because the Government has, with great generosity, provided easy conditions upon which the homeless and landless can secure for themselves sufficient land for their actual needs, therefore a strict conformity to the letter and spirit of the laws governing entries of public lands is not required by any code of morals now extant.

Men who would scorn to commit a dishonest act toward an individual have come to listen with eagerness to all kinds of schemes for evading both the letter and spirit of our public-land laws. I do not say, Mr. Chairman, that no pretense has been made by those individuals, syndicates, and companies which have engaged in this nefarious business to observe the requirements of the United States statutes; but, sir, I do maintain that whatever is done in that direction is done with the intent and purpose of getting possession of lands in a manner not intended by the Government, and in fraud of the rights of the landless and homeless with which the country is filled.

Mr. Chairman, I desire to describe some of the methods by which these land-robbers get possession of the public domain. The first thing done is to seek out some fertile spot where there is a large body of land subject to entry. This prospecting is done by some speculator, or a syndicate of speculators who have homes of comfort and an abundance of this world's goods. They know, or ought to know, that these lands are designed for the actual settler, but they are rich lands, and, although now remote from settlements and from railway communication, yet the speculator sees that in a few years these lands will be reached by settlements and railways, and will be increased in value; and he determines to get possession of them, law or no law; and, sir, the process is to hire men to go to these lands under a false pretense that they are actual settlers, either as homesteaders, pre-emptors, or on soldiers' claims. These hirelings are employed in a pretended compliance with the law which provides for actual improvements.

In some cases a small house is built and placed on wheels, so that when it has stood on one of these fraudulent claims long enough for the pretended actual settler to make the oath required by law, it is forthwith removed to another pretended claim, and is thus made to repeat its fraudulent purpose over and over again. Even soldiers, who by law are entitled to homesteads, are in some cases induced to "sell their birthright" for a few dollars, and their declaratory statements suffice to "hold down" the entry made under them until by other means these claims may be secured by the land-grabbers. Then comes the "timber-culture" scheme, under which section after section of these lands pass into the speculators' hands.

Mr. Chairman, the methods I have briefly described have been in use for years, and for years the United States Land Commissioner has called attention to the violations of the law.

The present Commissioner, General Sparks, says:

> At the outset of my administration I was confronted with overwhelming evidence that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly, through systematic frauds carried on and consummated under the public-land laws.

Does any one pretend to doubt the correctness of the statements of the Commissioner?

In view of these disgraceful facts, is it surprising that Commissioner Sparks should say:

> The question of my own duty as the administrative officer immediately charged under the law with seeing that the public lands were disposed of only according to law was at once forced upon me. Should I continue to certify and request the issue of patents by the President indiscriminately upon entries which there was every reasonable ground to believe were fraudulent in the greater part, or should I withhold such final action until examination could be made and the false claims separated from those that are valid? Should I disregard cumulative evidence of the universality of fraudulent appropriation of public lands and become an official instrumentality of their consummation, or should I say, "I mean to know what I am doing before I ask the President of the United States to sign any more land patents?"

Now, Mr. Chairman, I maintain that the Land Commissioner has done right, and, sir, it is to me strange that any one should think otherwise. It has been common for members on this floor to sharply criticise the action of Commissioner Sparks, and it has been here stoutly maintained that his action has been adverse to the interest of the settler and opposed to justice. Sir, I can well understand that in cases where the entries of land have been honestly made either for a homestead or by pre-emption, delay in securing title may work a temporary inconvenience. I can also see that it might interfere with the purpose, common

among actual settlers, to take up larger quantities of land than a single quarter-section, such as adding to a homestead a pre-emption and then a timber-culture entry—a practice of doubtful profit to the settler; and that cases of real hardship like those described by the gentleman from Nebraska [Mr. LAIRD] and the gentleman from Kansas [Mr. PERKINS] exist there can be no doubt; but, sir, I fail to see that such inconvenience or even loss to one actual settler can properly be urged as a justification for such remissness of the Land Commissioner as must result in defrauding other homeless citizens out of their portion of the public domain—an injustice, in fact, to millions of the landless which this country is certain to produce.

It should be remembered that there has grown up in our system of disposing of the public lands an enormous and deep-seated wrong—a system so thoroughly tinctured with fraud as to almost defy correction. Overwhelming evidence of the existence of wide-spread frauds has been furnished by my colleague, Mr. PAYSON, in this debate, and it is unnecessary to repeat them here.

Now, Mr. Chairman, it is in vain to expect that such a condition of things can be changed without the most radical measures. The Commissioner of the General Land Office is confined to the means placed at his command by law. He has no power to go beyond the appropriations made in putting agents into the field to ferret out these frauds. If it were not so, then it would be just to hold him accountable for hardships endured by the honest settler in consequence of any delays in coming at the real facts of each particular case.

The mistake has been made of making the appropriations for this purpose too small, and now, Mr. Chairman, gentlemen on this floor seem anxious to dismiss every one of these agents by striking out of this bill the entire sum appropriated. If the sum named in this bill is to be changed at all, the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] should be adopted; then, Mr. Chairman, the Commissioner could expedite the necessary examinations and more speedily remove every cause of complaint.

