

District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. ARNOLD: Of 67 citizens of the Second district of Rhode Island.

By Mr. BACON (by request): Of 58 citizens of the Fifteenth district of New York.

By Mr. BROWER: Of 81 citizens of the Fifth district of North Carolina.

By Mr. J. E. CAMPBELL: Of 69 citizens of the Seventh district of Ohio.

By Mr. CUTCHEON: Of 78 citizens of the Ninth district of Michigan.

By Mr. DAVIS: Of 58 citizens of the First district of Massachusetts.

By Mr. GALLINGER: Of 118 citizens of the Second district of New Hampshire.

By Mr. S. T. HOPKINS: Of 67 citizens of the Seventeenth district of New York.

By Mr. JOSEPH: Of 80 citizens of New Mexico.

By Mr. KETCHAM: Of 53 citizens of the Sixteenth district of New York.

By Mr. LODGE: Of Frank S. Adams and others, of Reading, Mass.

By Mr. PARKER: Of 78 citizens of the Twenty-second district of New York.

By Mr. RICE: Of 54 citizens of the Fourth district of Minnesota.

By Mr. J. E. RUSSELL: Of citizens of the Tenth district of Massachusetts.

By Mr. SAWYER: Of 134 citizens of the Thirty-first district of New York.

By Mr. SCULL: Of 101 citizens of the Seventeenth district of Pennsylvania.

By Mr. STONE, of Missouri: Of J. B. Carrico and 77 others, citizens of the Twelfth district of Missouri.

By Mr. VOORHEES: Of 82 citizens of Washington Territory.

By Mr. YARDLEY: Of 69 citizens of the Seventh District of Pennsylvania.

SENATE.

SATURDAY, March 31, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, transmitting correspondence and reports relative to the purchase of historical documents; which, with the accompanying papers, was referred to the Committee on the Library, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens and voters of the town of Upper Sandusky, Wyandot County, Ohio, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized, and that it be allowed to remain in the Department of Agriculture, with a chief at its head who shall be a competent veterinary surgeon; which was ordered to lie on the table.

He also presented the petition of Stewart Sanderson, of Shelby, N. Y., praying that an appropriation be made for the construction of steel ramps for the purpose of coast defense; which was referred to the Committee on Coast Defenses.

Mr. WALTHALL. I present a petition of the house of representatives of the State of Mississippi, praying Congress to assist the State board of health in establishing inspective quarantine service on Ship Island. As the petition relates to the disposition of public buildings, I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. WALTHALL presented a petition of the house of representatives of the Legislature of Mississippi, praying Congress to pass an act placing the naval reserve lands of the United States Government situated in Harrison County, in that State, on the market; which was referred to the Committee on Public Lands.

He also presented a petition of the house of representatives of the Legislature of Mississippi, praying for confirmation of titles to certain lands donated to that State by act of Congress passed September 28, 1850; which was referred to the Committee on Public Lands.

Mr. COCKRELL. I present a resolution adopted by the Medico-Chirurgical Society of St. Louis, Mo., urging upon Congress the propriety of the passage of a bill to provide suitable maritime protection for the whole country under the supervision of officers of the General Government, the necessary expenses to be defrayed from the national Treasury. I move that the petition be referred to the Committee on Epidemic Diseases.

The PRESIDENT *pro tempore*. A similar petition was just referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS. The petition presented by the Senator from Missis-

sippi [Mr. WALTHALL] was simply a request that certain buildings which belong to the United States be turned over to the State for inspection purposes. As I understand, the petition presented by the Senator from Missouri looks to the establishment or regulation of quarantine.

Mr. COCKRELL. That is it; and it should go to the Committee on Epidemic Diseases.

Mr. HARRIS. This petition should go to the Committee on Epidemic Diseases, while the other was properly referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The petition will be so referred.

Mr. COCKRELL. I present a resolution adopted by the Medico-Chirurgical Society of St. Louis, Mo., urging upon Congress, in the event of the passage of a bill modifying the tariff, that the import duty be removed from all medicines, medical and surgical appliances, and from everything used in the treatment and diagnosis of disease in a full proportion, with a view to its future complete removal. I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented the petition of W. M. Haynes and 8 other male citizens of St. Louis, Mo., praying for better legal protection for women and girls within the territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. MORRILL presented the petition of Lucius D. Savage and 11 other citizens of the county of Washington, Vermont, praying that Senate bill No. 548, granting pensions to widows and minor children of pensioners, may receive favorable action by the Senate; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of the State board of railroad commissioners of the State of Iowa, in favor of action by Congress to have the Interstate Commerce Commission investigate and report to Congress conclusions arrived at in respect of what may be done to promote the safety of railroad employes, the proper heating of passenger cars, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Abernethy Post, No. 48, Grand Army of the Republic, of West Union, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of Typographical Union, No. 68, of Keokuk, Iowa, praying for the passage of an international copyright law; which was ordered to lie on the table.

Mr. FARWELL presented a petition of citizens of Christian County, Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR presented a petition of James M. Davis, Byron B. Floyd, George W. Wentworth, and 54 others, ex-Union soldiers and sailors, citizens of Haverhill, Mass., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR. I present the petition of the Icelandic Educational Society, of Winnipeg, Dominion of Canada, praying for an appropriation by Congress for the thorough examination of the records in the Vatican and other Roman libraries of the discovery of America by the Icelanders, and also for a public recognition of Leif Ericsson as the first discoverer and colonist of America, according to the plan for a Viking Hall heretofore presented. I suppose that the petition should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair thinks the petition can not be received under the rule, it being from citizens or subjects of a foreign power.

Mr. HOAR. I supposed there was no human being from whom the Senate would not receive a respectful petition.

Mr. HARRIS. I think the express rule is that unless such a petition is communicated by the State Department or the President, it can not be received.

The PRESIDENT *pro tempore*. The Secretary will read the fourth clause of Rule VII.

The Chief Clerk read as follows:

But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. HOAR. I had forgotten that rule for the moment.

Mr. MANDERSON presented a petition numerous signed by ex-prisoners of war, citizens of Owen County, Indiana, praying for the passage of what is known as the prisoners-of-war pension bill; which was referred to the Committee on Pensions.

He also presented a petition numerous signed by citizens of Putnam County, Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Thomas County, Nebraska, praying for the establishment of United States courts at North Platte, Nebr.; which was referred to the Committee on the Judiciary.

Mr. SABIN presented the petition of Robert W. Simmons, late corporal in Company B, Second Regiment Pennsylvania Provisional Heavy Artillery, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of Junction Lodge No. 6, of

the Amalgamated Iron and Steel Workers of the United States, of Steubenville, Ohio, and a petition of Hubbard Lodge No. 9, of the Amalgamated Iron and Steel Workers of the United States, favoring a protective-tariff policy; which were referred to the Committee on Finance.

Mr. WILSON, of Maryland. I present the petition of George M. Upshur and 36 other members of the Maryland Legislature, praying for the continuance of the work of eradicating pleuro-pneumonia under the Bureau of Animal Industry, as now organized, by strengthening and not changing the present plan of operation, keeping such bureau in the Department of Agriculture, under a competent veterinary surgeon as chief, with no control of any board or commission over such bureau or its work. I also present two other petitions of a similar character, one from citizens of Carroll County, and another from citizens of Frederick County, in the State of Maryland. I move that the petitions lie on the table, as the bill on that subject has been reported and is on the Calendar.

The motion was agreed to.

Mr. BLACKBURN presented a petition of citizens of Eden, Martin County, Kentucky; a petition of citizens of America, Lee County, Kentucky, and a petition of citizens of Ballard County, Kentucky, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized, and that the bureau may be allowed to remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon; which were ordered to lie on the table.

Mr. CHACE presented petitions of citizens of Macon and Savannah, in the State of Georgia, praying for the passage of an international copyright law; which were ordered to lie on the table.

Mr. PLATT presented the petition of T. F. Bean and others, citizens of the District of Columbia, calling attention to the law as it exists in the District of Columbia relating to lunacy, and praying for legislation in relation thereto; which was referred to the Committee on the District of Columbia.

Mr. STANFORD presented a petition of the American Forestry Congress and other citizens of Auburn, Placer County, California, praying for the passage of additional laws for the preservation of forests on the public lands; which was referred to the Committee on Agriculture and Forestry.

Mr. FAULKNER presented the petition of Emery P. Myers and 18 other ex-Union soldiers, citizens of the State of West Virginia, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. MITCHELL presented a petition of citizens of Polk County, Oregon, praying that the work of the eradication of pleuro-pneumonia among cattle shall be continued under the Bureau of Animal Industry as at present organized; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of members of the faculty of the Wesleyan University, of Middletown, Conn., praying that certain books therein enumerated may be imported free of duty; which was referred to the Committee on Finance.

Mr. BATE presented the petition of the Tennessee Bar Association, praying that increased compensation be allowed United States district judges; which was referred to the Committee on the Judiciary.

Mr. BATE. I present the petition of James W. Bowman, a citizen of Henderson County, Tennessee, praying for the passage of the bill granting him a pension, which I ask be placed on file with the papers accompanying the bill for his relief, the bill having been reported and being now on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. HISCOCK presented a petition of 450 ex-Union veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR presented resolutions of the Legislature of Massachusetts; which were read, as follows:

Resolutions relating to freight-car and steam couplers and to freight-train brakes.

COMMONWEALTH OF MASSACHUSETTS, In the year 1888.

Resolved by the senate and house of representatives in General Court assembled:

Whereas thousands of railroad employes every year are killed or injured in coupling or uncoupling and in handling the brakes on freight cars used in interstate traffic, and most of these accidents can be avoided by the use of uniform automatic couplers and train brakes; and

Whereas the success and the growth of the system of heating cars by steam from the locomotive or other single source largely depends on the adoption in interstate traffic of a uniform steam coupler; and

Whereas these subjects are believed to be of pressing importance and within the proper scope of the powers of the Congress of the United States, while attempts on the part of the individual States to deal with them have resulted and must continue to result in conflicting regulations:

Resolved, That the senate and the house of representatives of the Commonwealth of Massachusetts in General Court assembled do most respectfully and earnestly urge upon Congress a consideration of the foregoing subjects with a view to the passage of a resolution instructing the Interstate Commerce Commission to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce, and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive or other single source can be promoted, to the end that said commission may make recommendations in the premises to the various railroads within its jurisdiction, and report its doings to Congress at an early date, with suggestions as to legislation on said subject as may seem to it necessary or expedient.

Resolved, That a copy of these resolutions be transmitted to the Congress of the United States and to each of our Senators and Representatives therein.

SENATE, March 22, 1888.

Adopted.

Sent down for concurrence.

E. HERBERT CLAPP, Clerk.

HOUSE OF REPRESENTATIVES, March 27, 1888.

Adopted in concurrence.

EDWARD A. McLAUGHLIN,

Clerk.

A true copy.

Attest:

E. HERBERT CLAPP,

Clerk of the Senate.

Mr. HOAR. I move that the resolutions be referred to the Committee on Interstate Commerce, and I ask the consent of the Senate to make one or two observations in regard to them.

These resolutions have been adopted by the Legislature of the Commonwealth of Massachusetts on the urgent recommendation of the railroad commissioners of that State, who compose the first board of the kind, I think, ever appointed in this country, and which board consists of gentlemen of very high authority and great experience in regard to all railroad matters. They called my attention to the subject some weeks ago and informed me that these resolutions would be here in due time.

The number of employes of railroads who are injured or killed on the railroads in this country in handling freight trains amounts to thousands every year; and the danger from the somewhat unmanageable trains of freight cars, especially in coupling and uncoupling them, is a very serious peril to life and limb.

The railroad commissioners of Massachusetts endeavored to establish some regulations for the government of the railroads of that State which would be sufficient to almost wholly remove this very great danger, but they found themselves embarrassed by the question of jurisdiction. Under the recent decisions of the Supreme Court it is quite obvious that they could make no regulation which would be applicable to railroads engaged in interstate commerce and apply certainly to trains conveying merchandise from State to State.

It becomes necessary, therefore, to have national action upon the subject, and the railroad commissioners of Massachusetts, with the concurrence and assent of the similar authorities of quite a number of other States of the Union, have desired that the Interstate Commerce Commission might be clothed with authority to deal with the subject and to establish suitable regulations.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Interstate Commerce.

Mr. BROWN presented the petition of the committee for philanthropic labor of the New York Yearly Meeting of the Religious Society of Friends, praying for the initiation and adoption of measures looking to the establishment, in conjunction with other nationalities, through treaty stipulations, of a permanent court of international arbitration for the amicable adjustment of the differences which may arise between our own and other countries; which was referred to the Committee on Foreign Relations.

He also presented the petition of the Cultivator Publishing Company, of Atlanta, Ga., praying for the passage of what is known as the fractional silver-certificate bill; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of 32 citizens of Mount Carmel, Tex., praying an increase of compensation for third and fourth class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS presented a concurrent resolution of the senate and assembly of the State of New York, urging the passage of the bill to refund to merchants and commercial agents the taxes exacted under certain legislation in 1871, by the local authorities of the District of Columbia, imposing a license tax upon commercial agents, which law was on May 9, 1887, declared by the supreme court of the District of Columbia beyond the bounds of any authority delegated to the District of Columbia by Congress; which was referred to the Committee on the District of Columbia.

He also presented a petition of the common council of the city of New York, requesting that the Congress of the United States appropriate the sum of \$2,300,000, to be expended by the Secretary of War, for the improvement of Harlem River and Spuyten Duyvil Creek, in accordance with the plans and upon the route already approved and acquired therefor; which was referred to the Committee on Commerce.

He also presented a petition of 74 ex-Union soldiers and sailors, citizens of Walton, N. Y.; a petition of 11 ex-Union soldiers and sailors, citizens of Auburn, Cayuga County, New York; a petition of 16 ex-Union soldiers and sailors, citizens of East Homer, N. Y.; and a petition of 440 ex-Union soldiers and sailors, citizens of Albion, Orleans County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of the Arkwright Club, of Boston, Mass., urging the passage of the bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom

was referred the bill (S. 1171) for the relief of the legal representatives of George McDougall, deceased, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 499) for the relief of William H. Crook, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2501) for the relief of William M. Bryant, reported it without amendment.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 6887) for the relief of Henry Brock, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Ernest Hodder, praying that his claim for pay be referred to the Court of Claims, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1426) for the relief of William H. Young, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1323) to confer brevet promotion on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2028) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns, 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. 2021) to brevet officers of the Army on the active and retired lists, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. EVARTS, from the Committee on the Library reported a bill (S. 2564) authorizing and directing the Secretary of War to purchase from Miss Virginia Taylor Lewis a sword of Washington; which was read twice by its title.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day, reported it with an amendment.

EXPENSES OF SENATE INVESTIGATIONS.

Mr. ALLISON. I am authorized by the Committee on Appropriations to report a bill appropriating \$20,000 for expenses of special and select committees of the Senate, and I ask unanimous consent that it may be now considered.

The bill (S. 2550) appropriating \$20,000 for expenses of special and select committees of the Senate was read twice, and considered as in Committee of the Whole.

Mr. ALLISON. If I may be permitted to say a word, I will state that there are four or five committees of the Senate now making investigations, and the appropriation for that purpose is almost entirely exhausted, or within a few dollars, which makes it necessary that this appropriation should be made or that the investigations should not proceed.

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

PUBLIC-BUILDING EXPENDITURES.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with a statement of appropriations and expenditures for public buildings from March 4, 1855, to the present time.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 2551) to amend section 993 of the Revised Statutes of the United States for the District of Columbia so as to make inauguration day a holiday within said District; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PADDOCK (by request) introduced a bill (S. 2552) relating to postmasters at Presidential offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Maryland (by request), introduced a bill (S. 2553) to incorporate the Washington and Western Maryland Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2554) for the relief of the heirs of Lieut. Commander Wilson McGunnigle, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a bill (S. 2555) for the relief of James J. Johnston; which was read twice by its title, and referred to the Committee on Patents.

Mr. MANDERSON introduced a bill (S. 2556) for the relief of Charles B. Newton; which was read twice by its title.

Mr. MANDERSON. I am somewhat at a loss to know to what committee the bill should be referred. It proposes to reimburse Charles B. Newton, a boy nineteen years old, who was arrested on the charge of being a deserter from the Army of the United States, who was kept in confinement and very grossly abused and maltreated. It is a case of mistaken identity. Whether it should go to the Committee on the Judiciary, the Committee on Claims, or the Committee on Military Affairs, I am somewhat at a loss to know. I should like to get some suggestion from the Chair.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs, if there be no objection.

Mr. VOORHEES (by request) introduced a bill (S. 2557) authorizing the issue of specie certificates, redeemable half in gold coin and half in silver bullion equal in value to the gold half; which was read twice by its title, and referred to the Committee on Finance.

Mr. DANIEL (by request) introduced a bill (S. 2558) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2559) providing for the printing of Government publications upon private orders; which was read twice by its title, and referred to the Committee on Printing.

Mr. SABIN introduced a bill (S. 2560) to improve and encourage the cultivation and manufacture of flax and hemp; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HISCOCK introduced a bill (S. 2561) to provide for the erection of a monument at Sackett's Harbor, in the State of New York; which was read twice by its title, and referred to the Committee on the Library.

Mr. GEORGE introduced a bill (S. 2562) to provide for the erection of a public building in Yazoo City, Miss.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. REAGAN introduced a bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864, at Deer Creek Station, Wyo., and for loss of property taken by Sioux Indians; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a joint resolution (S. R. 67) authorizing and directing the Librarian of Congress to permit Dr. J. F. Jameson to cause to be made a copy of the records of the Virginia Company, and to cause the same to be published; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

AMENDMENT TO A BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PURCHASE OF BONDS.

Mr. REAGAN. I offered an amendment the other day, and as there is a mistake about it, I desire to have it reprinted and printed correctly. It is the amendment submitted by me to the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The order to reprint will be made, if there be no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOAR, it was

Ordered, That leave be granted Nathaniel McKay to withdraw from the files of the Senate the papers in the case of Nathaniel McKay and the executors of Donald McKay.

PRINTING OF FISHERIES MAP.

On motion of Mr. HOAR, it was

Ordered, That the Senate Committee on Printing be directed to cause to be prepared and printed for the use of the Senate 500 reduced copies of the map now in the room of the Senate Committee on Foreign Relations showing the waters and shores frequented by American fishermen in the North Atlantic Ocean, colored so as to show the effect of the proposed treaty and the rights claimed in behalf of American fishermen.

FLORIDA LAND TITLES.

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

Resolved, That a special committee of five Senators shall be appointed, to be selected by the President of the Senate, who shall inquire whether it is essential or advisable for the protection of actual settlers on the public land of the United States in the State of Florida, which has been heretofore patented or certified to other than actual settlers improvidently or without authority, that suits shall be brought by the United States to cancel such patents, the committee to report by bill or otherwise, and further report such other legislation as may be necessary for the protection of actual settlers on the public lands of the United States in the State of Florida and for the settlement of the title to the public lands in the possession of such settlers.

Mr. CALL. I ask for the present consideration of the resolution.

Mr. BECK. I should like to ask the Senator from Florida why the regular committee of the Senate can not do that work. We have just appropriated \$20,000 this morning to pay the expenses of special committees, and it seems to me the regular committees of the Senate can do all the work they have before them. I should like to know why the regular committee can not do it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. I suggest that the resolution lie over until the chairman of the Committee on Public Lands comes in. I do not myself know anything about it, and I have no objection to it; but I think the members of that committee should be present when a special subject within their jurisdiction is referred to another committee.

Mr. MITCHELL. I was about to make the same suggestion. I understand that the chairman of the Committee on Public Lands will not be here to-day.

Mr. SHERMAN. The resolution had better go over until to-morrow.

Mr. HOAR. Let it go over.

The PRESIDENT *pro tempore*. The resolution lies over, under the rule.

Mr. CALL. I ask the Senator from Massachusetts to withdraw his objection.

Some two weeks since I addressed the Senate and was interrupted by the recurrence of the regular order in my remarks upon the subject of a resolution I had introduced, instructing the Committee on Public Lands to report a bill for canceling patents that had been unlawfully and improvidently issued by the Commissioner of the General Land Office. It was my desire to continue those remarks in order to present to the Senate a case which I think demands imperatively the action of the Senate for the protection of the rights of actual settlers who, under the laws of the United States, have a right to their homes. I had one case of very great and peculiar enormity, and I was interrupted in the presentation of that case.

It has been suggested to me by Senators that if I would confine the resolution to the State of Florida, and provide for a special committee to inquire into the subject, there would be no objection. I shall be obliged to let the resolution lie over, as objection is made; but I desire to say that there is a great necessity for this action on the part of the Senate.

Two years ago I presented a resolution asking for a special committee to investigate these cases, in order that actual settlers upon the public lands of Florida should have a hearing. The Committee on Public Lands of the Senate have a great amount of business before them constantly. They referred the resolution at that time to the Commissioner of the General Land Office and the Secretary of the Interior, who reported to them that the Department had ample means to conduct such an investigation. The committee had no objection to the special committee being raised—they were advised of the pressure of business before them—but upon the report of the Commissioner of the General Land Office my resolution for a special committee was indefinitely postponed.

Two years have elapsed. These people are being turned out of their homes. No investigation has been had. Hundreds of letters are in my possession, exhibiting cases of great wrong and injustice for the want of adequate legislation in this direction. I have a letter before me from Mr. P. B. Perry, of Sumter County, Florida, an old citizen, eighty years old, an old soldier of the United States, an excellent citizen, and an honest and good man—who has recently had one of his eyes extracted, and he writes me that he is almost blind in the other—who urges upon me in behalf of the poor people who have settled upon these lands and are unable to pay the prices asked for their homes by the people who make unlawful claim to them, that some investigation shall be had and some protection given to them in the rights which the law passed by Congress has given to them, and which the United States has pledged its faith shall belong to them.

I only ask for that investigation. For two years I have been asking for it. The Committee on Public Lands are overwhelmed with business, and this is a special subject to which a special committee may well give some attention. If Congress will not protect the people in their homes against violations of the law by executive officers, what will become of the country, and who will the people look to for protection? I print by leave of the Senate the letter of Mr. P. B. Perry:

WHITESVILLE, MARION COUNTY, FLORIDA, March 24, 1888.

HONORED FRIEND:—I see from your favor of your late speech that you are at your post, and fighting for the poor man. I am glad that we have a few honest men yet, even in Congress.

Say what you please, money makes the mare go. Judges, lawyers, legislators, all move to the sound of the money; that is, money will enlighten the majority, so that every time the decision is on the money side.

The pure, that money can not swerve from the right, are few and far between. I am proud that you belong to that small but honorable minority that "does not deserve justice" (Harris, of Osceola). That noble idea brings me to our Florida Railway and Navigation railroad land-grant matter that you have so long fought for the people, but it seems, as Harris said, "You did not deserve justice," as it seems to have gone the other way! That \$5,000 money I guess held you back till some honorable (?) courts turned the railroad loose. To that end, not long ago, the road had its surveyor (?) camping in my settlement, riding over land, compass in pocket, taking its lands, counting horses' steps for chains, telling the settlers they were stealing his timbers, etc. Some of them talked impudent to him. The result: He went off and, according to his "survey," reported those he holds trespassing, and they have got letters offering to sell them the lands trespassed upon at \$5 or \$6 an acre.

Now there are some improvements and settlements on the odd sections made in hopes of a forfeiture bill, etc., expecting to get homesteads, but the poor fellows are not able to buy their own labor, so they are ruined.

One case: A school-house put on a 40-acre block, with a pond in it—it is not worth \$10—their price is \$100, but then, you see, the house.

But, friend CALL, I must close. Stick to the right.

P. B. PERRY, SR.

I do not know that you or your clerks can read this. I am old and nearly blind; had one eye taken out a week ago; but, oh! CALL, while I breathe let me encourage you in the right. Is there any hopes for those poor settlers?

P. B. P., SR.

Hon. Senator WILKINSON CALL,
United States Senate, Washington.

The PRESIDENT *pro tempore*. The resolution lies over under the rule.

PARIS INTERNATIONAL EXPOSITION.

Mr. SHERMAN. I propose to ask the unanimous consent of the Senate to pass a House joint resolution. I would not do it but for the fact that time is very important. It is a joint resolution accepting the invitation of the French Republic to take part in the international exposition to be held in Paris in 1889. Time is important because arrangements are being constantly made in regard to the exposition. I think the joint resolution will lead to no debate. If there be no objection, I should like to have it acted upon.

The PRESIDENT *pro tempore*. The Senator from Ohio asks the unanimous consent of the Senate to proceed to the consideration of the joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was reported from the Committee on Foreign Relations with amendments.

Mr. PAYNE. I ask that the amendments of the committee be acted upon as they are reached in the reading of the joint resolution.

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

The Secretary proceeded to read the joint resolution.

The first amendment of the Committee on Foreign Relations was, in section 2, line 10, after the word "commissioner-general," to insert the words "to act under the direction of the commissioner-general;" and in line 13, after the word "nine," to strike out the words "subcommissioners, and said subcommissioners shall be;" so as to read:

That the President, by and with the advice and consent of the Senate, shall appoint a commissioner-general to represent the United States in the proposed exposition, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the contributions from this country and to control the expenditures incident to the proper installation and exhibit thereof; the pay of jurors, and the preparation of the reports on the exposition and the general results thereof; and an assistant commissioner-general, to act under the direction of the commissioner-general, who shall perform the duties of commissioner-general in case of his death or disability; and that the President may also appoint nine scientific experts, corresponding to and specifically assigned to the nine groups into which the exposition will, under the official regulations, be divided.

The amendment was agreed to.

The next amendment was, in section 2, line 18, before the word "thousand," to strike out "five" and insert "ten;" so as to read:

That the allowance to said commissioner-general for salary and personal expenses shall not exceed \$10,000 for his whole term of office.

The amendment was agreed to.

The next amendment was, in section 2, line 21, before the word "five," to strike out the word "twenty;" and after the word "five" to strike out the word "hundred" and insert the word "thousand;" so as to read:

That the allowance of said assistant commissioner-general for salary and personal expenses shall not exceed \$5,000 for his term of office.

The amendment was agreed to.

The next amendment was, in section 2, line 22, after the word "nine," to strike out the word "subcommissioners" and insert "scientific experts;" and, in line 24, before the word "hundred," to strike out "twelve" and insert "fifteen;" so as to read:

And the allowance of the nine scientific experts for salary and personal expense each shall not exceed \$1,500, not including such clerical service as may be allowed by the commissioner-general, which shall not exceed \$15,000.

The amendment was agreed to.

The next amendment was, in section 2, line 26, after the word "dollars," to strike out the remainder of the section in the following words:

And the governors of the several States may nominate and the President appoint one honorary commissioner from each of the several States, and the President may appoint one honorary commissioner from each of the several Territories, which said honorary commissioners may report upon such special subjects as the commissioner-general may direct, and shall serve without pay or other expenses to the United States: *Provided*, That no person appointed by virtue of this resolution shall have any pecuniary interest directly or indirectly in any article exhibited for competition, or act as the agent for any exhibitor.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the President be authorized, in his discretion, to assign one or more of the public vessels to transport to and from France, free of cost, under regulations to be prescribed by the commissioner-general, such articles as may be offered for exhibition by the citizens of the United States.

The amendment was agreed to.

The next amendment was, in section 3 [4], line 7, before the word "hundred," to strike out "two" and insert "three;" and in line 10, after the word "State," to strike out the words "and out of such amount;" so as to read:

That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioner-general made under the direction of the Secretary of State, and with his ap-

proval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary for the purposes herein specified, which sum shall be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, in section 3 [4], line 12, after the word "prepare," to strike out the words "as far as practicable and with as little delay as possible;" and in line 15, after the word "exposition," to insert the words "the expense of the same to be paid out of said appropriation;" so as to read:

The Commissioner of Agriculture is hereby authorized to collect and prepare suitable specimens of the agricultural productions of the several States and Territories of the Union for exhibition at the Paris exposition, the expense of the same to be paid out of said appropriation.

The amendment was agreed to.

The next amendment was to strike out section 3 [4], from line 17 to line 35, inclusive, in the following words:

And the Commissioner of Agriculture is also authorized to prepare, for gratuitous distribution at said Paris exposition, a concise statement printed in English, French, and German, descriptive of swine raising in the United States and the methods used in this country in preparing pork for export, together with such information as he may possess as to the relative wholesomeness of pork raised in the United States and in other countries. And the said Commissioner of Agriculture, under the direction of the Secretary of State, is further authorized and directed to secure, if possible, as a part of said Paris exposition, a competitive inspection of pork raised in the United States and in the different countries of Europe, with the view of determining the relative wholesomeness of the pork products of the United States and of Europe, and for the purposes indicated in this paragraph the additional sum of \$25,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The reading of the joint resolution was concluded.

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

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

The joint resolution was read the third time and passed.

The preamble was agreed to.

MEETING OF WASHINGTON LEGISLATIVE ASSEMBLY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted by Mr. MITCHELL, March 29, 1888, was read, as follows:

Whereas it is provided in section 1846 of the Revised Statutes of the United States as follows:

"SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected."

And whereas the last biennial session of the Legislative Assembly of Washington Territory adjourned *sine die* in the month of February, 1888; and

Whereas on the 1st day of February, 1888, said Legislative Assembly of Washington Territory passed the following act, which was on February 2 approved by the governor of said Territory, to wit:

"An act to fix the times for the meeting of the Legislative Assembly of Washington Territory.

"Be it enacted by the Legislative Assembly of the Territory of Washington, That the next session of the Legislative Assembly of Washington Territory shall begin on the second Monday of January, 1889, at 12 o'clock noon, and the Legislative Assembly shall meet at noon on the second Monday of January, and biennially thereafter.

"SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

"SEC. 3. This act shall take effect and be in force from and after its passage and approval.

"Passed the house February 1, 1888.

"W. M. CLARK,
"Speaker of the House.

"Passed the council February 1, 1888.

"JOHN R. THOMPSON,
"President of the Council.

"Approved February 2, 1888.

EUGENE SEMPLE, Governor."

"[SEAL.]

Therefore

Resolved, That the Committee on Territories be, and they are hereby, instructed to inquire into the validity of said act of the Legislative Assembly of Washington Territory, providing that the next session of such Legislative Assembly shall begin on the second Monday of January, 1889, at 12 o'clock noon, and to report by bill or otherwise.

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

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. 428) granting a pension to William B. Johnson;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 3191) granting a pension to Mary S. Logan;

A bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter;

A bill (H. R. 4104) granting a pension to Mahala Dexter;

A bill (H. R. 5118) granting a pension to Theodore Gardner;

A bill (H. R. 6759) granting a pension to Mary Robinson;

A bill (H. R. 6761) for the relief of James H. Orr;

A bill (H. R. 6812) granting an increase of pension to Stephen Thurston;

A bill (H. R. 7856) granting a pension to Emma R. Johnson; and Joint resolution (H. Res. 140) appropriating \$25,000 for the international exhibition in Barcelona, Spain.

The message further announced that the House had passed the following bills of the Senate with amendments, in which it requested the concurrence of the Senate:

A bill (S. 574) to increase the pension of Mrs. Apolline A. Blair;

A bill (S. 549) granting a pension to Hannah R. Langdon; and

A bill (S. 1784) granting a pension to Ida M. Welton.

The message also announced that the House had passed the following bills:

A bill (S. 404) for the relief of Margaret S. Murray;

A bill (S. 550) granting a pension to William C. Wait;

A bill (S. 733) granting a pension to Abbie S. Hutchinson;

A bill (S. 803) granting a pension to Delia U. Peck;

A bill (S. 809) granting a pension to Betsey Mannsfield;

A bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 854) granting a pension to Sarah E. Branson; and

A bill (S. 1785) granting a pension to Stephen D. Redfield.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil; agreed to the conference asked by the Senate on the said bill and amendments, and had appointed Mr. MCCREARY, Mr. RUSSELL of Massachusetts, and Mr. MORROW as the conferees on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887;

A bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas;

A bill (H. R. 1481) making an appropriation to construct a road and approaches from Pineville, La., to the national military cemetery near that town;

A bill (H. R. 3749) for the relief of Frank Baker; and

A bill (H. R. 4556) to confirm New Madrid location, survey No. 2889, and to provide for issue of patent therefor.

COMMITTEE ON THE JUDICIARY.

Mr. EDMUNDS. I ask that the Committee on the Judiciary may have leave to sit during the remainder of this session of Congress during the sessions of the Senate. Our business has so accumulated that that seems to be necessary.

The PRESIDENT *pro tempore*. The Judiciary Committee asks leave to sit during the sittings of the Senate for the remainder of the session. The Chair hears no objection, and that permission will be granted.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed. The first bill on the Calendar under Rule VIII will be stated.

PUBLIC BUILDING AT ST. ALBANS, VT.

The bill (S. 1876) for the purchase of a site and erection of a custom-house and post-office at St. Albans, Vt., was announced as first in order.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, after the word "site," at the end of line 25, to insert "which shall be purchased at voluntary sale or by condemnation;" so as to read:

Provided, That no part of said sum shall be expended until a valid title to the said site, which shall be purchased at voluntary sale or by condemnation, shall be vested in the United States, nor until the State of Vermont shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

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

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

LEOPOLD MAYER.

The bill (S. 619) granting an increase of pension to Leopold Mayer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Leopold Mayer, late captain of Company C, Twelfth Regiment Pennsylvania Volunteers, at the rate of \$25 per month, in lieu of the pension he is now receiving.

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

PUBLIC BUILDING AT LOS ANGELES, CAL.

The bill (S. 1789) for an extension of appropriation for the erection of a public building at Los Angeles, Cal., was considered as in Committee of the Whole.

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

SOUTHERN UTE RESERVATION.

The bill (S. 1145) granting the right of way to the Durango, Cortez and Utah Railroad Company through the Southern Ute Indian reservation in Southwestern Colorado was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 9, after the words "shall be," to strike out "filled" and insert "filed;" so as to read:

Sec. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 3, line 18, after "United States," to strike out "may, in his discretion," and insert "shall;" so as to read:

Provided, That the President of the United States shall require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

The amendment was agreed to.

Mr. BOWEN. In line 4 of section 1, where the word "railroad" occurs, I move to strike out that word and insert "railway;" so as to give the correct title.

The amendment was agreed to.

Mr. BOWEN. In the same line of section 1 I move to strike out "Durango, Cortez" and insert "Rio Grande;" so as to give the proper name of the corporation.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 4 of section 1 it is proposed to strike out "Durango, Cortez" and insert "Rio Grande;" so as to read:

That the right of way is hereby granted, as hereinafter set forth, to the Rio Grande and Utah Railway Company.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting the right of way to the Rio Grande and Utah Railway Company through the Southern Ute Indian reservation in Southwestern Colorado."

SWAMP AND OVERFLOWED LAND GRANTS.

Mr. STEWART. I enter a motion to reconsider the vote by which the Senate passed the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States, and I ask that a request be sent to the House of Representatives for the return of the bill.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to reconsider the vote by which the bill named by him was passed, and that a message be sent to the House of Representatives requesting the return of the bill. That request will be sent to the House of Representatives, if there be no objection, and the motion to reconsider will be entered.

BETTING ON RACES, ETC.

The bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races was considered as in Committee of the Whole.

Mr. SPOONER. What committee is that reported from?

The PRESIDENT *pro tempore*. The Committee on the District of Columbia.

Mr. SPOONER. I desire to offer an amendment to that bill, and I ask that it may go over without losing its place.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

E. B. CROZIER.

The bill (S. 73) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, filling the blank after the word "appropriated," in line 6, by inserting "one hundred and ninety-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, deceased, out of any money in the Treasury not otherwise appropriated, \$195, for services rendered as surgeon in the United States Army hospital at Cutlbert, Ga., from June 15, 1865, to July 18, 1865, and for cost of transportation from Chattanooga, Tenn., to Clarksville, Tenn.

The amendment was agreed to.

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

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

CHAUNCEY M. LOCKWOOD.

The bill (S. 726) for the relief of Chauncey M. Lockwood or his legal representatives was considered as in Committee of the Whole.

The Committee on Post-Offices and Post-Roads reported an amendment, to strike out all after the enacting clause of the bill and in lieu to insert:

That J. W. Hodson, administrator of Chauncey M. Lockwood, be, and he is hereby, authorized to commence his suit in the Court of Claims of the United States for extra mail service on route No. 16637, extending from Salt Lake City, Utah, to The Dalles, Oregon, and the Court of Claims shall have jurisdiction to adjudicate the same upon the basis of justice and equity, and render a final judgment therein for the value of such extra mail service performed as aforesaid; and from any judgment that may be rendered in said cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such case.

Mr. MITCHELL. I move to amend the amendment, in lines 3 and 4, by striking out "J. W. Hodson, administrator of Chauncey M. Lockwood, be, and he is hereby, authorized to commence his" and insert "the legal representatives of Chauncey M. Lockwood be, and they are hereby, authorized to commence their."

The amendment was agreed to.

The amendment as amended was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of the legal representatives of Chauncey M. Lockwood."

ASSISTANTS TO NAVAL BUREAU CHIEFS.

The bill (S. 1438) to provide for the appointment of assistants to the chiefs of bureaus of the Navy Department was announced as next in order.

The bill was read. The Committee on Naval Affairs reported an amendment, to add to the bill the following proviso:

Provided, That the assistant to the Chief of the Bureau of Construction and Repair shall be selected from the Corps of Naval Constructors not below the relative rank of commander, and shall receive an extra compensation of \$800 per annum in excess of his regular pay.

Mr. PLATT. I did not hear the bill read. I should like to know how many new officers it creates.

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Pennsylvania [Mr. CAMERON].

Mr. PLATT. I ask for another reading of the bill.

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

The Chief Clerk read the bill.

Mr. PLATT. The Senator who reported the bill is not present; and while I do not wish to object to it, I should like to have some explanation of it. I therefore ask that it may be passed over, retaining its place on the Calendar, until he comes in.

The PRESIDENT *pro tempore*. It will be so ordered.

COMMISSIONS OF JUDICIAL OFFICERS.

The bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice was considered as in Committee of the Whole.

It provides that hereafter the commissions of all judicial officers, including marshals and attorneys of the United States, appointed by the President, by and with the advice and consent of the Senate, and all other commissions heretofore prepared at the Department of State upon the requisition of the Attorney-General, shall be made out and recorded in the Department of Justice, and shall be under the seal of that Department and countersigned by the Attorney-General; but the seal shall not be affixed to any such commission before it shall have been signed by the President of the United States.

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

PRISON STATISTICS.

The bill (S. 356) to obtain prison statistics was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 12, after the word "States," to insert "and Territories;" so as to make the bill read:

Be it enacted, etc., That it shall be the duty of the Attorney-General to obtain a record of all United States prisoners, both before and after sentence, and to collect, compile, and present to Congress, in his annual report, complete and practical statistics showing where prisoners are confined, length of sentence,

age, nationality, illiteracy, sanitary condition, cost of support, and, so far as possible, the relation of convict labor to free labor. He shall also, in like manner, collect and arrange, as far as possible, tables setting forth the general criminal statistics of the several States and Territories of the United States.

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.

MARIA SYPHAX.

The bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax" was considered as in Committee of the Whole. It declares that the act of June 12, 1866, "for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, Virginia, shall be construed to operate as a relinquishment to Maria Syphax, her heirs or devisees, of any outstanding title to the land which the United States may have acquired since the date of that act.