Mr. Chairman, it is doubtful whether among the various economic questions with which our Government has to deal there is one of more importance or further reaching in its effect upon the prosperity and happiness of the people than that of land ownership and land occupancy.

It is not surprising that in the infancy of the Republic, when population was sparse, numbering less than some of our States now contain, and the public domain seemed limitless in extent, there should have been no proper comprehension of the importance of this question or of its bearing upon the permanence of our institutions. A century, however, has radically changed the relation between the existing population and the remaining quantity of lands available for homes. With great prodigality and in a variety of ways the public domain has been disposed of until we find ourselves face to face with the fact that but comparatively little land remains Government property that is available for the actual settler, and with the reasonable probability that by the middle of the next century there will be in the United States over two hundred millions of people. We are, moreover, compelled to contemplate these conditions in full view of what is now transpiring in other and older countries in which the soil has been monopolized by the few, and as a consequence of the great wrong thus perpetrated on the people the governments in those countries are this day menaced with internal dissensions bordering on revolution itself.

Mr. Chairman, it is not too much to say that if the people of Ireland had such a tenure to the soil as would secure it to them for tillage, either by small holdings of their own, or by government ownership, there would not be heard a note of discontent anywhere in the Emerald Isle. And, sir, what troubles Ireland is also deeply felt in England, and in my opinion nothing short of a radical change in the land tenure of that country will prevent such a revolution there as will right the terrible wrong. With this condition of things existing on the other side of the Atlantic, under our gaze, should we not avoid the fearful danger which has already arisen in these older countries, and from which we may not escape?

How can this important work be better begun than to earnestly second the work which Commissioner Sparks has inaugurated? The object should be to preserve with care every acre of the public lands for the actual settler. The holding of large areas of the public domain by the supeculator, whether individuals, a syndicate, or corporation, benefits no one but the speculator. The public is in every case directly and seriously damaged. In all instances where the actual settler with limited means is obliged to go further or accept of less valuable lands, not only is the settler a loser but there is left behind the curse of unoccupied territory. The benefits and pleasures of good neighborhoods, social intercourse, schools, and churches are made difficult to secure, and financial burdens are greatly increased.

Mr. Chairman, if there be one injury greater than another that can be inflicted on a new country it is the existence therein of a waste of speculators' land, waiting for a large increase in value which the hard-earned improvements of the settler on his homestead is sure to bring.

The people of this country are giving earnest thought to this land question, and, sir, as it has been in the past so it will be in the future, whenever the masses of our citizens at their places of business, in their workshops, and on their farms discuss public questions for themselves and come to a conclusion as to what ought to be done, their conclusions are correct and may be safely followed.

At the recent session of the National Assembly of the Knights of Labor at Cleveland the land reform that was unanimously demanded was as follows:

1. We demand the creation of a system that shall make future generations more than mere tenants at will so long as there is land idle that is needed by American citizens to live and work upon.
2. We demand the reservation of the public lands for actual settlers only, and that all lands owned by individuals and corporations in excess of 160 acres, not under cultivation, shall be taxed to the full value of cultivated lands of like character.
3. We demand the immediate forfeiture of all lands now under grant to corporations or individuals, the conditions of which have not been complied with.
4. We demand that all lands now held by individuals or corporations upon which patents have not issued, and which are not forfeitable, shall be patented without delay and taxed to the full value of lands of like character under cultivation.
5. We demand the immediate removal of all fences upon the public domain without authority of law, and that equal protection be secured to all citizens of the United States, in the use of public lands for free commonage.
6. We demand that on and after A. D. 1890 the Government shall obtain possession by purchase at an appraised valuation of all lands legally held by non-resident aliens, and from and after A. D. 1886 aliens shall be prohibited from acquiring title to or owning lands within the United States of American, and that all deeds by citizens of the United States to aliens after said last-mentioned date shall be null and void, and land so deeded shall revert to the Government.

These, Mr. Chairman, are the demands not of a political party, but of a large body of earnest, intelligent men whose purpose is to so act upon the National Legislature as to secure this and kindred reforms, and they will be heard; their demands are in the interest of justice and must be met.

It may well be doubted whether among all the economic questions which are demanding discussion and settlement by the people of this country there be any farther reaching or more important than that of man's right to land. With us it has long been settled that all men have "an inalienable right to life, liberty, and the pursuit of happiness," and it must follow that whatever is indispensable to the enjoyment of these rights should be kept sacred for the use of the citizen. It also follows that any law or custom through which a portion of the people get absolute control of land to an extent beyond what is needed for their own use, by which others are deprived of it, is a direct infringement of natural right. All acknowledge that man has a right to the air to breathe, and to deprive him of it is as direct a denial of his natural right as to deprive him of life. If, then, man has a natural right to the free air because it is necessary to life, has he not an equal right to land for the reason that it is indispensable not only to his life but to his liberty and happiness?

But, it will be said, a man can live and enjoy liberty and happiness without land. Is that a fact? Grant that a man does not need to own a farm in order to live, that a house in which to live is all that very many require, does he not still need a spot on earth on which to erect his house? Can he get on without land?

It must be conceded that land is indispensable to man. Now, suppose three human beings inhabit a fertile island, and two of them assume to own every inch of the soil on that island, how can the third man live there except by the sufferance of the other two? What has become of his liberty, and if he love liberty where is his happiness? Is he not almost as subject to his stronger companions as though he were their slave? What essential difference is there between the unfortunate man on the island and thousands in countries claiming a high civilization and boasting of equal rights for all—every country, in fact, where by law those who possess capital are allowed to become owners of more land than they can use?

Mr. Chairman, every man who stands on his own feet, having a head that can think, limbs to clothe, and a stomach to feed, has a natural right to so much land as he can cultivate in order to supply his wants, and whenever the enjoyment of this right is denied him he has just occasion for complaint; and, sir, the homestead laws on our statute-books show that one government at least has made some progress toward recognizing this right.

Mr. Chairman, I do not propose or desire to ruthlessly attack land tenures or to change existing order, but, sir, may we not with propriety from this time endeavor to check the manifest evil of permitting the few to monopolize the soil in this country, and henceforth, as far as government can do, to preserve the public domain in small quantities for the ownership of those and those only who will use it?

Mr. Chairman, we may well congratulate ourselves that public thought is in the direction of radical land reform. The people everywhere demand that railway land grants shall be settled equitably and the land subsidy business closed forever. They demand that foreign ownership of American soil shall cease and be determined, and that every attempted wrongful seizure of the public domain shall be thwarted; and for these ends they will stand by an honest administration of the General Land Office, such as I for one believe that of General Sparks to be.

Mr. Chairman, it has given me unalloyed pleasure to thus bear testimony to the faithful manner in which one Democratic official has discharged his duty, and were it not that some who may have followed my remarks thus far might conclude that I have become a convert to De-

mocracy as illustrated by the administration of President Cleveland, I would not further occupy the time. But, sir, such is not the case. It would indeed be strange, and very disheartening, if a search through the Departments of the Government under this administration, from President Cleveland down to the Commissioner of the General Land Office, there could not be found one spark to commend.

The Democratic party came into power on promises of reform written in its platform and proclaimed everywhere on the stump by the advocates of a change in the administration of the Government. It pledged itself in the Chicago platform "to reduce taxation;" but instead of doing so a Democratic Congress proposes an increase by the levy of an income tax. The same convention solemnly declared that "sufficient revenue to pay all the expenses of the Federal Government economically administered, including pensions, interest, and the principal of the public debt, could be got from our present system of taxes;" and yet before the administration is two years old its leaders on this floor declare that it can not be done without a resort to an entirely different system of taxation.

The same document denominates the internal-revenue tax, which amounts to $112,000,000 for the last fiscal year, "a war tax," and solemnly pledges that amount "to defray the expense of the care and comfort of worthy soldiers disabled in the wars of the Republic, as well as for the payment of such pensions as Congress may from time to time grant to such soldiers;" and notwithstanding the fact that the entire sum required to meet pensions already granted is only about $80,000,000—leaving a balance of over thirty millions of this war fund for pensions—the party in power, in utter disregard of its promises to the soldier, refuses to use this balance for further pensions.

After asserting "the equality of all men before the law, and promising to mete out equal and exact justice to all citizens of whatever nationality, race, or color," this same party fails to even investigate instances of outrage on colored citizens where more than a score of them have been massacred on one well-known occasion—in a manner cold-blooded and cowardly enough to crimson with shame the cheek of every American citizen.

This same party claims to believe in "a free ballot and a fair count," and yet it is believed that not less than thirty of its members on this floor come from Congressional districts where a free ballot and a fair count has not been known for years.

The Democratic platform declares "in favor of an honest civil-service reform," and in his letter of acceptance President Cleveland said "the selection and retention of subordinates in Government employ should depend upon their ascertained fitness and the value of their work." And again in his inaugural address, and in his first message to Congress, these avowals of devotion to the platform of his party were repeated with renewed emphasis; and for all this, the leaders of that same party declare it to be their purpose and wish to withhold the means of continuing this great reform, until the President and the Civil Service Commission will consent to abdicate their legal power and honest purpose to administer the law in an unpartisan manner; and what is more reprehensible still is the fact that the most flagrant and notorious violations of the law are practiced in some of the Departments of the Government which are not only not rebuked by the President, but are boldly defended and justified on this floor.

On the subject of extending our commerce, the Democratic party avow themselves "in favor of more intimate commercial and political relations with the fifteen sister republics of Central and South America," and yet they steadfastly refuse to pay such a price for carrying the ocean mails to these countries as would initiate trade between our manufacturers and merchants and those countries, and thus secure to our artisans profitable employment.

In place of the true American policy of fostering our own ship-yards, both of the Government and of the citizen, so that we may replace our navy and our merchant marine with ships of our own building, from materials of our own production, and by the employment of our own laborers, we are urged to purchase these ships abroad, as if it could possibly be wise for a great nation to allow ship-building to become to it a lost art.

The party represented by a majority on this floor pretend to be the friend of the laboring man, and yet, but for a defection in its own ranks, would so legislate as to reduce the price of labor to a level with European wages, and, what is more, would insure a collapse of all financial, commercial, and agricultural interests by destructive inroads on established protection.