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

NOTICE TO SURETIES.

The bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, in section 1, line 6, before the word "making," to strike out "auditing officer" and insert "accounting officers;" in line 7, after the words "notify the," to strike out "chief" and insert "head;" in line 9, after the word "said," to strike out "shortage" and insert "deficiency;" in line 10, after the word "said," to strike out "chief" and insert "head;" in line 11, after the word "all," to strike out "sureties" and insert "obligors;" in line 12, after the word "such," to strike out "shortage" and insert "deficiency;" in line 16, after the words "to the," to strike out "post-office" and insert "respective post-offices;" in line 17, before the word "may," to strike out "sureties" and insert "obligors;" and in line 18, after the word "discharge," to strike out "such" and insert "the;" so as to make the first section read:

That hereafter, whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the Department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of Department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post-office in the city of Washington, D. C., addressed to said sureties, respectively, and directed to the respective post-offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the words "upon the," to strike out "adjustment or settlement" and insert "statement;" in line 3, after the word "money," to insert "by the accounting officers of the Treasury;" in line 4, after the word "shall," to insert "thereby;" and in line 6, after the word "such," to strike out "settlement and adjustment" and insert "statement;" so as to make the section read:

SEC. 2. That if, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

The amendment was agreed to.

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

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

PUBLIC LANDS IN NEBRASKA AND IOWA.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 55) abolishing the office of United States surveyor-general for the district of Nebraska and Iowa, and authorizing the Secretary of the Interior to proceed, under the provisions of sections 2218 and 2219 of the Revised Statutes of the United States, in the transfer of the field-notes, maps, records, and other papers to the States of Nebraska and Iowa.

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

The preamble was agreed to.

JOEL J. GOSS.

The bill (H. R. 2056) for the relief of Joel J. Goss was considered as in Committee of the Whole. By its terms all the right, title, and

interest of the United States in and to certain described real estate in the eighteenth district of the county of Polk and State of Georgia are released, quitclaim granted, and conveyed to Joel J. Goss, his heirs and assigns forever.

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

ROAD TO NATIONAL CEMETERY NEAR STAUNTON, VA.

The bill (S. 1292) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia, was considered as in Committee of the Whole.

The Committee on Military Affairs reported the bill with an amendment, in line 1, before the word "thousand," to strike out "ten" and insert "eleven;" so as to make the bill read:

Be it enacted, etc., That the sum of \$11,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the city of Staunton, in the State of Virginia, to the national cemetery in the county of Augusta, in said State, to be expended under the direction of the Secretary of War, or so much of the above-named sum as may be necessary for said purpose.

SEC. 2. That the Secretary of War is hereby directed to advertise and let the contract for the construction of said road to the lowest bidder, taking bond, with good security, from the contractor for the completion of said road.

The amendment was agreed to.

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

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

W. W. SCREWS.

The bill (H. R. 6562) for the relief of W. W. Screws was considered as in Committee of the Whole. It provides for the payment to W. W. Screws of \$100.37, for advertising done by the direction of the Commissioner of the General Land Office in 1884 and 1885.

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

CONSIDERATION OF APPROPRIATION BILLS.

The next business in order was the resolution submitted by Mr. BLACKBURN, from the Committee on Rules, February 27, 1888, adding an additional clause to Rule XIV, relating to appropriation bills, etc.

Mr. ALLISON. Let that be passed over in the absence of the Senator from Kentucky [Mr. BLACKBURN].

The PRESIDENT *pro tempore*. The proposed rule will be passed over, retaining its place.

NATIONAL-BANK NOTE REDEMPTION FUND.

The bill (S. 1216) providing for the investment of certain funds in the Treasury, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment.

Mr. COCKRELL. Is there a report from the Secretary of the Treasury with this bill?

Mr. SHERMAN. There is a letter from the Secretary of the Treasury in regard to it. As the bill was originally drawn it was mandatory and required the investment to be made promptly. He objected to that and objected also to the word "directed" in the bill. He wished that stricken out. I feel bound to state that although the committee passed the bill as it is, using the language "authorized and directed from time to time," which does not compel the Secretary to do it at once; but I am not particular about that.

Mr. COCKRELL. Then I move to strike out, in lines 3 and 4, the words "and directed;" so as to read:

That the Secretary of the Treasury is hereby authorized from time to time,

Mr. SHERMAN. I make no objection. It throws on him the responsibility of neglecting to do what would be a plain duty; but I do not care about it.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. TELLER. I move to strike out the words "and directed," in the third and fourth lines.

Mr. SHERMAN. They ought to be stricken out in two places. The PRESIDING OFFICER. The amendment will be made, if there be no objection.

Mr. TELLER. I move, then, to insert "at his discretion;" so as read, "authorized at his discretion."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 11 it is moved, after the word "authorized," to strike out "and directed" and insert "at his discretion;" so as to read:

The Secretary of the Treasury is hereby authorized, at his discretion, from time to time to sell in open market any portion of the bonds purchased, etc.

The amendment was agreed to.

Mr. TELLER. I move to strike out, in line 4, the word "invest" and insert "expend." I do it with a view of making a further amendment in lines 8, 9, 10, 11, 12, 13, 14, and 15. I want that this money shall be expended, and then when the sum total is reduced to 20 or 30 per cent., as provided for in the latter part of the bill, that from any

other money in the Treasury unappropriated the Secretary may reinvest this sum or put in enough to leave it out.

I do not believe in having these bonds which are retired ever afterwards put on the market and sold. There has never been a time and there never will be a time when this money is reduced down from \$100,000,000, when if there is a call for more the Government will not have unappropriated money in its Treasury so that it can keep on hand the \$20,000,000 that are necessary, more or less, to redeem the notes as they come in. There is now in the Treasury, according to the last statement, \$98,000,000, on this account; it was in the former statement \$102,000,000. Ninety-eight million dollars are now held for the purpose of redeeming these national-bank notes as they come in. That money has been accumulating in the Treasury for many years. It stands against every note that has been lost or burned up which was formerly the property of any bank in liquidation or any bank that has failed. A large amount of this money will never be presented to the United States for redemption. Nobody can tell how much of it will be presented. But it seems to me to be a great mistake to keep the money locked up in the Treasury for the purpose of meeting an emergency which, if it comes, will come by degrees, and may never come at all, or to meet a demand that comes by degrees, as it has heretofore, a little at a time. As the Secretary says, during the first year after a bank goes into liquidation there is not much of its circulation presented; the second year there is more, and the third year more, and perhaps the fourth year the notes may practically all come in.

It is entirely safe to rely upon the abundance of money that will always be in the Treasury, without giving the Secretary of the Treasury the authority after he has paid a bond to reissue it. I do not believe there will ever be a condition of affairs that will justify him in doing it, and perhaps it never will occur that he will do it; but I do not want to give him the opportunity. Therefore, I move to strike out the word "invest" and insert in its place the word "expend," with a view of moving a further amendment if that shall be adopted.

Mr. SHERMAN. This money is not the money of the Government. It is deposited by the banks, owned by the banks, but it is lying in the Treasury unexpended, thereby threatening danger to the financial condition of the country. The large amount now deposited is \$100,000,000, which tends to contract the currency at a time when money is needed. But, after all, this is the money of the banks, not the money of the Government. It is deposited for a fixed purpose, to pay certain outstanding notes, and therefore we have no right to use that money except to invest it. The word "invest" means to apply to a particular purpose for some one's use. To "expend" means to pay it out for our own objects. The difference in those two words expresses the difference between the Senator from Colorado and myself.

This is not our money. We have no right to expend this money for our purposes, but we may use it as a trustee for the benefit of the *cestui que trust*. This money is the money of the banks, and it is to be invested for their benefit. It is true the Government takes the risk. There is really no risk in it. It is rather a profit to the Government, and it seems to me the Senate had better leave it alone, because the Government does not own these bonds that are held as security for bank circulation, held in trust, put away in a certain safe by themselves, as these bonds will be under this bill. I think the Senator had better allow the language to stand and let further legislation be had, if it be necessary, to enable the Government to deal with these bonds.

Mr. TELLER. The Government is not the trustee of these banks; the banks are absolutely discharged from any liability on these bills, and the Government has agreed that it will redeem the bills as it agrees to redeem the greenbacks, and it stands in exactly that position, not as trustee. It is an obligation, a debt that the Government owes, to stand responsible for the bank-notes as it does for the greenback when it comes in. This money is not held in trust, and it is not set apart; it simply goes into the great mass of money, and it can not be distinguished from the collections of every day. It simply stands as a liability of the Government, and that is all there is of it. There is no reason in the world why these bonds should not be put in the Treasury and then sold at another time, the United States having an abundant sum of money to meet the debt they represent. There is authority to take any money now in the Treasury. The Treasury does not take the identical money that the banks deposit; no one can tell where that particular money went. This is making it a special trust and changing the existing law in that particular. I do not think it ought to be done. It only makes it possible, in my judgment, to lock up an additional amount of money in the Treasury.

Mr. FARWELL. May I ask the Senator from Colorado, is not the provision of this bill entirely covered by the one which is now under discussion, authorizing the Secretary of the Treasury to use whatever surplus he has, including this?

Mr. TELLER. I think it is; but I think if this bill passes there will be a certain sum of money there, \$98,000,000, that will be held as a fund specially set apart.

Mr. SHERMAN. This money is specially set aside—not, it is true, the identical bills, but that amount of money, so much—as a fund, called a fund for the redemption of the notes of banks in liquidation. We are not trustees for the banks, but trustees for the holders of bank-

notes outstanding. The bonds are deposited for the purpose of being held in trust to redeem the notes. By existing law a particular amount is set aside for the payment of the notes to come in, just as \$100,000,000 in gold are set aside for the payment of greenbacks.

Mr. TELLER. It is nothing more nor less than an obligation of \$100,000,000 in the aggregate, and the money must be kept in the Treasury to meet that as to meet every other obligation. There is no doubt about it. It is not put away in a drawer or vault by itself. All there is to distinguish it from any other debt is that it is put among the liabilities, \$100,000,000 to meet a certain debt. My theory is that we should strike out the word "invest" and put in the word "expend," and strike out all about selling bonds; and if the Senator wants to make that a special fund, to say there shall be a certain amount to meet it. Then he can provide for putting away \$20,000,000 or \$10,000,000, and not \$100,000,000, as it now amounts to.

The PRESIDING OFFICER. It is a duty of the Chair to remind Senators that the rule limits debate to five minutes, and to one speech on a bill by each Senator.

Mr. TELLER. Then I will object to the bill unless we can have ample discussion. It is a question of considerable interest.

The PRESIDING OFFICER. Does the Senator desire to have the bill keep its place on the Calendar?

Mr. EDMUNDS. It is a bill that must be discussed at large.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

JOHN BLACK.

The bill (S. 1973) granting a pension to John Black was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Black, late of Company B, Thirty-eighth Regiment of Pennsylvania Infantry.

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

SARAH J. TOMPKINS.

The bill (S. 1967) granting a pension to Sarah J. Tompkins was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Sarah J. Tompkins, widow of C. C. Tompkins, late of Company G, Seventh Regiment Kansas Cavalry.

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

J. W. MEADOWS.

The bill (S. 1972) granting a pension to J. W. Meadows was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. W. Meadows, late of Company A, Eleventh Regiment Kansas Volunteer Cavalry.

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

ROBERT FOSS.

The bill (S. 887) granting a pension to Robert Foss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Foss, late a private in Company A, First Battalion Maine Volunteers.

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

ORDER OF PROCEEDING.

Mr. EDMUNDS. I wish to suggest whether it would not be wise to take up all the pension bills, leaving the others in their place. As this is Saturday, and they ought to be got over to the House as early as possible, let us go through with the pension bills, not disturbing anything else. I ask unanimous consent that that may be done.

Mr. COCKRELL. I object. I think it would not be just to the other cases to do it now.

Mr. EDMUNDS. But we shall strike things that lead to debate, and we can get off the whole pension-list and have it done with in a few hours.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the afternoon be devoted to pension bills until disposed of.

Mr. CHACE. Setting aside this order?

The PRESIDING OFFICER. Going on under this order, but considering only the pension bills until they are disposed of.

Mr. EDMUNDS. Pension bills first.

Mr. HARRIS. I think we should go on regularly.

Mr. SHERMAN. I think that would be taking advantage of a thin Senate under the order made by unanimous consent, and I doubt the propriety of it.

The PRESIDING OFFICER. It requires unanimous consent to change the order. Is there objection?

Mr. CHACE. I object.

The PRESIDING OFFICER. Objection is made.

KEZIAH E. STRONG.

The bill (S. 1142) granting a pension to Keziah E. Strong was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Keziah E. Strong, widow of the late David Strong, a private of Company F, Fifth Regiment Maine Volunteers.

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

VIRTUE SMITH.

The bill (S. 1957) granting a pension to Virtue Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Virtue Smith, widow of David W. Smith, late a private in Company A, First Regiment Minnesota Volunteers.

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

STEPHEN SCHIEDEL.

The bill (S. 1017) granting a pension to Stephen Schiedel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen Schiedel, late of Company D, First Regiment Missouri Light Artillery.

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

ELIZA A. TALBOTT.

The bill (S. 1968) granting a pension to Eliza A. Talbott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza A. Talbott, widow of B. W. Talbott, late of Company G, Fourth Regiment Iowa Infantry.

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

ZEPHANIAH H. BONES.

The bill (S. 1743) granting a pension to Zephaniah H. Bones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Zephaniah H. Bones, late of Company H, Seventh Regiment Iowa Cavalry.

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

HENRY AYRES.

The bill (S. 1172) for the relief of Henry Ayres was considered as in Committee of the Whole. It provides for the payment to Henry Ayres, of Evansville, Ind., of \$3,282.68, or such part thereof as shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents or from misunderstanding of the requirements of the law or regulations.

Mr. EDMUNDS. Let us hear the report.

The PRESIDING OFFICER. There is no report.

Mr. VOORHEES. I reported that bill from the Committee on Finance. It was reported at a former Congress by the Senator from Kentucky [Mr. BECK], accompanied by a written report, and there is a report from a House committee. I thought they were both here. I had them here. I think they are filed with the bill as my report. I made no independent report. There is a House report in favor of it, and there is a former Senate report in favor of it, and I contented myself with filing those reports. It is a case which has been carefully considered by committees of both Houses, and I do not think there is any risk about passing it. It is merely giving discretion to the Secretary of the Treasury to do what is right on a showing made by the claimant.

Mr. EDMUNDS. Let it be passed over informally until we can get the paper.

The PRESIDING OFFICER. The papers are with the bill.

Mr. EDMUNDS. Very well, let us hear the former report.

The Chief Clerk read the following report submitted by Mr. BECK March 11, 1884:

The Committee on Finance, to whom was referred the bill (S. 530) for the relief of Henry Ayres, of Evansville, Ind., have considered the same, and respectfully report:

This is a claim for a refund of internal-revenue tax collected on deficiencies in the production of spirits. In view of the facts set forth in the letter of the Commissioner of Internal Revenue, appended hereto and made a part of this report, your committee recommend that the bill pass as amended.

TREASURY DEPARTMENT, March 6, 1884.

SIR: In response to your letter of the 21st ultimo, inclosing bill (S. 530) for the relief of Henry Ayres, I have the honor to transmit herewith a report of the Commissioner of Internal Revenue, dated March 4, 1884, in which he states the facts and suggests that the bill be amended by adding, after the word "cents," in line 6, the following:

"Or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits, which resulted from unavoidable accidents, or from misunderstanding of the requirements of the law or regulations."

In view of the facts reported, unless the committee has before it satisfactory evidence that Mr. Ayres is equitably entitled to the refunding of the entire sum of \$3,282.68, appropriated by the terms of the bill, I would recommend that it be amended by striking out all after the word "cents," in line 6, and inserting in lieu thereof the above-recited words.

Very respectfully,

CHAS. J. FOLGER, Secretary.

Hon. JUSTIN S. MORRILL,

Chairman Finance Committee, United States Senate.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,

Washington, March 4, 1884.

SIR: I have the honor to return herewith the letter (unsigned) dated February 21, 1884, from the Finance Committee, United States Senate, addressed to you and by you referred to me for report.

The writer incloses a copy of Senate bill No. 530, for the relief of Henry Ayres, and asks that you cause the proper officer of your Department to examine the same and submit a report thereon, together with his recommendation.

You refer the letter and inclosures to me for investigation and report as to the legislation proposed.

Senate bill No. 530 proposes to direct and require the Secretary of the Treasury "to pay to Henry Ayres, of Evansville, Ind., the sum of \$3,282.68, out of any money not otherwise appropriated, on account of taxes unlawfully collected from him by James C. Veatch, collector of internal revenue for the first collection district of Indiana." So far as shown by the records and files of this office the facts are as follows: Henry Ayres was a distiller at Patoka, Ind., from March 1 to November 12, 1870, and prior thereto. He failed to produce 80 per cent. of the surveyed capacity of his distillery during each month from March to November, 1870, inclusive, except the month of August, and was assessed a tax of 50 cents per gallon upon the difference between his reported product and 80 per cent. of the producing capacity, as follows:

| | |
|--------------------------|----------|
| For March, 1870..... | \$412.71 |
| For April, 1870..... | 99.85 |
| For May, 1870..... | 246.86 |
| For June, 1870..... | 356.48 |
| For July, 1870..... | 403.00 |
| For September, 1870..... | 171.48 |
| For October, 1870..... | 861.23 |
| For November, 1870..... | 731.07 |
| Total..... | 3,282.68 |

On the 8th of November, 1870, the distillery and other property belonging to Mr. Ayres was seized by the collector and subsequently sold, the proceeds of sale being applied to the payment of costs of distraint and sale, and to the payment of taxes due from Mr. Ayres, including \$2,523.20 of the taxes above enumerated.

On the 31st of January, 1871, Mr. Ayres prepared a claim for the refunding of \$427.78, including \$356.48 assessed as a deficiency tax for June, 1870, and \$71.30 assessed as barrel tax on 178.23 barrels of spirits.

In this claim there is no reason given for relief other than the statement that the deficiency resulted in part from the fact that he was compelled to use seven dry inches in his tubs when he was allowed but three, and in part from the fact that the weather was very warm and water was scarce. This claim was rejected May 4, 1871, for the reason that the assessment was in strict accordance with the survey, and was correct.

In December, 1882, Mr. Ayres forwarded other papers to this office relating to the fact that he had been assessed deficiency taxes aggregating \$3,282.68, and asking, if this office could not grant relief, that the papers be turned over to Hon. William Heilman, M. C. As relief could not be granted the papers were sent to Mr. Heilman, but copies thereof were retained by this office. Among the papers was a certificate from Collector Veatch that the deficiency taxes assessed against Mr. Ayres on lists from March to November, 1870, aggregating \$3,282.68, had been collected; an affidavit of Dr. George W. Yates showing that Henry Ayres was sick from October 3 to November 11, 1870, and an affidavit of John T. Crisp, book-keeper for Henry Ayres, to the effect that in the absence of Ayres he had charge of the distillery, and that between March and November, 1870, there were frequent interruptions, preventing the distillery from yielding 80 per cent. of its surveyed capacity, and that such interruptions were caused by tubs bursting, machinery giving way, and boilers getting out of repair.

I can find nothing upon the records or files of this office to show that the \$3,282.68 paid by Mr. Ayres as deficiency taxes for the months named, or any portion thereof, was "unlawfully collected," as stated in the bill.

It is fair to assume that a portion, at least, of the deficiency resulted from unavoidable accidents, and that relief, to some extent, might have been granted under the act of March 1, 1879, section 6, but for the fact that said act limited such relief to assessments made subsequent to December 31, 1873.

I am unable, from the papers on file in this office, to say how much, if any, of the deficiencies resulted from unavoidable accidents. It may be that the honorable Finance Committee has evidence before it bearing upon this point.

With my present knowledge of the facts I could not recommend the passage of the bill as now worded.

Unless the committee has evidence before it showing that Mr. Ayres is equitably entitled to the refunding of the \$3,282.68, I would suggest that the bill be amended by adding after the word "cents," in line 6, the following:

"Or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents, or from misunderstanding of the requirements of the law or regulations."

Very respectfully,

WALTER EVANS,
Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

Mr. EDMUNDS. I move to amend the bill by striking out the last clause, which would seem to be rather too latitudinous. I think it would be right to allow the Secretary to make proper investigation; but those last words are so very vague that the claimant could get anything he wanted, almost.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. Strike out the last clause in the bill, as follows:

Or from misunderstanding of the requirements of the law or regulations.

Mr. EDMUNDS. Then read the bill as it would be without that clause, for I think it will be entirely satisfactory.

Mr. VOORHEES. Let the bill be read as it will stand if amended.

The Chief Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, directed and required to pay to Henry Ayres, of Evansville, Ind., the sum of \$3,282.68, or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents.

Mr. VOORHEES. That is all right.

Mr. EDMUNDS. I propose to strike out the last words, which

would relieve him from his own misunderstanding of the law, which would be a very dangerous precedent. I think with the amendment the bill is right.

Mr. VOORHEES. I have no objection to the amendment.

The amendment was agreed to.

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

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

CAROLINE MOTZ.

The bill (S. 654) granting a pension to Caroline Motz was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, after the name "John Motz," in line 8, to strike out the words "to commence from the date of his death, 13th of November, 1867, and to continue during her widowhood."

So as to make the bill read:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to place on the pension-roll the name of Caroline Motz, widow of the late John Motz, deceased, who was a private in Company K, Ninety-eighth Regiment Pennsylvania Volunteers, for pension at the rate and rank of said John Motz.

The amendment was agreed to.

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

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

MARY E. WOODWARD.

The bill (S. 2167) granting a pension to Mary E. Woodward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Woodward, widow of Dr. James B. Woodward, late Surgeon of the Tenth Regiment Kansas Volunteers.

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

FRANCIS MARION WALKER.

The bill (S. 2168) granting a pension to Francis Marion Walker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis Marion Walker, late private in Company K, Sixty-first Regiment Illinois Volunteer Infantry, at \$18 per month, in lieu of the pension at present received.

Mr. SPOONER. I am informed by the Senator from Illinois [Mr. CULLOM], who is absent with the Committee on Commerce, that there is an error in that bill, which the amendment I send to the desk is necessary to correct.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 6 it is proposed to strike out the words "Company K, Sixty-first," and insert "Company I, Sixteenth;" so as to read:

Late private in Company I, Sixteenth Regiment Illinois Volunteer Infantry.

The amendment was agreed to.

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

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

MRS. ANNIE GIBSON YATES.

The bill (S. 1239) granting an increase of pension to Mrs. Annie Gibson Yates was considered as in Committee of the Whole. It was reported with an amendment from the Committee on Pensions, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, late of the Seventh United States Cavalry, and pay her a pension at the rate of \$40 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

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

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

MARTIN L. STOVER.

The bill (S. 415) granting a pension to Martin L. Stover was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment in line 9, after the word "officer," to insert "to wit, a first lieutenant; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Stover, late sergeant of Company G, Thirty-fifth Regiment Massachusetts Volunteers, and pay him a pension at the rate he would be entitled to if he had been a commissioned officer, to wit, a first lieutenant, at the date of his disability.

The amendment was agreed to.

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

Mr. COCKRELL. Let the report be read.

The Secretary read the following report submitted by Mr. DAVIS, February 28, 1888.

The Committee on Pensions, to whom was referred the bill (S. 415) granting a pension to Martin L. Stover, have examined the same, and report; Martin L. Stover enlisted in Company G, Thirty-fifth Regiment Massachusetts Volunteers; became a sergeant and was wounded in the right fore-arm at the battle of Antietam, on the 17th September, 1862. He was discharged for disability in December, 1862. For this disability Sergeant Stover received a pension, with successive applications for increase, as follows: From December 29, 1862, at \$4 per month; from October 15, 1879, at \$8; from July 21, 1886, at \$10; and from May 25, 1887, at \$12.

Sergeant Stover now petitions Congress for the passage of a bill for a pension at the rate he would be entitled to if he had been a commissioned officer at the date of his disability. He bases his claim in part on the creditable part he took in the battle of South Mountain, which is officially detailed in the following letter from Brigadier-General Sturgis, addressed to the governor of Massachusetts

"HEADQUARTERS SECOND DIVISION, NINTH ARMY CORPS,
"Fredericksburgh, Va., November 25, 1862.

"To his excellency the governor of Massachusetts:

"SIR: It gives me great pleasure to be able to call your excellency's attention to Sergt. Martin L. Stover, of the Thirty-fifth Massachusetts Regiment, and to recommend him for a commission.

"During the hotly-contested battle of South Mountain I found a considerable body of men, probably two companies, who appeared to have no leader and who did not appear to know what to do. It was very dark, and I called out to know if there was any one who would take charge of them and lead them into the fight. Sergeant Stover promptly stepped forward, and I gave him directions what to do, and I believe he did his work well. I told him in starting to lead them into the wood and do the best he could with them, and that if he would send me his name the next day I would endeavor to have him commissioned. Having received a wound at Antietam which rendered him incapable of writing to me, I never received a note from him until this evening, and I now hasten to comply with my promise and recommend him for promotion.

"Examples of this kind, I think, would have a good effect on others, and besides rewarding merit would have a beneficial effect on the service.

"I have the honor to be, very respectfully, your obedient servant,

"S. D. STURGIS,

"Brigadier-General, United States Army."

It also appears that at the battle of Antietam he took command of the company after its officers had been disabled in the fight, and that he there received the wounds which constitute his disability.

A reference to Sergeant Stover's military record shows that he re-enlisted August 15, 1863, was commissioned first lieutenant, and remained in service under second enlistment until October 12, 1865, when he was discharged.

The Commissioner of Pensions, in his last report, page 19, states as follows respecting such cases as this:

"SUBSEQUENT PROMOTIONS TO PENSION SERVICES.

"I beg to call attention to the fact that during the last year the Secretary of the Interior presented to Congress a request for a modification of the law which declares that a pension shall be graded according to the rank of the claimant at the time that the injury was received, without regard to the fact that such claimant might subsequently have been promoted for meritorious services and in good faith. One instance will illustrate many: — was a sergeant in the — regiment. He contracted a malady which would have been at the time a sufficient reason for his discharge from the military service, but he waived this right given by his condition and served with gallantry and distinction, followed by his malady it is true, through more than four years of war. At the end of the war he was mustered out as full colonel and brevet brigadier-general, having won every step intermediate by honorable service. He died shortly after of the disorder which had followed him from the time of his first service.

"In allowing the pension, the claim being well established, the Commissioner was obliged to say to the widow, that under existing law the only pension that could be allowed her was that of the widow of a sergeant, and that all that her husband had since heroically performed availed nothing in determining her pecuniary rights. The suggestion of the Commissioner is that the rank, subsequently acquired bona fide, should be considered by the Commissioner in determining the amount of pension to be allowed."

The passage of the bill is recommended with the following amendments: Insert the words "to wit, a first lieutenant" after the word "officer" in line 9 of the bill.

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

GEORGE W. WELDEN.

The bill (S. 1457) granting a pension to George W. Welden was considered as in Committee of the Whole. It proposes to place the name of George W. Welden, late a private in Company A, Third Rhode Island Artillery, upon the pension-rolls at the rate allowed for the inability to perform any manual labor.

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

MRS. MARGARET GALLAGHER

The bill (S. 5) granting a pension to Mrs. Margaret Gallagher was considered as in the Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Margaret Gallagher, widow of Edward Gallagher, late private Company K, Forty-second Regiment New York Volunteers.

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

MARY S. WELLS.

The bill (S. 2071) granting a pension to Mary S. Wells was announced as next in order.

Mr. DAVIS. I desire to call attention to the fact that a bill identical in terms with the one just announced has passed the House of Representatives, and is on the Calendar as Order of Business 728, on page 22 of the Calendar. I ask that the Senate consider the House bill instead of the Senate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill (H. R. 6789) granting a pension to Mary S. Wells was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary S. Wells, widow of the late Rear-Admiral Clark H. Wells, of the United States Navy, at the rate of \$50 per month in lieu of any pension she may now be receiving.

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

Mr. DAVIS. Now I move that the bill (S. 2071) granting a pension to Mary S. Wells be indefinitely postponed.

The motion was agreed to.

MRS. LOU GOBRIGHT M'FALLS.

A bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls was considered as in Committee of the Whole. It proposes to increase the pension of \$20 per month heretofore granted and now allowed to Mrs. Lou Gobright McFalls, widow of Capt. Thaddeus B. McFalls, to \$40 per month.

Mr. HOAR. I should like to ask the Senator from Minnesota if "Lou" is a name or abbreviation? Is that an abbreviation or a full name?

Mr. DAVIS. I am not prepared to answer that question. I really do not know.

Mr. HOAR. It seems to be an abbreviation.

Mr. DAVIS. I have not the data by which to correct it if it is.

Mr. HOAR. If it was anything but a pension bill I would interpose, but being a pension bill I will not delay it.

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

RHODA WILLIAMS.

The bill (S. 1045) granting a pension to Rhoda Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rhoda Williams, widow of John M. Williams, late of the First Iowa Battery Light Artillery Volunteers.

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

JOEL B. MORTON.

The bill (S. 432) for the relief of Joel B. Morton was considered as in Committee of the Whole. It proposes to place the name of Joel B. Morton, of Valentine, Cherry County, Nebraska, father of Calvin Morton, on the pension-roll, on account of the services of his son, Calvin Morton, in Company B, Sixteenth New York Volunteers, during the late war.

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

CAPT. JOHN BURKHART.

The bill (H. R. 2112) for the relief of Capt. John Burkhardt was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 7, after the word "emoluments," to strike out:

Of second lieutenant of said company from the 25th day of January, 1865, to the 1st day of March, 1865, and also the pay and emoluments.

And in line 12, after the words "to the," to strike out "1st day of August" and insert "23d day of June;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Burkhardt, late captain of Company F, One hundred and forty-sixth Regiment Indiana Volunteers, in the late war, out of any money not otherwise appropriated, the pay and emoluments of captain of said company from March 1, 1865, to June 23, 1865, and also the sum of \$64, being money expended by him in the transportation of fifty-one enlisted men of said company from Brookville, Ind., to Sunman, Ind., by stage; deducting from the sum found due him as the pay and emoluments of second lieutenant and captain of said company for the periods above specified the sums of money that have been paid to the said John Burkhardt for military service, either as a private or otherwise, rendered by him during the periods above specified.

The amendments were agreed to.

Mr. MANDERSON. I move to strike out the words "second lieutenant and," in line 18 of the bill; so as to read:

Deducting from the sum found due him as the pay and emoluments of captain of said company.

The amendment was agreed to.

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

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

Mr. MANDERSON. I move that the Senate insist on its amendments to this bill, and ask for a conference with the House of Representatives thereon.

The motion was agreed to; and, by unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. DAVIS, and Mr. HAMPTON were appointed.

NATIONAL SAFE DEPOSIT COMPANY.

The bill (S. 690) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out sections 2, 3, 4, 5, 6, 7, and 8 of the bill, as follows:

SEC. 2. That the said National Safe Deposit and Trust Company be, and it is hereby, authorized, in addition to the corporate rights and powers now existing, to accept and execute trusts of any and every description which may be committed or transferred to it; and is further hereby authorized to accept the office and perform the duties of receiver, assignee, executor, administrator, guardian of the estates of minors and committee of the estates of idiots or lunatics whenever any trusteeship or any such office or appointment is committed or transferred to it, with its consent, by any person, body politic or corporate, or by any court in the District of Columbia or in any one of the States or Territories of the United States; and said National Safe Deposit and Trust Company is further hereby authorized to accept deposits of money upon such terms and to pay interest thereon at such rates as may be agreed upon from time to time with its depositors, and to act as agent for the purpose of issuing or counter-signing the bonds or other obligations of any corporation, association, municipality, or State or other public authority, and to receive and manage any sinking fund on such terms as may be agreed upon. And in all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, guardian of the estate of a minor or guardian of the estate of a lunatic, it shall and may be lawful for said court, if it shall think fit (but without prejudice to any preference in the order of any such appointments required by existing law), to appoint the said National Safe Deposit and Trust Company with its assent such trustee, receiver, administrator, guardian, or committee. The accounts of said company as such trustee, receiver, assignee, executor, administrator, guardian, or committee shall be regularly settled and adjusted in the usual mode or before the proper tribunal; and upon such settlement and adjustment all charges, costs, and expenses which are customary or proper to be allowed to any individual acting in either of such capacities shall be allowed to said company for its care and management of the trusts or estates aforesaid; and said company as such trustee, receiver, executor, administrator, guardian, or committee shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 3. Whenever the National Safe Deposit and Trust Company shall be appointed such trustee, executor, administrator, receiver, assignee, guardian, or committee as aforesaid, the president, vice-president, secretary, or treasurer of said company may make any oath or affirmation now required by law to be made by any trustee, executor, administrator, receiver, assignee, guardian, or committee.

SEC. 4. That when any court shall appoint the said company a trustee, receiver, administrator, or such guardian or committee, or shall order the deposit of money or other valuables with said company, or where any individual or corporation shall appoint said company a trustee, executor, assignee, or such guardian, the capital stock of said company subscribed for or taken, and all property owned by said company shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever: *Provided*, That the supreme court of the District of Columbia may and shall, if deemed necessary, require additional security, and from time to time may, and, at least once during every year, shall, appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which its obligations are made by it and the security afforded to those by or for whom its obligations are held; and the expenses of such investigation shall be defrayed by the said company; and the court may, also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid, and as to the affairs and management of said company.

SEC. 5. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock.

SEC. 6. That the said company be, and it is hereby, authorized to increase its capital stock to an amount not exceeding \$300,000; but before said company shall proceed to do any business under this act, \$250,000 of said capital stock of said company shall be fully paid up; and no further certificate of stock shall be issued until the same be fully paid for.

SEC. 7. That each director and officer, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of said company, and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

SEC. 8. That in case of the violation of any order of court, or the breach of any trust on the part of the company, the officers of the company guilty of such violation of said order of court or breach of trust shall be liable to process of attachment for contempt or for such breach of trust in the same manner and to the same extent as would apply to individual trustees, executors, administrators, guardians, receivers, or committees in like cases.

And in lieu thereof to insert:

SEC. 2. That the said company is hereby authorized, in addition to the corporate rights and powers now existing, to receive and hold, on deposit and in trust, estate, real and personal, including the notes, bonds, obligations, and accounts of States and of individuals, and of companies and of corporations, and to receive upon deposit, for safe-keeping, jewelry, plate, stock, bonds, and valuable property of every kind, upon terms to be prescribed by the by-laws of the said company: *Provided*, That nothing herein contained shall authorize said company to engage in the business of banking; and the said company is hereby authorized to accept and execute trusts of any and every description which may be committed or transferred, with its consent, to it, by any person or persons whomsoever, bodies corporate or political, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executor or administrator of any kind or nature whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States; and that in all cases where application shall be made to any court of the District of Columbia for the appointment of any receiver, trustee, administrator, guardian of any minor, or committee of a lunatic, it shall and may be lawful for such court, without prejudice to preferences established by existing law, if it shall think fit, to appoint the American Trust Company of the District of Columbia, with its assent, such receiver, trustee, administrator, guardian, or committee; and the accounts of the said company as such receiver, trustee, executor, administrator, assignee, guardian, or committee shall be regularly settled and adjusted before the proper tribunal; and upon such settlement and adjustment all proper, legal, and customary charges, costs, and expenses shall be allowed to said company for its care and management of the trusts and estate aforesaid; and the said company, as such receiver, trustee, executor, administrator, assignee, guardian, or committee, shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 3. That when any court shall appoint the said company a receiver, trustee, administrator, guardian, or committee, or shall order the deposit of money or other valuables of any kind with said company, or whenever said company shall be appointed a receiver, trustee, executor, administrator, assignee, guard-

ian, committee, or to any fiduciary office, by any person or persons, or bodies corporate or public, the capital stock subscribed for or taken, and all property owned by said company shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever: *Provided*, That the said court may, and shall, if deemed necessary, require further additional security, and may, from time to time, and at least once in every year shall, appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those for whom its engagements are held; and the expenses of such investigation shall be defrayed by such company; and the court may also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

SEC. 4. That the said company may also receive deposits of money upon such terms as to interest as may be agreed upon with the depositors, and may also act as agent for the purpose of issuing or countersigning the certificates of stock, bonds, or other obligations of any corporation, association, municipality, State, or public authority, and to receive and arrange any sinking fund on such terms as may be agreed upon.

SEC. 5. That the capital stock of said company shall consist of twenty-five hundred shares at \$100 each, with the privilege from time to time of increasing the same, at an annual or special meeting, to any amount not exceeding in the aggregate \$1,000,000; and the corporation shall have the power to accept such subscriptions as they may deem expedient; and when twenty-five hundred shares shall have been subscribed, and the par value thereof shall have been paid in, the directors of said company may, and they are hereby authorized and empowered to, make all necessary by-laws, and to have and to exercise, in the name and behalf of the said company, all the rights and privileges which are intended to be hereby given; and should the capital stock be at any time increased, the stockholders at the time of such increase shall be entitled to a pro rata share of such increase, upon the payment of the par value of such increase.

SEC. 8. That before the said company shall exercise any of the powers herebefore conferred, it shall deposit with the Comptroller of the Currency bonds of the United States Government, or any of the States thereof, or the District of Columbia, municipal, railroad, real estate, or other securities, to be approved by the Comptroller of the Currency, to the amount of one-half of its paid-in capital theretofore subscribed for and paid in, which bonds shall be held by the Comptroller of the Currency of the United States as security, in the first instance, for the faithful performance by said company of all obligations incurred by it as executor, administrator, trustee, or in any fiduciary capacity, and, second, for the security of the depositors in said company and other creditors. The company is hereby authorized to withdraw any securities held by the Comptroller of the Currency and substitute any other securities which may be acceptable to the said Comptroller.

SEC. 9. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock, which individual liability shall also be, first, a security for the faithful performance of the trust obligation, and, secondly, for the benefit of depositors, as provided in section 8.

SEC. 10. That all the directors shall be citizens of the United States and shall reside therein; and the office of the company shall be in the city of Washington, District of Columbia.

SEC. 11. That the stock of the company shall be transferable only on the books of the company.

SEC. 12. That Congress may at any time repeal, alter, or amend this act.

Mr. CHACE. I move to amend the amendment, on page 6, line 26 of section 2, by striking out the words "American Trust," before the word "Company," and inserting "said"—a mere verbal amendment. The amendment to the amendment was agreed to.

Mr. CHACE. In the same line, after the word "Company," I move to strike out the words "of the District of Columbia."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

WASHINGTON SAFE DEPOSIT AND TRUST COMPANY.

The bill (S. 606) to incorporate the Washington Safe Deposit and Trust Company was considered as in Committee of the Whole.

The Committee on the District of Columbia reported an amendment, to strike out all after the enacting clause of the bill and insert:

That the Washington Safe Deposit Company is hereby authorized to increase its capital stock to an amount not exceeding \$500,000; and before said company shall proceed to do any business under this act one-half of said capital stock, namely, \$250,000, shall be fully paid up; and no certificate of stock shall be issued until the same be fully paid for. That the name of said company shall be changed to the Washington Safe Deposit and Trust Company.