This same Democratic platform declares "in favor of gold and silver coinage," and yet a Democratic Secretary of the Treasury vies with the President in persistent and repeated demands on Congress to cease the coinage of "silver, the money of the Constitution."

Mr. Chairman, I might well pass from this exhibit of the failure of the dominant party here to perform its solemn pledges and turn to its significant failure to make good its charges against the Republican party.

The people were told that there was an immense surplus in the Treasury which was kept there by the unwise management of the Republican administration, and that if the money was actually on hand—of which grave doubts were expressed—it should be promptly used in reducing the public debt or be distributed among the people. Upon the accession of a Democratic Treasurer every cent of the public fund was found in place, and yet after fifteen months of opportunity to make the promised reduction of the public debt behold the result!

Since the inauguration of President Cleveland, up to and including that of June 21, 1886 (a period of sixteen months), there have been calls for redemption of the outstanding bonds of the United States amounting to $58,000,000—a monthly average under Democratic management of $3,625,000.

Now, Mr. Chairman, let us see how this compares with the debt-paying done by Republicans. From February 21, 1881, to March 4, 1885 (a period of forty-eight months), the bonds called for redemption made the sum of $556,969,950, or a monthly average of $11,603,540, showing a difference in favor of Republican management of $8,000,000 a month, or about one hundred millions each year. This showing is made from copies of bond-calls now before me—from the one hundred and first to and including the one hundred and thirty-eighth call made on the 21st instant. The one hundred and third, one hundred and sixteenth, and one hundred and twenty-first calls were for residue of certain issues named in these calls, the amounts of which are not stated, but which should be added to the sums called within the forty-eight months of Republican management.

What a difference between Democratic promises before the election and their fulfillment afterward!

Mr. Chairman, after a quarter of a century, within which the Government has been saved as by fire from the attempt of Democratic leaders to destroy it, and in which the country has enjoyed a prosperity and growth unparalleled in the history of the world, in every step of which the Republican party has been the exponent of the people, this same old Democratic party comes again into power and is now making its second attempt to direct the administration of the Government of this great country.

Seventeen months have not elapsed since its accession to power, and yet, by its complete failure to inaugurate its promised reforms and to redeem its pledges, and more especially by its utter inability to bring forward measures to meet the business requirements of the country, it is becoming apparent to all that Democracy is unequal to the task it has undertaken.

During the forty years of the supremacy of the old Democracy its leadership and control was in the South, and this leadership influenced the party to adopt the heresy that capital should own labor.

This utterly false idea of economics was the corner-stone on which they determined to build the Republic. They looked with contempt upon the laboring man, and while professing Democracy were building up an aristocracy. They sought to extend their infamous labor system into territory sacredly consecrated to freedom, and failing in this, they conspired to destroy the Government itself.

Long years of undisputed power, led by their selfish doctrinaires, had bred in the minds of Southern leaders of the Democracy an imperiousness that could brook no interference; their plan was universal domination; and when at last the manhood of the North was aroused, when Kansas was rescued from the baneful touch of this heresy, and the noble Lincoln was chosen as the first Republican President, frenzy and madness seized the discomfited plotters against labor, and in a condition of utter madness (led by that arch-conspirator whose gaunt form still stalks the earth, and who with sepulchral voice still declares "the cause is not lost") they aimed a shot at their country's flag. But alas for the conspirators against free labor, that shot did not reach the flag but killed their darling institution.

Since that fatal shot the disembodied spirit of the peculiar institution—as the ghost of the suicide is wont to do—still lingers around the spot where its old body met its tragic end. It seems still anxious to vex with its presence the children of men. It manifests its old-time tendencies through the Democratic party in many ways, and especially so in its policy of striking down protection to labor.

Mr. Chairman, I have endeavored to express my approval of the course pursued by the Democratic Commissioner of the General Land Office and my disapproval of the course of the administration under which that officer serves. I have pointed to the propriety and necessity of land reform, and have claimed for it a close relation to the labor question. I have referred to the fact that inasmuch as the leaders of the Democratic party are yet in sympathy with the dead past, they do not and can not administer government for the living present.

Sir, new questions are every year being discussed by the people on which Congress is called to legislate—questions such as are necessarily involved in that expansion of liberty which the new era in our country's history has made possible.

To which political party can the solution of these questions most safely be intrusted?

The Republican party was conceived that this new era might have birth, and it came forth amid the pangs of that fearful struggle which made us one great nation in which there is no slave. But, Mr. Chairman, no political party can live in the presence of the great questions I have referred to if it relies upon its past achievements. It must be abreast of the times if it would have for its supporters those who constitute the strength of the Republic.

Mr. CANNON obtained the floor.

Mr. REED, of Maine. I rise for the purpose of asking the gentleman from Pennsylvania a question.

Mr. RANDALL. I am ready to answer the question of the gentleman from Maine.

The CHAIRMAN. But the gentleman from Illinois is entitled to the floor.

Mr. RANDALL. I hope the gentleman will yield to the gentleman from Maine.

Mr. CANNON. I have no objection to the gentleman from Maine asking a question if it does not come out of my time.

Mr. RANDALL. No; it will not.

The CHAIRMAN. The Chair will then recognize the gentleman from Maine.

Mr. REED, of Maine. I wish to go back to paragraph commencing in line 851 and ending in line 860. I am satisfied the chairman of the Committee on Appropriations would not permit that to pass if the terms of it had been carefully scrutinized.

Mr. RANDALL. Read the language the gentleman refers to.

Mr. REED, of Maine. It is as follows:

No purchases shall be made on contracts executed in pursuance of appropriations made for the Navy Department or hereafter authorized by Congress, nor shall any property belonging to the Government be sold, until after publication of an advertisement calling attention in the briefest practicable form to the facts in each case, and stating where detailed information may be had; such advertisement to be inserted in a daily newspaper published in the city of Washington, D. C., to be designated annually by the President.

Mr. RANDALL. I can not consent to going back, but I can say this: that the paragraph which the gentleman has read comes from the Navy Department, and is designed to save a large sum of money.

Mr. REED, of Maine. I think I can demonstrate that it is a job.

Mr. RANDALL. Prove it is such, and I will go as quickly as the gentleman from Maine or any other to vote it out of the bill.

Mr. REED, of Maine. I think so, and that is why I wish to prove it.

Mr. RANDALL. If there is any job about it, it comes from the Navy Department.

Mr. REED, of Maine. Very possibly; with the Navy Department I have nothing to do. It proposes every article of property sold by the Government shall be advertised in a daily newspaper published in the city of Washington, D. C., no matter what the character of that property may be, no matter where the property is, no matter how absurd it may be. It is evidently a job, and that paper is to be designated by the President of the United States.

Mr. RANDALL. It is no such thing. It is to abridge advertisements in this connection, but not to cut off in any degree what is necessary for public information in reference to these sales.

Mr. REED, of Maine. Let me call the gentleman's attention to the language of the paragraph:

Nor shall any property belonging to the Government be sold, until after publication of an advertisement, * * * such advertisement to be inserted in a daily newspaper published in the city of Washington, D. C., to be designated annually by the President.

Mr. RANDALL. I have your statement to prove that it is a job.

Mr. REED, of Maine. I purpose to do it. I want you to give me time. Here is the language which I have already quoted. [Cries of "Regular order!"] I do not wish this complicated by any misunderstanding. I do not think I have made any statement which reflects on any gentleman in this House or anybody else. I do not mean that. I do not mean to have it complicated by any suspicion.

I say furthermore, the remarks made by the gentleman from Pennsylvania in regard to this proposition indicate he has not fully weighed the language which has been furnished him by some one.

Mr. RANDALL. Nobody furnished me with anything except the Secretary of the Navy.

Mr. REED, of Maine. Precisely, because the debate shows the gentleman regards it as applying to the property which might be sold by the Navy Department; but if he will read the language carefully he will see it not only applies to the property sold by the Navy Department, but to the property belonging to the Government, which may be sold anywhere. [Cries of "Order!"] It reads, "any property belonging to the Government."

The CHAIRMAN. There is no question before the committee.

Mr. REED, of Maine. But the gentleman from Pennsylvania is permitting me to go on.

The CHAIRMAN. The gentleman from Pennsylvania is not entitled to the floor; the gentleman from Illinois is entitled to the floor.

Mr. RANDALL. I will tell you what I will do. [Cries of "Regular order!"] We will let this matter go over until to-morrow morning, when I will discuss it with you.

Mr. REED, of Maine. Precisely; that is all I ask. If it be shown the interpretation given is not correct, then I have nothing more to say.

Mr. RANDALL. I have nothing to conceal.

Mr. REED, of Maine. No one would be further than myself from charging any member of the Appropriations Committee, or even the man who drew this——

Mr. RANDALL. I do not know who drew it.

Mr. REED, of Maine. I am only talking about the effect of it.

Mr. CANNON. Mr. Chairman, I desire to say in the five minutes allotted to me that I have no doubt frauds have been committed in acquiring titles to the public lands. I have no doubt in these same sections grand and petty larcenies, homicides, and all of the crimes known to the calendar, not only along the border but in the older States, have been committed. I have no doubt that frauds in all other business transactions have run riot along the border as well as in the older States. But I never knew before that fraud was to be presumed against a whole population or against all transactions touching any class of business.

In 1870 a young man who read law in my office, after he fought through the late war, went to Wichita when there was no Wichita there, when he had to travel 150 miles over the vacant prairie to get there. I passed through that part of the country last fall in company with the gentleman from Indiana and found at Wichita a city of fifteen thousand people, a higher order of cultivation and civilization than exists in some parts of my own State that have been settled for three-quarters of a century.

Now, I want to say here that it is to the interest of every man who is seeking to find a home for himself on the agricultural public lands of this country to contest every fraudulent entry. He can do it, and when he makes the contest successfully he gets the title.

I want to say that self-interest in the conflict between the settlers, as I understand it, unearths more fraud in a month than the Commissioner of the Land Office, even with his one hundred and fifty special agents if you give him that number, can in a year or two years.

I am surprised that my friend from Indiana [Mr. HOLMAN], with his almost life-long record against the swelling up of appropriations for men to roam up and down the country, will come now, under this Democratic administration, too, and seek to swell this appropriation to $150,000 for an additional number of Democratic employés to be appointed throughout the length and breadth of the country, with large salaries, upon a heavy per diem, to roam up and down at will seeking fraud and professing to have discovered fraud, because they know that the discovery of fraud is an absolute necessity upon which their employment rests.