SEC. 2. That said company shall have power to receive upon deposit for safe-keeping jewelry, plate, furniture, pictures, bonds, and valuable property of every kind, upon terms to be prescribed by the by-laws of the company; and in addition to receiving the above deposits the said company shall have power to receive and hold on deposit and in trust, and as security, on such terms as may be agreed on between the contracting parties, estate, real and personal, and shall have power to dispose of the same according to the terms of such agreement.

SEC. 3. That the said Washington Safe Deposit Company be, and it is hereby, authorized to accept and execute trusts of any and every description which may be committed or transferred, with its consent, to it, by any person or persons whomsoever, bodies corporate or politic, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executors and administrators of any kind or nature, whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States; and that in all cases where application shall be made to any court of the District of Columbia for the appointment of any receiver, trustee, administrator, guardian of the estate of any minor, or committee of the estate of a lunatic, it shall and may be lawful for such court, without prejudice to preferences established by existing law, if it shall think fit, to appoint the Washington Safe Deposit Company of Washington, in the District of Columbia, with its assent, such receiver, trustee, administrator, assignee, guardian, or committee; and the accounts of the said company as such receiver, trustee, executor, administrator, assignee, guardian, or committee, in respect to property, shall be regularly settled and adjusted before the proper tribunal; and upon such settlement and adjustment all proper, legal, and customary charges, costs, and expenses shall be

allowed to said company for its care and management of the trusts and estate aforesaid; and the said company, as such receiver, trustee, administrator, assignee, guardian, or committee, shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 4. That when any court shall appoint the said company a receiver, trustee, administrator, guardian, or committee, or shall order the deposit of money or other valuables of any kind with said company, the capital stock subscribed for or taken, and all property owned by said company shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever: *Provided*, That the said court may, and shall, if deemed necessary, require further additional security, and may from time to time, and at least once during every year, shall appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the said company; and the court may also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

SEC. 5. That the company may also pay interest upon deposits at such rate as may be agreed upon with the depositors, not exceeding, however, the rate of 3 per cent. per annum.

SEC. 6. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock, which individual liability shall also be, first, a security for the faithful performance of the trust obligations; and, secondly, for the benefit of depositors.

SEC. 7. That each director and officer, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of said company, and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

SEC. 8. That in case of the violation of any order of court, or the breach of any trust on the part of the company, the officers of the company guilty of such violation of order of court or breach of trust shall be liable to process of attachment for contempt or such breach of trust in the same manner and to the same extent as would apply to individual executors, administrators, guardians, and other trustees in like cases.

SEC. 9. That before the said company shall exercise any of the powers herebefore conferred, it shall deposit with the Comptroller of the Currency bonds of the United States Government, or any of the States thereof, or the District of Columbia, municipal, railroad, real estate, or other securities, to be approved by the Comptroller of the Currency, to the amount of one-half of its paid-in capital theretofore subscribed for and paid in, which bonds shall be held by the Comptroller of the Currency of the United States as security, in the first instance, for the faithful performance by said company of all obligations incurred by it as executor, administrator, trustee, or in any fiduciary capacity; and, second, for the security of the depositors in said company and other creditors. The company is hereby authorized to withdraw any securities held by the Comptroller of the Currency and substitute any other securities which may be acceptable to the said Comptroller.

SEC. 10. That the stock of said company shall be transferable only on the books of the company.

SEC. 11. That all the directors shall be citizens of the United States and shall reside therein. The office of the company shall be in the city of Washington, in the District of Columbia.

SEC. 12. That Congress may at any time repeal, alter, or amend this act.

Mr. CHACE. I move to amend the title by inserting—

The PRESIDING OFFICER. That will come after the passage of the bill. The question is on the amendment of the Committee on the District of Columbia.

The amendment was agreed to.

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

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

Mr. CHACE. I move to amend the title by inserting, before the word "to," the words "to amend an act entitled 'An act,' and also to strike out the words "and trust;" so as to read:

A bill to amend an act entitled "An act to incorporate the Washington Safe Deposit Company."

The amendment to the title was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8962) for the relief of Anthony L. Woodson; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2550) appropriating \$20,000 for expenses of special and select committees of the Senate.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida.

HARMON BUNN.

The bill (S. 1121) granting a pension to Harmon Bunn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harmon Bunn, of Peoria, Ill. (who served as a special agent for the eighth district of Illinois from September 20, 1864, to April 30, 1865, and was wounded while in that service and in the line of duty while arresting a deserter), at the rate to which he would be entitled by reason of that disability if he had been regularly enlisted in the military service.

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

R. G. COMBS AND OTHERS.

The bill (S. 54) for the relief of R. G. Combs and others was announced as next in order.

Mr. SPOONER. I ask that that bill, which is Calendar No. 483, may be passed over without losing its place on the Calendar.

The PRESIDING OFFICER. That order will be made, if there be no objection.

FIRST NATIONAL BANK OF PORTLAND, OREGON.

The bill (S. 46) for the relief of the First National Bank of Portland, Oregon, was announced as next in order.

Mr. SPOONER. I ask that that bill be passed over without losing its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HARRIS. Some two or three days ago, while we were proceeding under this order, House bill 6899 was informally passed over because the Senator from Virginia [Mr. DANIEL] wanted to look into it. He is now ready to have the bill considered. I ask that it be considered at this time.

The PRESIDING OFFICER. If there be no objection the Senate will resume consideration of that bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia; which was reported from the Committee on the District of Columbia with amendments.

Mr. HARRIS. I ask that the amendments of the committee be acted on as they are reached in the reading of the bill.

The PRESIDING OFFICER. The Chair is informed that the bill has never been read.

Mr. HARRIS. Yes, it has been read. Let the amendments be now reported.

Mr. ALLISON. The committee amendments?

Mr. HARRIS. The amendments of the Committee on the District of Columbia.

The first amendment reported by the Committee on the District of Columbia was, in section 1, after the word "railway," at the end of line 35, to insert "but shall sell six tickets for twenty-five cents;" so as to read:

Said company shall receive a rate of fare not exceeding five cents per passenger for any distance between the termini of said main railway, or between the termini of its branch railway, or between either termini of said main railway and the terminus of said branch railway, but shall sell six tickets for twenty-five cents.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "said," to strike out "Eckington and Soldiers' Home;" so as to read:

SEC. 2. That said railway company shall, on or before the 15th of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the 31st, which report shall be verified by affidavit of the president and secretary of said company.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "company," to insert:

And if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the commissioners to cause to be instituted judicial proceedings to forfeit this charter.

The amendment was agreed to.

The next amendment was, in section 2, line 13, after the word "taxes," to insert "upon personal property, including cars and motive power;" in line 14, after the word "for," to strike out "the next ensuing;" and insert "each;" and after the word "earnings," at the end of line 15, to strike out "upon traffic for the preceding year, as shown by said verified statement;" so as to read:

And said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, for each year, 4 per cent. of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears.

The amendment was agreed to.

The next amendment was, in section 2, after the word "railway," in line 27, to strike out the following proviso:

Provided, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed 10 per cent. of the actual cost of such road, then said company shall, under the direction of the said commissioners, reduce the rate of passenger fare to an amount, as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction thereof.

And in lieu thereof to insert:

Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "good," to strike out "order" and insert "repair;" and in line 9, after the word "good," to strike out "order" and insert "repair;" so as to make the section read:

SEC. 4. That the said corporation shall, at its own expense, keep said tracks within the city limits, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and tracks, at all times well paved and in

good repair, to be approved by the commissioners of the District; and beyond the limits of said city shall keep its tracks, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved, and in good repair, so as to impede the general travel as little as possible.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "company," to insert "at its own expense;" so as to make the section read:

SEC. 5. In the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the track of this corporation, it shall be the duty of said company, at its own expense, to change its said railroad so as to conform to such grade as may have been thus established.

The amendment was agreed to.

The next amendment was, in section 6, line 11, to strike out "engineer commissioner" and insert "commissioners of the District;" so as to read:

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the commissioners of the District.

The amendment was agreed to.

The next amendment was, in section 6, line 17, after the word "boiler-house," to insert "or houses."

The amendment was agreed to.

The next amendment was, in section 9, line 29, after the word "bidder," to insert "and the sale shall be conducted;" so as to read:

And if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted under such general regulations as may be adopted in the by-laws of said company.

The amendment was agreed to.

The next amendment was, in section 12, after the word "public," in line 5, to strike out "at all reasonable hours of business" and insert "if such property remains unclaimed for one year the company shall sell the same;" so as to make the section read:

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remains unclaimed for one year the company shall sell the same.

The amendment was agreed to.

The next amendment was, in section 13, line 9, to strike out the word "two" and insert "five;" in line 11, after the word "in," to strike out "the" and insert "at least two;" and in line 21, after "any," to strike out "established banking house" and insert "national bank;" so as to make the section read:

SEC. 13. That within thirty days after the passage of this act the incorporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon till 5 o'clock in the afternoon, for a period to be fixed by said incorporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said incorporators shall give public notice, by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be the stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed, to the treasurer appointed by the incorporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent., at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the incorporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

The amendment was agreed to.

The next amendment was, in section 17, line 2, after the word "of," to strike out "their," and insert "its;" in the beginning of line 11 to strike out the words "to said company;" in line 12, after "liable," to insert the words "to said company," and in line 14, after the word "aforesaid," to insert "but unless suit shall be brought within sixty days the action shall be barred;" so as to make the section read:

SEC. 17. That said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid, but unless suit shall be brought within sixty days the action shall be barred.

The amendment was agreed to.

The next amendment was, in section 18, line 1, after the word "said,"

to strike out the words "Eckington and Soldiers' Home Railway," and in line 2, after the word "company," to strike out "of the District of Columbia;" so as to make the section read:

SEC. 18. That the said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

The amendment was agreed to.

The next amendment was, in section 19, to strike out the words "that no person shall be prohibited the right to travel on any part of said road or be ejected from the cars by the company's employes, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful regulations of the company. The," before the word "corporators," in line 6, to insert the word "said;" and in the beginning of line 7 to strike out the words "herein named, or the corporation hereby created;" so as to make the section read:

Said corporators shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided, and then only after having obtained the written consent of the stockholders representing two-thirds in value of the capital stock.

The amendment was agreed to.

The next amendment was to strike out section 20, in the following words:

SEC. 20. That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, for the purposes of this act, are hereby repealed, so far as the same are inconsistent herewith.

The amendment was agreed to.

Mr. ALLISON. I have an amendment I desire to insert on page 2. I have shown it to the committee, and I believe it meets their approval. After the words "Fourth street," in section 1, line 19, I move to insert:

With the privilege of extending the same northwardly along Fourth street to the Bunker Hill road within one year after said Fourth street shall have been opened and graded.

Mr. HARRIS. The incorporators named in the bill are not opposed to the amendment suggested by the Senator from Iowa. I reported the bill from the committee, and as advised I see no objection to it. It is an amendment to the House bill not reported from the committee; but I see no objection to the amendment.

The amendment was agreed to.

Mr. HARRIS. Now, that amendment being agreed to, it becomes necessary that I should suggest two or three other amendments. In the original House bill, in section 8, line 1, after the word "railway," I move to strike out the word "company" and insert "except the Ivy City and Fourth street extensions."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 8, line 1, after the word "railway," it is proposed to strike out "company" and insert "except the Ivy City and Fourth street extensions;" so as to read:

SEC. 8. That the main line of said railway, except the Ivy City and Fourth street extensions, shall be commenced within three months, and completed within twelve months from the passage of this act; and the branch.

The amendment was agreed to.

Mr. HARRIS. Then in section 9, line 5, after the words "thirty-two thousand dollars," I move to insert:

And on the Fourth street extension, \$40,000.

The amendment was agreed to.

Mr. HARRIS. In line 10 of section 9, after the words "Ivy City branch, \$60,000," I move to insert:

And on the Fourth street extension, \$75,000.

The amendment was agreed to.

Mr. HARRIS. Then in line 15 of the same section, after the words "Ivy City branch, \$120,000," I move to insert:

And on the Fourth street extension, \$150,000.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL were appointed.

LUTHER G. BILLINGS.

The bill (S. 1781) to authorize the President of the United States to place upon the retired-list of the Navy Pay Inspector Luther G. Billings was announced as the next in order on the Calendar.

Mr. BLODGETT. At the request of my colleague [Mr. MCPHERSON] I ask that this bill be passed over and retain its place on the Calendar.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). If there be no objection, it will be so ordered.

IRA HAWORTH.

The bill (S. 1971) to re-examine the homestead claim of Ira Haworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 4, after the word "cause," to strike out "the Commissioner of the General Land Office;" in line 5, after the word "to," to strike out "reopen" and insert "be reopened," and after the word "and," in the same line, to strike out "re-examine" and insert "re-examined;" and in line 10, after the word "found," to strike out "by said Commissioner;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be reopened and re-examined the homestead claim of Ira Haworth, embracing the west half of the northwest quarter and the southeast quarter of the northwest quarter of section 19, township 4 south, range 4 east, Concordia district, Kansas; and if, upon such re-examination, it is found that said entry was lawfully made, and that the same was improperly canceled under the laws as the same existed at the date of said entry.

The amendment was agreed to.

The next amendment was, in line 13, after the word "then," to strike out the remainder of the bill in the following words:

Said entry shall be reinstated on the records of the General Land Office, and patent shall issue thereon as in other cases under the homestead laws of the United States, upon proof of five years' residence and cultivation next succeeding the date of such entry; and in that event the Attorney-General of the United States shall cause suit to be brought in the proper court to set aside the patent issued to the St. Joseph and Denver City Railroad Company for said land subsequent to the date of said entry.

And in lieu thereof to insert:

The Secretary of the Interior shall cause to be paid to said Ira Haworth, his heirs or assigns, a sum equal to \$3.50 per acre for the number of acres included in said entry, not exceeding, however, a total sum of more than \$500.

The amendment was agreed to.

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

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

MATTIE S. WHITNEY.

The bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney as the administratrix of Franklin S. Whitney, deceased, heretofore referred to said court, was announced as next in order on the Calendar.

Mr. SPOONER. I ask that that bill may be passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

HENRIETTA M. SANDS.

The bill (S. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands \$370.50, being the sum due to the decedent under the decisions of the Supreme Court of the United States in the Graham and Temple cases as the difference between actual traveling expenses allowed and the mileage due for travel performed by decedent upon duty under orders in June, 1861.

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

CHINESE IMMIGRATION.

The bill (S. 2186) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act approved July 5, 1884, was announced as next in order on the Calendar.

Mr. HOAR. Let that go over.

The PRESIDING OFFICER. Does the Senator desire to have it retain its place on the Calendar?

Mr. HOAR. I do not suppose it could be considered under the five-minute rule. Indeed, I suppose that what has lately happened would probably remove the necessity for the passage of the bill.

Mr. ALLISON. Let it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

SARAH A. ROBERTS.

The bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts, was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of \$12 per month, the name of Sarah A. Wilcox, now Roberts, who was a nurse in the United States hospitals during the late war, the pension to be in lieu of any pension heretofore granted her.

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

MARY WHIRRY.

The bill (S. 1194) granting a pension to Mary Whirry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Whirry, dependent mother of George H. Whirry, late a private in Company D, Eighth Wisconsin Regiment.

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

L. J. M'GOFFIN.

The bill (S. 1146) granting a pension to L. J. McGoffin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of L. J. McGoffin, late a private in Company C, Sixth Regiment West Virginia Volunteer Infantry.

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

MICHAEL LANE.

The bill (S. 1286) granting a pension to Michael Lane was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Lane, late of Company H, Nineteenth Regiment Kansas State Militia.

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

JAMES M'LAUGHLIN.

The bill (S. 1609) for the relief of James McLaughlin was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McLaughlin, late captain of Company I, Tenth Regiment Kansas State Militia.

The amendment was agreed to.

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

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

ROBERT A. BRIDE, OR M'BRIDE.

The bill (S. 1607) granting a pension to Robert A. Bride, or McBride, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert A. Bride, or McBride, late of Company H, One hundred and eighty-third Regiment of Pennsylvania Volunteer Infantry.

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

W. A. HICKS.

The bill (S. 1742) granting a pension to W. A. Hicks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of W. A. Hicks, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry.

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

JOHN CHILD.

The bill (S. 1288) granting a pension to John Child, was considered as in Committee of the Whole. It proposes to place the name of John Child, late a private in Company D, Sixty-second New York Volunteers, on the pension-roll.

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

MRS. ESTHER B. HAYFORD.

The bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Esther B. Hayford, widow of Orlando Hayford, deceased, late a private in Company G, First Regiment of Maine Cavalry Volunteers.

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

JOHN R. WHEELOCK.

The bill (S. 1193) granting a pension to John R. Wheelock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John R. Wheelock, dependent father of William H. H. Wheelock, late of Company E, Seventh Regiment Wisconsin Volunteers.

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

JULIUS C. MONSON.

The bill (S. 808) granting a pension to Julius C. Monson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julius C. Monson, late a sergeant in Company D, of the Fifteenth Regiment of Wisconsin Volunteers.

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

JOSEPH W. EUBANK.

The bill (S. 1018) granting a pension to Joseph W. Eubank was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, after the word "name," in line 6, to strike out:

Of Joseph W. Eubank, for services rendered while with Company K, Second

Regiment Arkansas Volunteers, and pay him a pension at the rate of \$15 per month.

And in lieu thereof to insert:

Of Capt. Joseph W. Eubank, of Company K, Second Regiment Arkansas Volunteers, and pay him a pension at the rate allowed captains.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Capt. Joseph W. Eubank, of Company K, Second Regiment Arkansas Volunteers, and pay him a pension at the rate allowed captains.

The amendment was agreed to.

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

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

JOHN W. JANUARY.

The bill (S. 1124) to increase the pension of John W. January was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, to strike out the name "Minoak" and insert "Minonk;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. January, of Minonk, Ill., late of Company B, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension at the rate of \$100 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

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

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

The Chief Clerk read the following report, submitted by Mr. SAWYER February 29, 1888:

The Committee on Pensions, to whom was referred a bill to increase the pension of John W. January, have examined the same, and report:

The claimant was a member of Company B, Fourteenth Illinois Cavalry. He was pensioned first at the rate of \$50 a month, and last at the rate of \$72 a month, for loss of both legs. His case is one of peculiar and extraordinary interest. He was captured on Stoneman's raid, in July, 1864, and upon retreat from Macon was taken by six Confederate soldiers to Andersonville, and kept there until the fall of Atlanta made it necessary for the prisoners to be removed to prevent their falling into the hands of the Union forces. He thus tells his own story:

"I was taken to Charleston, S. C., with others, and placed by the enemy under fire of our own soldiers and gunboats; remained here ten days, and was taken to Florence, S. C., where we passed the winter of 1864-'65; and on or about February 15, I was stricken down by an attack of swamp fever, and for three weeks remained in a delirious condition. The fever abated and reason returned. I soon learned from the surgeon, after a hasty examination, that I was a victim of scurvy and gangrene, and was removed to the gangrene hospital. My feet and ankles, 5 inches above the joints, presented a livid, lifeless appearance, and soon the flesh began to slough off, and the surgeon, with a brutal oath, said I would die. But I was determined to live, and begged him to cut off my feet, telling him if he would that I could live. He still refused, and, believing that my life depended on the removal of my feet, I secured an old pocket-knife and cut through the decaying flesh, and severing the tendons, the feet were unjointed, leaving the bones protruding without a covering of flesh for 5 inches.

"At the close of the war I was taken to our lines at Wilmington, N. C., in April, 1865, and when weighed learned that I had been reduced from 165 pounds, my weight when captured, to 45 pounds. Six weeks after I was released, while on a boat en route to New York, the bones of my right limb broke off at the end of the flesh. Six weeks later, while in a hospital on David's Island, those of my left had become necrosed, and broke off similarly. One year after my release I was just able to sit up in bed, and was discharged. Twelve years after my limbs had healed over, and, strange to relate, no amputation was ever performed save the one I performed in prison. There is no record in the world similar to mine. My family consists of my aged parents, my wife, three sons, and three daughters."

This statement is vouched for by persons of the highest character.

Seventy-two dollars a month is the highest pension rate provided by law. In view of the agony, mental and physical, which this man endured while a prisoner, and for many years after, of his physical helplessness, and the inadequacy of his present rating to the support of his family, the committee are of the opinion that this is one of those rare instances in which Congress may extend relief.

The bill is reported favorably, with a recommendation that it do pass.

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.

THOMAS A. OSBORN.

The bill (H. R. 2216) for the relief of Thomas A. Osborn was considered as in Committee of the Whole. It proposes to pay to Thomas A. Osborn, late United States marshal for the district of Kansas, \$8,701.96, on account of the loss of that amount of public funds by the failure of the banking-house of E. H. Gruber & Co., on October 6, 1866, the loss being without neglect or fault on the part of Osborn.

The bill was reported from the Committee on Claims with an amendment, to strike out the following proviso at the end of the bill:

Provided, It shall be proven to the satisfaction of the Secretary of the Treasury that said money was lost without fault or negligence upon the part of said Osborn.

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.

Mr. SPOONER. I move that the Senate insist on its amendment to the bill, and ask for a conference on the disagreeing votes thereon.

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. SPOONER, Mr. HOAR, and Mr. FAULKNER were appointed.

WILLIAM S. BYERS AND OTHERS.

The bill (S. 37) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation, in Oregon, to William S. Byers and others, and to issue patent therefor, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to have an amount of land, not to exceed 20 acres, upon the Umatilla Indian reservation, in Oregon, immediately adjoining on the east a tract of 640 acres, set apart as an additional town site for the town of Pendleton by an act of Congress approved August 5, 1882, surveyed by the surveyor-general of Oregon, in such shape as will best embrace and secure the mill-race and water-head of William S. Byers, Robert G. Thompson, and Jeremiah Barnhart, as the same is now located and used in connection with their mill in the town of Pendleton.

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

ALFRED HEDBERG.

The bill (S. 1371) for the relief of Alfred Hedberg was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the word "appoint," to strike out "Albert" and insert "Alfred;" in line 7, after "States," to strike out the words "with his former rank and date of commission;" in line 10, after the word "service," to insert "with rank from the date of said assignment;" and in line 13, to strike out "appointment" and insert "assignment;" so as to make the bill read:

That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Hedberg (late a captain in the Fifteenth Infantry), a captain of infantry in the Army of the United States; and that he, the said Alfred Hedberg, shall be assigned to the first vacancy of his grade occurring in the infantry arm of the service, with rank from the date of said assignment: *Provided*, That said Alfred Hedberg shall receive no pay for the time he was out of service, but only from the date of his assignment under this act.

The amendments were agreed to.

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

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

JOSEPH H. MADDOX.

The bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor, of Joseph H. Maddox, deceased, was announced as next in order on the Calendar.

Mr. MITCHELL. I ask that that bill may go over for the present and not lose its place.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

SAMUEL NOBLE.

The bill (S. 2202) for the relief of Samuel Noble was considered as in Committee of the Whole. It proposes to refer to the accounting officers of the Treasury Department for determination, upon the evidence taken and now on file, all matters in relation to the claim of Samuel Noble, formerly of Rome, Ga., but now a citizen of Anniston, Ala., relating to or growing out of his agreement made with H. A. Risley, the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, and wherein he claims the net proceeds of sale of 802 bales of cotton alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864.

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

CAPRON COLLECTION OF JAPANESE WORKS OF ART.

The bill (S. 2215) providing for the purchase of "the Capron collection of Japanese works of art" was considered as in Committee of the Whole. It proposes to appropriate \$14,675 for the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum, at Washington.

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

Mr. VOORHEES. I notice on the twenty-fourth page of the Calendar a bill put down as Senate bill 1033, providing for the purchase of "the Capron collection of Japanese works of art." The bill was reported by the chairman of the Library Committee, and inasmuch as a similar bill has just been passed I call attention to that bill and ask that it may be stricken off the Calendar.

Mr. MANDERSON. I call the attention of the Senator from Indiana to the fact that these two bills state two different amounts according to my recollection.

Mr. VOORHEES. But it is a mistake in calendaring the bill, if I may use the word. There was a first bill and a different amount fixed,

and Senate bill 2215 was reported as a substitute or in lieu thereof. The bill just passed was the only bill intended for consideration.

The PRESIDENT *pro tempore*. Senate bill 1033 will be indefinitely postponed, if there be no objection.

LAND PATENTS.

The resolution submitted by Mr. CALL February 29, 1888, directing the Committee on Public Lands to report a bill declaring all patents on the public lands of the United States issued without authority of law to be absolutely void, was announced as the next business on the Calendar.

Mr. SPOONER. As the Senator from Florida [Mr. CALL] is not in the Chamber, I ask that the resolution be passed over without losing its place.

The PRESIDENT *pro tempore*. The resolution will be passed over without prejudice, retaining its place on the Calendar.

PROBATE COURTS IN WYOMING.

The bill (S. 1351) to enlarge the jurisdiction of the probate courts in Wyoming Territory was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments, in section 1, line 14, before the word "order," to insert "final;" in the same line, before the word "judgment," to strike out the word "or," and after the word "judgment" to insert "or decree;" and in line 15, after the word "court," to insert "in which such district court is held;" so as to make the section read:

That the probate courts of the Territory of Wyoming, in their respective counties, in addition to their probate jurisdiction, be, and they are hereby, authorized to hear and determine all civil causes wherein the damage or debt claimed does not exceed the sum of \$500, exclusive of interest, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury: *Provided*, That they shall not have jurisdiction in any matter in controversy when the title, boundary, or right to the peaceable possession of land may be in dispute, or in chancery or divorce cases: *And provided further*, That in all cases an appeal may be taken from any final order, judgment, or decree of said probate courts to the district court in which such district court is held.

The amendments were agreed to.

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

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

MARTHA F. WOODRUM.

Mr. MITCHELL. In behalf of an old lady, who is totally blind and wholly dependent, I ask the unanimous consent of the Senate to take up Order of Business 856, a pension bill which has passed the other House. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the Senate now proceed to the consideration of the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased.

Mr. DAWES. Is there not some unanimous agreement about the order of proceeding?

Mr. HARRIS. There is, but the Senator from Oregon has asked for unanimous consent.

Mr. VOORHEES. This is a House bill for the relief of a blind woman, and it ought to be passed.

Mr. MITCHELL. I ask unanimous consent that it may be considered.

Mr. DAWES. I have no objection.

Mr. EVARTS. The bill has passed the other House.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased.

The Committee on Pensions reported the bill with an amendment, in line 6, before the word "dollars," to strike out "twelve" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of \$50 per month, the name of Martha F. Woodrum, surviving widow of James Woodrum, deceased, late private of Company C, Ninth Regiment of Kansas Volunteer Cavalry.

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.

On motion of Mr. DAVIS, it was

Resolved, That the Senate insist on its amendment and request a conference on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

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

The PRESIDENT *pro tempore* appointed Mr. DAVIS, Mr. MITCHELL, and Mr. TURPIE as the conferees on the part of the Senate.

POSTAL TELEGRAPH SYSTEM.

The bill (S. 534) to provide for the establishment of a postal telegraphic system was announced as next in order.

Mr. MANDERSON. That was reported adversely.

The PRESIDENT *pro tempore*. Being adversely reported, the bill goes over. The same order will be made in regard to Order of Business 514, being the bill (S. 614) to provide for the establishment and operation of the United States postal telegraph, it having been adversely reported. The next Order of Business will be stated.

M. F. VANCE.

The bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo., was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment, in line 5, after the word "under," to strike out "the act of May 20, 1862," and insert "sections 2289 to 2317, chapter 5, Title XXXII, of the Revised Statutes of the United States;" so as to make the bill read:

Be it enacted, etc., That the homestead right of M. F. Vance, of Akron, Colo., be restored, and that he be entitled to all the privileges accruing under sections 2289 to 2317, chapter 5, Title XXXII, of the Revised Statutes of the United States.

The amendment was agreed to.

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

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

FLORENCE COURTNEY COCHNOWEE.

The bill (S. 1459) granting a pension to Florence Courtney Cochnowee was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Florence Courtney Cochnowee, at the rate of \$12 per month, for services in the field and as a nurse during the war of the rebellion.

The amendment was agreed to.

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

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

LUTHERAN CHURCH CEMETERY LANDS.

The bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands was considered as in Committee of the Whole.

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

GROVENOR A. CURTICE.

The bill (H. R. 439) for the relief of Grovenor A. Curtice was considered as in Committee of the Whole. It proposes to pay to Grovenor A. Curtice, late a captain in the Seventh Regiment of New Hampshire Volunteer Infantry, the pay and allowances of a captain of infantry from January 3, 1865, the date at which he was assigned to duty under his commission, to May 1, 1865, the date of his muster as a captain, deducting therefrom the pay received by him as a first sergeant during that period.

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

WILLIAM ENGLISH.

The bill (S. 1423) authorizing the President to appoint William English an officer in the regular Army of the United States was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The bill having been adversely reported, it will be passed over.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The bill (S. 1755) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, was announced as next in order on the Calendar.

Mr. VOORHEES. This is a bill of great importance. Perhaps it ought to be passed just in the form it is; I do not know. The Senator from Louisiana [Mr. GIBSON] reported it, and it is a bill introduced by the Senator from Missouri [Mr. VEST]. They are both absent, and whether we ought to go on and consider it in their absence is a very grave question. Perhaps they might want to make amendments to it. I suggest that the bill go over until the next call, not losing its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be passed over without prejudice.

FOURTEENTH KANSAS CAVALRY VOLUNTEERS.

The bill (S. 1306) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas, was considered as in Committee of the Whole. It directs the Secretary of War to recognize certain named persons as unassigned recruits for the Fourteenth Kansas Cavalry Volunteers, from their respective dates of enrollment, as shown by enlistment papers

filed in the War Department by the adjutant-general of the State of Kansas.

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

JOSEPH CASSON.

The bill (H. R. 3613) for the relief of Joseph Casson was considered as in Committee of the Whole. It provides that the entry of Joseph Casson, under date of September 27, 1881, per certificate numbered 75, of the southeast quarter of the northwest quarter of section 34, township 12, range 14, in Shawnee County, Kansas, shall be ratified, confirmed, and declared valid, and directs the President to issue in due form a patent for the land to Casson.

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

MILITARY QUARTERS AT FORTS ROBINSON AND NIOBRARA.

The bill (S. 1561) to provide for the completion of quarters, barracks, and stables at Fort Robinson and at Fort Niobrara, in the State of Nebraska, was considered as in Committee of the Whole.

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

HEIRS OF CHARLES B. SMITH.

The bill (S. 1039) for the relief of the heirs of Charles B. Smith, deceased, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to readjust and close the subsistence and quartermaster's accounts, upon the books of the Treasury, of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry, and to pay to Julia A. Smith, his widow, the pay and allowances due him at the date of his death, notwithstanding the fact that they have heretofore been applied in the adjustment of his subsistence and quartermaster's accounts.

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

The preamble was agreed to.

JOHN M'FARLAND.

The bill (S. 2223) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read in that case.

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

The Secretary read the following report, submitted by Mr. MANDERSON March 5, 1888:

The Committee on Military Affairs, to whom was referred the petition of John McFarland, late private Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, and certain papers accompanying the same, praying that the petitioner might be granted an honorable discharge, and that the charge of desertion or enlistment in the Confederate service might be removed from the records, have given the subject-matter consideration and herewith return the petition and papers with a bill, the passage of which measure your committee recommends.

The facts as fairly established by the affidavits submitted to your committee, and on file with the Adjutant-General, United States Army, appear to be that John McFarland, of Lucas, Richland County, Ohio, enlisted, at the age of about seventeen years, on the 12th of October, 1861, for three years, in Company E, Sixty-fourth Ohio Volunteer Infantry. He was at that time a strong, healthy young man and seems to have remained such up to May, 1862, when he was taken sick. He rejoined his command in January, 1863, and was wounded at the battle of Chickamauga in the right leg and left hand on the 19th of September, 1863, where he was likewise taken prisoner by the Confederates, and thereafter confined at Andersonville, Libby, Danville, and Florence. This confinement extended over a period of fourteen months, and until about November 13, 1864, which was over one month after his full term of service had expired.

His sufferings were great and disease had brought him to the verge of frenzy. If sworn statements of his comrades, Thomas Sexton, Peter Dillon, and Leander S. Marsh, are to be relied upon, McFarland's brain and weakened constitution rendered him a fit subject for an asylum at the time he took the oath to the Confederacy and to enlist on that side, which he evidently resorted to in order to escape death by slow process of starvation, and to gain the Union lines at the first opportunity, which he succeeded in doing four weeks after. Comrade Marsh says of McFarland that "he was hardly able to walk at the time; in fact, he was a moving skeleton." The others corroborate him in this statement. All three comrades say he informed them of his real object, which he put in force. These facts would appear to leave no possible doubt of McFarland's real intent in the premises.

The petitioner had four brothers who served in the Union Army, and the sworn evidence of neighbors, produced to your committee, who had known the McFarland family for years, is to the full effect that its members were loyal and patriotic beyond all doubt or cavil, and the enlistments and service of five brothers of one family would seem to be ample proof to sustain this theory.

Thomas R. Smith, of Newark, Ohio, swears that he was first lieutenant of Company E, Sixty-fourth Ohio Infantry; knew McFarland "ever since he was a child;" that McFarland was "among the best soldiers of my company, and never shirked a duty, and was loyal to the United States Government;" that he saw him after his captivity and return home, and that he "was then a complete wreck, physically and mentally;" that he "did not have control of his mental faculties."

David B. Leiter, of Lucas, Ohio, a comrade of McFarland, swears that he considers his mind "badly diseased and affected, and to such an extent that McFarland has not been capable of conducting or attending any business."

Joseph Fleming, a resident of Ohio, says that ever since McFarland's confinement in Confederate prisons "his mind has been unbalanced and very weak, and he is at times entirely *non compos mentis* and not responsible for his acts."

All these witnesses knew McFarland before the war, and swear that he was then a strong man mentally and physically.

McFarland's service was as follows: He was with his company and regiment from date of enlistment until the battle of Shiloh, four weeks after which he was stricken with typhoid fever and, partially recovering, he went home on

furlough, reporting for duty August 10, 1862, but was sent to Camp Chase, where he suffered a relapse, was sent to hospital, and some six or eight weeks after, upon his urgent solicitation, he was sent with convalescents to Louisville and put on parole guard, General Bragg then threatening that city. He reached his regiment after the battle at Stone River, did duty and drew pay down to the day of his capture at Chickamauga aforesaid.

The House report on the bill for his relief (No. 625) in the Forty-eighth Congress, says:

"During the time he was in the Confederate army he never fired a gun, and constantly watched an opportunity to escape. At the first opportunity he ran into the Federal lines at Egypt Station, on the Mobile and Ohio Railroad, and was taken from there to Alton, Ill., and on January 29, 1865, he was released."

Your committee are not unmindful of the fact that great care should be taken in cases of this character lest injustice be done to the living and to the memory of the patriotic dead, but the sworn statements in this case would seem to show that no danger of that character exists here, and to demand that justice should be done not only to McFarland, but to a loyal and patriotic family.

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

MISSISSIPPI BOTTOM LANDS.

The bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions was considered as in Committee of the Whole.

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

ENROLLMENT OF CIRCUIT COURT JURISDICTION ACT.

The bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. WILSON, of Iowa. The bill has been read at length, and it need not be read again.

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

WIDOW OF JOHN A. S. TUTT.

The bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased, was considered as in Committee of the Whole. It proposes to pay \$386, or so much thereof as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by John A. S. Tutt, as tax upon his salary as a State officer, to the widow of John A. S. Tutt, deceased, of La Fayette County, Missouri, in full repayment to her of taxes erroneously assessed upon his salary as judge of the sixth judicial circuit of Missouri from the year 1862 to the year 1870, inclusive.

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

GEORGETOWN BARGE, DOCK, AND RAILWAY COMPANY.

The bill (S. 2252) to incorporate the Georgetown Barge, Dock, and Railway Company was announced as next in order on the Calendar.

Mr. TELLER. That is a lengthy bill, and as the Senator who reported it is not here I should think it had better be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. TELLER. I do not desire to object, but I think perhaps we ought to let it stand over without prejudice.

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

MARGARET J. CASH.

The bill (S. 1384) granting a pension to Margaret J. Cash was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret J. Cash, widow of Henry Cash, late of Company A, Ninety-eighth Regiment Illinois Volunteers.

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

ELIZA J. MAYDEN.

The bill (S. 1254) granting a pension to Eliza J. Mayden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza J. Mayden, of Centralia, Ill., as the widow of John L. Mayden, late a sergeant of Company K, Fifty-second Regiment Indiana Volunteer Infantry.

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

ADAM L. EPLEY.

The bill (S. 1137) for the relief of Adam L. Epley was considered as in Committee of the Whole. It proposes to pay to Adam L. Epley, the son and only heir of John D. Epley, deceased, late a private in Company F, One hundred and fifty-third Regiment Ohio Volunteers, the arrears of pension due or allowable at the time of his death, and heretofore authorized to be paid John D. Epley, now deceased.

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

MARY A. DOUD.

The bill (S. 1359) for the relief of Mary A. Doud was considered as

in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Doud, of the city, county, and State of New York.

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

ANNA MERTZ.

The bill (S. 1237) granting a pension to Anna Mertz was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 7 to strike out the word "private" and insert "captain;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Mertz, the widow, and the minor children of Charles A. Mertz, late a captain of Company K, Sixty-second Illinois Volunteers.

The amendment was agreed to.

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

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

NOTES AND COIN CERTIFICATES.

The bill (S. 8) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes, was announced as next in order on the Calendar.

Mr. BECK. Let that be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill was reported adversely, and will be passed over without prejudice.

PURCHASE OF BONDS.

The bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury was announced as next in order on the Calendar.

Mr. BECK. Let that bill be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

W. H. WARD.

The bill (S. 501) for the relief of W. H. Ward was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, in line 7, after the word "court," to strike out the words "report the same to the Senate Committee on Patents, as provided by said act of March 3, 1883," and to insert "to render such judgment thereon as law and equity warrants without reference to the statutes of limitation;" so as to make the bill read:

That the Court of Claims be, and is hereby, authorized and empowered to examine all the claims of said Ward set forth in his said petition, notwithstanding the sections of the Revised Statutes referred to in the preamble of this act, and when the facts have been found by said court, to render such judgment thereon as law and equity warrants without reference to the statutes of limitations.

The amendment was agreed to.

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

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

The PRESIDENT *pro tempore*. The Committee on Patents also report an amendment to the preamble, which will be stated.

The CHIEF CLERK. In the second paragraph of the preamble, after the word "and," it is proposed to insert the words "one of said claims by;" so as to read:

Whereas two of said claims are debarred judicial consideration by said court in consequence of existing statutes, to wit, section 1069 of the Revised Statutes of the United States, limiting the time within which claims are to be prosecuted before the Court of Claims, and one of said claims by section 3477, relating to the assignment of claims against the United States.

The amendment was agreed to.

The preamble as amended was agreed to.

CHILDREN OF MICHAEL A. MORAN.

The bill (S. 1037) granting a pension to the infant children of Michael A. Moran was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the infant children of Michael A. Moran, late of Company K, Seventeenth United States Infantry.

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

ENOCH G. ADAMS.

The bill (S. 692) granting an increase of pension to Enoch G. Adams was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 7, after the words "rate of," to strike out "seventy-two" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Enoch G. Adams, late captain of Company D, First Regiment United States Infantry, at the rate of \$24 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

The amendment was agreed to.