They are compelled, therefore, to find it whether it exists or not. It does not comport well with the reputation of the gentleman from Indiana and his practices heretofore; and for one I will not stand here and help to swell this appropriation for that purpose. I noticed it not only upon this item of the bill, but upon the other item for the protection of the timber. The gentleman from Indiana wanted to swell up that appropriation; but the gentleman from Pennsylvania in charge of the bill resisted so strenuously that he withdrew his advocacy of swelling the appropriation and allowed the proposed amendment to be withdrawn.

I want to say that I understand something of the trials of poor men in a new country, for I lived in my early life upon the frontier, and I know something of what every man, when he goes into that country as a settler, must undergo, especially when he goes without capital, as most of them do. I know what must be borne, for I have been there, in the way of privation, hunger, and suffering. I recollect to have gone through it in the earlier part of my life, and I have some sympathy with the 90 per cent. of honest people who go to Kansas and Nebraska and Dakota without anything but their hands to make homes. And so far as any order of a Department will make a general rule that sweeps into the same common vortex the man who commits fraud with the honest man, the settler in good faith, I stand against such order and against all appropriations to carry it out and enforce it.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

PUBLIC BUILDING, WILLIAMSPORT, PA.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I desire to submit a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2148) making an appropriation for a public building at Williamsport, Pa., having met after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: "Including the cost of any additional ground for site, which the Secretary of the Treasury is hereby authorized to purchase, if in his judgment necessary;" and the Senate agree to the same.

SAMUEL DIBBLE,
THOMAS D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

WILLIAM MAHONE,
J. D. CAMERON,
J. N. CAMDEN,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa., and making an additional appropriation therefor," respectfully submit the following statement in explanation of the effect of the action of the committee of conference:

1. The Senate amendments 1 and 2, which the House is recommended to concur in, simply correct an error in placing the words "and twenty-five thousand" in the wrong place in the bill. The House passed the bill with a limit, for site and building, of $225,000, instead of the original limit of $100,000, and the Senate amendments 1 and 2 make the bill conform to this action of the House, as expressed elsewhere in the same section of the bill.

2. The Senate struck out section 2 by its amendment numbered 4. This section appropriated $50,000 for purchase of additional ground and continuation of work; and in lieu thereof the Senate added at the end of section 1 of the bill the words "including site," which is the Senate amendment numbered 3. The committee of conference recommend concurrence in the action of the Senate in striking out section 2, and that amendment 3 be agreed to also, being first amended to read as follows: "Including the cost of any additional ground for site, which the Secretary of the Treasury is hereby authorized to purchase, if in his judgment necessary."

Under the action of the conference committee the action of the House in the passage of the bill is sustained without any increase of expense or material change.

All of which is respectfully submitted.

SAMUEL DIBBLE,
THO. D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

Mr. HOLMAN. Is there any change in the amount from what was in the bill as it passed the House?

Mr. BROWN, of Pennsylvania. The amount is neither increased nor diminished.

Mr. HOLMAN. Did not the Senate increase or diminish the amount?

Mr. BROWN, of Pennsylvania. Neither. The House bill made a present appropriation. That has been stricken out, and the House conferees agreed to the action of the Senate.

The report of the committee of conference was agreed to.

Mr. BROWN, of Pennsylvania, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILES F. WEST.

Mr. MCMILLIN, by unanimous consent, introduced a bill (H. R. 9724) for the relief of Miles F. West; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE OVER BIGBEE RIVER.

Mr. MARTIN (by Mr. MCMILLIN), by unanimous consent, introduced a bill (H. R. 9725) authorizing the construction of a bridge over the Bigbee River at or near Jackson, Ala., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 544) granting leave of absence to employés in the Government Printing Office.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

OTOE AND MISSOURIA RESERVATION.

Mr. PERKINS. I ask unanimous consent to report from the Committee on Indian Affairs the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas. The bill has been reported from the Senate with an amendment. By direction of the Committee on Indian Affairs I ask non-concurrence in the Senate amendments and that a committee of conference be requested.

The Clerk read the Senate amendment.

Mr. RANDALL. I call for the regular order.

Mr. WARNER, of Ohio. I think this can not be understood without some explanation.

Mr. PERKINS. I think that there can be no objection to my request.

The SPEAKER. The regular order is demanded.

LEAVE TO PRINT.

Mr. HOLMAN. I ask unanimous consent that gentlemen may be allowed to publish in the RECORD remarks on the land question.

Mr. WARNER, of Ohio. And also on the Geological Survey.

There was no objection, and leave was granted.

And then (the hour of 5 o'clock having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition of the Board of Trade, of Chicago, relative to the meteorological service of the United States—to the Committee on Commerce.

By Mr. BARBOUR: Papers relating to the claim of Samuel W. George, of Loudoun County, Virginia—to the Committee on War Claims.

By Mr. BAYNE: Resolutions of Post No. 88, Grand Army of the Republic, Department of Pennsylvania; and of Colonel Clark Post, No. 162, Grand Army of the Republic, Department of Pennsylvania, against the passage of Senate bills 121 and 135—to the Committee on the Library.

By Mr. BOUND: Petition of Mary J. Decken for a widow's pension—to the Committee on Invalid Pensions.

Also, memorial of the Philadelphia Board of Trade, praying for the issuing of one and two dollar bills, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. BUNNELL: Petition of soldiers and citizens of South Gibson, Susquehanna County, Pennsylvania, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, memorial of the bureau of immigration of New Mexico, asking protection from predatory bands of Indians—to the Committee on the Territories.

Also, petition of members of Charles W. Deming Post, Grand Army of the Republic, of Williston, Pa., No. 496, recommending that bill granting a pension to James Sturdivant, late of Company C, Twelfth Regiment Pennsylvania Reserves, be passed—to the Committee on Invalid Pensions.

Also, memorial of Philadelphia Board of Trade, recommending the issuing of small bills by the Government to facilitate business—to the Committee on Banking and Currency.

By Mr. CONGER: Petition of L. A. Lake, for a pension to Clara M. Tonnahill—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Papers in the claim of Andrew Lafferty—to the Committee on Claims.

By Mr. DOCKERY: Petition of Union Star Post, No. 198, Grand Army of the Republic, asking the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition of David B. Johnson, of Marshall County, Alabama, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition of citizens of Armourdale, Kans., for the passage of the pension-service bill—to the Committee on Invalid Pensions.

By Mr. GAY: Papers relating to the claim of Jane M. Anderson; and of Caroline H. Labatt, of Orleans Parish; of Elbert Gantt, of Saint Landry Parish; of Fayette C. Ewing, of Lafourche Parish; of Ernest Pederclaux, of Ascension Parish; of John Webre, of Thibodeaux; of Celestine T. Carlin, of Saint Mary's Parish; of Louisa James, of New Orleans; and of Dennis E. Haynes, of Louisiana—to the Committee on War Claims.

By Mr. GUENTHER: Petition of Willis Phelps and others, citizens of Adams County, Wisconsin, praying for the passage of Senate bill 1886 at the present session of Congress without amendment—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Perry Johnson, W. C. Horton, and others, citizens of Fulton County, Georgia, for forfeiture and land grants, and the passage of other laws—to the Committee on the Public Lands.

By Mr. HAYNES: Papers in the bill to pension Betsey Cooney—to the Committee on Invalid Pensions.

Also, petition of John W. Howell and others, ex-soldiers, in favor of Senate bill 1886—to the same committee.

By Mr. D. B. HENDERSON: Petition of William H. Hill and 41 others, soldiers of the late war, asking for the passage of Senate bill 1886—to the same committee.

By Mr. HILL: Petition of D. M. Cully and 100 others, citizens of Yankton, Dak., praying for the passage of bill authorizing division of Dakota Territory by vote of the people—to the Committee on the Territories.

By Mr. HOUK: Petition of John W. Hemstead; of Henry Hull, administrator; of James A. Caldwell; of George W. Dice; of Jonathan Larrance; and of James C. Hodges, of Jefferson County Tennessee, asking that their war claims be referred to Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Remonstrance of citizens of Middletown, Conn., protesting against the removal of the custom-house to Hartford, Conn.—to the Committee on Commerce.

By Mr. LAFFOON: Petition of Dave Good Post, No. 37, Grand Army of the Republic, Department of Kentucky, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of 122 citizens of Fremont County, Iowa, asking the passage of House bill 7474—to the Committee on the Post-Office and Post-Roads.

By Mr. MATSON: Petition of Edward Griffen, late a corporal Com-

pany I, Twelfth Indiana Veteran Reserve Corps, and 102 citizens of Monroe County, Indiana, asking that a pension be granted to said Griffen—to the Committee on Invalid Pensions.

Also, petition of Susanna Maloney, widow of the father of George Maloney, private in Company I, Fifty-ninth Indiana Volunteers, for special act—to the same committee.

Also, soldiers and citizens of Newport, Me., asking for the passage of Senate bill 1886—to the same committee.

By Mr. MERRIMAN: Petition of S. Sprigg Belt, administrator of Ellen U. Belt, of the District of Columbia, for payment of war claim—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of W. B. Eaton and others, and of George A. Foss and others, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of A. J. Browder and A. C. Browder, heirs of D. A. Browder, deceased; and of John F. Bell, of Panola County; of W. P. Clayton, legal representative of Christopher Buntin, deceased, of Tallahatchie County; of Jacob Suratt and of Joseph C. Spight, of Tippah County; of John A. Browning, of Taylor's Depot; of E. G. Leigh, brother and executor of James H. Leigh, of Batesville; of Drury Robertson, of J. R. Nunnery, of James Morrison, of John W. Jones, of Nannie C. Bowles, of William T. Lamb, and of Mary Temple, of La Fayette County; and of J. A. Parker and of Harriet Langston, of Union County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of 50,000 citizens of California, requesting Congress to take such action as may be necessary either by appropriate legislation or by a change in the present treaty with China to forever prohibit the further immigration of Chinese to the United States—to the Committee on Foreign Affairs.

Also, petition of James M. Barney, E. N. Fish & Co., W. B. Hughes, and William B. Hooper & Co., asking that their claim be referred to the Court of Claims—to the Committee on Claims.