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

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

M. J. FOGG.

The bill (S. 1928) granting a pension to M. J. Fogg was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 7, before the word "Virginia," to strike out "West;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. J. Fogg, late a second lieutenant in Battery E, First Virginia Light Artillery.

The amendment was agreed to.

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

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

MRS. MARGARET PICKERING-COPELAND.

The bill (S. 1678) granting a pension to Mrs. Margaret Pickering-Copeland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Margaret Pickering-Copeland, widow of Capt. Lafayette Pickering, late of Company F, First Regiment Ohio Cavalry Volunteers.

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

DAVID HEINBACH.

The bill (S. 1219) granting a pension to David Heinbach was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Heinbach, Company G, One hundred and seventy-third Pennsylvania Volunteers.

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

MARY C. JOHNSTON.

The bill (S. 1504) granting a pension to Mary C. Johnston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary C. Johnston, daughter of Eleazor Johnston, Company A, Sixty-fourth Ohio Volunteer Infantry.

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

JOHN W. REYNOLDS.

The bill (S. 1542) granting a pension to John W. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Reynolds, late of the One hundred and fifty-seventh Ohio Volunteer Infantry.

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

JUDSON KNIGHT.

The bill (S. 1192) granting a pension to Judson Knight was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Judson Knight, late chief of scouts at headquarters of the armies operating against Richmond, as though he had been regularly mustered into the United States Army, with the rank of captain of volunteers.

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

MRS. AVIS J. HOCKEY.

The bill (S. 2253) granting a pension to Mrs. Avis J. Hockey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Avis J. Hockey, widow of William Hockey, late a corporal in Company G, Eighteenth Illinois Infantry.

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

MRS. ELLA M. GROVER.

The bill (S. 2254) to increase the pension of Mrs. Ella M. Grover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ella M. Grover, widow of Cuvier Grover, late colonel of the First United States Cavalry, at the rate of \$50 a month in lieu of that she is now receiving.

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

AMANDA W. BEACH.

The bill (S. 2255) granting a pension to Amanda W. Beach was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda W. Beach, dependent mother of Henry H. Beach, late a private in Company D, Seventh Regiment of Massachusetts Volunteers.

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

TITUS WILDER.

The bill (S. 2064) granting a pension to Titus Wilder was considered as in Committee of the Whole. It was reported from the Committee

on Pensions with amendments, in line 6, after the word "Navy," to insert "as armorer;" and in line 9, before the word "dollars," to strike out "fifty" and insert "seventy-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Titus Wilder, who served in the United States Navy as armorer during the war with Mexico in 1846 and 1847, at the rate of \$72 per month, in lieu of the pension he is now receiving.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. DAVIS March 6, 1888:

The Committee on Pensions, to whom was referred the bill (S. 2064) granting a pension to Titus Wilder, have examined the same, and report:

The record of the Pension Bureau shows that this claimant while in the United States service as armorer's mate upon the United States brig Lawrence lost his left eye while performing duty, and by an accident incident to that duty. He was forging a boat-hook, which slipped from the tongs and fell into a pail of water. The hot steam flew upwards, struck the left eye, destroyed the optic nerve and the sight of the left eye, and affected the right eye until the year 1887, when he became totally blind.

Upon this showing he was granted a pension of \$8 per month June 17, 1887, under the act of January 29, 1887, commonly called the Mexican pensions act. By the terms of that statute no greater pension could have been allowed by the bureau.

No reason can be imagined why this man ought not to be pensionable in the same sum that he would be had he been a soldier in the late civil war and had his total blindness resulted from the same causes incident to the performance of duty therein.

Your committee has so held in the case of Martin Kellogg, another veteran of the Mexican war, upon whom the same affliction has fallen.

The passage of the bill is therefore recommended, with the following amendments:

Insert the words "as armorer's mate" after the word "Navy," in line 6. Strike out the word "fifty," in line 8, and insert in lieu thereof the words "seventy-two."

The amendments were agreed to.

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

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

JOSEPH WIRTH.

The bill (S. 2033) granting a pension to Joseph Wirth was considered as in Committee of the Whole. It was reported by the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "and arrears at that rate from August 4, 1886," and insert "from and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wirth, late quartermaster-sergeant in Company L, Third New Jersey Cavalry, and pay him at the rate of \$30 per month from and after the passage of this act.

The amendment was agreed to.

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

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

JOHN FOX.

The bill (S. 1919) granting a pension to John Fox was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Fox, late a member of Company H, Seventh Regiment Massachusetts Volunteers.

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

MARTHA F. WOODRUM.

The bill (S. 2166) granting a pension to Martha F. Woodrum was announced as next in order on the Calendar.

Mr. BECK. We passed a House bill similar to that a few minutes ago.

The PRESIDENT *pro tempore*. The House bill for the benefit of the same person having been passed, the Senate bill will be indefinitely postponed.

WILLIAM KNIGHT AND OTHERS.

The bill (S. 341) granting pensions to William Knight, Jacob Parrott, William Reddick, and John Whollam was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 9, to strike out the name "William Reddick;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the act approved July 7, 1884, entitled "An act granting pensions to Wilson W. Brown and others," the name of William Knight, late of Company E, Twenty-first Ohio Volunteer Infantry, and Jacob Parrott and John Whollam, late of the Thirty-third Ohio Volunteer Infantry.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting pensions to William Knight, Jacob Parrott, and John Whollam."

CAROLINE RUPPERT.

The bill (S. 996) granting a pension to Caroline Ruppert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline Ruppert, widow of Christian Ruppert, late a private in Company F, Second Regiment of Michigan Cavalry Volunteers.

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

CHARLES WAGEMANN.

The bill (S. 1153) for the relief of Charles Wagemann was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Wagemann, late a private in Company E, Seventh Missouri Cavalry, at the rate of \$24 per month, in lieu of that which he now receives.

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

PUBLIC BUILDING AT BUFFALO.

The bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y., was considered as in Committee of the Whole.

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

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

The bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was announced as next in order on the Calendar.

Mr. TELLER. There seems to be a minority report in that case, and I suppose the bill will lead to some discussion.

Mr. HARRIS. I hope the Senator from Colorado will not object to the consideration of the bill. The people whom I have the honor to represent are exceedingly anxious and earnest in their desire to have this bill passed at the earliest moment possible.

Mr. TELLER. If there is any member of the minority here, I shall not object.

Mr. HARRIS. Here is one at my elbow.

Mr. TELLER. Then I shall not object.

The PRESIDENT *pro tempore*. There being no objection, the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 2, after the word "spans," to strike out the words:

The two middle or channel spans thereof shall not be less than 600 feet in length in the clear, and no span shall be less than 450 feet in length in the clear.

And to insert:

Before approving the plans for said bridge, the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining, by actual inspection, the locality where said bridge is to be built, and to report what shall be the length of the main channel span and of the other spans: *Provided*, That the main channel span shall in no event be less than 700 feet in length, or the other spans less than 600 feet each in length; and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required.

The amendment was agreed to.

Mr. COKE. I feel that it is my duty to object to the consideration of the bill at this time. The entire membership of the Commerce Committee, from which the bill comes, is absent not only from the Senate but from the city. Several members of that committee feel a great interest in the bill and desire very much to be here when it is passed upon by the Senate. I am entirely willing that the bill shall retain its place on the Calendar, but I ask that it may go over.

Mr. HARRIS. Of course the objection carries the bill over despite anything I can do or say. Inasmuch as the Senator from Texas has objected, and by his objection carries it over, I take occasion now and here to give notice that at the moment, and the first moment, that the morning business of next Monday is concluded, if I can induce the Chair to recognize me, I shall invoke the aid of a majority of this body to enable me to have the bill considered.

Mr. PLATT. I shall have to object to it when that motion is made.

Mr. HARRIS. I should like to know why the Senator from Connecticut would object within the morning hour.

Mr. PLATT. Because—

The PRESIDENT *pro tempore*. Debate can only proceed by unanimous consent.

Mr. PLATT. Because, Mr. President, I have discovered that when a contested matter is taken up during the morning hour it invariably runs over past the hour of 2 o'clock, and thereby gets to be the unfinished business of the Senate, having precedence of other unfinished business, when the Senate does not intend to give it that operation.

Mr. HARRIS. I desire to say to my friend from Connecticut that the notice I gave was that I should move in the morning hour and ask a majority of the Senate to proceed to consider the bill. I did not say I would ask unanimous consent. The Senator may object, but it will take a majority of this body to make the objection effective.

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

STEPHEN C. LOBDILL.

The bill (S. 760) granting a pension to Stephen C. Lobdill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen C. Lobdill, late of Company G, Twenty-fourth Ohio Volunteers.

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

CLARISSA HARVEY.

The bill (H. R. 7237) granting a pension to Clarissa Harvey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clarissa Harvey, widow of Henry B. Harvey, late a private in Company C, Tenth Regiment Wisconsin Volunteers.

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

FREDERICK AUGUSTIN.

The bill (H. R. 5499) granting an increase of pension to Frederick Augustin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Augustin, late a private in Company I, Twenty-first Regiment Wisconsin Volunteer Infantry, at the rate of \$36 per month, in lieu of the pension he is now receiving.

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

HEIRS OF MARTIN KENOFSKY.

The bill (S. 1671) for the relief of the heirs of Martin Kenofsky was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with an amendment, in lines 6 and 7, to strike out "\$8,861" and insert "\$4,992.50;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs or legal representatives of Martin Kenofsky the sum of \$4,992.50, in full of all demands for and on account of the claim of the said Kenofsky for the proceeds derived from the sale of \$4,992.50 of gold coin belonging to him and used in the service of the United States.

The amendment was agreed to.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 6394) for the relief of Hayem & Taylor; and

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

MOBILE MARINE DOCK COMPANY.

The bill (S. 439) for the relief of the Mobile Marine Dock Company was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Mobile Marine Dock Company, or its authorized agent or attorney, the sum of \$36,202.65, in full payment for the use and occupation of and damages to property taken of the company from the 16th of April to the 15th of November, 1865, inclusive.

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

PAY OF ACTING REAR-ADMIRALS.

The bill (S. 1510) allowing the pay of rear-admirals to commodores while acting as rear-admirals was announced as next in order.

Mr. COCKRELL. I should like to hear some reason for that.

The PRESIDENT *pro tempore*. The Senator reporting the bill [Mr. CHANDLER] is not in his seat.

Mr. COCKRELL. I think it had better be passed over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

PAY OF ENSIGNS OF THE NAVY.

The bill (S. 881) to regulate the pay of ensigns of the United States Navy was considered as in Committee of the Whole.

The Committee on Naval Affairs reported an amendment, in line 5, after the word "dollars," to insert the words "per annum;" so as to make the bill read:

Be it enacted, etc. That from and after the passage of this act ensigns in the Navy shall receive \$1,700 per annum when at sea, \$1,400 per annum when on shore duty, and \$1,000 per annum when on leave or waiting orders; and section 1556 of the Revised Statutes is hereby amended accordingly.

The amendment was agreed to.

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

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

REV. WORCESTER WILLEY.

The bill (S. 1084) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith, was considered as in Committee of the Whole.

The Committee on Claims reported the bill with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to Worcester Willey, out of any money in the Treasury not otherwise appropriated, the sum of \$170; and that said sum be in full of the claim of Worcester Willey against the United States.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Rev. Worcester Willey."

MARGARET KENNEDY.

The bill (S. 307) for the relief of Margaret Kennedy was considered as in Committee of the Whole.

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

That the Quartermaster-General be, and he is hereby, authorized and directed to ascertain and state the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, situated in the District of Columbia, upon which Fort Sedgwick was erected, taken and used for firewood by the Army of the United States, and also the value of all timber sold by the Government which had been taken from said farm and used in the construction of said fort. And the amount so stated shall be paid, out of any money in the Treasury not otherwise appropriated, to Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased.

The amendment was agreed to.

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

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

OREGON ORDNANCE STORES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 29) to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes.

The bill was reported from the Committee on Military Affairs with amendments, after the word "cause," at the end of line 3, to strike out "the State of Oregon to be credited on its ordnance account with the sum of \$12,398.50, and to issue, in accordance with the request of the governor of Oregon and on account of said State," and insert "to be issued;" in line 9, before the word "payment," to insert "full," and after "payment" to insert "and liquidation;" in line 10, after the word "State," to insert "of Oregon;" and after the word "cents," in line 13, to insert "and the said charge against Oregon of \$12,398.55, on the books of the War Department, is hereby ordered to be canceled;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to cause to be issued to the Territory of Washington, in full payment and liquidation of ordnance and ordnance stores borrowed by said State of Oregon of said Territory, and lost or rendered useless in service, ordnance and ordnance stores of the value of \$12,398.55, and the said charge against Oregon of \$12,398.55, on the books of the War Department, is hereby directed to be canceled.

The amendments were agreed to.

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

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

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Military Affairs to the preamble will now be stated.

The CHIEF CLERK. In the third clause of the preamble, line 1, after the word "accouterments," the committee report to strike out "necessary to properly equip her militia and" and insert "nor credit on her ordnance account sufficient to return said arms, etc., borrowed; and;" so as to make the clause read:

Whereas said State has not arms and accouterments nor credit on her ordnance account sufficient to return said arms, etc., borrowed; and

The amendment was agreed to.

The next amendment was to strike out clauses 4 and 5 of the preamble, as follows:

Whereas the governor of said State has requested the Secretary of War to issue to the said Territory of Washington, on account of said State, ordnance and ordnance stores of the character and in the quantity so borrowed; and

Whereas the Secretary of War is unable to do so, because there is only at this time \$10.90 to the credit of said State.

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "A bill to authorize the Secretary of War to issue ordnance and ordnance stores to the Territory of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes."

JOHN H. MARION.

The bill (S. 1772) for the relief of John H. Marion was considered as in Committee of the Whole. It proposes to relieve John H. Marion, of Prescott, Ariz., from the payment of \$1,042.45, claimed to be due from him to the Government of the United States on account of the non-fulfillment of a contract for hay made with the chief quartermaster, Department of Arizona, dated Whipple Barracks, May 15, 1884.

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

HEIRS OF FIDUS LIVERMORE.

The bill (H. R. 3758) for the relief of the legal heirs of Fidus Livermore, deceased, was considered as in Committee of the Whole. It provides for the payment to Sarah Livermore, widow and administratrix of the late Fidus Livermore, of Jackson, Mich., of \$766.50, for services performed in his lifetime as commandant of camp of the Twentieth Regiment of Michigan Infantry (\$210), and services as commandant of camp of the Twenty-sixth Michigan Infantry (\$550), and for money expended (\$41.50) for necessary expenses while discharging the duties of commandant of camp during the organization of the Twentieth and Twenty-sixth Michigan Regiments of Infantry.

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

CHARLES THOMAS.

The bill (S. 1178) for the relief of Capt. Charles Thomas, of the United States Navy, was considered as in Committee of the Whole.

The Committee on Naval Affairs reported an amendment in line 8, after the words "United States," to strike out "and that the transfer shall take effect from the same date as that of other officers of the same rank who were retired at the same time and for the same causes;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Capt. Charles Thomas, of the retired-list of the United States Navy, from furlough pay to the 75 per cent. pay of retired officers, under section 1588 of the Revised Statutes of the United States.

The amendment was agreed to.

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

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

MARY PENFIELD.

The bill (H. R. 6071) for the relief of Mary Penfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Penfield, late a nurse in the United States Army, at the rate of \$25 per month.

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

MARY B. KIRBY.

The bill (H. R. 4626) for the relief of Mary B. Kirby was considered as in Committee of the Whole. It proposes to place on the pension-roll, at \$50 per month, the name of Mary B. Kirby, widow of Reynold Marvin Kirby, major of the First Regiment of United States Artillery, who died at Fort Sullivan in the year 1842, while in the line of duty, from disease contracted in the service.

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

J. Q. BARTON.

The joint resolution (H. Res. 68) in favor of J. Q. Barton, was considered as in Committee of the Whole. It authorizes Paymaster J. Q. Barton, of the Navy, to accept the decoration of the "Order of the Rising Sun," conferred upon him by the Emperor of Japan as evidence of his appreciation of services rendered by that officer to the Japanese Government.

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

FLORIDA G. CASEY.

The bill (S. 1843) granting increase of pension to Florida G. Casey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Florida G. Casey, widow of Bvt. Brig. Gen. Silas Casey, of the Regular Army, at the rate of \$100 per month in lieu of that which she is now receiving.

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

MRS. ELIZABETH B. DYER.

The PRESIDING OFFICER. The next order of business, the bill (S. 1348) granting a pension to Mrs. Elizabeth B. Dyer, being adversely reported, goes over.

CENTENNIAL OF THE CONSTITUTION.

The bill (S. 2292) to provide for a celebration at the national capital in 1889, in honor of the centennial of the Constitution of the United States, was considered as in Committee of the Whole.

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

JAMES S. JOUETT.

The bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenantancy of cavalry in the United States Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add to it the following proviso:

Provided, That said Jouett shall receive no pay or allowances of any kind for the period between the date of his dismissal and date of his appointment under the provision of this bill.

The amendment was agreed to.

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

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

ENROLLED BILLS SIGNED.

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

A bill (S. 2550) appropriating \$20,000 for expenses of special and select committees of the Senate; and

A bill (H. R. 3957) for the relief of Peter Marck, Thomas J. Wright, administrator, and others.

AMENDMENT TO A BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the consular and diplomatic appropriations bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES H. REEVE.

Mr. PADDOCK. I ask unanimous consent of the Senate to take up House bill 3898, Order of Business 762, being a bill granting increase of pension to James H. Reeve.

Mr. COCKRELL. I ask for the regular order.

Mr. PADDOCK. I think if the Senator will hear my statement he will grant my request. This pensioner has undergone a re-examination; he is now in the extremity of death; and, under the circumstances, I think there will be no objection to passing the bill. It is a House bill.

Mr. COCKRELL. There are many House bills on the Calendar. Let us go on with the Calendar regularly.

Mr. HOAR. Perhaps we can reach that bill to-day.

The PRESIDENT *pro tempore*. The regular order will be reported.

ZEB WARD.

The bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark., was considered as in Committee of the Whole. It provides for the payment to Zeb Ward of \$20,390.80, balance of account for the keeping of United States prisoners in the State penitentiary of Arkansas from April 1, 1876, to March 31, 1883, Ward having been the lessee of the penitentiary during that time.

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

Mr. JONES, of Arkansas, subsequently said: The Senate a few moments ago passed Order of Business 579. There was an amendment reported by the Committee on Claims which was overlooked. The bill passed by an oversight, and I move at the end of the bill an amendment for the purpose of making it as the committee recommend it.

The PRESIDENT *pro tempore*. The Chief Clerk will report the bill by title.

The CHIEF CLERK. A bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.

Mr. JONES, of Arkansas. The committee recommend an amendment. There is a mistake in the print. The committee recommend striking out, in lines 6 and 7, the words "twenty thousand three hundred and ninety dollars and eighty cents" and inserting in lieu thereof "\$19,615."

The PRESIDENT *pro tempore*. By unanimous consent the vote by which the bill was ordered to a third reading and passed will be considered as reconsidered for the purpose of making this amendment. The amendment will be reported.

Mr. SPOONER. That is a committee amendment?

Mr. JONES, of Arkansas. Yes, sir.

The CHIEF CLERK. In line 6, after the words "sum of," it is proposed to strike out "\$20,390.80" and insert "\$19,615."

The amendment was agreed to.

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

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

WILLIAM A. BEVENS.

The bill (S. 317) for the relief of William A. Bevens was considered as in Committee of the Whole.

The Committee on Claims reported the bill with an amendment, in section 1, line 10, after the words "sums as," to strike out "he shall be fairly entitled to" and insert "he was compelled by the State of Arkansas or other superior force to surrender, and with such other sums as in equity should be allowed;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to open and restate the accounts between the United States and William A. Bevens as receiver of public moneys at Batesville, Ark. That in such restatement of said accounts the Secretary shall charge Bevens with all such sums of money as were in his hands at any time as receiver as aforesaid, and shall credit him with all such sums as he was compelled by the State of Arkansas or other superior force to surrender, and with such other sums as in equity should be allowed credit for, notwithstanding any previous rejection of such items by the Treasury Department or by any other tribunal.

The amendment was agreed to.

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

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

MARY ANN DOUGHERTY.

The bill (S. 1547) granting a pension to Mary Ann Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ann Dougherty, at the rate of \$12 a month.

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

RACHEL A. SINKINSON.

The bill (S. 1101) granting a pension to Rachel A. Sinkinson was considered as in Committee of the Whole. It proposes to place the name of Rachel A. Sinkinson, widow of Robert Sinkinson, late a private in Company K, Eighty-eighth Regiment of Pennsylvania Volunteers, on the pension-roll.

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

HENRY PULSKY.

The bill (S. 702) granting a pension to Henry Pulsky was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Pulsky, late a private in Company I, Second Massachusetts Cavalry.

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

CHEROKEE FREEDMEN.

The bill (S. 1494) to secure the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March 3, 1883, was considered as in Committee of the Whole.

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

The preamble was agreed to.

CRIMES BY INDIANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2004) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885.

It proposes to amend the section referred to so as to read:

SEC. 9. That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases: *Provided*, That in all cases where any of said crimes shall be committed against the person or property of another Indian, the judge of the court before which such Indian may be tried shall certify to the Attorney-General of the United States the cost of the apprehension and trial of such Indian, and the Attorney-General shall cause the same to be reimbursed to the Territory, or any county thereof, incurring the same, out of funds that may be available or appropriated for that purpose: *And provided further*, That the cost of the support and maintenance of Indians convicted of any of said crimes against the person or property of another Indian, and sentenced to imprisonment, shall be borne by the United States. And all Indians committing any of the above crimes against the person or property of another Indian or other person, within the boundaries of any State of the United States and within the limits of any Indian reservation, or within the limits of any portion of the Indian Territory not set apart for and occupied by the Cherokee, Creek, Choctaw, Chickasaw, or Seminole Indian tribes, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

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

RIGHT OF WAY OVER MINNESOTA INDIAN LANDS.

The bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain In-

dian lands in the State of Minnesota was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, at the end of section 3, to add the following proviso:

Provided, That the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as the President may prescribe, before any right under this act shall accrue to said company.

The amendment was agreed to.

The next amendment was, in section 4, line 4, after the word "thereof," to insert:

And also to ascertain and fix the amount of compensation to be made to individual members of the several tribes or bands for damages sustained by them by reason of the construction of said road.

So as to read:

SEC. 4. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and lands, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made to individual members of the several tribes or bands for damages sustained by them by reason of the construction of said road.

The amendment was agreed to.

The next amendment was, in section 4, line 13, after the word "Interior," to insert "which approval shall be made in writing and be open for the inspection of any party interested therein;" and in line 18, after the words "regard for," to insert "the rights of;" so as to read:

But no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroads, and including the points for station buildings, depots, yards, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein; and until the compensation aforesaid has been fixed and paid; and the surveys and construction and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The next amendment was to strike out section 6, in the following words:

SEC. 6. This act shall take effect and be in force from and after its passage and publication.

And in lieu thereof to insert:

SEC. 6. That said railway company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that it will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 7. That Congress may at any time amend, add to, alter, or repeal this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

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. DAWES, Mr. HEARST, and Mr. BOWEN were appointed.

INDIAN INDUSTRIAL SCHOOL IN MICHIGAN.

The bill (S. 1869) to provide for the establishment and maintenance of an Indian industrial school in the State of Michigan was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 5, after the word "lands," to insert "not less than 200 acres, which, in his opinion, are suitably located for that purpose;" so as to make the section read:

That the Secretary of the Interior be, and he hereby is, authorized to accept from the State of Michigan, or any corporation or person, any lands, not less than 200 acres, which, in his opinion, are suitably located for that purpose, which may be donated to the United States for the purpose of establishing an Indian industrial or training school, and also to receive from said State, or any corporation or person, any donation that may be made for the purposes of said school.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the further sum of \$10,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of lands for the purpose specified in section 2 of this act, in case no satisfactory donation of land is made by said State, or any corporation or person.

The amendment was agreed to.

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

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

J. T. AND C. T. HULETT.

The bill (S. 113) for the relief of J. T. and C. T. Hulett was considered as in Committee of the Whole. It provides for paying to J. T. and C. T. Hulett, of Dixon, Wyo., or their legal representatives, \$7,900, in full compensation for the depredation committed by the White River Ute Indians, September 13, 1879, at Routt County, Colorado; that amount having been recommended by the Secretary of the Interior to the House of Representatives for an appropriation February 20, 1884, there existing a treaty fund to pay it.

Mr. COCKRELL. I would ask the Senator from Colorado to accept an amendment in line 9, after the word "Colorado," to insert "out of their treaty fund;" so that the bill shall direct the payment to be made out of that fund.

Mr. TELLER. There can be no objection to that, I think.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In line 9, after the word "Colorado," it is proposed to insert "out of their treaty fund."

The amendment was agreed to.

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

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

CATALOGUE OF CONGRESSIONAL LIBRARY.

The bill (S. 2293) to provide for completing the catalogue of the Congressional Library was considered as in Committee of the Whole.

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

COLUMN TO COMMEMORATE BATTLE OF TRENTON.

The bill (S. 599) in regard to a monumental column to commemorate the battle of Trenton, and appropriating \$30,000, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Library with amendments, in line 6, after the word "Trenton," to insert "in the State of New Jersey;" in line 10, after the word "raised," to insert "prior to the issue of said order," and in line 13, after the word "dollars," to insert "additional thereto;" so as to make the bill read:

Be it enacted, etc., That the sum of \$30,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by said association in erecting and completing on the battle-field of Trenton, in the State of New Jersey, a suitable monument, the money to be paid to the association aforesaid under the order of the Secretary of War: *Provided, however*, That the said Trenton Battle Monument Association shall have raised, prior to the issue of said order, to be expended in the erection of said monument and in the purchase and improvement of the site, at least the sum of \$30,000 additional thereto: *And provided further*, That the design for the said monument shall be approved by the Secretary of War; and the sum herein appropriated shall not be available until a contract is made to complete the work.

The amendments were agreed to.

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

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

The preamble was agreed to.

The title was amended so as to read: "A bill in regard to a monumental column to commemorate the battle of Trenton, in the State of New Jersey, and appropriating \$30,000."

HOURS OF LABOR OF LETTER-CARRIERS.

The bill (S. 117) to extend to letter-carriers the advantages secured to other employes of the United States by section 3738 of the Revised Statutes, relating to the hours of labor, was announced as next in order on the Calendar.

Mr. BLAIR. That is a bill which was passed by the Senate in the last Congress, and has been again reported to the Senate favorably. Substantially the same bill has been passed in the House unanimously and has come to the Senate, and, having been referred to the Committee on Education and Labor, has been reported by me favorably to-day. I desire to move to take up the House bill instead of this, and then this may be indefinitely postponed.

The PRESIDENT *pro tempore*. The order can be made by unanimous consent.

The bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day was read by its title.

Mr. REAGAN. I ask that that bill go over.

The PRESIDENT *pro tempore*. The Senator from Texas objecting, the bill goes over.

Mr. BLAIR. I hope the Senator will hear me a moment in regard to the matter.

Mr. COCKRELL. I ask that the rule be enforced.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire proceeding?

Mr. BLAIR. I do not think the Senator from Texas understands that this is a bill which has passed the House unanimously, and that in substance the Senate did pass it at the last session, and that it has been reported unanimously by the Committee on Education and Labor at this session; and I desire, and those interested desire, to have the matter disposed of. It will take but a moment.

Mr. REAGAN. There are thousands of bills that get through on the same old plea, that everybody in office wants something more than he has got, more time to himself, less time for work.

Several SENATORS. Regular order!

The PRESIDENT *pro tempore*. The next bill in order will be stated.

Mr. BLAIR. I ask that the last order remain in its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, unless objection be made to that course.

ABRIDGMENTS OF LETTERS PATENT.

The bill (S. 2304) to provide for continuing the work of classified abridgments of letters patent granted by the United States was considered as in Committee of the Whole.

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

DISPOSITION OF DEPARTMENTAL PAPERS.

The bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments was announced as next in order.

Mr. HOAR. Let that go over.

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

Mr. HOAR. I have no objection to its keeping its place on the Calendar, but I wish to make a suggestion about it when there is time.

H. W. SHIPLEY.

The bill (S. 720) for the relief of H. W. Shipley was considered as in Committee of the Whole. It provides for the payment to H. W. Shipley of \$2,487.38, in full compensation for work done and materials furnished by him in excess of that required of him by his agreement with the Indian Bureau in the construction of a grist-mill and saw-mill at the Nez Percé Indian agency, in the Territory of Idaho.

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

MINERAL LANDS.

The bill (S. 1888) to amend chapter 6 of Title XXXII, of the Revised Statutes, relating to mineral lands and mining resources, was announced as next in order.

Mr. STEWART. Let that go over without prejudice. There will be other amendments besides that reported by the committee.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

RECORDS OF THE DISTRICT OF COLUMBIA.

The bill (S. 2307) for the correction of the records of the District of Columbia in relation to certain real estate therein was considered as in Committee of the Whole. It is a direction to the commissioners of the District of Columbia to remove from the records of the District all evidence of indebtedness against lot G and part of lot F, in square 226, in the city of Washington, so far as that indebtedness relates to special assessment against those lots levied in the year 1870 for special improvements along Pennsylvania avenue northwest; the owners of the lots to give bond in double the sum of the assessment to indemnify the District against any loss.

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

ALFRED PLEASANTON.

The bill (S. 682) authorizing the President to appoint and retire Alfred Pleasanton a major of cavalry in the Army of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to add the following proviso:

Provided, That he shall receive no compensation prior to appointment under this act, and shall thereafter draw no pension.

Mr. REAGAN. Let that go over.

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

JACOB ROHN.

The bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, line 8, after the word "July," to insert "first, eighteen hundred and sixty-five;" so as to make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the military record of Jacob Rohn, late a member of Company A of the Eleventh Regiment Pennsylvania Volunteers, and that he give to the said Jacob Rohn an honorable discharge as of date July 1, 1865.

The amendment was agreed to.

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

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

CHARLES L. BULLIS.

The bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis was considered as in Committee of the Whole.

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

NAVAL RETIREMENTS.

The bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy was announced as next in order.

Mr. COCKRELL. Let that bill go over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over under the rule.

Mr. HALE. Will the Senator consent—

Mr. COCKRELL. I do not want the bill to lose its place on the Calendar.

Mr. HALE. Will the Senator listen for a moment until I tell him what the bill covers?

Mr. COCKRELL. Of course, but I think that is contrary to the rule.

Mr. HALE. It is, if the Senator insists on his objection. The bill only applies to the case of one or two officers of the Navy. At the time an officer enters the Navy, under the rules of the Navy color-blindness is not a personal or physical disqualification. Afterwards during the service it is made so; and therefore he ought to have the benefit of retiring upon that as much as if he had been struck by lightning and thereby made color-blind. This bill is only to relieve such a case as that.

Mr. COCKRELL. I will examine it. It can retain its place upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. COCKRELL subsequently said: Order of Business No. 601, being the bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy, is a little different bill from what I supposed, and I withdraw my objection.

Mr. REAGAN. I object. It is of the same class to which I have objected before.

PUBLIC PARK AT TACOMA, WASH.

The bill (S. 1870) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 4, after the word "Washington," to insert the words "the right to occupy, improve, and control;" in line 5, after the word "purposes," to strike out the words "hereinafter set forth" and insert "of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever;" so that the section will read:

That there is hereby granted to the city of Tacoma, in the county of Pierce, in the Territory of Washington, the right to occupy, improve, and control, for the purposes of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever, the following-described pieces or parcels of land, situate in the county of Pierce and Territory of Washington, and described as follows, namely: Lots 1, 2, 3, 4, 5, and 6, and the east half of the southeast quarter, and the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of section 15, township 21 north, of range 2 east; and lots 1, 2, and 3, and the south half of the southwest quarter of section 14, same township and range, and lots 1, 2, and 3 in section 10 of the same township and range, containing 635 acres, more or less.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That said lands are hereby granted to the said city of Tacoma solely for the purposes of a public park for the use and benefit of the citizens thereof, and for no other purpose whatsoever, and shall remain forever inalienable by said city.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That this grant is made upon the further condition that the said city of Tacoma pay into the depository of the Treasury of the United States, in the city of Portland, in the State of Oregon, within six months from the approval of this act, the maximum Government price, namely, \$2.50 per acre.

The amendment was agreed to.

The next amendment was, in section 4, line 1, to strike out the words "Sec. 4. That said grant is made upon the further condition" and to insert the word "Provided;" in line 2, after the word "itself," to strike out the word "forever" and to insert "the fee and;" in line 3, after the word "right," to insert "forever;" in line 3, after the word "to," to strike out "use or appropriate" and insert "resume possession and occupy;" in line 5, after the word "of," to strike out "the proper officers of the Government" and insert "the President;" and in line 8, after the word "defense," to strike out "or welfare" and to insert the words "or for such other disposition as Congress may determine, with-

out any claim for compensation to said city for improvements thereon or damages on account thereof;" so as to read:

Provided, That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense, or for such other disposition as Congress may determine, without any claim for compensation to said city for improvements thereon or damages on account thereof.

The amendment was agreed to.

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

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

The title of the bill was amended so as to read: "A bill granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park."

SEACOAST DEFENSES.

The bill (S. 62) to provide for fortifications and other seacoast defenses was announced as next in order.

Mr. SPOONER. The Senator who reported that bill [Mr. DOLPH] is absent, and I ask that the bill be passed over, retaining its place on the Calendar. I do not suppose he wants it considered in his absence.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

RECORD OF WILLS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 1514) relating to the record of wills in the District of Columbia was considered as in Committee of the Whole.

Mr. SPOONER. I move to amend the bill by inserting, after the word "Columbia," in line 6, "or by the late orphans' court of said District." All wills, as I understand, prior to 1870, were probated before the orphans' court.

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.

Mr. SPOONER. I move that the Senate insist upon its amendment, and ask for a conference on the disagreeing votes with the House of Representatives.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS were appointed.

REFORM SCHOOL FOR GIRLS.

The bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 2, line 3, after the word "Columbia," to insert "subject to the approval of the commissioners thereof;" so as to make the section read:

SEC. 2. That said corporation is hereby authorized and empowered to establish and maintain a reform school for girls at any place within the District of Columbia, subject to the approval of the commissioners thereof, and for that purpose may take and receive, by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation: *Provided*, That at the dissolution of said corporation, or if it should cease for the space of six months to maintain a reform school for girls, all the property, real and personal, of said corporation shall vest in the District of Columbia.

The amendment was agreed to.

Mr. HOAR. I desire to inquire of the Senator who reported this bill whether the public property held for District purposes in this District is vested in the District of Columbia as a corporate body, or in the United States?

Mr. SPOONER. I understand it is vested in the United States.

Mr. HOAR. Then should not this bill be further amended in lines 10 and 11 of section 2 by substituting "United States" for "District of Columbia?"

Mr. SPOONER. I have no objection to that amendment.

Mr. HOAR. I move to strike out "District of Columbia," in line 11 of section 2, and insert "United States."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

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. SPOONER, Mr. FARWELL, and Mr. HARRIS were appointed.

PUBLIC BUILDING AT PUEBLO, COLO.

The bill (S. 105) for the erection of a public building at Pueblo, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 4, after the word "procure," to insert "by purchase or condemnation proceedings;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to procure, by purchase or condemnation proceedings, a proper site and cause to be erected thereon a suitable building, with fire-proof vaults, in the city of Pueblo, Colo., for the accommodation of the United States district court, post-office, land office, and other Government offices in said city, at a cost not exceeding \$200,000, including cost of site, which site shall be such as will afford an open space between the building hereby authorized and any other building of not less than 40 feet.

The amendment was agreed to.

The next amendment was, in line 13, after the word "thousand," to insert "and seventy-five;" so as to read:

And the sum of \$175,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose herein mentioned.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, however, That it shall be the duty of the Secretary of the Treasury, after the site shall have been procured for said structure, to cause plans and specifications of said building to be prepared, and before the erection of said building shall be commenced the said plans and specifications, and full estimates for the same, shall be made and approved according to law, and shall not exceed, for site and building complete, the sum of \$175,000.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT BAY CITY, MICH.

The bill (H. R. 7623) for the erection of a public building at Bay City, Mich., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 4, after the words "purchase or" to strike out "otherwise provide" and insert "provide by purchase, condemnation proceedings, or otherwise;" in line 13, after the words "some of," to strike out "one hundred and fifty" and insert "two hundred;" and in line 23, after the words "sum of," to strike out "one hundred and fifty" and insert "two hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or provide by purchase, condemnation proceedings, or otherwise, a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, post-office, customs office, internal-revenue office, and for other Government uses at Bay City, Mich. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of \$200,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of \$200,000 for site and building; and the site purchased shall leave the building unexpended to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Michigan shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendments, and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

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. SPOONER, Mr. STANFORD, and Mr. DANIEL were appointed.

L. A. MORRIS.

The bill (H. R. 76) for the relief of L. A. Morris was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to remit a judgment obtained in the Federal court of Fort Smith, Ark., against L. A. Morris, upon his bond as an Indian trader, for \$5,000, in favor of the United States, upon the payment of all the costs accrued in the prosecution of the cause.

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

JOHN K. LE BARON.

The bill (H. R. 2093) for the relief of John K. Le Baron was considered as in Committee of the Whole. It provides for the payment to

John K. Le Baron, ex-postmaster at Elgin, Kane County, Illinois, of \$1,000, being the amount paid out by him for extra clerk hire prior to July 3, 1883, and not provided for by the Post-Office Department.

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

LOSSES BY POSTMASTERS.

The bill (H. R. 1158) for the relief of Louis Jacobson was considered as in Committee of the Whole.

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

That the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, be, and the same is hereby, amended so as to read as follows:

"That the Postmaster-General be, and he is hereby, authorized to investigate all claims of postmasters for the loss of money-order funds, postal funds, postage-stamps, stamped envelopes, newspaper wrappers, and postal cards belonging to the United States in the hands of such postmasters, resulting from burglary, fire, or other unavoidable casualty, and if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, to pay to such postmasters, or credit them with the amount so ascertained to have been lost or destroyed, and also to credit postmasters with the amount of any remittance of money-order funds made by them, in compliance with the instructions of the Postmaster-General, which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster to the office designated as his depository: *Provided*, That no claim exceeding the sum of \$2,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster-General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor: *And provided further*, That this act shall not embrace any claim for losses as aforesaid which accrued more than fifteen years prior to March 17, 1882; and all such claims must be presented to the Postmaster-General within six months from such latter date, excepting claims for loss of postal funds, which must be presented within six months after the taking effect of this act; and no claim for losses which may hereafter accrue shall be allowed unless presented within three months from the time the loss accrued."

SEC. 2. That it is hereby made the duty of the Postmaster-General to report his action herein to Congress annually, with his reasons therefor in each particular case.

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.

The title was amended so as to read: "A bill to amend an act entitled 'An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,' approved March 17, 1882."

Mr. MITCHELL. I move that the Senate insist upon its amendments, and ask for a conference on the disagreeing votes of the two Houses.

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. MITCHELL, Mr. SAWYER, and Mr. REAGAN were appointed.