By Mr. MURPHY: Memorial from Iowa County, Iowa, for the passage of the swamp-land indemnity bill—to the Committee on the Public Lands.

By Mr. NEECE: Petition of citizens of Moline, Ill., praying that a pension be granted to Elizabeth Van Tuyl—to the Committee on Invalid Pensions.

Also, petition of 28 citizens of Hancock County, Illinois, praying for the passage of Senate bill in favor of the soldiers—to the same committee.

By Mr. OSBORNE: Memorial of Philadelphia Board of Trade, favoring the issuing of one and two dollar greenbacks, or of one and two dollar certificates based on silver coin in the Treasury, or of one and two dollar national-bank notes, calling in said currency from time to time when worn and dirty and reissuing clean new bills—to the Committee on Banking and Currency.

By Mr. PERRY: Petition of Mrs. Louisa M. Flanigan, widow of Patrick H. Flanigan, deceased, of Fairfield County, South Carolina, requesting that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of James M. Becket, of Washington County; of Pryor F. Yoe, of Greene County; and of Peter Smith, of Hawkins County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. T. B. REED: Petition of Louise Berrer, of Portland, Me., for allowance on account of the sudden death of her husband by accident while on duty for the United States—to the Committee on Appropriations.

By Mr. SINGLETON: Petition of G. W. Volkenning and of Charles Kroner, of Clark County; and of Mrs. Temperance J. Herd, widow of Samuel Herd, deceased, of Newton County, Mississippi, asking that their claims be referred to the Court of Claims—to the Committee on War Claims

By Mr. SKINNER: Petition of A. O. Dey, executor of James M. Ferebee, of Currituck County; of Jasper B. Mann and of Hugh Murdock, of Carteret County; and of Elizabeth Lawrence, executrix of Joseph Lawrence, deceased, of Pasquotank County, North Carolina, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. SWINBURNE: Petition of P. Cushman & Co. and others, merchants of Albany, N. Y., asking that Albany be made a port of immediate transportation—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of George M. Loyd and of Fayette J. Pulliam, of Fayette County; of Mildred C. Goodlet, of Shelby County; and of C. M. Hunt and others, heirs of John W. Hunt, deceased, of Hardeman County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THOMPSON: Petition of Alfred Bayes, for special act for honorable discharge—to the Committee on Military Affairs.

Also, petition of Thomas Brown Post, No. 475, Department of Ohio, Grand Army of the Republic, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WAIT: Petition of Mrs. Lydia Burdick, for a pension—to the same committee.

SENATE.

TUESDAY, *June* 29, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. BUTLER and by unanimous consent, its further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting estimate of appropriation of $37,500 for the improvement and enlargement of the Indian industrial school at Carlisle, Pa.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the governor and other officers of the State of Ohio, praying for legislation to enforce section 3328 of the Revised Statutes taxing imitation and spurious wines; also, to allow producers of native wine to use pure grape spirits for the purpose of fortification; which was referred to the Committee on Finance.

He also presented the petition of James M. Barney, E. N. Fish & Co., W. B. Hugus, and W. B. Hooper & Co., praying that their claims for pay for supplies furnished by them to the Indian service in Arizona between 1870 and 1875 be referred to the Court of Claims; which was referred to the Committee on Indian Affairs.

Mr. EVARTS presented a petition of 37 citizens of Newport, N. Y.; a petition of 49 citizens of Canajoharie, N. Y.; a petition of 93 citizens of Saint Lawrence County, New York; a petition of 25 citizens of Harrisonville, N. Y., and a petition of 100 citizens of Sleepy Eye, Minn., praying for the passage of House bill No. 8328, defining butter and imposing a tax on oleomargarine, &c.; which were referred to the Committee on Agriculture and Forestry.

Mr. HALE presented resolutions adopted at a meeting of Hebron Grange, No. 43, Patrons of Husbandry, in the State of Maine, in favor of the passage of the bill to tax imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented a petition of the Farmers' Association, of Carsonville, Mich., and a petition of the Farmers' Club, of Clinton and Tecumseh, Mich., praying for the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a memorial of Assembly No. 3371, Knights of Labor, of Galesburg, Ill., remonstrating against legislation for the taxation of oleomargarine or the restriction of its manufacture; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a resolution adopted by Pembroke Grange, No. 245, Patrons of Husbandry, of Maine, favoring the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MCPHERSON presented the petition of Hon. Orestes Cleveland, mayor, and 23 other citizens of Jersey City, N. J., praying that an appropriation be made for the continuance of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 921) to provide for the muster into service of Martin V. Miller as second lieutenant of Company E, Seventieth New York Volunteers, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2768) granting a pension to Elizabeth Miller; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1951) for the relief of John W. Gummo, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4629) for the relief of Levi Jones, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1185) for the relief of Emma H. Fish, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1719) recognizing Elias J. Beymer as an enrolling officer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a petition of citizens of Caledonia County, Vermont, praying for the amendment of the law relating to bounties paid to enlisted men during the war of the rebellion, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a petition of citizens of Kansas, praying that the pay of the soldiers and sailors of the late war be equalized with the pay of the holders of the national securities, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.