PENNSYLVANIA STATE CLAIMS.

The bill (S. 2329) to authorize the Secretary of the Treasury to re-examine and reaudit the claim of the State of Pennsylvania for advances made and money advanced by said State to pay the militia called into the military service by the governor under the proclamation of the President of June 15, 1863, was announced as next in order on the Calendar.

Mr. HOAR. Let that case go over, as the Senator who has charge of it is absent.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

MRS. WARD B. BURNETT.

The bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, after the word "hundred," to strike out "and twenty-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hattie A. Burnett, widow of Maj. Gen. Ward Burnett, on the pension-roll and pay her her late husband's invalid pension of \$100 per month in lieu of the pension she now receives.

The amendment was agreed to.

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

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

WILLIAM GALLAGHER.

The bill (S. 2330) granting an increase of pension to William Gallagher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Gallagher, late of Company D, Twenty-eighth Kentucky Infantry, at \$12 per month, in lieu of that which he is now receiving.

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

MRS. CATHARINE WAGNER.

The bill (S. 1654) granting a pension to Mrs. Catharine Wagner was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, after the words "mother of," to fill the blank with the name "John;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Mrs. Catharine Wagner, mother of John Wagner, late private Company D, Ninety-third Regiment Pennsylvania Volunteers.

The amendment was agreed to.

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

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

PENSIONERS UNDER GUARDIANSHIP.

The bill (S. 1635) to regulate the payment of pensions to pensioners under guardianship was considered as in Committee of the Whole.

Mr. HOAR. I desire to suggest that there ought to be a provision in the bill that the Commissioner shall be satisfied that the guardian's official bond is enough to secure the interest of the ward.

Mr. PLATT. I ask that the bill may be passed over temporarily until I can see if it does not need some amendment to include those trustees whom we call conservators or overseers in Connecticut. I do not wish the bill to lose its place.

The PRESIDENT *pro tempore*. The bill will be passed over informally, without prejudice.

MRS. MARY JANE CASE.

The bill (H. R. 85) granting a pension to Mrs. Mary Jane Case was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Jane Case, widow of David Case, late a private in Company D, Third Regiment Connecticut Volunteers.

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

MOSES F. JACKSON.

The bill (H. R. 3850) granting a pension to Moses F. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Moses F. Jackson, late a landsman in the United States Navy, at \$18 per month, payable to his legally constituted guardian.

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

BRIDGET FOLEY.

The bill (S. 1447) granting a pension to Bridget Foley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bridget Foley, widow of Joseph Foley, late private in Company K, Fifth Michigan Cavalry.

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

MARY BAILEY.

The bill (H. R. 2617) granting a pension to Mary Bailey was considered as in Committee of the Whole. It proposes to place the name of Mary Bailey, widow of Bvt. Brig. Gen. Joseph Bailey, on the pension-roll.

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

THOMAS F. TOWNSEND.

The bill (H. R. 115) to increase the pension of Thomas F. Townsend was considered as in Committee of the Whole. It proposes to increase the pension of Thomas F. Townsend, late of Company B, Thirty-first Indiana Volunteers, to \$45 per month.

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

MALINDA VEST.

The bill (H. R. 863) granting a pension to Malinda Vest was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Malinda Vest, widow of William Vest, late a private in Company F, Seventh Regiment Provisional Enrolled Missouri Militia.

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

A. B. VAN CLEVE.

The bill (H. R. 771) granting a pension to A. B. Van Cleve was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of A. B. Van Cleve, late of Company E, Thirty-seventh Kentucky Mounted Infantry Volunteers.

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

JAMES A. BUCK.

The bill (H. R. 2218) to increase pension of James A. Buck was considered as in Committee of the Whole. It proposes to increase the

pension of James A. Buck, late private of Company E, One hundred and fifty-first Regiment of Illinois Volunteers, to \$45 per month.

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

J. MILLER RAUB.

The bill (H. R. 2514) granting a pension to J. Miller Raub was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of J. Miller Raub, late of Company D, One hundred and twenty-second Regiment Pennsylvania Volunteers.

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

ISAIAH T. JOHNSON.

The bill (H. R. 2517) granting a pension to Isaiah T. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaiah T. Johnson, late a private in Company A, Fifty-first Regiment of Pennsylvania Volunteer Infantry.

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

MISS CAPITOLA V. HARSH.

The bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Capitola V. Harsh, daughter of Daniel Harsh, late of Company H, Fifty-eighth Regiment of Ohio Volunteer Infantry, at \$18 per month.

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

MRS. AURELIA HILLYER.

The bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Mrs. Aurelia Hillyer, mother of Lucius W. Hillyer, late a private in Company E, Fourth Regiment Wisconsin Volunteers.

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

EMIL SCHATTLE.

The bill (S. 1435) granting a pension to Emil Schattle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emil Schattle, late of Company F, Ninth Iowa Cavalry.

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

MARY MORFORD.

The bill (H. R. 806) for the relief of Mary Morford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Morford, of Unionville, Tuscola County, Michigan, widow of Richard A. Morford, late of Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteers.

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

MARY J. M'GREGOR.

The bill (S. 2331) granting a pension to Mary J. McGregor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. McGregor, widow of William McGregor, late sergeant of ordnance, United States Army.

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

STEPHEN M. HONEYCUTT.

The bill (H. R. 481) for the relief of Stephen M. Honeycutt was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the name "Honeycutt," to insert "a private in Company E, Third Regiment North Carolina Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Paymaster-General of the Army of the United States, out of any money in his hands for the payment of the Army, is hereby authorized and directed to pay to Stephen M. Honeycutt, a private in Company E, Third Regiment North Carolina Volunteer Infantry, an amount equal to the pay and allowances of a private soldier from the 25th day of March, 1864, until the 8th day of August, 1865.

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.

PENSION DISABILITIES.

The bill (S. 1626) to amend the act of March 3, 1877, entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled," was

considered as in Committee of the Whole. It proposes to amend the act of March 3, 1877, so as to read:

That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person, who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in the Army or Navy of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

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

ORDER OF BUSINESS.

Mr. HAWLEY. I wish to submit to the Senate a proposition to continue acting under this rule on Monday immediately after the routine morning business.

Mr. PLATT. I am obliged to object.

Mr. HAWLEY. I was not aware that the proposition would be objectionable to my colleague.

Mr. HOAR. I hope we shall go on with the Calendar twenty minutes longer. These are all pension bills, and we can pass nearly all our pension bills at the rate of one a minute.

Mr. HAWLEY. I give notice that I shall soon move an executive session. There is a little executive business that I would very much like to have done.

Mr. PLATT. I do not want to seem ungracious in objecting to my colleague's proposition.

Mr. HAWLEY. I will withdraw it. I only asked for unanimous consent.

Mr. PLATT. We have been acting on unanimous reports, and the most important matters, which ought to have been disposed of weeks and months ago, are remaining untouched on the Calendar.

Mr. HOAR. The regular order.

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

OATHS IN PENSION CASES.

The bill (S. 1596) in relation to oaths in pension and other cases was considered as in Committee of the Whole. It provides that any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, or oath of allegiance, may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where the officer resides.

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

PENSION CLAIMS OF MILITIAMEN.

The bill (S. 1529) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes, was considered as in Committee of the Whole. It repeals so much of paragraph 3 of section 4693 of the Revised Statutes as provides that no claim of a State militiaman on account of disability from wounds or injuries received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th of July, 1874.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, in section 2, line 4, after the word "service," to insert the words "this act shall include claimants wounded or disabled in any Indian war prior or subsequent to the passage of this act;" so as to make the section read:

That the claims of all such persons now pending, or which may be hereafter filed, shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service. This act shall include claimants wounded or disabled in any Indian war prior or subsequent to the passage of this act.

The amendment was agreed to.

The next amendment was to add the following as a new section:

Sec. 3. That all pensions granted under this act shall, in case of applications filed prior to its passage, begin from the passage hereof. In all other cases the pension shall begin from the date of the filing of the application under this act.

The amendment was agreed to.

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

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

JOHN LINSLEY.

The bill (S. 2332) granting a pension to John Linsley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Linsley, father of Robert Harrell, alias Harrid, deceased, late a private in Company E, Eighty-first Regiment of United States Colored Troops.

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

MRS. MARY M'GEE.

The bill (S. 1495) granting a pension to Mrs. Cora McGee was considered as in Committee of the Whole. It was reported from the Com-

mittee on Pensions with an amendment, in line 6, to strike out "Cora" and insert "Mary;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary McGee, widow of Thomas McGee, late private Company I and Company B, Thirteenth Regiment Connecticut Volunteers.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Mrs. Mary McGee."

SARAH ANN WATERS.

The bill (S. 1258) granting a pension to Sarah Ann Waters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Ann Waters, mother of George Waters, deceased, late a private in Company G, Ninth Regiment of United States Colored Troops.

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

JULIETTE STONE.

The bill (H. R. 628) granting a pension to Juliette Stone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Juliette Stone, and to pay her a pension as though she were the natural mother of Eliphas T. Stone, late of the United States Navy.

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

FRANCES H. L. PRESCOTT.

The bill (S. 1144) granting a pension to Frances H. L. Prescott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frances H. L. Prescott, daughter of the late Capt. George W. Prescott, United States Army, at the rate of \$20 per month.

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

MARGARET BLADES.

The bill (S. 2073) granting a pension to Margaret Blades was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Blades, widow of William Blades, alias Blake, late of Company D, Sixteenth Maine Volunteers.

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

JOHN BUSH.

The bill (S. 2124) granting a pension to John Bush was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Bush, late a soldier in Company D, First United States Infantry, at \$12 per month.

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

THEODORE F. CASAMER.

The bill (S. 2157) granting increase of pension to Theodore F. Casamer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theodore F. Casamer, late of Company C, Tenth Michigan Volunteers, at \$36 per month, in lieu of that which he is now receiving.

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

MARGARET STAFFORD WORTH.

The bill (S. 867) granting a pension to Margaret Stafford Worth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Margaret Stafford Worth, dependent daughter of Maj. Gen. William J. Worth, at \$50 per month.

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

ANN ATKINSON.

The bill (S. 1844) granting an increase of pension to Ann Atkinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Atkinson, late widow of Hopeful Toler, late a soldier in Capt. Henry St. George Tucker's company of Mounted Virginia Rifles, in the war of 1812, at \$16 per month, in lieu of that which she is now receiving.

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

ALBERT G. FIFIELD.

The bill (H. R. 443) granting an increase of pension to Albert G. Fifield was considered as in Committee of the Whole. It proposes to increase the pension of Albert G. Fifield, late a private in the Twelfth Regiment New Hampshire Volunteers, from \$36 to \$45 per month.

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

LAURA A. WRIGHT.

The bill (H. R. 445) granting a pension to Laura A. Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laura A. Wright, widow of Charles H. Wright, late of Company B, Fourteenth Regiment New Hampshire Volunteers.

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

EVERARD FLYNN.

The bill (H. R. 4835) for the relief of Everard Flynn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Everard Flynn, son of George C. Flynn, and pay to his legal guardian a pension at the rate of \$18 per month.

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

LEGAL REPRESENTATIVES OF PETER LYLE.

The bill (S. 1353) for the relief of the legal representatives of Peter Lyle, deceased, was considered as in Committee of the Whole. It proposes to pay to Vincent P. Donnelly, administrator of Peter Lyle, deceased, \$3,724.

Mr. PLATT. Let us hear the preamble read.

The Secretary read the preamble, as follows:

Whereas Peter Lyle, deceased, late colonel of the Ninetieth Pennsylvania Volunteers, was mustered out of the service of the United States, in the field in front of Petersburg, Va., November 26, 1864, for wounds received in battle and which incapacitated him for further duty; and

Whereas a certificate of pension was, on account of his service and wounds received therein, issued to him on July 16, 1879; and

Whereas pending the adjudication of his pension claim he was solely by reason of his injuries wholly unable to labor or in any way earn his maintenance, and was supported from the private means of personal friends, whose advances he engaged and promised to refund out of the arrears of pensions due him when he should receive the same; and

Whereas his unimpeachable personal character was held as sufficient security that such debts of honor would unquestionably be so paid by him; and

Whereas he died on July 17, 1879, after years of great suffering, and after his clear right to pension was fully established and the amount of arrears due him had been definitely ascertained and ordered to be paid to him by the pension agent at Philadelphia; and

Whereas it was indubitably his intention and desire to apply such amount to the discharge of his debts thus incurred and predicated on such allowance, and for the payment of which his honor was pledged; and

Whereas he died intestate, unmarried, and without issue; and

Whereas letters of administration on his estate were duly granted by Vincent P. Donnelly, of Philadelphia, on November 5, 1879, the application for said letters being for the sole and express purpose of disbursing said arrears according to the wish and obligations of Colonel Lyle; and

Whereas the amount of said arrears, in the sum of \$3,724, was unquestionably the property of Lyle as soon as his right and title thereto were certified by the Commissioner of Pensions, and would have been paid into his hands but for the accident of his death before the formal vouchers were presented for his signature; and

Whereas the official construction of the law interposes a technical bar to the payment of said money to said administrator; and

Whereas a just and equitable regard is due from the Government to the dying wishes of a brave, accomplished, and deserving officer, who not only gave his life to the service of his country but endured years of physical suffering, added to the years of torture to which his sensibilities were subjected by his enforced obligations incurred to friends for his daily bread and needs, and inability to offer them other security than the justice of his country when it might choose to recognize its obligations; and

Whereas a moral obligation was thereby bequeathed by him to his Government, which it is in equity and good conscience bound to discharge; and

Whereas the fact that the certificate was actually issued, and was practically in the nature of a warrant for payment, renders the equities in this case exceptionally perfect: Therefore, for the purpose of discharging the aforesaid obligations, the incurrence of which to the total of \$3,909.86 have been incontrovertibly shown and admitted, so far as the said arrears due at the date of Colonel Lyle's death pro rata may.

Mr. HAWLEY. Is it really necessary to cumber the statute-book with that long argument in the form of a preamble?

Mr. COCKRELL. It has been read now. Let it go in.

Mr. HAWLEY. The printing of it and the looks of it I care for.

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

The preamble was agreed to.

ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. COCKRELL. I ask that the next business on the Calendar, being the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, be passed over. It will lead to discussion.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar, if there be no objection.

Mr. JONES, of Arkansas. I move that the Senate adjourn.

Mr. HOAR. I wish the Senator from Arkansas would withhold the motion for eight or ten minutes more and let the pension cases be disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas withdraw the motion?

Mr. JONES, of Arkansas. Very well; I withdraw the motion.

HEIRS OF FRANCIS I. WHEELER.

The bill (H. R. 5874) for the relief of the heirs of the late Francis I. Wheeler was considered as in Committee of the Whole. It proposes to pay to the heirs of Francis I. Wheeler, late of Carroll County, Maryland, \$358, the amount advanced by him to Charles Benton and Hale Libby, late privates in the First Regiment of the Potomac Home Brigade, on their check-books in April, 1864.

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

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

The bill (S. 2039) for the relief of the Albemarle and Chesapeake Canal Company was announced as next in order.

Mr. HOAR. Let that go over. The Senator who reported the bill is not here.

The PRESIDENT *pro tempore*. The bill will go over without prejudice.

EMMA S. FREE.

The bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma S. Free, widow of Maj. Thomas S. Free, deceased, late a major of the Tenth Regiment of Volunteers of the United States Army, at the rate of \$50 per month.

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

JENNIE HART MULLANY.

The bill (S. 2346) granting an increase of pension to Jennie Hart Mullany was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jennie Hart Mullany, widow of J. R. Madison Mullany, late rear-admiral in the United States Navy, at the rate of \$50, in lieu of that which she is now receiving.

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

LOAN OF SCIENTIFIC INSTRUMENTS.

The joint resolution (S. R. 24) authorizing the Secretary of the Navy to loan certain scientific instruments was announced as next in order.

Mr. SPOONER. As the Senator from Delaware [Mr. GRAY], who reported the joint resolution, is absent, I ask that it may go over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be passed over without prejudice.

PUBLIC BUILDING AT LOWELL, MASS.

The bill (H. R. 7217) for the erection of a public building at Lowell, Mass., was considered as in Committee of the Whole.

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

JAMES H. REEVE.

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

Mr. PADDOCK. I ask the Senator from Connecticut to withdraw the motion for one moment, to enable me to secure the passage of a pension bill.

Mr. HAWLEY. If it is only for one bill, I withdraw the motion.

Mr. PADDOCK. I called up awhile ago House bill 3898, to which the Senator from Missouri [Mr. COCKRELL] objected. He has no further objection to the bill.

Mr. COCKRELL. I withdraw the objection, having examined the case. I have no objection to it myself.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that the Senate proceed to the consideration of Order of Business 762, being the bill (H. R. 3898) granting increase of pension to James H. Reeve.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of James H. Reeve, late a captain of Company H, and a brevet major of the Third New York Volunteers (infantry), at the rate of \$45 per month, in lieu of the amount per month he is now receiving.

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

EXECUTIVE SESSION.

Mr. HAWLEY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, April 2, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1888.

MARSHAL.

John Myers, to be marshal of the United States for the district of Oregon.

POSTMASTER.

James B. Small, to be postmaster at York, Pa.

PROMOTIONS IN THE MARINE CORPS, TO DATE FROM MARCH 9, 1888.

Maj. Charles Heywood, to be a lieutenant colonel.

Capt. McLane Tilton, to be a major.

First Lieut. Henry H. Coston, to be a captain.

Second Lieut. Francis E. Sutton, to be a first lieutenant.

Executive nominations confirmed by the Senate March 31, 1888.

POSTMASTERS.

Albert J. Spencer, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 31, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

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

POSTAL APPROPRIATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting revised estimates from the Postmaster-General of appropriations for the postal service for the fiscal year 1889; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

D. A. AND J. M. THOMAS VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of D. A. and J. M. Thomas vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

STEPHEN BIRD, EXECUTOR, ETC., VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Stephen Bird, executor, etc., vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

FOREST CONDITION OF ROCKY MOUNTAINS.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting, in response to a resolution of the House, statistics relating to the forest condition of the Rocky Mountains; which was referred to the Committee on Agriculture, and ordered to be printed.

BRIDGES IN GEORGIA AND FLORIDA.

The SPEAKER also laid before the House a bill of the following title, returned from the Senate with an amendment:

A bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida.

Mr. CRISP. As the amendment of the Senate to this bill is merely verbal, I ask that it be now considered and concurred in.

The amendment was read, as follows:

In line 8 of page 4 strike out "Congress" and insert "the Secretary of War." There being no objection, the amendment was considered and concurred in.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills; which were severally read twice, and referred as follows:

The bill (S. 1226) touching the grade of commander of the Navy, and to correct an error in relation to appointment therein—to the Committee on Naval Affairs.

The bill (S. 464) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States agent at Union agency, Indian Territory, for services and expenses—to the Committee on Claims.

PUBLIC BUILDING, SIOUX CITY, IOWA.

The SPEAKER also laid before the House the bill (S. 288) for the erection of a public building at Sioux City, Iowa; which was read a first and second time.

Mr. STRUBLE. I ask unanimous consent that this bill be now considered. The Committee on Public Buildings and Grounds have reported unanimously a bill of the same character, differing only in amount.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. McMILLIN. I think we had better have the regular order, so as to reach as soon as possible the appropriation bills, and prepare the way for the consideration of the revenue bill soon to come before the House.

Mr. STRUBLE. I hope my friend from Tennessee will not object. This, I think, will take but a minute. I am prepared to state very briefly the controlling reasons why this bill should pass, and if I can not have time for that, am willing to submit this bill upon the report of the House Committee on Public Buildings and Grounds, for, in my opinion, the bare facts presented will be sufficient to commend this bill as worthy of immediate consideration.

Mr. McMILLIN. We are generally told that these bills will take

but a minute, but I find that the day, somehow or other, is usually consumed by them.

Mr. STRUBLE. This, I can assure the gentleman, will take but a short time.

Mr. McMILLIN. The appropriation bills are now further behind than ever before; and I think it is time that we should get them before the House and out of the way of the revenue bill soon to come before us.

Mr. STRUBLE. I am satisfied if the gentleman will permit a brief statement of the merits of this case he will withdraw his objection.

Mr. McMILLIN. I have no desire to antagonize the gentleman's wish; but I think it is time the public business of the country was having some hearing in this House, and therefore I ask that we proceed with the regular order of business.

The SPEAKER. The gentleman from Tennessee objects, and the bill will be referred to the Committee on Public Buildings and Grounds.

SOUTHERN AND WESTERN BOUNDARIES OF KANSAS.

The SPEAKER also laid before the House the bill (S. 1633) to extend the southern and western boundaries of the State of Kansas, and for other purposes; which was read a first and second time.

Mr. SPRINGER. That is to annex the unorganized portion of certain of the public lands to the State of Kansas for governmental purposes, and should go to the Committee on the Territories.

The SPEAKER. It does not take any portion of a Territory, but applies to the public lands; and it would seem from the title it should go to the Committee on the Public Lands.

Mr. SPRINGER. It is a part of the national domain.

The SPEAKER. Therefore it goes properly to the Committee on the Public Lands.

Mr. SPRINGER. But this provides for governmental purposes altogether.

The SPEAKER. It does not create a Territory, nor detach any portion of one Territory and attach it to another, or any part of one Territory and attach it to a State.

Mr. SPRINGER. No; but it includes a part of the public domain and annexes it to a State.

Mr. WEAVER. It is only a matter of government.

The SPEAKER. It simply extends the law, as the Chair understands it, over a part of the public domain.

Mr. HOLMAN. That certainly belongs to the Committee on the Public Lands.

Mr. SPRINGER. This is to extend the boundaries of a State, and to take in a portion of the public land not now in a State of the Union or any organized Territory of the Union.

Mr. WEAVER. It changes the boundaries of a State. That is the idea of this bill.

Mr. HOLMAN. Corresponding matters are all before the Committee on the Public Lands.

The SPEAKER. The Chair will read the bill.

The Chair is inclined to think, upon an examination of the bill, that it goes properly to the Committee on the Judiciary. It provides for the enlargement of the State of Kansas by adding to it the unoccupied territory lying south of it, and makes it, of course, upon condition that the State of Kansas accepts it. It makes no disposition of any of the public lands or of any of the territory belonging now to an organized Territory of the United States.

Mr. SPRINGER. But the unorganized portions of the public land, and laws relating to them, have always been referred to the Committee on the Territories just as bills relating to Alaska have been so referred; and there is a bill now pending before it for the government of this very land.

The SPEAKER. That may be so; and if this provided for the organization of the Territory, the Chair would have no doubt as to its reference. The gentleman, however, can move its reference to the Committee on the Territories.

Mr. SPRINGER. Then I make that motion.

The question was taken; and upon a division there were—ayes 67, noes 24.

So the bill was referred to the Committee on the Territories.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills and joint resolutions of the Senate; which were severally read twice, and referred as follows, namely:

The bill (S. 145) for the relief of Edward Braden and Job W. Angus—to the Committee on Claims.

The bill (S. 120) for the relief of John W. Gummo—to the Committee on War Claims.

The bill (S. 119) for the relief of Edward H. Lieb—to the Committee on Military Affairs.

The bill (S. 71) for the relief of Rear-Admiral Carter—to the Committee on Claims.

The joint resolution (S. R. 39) authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals, and to deliver the same to certain Departments and to the various States and Territories—to the Committee on the Library.

The joint resolution (S. R. 26) to arbitrate and settle the question at issue between the District of Columbia and Samuel Strong—to the Committee on the District of Columbia.

The joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburg—to the Committee on Military Affairs.

The bill (S. 560) to authorize the Columbia Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road—to the Committee on Commerce.

The bill (S. 570) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon—to the Committee on Claims.

The bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States—to the Committee on the Public Lands.

The bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va.—to the Committee on the Library.

The bill (S. 1302) granting the right of way to the Denver and Rio Grande Railroad Company across the United States military reservation for the cantonment on the Uncompahgre River, in the State of Colorado—to the Committee on Military Affairs.

The bill (S. 1333) for the erection of a public building at Cheyenne, Wyo.—to the Committee on Public Buildings and Grounds.

The bill (S. 1549) for the erection of a public building at Hudson, N. Y.—to the Committee on Public Buildings and Grounds.

The bill (S. 1646) to increase the appropriation for a public building at Troy, N. Y.—to the Committee on Public Buildings and Grounds.

The bill (S. 1764) for the relief of the heirs of Constantino Brumidi—to the Committee on Claims.

The bill (S. 1803) in aid of the Centennial and Memorial Association of Valley Forge, and to secure the Washington headquarters mansion and grounds occupied by the Continental Army in 1777-'78—to the Committee on the Library.

The bill (S. 1804) to authorize the Cheyenne Street Railway Company to build its road on and across the Fort D. A. Russell military reservation—to the Committee on Military Affairs.

PUBLIC BUILDING, SAN FRANCISCO.

The SPEAKER also laid before the House the bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices at San Francisco, Cal.

Mr. MORROW. Mr. Speaker, the necessity of the public business at San Francisco requires that this bill should be passed at once; and I hope there will be no objection to its consideration at this time.

The SPEAKER. The bill will be read subject to objection.

Mr. McMILLIN. I have heretofore this morning demanded the regular order for the purpose of getting at the public business.

Mr. MORROW. Let me say to the gentleman that this is a matter of much public necessity. It is a matter of public business interest, relating to affairs of importance in San Francisco, and is an appropriation bill of as much importance as any item in any of the bills pending before Congress.

The SPEAKER. The Chair understands the gentleman from Tennessee to insist upon the demand for the regular order.

Mr. McMILLIN. I do.

The SPEAKER. The bill will be referred to the Committee on Public Buildings and Grounds.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were read a first and second time and referred to the committees indicated:

The bill (S. 468) granting a pension to Broadus G. Roberts—to the Committee on Invalid Pensions.

The bill (S. 470) granting a pension to Amanda F. Deck—to the Committee on Invalid Pensions.

The bill (S. 625) granting a pension to George W. Schell—to the Committee on Invalid Pensions.

The bill (S. 646) granting a pension to Robert Gray—to the Committee on Invalid Pensions.

The bill (S. 767) granting a pension to Robert H. Sturgess—to the Committee on Invalid Pensions.

The bill (S. 781) granting a pension to John Fagan—to the Committee on Invalid Pensions.

The bill (S. 896) for the relief of Mrs. Louise Silvers—to the Committee on Invalid Pensions.

The bill (S. 897) for the relief of Rev. Corydon Millard—to the Committee on Invalid Pensions.

The bill (S. 898) for the relief of Frank Oredsnick—to the Committee on Invalid Pensions.

The bill (S. 900) for the relief of Mrs. Alice Croarkin—to the Committee on Invalid Pensions.

The bill (S. 981) granting a pension to Elizabeth Bauer—to the Committee on Invalid Pensions.

The bill (S. 1004) granting a pension to Ann Vernueil—to the Committee on Pensions.

The bill (S. 1006) granting a pension to Mary E. Blackman—to the Committee on Invalid Pensions.

The bill (S. 1015) granting a pension to Margaret M. Collins—to the Committee on Invalid Pensions.

The bill (S. 1173) increasing the pension of Jephtha A. Jones—to the Committee on Invalid Pensions.

The bill (S. 1325) for the relief of John McKernan—to the Committee on Pensions.

The bill (S. 1343) granting a pension to Cordelia Emery—to the Committee on Pensions.

The bill (S. 1556) granting a pension to Martin N. Kellogg—to the Committee on Pensions.

The bill (S. 1629) granting a pension to Erastus B. Burnham—to the Committee on Invalid Pensions.

The bill (S. 1633) granting a pension to Catherine E. Babcock—to the Committee on Invalid Pensions.

The bill (S. 1716) granting a pension to Mary L. Williams—to the Committee on Invalid Pensions.

The bill (S. 1827) granting a pension to Philomelia L. Dartt—to the Committee on Invalid Pensions.

The bill (S. 2084) to restore to the pension-roll the name of Joseph Lewis—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ATKINSON, for three days, on account of important business.
To Mr. SCULL, for five days, on account of important business.
To Mr. LODGE, for one week, on account of important business.
To Mr. YARDLEY, for four days, on account of important business.
To Mr. O'NEILL, of Missouri, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. STONE, of Kentucky, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of L. M. Northcut, certified copies thereof not to be left with the Clerk of the House, as required by Rule XXXIX.

ANTHONY L. WOODSON.

Mr. FINLEY. I now call up for consideration the bill (H. R. 8962) for the relief of Anthony L. Woodson.

The SPEAKER. On yesterday the gentleman from Kentucky [Mr. FINLEY] had unanimous consent for the consideration of the bill he now calls up. It appeared that the Committee on War Claims had reported a substitute for the original bill, which substitute had not been received from the Printing Office, and, by unanimous consent, the matter went over until this morning. The substitute will be read, after which the Chair will ask for objections, as it may be different from the original bill.

The bill (H. R. 8962) for the relief of Anthony L. Woodson, being a substitute for the bill H. R. 4665, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, is hereby authorized and directed to pay to Anthony L. Woodson, of Woodsonville, Ky., the sum of \$3,666.20, being the value of quartermaster's stores taken from the said Woodson by the United States forces during the late war, and appropriated to their use; and the further sum of \$2,300, being the value of engineer stores taken in the same way for the construction of forts, stockades, etc., at and near Munfordville, Ky.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLAND. The report had better be read.

The SPEAKER. The report was read yesterday morning.

Mr. FINLEY. If the gentleman, in place of calling for the reading of the report, which is of some length, will allow me, I desire to state that I have investigated the matter thoroughly. This is a unanimous report from the Committee on War Claims. I have made myself familiar with the facts. There is no question of loyalty. The committee first reported a sum of thirty-six hundred and odd dollars for quartermaster's stores taken from the claimant.

Since that report was made nine gentlemen of unquestioned reputation have come in and showed that this claimant is not only entitled to the amount the committee allowed him, but that in point of fact he is entitled to \$12,000 and upwards.

Mr. BLAND. My object in desiring to have the report read was to ascertain whether any of these items were for destruction of property.

Mr. FINLEY. The facts are these: The claimant owned 400 acres of land on Green River, intersected by the Louisville and Nashville Railroad and turnpike, which were lines of communication for troops. The iron bridge of the Louisville and Nashville Railroad and two ponton bridges rested on claimant's land. It was considered a most important strategic point.

The Federal army took possession of the claimant's farm in 1862. They took his corn for food and his fencing for fuel. His barns, cribs, and stables were burned to prevent their use by the enemy. Five grave-yards were left on the farm, and several battles were fought on the land adjoining it. Besides this the troops in possession cut away 90 acres of timber for the purpose of building forts, etc. For this only one-half is charged of what the proof in the case shows.

The committee have done right in allowing this claim. The claim-

ant is now eighty years of age, and he agrees to take this small amount rather than wait for the probability of getting something for the use of the farm, for which he is entitled to more than this bill gives him. There can be no question at all about the justice of the claim.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE BLAIR AND LOGAN BILLS.

Mr. PLUMB. I desire to make a statement. I was necessarily absent from the session of the House yesterday, as a member of the committee which visited Toledo to attend the funeral of the late Chief-Justice Waite. I therefore could not vote on the bills pensioning the widows of Generals Logan and Blair. If I had been present I would have voted "aye" on both bills.

EASTERN JUDICIAL DISTRICT, LOUISIANA.

Mr. ROGERS, from the Committee on the Judiciary, reported with amendments the bill (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ACTIONS ON BONDS OF PUBLIC OFFICERS.

Mr. CASWELL, from the Committee on the Judiciary, reported as a substitute for the bill H. R. 8369 a bill (H. R. 9048) to limit the time in which actions may be brought by the United States upon the bonds of public officers, their sureties or legal representatives; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 8369, was laid on the table.

BRIDGE AT PONCA, NEBR.

Mr. DUNHAM, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

QUARANTINE STATION, SAN FRANCISCO.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported back with amendments the bill (H. R. 7727) to establish a quarantine station at the port of San Francisco; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SAGINAW, MICH.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 4976 a bill (H. R. 9049) to provide for the erection of a public building at the city of Saginaw, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 4976, was laid on the table.

JOHN H. MARION.

Mr. TAULBEE, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5327) for the relief of John H. Marion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER MOFFITT.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6347) for the relief of Alexander Moffitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES A. GREGORY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 261) for the relief of the heirs of James A. Gregory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CROUSE, from the Committee on War Claims, reported adversely the bill (H. R. 3438) for the relief of Mary E. Whitehead; which was laid on the table, and the accompanying report ordered to be printed.

CUMMINGS, DOYLE & CO.

Mr. PENINGTON, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 588) for the re-

hief of Cummings, Doyle & Co. and Doyle & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LA GRANGE SYNODICAL COLLEGE, TENNESSEE.

Mr. PENNINGTON also, from the Committee on War Claims, reported back with amendments the bill (H. R. 6035) for the relief of the La Grange Synodical College, of La Grange, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. GORDON.

Mr. PENNINGTON also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 577) for the relief of William H. Gordon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. The hour for the consideration of bills begins at seventeen minutes to 1 o'clock. The call rests with the Committee on Pacific Railroads.

Mr. STONE, of Kentucky. Mr. Speaker, I desire to ask unanimous consent to take up and pass a bill.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] insists upon the regular order.

PACIFIC RAILROADS.

Mr. OUTHWAITE. Mr. Speaker, I yield to the gentleman from Iowa [Mr. ANDERSON], who desires to submit some remarks upon the pending Pacific railroad bill.

Mr. ANDERSON, of Iowa. Mr. Speaker, I desire to be recognized in opposition to the bill at present under consideration.

The SPEAKER. The gentleman is recognized.

Mr. ANDERSON, of Iowa. And I wish to state that there is an arrangement between the committee and at least a part of the opposition to this bill that I shall now occupy in opposing this bill not more than ten minutes, and that the rest of the hour be given to members of the committee for the purpose of discussion only. This course is pursued (on my part) for the purpose of indicating to this House that this measure is not to go through by default, and that when the proper time arrives I will ask to be heard at length in opposition to this bill.

This is one of the most important questions which have been presented to Congress, in my judgment, for many years, whether considered from a financial or from a moral standpoint. Twenty-eight years ago the construction of the system of Pacific railroads was regarded as of sufficient importance to be dignified by the two great political parties then in existence with a resolution favoring the project. These companies, in the construction and management of their roads, have had an active existence in this country since 1864; and I undertake to say that every point and period in the history of these organizations—sometimes as construction companies, sometimes as railroad companies, sometimes as credit mobilier companies, but always robbers—has been such as to put this matter before the country in 1888 in such a form and with such consequence that if this Congress shall not see fit to do what ought to be done, no longer with reference to the creation but in this day with reference to the regulation and control of these gigantic corporations, the political parties which this year do not feel it important enough to dignify the matter of the control of these corporations with resolutions in their platforms will not be entitled to and should not receive the confidence of the American people.

Mr. Speaker, the history of these railroad companies is a matter with which this country is entirely familiar. That the career of these companies has been criminal and that they have robbed the Treasury of the United States of hundreds of millions of money is conceded everywhere. By virtue of the position in which they have been placed by their charters granted at the hands of the Government they have absolutely dominated the entire western portion of this country and have extorted in the way of charges and rates above what were legitimate and in violation of specific law, such as they themselves have from time to time suggested, an amount of money more than equal to the amount that has been directly taken from the Treasury.

These companies, and especially the Union Pacific Railroad Company, which is the subject of the bill now under consideration, went on in this career until many years ago there was developed a scandal which absolutely appalled the country and carried into disgraceful oblivion some men who theretofore had been among the illustrious statesmen that had adorned the annals of our history. They went on in this career for many years, but there was not realized in their case what the experience of men has incorporated into a proverb, that "when rogues fall out honest men get their dues." In this case the "rogues fell out," but honest men did not get their dues, for I think it can be demonstrated, notwithstanding the parade which is made here in this House and before the country—I say this with all deference to the gentlemen who represent views opposed to mine—it can be demonstrated that, so far from there being now a new management of the Union Pacific Railroad Company, the direction of that road to-day is controlled by the old credit mobilier gang, and the same gang which as a construction com-

pany and as a credit mobilier company preyed upon the country in 1870, 1871, 1872, and 1873 are to-day preying upon the country in the guise of a reorganized and converted Union Pacific management.

It is susceptible of demonstration that a majority of the men who constitute the present management of the Union Pacific Railroad are either the identical men who were engaged in the great Credit Mobilier scandal, or their sons, or the direct legal representatives of the specific interests that were engaged in those great enterprises.

It can be demonstrated, I believe, that enough money has been taken wrongfully out of the Treasury by the men whose business it was to manage these railroads honestly to have paid the entire debt due the Government, including the first-mortgage bondholders, and to have left a net surplus in the Treasury to the credit of the stockholders. I think it can be demonstrated with reference to the Union Pacific Railroad Company that they not only had, over and above what it cost to construct their road, \$142,813 in actual cash from the sale of the first-mortgage bonds and the Government bonds, and stock, land grant, and income bonds, making a net total profit of over \$56,907,000, but that this same construction company, this same Credit Mobilier gang, this same combination and interest have received out of the diverted earnings of this railroad between \$150,000,000 and \$200,000,000; and when we consider the great difference that this management has constantly made between gross receipts and gross earnings, the diversion that has been made in the interest of "pools," the dividends which have been paid to stockholders on stock issued and held fraudulently, and for which the parties have never paid a dollar, the aggregation of these great sums will demonstrate the fact that, under an honest management of the Union Pacific Railroad Company, it would be competent for it with its present earnings under existing law to pay its debt in a comparatively short extension beyond the time already given it.

But I am told, Mr. Speaker, that this company has already been so fortified behind judicial determination that it is beyond the reach of the legislative arm of this Government. I undertake to say that it can be demonstrated by the record, and from the proofs which have been submitted here by a commission authorized by Congress to go forth and gather the evidence with reference to that distinct proposition. It can be demonstrated that, under existing law, this company, in the hands of honest management, can pay its indebtedness within a very reasonable time; and furthermore, that so far from being fortified by judicial decision there is substantially only one question which has been determined, and that is that neither the debt nor the interest is yet due.

This company has committed such wanton violation of law since the passage of the Thurman act, which provides that violation of existing law shall work a forfeiture of all the "rights, privileges, grants, and franchises," as to demand at the hands of the Government a policy that will place this road in the hands of a receiver, when, according to law, under direction of the court an honest management of its affairs can be had. It will be seen that a violation of law working a forfeiture of "rights, grants, privileges, and franchises," will forfeit the right and privilege of this company to have further time for the payment of its debt to the Government, and that the same is now due; but whether this view be conceded or not, such violations of law have occurred as to relieve Congress from any embarrassment in dealing with this matter, growing out of the decision of the United States Supreme Court, which held that no part of the Government debt was due until the last issue of bonds became due.

The difficulty has not been in the law, but in the management. Existing law is sufficient with honest management. The business of the country tributary to this road has grown faster than transportation facilities, and the capacity of the road to-day, while not as great as it would have been could it have prevented, as it tried, the construction of all competing lines, is greater than it was before competing lines were constructed.

This company has forfeited to the last degree the confidence of Congress and the country, and no amount of talk about this being a "practical business question," or indulgence in the line of glittering generalities as to the conception and construction of this great system of roads will obscure the fact that, considered as a practical business question, to be disposed of on business principles, this Congress can not afford to treat further with this combination of men who have been continuous and persistent breakers for twenty-five years of all laws made for their government and control.

Conceding the point and confessing the criminal career of the old company, the friends of this bill insist that since 1884 there has been a new and honest management of the affairs of this company. Unfortunately for this assertion, an examination of the names of the men who compose the board of direction, and who it is safe to presume represent a majority of the stockholders, discloses the fact that a majority of them are the same men, or their immediate representatives in the same interests, who were in control in the days when the greatest transgressions were committed.

Sidney Dillon, F. Gordon Dexter, Elisha Atkins, Ezra H. Baker, and Fred L. Ames are directors in the Union Pacific Railway Company at the present time, and constitute a majority of the executive committee of the board of directors, whose chairman is Charles Francis

Adams, jr. The country is familiar with these men, their connection with this company, and their methods of management.

Instead of Mr. Adams purging and purifying this management, the management has managed him as it has all its other affairs, as the history of the business affairs of those men in connection with this road as made by themselves will abundantly prove. The policy of building branch roads out of the earnings of the aided lines, of paying branch lines "constructive mileage," which is another way of misappropriating the earnings of the aided lines, and organizing various commercial corporations to take charge of the business of the entire country tributary to the Union Pacific system, is being plied now as vigorously and on as extended a scale as at any time under the old management, which our friends confess unfit to be further trusted.

President Adams, who stands alone for the new management, is, in connection with the Dillons and the Amesess, president and director, one or both, in from thirty to forty business corporations having for their object the control and domination of the business of the States and Territories dependent for rail transportation on this system of road, and these positions are held by these men by virtue of their positions as the managers of this road, with its Federal charter subject to Congressional control.

So I repeat that forfeiture should be enforced, this whole brood of corruptionists driven from the places of trust they have so long disgraced, and an honest management, under direction of the court, given control and the fact demonstrated that existing law, with slight amendment, is sufficient. And again I say that this question is large enough for a national issue, and that the party that does not this year declare itself in favor of an honest management of these roads will make a great mistake.

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, on Tuesday of this week the chairman of the Committee on Pacific Railroads [Mr. OUTHWAITE] in a very clear and explicit manner explained to this House the scope and provisions of the bill reported by the committee. Following him so closely I do not propose to indulge in any review of the history of Pacific railways. Such review would necessitate a recurrence to that time when a railroad to connect our eastern with our western coast was nothing more than a dream thought to be incapable of realization.

I shall not stop to mark the progress of public sentiment and the growth of public faith, which at last, under the pressure of civil war, culminated in legislation authorizing the construction of transcontinental railways and giving to them powerful governmental aid.

I shall not undertake to follow the history of that construction and describe the marvelous engineering skill and audacious enterprise which contribute one of its most brilliant chapters to the story of man's triumph over nature; a skill and an enterprise which made fact of the great Missourian, Benton's, fancy—a train of cars steaming down the eastern slope of the Rocky Mountains bearing in transit the silks, the teas, and the spices of the Orient.

I shall not stop to indulge natural indignation and pour out justifiable invective against the grave commercial crimes which stain that history and make infamous the names of men who have been prominent in the public eye.

All these would furnish a field for rhetorical display; but our business to-day is not with rhetoric, but with figures. It is not history, nor theory, nor sentiment with which we have to deal, but business and business interests and business methods.

Mr. Speaker, at this point I would not be misunderstood. I do not mean to say that in this discussion we shall not have anything to do with the past. The problems of the present and the future can only successfully be solved in view of the past and within the reach of its shadow. Nor do I mean to assert that the questions presented are purely those of business. On the contrary they are, to a large extent, moral. And as custodians of the national honor as well as of the national treasury, of public morals as well as of the public credit, we have no right to ignore either factor in the problem which presents a twofold aspect.

But I want to call the attention of the House at this point to this fact: That the bill presented deals only with the Union Pacific system, and with the Central Branch Union Pacific Railroad Company. It does not undertake to deal with the Central Pacific Railroad Company, and what I have to say must be listened to with that fact in mind. What the questions may be when the Central Pacific Railroad problem is presented I do not now undertake to say. I do not wish with respect to them to be committed. I want to meet those questions unembarrassed when they come.

The text of what I propose to say is this: That the bill reported to the House deals in a manly and courageous and business-like way with both aspects of the problem presented, both the material aspect and the moral, and deals with them in the best possible way, in the judgment of your committee, that the circumstances surrounding the case admit of.

The significant facts with which we have to deal are these: The Union Pacific Railway Company and the Central Branch Union Pacific Railway Company owe the United States to-day in round numbers \$53,000,000.

A MEMBER. Sixty millions of dollars.

Mr. DALZELL. Sixty millions of dollars my colleague suggests;

the two together—and that is true if you make no allowance for the sinking fund. By the terms of the legislation which gave rise to that indebtedness, the principal thereof will not mature for almost a decade yet to come. By the decision of the Supreme Court of the United States, the interest will not be payable until the principal of the debt matures. Every scheme devised up to this time to secure the payment of that debt at maturity—and it will be \$10,000,000 more than that it is now—has utterly and signally failed. It is conceded on all hands that the railroad companies will not be able to pay this debt at maturity, and the reason why they will not be able to pay it then is, because of scandalous transactions on the part of the builders and promoters of these roads whereby the corporations were robbed and the Government security depleted.

Under these circumstances the majority of the commission appointed by the President of the United States to inquire into matters connected with the Pacific railroad companies reports, as a remedy for existing evils between these companies and the Government, a scheme for the extension and ultimate payment of this debt, which scheme also includes a provision for inquiring into the alleged wrongs of wrongdoers. The minority of the commission, upon the other hand, advises a virtual abandonment of the entire debt, a forfeiture of the charters of the companies, which, at least to the extent advised, I undertake as a lawyer to say to any lawyer is a legal impossibility, and the punishment of nobody, save and except only the innocent stockholders.

Mr. OUTHWAITE. And the Government of the United States.

Mr. DALZELL. And the Government of the United States.

Now, just here I want to say that starting upon the examination of this question without prejudice of any kind, my mind a perfect blank with respect to the whole matter, my first impressions were in harmony with the suggestions embodied in the report of the minority of the commission. I still share in his indignation against wrongdoers and their colossal crimes, but my judgment refuses to accede to his method of reasoning as logical or fair, and to his conclusions as either practical or just.

The problem presented is how to collect the Government debt, and at the same time punish those, if any there be, who are deserving of punishment. Bearing this in mind—let me state it again—the problem presented is how to collect the Government debt and to punish wrongdoers, if wrongdoers there be.

I say, bearing this in mind, let me address myself now to the facts a little more in detail.

The indebtedness of the Union Pacific Railway Companies to the United States on the 1st day of November, 1887, was substantially as follows:

| | |
|---|-----------------|
| Union Pacific Railroad, debt | \$27,236,512.00 |
| Kansas Pacific Railway, debt | 6,303,000.00 |
| The Union Pacific Railroad, interest accrued but not due | 32,039,343.53 |
| Kansas Pacific Railway, interest accrued but not due | 7,768,113.09 |
| Total | 73,343,968.62 |
| The amount paid on interest account for both companies is | 15,440,891.94 |
| Balance of debt | 57,903,076.68 |
| If we could consider the amount in the sinking fund a credit, namely | 7,343,084.32 |
| We should have a balance standing against the company of | 50,171,992.36 |
| The account of the Central Branch Union Pacific, November 1, 1887, is as follows: | |
| Debt owing to United States | \$1,600,000.00 |
| Interest accrued but not due | 1,965,808.26 |
| Total indebtedness | 3,565,808.26 |
| Amount paid on bond and interest account | 316,124.12 |
| Balance of obligation | 3,249,684.14 |

If we give a credit to these companies of the amount of the sinking fund, to wit: \$7,343,084.32, we have a balance standing against the Union Pacific and Kansas Pacific Railroad Companies of \$50,171,992.36. Without going into the details, the figures in respect to the Central Branch Union Pacific Company, estimated upon the same basis, give us an indebtedness of \$3,249,684.14. So that this debt, the actual amount thereof on the 1st day of November, 1887, aggregates \$53,421,676.50, and if you do not credit to this indebtedness the sinking fund the total amounts to sixty millions of dollars and over. Those who have given this subject attention will understand that under the decisions of the Supreme Court the money in the sinking fund is still the money of these companies, and not of the United States Government.

Now, here is the first significant fact: These companies will owe this Government ten years from now this amount of money plus the accumulation in the mean time. It is conceded that they will not be able to pay, and therefore, the living, crying question for us is, Can the United States collect? Well, that depends upon an answer to the question as to whether or not the lien of the United States is commensurate with the debt; whether it is sufficient upon a forced sale to bring into the Treasury of the United States the amount of the obligations of the companies. With respect to that question, the most important thing to be borne in mind in the discussion and examination of this subject is this: In the case of the United States vs. The Kansas Pacific Railroad Company and the United States vs. The Denver Pacific Railroad Company,

both reported in the ninety-ninth of the United States, the Supreme Court of the United States held that the Government lien was coextensive only with the subsidized portions of the road, or, to use the language of the court:

Extended only to those miles of road in consideration of the construction of which the bonds were issued.

Now, these bonds were issued upon that portion of the road extending from Omaha, a distance of 3.97 miles west of the eastern terminus of the Union Pacific, to a point 5 miles west of Ogden, in the Territory of Utah. That is on the Union Pacific proper. The bonds were issued on the Kansas Pacific only from a point one-half mile west of Kansas City to a point 393.94 miles west of that point.

Now, I ought to emphasize this: The issue of the bonds of the Union Pacific Railroad Company begins at a point nearly 4 miles west of the eastern terminus of that road, and on the Kansas Pacific at a point one-half mile west of the eastern terminus, and as a consequence in both cases the lien of the United States is wholly excluded from the terminals of the roads at Council Bluffs and at Kansas City. And whereas the Kansas Pacific Railroad runs to Denver and thence up to Cheyenne, a distance of over 700 miles, the lien of the United States applies only to 393.94 miles.

I have shown thus far that the lien of the United States extends only to about 1,430 miles of the Union Pacific Railway system. I now call your attention to the fact that the Union Pacific Railway system is very largely in excess of what the lien applies to.

In the first place, we have the main line, 1,038.35 miles. Then there is the line from Kansas City to Denver, 639.2 miles. From Denver to Cheyenne, 106 miles; from Leavenworth to Lawrence, 31.30 miles; or in all 1,815.57 miles of railroad, upon only 1,430 of which does the Government lien attach.

But even then I have not half stated the case. In addition to that there is a very expensive bridge known as the Omaha bridge, 3.97 miles in length. There are in addition terminals at Omaha, terminals at Kansas City, and terminals at Denver. And then on top of all that the Union Pacific Railway system controls 2,761.95 miles of branch roads, from which a very large portion of its income is derived and upon which to a very large extent the prosperity of its future depends.

You will see, therefore, that apart from any question of money—if we should throw out of consideration altogether that question and value so many miles of road at so much, and the terminals at so much, and all that sort of thing, you will see that aside from any question of money the lien is insufficient in character. It is a lien upon a portion of a railroad. It is a lien upon a trunk without a head, without feet, without arms, and without hands. It is a lien which if enforced would invite no bidders to the sale. The property if bought would be shorn of that which is a necessary part of it, and would be absolutely and utterly useless.

But aside from the question of the insufficiency of the character of the lien, inasmuch as we have ascertained the amount of the debt, it is a very easy matter to compare the extensiveness of the lien with the debt, so as to ascertain so far as figures are concerned its money value.

Now, three methods have been suggested for placing a value on the subsidized portions of the Union Pacific Railroad system. It will be readily admitted they can not all be right, more especially since an examination and comparison of these three methods will result in a different conclusion in each case.

It has been suggested that the value of the system might be ascertained from the net earnings, and the minority commissioner, Governor Pattison, reports as the valuation on this basis the sum of \$102,000,000. If we should accept that as a fair way of arriving at the value it would then appear that the lien is sufficient as far as mere dollars and cents are concerned, because the amount of the first mortgage and of the Government lien aggregates \$86,482,000, and there would be an excess of \$15,000,000 of value over the amount of the two liens.

But I need hardly suggest to any thinking man that this is no fair way to arrive at the value of a railroad, because if you apply this as a basis, the value this year might vary millions of dollars from the value next year or the year after, or from what was the value ten years back. Net earnings depend upon economy of management, the business affairs of the country, the amount expended for repairs, and all that sort of thing. So I dismiss that method as not a proper method to be used in arriving at what is a fair and proper arrangement between the United States and its debtor.

Another method suggested is to ascertain the value according to the cost of reproduction. I say that is an unfair method. According to the minority commissioner the cost of the reproduction of the main line of the Union Pacific Railroad would be \$27,857,500; of the Kansas Pacific Railroad, 393.94 miles, \$11,800,000; or, in other words, the subsidized portion of the system could be reproduced for \$39,657,500.

Now, the present value of the Government debt is estimated, under the provisions of this bill at \$52,950,000. The first mortgage, which precedes the Government lien, is \$33,532,000; so that you have a total of first mortgage and Government debt amounting to \$86,482,000; and to meet that debt according to the estimate of value by the cost of reproduction a road worth only \$39,657,500, or in other words a road worth over \$46,000,000 less than the first mortgage and the Government debt.

But I submit that there is a fair way, and a way which is recognized in business circles and in courts of law, to estimate the actual value of these subsidized portions of the road, and that is by taking into consideration net earnings, original cost, cost of reproduction, increase in value of terminals, increase in value of right-of-way, and then adding to all that the judgment and testimony of men whose business it is and has been to deal with such matters.

Colonel Morgan, an experienced engineer, who was employed by the commission, estimated the value of the entire system, outside, of course, of its investments, at \$150,000,000, and it seems to me to be a fair inference from his estimate that the main lines of the Union Pacific and the Kansas Pacific are worth \$40,000 a mile. Upon that basis your committee has made to you a report which shows, in fair terms as we think, the present value of the Government lien as compared with the value of the road upon which it rests.

Upon a fair valuation the existing security for the debt of the Union Pacific Railway Company to the United States appears in the following table:

| <i>Mileage of subsidized and unsubsidized parts of the Union Pacific Railway Company.</i> | |
|--|--------------|
| Mileage of Union Pacific Railway Company, branch lines and Omaha bridge excluded (see commissioners' report, p. 4)..... | 1,815.57 |
| Mileage of subsidized line on which the United States has a lien (see commissioners' report, pp. 5, 194, and 195), Omaha bridge excluded..... | 1,430.11 |
| Mileage of unsubsidized line, free from Government lien, Omaha bridge excluded..... | 385.46 |
| <i>Estimated value of security now held by the Government as protection for debt to it.</i> | |
| Present value of debt to the Government as fixed by the bill..... | \$52,950,000 |
| Amount of bonds secured by first mortgages on 1,430.11 miles of subsidized railroad..... | 33,532,000 |
| Total indebtedness secured by first mortgages and Government lien on 1,430.11 miles of subsidized railroad..... | 86,482,000 |
| The subsidized line, at a low valuation, is worth \$40,000 per mile (railroad, equipment, buildings, stations, yards, sidings, bridges, culverts, etc., included). The total value is, therefore, 1,430.11 x \$40,000—\$57,204,400, say..... | 57,200,000 |
| Balance—excess of indebtedness over present security..... | 29,282,000 |

So that, making even this favorable showing for the value of the subsidized portion of the Union Pacific Railway, the fact is that it lacks by \$29,282,000 of the value required to satisfy the first mortgage and the Government lien. If my facts are correct, I have demonstrated, then, with respect to this lien two things: first, that it is insufficient as to character; and, secondly, that it is insufficient in value. I have demonstrated further two significant facts in this connection: first, that the railway companies are unable to pay; and, second, that the United States Government is unable to collect.

We are, then, face to face with this question: Under these circumstances what is the best thing we can do? I answer—and I appeal to every man of affairs in this Chamber if he does not answer—"Get additional security if you can." Can we get additional security? My argument, if it has demonstrated anything thus far, has shown that the largest portion of value belonging to the Union Pacific Railway system is outside of the subsidized portions of the line, and therefore it follows that, unless the unsubsidized portion is subject to liens far in excess of its value, the Government would get additional security by getting a mortgage upon that portion of the system. I therefore call attention now to what it is that the Government would get a mortgage upon if the provisions of this bill became law and were accepted by the companies. The portion of the main line, 385.46 miles, which is unsubsidized, if it is of the value of \$40,000 a mile, which we have assumed, is worth \$15,400,000. The terminals at Omaha, Ogden, and Kansas City are valued in the commissioners' report at \$15,300,000. The Omaha bridge is valued, in the same way, at \$2,000,000. The branch lines, 2,761.95 miles, at \$25,000 a mile, amount to \$69,000,000; and outside investments, according to the report of the commission, represent \$20,000,000. Your committee, however, have not taken them at their face value, but only at 50 per cent. of it. Put them in at \$10,000,000 and you have as the value of the Union Pacific system, outside of what the Government has a lien upon, \$141,400,000.

Now is this encumbered? I answer that the liens prior to any lien the Government would get amount, according to the minority commissioner, to \$60,904,350. So that if this bill becomes a law and is accepted by these companies the Government gets additional security for the payment of its debt to the extent of \$80,495,650.

Mr. ANDERSON, of Kansas. Does not the company own, as a corporation, this \$80,000,000 worth of property to which the gentleman has referred as not covered by the Government bonds?

Mr. DALZELL. All except the branch lines, the ownership in which is represented by the ownership of the bonds and the stock.

Mr. ANDERSON, of Kansas. But the company owns those bonds and stock.

Mr. DALZELL. Yes, sir.

Mr. ANDERSON, of Kansas. Then the company owns those branch lines.

Mr. DALZELL. The company does not own all the bonds and stock.

Mr. ANDERSON, of Kansas. But to the extent to which it owns the bonds and stock, it owns those branch lines. Now, the question I

wanted to ask is this: If on foreclosure of the second mortgage it should be found that the property as to which the Government has a claim and on which it has a lien does not satisfy the mortgage, then under the law, as a matter of ordinary justice, would not the Government have recourse by proper action upon the \$80,000,000 worth of property which it is proposed to put up as additional security?

Mr. DALZELL. As I understand the law, no.

Mr. ANDERSON, of Kansas. Why, not?

Mr. DALZELL. I expect to cover that point before I get through with my remarks.

Mr. ANDERSON, of Kansas. I did not wish to interrupt the course of the gentleman's argument.

Mr. DALZELL. I have already shown that on the present security the deficit amounts to \$29,282,000. Therefore, if my figures are right, the benefit to be derived to the Government by getting this additional lien will amount to not only the value of the additional lien secured, but to the amount of deficit made up, \$29,282,000, making a gain in security to the Government under the provisions of this bill of over \$109,000,000.

Mr. McSHANE. I notice that in the commissioners' report the value of the Omaha bridge is fixed at \$2,000,000.

Mr. DALZELL. Yes, sir.

Mr. McSHANE. What is the amount of the first mortgage on that bridge?

Mr. DALZELL. That I can not state; I have not the details here.

Mr. McSHANE. It is \$2,500,000.

Mr. DALZELL. The gentleman will find the figures in the minority commissioner's statement.

Mr. OUTHWAITE. It is counted in the \$60,000,000.

Mr. DALZELL. Yes, sir. I wish it to be understood that having added together what I understand to be the fair value of the unsubsidized portions of the Union Pacific system, I have taken from that ascertained value the aggregate amount of liens as I get them from Commissioner Pattison's report.

Mr. FELTON. Liens prior to the Government lien?

Mr. DALZELL. Yes, sir; prior to any lien the Government would have. The gentleman will find the statement on page 200 of the report of the commission, it is included in the report of Commissioner Pattison.

Mr. FELTON. If there is any lien on the bridge it would be included in that statement.

Mr. DALZELL. Certainly.

Now, if I am right in my view of this matter, then the passage of this bill, if accepted, will supply the lacking qualities, so far as security is concerned. It gives the Government a valuable and a sufficient security, and insures the ultimate payment of the debt. As time presses, I omit any minute description of the safeguards which are inserted in this bill to render entirely effective the security that the Government would have. I simply mention them briefly.

In the first place, the provisions of the bill must be accepted; and thereupon we stand on the basis of a contract with a new mortgage, not a statutory mortgage, but a contract mortgage, covering everything that the Union Pacific Railroad Company owns—railroad, terminals, stations, investments, earnings—everything that is capable of being applied to the payment of its debts. Furthermore, although, as I have said, it will be almost ten years before the Government debt accrues, yet, according to the provisions of this bill, payment commences at once, and upon default of any payment for ninety days, the mortgage may be foreclosed.

Furthermore, in order to provide against contingencies, the Government may pay prior liens, and be subrogated to the rights of the holders of such liens. In addition to that, the Government is not bound to pay to these roads a single dollar of the money to become due them for services rendered until payments have been faithfully made by the railroad companies under the terms of the mortgage.

Finally, if these companies do not see fit to accept this act, then the provisions of the Thurman act are extended over the Kansas Pacific Railroad, and payments are to be made which are largely in excess of those called for in the first period of five years under the terms and provisions of this bill.

Now, I take it that, looking at this matter from a business standpoint, only one other question remains for a business man to answer, and that is: Can the debtor comply with the terms of the agreement if it sees fit to accept them? With respect to that question I call attention to the last annual statement, showing the surplus earnings of the Union Pacific Railroad system. The net surplus for 1886 was \$3,440,801.38. The first and second payments called for by the bill before the House—the first year's payments, in other words—amount to \$1,694,400, leaving a surplus of \$1,746,000 to the company for contingent expenses, dividends, or whatever it may see fit to apply it to.

And just at this point I need not argue to the House, to a House composed of men of business, that no scheme for the extension of a debt lasting through a period of fifty years would have any chance of success which would leave the stockholders in a position that during all that time they would receive no return on their investment. Under such circumstances it is not human to expect that the railroad would

be run in the interest of its creditors, but rather in the interest of speculators and stock-jobbers.

Now, I said at the outset that there was not only a business question but a moral question involved, and I said also that this bill met both aspects of the question, both the business aspect and the moral; and I will address myself for a few minutes now to that second proposition.

Prior to 1873 the management of the Pacific railroads had been the subject of legislative investigation. At the third session of the Forty-second Congress a committee which is known in the literature of this subject as the Wilson committee made a report. That report reached conclusions of fact and conclusions of law, and I desire to call the attention of the House briefly to what those conclusions were, both of fact and law, as illustrating what interest there is on our part now in any vindication of justice.

According to the findings of fact as embodied in the commissioner's report the Union Pacific Railroad, from Omaha to Ogden, had been constructed under three contracts, known as the Hoxie contract, the Ames contract, and the Davis contract. It was further found during the investigation that assignments had been made of these contracts to a construction company known as the Credit Mobilier of America, whereby the profits derived from these contracts were secured to the promoters of the Union Pacific Railroad Company themselves. The persons who received the profits determined the amount thereof by their own votes.

It was further found that, by virtue of these contracts, there was a profit on the construction of the Union Pacific, on the subsidized portion of the railroad, amounting to \$43,900,000. Nearly forty-four millions stolen from the stockholders of the Union Pacific Railroad Company and taken from the security of the United States! Such were the findings of fact; or, to state them in another way, the minority commissioner finds from the same Wilson committee report that, allowing for discount, the railroad was built for less than the proceeds of the first-mortgage bonds and the Government bonds, and the builders took as profit part of the proceeds of those bonds as well as the income bonds, the land-grant bonds, and the stock. The charge upon the books of the company as the cost of the construction is one hundred millions and odd hundred thousands of dollars. And I say to the gentleman who preceded me that he can not feel any more indignation than I feel, or than any honestly constructed man can feel, against the audacious robbery by which the lien of the Government was depleted and these corporations robbed of what belonged to them.

Mr. ANDERSON, of Iowa. Are not the men who constituted this construction company and who took the thirty-six millions of stock and paid only \$218,000 of money, are they not the same men who manage this road to day?

Mr. DALZELL. I understand they are not.

Mr. ANDERSON, of Iowa. Will you say that they are not?

Mr. DALZELL. I say as the result of a very careful, and I believe conscientious, examination of this affair on my part, that they are not the same men.

Those are the conclusions of fact, and I beg the attention of the House now to what were the conclusions of law, because herein lies the answer, and I think, with all deference to my friend from Iowa [Mr. ANDERSON], an unanswerable answer to his position, that some other scheme than that of an extension ought to be adopted. I will go with him as far as the law will allow me to go in punishment of those deserving punishment, but I say to him that since 1873 no crimes have been committed which will at all compare with the crimes committed prior to 1873, and that against any attempt of the United States Government to punish these crimes there rises up as an impassable barrier the decision of the highest tribunal of this country.

Mr. ANDERSON, of Iowa. Let me ask the gentleman where in the catalogue he places the issuance of twenty-four millions of stock at the time of the consolidation between the Kansas City branch and the Union Pacific Railroad Company, which issuance of stock was in violation of the act of Congress approved March 3, 1873?

Mr. DALZELL. I will show the gentleman, if I have time, that that is covered by the decision in 98th United States.

In 1873, when these crimes were first investigated, when the country was indignant, and when these crimes had been made the subject of thorough and laborious investigation on the part of able men in this House, the conclusions of law were these, and I desire to call your attention to them.

The Wilson committee find, in the first place, that the facts would justify a judgment of forfeiture. But calling to mind the fact that a judgment of forfeiture upon a quo warranto gives nothing in America but the right to administer the assets of the corporation, and does not, as in England, forfeit the property to the Crown, they said as wise men that that would be a useless performance. They find further, as a matter of law, that under the acts of 1862 and 1864, incorporating these companies, the Government had the right to repeal the charters, but like wise men again they said, why kill the corporation simply for the sake of raising up an administrator to administer its assets? So they abandoned that remedy. They found as a further matter of fact that the United States occupy a dual or twofold relation with respect to these

corporations, namely, that of sovereign and that of creditor; and they concluded, as wise lawyers, I say, would, that as a creditor the United States had no standing in court.

[Here the hammer fell.]

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania be permitted to continue, not to exceed ten minutes.

Mr. WEAVER. If you give us ten minutes also there will be no objection.

Mr. McCREARY. Is that all the time that will be asked?

Mr. OUTHWAITE. Ten minutes from now.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DALZELL. Mr. Speaker, I say this committee concluded, as a matter of law, that the United States as a creditor had no standing in court; but it did conclude that by reason of the loan of the credit of the United States to these corporations to carry on a great public purpose they therefore—the corporations—became trustees, and the United States, as *cestui que trust*, had a right to go into court and call for an account.

Now, I beg you to remember that this committee decided as a matter of law that the United States had the one remedy and only one left, which was, to pursue these parties, the corporations, as trustees in a court of equity.

Upon the recommendation of the committee then this House passed the act of 1873, which instructed the Attorney-General to proceed against the Credit Mobilier, and the parties who organized it, and all those who had been robbing the Government and robbing the roads, in any circuit court of the United States. What was the result? I commend this to my friends who oppose the bill for the sake, as they say, of vindicating justice.

The result was that the United States Supreme Court declared, in terms unquestionable and not to be misunderstood, that the relation of trustee and *cestui que trust*, the whole ground on which this bill was based did not exist, and that until the maturity of the debt the United States had no standing in court; that it was the stockholders who had been robbed, that it was the corporation which had been wronged, that the United States had made its contract, had secured its lien, that its debt was not due, and that until it was due and unpaid it had no right to complain. And if my friends upon the other side of the question will point out to me any method or any remedy whereby the decision of the Supreme Court in the case of the United States against the Union Pacific Railroad Company in 98th United States can be avoided, I will cheerfully join hands with them in the prosecution of wrongdoers.

Now, with reference to the manner in which this bill meets that phase of the question, I call the attention of the House to section 12 of the bill, which provides that the acceptance of the provisions of this bill shall *per se* act as a continuing power of attorney to the Attorney-General of the United States to prosecute, either civilly or criminally, any person or persons who in the past have been or in the present are or in the future may be liable by reason of illegally appropriating or misappropriating the assets of this corporation; and not only that, but makes it incumbent upon the Attorney-General—makes it his duty, not his choice—to commence and continue such prosecutions until the money shall be, if possible, collected, to be then applied as a credit on the debts owing by these companies.

The passage of this bill and its acceptance by these companies will bring into the Treasury of the United States, to the relief of the taxpayers of this country, an ultimate sum amounting to \$110,000,000—a princely sum, a more than imperial dowry; and I can not be persuaded that the intelligent masses of this country would not visit with condign punishment the members of a Congress who, with such a glittering possibility within their reach, should sacrifice it for a fanciful vindication of public justice at the expense of the public purse.

It brings in \$25,000,000 before the debt is due. It condones no wrong. On the contrary, it points out the only feasible and practicable mode of punishing wrong-doers.

Mr. Speaker, I count it amongst the chief glories of the Republic, filled as its history is with great civil and military achievements, that, struggling in the throes of a great rebellion, while it reached out with one hand for union it reached out with the other for empire; that while it contributed with a generosity incapable of measurement men and money to the integrity of the Union and the subversion of rebellion it at the same time, through difficulties manifold, overcame the mountain barriers of nature, and bound with bands of steel our eastern to our western coast. And no sadder commentary, in my judgment, could be written on our lack of advancement than that history should say of us that we were less successful as legislators in time of peace in dealing with problems of business and finance than we were as soldiers on the tented field in solving the great problem of liberty, whereby there was secured for all time, let us hope, the integrity of a continent to a peaceful and prosperous career under the sacred folds of the old flag of our fathers. [Loud applause.]

CONFERENCE COMMITTEE APPOINTED.

The SPEAKER announced as managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 7316) to divide the Great Sioux reservation into separate smaller reservations, and for other purposes, Mr. PEEL, Mr. HUDD, and Mr. NELSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa;

A bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park;

A bill (S. 1697) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company for the purpose of constructing a railway, and for other purposes; and

A bill (S. 2550) appropriating \$20,000 for the expenses of special and select committees of the Senate.

The message further announced that the Senate had passed the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, with amendments, requested a conference with the House on the bill and amendments, and had appointed as conferees on the part of the Senate Messrs. DAWES, STOCKBRIDGE, and DANIEL.

ORDER OF BUSINESS.

The SPEAKER. By special order of the House, this day, after the consideration hour, has been set apart for the consideration of bills and measures reported from the Committee on Private Land Claims. The chairman of the committee, the gentleman from Kentucky [Mr. McCREARY], is entitled to the floor.

EXPENSES OF SENATE INVESTIGATIONS.

Mr. BURNES. I desire to call up a bill which has just passed the Senate, appropriating a sum of money for certain Senatorial expenses.

Mr. McCREARY. The Chair has stated that I am entitled to the floor, but as the gentleman from Missouri informs me that the bill he has indicated will only take two or three minutes, and there will be no discussion, and that if any discussion shall arise he will withdraw the bill, I yield to him for that purpose.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$20,000, to be immediately available, for the expenses of special and select committees and inquiries and investigations ordered by the Senate.

Mr. BURNES. I ask unanimous consent that the bill be taken from the Speaker's table and put upon its passage.

There being no objection the bill was read three times and passed.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANSON RUDD.

Mr. McCREARY. I call up for consideration the bill (H. R. 6879) which has been referred to the Committee of the Whole House.

The bill was read, as follows:

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, without consideration, to make, execute, and deliver all needful instruments conveying and transferring all the right, title, and interests of the United States in and to a certain tract of land situate in the county of Fremont and State of Colorado to Anson Rudd, of Colorado; the tract of land above described being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868, described as follows, to wit: Beginning at the northwest corner of the northeast quarter of section 32, township 18 south, range 70 west; thence east 100 rods; thence south 40 rods; thence west 100 rods; thence north 40 rods, to beginning, containing 25 acres.

Mr. McCREARY. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill and that it be now considered in the House.

There was no objection.

Mr. McCREARY. This bill embraces only 25 acres. It was introduced by the gentleman from Colorado [Mr. SYMES]. It seeks simply to convey this land back to the party who owned it and who conveyed it to the Secretary of the Treasury before Colorado was made into a State in order that a penitentiary might be erected thereon. If it is desired the report may be read. This bill simply authorizes the Secretary of the Treasury to convey back this tract of land of 25 acres which were originally conveyed for the erection of a penitentiary and were not used therefor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HAYEM & TAYLOR.

Mr. McCREARY. I now call up for consideration the bill (H. R. 6394) for the relief of Hayern & Taylor:

The bill was read, as follows:

Be it enacted, etc., That all the right, title, claim, and interest of the United States to certain tracts of land in the parish of Iberia, in the State of Louisiana, and described as a tract of land near the town of New Iberia, in said State, and further described in the official maps of the General Land Office of the United States as section 13, township 11 south, range 6 east, late southwest district of Louisiana, containing 221.83 acres, be, and the same is hereby, granted and conveyed to Hayern & Taylor, successors of Hayern, Taylor & De Blane, their successors, transferees, vendees, and assignees: *Provided*, That this shall have the effect only of a quit-claim of all the right, title, and interest of the United States therein, not to affect any valid adverse right or title to said land, nor create any liability on the part of the United States.

Mr. McCREARY. A bill similar to this was favorably reported in the Forty-eighth and Forty-ninth Congresses, but its consideration was not reached. This bill was introduced by the gentleman from Louisiana [Mr. GAY], and the land, which only embraces 221.83 acres, is situated in his district.

The bill only asks that the Government execute a quit-claim deed to the land named. And as the surveyor-general and the register of the land office have reported in favor of it, and as the committee is unanimously in favor of it, and as committees in two Congresses have recommended it, I hope the bill will pass.

I desire to have a verbal amendment made by substituting for "Hayern," wherever it occurs, the name "Hayem."

The amendment was agreed to.

Mr. BLOUNT. Has the Government been claiming any title?

Mr. McCREARY. I do not think the Government has ever set up any claim, but it has been thought best to remove any shadow that might possibly rest on this title.

Mr. GAY. The Government has no claim, but there is some ambiguity in the record which it is desired to have corrected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the bill.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN S. FILLMORE.

Mr. McCREARY. Mr. Speaker, I call up the bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased.

The bill was read, as follows:

Whereas on the 14th day of December, A. D. 1864, John S. Fillmore, then of Denver, Colo., since deceased, conveyed to the United States of America lots numbered 28 and 29, in block numbered 46, in Denver City (east division), per survey of E. D. Boyd, in the then Territory of Colorado, for the purpose and upon the condition that the same should be occupied as a post-office site, which condition has never been in any part performed: Therefore,

Be it enacted, etc., That all the interest which the United States of America acquired by, through, or under the said deed to the said lots as above described be, and the same is hereby, relinquished to and vested in the persons who by the laws of Colorado would have been entitled thereto at the date of the death of said Fillmore had the said deed never been made, and to their heirs and assigns forever.

Mr. McCREARY. I move that the Committee of the Whole be discharged from the further consideration of this bill.

The motion was agreed to.

Mr. McCREARY. The report in this case was prepared by the gentleman from Tennessee [Mr. WASHINGTON], and I now yield him so much of my time as he may need to explain the bill to the House.

Mr. WASHINGTON. If gentlemen desire to hear the report I will send it to the Clerk's desk and have it read, but the case is one as to which I apprehend there will be no controversy. In the year 1859 a number of citizens of the United States settled on a portion of the public land at the point now known as the city of Denver. The town-site company, after dividing the land into lots and blocks and laying out streets and alleys, gave a certificate of title to certain of these lots to a man named Parkinson. He held the lots and made improvements thereon, and in 1863 he deeded two of them to Fillmore. Fillmore, for the purpose of inducing the Government to erect a post-office building at that point, made a conditional deed to the United States of two of the lots on condition the post-office should be erected thereon. When, however, the Government had got the property surveyed, a different site in another part of the town was selected for the post-office, and these lots have remained ever since unused and unoccupied, with the conditional title resting in the United States. This bill simply makes a reconveyance to Fillmore and his heirs of such title as he had at the time he made the conditional deed to the Government. That is the whole case, and the committee were unanimous in the recommendation that the bill should be passed.

Mr. MCADOO. Does the Commissioner of the General Land Office recommend the passage of this bill?

Mr. WASHINGTON. Yes, sir; it has been submitted to the Land

Office and we have their report upon it. The Government has no use for this ground.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY VOLCKER.

Mr. McCREARY. I call up the bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico, and I move that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now considered in the House.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the heirs, assigns, or legal representatives of Henry Volcker, deceased, be, and they are hereby, confirmed in their title to 640 acres of land situated in the Territory of New Mexico, being the tract of land located by virtue of a certificate numbered 169, of the second class, issued by the board of land commissioners for the county of Bexar and Republic of Texas to Simon Prado, and dated January 5, 1846, and more particularly described in the plat and field-notes accompanying survey numbered 38, in section numbered 15, situated on the table-land or plain between the Rio Grande and the Pecos River, now on file in the office of the commissioner of the general land office of the State of Texas.

Sec. 2. That the Commissioner of the General Land Office, upon the receipt of the proper plat and survey of the said tract of land, executed by the proper officer, shall issue a patent therefor to the said Henry Volcker: *Provided, however*, That such patent shall be construed into a relinquishment only of title on the part of the United States, and shall not affect the right of any third person.

Mr. McCREARY. The report in this case was prepared by the gentleman from Wisconsin [Mr. THOMAS], and I yield him so much of my time as he may require in connection with this bill.

Mr. THOMAS, of Wisconsin. Mr. Speaker, as this case can be more easily and briefly explained orally than by reading the report, I will, with the permission of the House, make a brief statement. By the laws of the Republic of Texas the head-right certificates for 640 acres of land were authorized to be issued to immigrants who had resided in the Territory a certain length of time, and those rights were confirmed by the State of Texas after it was admitted into the Union. All of these claims within the boundaries of the State have been confirmed as to their title, so far as to enter a patent and make the title perfect. In the case in question a certificate of the kind I have described was issued and the land located within the boundaries of the Republic of Texas; but after the State came into the Union, its boundaries extending to the Rio Grande, the United States purchased a large additional tract of land, for which it paid about \$10,000,000, and it happened that this 640 acres was included in the tract purchased by the United States.

Mr. PAYSON. Does the gentleman mean the Gadsden purchase?

Mr. THOMAS, of Wisconsin. The Gadsden purchase. Of course, the State of Texas can not comply with its contract to issue a patent for this 640 acres, the tract being beyond its jurisdiction. It seems to me there is no equitable or legal right in the United States to claim this land, it having been actually given to this man under the laws of Texas, both as a republic and as a State, and he being in possession of the land and occupying it at the time the territory was sold to the United States. This bill simply provides that the United States shall relinquish what right it may have, in form, to this 640 acres of land, and does not interfere in any way with any conflicting rights that may have arisen between individuals or between any parties whatever except this claimant and the United States.

Mr. PAYSON. I wish to ask the gentleman whether the opinion of the Commissioner of the General Land Office has been taken with reference to the propriety of this proposed legislation?

Mr. THOMAS, of Wisconsin. I am not aware that his opinion has been asked at this session of Congress, but I do know that it was asked in the Forty-ninth Congress.

Mr. PAYSON. And did his opinion favor it?

Mr. THOMAS, of Wisconsin. It was favorable. The Committee on Private Land Claims in the Forty-ninth Congress reported the bill favorably, as it has been reported in this Congress.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Wisconsin, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURT FOR PRIVATE LAND CLAIMS.

Mr. McCREARY. I call up for present consideration House bill No. 7643.

The Clerk read the title of the bill, as follows:

A bill to establish a United States land court, and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, and in the State of Colorado.

Mr. PAYSON. I wish to make a parliamentary inquiry.

Mr. McCREARY. I am directed by the committee to send up some

amendments to this bill which I think will meet the difficulty upon which the gentleman from Illinois [Mr. PAYSON] proposes to raise a point of order.

Mr. PAYSON. Reserving whatever rights I may have, I wish to say this: There are several sections of this bill to which I think a point of order would be properly sustained. I am opposed to them, and I desire not to waive any right I may have to make a point of order at the proper time.

Mr. MCCREARY. I understand that.

Mr. PAYSON. Assuming that any right I may have will be reserved, I have no objection to yielding in order to hear the amendments read.

Mr. MCCREARY. That is understood.

Mr. HOLMAN. I observe that this bill involves an appropriation of money.

The SPEAKER. It does.

Mr. HOLMAN. And the gentleman from Kentucky, as I understand, desires to have it considered in the House.

Mr. MCCREARY. The bill does involve the creation of an office, but does not appropriate any money.

Mr. HOLMAN. Still it is subject under the rules to a point of order which would send it to the Committee of the Whole. But if the gentleman from Kentucky desires to have the bill considered in the House, subject to the same rules as in Committee of the Whole, I shall not be inclined to object.

The SPEAKER. The bill is on the House Calendar, and unless a point of order is made it will of course remain in the House. The gentleman from Kentucky sends up certain amendments to be read for information.

The Clerk read as follows:

Amend by striking out section 3, section 4, and section 5.
Amend line 4, section 10, by inserting, after the word "Colorado," the words "notice of the passage of this act."
Amend section 13, line 22, by substituting the word "and" for the word "or."
Amend section 18, line 3, by inserting, after the word "lands," the following words: "Claimed in either of said Territories or States under or by virtue of any right, title, or authority derived from Spain or Mexico, or under the laws, usages, and customs thereof."

Mr. PAYSON. Mr. Speaker, the amendment proposed by the gentleman from Kentucky, to strike out the three sections named, meets the point I had intended to make; hence I have nothing further to say.

Mr. MCCREARY. I move to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to dispense with the reading of the bill at this time. Is there objection?

Mr. PAYSON. How is this bill to be considered? Is it not in the Committee of the Whole on the state of the Union?

The SPEAKER. The bill is on the House Calendar; and unless some other arrangement be made it will be considered under the rules usually prevailing in the House, subject, of course, to the calling of the previous question at any time.

Mr. PAYSON. I desire to make a point of order as to the position of the bill on the Calendar. The provisions of the bill necessitate an expenditure of about \$30,000 of the public money annually. Hence, it seems to me that the bill, under the rules, is improperly on the House Calendar.

The SPEAKER. The Chair decided, a moment ago, that if the point were raised the bill must be considered in Committee of the Whole on the state of the Union. The gentleman from Indiana [Mr. HOLMAN] suggested that point, and then declined to insist upon it. Thereupon—

Mr. PAYSON. I make that point of order.

Mr. HOLMAN. I did not press the point of order because I supposed the gentleman from Kentucky intended to have the bill considered in the House as in Committee of the Whole.

The SPEAKER. The Chair did not hear that.

Mr. PAYSON. I do not desire any limitation upon the debate on the bill; but with the understanding that it is to be considered in the House as in Committee of the Whole, I will not press the point of order.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] states that he will not insist on the point of order if it be understood that the bill will be considered in the House as in Committee of the Whole on the state of the Union.

Mr. MCCREARY. What does the gentleman mean by "as in Committee of the Whole?"

Mr. PAYSON. That it shall be considered without any limitation on the debate—that it be debated as in Committee of the Whole.

The SPEAKER. The Chair will state what would be the effect of an order that the bill be considered in the House as in the Committee of the Whole on the state of the Union. General debate would proceed subject, in the Committee of the Whole to the right of the House by an order to close the debate, which right exists of course in the Committee of the Whole. The bill would then, after the closing of general debate, be considered by sections under the five-minute rule. In the Forty-eighth Congress the Chair submitted to the House the question whether or not, when a bill was being considered in the House as in Committee of the Whole, the House would close debate by the previous question

or by an order; and the House decided that, by analogy to proceedings in Committee of the Whole, it would close it by an order. Since that time such has been the practice.

Mr. MCCREARY. The previous question would be in order?

The SPEAKER. It would be in order, but would operate only on the amendment upon which it was moved, or upon that and a pending amendment.

Mr. PAYSON. I wish the gentleman from Kentucky to understand that I am not making any captious opposition, but merely insisting that we shall have the ordinary privileges of debate which under the rules are allowed in Committee of the Whole on bills of this character.

Mr. HOLMAN. There should be some understanding about the length to which this debate should be allowed to run. Of course, gentlemen representing the Territories and the State interested in the provisions of the bill will be heard, but it would be well, in my judgment, to fix some limit to the debate before it is commenced. Even if the bill is to be considered in the House as in the Committee of the Whole, we ought to fix the time which is to be allowed in the debate. Is an hour and a half sufficient? I would suggest two hours. Is there objection to that?

Mr. PAYSON. I think the debate should proceed in the regular way, and therefore I am inclined to insist on my point of order that the bill must have its first consideration in the Committee of the Whole.

Mr. MCCREARY. It will be in order of course to discuss the bill under the five-minute rule, and in view of that fact I do not see why the general debate should not be closed in a shorter period than has been suggested.

Mr. PAYSON. I insist on my point of order.

The SPEAKER. The point being made, the bill must receive its first consideration in the Committee of the Whole.

Mr. MCCREARY. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

Mr. MCCREARY. I move that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. MCCREARY. Mr. Chairman, the object of the bill under consideration is to provide for a judicial investigation and settlement of private land claims in the Territories of New Mexico and Arizona and in the State of Colorado, arising by virtue of any right, title, or authority derived from the Spanish or Mexican Governments which the Government of the United States should respect under the provisions of the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848, or the treaty known as the Gadsden treaty with Mexico, concluded December 30, 1853, or under the laws, usages, or customs of Spain or Mexico concerning the disposal of lands.

The Committee on Private Land Claims, after careful consideration, agreed unanimously to report this bill with a favorable recommendation. It is believed that if it is passed and becomes a law private land claims in the Territories of New Mexico, Arizona, and in the State of Colorado, so long a source of vexation and harassment to the people, so long retarding progress and immigration and improvement, will be speedily settled.

The importance of this measure is shown by the number of acres or land the title to which is to be settled under its provisions. The Commissioner of the General Land Office states that there are now pending in Congress and awaiting confirmation reports of surveyors-general upon private land claims as follows:

| | Acres. |
|--|-----------|
| In New Mexico, 107 claims, covering..... | 8,704,785 |
| In Arizona, 15 claims, covering..... | 414,833 |
| In Colorado, claims covering..... | 229,814 |

Making a total of..... 9,349,432

The number of acres for which no claim has been filed and the number of acres for which claims have been filed but which are undecided are not included in these figures.

It is, however, estimated that the total number of acres claimed under private land grants and which are unsettled, in New Mexico, cover about 10,000,000 acres; in Arizona, about 6,000,000 acres; and in Colorado, about 1,500,000 acres, making altogether the enormous territory of 17,500,000 acres, being more than the combined area of the States of Massachusetts, Connecticut, and New Hampshire.

The bill proposes to speedily settle the title to this immense extent of territory.

The demand for a speedy settlement of these land claims comes from the people and from their Representatives in Congress, and from their most prominent officials.

Justice to the people of these sections where development and progress have been retarded for many years; justice to the Government of the United States, which is honorably bound by solemn treaty obligations, and proper respect for the progress of this age and the movement westward "of the Star of Empire," demand prompt and efficient legislation. Secretaries of the Interior and Commissioners of the General Land Office have repeatedly urged a speedy settlement of these land titles.

Mr. PAYSON. Will it interrupt the gentleman to ask a question?

Mr. MCCREARY. No, sir.

Mr. PAYSON. Do we understand the gentleman to give us to infer by that statement that the Secretary of the Interior or the Commissioner of the General Land Office approves this present bill, or that any Secretary of the Interior or any Commissioner of the General Land Office has ever approved a scheme like this?

Mr. MCCREARY. This bill has not been referred to the Secretary of the Interior, because, as I understand it, the House of Representatives is competent to consider and adopt such measures as it thinks proper in connection with these matters, and I have not consulted the Secretary of the Interior about this bill.

Mr. PAYSON. But the gentleman stated, as I understood him—without desiring to interrupt his remarks—that the Secretary of the Interior and the Commissioner of the General Land Office had asked a speedy adjustment of these claims, and I thought the inference made on the House was that this had been the request of the present officials of the Department.

Mr. MCCREARY. What I said was that the Commissioners of the General Land Office and the Secretaries of the Interior had urged a speedy settlement of the private land claims, and in support of that I will read some extracts.

The Secretary of the Interior said, in his annual report of 1880:

Its operation has been a failure, amounting to denial of justice both to the claimants and to the United States.

The Commissioner of the General Land Office, in his report for the year 1886, said:

A speedy and effective plan for the disposal of land claims in New Mexico and Arizona is demanded by the exigencies of the case.

The Commissioner of the Land Office, in his report for 1876, said:

While these private land claims remain in their present unsettled condition it will continue to retard emigration to and settlement in said Territories, and until the titles thereto are ascertained and the land segregated from the public domain it will be impossible to determine which is public land, subject to appropriation and settlement under the public-land laws and which is not.

And the surveyor-general of New Mexico, in his last annual report, declares:

What is wanted before all things is a speedy settlement of the titles so long left in painful uncertainty.

The faith of our Government is solemnly pledged by treaty stipulations to the ascertainment and settlement of these claims. The eighth article of the treaty of Guadalupe Hidalgo provides that—

Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in said Territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said Territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of the ratifications of this treaty; and those who shall remain in said Territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. In the said Territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

By the subsequent treaty with Mexico, concluded in 1853, known as the Gadsden treaty, the provisions of this article were made to apply to the territory then ceded to the United States by the Mexican Republic and to all the rights of persons and property, both civil and ecclesiastical, within the same as fully and as effectually as if the said article was again set forth.

In recognition of these treaty obligations, and to carry out in good faith their stipulations, Congress passed an act, approved July 22, 1854, the title of which is "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes."

Section 8 of that act is as follows:

And be it further enacted, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm bona fide grants and give full effect to the treaty of 1848 between the United States and Mexico; and until the final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

The provisions of this section were extended to Colorado by the act of February, 1861, and to Arizona by the act of July 15, 1870. This

remedy has proved unsatisfactory and inadequate, and almost valueless to claimants. The report of the Land Commissioner of 1880 declares that after a lapse of nearly thirty years more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress, and of the number so reported Congress has finally acted on but seventy-one. I will file at the close of my remarks the written statement of the Commissioner of the General Land Office showing a list of confirmed private land claims in New Mexico and Colorado, and also a list of one hundred and twenty-three private land claims in New Mexico, Arizona, and Colorado now pending in Congress awaiting confirmation, and the papers of which claims are before the committee of which I have the honor to be chairman. The remarkable fact appears in the written statement of the Commissioner of the General Land Office that from 1860 to 1869 only five private land claims were confirmed, and from 1869 to 1879 only three were confirmed, and from 1879 to the present time, a period of nine years, not a single land claim has been confirmed.

Hon. W. A. J. Sparks, in his report of 1886, appropriately said:

The very loose terms of the act of July 22, 1854, enable great bodies of land to be held in indefinite reservation upon the mere assertion of some claim that perhaps has no foundation, or if valid at all is valid only for a fraction of the claimed area. It is the public demand that whatever valid claims may exist to any such lands should be finally determined and the overplus of the reserved lands opened to settlement and entry.

Congress has been far more generous and attentive to private land claimants on all other lands acquired by purchase or treaty than to the claimants residing in New Mexico, Arizona, and Colorado. In 1803, under the Democratic administration of Mr. Jefferson, we acquired from France the Louisiana territory, about 757,000,000 acres—larger in extent than all the thirteen original States, embracing all of Louisiana, Arkansas, Mississippi, Iowa, Nebraska, Dakota, Idaho, Montana, with parts of Kansas, Minnesota, Colorado, Wyoming, and the Indian Territory.

In the same year Congress provided for two boards of commissioners to adjust titles in Mississippi Territory. Encouraged by the celerity of the appointments made, Congress, in 1807, provided for boards of commissioners to ascertain and settle claims in the whole of the Louisiana purchase.

Florida, containing 38,000,000 of acres, was acquired by the United States from Spain during the Democratic administration of Mr. Monroe by the treaty of February 22, 1819, and was surrendered to the United States July 17, 1821. Congress passed an act May 8, 1822, in less than one year, providing for a board of commissioners, and vested them with confirmatory powers of land claims.

In 1848, under the Democratic administration of Mr. Polk, by the treaty of Guadalupe Hidalgo, we acquired from Mexico 334,500,000 acres of land, being now California, Nevada, and large parts of Arizona, Colorado, Utah, and New Mexico. In 1853, under the Democratic administration of Mr. Pierce, we acquired by the Gadsden treaty about 30,000,000 acres of land from Mexico, being parts of Arizona and New Mexico. The act of Congress passed in 1854 applies to such parts of this land as are embraced in New Mexico, Arizona, and Colorado. Land claims in California were settled under the act of 1851.

Although forty years have elapsed since the treaty of Guadalupe Hidalgo was proclaimed, but little progress has been made in the settlement of land claims in the said Territories and States.

Many plans have been presented and a number of bills have been introduced for the purpose of speedily and justly settling these private land claims. A land commission has been suggested, but there are serious objections to this plan.

The act of Congress of 1851 providing such a commission for California was not a success, and Mr. Lamar, while Secretary of the Interior, in his annual report declared that—

To the suggestion of a special commission, to sit at convenient times and places, to hear and dispose of these claims, equally vigorous objections are presented, and it is urged that the experience obtained from the California commission is of such a character as to make a tribunal of that kind least advantageous of all the methods proposed.

Several Commissioners of the General Land Office and several surveyors-general who have had good opportunities on account of their official duties to ascertain the most efficient means for the settlement of these claims have earnestly opposed that plan.

Speedy settlement of titles so long left in perplexing uncertainty is indispensably necessary, and the proposed legislation authorizing the appointment of a board of commissioners, with the right of appeal from their decision to the district courts of the Territories or States, and then to the Supreme Court of the United States, would, as these courts are already overburdened with work and several years behind, delay the settlement of land claims for many years. The present able and efficient governor (Ross) of New Mexico said, in his address before the Committee on Private Land Claims:

To require settlement by a commission, as in the case of California, would be impracticable, as the lapse of time in this case has led to interminable complications and confusion, aggravated by perjury, fraud, and every conceivable form of ingenious rascality; to that extent that their circumvention is impossible except through rigid judicial investigation.

What we especially desire as machinery for the adjudication of these matters

is a separate, independent judiciary, for the time-being disconnected in every way from the current courts of justice, a tribunal that shall devote its entire time and effort to this single purpose, and be in its fullest sense a court of equity, authorized and competent to take entire jurisdiction of all the complicated phases of this most extraordinary condition of affairs. No other tribunal can successfully grapple with it. Our courts as now constituted are already overwhelmed with the burden of litigation that is constantly coming before them in increasing volume. To add to their present duties the settlement of these titles would be to decree its indefinite postponement. The man is not born who would see the end.

There are also grave legal questions, involving the authority of commissioners to exercise judicial power, which increase the objections to this mode of settlement.

Another proposition is the reference of these claims for adjudication to the district courts of the respective Territories and States under whose jurisdiction the lands might be situated, with the right of either party to appeal from their decisions within six months to the supreme court of the Territory, and from the decision of that court to the Supreme Court of the United States within one year.

There are many objections to this plan, only one of which I will present. The dockets of the district judges of New Mexico, Arizona, and Colorado are already crowded with legitimate and indispensable business, and they could not undertake this additional work without almost totally abandoning their regular and necessary duties; and if this double duty should be imposed on them, and appeals from their decisions to the Supreme Court of the United States should be taken, as would certainly be done, there would be such interminable delay as would be almost a denial of justice.

A tribunal clothed with all the functions of a court, and authorized to judicially investigate and settle private land claims, it is now generally conceded, will furnish the relief desired. The bill under consideration establishes a United States land court, to consist of a chief-justice and two associate justices, appointed by the President, by and with the advice and consent of the Senate, and the Secretary of the Interior is required to provide suitable rooms in the city of Washington for the occupation and use of said court.

The court is divided into three departments, to be known as departments No. 1, 2, and 3 of the United States land court, to each of which departments one of said justices shall be assigned by the chief-justice, and such departments may sit simultaneously, and the justice of each department shall have full power to examine, hear, and determine any cause coming before him in said department, and from time to time the justices are required to sit in banc for the determination of such causes as may be brought before them, and a competent attorney to represent the United States is authorized to be appointed by the President, by and with the advice and consent of the Senate.

In every case where it does not appear by evidence satisfactory to the court that the value of the property involved, with improvements thereon, exceeds the sum of \$2,000, the decision of the justice rendered in department shall be final, and in every case where the value of the property involved, with improvements thereon, is shown to exceed the sum of \$2,000, either party, not satisfied with the decision rendered, shall have the right of appeal to the court in banc, and in every case where it does not appear, by evidence satisfactory to the court, that the value of the property involved, with improvements thereon, exceeds the sum of \$5,000, the decision of the court in banc shall be final, and where the value of the property involved, with the improvements thereon, exceeds the sum of \$5,000, either party, not satisfied with the decision rendered, shall have the right to appeal to the Supreme Court of the United States in the same manner and upon the same conditions that is provided by law for the taking of appeals from decisions of the district courts of the United States.

It is also provided that the court, by one or more of its members, in the discretion of the chief-justice thereof, shall be in session at least six months in each and every year, at Santa Fé, in the Territory of New Mexico; at Tucson, in the Territory of Arizona, and at Denver, in the State of Colorado, until the business of said court is completed. The duration of the terms of said court at the respective places named shall be regulated by the chief-justice.

Many claims will have to be decided on the papers now in the General Land Office of the Interior Department at Washington, because in many instances the witnesses are dead or have disappeared.

Yet there are many cases where the witnesses of both the claimant and the Government would be hazarded by a tribunal sitting elsewhere than in the vicinity of the land, because many of these claims are not based on written titles, and because also of the perfectness with which fabricated grants are often supported by papers prepared for the occasion. One or more of the judges, therefore, in the discretion of the chief-justice, shall hold court in the capital of each of the Territories and States every year.

The surveyors-general of New Mexico and Arizona strenuously urge that Congress should pass a statute of limitation, fixing a time within which new claims shall be filed or thereafter be forever barred, and Commissioners of the General Land Office and Secretaries of the Interior have for years recommended that such a limitation be fixed.

The bill therefore provides that each and every person, corporation, or association claiming lands in either of said Territories or State under

or by virtue of any right, title, or authority derived from the Spanish or Mexican governments, which right, title, or authority it is claimed the United States is bound to respect under the provisions of the treaty of Guadalupe Hidalgo, or the treaty known as the Gadsden treaty, with the Government of Mexico, or under the laws, usages, and customs of Spain and Mexico, in the disposal of lands, shall, within two years from the date of the approval of this act, present to the said court, or any justice thereof, a petition setting up the facts upon which claimant relies in support of said claim, or be forever barred, and all lands the claims to which shall be finally rejected by the said court or by the Supreme Court, and all lands claimed in either of said Territories or State under or by virtue of any right, title, or authority derived from Spain or Mexico, or under the laws, usages, and customs thereof, to which no claim is presented to the said court in two years from the approval of this act shall be deemed, held, and considered to be a part of the public domain of the United States.

The Commissioner of the General Land Office in his report of 1886 states that there are thousands of small land-holdings by the native inhabitants of New Mexico and Arizona who have no claim of special grant and are without record evidence or written title, but claim their possessions solely by right of occupancy and prescription under the laws and usages of Spain and Mexico. In many instances these ancestral homes have been handed down from sire to son and from generation to generation for more than a hundred years. Most of these occupants are poor but honest people, whose title the Spanish and Mexican governments would have respected, and whose title by occupancy according to the usages and customs of Spain and Mexico, is recognized by the United States under the treaty of Guadalupe Hidalgo.

Justice and fairness therefore required that there should be a provision in the bill that where any claimant shall produce evidence to the satisfaction of said court of the continuous occupancy and possession by himself, his ancestors, or grantors for forty years next preceding the date of the approval of this act of a tract of land in said Territories or State, not exceeding 160 acres in extent, no further evidence of title or ownership shall be necessary from such claimant, but he shall be entitled to confirmation of his title to such land.

Grants of agricultural land by Spain and Mexico did not convey to the grantees the minerals found therein, which consequently passed to the United States under our treaty with Mexico in 1848.

The policy of the Government should be defined and settled on this subject, and the bill provides:

That no allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines, or minerals of the same, unless the grant claimed affected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto, in law or in equity, but all such mines or minerals shall remain the property of the United States, with the right of working the same and authorizing the same to be worked, and every confirmation made and patent issued under this act shall be made and issued subject to the rights of the United States to authorize the lands included in such confirmation and patent to be entered upon by its citizens for the purpose of cession for locating and working gold, silver, and quicksilver mines, or minerals of the same, that may be found therein, and to pass such laws as shall procure such rights and make the same effectual, which shall be stated in any patents issued under this act.

Governor Ross, the present governor of New Mexico, says:

While it is undeniable that a large proportion of the number of Spanish and Mexican grants now on file and seeking confirmation are honest and valid in their inception, it is indisputable that in a preponderance of the acreage embraced in many of the larger grants the claim is absolutely fictitious and founded in fraud.

This condition of things has existed now more than thirty years, and instead of the situation being relieved by what has been done ostensibly to that end, it has year by year been growing worse, until several millions of acres of as good land as the sun shines upon is absolutely sealed up against settlement and development.

To illustrate the methods that have produced these complications—near the city of Santa Fé is a grant known as the Cornfield grant. Some one hundred and forty years ago a citizen of the locality petitioned the governor of the province for the concession of a piece of land large enough to keep a stipulated number of domestic animals and to raise a little corn for the support of his family. The concession was granted, and it is to be supposed that the petitioner was duly put in possession of his grant. In the mutations of time the petitioner and his family passed away and the land lapsed into a state of nature, and all evidence of the concession was apparently lost. But a few years ago the evidence of the concession, bearing the signature of the governor of a hundred and forty years ago, singularly came to light, accompanied by the application of the holder and claimant, for the approval of the grant by the then surveyor-general, embracing some 240,000 acres of land. The application was approved for 103,000 acres and forwarded to the then Secretary of the Interior for approval by Congress. Not long since this grant was surveyed by order of the present surveyor-general, in careful accordance with the natural objects specified in the concession, as near as it was possible to fix them, and found to contain a fraction less than 130 acres.

Another illustration was in what was known as the Uña de Gato grant, in one of the northern counties of the Territory. This concession, purported to have been made by the governor of New Mexico in 1839, and embraced some 300,000 acres; it was most carefully drawn and apparently perfect in every particular until it was discovered, after it had passed the approval of the then surveyor-general and been sent to Congress for confirmation, that the concession had been prepared long after the governor purporting to have executed it had gone out of office, and that it was, therefore, absolutely fictitious and fraudulent.

The Commissioner of the General Land Office, in his report for 1887, says there is a well-organized conspiracy on foot to endeavor to secure a reservation of five millions of acres of land in the garden district of Arizona, which is based on a manufactured claim that is wholly fraud-

ulent. Thus great areas of land, aggregating millions of acres, are sought to be filched from the public domain and from the people.

Hon. George W. Julian, surveyor-general of New Mexico, in his report for 1887, said of the Territory of New Mexico:

Of the patented and unpatented lands I have referred to, aggregating 8,694,965 acres, I think it will be safe to estimate that at least one-half, namely, 4,337,482 acres, have been illegally devoted to private uses under invalid grants or unauthorized surveys. If to this sum I add the estimate before mentioned of about 4,000,000 acres unlawfully appropriated in cases pending before Congress, an approximate estimate will be reached covering from 8,000,000 to 9,000,000 acres of the public domain, which are now, and for many years past have been, in the grasp of men who have used and enjoyed the land for their own emolument, and whose earnest prayer is to be let alone in the possession of their ill-gotten gains.

Equally noteworthy is the power of these claimants over the general fortunes of this Territory. They have brooded over it like a pestilence. For a quarter of a century prior to the inauguration of President Cleveland their ascendancy over Federal and Territorial officials was practically unhindered.

It has been said, "To rob a man of his home, and take from him the shelter and support of his family, is a crime second only to murder." To filch from the nation its public domain, which should be held for actual settlers, is not only a crime against the poor who need homes, but it is an assault upon justice and law which should not be tolerated.

It is of the highest importance that our Government should ascertain without delay what lands belong to it, and it is in accordance with justice and our treaty obligations that we protect bona fide holders in their rights. Already many millions of acres of our public lands, nearly equal in extent to the thirteen original States, have been given away to railroad corporations, much of it rich as the valleys of the Nile or the Euphrates, and our once almost limitless public domain has been greatly reduced.

New and dangerous schemers are seeking, under the guise of private land claims, to still further rob the Government of land acquired by its treasure and by the blood and bravery of its sons.

Unless we call a halt, unless we say to the land-grabber and the homestead-wrecker, "Thus far thou shalt go, and no further; here shall thy proud course be staid," it will not be long before, in this great Republic, stretching from ocean to ocean and from the northern lakes to the Gulf of Mexico, and comprising over 4,000,000 square miles, there will no longer be any public land to be occupied as homes for honest settlers or to be coveted by land pirates and speculators as the basis of fortunes almost as fabulous and expanding as that of Monte Cristo.

New Mexico is approaching statehood. Legislation is now pending for her admission into the Union. Arizona will follow soon. Colorado is already a growing giant in the grand confederation of States. Over a thousand miles of railroad are projected in these Territories and in this State. From the deepest depth of the earth to the sky they seem to be blessed with attractions. Inexhaustible mines of gold and silver and copper demand development and defy competition. Illimitable coal deposits sufficient to supply the needs of the continent, agricultural lands equal in productiveness to the best in the West, and a climate as healthful and salubrious as any in the world invite the farmer, the laborer, the professional man, the miner, the merchant, and the manufacturer to come and locate and be happy and prosperous. The only shadow and the only blight in these marvelous attractions are the clouded titles of unsettled land claims, which are a perpetual menace to holders and a continued alarm to immigrants.

For over thirty years, or since the act of 1854 proved a failure and a burden, people in that part of our country have begged and their legislatures have memorialized Congress for relief.

Under existing law Congress alone has jurisdiction to settle private land claims, but it has been years since a bill has passed the House of Representatives confirming and settling a land claim in New Mexico, Arizona, or Colorado. We owe it to the people and our treaty obligations require that they should have a fair tribunal for the speedy adjustment of private land claims.

The bill under consideration provides a fair, comprehensive, and speedy plan for the settlement of these claims. The court which is created only lasts for four years, and it is believed in that time the relief so earnestly demanded will be granted.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 11, 1888.

SIR: I have prepared list and inclose it for your information. It will be observed upon reference to said list that there has been confirmed by Congress private land claims in New Mexico, Arizona, and Colorado aggregating 9,668,468.13 acres. There are now pending in Congress reports of surveyors-general upon private land claims in said Territories and State as follows:

| | Acres. |
|--|---------------------|
| In New Mexico, 107 claims, covering..... | 8,704,785.43 |
| In Arizona, 15 claims, covering..... | 414,833.52 |
| In Colorado, 1 claim, covering..... | 229,814.53 |
| Making a total of 123 claims, covering..... | 9,349,433.48 |

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. JAMES B. MCCREARY,
Chairman Committee on Private Land Claims,
House of Representatives.

List of confirmed private land claims in New Mexico and Colorado.

| Name of confirnee. | Name of grant. | Date of confirmation. | Area. |
|--|--|-----------------------|---------------------|
| Indians of Pueblo..... | Pueblo de Tesuque..... | Dec. 22, 1858 | Acres. 17,471.12 |
| Do..... | Pueblo de Pojoaque..... | do..... | 13,520.38 |
| Do..... | Pueblo de Nambe..... | do..... | 13,586.33 |
| Do..... | Pueblo de San Ildefonso..... | do..... | 17,292.64 |
| Do..... | Pueblo de Santa Clara..... | do..... | 17,398.52 |
| Do..... | Pueblo de San Juan..... | do..... | 17,544.77 |
| Do..... | Pueblo de Scuris..... | do..... | 17,460.69 |
| Do..... | Pueblo de Taos..... | do..... | 17,360.55 |
| Do..... | Pueblo de Pecos..... | do..... | 18,763.83 |
| Do..... | Pueblo de Zia..... | do..... | 17,514.63 |
| Do..... | Pueblo de Jemez..... | do..... | 17,510.45 |
| Do..... | Pueblo de Cochiti..... | do..... | 24,256.50 |
| Do..... | Pueblo de Isleta..... | do..... | 110,080.31 |
| Do..... | Pueblo de Sandia..... | do..... | 24,187.29 |
| Do..... | Pueblo de San Domingo..... | do..... | 74,743.11 |
| Do..... | Pueblo de San Felipe..... | do..... | 34,766.86 |
| Inhabitants of town..... | Town of Tocolote..... | do..... | 48,123.33 |
| Do..... | Town of Tome..... | do..... | 121,594.53 |
| Do..... | Town of Belen..... | do..... | 194,663.75 |
| Do..... | Town of Chilita..... | do..... | 41,481.00 |
| Preston Beck..... | San Juan Baustita del Ojito del Rio de las Gallinas..... | June 21, 1860 | 315,699.72 |
| Inhabitants of town..... | Town of Las Vegas..... | do..... | 496,446.96 |
| Manuel Rivera and 36 men..... | Anton Chico..... | do..... | 378,537.50 |
| Elisha Whittlesey et al..... | Ortiz Mine..... | Mar. 1, 1861 | 69,458.33 |
| E. W. Eaton..... | Rancho San Cristoval..... | June 21, 1860 | 81,632.67 |
| Legal representatives of F. Trazilla et al..... | Las Trigos..... | do..... | 9,646.56 |
| Luis M. Baca..... | Five locations..... | do..... | 496,446.96 |
| John Lany, bishop of New Mexico, in trust..... | Nuestra Señor de la Luz..... | do..... | 16,546.85 |
| José S. Ramirez..... | San Pedro..... | do..... | 35,911.63 |
| José Serafin Ramirez..... | Cañon del Agua..... | June 12, 1866 | 3,501.21 |
| Inhabitants of town..... | Town of Mora..... | June 21, 1860 | 827,621.01 |
| José L. Perea..... | Perea..... | do..... | 17,712.00 |
| Antonio Sandoval..... | Bbsque del Apache..... | do..... | 60,117.39 |
| Pablo Montoya..... | Pablo Montoya grant..... | Mar. 3, 1869 | 655,468.07 |
| Pedro Armendaris, heirs of..... | Valverde and Fray Cristoval..... | June 21, 1860 | 352,594.51 |
| Do..... | Tract opposite Valverde..... | do..... | 95,030.67 |
| Gervacio Nolan, heirs of..... | Nolan grant..... | July 1, 1870 | 48,778.25 |
| Cornelio Vigil and Ceran St. Vrain..... | Los Animas..... | June 21, 1860 | 97,650.96 |
| Chas. Beaubien and Guadalupe Mirandae..... | Maxwell grant..... | do..... | 1,714,764.94 |
| Charles Beaubien..... | Sangre de Cristo..... | June 21, 1860 | 998,780.46 |
| Legal representative of Juan Estevan Sino et al..... | Alexander Valle grant..... | do..... | 574.34 |
| José M. Garcia et al..... | Cañon de San Diego..... | do..... | 116,286.99 |
| Juan de Arguello et al..... | Los Traniapas..... | do..... | 46,461.22 |
| Legal representatives of S. Martin..... | Sebastian Martin grant..... | do..... | 51,387.80 |
| Heirs and legal representatives of A. Ortiz..... | Antonio Ortiz grant..... | Mar. 3, 1869 | 163,921.68 |
| L. M. C. de Boca..... | Ojo del Espiritu Santo..... | do..... | 113,141.15 |
| Francisco Martinez..... | Tierra Amarilla..... | June 21, 1860 | 594,515.55 |
| Pueblo of Santa Aña..... | Indian pueblo of Santa Ana..... | Feb. 9, 1869 | 17,360.56 |
| John Scolly et al..... | Scolly grant..... | June 21, 1860 | 108,507.64 |
| Inhabitants of town..... | Town of Cravoletta..... | Mar. 3, 1869 | 199,567.92 |
| Indians of the pueblo..... | Pueblo of Acoma..... | Dec. 22, 1858 | 95,791.66 |
| Do..... | Pueblo of Laguna..... | June 21, 1860 | 101,510.78 |
| José Maria Perea et al..... | Town of Casa Colorado..... | Dec. 22, 1853 | 131,779.87 |
| M. G. Chaves et al..... | Town of Tajique..... | June 1, 1860 | 7,185.55 |
| A. Armenta and S. Sandoval..... | Town of San Ysidro..... | do..... | 11,476.68 |
| J. M. Trujillo et al..... | Town of Manzano..... | do..... | 17,360.97 |
| A. Trujillo..... | Town of Chamita..... | do..... | 1,636.29 |
| Inhabitants of town..... | Town of Tejon..... | do..... | 12,801.46 |
| R. Torres et al..... | Town of Torreon..... | do..... | 14,146.11 |
| A. Sandoval..... | Aqua Negra..... | do..... | 17,361.11 |
| Representatives of P. Sanchez..... | Ramon Vigil grant..... | do..... | 31,802.92 |
| P. V. de Santillano et al..... | Los Luceros..... | Mar. 3, 1869 | 126,024.50 |
| V. Duran y Armijo..... | Gaspar Ortiz grant..... | June 21, 1860 | 57.18 |
| J. A. Garcia..... | Brazito..... | do..... | 10,612.57 |
| D. Romoro et al..... | Mesita de Juana Lopez..... | Jan. 28, 1879 | 42,022.85 |
| Benjamin E. Edwards..... | | June 6, 1878 | 626.79 |
| Grand total..... | | | 9,668,468.13 |

List of private land claims in New Mexico, Colorado, and Arizona pending in Congress.

| Name of claimant. | Name of grant. | Area, ascertained and estimated. |
|------------------------------|-------------------------------------|----------------------------------|
| NEW MEXICO. | | |
| Indians of Pueblo..... | Pueblo of Laguna..... | Acres. 129,225.18 |
| Do..... | Pueblo Zia Santa Aña and Jemez..... | 382,849.00 |
| Do..... | Pueblo Zuñi..... | 17,581.25 |
| José Sutton..... | Ojo del Afil..... | 69,445.65 |
| Heirs of Gervacio Nolan..... | Nolan grant..... | 578,968.71 |
| E. M. Montoya..... | Montoya grant..... | 151,056.97 |
| A. Sedillo..... | Cañada de los Apaches..... | 88,079.78 |
| N. A. Montoya..... | N. A. Montoya grant..... | 3,546.06 |
| Roque Lovato..... | Roque Lovato..... | 1,619.86 |

List of private land claims—Continued.

| Name of claimant. | Name of grant. | Area ascertained and estimated. |
|--|--|---------------------------------|
| NEW MEXICO—continued. | | |
| Lorenzo Marquez | Cañada de los Alamos | 13,706.02 |
| B. de Sena et al. | Cuyamunque | 4,000.00 |
| J. B. Valdez | Encinas | 6,583.29 |
| J. D. Peña et al. | Gotera | 594.44 |
| J. F. Baca y Terrus et al. | J. F. Baca y Terrus | 1,589.87 |
| J. Mirabel et al. | Rio Grande | 109,043.80 |
| J. M. de la Peña et al. | Serillos | 2,287.41 |
| Y. Chavez et al. | Town of Galisteo | 9,000.00 |
| J. C. Santistevan | Cebolla | 17,159.57 |
| J. Sanchez et al. | Town of Cieneguilla | 43,961.54 |
| N. Ortiz | Caja del Rio | 62,343.01 |
| J. de Gabaldon | Cajon del Rio de Tesuque | 11,619.56 |
| J. de Luna et al. | San Joaquin del Nacimiento | 131,725.87 |
| A. De Sandoval y Manzanares | San Clemente | 89,403.40 |
| Luis Gold | Grant to Luis de Armenta | 444.24 |
| Juan Salas et al. | Alamitos | 436.41 |
| Gervacio Nolan | Grant to A. Sandoval | 415,036.56 |
| F. Salazar et al. | Cañon de Chama | 472,736.95 |
| V. Trajillo and J. L. Taylor | Ojo del Apache | 45,000.00 |
| P. Martin or P. Martin Terrans | Piedra Lumbre | 48,336.12 |
| A. Bustamanta and J. J. Martin | Grant to Marquez & Padilla | 637.23 |
| J. L. Ortiz | Sierra Mosca | 33,250.39 |
| R. Archuleta et al. | Town of San Antonio del Rio Colorado | 18,955.22 |
| Luis Duran et al. | Town of Ojo Caliente | 38,590.20 |
| B. Fernandez | San Miguel Springs tract | 25,176.39 |
| A. Chavez et al. | Arroyo San Lorenzo | 130,138.98 |
| Juan de Mestus | Juan de Mestas | 1,686.47 |
| A. R. de Agullar | Cuyamunque Pueblo | 17,754.72 |
| Salvador Gonzales | Cañada Ancha | 103,959.31 |
| F. Guiterres | Town of Bernalillo | 11,674.37 |
| J. J. Gallegos | Angostura | 2,319.04 |
| J. M. Costates et al. | Dofia Aña Bend Colony | 19,323.57 |
| Mesilla Colony | Mesilla Colony | 33,900.33 |
| Legal representatives G. Ortiz y Pais | | 14,000.00 |
| Inhabitants of city | City of Santa Fé | 17,361.11 |
| Manuel Trujillo | Taylora tract | 1,003.55 |
| Refugio Colony | Refugio Colony | 26,130.19 |
| F. Montes Vigil, for | Town of Alameda | 108,274.87 |
| I. de Rowal et al, for | Town of Jacona | 46,341.48 |
| A. E. Armenta, for | Town of Cañon del Rio Colorado | 42,939.21 |
| S. Vernel and T. Lopez | Una de Gato | 475,000.00 |
| S. Gabaldon et al. | Town of Cevilleta, or Joya | 224,770.13 |
| Ignacio Chaves | Grant to Ignacio Chaves | 243,036.43 |
| M. Joaquin | Grant to M. Joaquin et al. | 3,632.94 |
| B. de M. y Pacheco et al. | Cañada de los Alamos | 148,862.94 |
| F. Tafoya et al. | Felipe Tafoya | 22,578.12 |
| M. Montoya and S. Montoya | M. and S. Montoya | 3,253.09 |
| A. Baca | Muestra Señores de la Laz de las Lagunitas | 43,653.03 |
| A. Urban | San Marcos Pueblo | 1,890.62 |
| Luis Jaramilla | Agua Salada | 18,046.59 |
| B. Baca & Sons | B. Baca & Sons | 12,207.41 |
| J. J. Martinez et al. | Petaca | 186,977.11 |
| J. Otero | Ojo de la Cabra | 4,340.26 |
| Inhabitants of town | Town of Socorro | 843,259.59 |
| J. R. Zamora et al. | Vallealto | 114,400.54 |
| F. A. Gijosa | Rancho de Taos | 1,557.83 |
| F. Garcia | Santa Teresa | 9,681.29 |
| J. Trujillo | Mesilla and Arroyo Seco | 5,999.69 |
| J. B. Valdez | Cañon Pedernales | 256,000.00 |
| V. Martin et al. | Santa Barbara | 18,489.23 |
| F. de Onaga Almazgar | Cieneguilla | 45,244.73 |
| A. Martinez | Antonio Martinez | 67,480.20 |
| Representatives of Juan de Jesus | Orejos del Llano de las Aguas tract | 48,825.48 |
| N. A. Montoyo | Ojo de Boerego | 60,214.13 |
| L. Marquez | San Miguel del Bado | 315,300.80 |
| José Dominguez | José Dominguez | (*) |
| J. A. Garcia de Nonega | Rancho de San Diego | 9,572.57 |
| F. Sandoval | Rancho de Galvan | 17,015.00 |
| J. M. Vigil | Town of Peña Blanca | 585.66 |
| Representatives of Bartolome Baca | Bartolome Baca grant | 1,250,000.00 |
| Benjamin E. Edwards | Las Truchas | 626.79 |
| Francisco Montes Vigil | J. M. S. Baca grant | 10,314.65 |
| José Manuel Sanchez Baca | Town of Albuquerque | 3,601.19 |
| Ambrosio Armijo et al. | Polvadera | 17,361.06 |
| Juan Pablo Martin | Rio Arriba | 35,924.18 |
| Antonio de Salazar | Rito de Los Frijoles | 23,351.12 |
| Antonio Rosa Lujan | San Mateo Spring grant | 23,022.28 |
| Representatives of Santiago Duran y Chaves | | 3,547.46 |
| Antonio Lucero | Cañada de Cochiti grant | 104,554.24 |
| Harvey E. Easterday | Santiago Rameriz grant | 6,165.90 |
| Representatives of Sebastian de Vargas | Sebastian de Vargas grant | 24,000.00 |
| Indians of the pueblo of Santa Clara | Cañada de Santa Clara | 90,000.00 |
| Mariano Barcala et al. | Santa Tomas de Yturbide colony | 8,877.36 |
| J. M. C. Chavez et al. | Town of Abiquin | 10,980.00 |
| Domingo Valdez, heirs of | Domingo Valdez grant | (*) |
| Indians of the Pueblos | Pueblos of Santo Domingo and San Felipe | 1,145.00 |
| Manuel Alvarez | Ocate | (*) |
| Andres Aragon et al. | Las Huertas | (*) |
| Inhabitants of the town | Town of Atrisco | 70,000.00 |
| Diego Padilla | Las Padillas or El Tajo | 24,889.92 |
| José Antonio Lucero | J. A. Lucero grant | 8.82 |
| M. Bustos | Plaza Blanco | 14,000.00 |
| Rosalía Baldez et al. | Plaza Colorado | 18,240.00 |

* Can not be estimated.

List of private land claims—Continued.

| Name of claimant. | Name of grant. | Area ascertained and estimated. |
|--|--|---------------------------------|
| NEW MEXICO—continued. | | |
| Juan Ignacio Tafoya | Cañon de Carnué | (*) |
| Joaquin Garcia | El Rito | 51,840.00 |
| P. A. Gallegos | Guadalupita | 115,200.00 |
| Pedro Gallego and Juan Miguel Maes, representatives of | Cieniguillas | 1,400.00 |
| Total acres in New Mexico | | 8,704,785.43 |
| ARIZONA. | | |
| Camon Brothers | Rancho San Rafael del Valle | 17,360.76 |
| E. B. Perrin et al. | Rancho San Ignacio del Babacomori | 34,722.02 |
| F. Maish et al. | Rancho San Ignacio de la Canoa | 17,208.33 |
| Colorado Commercial and Land Company | Rancho El Paso de los Algodones | 22,193.40 |
| C. P. Sykes et al. | Rancho Tumacacori and Calabazas | 52,007.95 |
| Matias Alsua | Rancho San José de Sa-noita | 7,598.07 |
| Ramon Romero et al. | Rancho San Rafael de la Zanja | 17,361.10 |
| Charles D. Poston | Aribae | 8,680.52 |
| Janet G. Howard et al. | Rancho San Juan de las Boguillas y Nogales | 17,355.86 |
| Camon Hermanos | Rancho los Nogales de Elias | 10,638.68 |
| Otero et al. | Rancho de Otero and house lot | 185.70 |
| Sopori Land and Mining Company | El Sopori | 160,000.00 |
| Representatives of José Maria Martinez | Rancho de Martinez | 74.17 |
| Frederick Maish et al. | Maria Santisima del Carmín, or Buena Vista | 5,000.16 |
| George Hill Howard | Tres Alamos | 44,386.80 |
| Total acres in Arizona | | 414,833.52 |
| COLORADO. | | |
| A. M. Gomez et al. | Medano Springs and Zapato grant | 229,814.53 |

* Can not be estimated.

Mr. SMITH, of Arizona. Mr. Chairman, the Committee on Private Land Claims, in formulating the bill now under consideration, did not, I think, properly draw the distinction between the conditions existing in these several Territories. The Territory of Arizona, for instance, does not need this bill, and if it should unfortunately pass it will only prove another engine of oppression to those brave men who have borne all of hardships that man can bear, who have labored in and out of season in an honest effort to establish homes for themselves in a land which only a few short years ago was known as the great American desert, but which under their labor now blooms with such beauty as to attract the cupidity of the land sharks, and bring down upon them and their titles the cloud of a Mexican land grant.

Out of the fifteen land grants in the Territory of Arizona I doubt whether two are valid. Since the men whom I have described have gone into that unknown land, braving the dangers of the country and bearing with manly fortitude the sufferings incident to frontier life in order to establish for themselves homes, these claims have been dug up from the dusty dust of ages, and are now held by land speculators in New York, San Francisco, and other large cities, not one of whom, with but a single exception, has ever for one day made Arizona his home, or who has added in any way to her growth or prosperity.

The present bill may very justly apply to New Mexico and Colorado with reference to the conditions existing there; the bill may be exactly right. It is well enough for the Delegate from New Mexico, and my friend, the distinguished gentleman from Colorado [Mr. SYMES], to say that this measure suits their people. Then let them have it. We urge no objection.

The gentleman from Kentucky [Mr. McCREARY] says:

A voice has come up declaring the bill is wanted by those sections of the country.

But a very different voice comes to you from the Territory which I have the honor to represent, as I will show you later on. In Arizona wherever land subject to irrigation is found a Mexican land grant has been dug up or created and spread out over it. For instance, there is one modest little claim of 4,800,000 acres held by a certain Reavis, who bears gracefully the modest title of the Baron of the Colorados. This same Reavis and satellites are now in Washington working before this Congress and working in every way for the confirmation of this enormous, this monstrous fraud.

That Peralto grant has been "put where it would do the most good" to claimant.

It embraces the Salt and Gila Rivers and has within its boundaries the city of Phenix, the town of Florence, and Globe City, and many

other smaller settlements. Within it lie the majority of the farms in that great Territory. If this bill passes the claimant will file his petition, have process served on the occupants of these lands, which are probably already largely mortgaged, and force them at once into an expensive lawsuit, or else force them to give up their homes rather than undertake to hold possession at an expense equal if not superior to the actual value of the land. Such will be the immediate effect of the present measure.

At the appropriate time I shall move that Arizona be excluded from the operation of this bill, for such is the almost unanimous voice of my people, as expressed in letters, telegrams, and by resolutions of mass-meetings, and because my judgment sanctions this course. These people rightly urge that they have already suffered enough, and they ask, in the name of justice, that this great outrage be spared them.

The claim to which I have referred, resurrected from a period as remote as 1748, affects what is now a principality worth \$50,000,000 even in its undeveloped state. Under this bill the man who claims title proposes to serve summons on each occupant of that body of land almost as large in extent as the State of Massachusetts. Under this condition the settler must give all he has either to the lawyer or the land-shark, and, whether successful or not, ruin meets him at the very threshold. That will be the effect so far as Arizona is concerned. In New Mexico the conditions, I learn, are somewhat different.

Mr. PAYSON. How is there any difference as to the proof of the validity of the claims?

Mr. SMITH, of Arizona. There is a difference in the character of the claims—not in the manner of proof. The difference is this: Arizona has not been settled as long as New Mexico. Great numbers of people living in New Mexico are settled on small holdings. The Mexicans, and their fathers before them, have lived there for years. There ought to be some easy and speedy and costless mode devised for settling the title to these small holdings of less than 160 acres. The condition of this class appeals to Congress, and should receive its attention; and I understand that the Delegate from New Mexico favors this bill largely on account of the relief to them which he sees in it.

But in Arizona there are none of these old and small holdings. The claims set up there are to large bodies of land on which are large and prosperous settlements of industrious people, holding patent from the United States. What might prove a great benefit to the small landholder in New Mexico might prove a calamity to the small holder in Arizona. My protest comes from my desire and my purpose to see that the many farmers owning 160 acres shall not be blackmailed and robbed under the forms of law, in order that the hereditary owner of like tracts of land in New Mexico may secure title to his farm.

I fear the easy mode for New Mexico's small claimant may prove an equally easy mode for the land-thief in Arizona.

Mr. HOUK. How can fraud be practiced before the court which this bill proposes to establish?

Mr. SMITH, of Arizona. Easily enough. Parties go to Spain or Mexico and buy a title that never did exist. They will come with it properly certified for admission as evidence in court. They come with a duly certified copy of originals not found in the archives of Spain or Mexico. What chance, when the trial is on hand, has the poor settler to disprove these muniments of title.

Mr. HOUK. Does the gentleman think President Cleveland would appoint a court that would permit such frauds as that to pass?

Mr. SMITH, of Arizona. The fault does not lie with the judge on the bench. He is bound to administer justice according to evidence. The evidence being admissible and not disproved, the court must find in favor of the lie. I have no fear of any judge that the President may appoint. The man I fear is the land shark, who will by forgery and perjury impose on the court, and do it so well as to deceive even the elect.

Mr. HOUK. It struck me that this bill was so framed that probably it would stop the land thief.

Mr. SMITH, of Arizona. If I entertained such hope I would cheerfully give my cordial support to the measure. I do not entertain the hope that this bill will have that effect. The presence of Reavis here lobbying for its passage is evidence alone sufficient to determine my opposition. What he wants I do not want. He wants all Arizona. He shall not have it. If an equally fraudulent claim had not kept the baron off the San Pedro River we would find his lines running from the Lower San Pedro to the line of New Mexico. But in effect it makes very little difference whether the baron should claim the San Pedro, under his alleged grant, or whether equal frauds should claim it as they now do under the Tres Alamos title.

Do you wonder that my people view with just alarm any measure which may even tend to aid the land-grabber in his unholy work? Their conspiracies are so secret, their money so inexhaustible, their conscience so flexible, their purpose so settled, their ingenuity so cunning, and their design so damnable that as long as I am honored with a place on this floor I will never cease to denounce their conduct or oppose their schemes. [Applause.] I know that certain parties who have been trying to get title to this Peralto grant through the Department of the Interior—and luckily for us have failed—are now endeavoring to secure the passage of this bill.

For what purpose? Do they find it easier to impose on courts than on a Department unhampered by technical rules of evidence? Through the agency of our honored, able, honest, and incorruptible surveyor-general we have been enabled to block this piratical game, where men's homes were the stakes for which it was being played.

The Commissioner of the General Land Office has likewise been wide awake to the necessity of preserving these lands from spoliation. Brought at last to bay at every turn in the Department, they now seek the erection of a court in which to practice their fraud.

It would have been better for the people, more just to claimants of valid titles, and far more advantageous to the Government in the resulting prosperity of these Territories, if every acre of land claimed under Spanish or Mexican titles could have been at once appropriated to the public domain, and the claimants, in lieu of land occupied by those settlers who had redeemed the wilderness by their industry, be allowed an indemnity commensurate with the value of the land claimed at the date of the treaty. This course then would have insured tranquillity to titles and promoted the development of the Territories on the basis of modern civilization. The gentleman from Tennessee [Mr. HOUK], perhaps, does not understand how Mexican land-grant titles can be manufactured. Money enough can always buy Mexican title to American land.

Any man with \$5,000 can take a trip into Mexico and bring back a title to any part of the public domain, and that same title will appear as nice on its face as anything you ever saw.

I instance in this very connection the Sopori land grant in Arizona, a bill for confirmation of which has been at this session introduced in the Senate. Also, the El Paso de los Agodones grant, in the same Territory, for the forfeiture of which I have introduced in this House the proper bill. There are others, also, in point, that for time I forbear now to mention.

Mr. MCCREARY. If frauds such as the gentleman mentions are attempted, how can we better settle these private land claims than by the establishment of a court or commission?

Mr. SMITH, of Arizona. I can show you very readily. Pass the bill which I have introduced on this very question of settling these land claims. I propose to introduce that bill as an amendment to this when I submit my proposed motion to exclude Arizona from the operation of this land court. I shall then propose my bill as a substitute for Arizona, and that my idea on this important question may be made known to the House I now send to the desk and ask the Clerk to read. The Clerk will wait till I catch the gentleman's question.

Mr. MCCREARY. Let me ask the gentleman, if he proposes to strike out Arizona, why he proposes an amendment with reference to New Mexico and Colorado?

Mr. SMITH, of Arizona. The amendment does not affect New Mexico or Colorado. I introduce it because I want it to apply to Arizona. I do not propose by it to interfere with any measure desired by the distinguished gentlemen from that State and Territory.

Mr. MCCREARY. Are you not willing that Arizona shall take your own amendment?

Mr. SMITH, of Arizona. If the gentleman will wait a few moments he will see the reason on which I base the distinction.

Mr. MCCREARY. But if the amendment is good enough for New Mexico it ought to be good enough for Arizona.

Mr. SMITH, of Arizona. It may be good enough for New Mexico if she wants it. I do not represent New Mexico, and, as I said before, my amendment applies only to Arizona. I can probably best discover to the House my position on this question by again asking the Clerk to read what I have just sent to the desk.

Mr. MCCREARY. It is, of course, Mr. Chairman, understood that I reserve any point of order which may be made against this amendment.

The CHAIRMAN. The Chair understands that it is only read for information at this time as a part of the gentleman's remarks.

The Clerk read as follows:

It is proposed to strike out "Arizona" wherever it occurs, and at the end of the bill add as follows:

"Private land claims in Arizona shall be settled in the following manner:

"That it is hereby declared that in assuming the obligations of Mexico to her citizens within the Territory of Arizona ceded to the United States, it was the intention of the United States, as expressed in the treaties of cession, and as required by the comity of nations, to assume such obligations, and none other, as were incumbent on the Mexican Government at the dates respectively mentioned in the treaties of cession; and it shall not be competent for any officer or tribunal of the United States to presume by inference, conjecture, or construction, in any case, an intention of Congress, by any statute passed in pursuance of treaty stipulations or acts of Congress thereunder, to make a grant *de novo* to any claimant in Arizona under a Spanish or Mexican grant, or to grant or confirm to any such claimant anything not individually possessed under Spanish or Mexican laws, or to confirm any claim for a quantity of land greater in any case than the quantity authorized to be granted and actually granted in that case under the laws of Spain or Mexico; nor shall any grant be respected or recognized which had not been located, and duly recorded in the archives of Mexico, and reduced to actual possession as private property at the date fixed by the respective treaties of cession for the recognition and acknowledgment of legitimate titles, nor shall mineral lands, nor lands occupied or reserved for public purposes or national defense, nor lands in the occupation of native Mexican or Indian inhabitants at the date of grant be held or deemed to have been included in any grant or concession by the Spanish or Mexican Governments, or to be embraced within the general terms of any confirmation by

the United States, in the absence of an express grant and confirmation of such particular lands; nor shall grants or concessions conferring a common right of occupation only be held or deemed to be a conveyance of the fee-simple title, or as vesting any individual right in or to such common lands.

"Sec. 2. That no claim under any alleged Spanish or Mexican land grant within the Territory of Arizona ceded by Mexico to the United States shall be entertained or recognized by any surveyor-general or other officer of the United States before the original evidences of grant, or duly certified copies thereof from the original records of the Government under which the grant is claimed, shall have been filed in the office of the surveyor-general, and the authenticity thereof satisfactorily established; nor shall any segregation survey be made or reservation created or hereafter maintained on account of any Spanish or Mexican private land claim until Congress shall have confirmed the same as a legitimate title under the laws of Mexico as the same existed at the date fixed by treaty of cession for the recognition of legitimate titles; nor shall any survey be made or reservation created or maintained, or patent issued for a greater quantity of land on account of any confirmed private land claim than the quantity expressly mentioned in the act of confirmation, nor, in case of confirmations heretofore made without express mention of quantity, shall any claim be surveyed or patented or lands reserved therefor for a greater quantity of land than the quantity lawfully granted and claimed and actually possessed as private property at the date of the treaty of cession; and all private land claims within the Territories mentioned exceeding in the area claimed the quantity of land which citizens of the United States are authorized to acquire under the homestead and pre-emption laws, and which have not heretofore been lawfully presented and *prima facie* established, and which shall not be presented to the surveyor-general authorized to receive the same within one year from the date of this act, with authentic evidences of grant and proofs of actual property possession at the date of the treaty of cession, shall be deemed definitively abandoned, and the same shall thereafter be forever barred.

"Sec. 3. That it shall be the duty of surveyors-general charged under existing laws with the investigation of private land claims to forthwith proceed, under the direction of the President of the United States, to make a thorough examination and investigation of all unconfirmed and unpatented claims which have heretofore been presented, or which hereafter may be presented as provided in this act; and the proper and necessary expenses of such examination and investigation shall be paid on the order of the President from any moneys in the Treasury not otherwise appropriated.

"Sec. 4. That the surveyor-general shall render a decision on each claim finally examined by him or above provided, and if his decision be in favor of the United States an appeal therefrom shall lie to the Commissioner of the General Land Office, and from the Commissioner of the General Land Office to the Secretary of the Interior; and final decisions of the Executive Department adverse to claimants shall be conclusive. If the decision of the surveyor-general be in favor of the claimant, the same shall be subject to review by the Commissioner of the General Land Office and the Secretary of the Interior, and all claims approved by the Secretary of the Interior upon such examination, investigation, and review shall be reported to Congress for its action with a view to the confirmation of just and bona fide claims as provided by treaty stipulation.

"Sec. 5. That all claims now pending before Congress upon reports of the surveyor-general recommending their rejection, where such recommendations have been concurred in by the Commissioner of the General Land Office or the Secretary of the Interior, or not non-concurred in by either of said officers, be, and the same are hereby, finally rejected, and the lands embraced therein or heretofore reserved on account of such claims shall be open to homestead entry by actual inhabitants thereon from and after the passage of this act; and all other claims now pending before Congress are hereby remanded to the Secretary of the Interior for investigation and action as provided in this act.

"Sec. 6. That final reports upon all claims investigated and approved as provided in this act shall be made to Congress on or before the 1st day of January, 1890.

"Sec. 7. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed."

Mr. SMITH, of Arizona. Now, Mr. Chairman, the object of that amendment is plainly seen by those gentlemen who have heard it read from the desk.

It not only aims at an early settlement of these claims, but designs to forever put a stop to a custom which very strangely grew in the land office several years ago, to which I direct your attention. The Department at the time referred to recommended to the Committee on Appropriations that necessity existed for an appropriation of money for survey of unconfirmed land grants. The appropriation was first made by Congress in response to that request, and worked great hardship, as will soon appear.

Under the act of 1854, there was no intention that surveys should be made of unconfirmed land grants.

That act requires first a confirmation of the grant by Congress, and the survey followed Congressional approval of the grant. Under this appropriation evil immediately sprang up and grew vigorously, for when the appropriation was exhausted the claimants to these large tracts would advance to the surveyors-general the requisite amount of money and have an official survey made and hold a claim on the Government for the amount advanced.

Now for the effect of this. Whenever a survey takes place under the act of 1854 the land by that very act becomes segregated from the public domain and can not be sold or settled upon, and it remains thus until Congress either confirms or rejects the grant. By obtaining such surveys and thus segregating much of the land from the public domain the land-grant claimants have placed New Mexico in the condition from which she very justly demands speedy relief. No one will settle on the land, because it is withdrawn from entry or settlement. The land thus withdrawn lies idle with no settlers upon it. In Arizona the case is very different.

Thanks to the new administration of affairs, no appropriation has been or will be asked for survey of unconfirmed land claims, and if asked I am sure will be recommended by committee or passed by the House.

In my Territory the people are upon the lands and no segregation survey has been made. They are not afraid of these frauds as long as Congress and an honest surveyor-general and an efficient, conscientious Commissioner have control of the situation. Why change this settlement to the judicial arm of the Government, which, from its very nature, is un-

able to unearth the fraud in all its dark and loathsome ramifications? This bill instead of relieving my people from embarrassment will only tend, if passed, to cast a cloud upon their titles and involve them in new and unnecessary difficulty. The filing of a suit becomes a *lis pendens* and at once puts a brake on the wheels of our rapidly advancing development.

It is apparent that the necessity which prompts New Mexico and Colorado to ask for the passage of this bill does not exist in Arizona, has no tendency to improve the condition of affairs there, and instead of remedying the existing evil only throws new difficulties in the way of the people whose courage and endurance have made it possible for the land thief to invade the soil. My people, Mr. Chairman, are on the lands now. They have lived upon them for years, and to the improvement of their homes have given long and wearily the burden and sweat of honest toil. They are confident of their title. No one is alarmed under present conditions except the speculator, as is shown by one of several resolutions adopted by mass meetings of citizens living on some of these alleged grants, which resolution I have temporarily mislaid, but will have it in a few moments, and which will show that we are not afraid of the crucial test to which Congress can submit these alleged claims, and which, in the very nature of things, courts can not properly investigate.

My people do fear bought testimony, perjured evidence, and forged title papers, and hence oppose this bill and favor my proposed amendment. Observe, if you please, the condition in which the present bill will place the settler. They will stand, at the summons of the land grabber, naked and helpless before the court. They have been afforded no opportunity to know on what the plaintiff relies to sustain his title. They have had no means of ascertaining the genuineness of the papers introduced in evidence. The Government has offered no facilities by which its own patent can be maintained against a fraud perpetrated under the solemn provisions of a national treaty. The Government has shirked in this particular a plain duty, as I may yet show before the final vote on this measure.

Another suggestion here presents itself. The official who under this bill may be appointed to hear the evidence in these cases will be a stranger among the people unless there should be a radical change of precedent. He must hear the evidence as presented and decide the law as it is. He can know nothing of the character of the witnesses, and \$50,000,000 at stake will enlighten many a dormant memory in Arizona anywhere else.

I am alarmed, and I think justly, at the probable consequences flowing or to flow from such conditions. I have not the time to amplify the idea here merely suggested, and must pass on.

The bill introduced by me some time ago may not solve wholly the difficult problem now confronting us, but I am free to say reaches a great distance in that direction, and with a proper amendment of the act of 1854 I have no doubt that our trouble may soon be solved and absolute justice done both to the claimant and the settler.

Mr. Chairman, I confess an abiding interest in and a deep sympathy for that man who, under adverse fortune, braves the hardship and danger of frontier life and manfully labors to better the condition of himself and those relying on him for subsistence. Such should receive what protection Government under our system can give. The more fortunate are generally quite able to take care of themselves.

As illustrating fully the reasons actuating Arizona's opposition to this bill, I pass to the desk and ask the Clerk to read the resolutions adopted by a mass meeting assembled on this same Peralto grant.

The Clerk read as follows:

Resolutions unanimously passed by the citizens of Salt River Valley in mass meeting assembled.

Whereas there has been introduced into the Senate and House of Representatives bills to create a commission for the settlement of the Spanish grants in Arizona, New Mexico, and Colorado; and

Whereas the intent of these bills is to transfer the adjudication of such claims from the political to the judicial arm of the Government; and

Whereas we regard the introduction of these bills as an attempt to create a commission similar to that which in early days opened wide the doors for fraud and rascality in the settlement of Spanish grants in California; and

Whereas the prosperity of Arizona is bound up in the honest settlement of the land grants situated therein, almost all of which are fraudulent and which cover in the aggregate about ten millions of acres of the best and most productive lands on the continent on which are erected millions of dollars of improvement; Therefore,

Resolved by the citizens of the Salt River Valley, Arizona, in mass meeting assembled, That the passage by Congress of either of the bills now pending before it is a menace to their prosperity inasmuch as it opens the door for litigation which a generation will not see settled; that we have bought our lands from the Government, entered upon and improved the same in the knowledge and belief that the political and not the judicial arm of the Government had the power to adjudicate the rights of claimants under Spanish or Mexican land grants, and that any attempt to transfer such power to a commission would be unjust, and impolitic; that claimants under Spanish land grants have all the protection required in presenting their claims to the Land Department, and in the final confirmation by Congress if their grants are valid; and that we, a people directly interested to the extent of our homes and possessions, are willing to trust to the honesty, fairness, and justice of representatives of the nation to deal equitably as between settler and claimant in the settlement of land titles in this Territory, and that as citizens of the United States without a direct voice in its government, we earnestly protest against the passage of any act changing any manner the law as it exists at present.

Resolved, That a copy of these resolutions be telegraphed by the chairman of this meeting to the Speaker of the House of Representatives and the President of the Senate of the United States to be laid before their respective bodies, as

the expression of the wishes and desires of the people of Maricopa County, whose every material interest is bound up in the proper solution of this land question.

The chairman then addressed a few remarks to the meeting, wherein he showed that some of the alleged land claims were now completely dead, but that the claimants were attempting to revive them by having this court of claims established.

Maj. J. W. Evans moved the adoption of the resolutions, which motion was seconded. The resolutions were then discussed by Mr. L. Fowler, H. H. Logan, Dr. L. H. Goodrich, W. J. Murphy, and others, and the resolutions were then unanimously adopted as read.

Mr. Farish offered the following resolution, which was unanimously adopted: Resolved, That the chairman and secretary of this meeting send a copy of the resolutions adopted to our Delegate in Congress, MARCUS A. SMITH, and request him to use his influence to defeat any and all bills creating a land commission for the settlement of land grants.

Mr. BLAND. I desire to ask the gentleman from Arizona whether any suits have been brought in the United States courts with regard to these grants?

Mr. SMITH, of Arizona. None that I know of where the title was directly at issue. In one or two cases the question has come incidentally before the court and decision had thereon as to boundary and extent of certain grants.

Mr. BLAND. Is there anything to prevent these suits going to the courts?

Mr. SMITH, of Arizona. I thank the honorable gentleman from Missouri for the suggestion apparent in his question.

I do not know whether, under a strict construction of the act of 1854, it would be permissible or not. If not, and a court is to be insisted on, why not amend the act of 1854 so that our local courts can assume jurisdiction rather than to impose new and expensive courts on us? I would much prefer this to the mode prescribed by the bill under discussion. But the advocates of this bill claim that our local courts are already overcrowded with business. Congress seems to entertain a different opinion, for only a short time ago a bill introduced by me, asking the creation of a new judicial district in Arizona, was adversely reported to the House by the Committee on the Judiciary on the ground that our courts were not crowded with business. At all events, it would be much cheaper to create new districts and have these causes tried in a court and before a judge acquainted alike with the people and with the arts and devices of the land sharks.

There are only fifteen claims in Arizona as far as heard from, and three or four of these are confessedly fraudulent and have been abandoned by the claimants.

A MEMBER. How many are there behind yet?

Mr. SMITH, of Arizona. No one can tell that. But the amendment to be proposed by me will make these silent ones speak out or forever hold their peace, and that, too, very quickly.

In conclusion, Mr. Chairman, I have only this to say: A speedy, fair, and just way should be provided for the settlement of these grants. I do not think the present bill comprehends the emergency. Even as things now are a valid title can be easily confirmed; but the trouble is, the claimants can now hold back as long as they please, and like the dog in the manger, unable to eat the hay, insist on preventing those who like it from indulging. Congress is honest enough and fair enough to confirm a valid title. Then why do the claimants hesitate to seek speedy redress? The answer suggests itself to every member on this floor. If they have a title clean, straight, and honest, a title free from fraud, perjury, and forgery, a title recognized by the spirit animating the treaty, no difficulty stands in the way. Otherwise the crucial test of a committee's liberal examination will give great trouble.

As I before remarked, a court, from its very nature, is unable to cope with the far-reaching fraud on which many of these titles are erected. It is the duty of Congress, at the expense of the Government, to thoroughly examine these titles, and confirm the good and reject the spurious. Congress owes it to the people, and this long-neglected duty should be carefully yet speedily executed. The proper course, I trust, suggested itself to experienced legislators. Whether that course will be taken and that duty performed remains to be seen.

At all events, the present bill will force a trial where the money is all on one side and the scattered poor and helpless people on the other. I most sincerely hope that Arizona will be excluded from the operation of this bill, and in the name of those people I here enter their solemn protest against it in its unamended form.

Mr. SYMES. If members of this House who have not had an opportunity to become familiar with the provisions of this bill had any doubt about the propriety of its passage, I guaranty that doubt has been removed by the speech of the gentleman from Arizona. He has assisted me in picturing so well and so clearly the reasons why this bill ought to become a law that it will not be necessary to occupy so much time as I had intended.

No one who has lived in the West will dispute the statement of the gentleman from Arizona, that there are fraudulent land-grant claims made for large tracts of land in Arizona, New Mexico, and Colorado; that those claims are made under the treaty of Guadalupe Hidalgo and the Gadsden treaty; that within the boundaries of these large land-grant claims there are settlements where the people have occupied tracts of land in many instances for over forty years and from that period up to one hundred years, having received them through their ancestors,

grantors, or predecessors in interest; and that their little farms to-day which they have occupied in the way I have mentioned are endangered and rendered almost valueless. They can not sell them in the market. The people are afraid to improve them. Every one is afraid to buy and improve such farms by bringing an irrigating ditch or building a house. And why? For the reason the gentleman from Arizona has explained.

There are large land grants the exterior boundaries of which extend in such a way as to include all these little claims and farms.

What has been the result of thirty-four years of effort on the part of this Government in carrying out in good faith the treaty of Guadalupe Hidalgo and the Gadsden treaty and the rules of international law? Let us see. Under the act of July 2, 1854, referred to by the gentleman from Kentucky [Mr. MCCREARY], it was provided that the surveyor-general should survey these claims—these large and small grants—and attempt to fix the boundaries thereof, take the testimony that should be presented in support of them, and make his reports to the Secretary of the Interior or to the Land Department.

Under that act of 1854 the surveyor-general of Arizona has been proceeding since 1870 and the surveyor-general of New Mexico since 1854. What has been accomplished?

Mr. Chairman, it appears that during those thirty-four years one thousand claims have been presented, and one hundred and fifty of that thousand claims have been reported to Congress, and Congress has acted on seventy-one of them. Let me add, sir, that out of the seventy-one claims that have been acted upon by Congress there have been confirmed and patents have been issued for a number of claims which it is now conceded include millions of acres more than ought to have been included within their boundaries. But under the defective legislation of Congress, under the proceedings that I have referred to, the political department of the Government not being competent to adjudicate these matters and settle the rights of parties in matters where the cupidity of man has been incited to such an extent that subornation of perjury has cut an important figure, we find that patents have been issued for grants for millions of acres more than it is now known by public and general notoriety they ever ought to have included.

Who is responsible for it? Simply the defective system, simply the attempt to make a temporary surveyor-general of a Territory settle property rights under treaties that require a court of justice. If this bill had been passed in 1854, instead of that section of the act which I have referred to, these land titles would have been settled long ago. All these little claimants would have been confirmed in their rights, and the fortunate grantees—and we should not envy them their grants if they own them and they are legal—the possessors of grants from the Mexican and Spanish Governments of tracts containing from fifty to several hundred thousand acres, would have been confirmed in their rights, and their claims would have been eliminated from the public domain by a judicial proceeding—a judicial judgment that would be clear from the aspersions and charges of fraud, and every claim of any size that has been confirmed would not have been a matter of public scandal by charges and countercharges.

How can these evils be avoided is the question members of this House are called upon to-day to determine. I answer, sir, in the light of history; I answer in the light of personal experience, and I appeal to this House and to every member in it to state whether or not the evolutions of civilization in this century or any other have been able to mature and to affirmatively adopt and carry out any system of proceedings that will eliminate right from wrong and protect the weak and innocent from the strong and the poor from the rich, except the judicial investigation of a court of justice? I am not going to dwell upon this theme. I only call the attention of members of the House to it, because I have watched it and have felt ashamed of my country when I have been called upon in certain ways to investigate as a lawyer the proceedings for the confirmation of private land grants in and by and through the political department of the Government.

I have no doubt, sir, that Commissioners of the General Land Office and Secretaries of the Interior have been placed in that situation where Senators and Members of the House were going to them in behalf of a land-claim syndicate upon the one side, while other Senators and Representatives were going to them in behalf of their constituents upon the other, discussing the matter, pointing out the merits, ignoring the testimony; and the result has been that these claims have been tied up indefinitely, many of them for over thirty years, and those that have been confirmed by Congress and patented have been charged to be fraudulent, and applications, years thereafter, have been made to the Attorney-General to authorize bills in equity to be filed to set aside the patents. Why, sir, the United States Government has paid for special counsel, in suits attempting to set aside the patents issued on confirmations by Congress for the Maxwell and other land grants, to the amount of over \$50,000 in the last few years. Will any gentleman say that if this bill had become a law in 1854 the means provided in it would not have resulted in confirming those titles for the proper amounts of land a great many years ago and rejecting the fraudulent claims?

So much by way of a general statement in reply to the argument of my friend from Arizona. I wish now to refer for a few moments to the

protection which this bill will give to that large class of claimants who, as Governor Ross says in his clear and logical argument before the Committee on Territories, occupy somewhat the position of squatters upon these lands.

Mr. Chairman, all through that country ceded to us by the treaty of Guadalupe Hidalgo, up and down the little valleys; and along the little creeks where irrigation has been practicable, without any great expense, we find Mexican settlements, settlements by men who were Mexican citizens. They came within the sovereignty of this Government under the treaties referred to. They have lived there, they and their ancestors, for generations. They have inherited their lands under what may be called a title by prescription, and to-day they are confronted with the difficulty which the gentleman from Arizona [Mr. SMITH] has pointed out, by finding their little farms within the exterior boundaries of some large land grants for which a paper title is claimed from the Mexican or the Spanish Government. As I have already said, this practically destroys the value of their lands.

Now, how does this bill propose to deal with this class of claimants? It provides that this land court shall be divided into three departments; that one of these justices shall sit at Denver, Colo., one at Santa Fé, N. Mex., and the other at Tucson, Ariz. It provides that these small claimants may come before any of these departments of the court and produce their proofs, and all that they are required under the provisions of this bill to prove is that they, their ancestors or grantors, have occupied their little farms for more than forty years.

Mr. SAYERS. Does not the gentleman think that forty years is too long? Would not ten years be long enough?

Mr. SYMES. I am inclined to think that forty years is too long. I am inclined, on the other hand, to think that ten years might be a little too short. Those who have settled within ten years or about that time are generally a class of people who had good opportunity for finding out whether they were settling within a grant or not, and wherever there is a just grant or a good paper title, which the good faith of this Government, under the treaties mentioned, demands should be confirmed, it would not be just to deprive the grantee of his rights simply because within the last ten or fifteen years somebody had settled upon the land.

Mr. SAYERS. The gentleman speaks of a grantee who has never taken a step in half a century to acquire possession.

Mr. SYMES. I say it would be unjust to deprive the grantee of his rights because the Government of the United States has failed to carry out in any ordinary and effective way the settlement of these rights and titles under the treaty of Guadalupe Hidalgo.

This is intended to establish title without further proof than occupancy of the owners—the people who settled there for a certain number of years, say from twenty to twenty-five. Could anything be more just?

Mr. SPRINGER. The titles which existed at the time of the cession are now forty years old. If they claim under those titles they must be at least that old. If they claim, however, under the homestead law, they need only prove occupancy for five years.

Mr. SYMES. Mr. Chairman, this bill makes no attempt to change the homestead or any other of the land laws of the United States. This bill, on the contrary, simply seeks to execute in good faith the provision of our treaties to all parties concerned in these private land claims.

A MEMBER. It is immaterial whether it was five or seven years, because, if Mexican and Spanish grants, they must be given to the parties concerned.

Mr. SYMES. On this branch of the subject I desire to say, in behalf of the hundreds and perhaps thousands of small claimants, that in my judgment no stronger obligation ever appealed to the Congress of the United States than the one now pending to confirm the titles of those who occupy small tracts of land, which are often embraced within the exterior boundaries of large paper estates, and which are included within the exterior boundaries of large grants, by which it is sought to take away these small holdings from those who have settled upon them and cultivated them for so many years.

Let me, Mr. Chairman, in that connection, suggest that I do not see how this bill could be improved in that particular. Of course there are gentlemen here who will claim that the Interior Department can carry out this object as well as a new court. They claim if you will only give the Interior Department power to appoint certain of these special agents to travel all over the Western country and look up titles and report to some agent, and that agent reports to the Commissioner, the Commissioner decides, parties can then appeal to the Secretary of the Interior; and the Secretary of the Interior will pass upon it, and finally, sir, having reached a conclusion, the claim is reported to Congress, a bill is reported to confirm it, that bill goes onto the Private Calendar of the House, and is never acted on. This has been the general result for thirty years. In that way I contend you will not be able to settle the title to these small claims, nor will you be able to settle satisfactorily the large ones.

I wish to add, Mr. Chairman, the adjudication of the large claims, if the lawyers in this House will think for a moment, is inseparably connected in this tribunal, or in any other, with the adjudication of these

small claims. If A proceeds in this court with a paper title involving a grant of a million acres, the exterior boundaries may include a hundred small claims, each containing a few acres, and which have furnished a livelihood to their owners for a century, these claims held by the Mexican population or their ancestors at the time of the treaty of Guadalupe Hidalgo. I say you can not adjudicate any of these little claims for a few acres of ground without incidentally deciding paper-grant titles, the exterior boundaries of which include these small claims, except by this limitation of forty years.

Now, the court provided under this bill is directed, if these people shall file a petition making a claim for these holdings which they have occupied and proving they have occupied them for a certain number of years, not to require them to make further proof of title. Upon the presentation of that proof it is provided by this bill that their muniment of title shall be given to them by the court, regardless of the fact that the small grant may be included within the exterior boundaries of one of these large paper-title grants.

In reference to the large paper grants where they are valuable, after the decision in the court provided by this bill, they will, of course, be appealed to the Supreme Court of the United States, and there the title will be finally settled.

Mr. LIND. Will the gentleman allow me to ask him, why limit these small claims to 160 acres each? Gentlemen who know say many of them amount to 400 acres.

Mr. SYMES. I am not prepared to answer the question why, under the limitations of the bill, small claimants shall not exceed 160 acres. I am told that in the main these small farms do not exceed 160 acres. The governor of New Mexico is in favor of the bill, and the Delegate from that Territory on this floor also favors its passage; and it is to be assumed they know what is best for the interests of their constituents.

I wish now to address myself to the justice of the bill, and especially with reference to the large claims where the claimants hold them under paper titles. I do not desire to stand here simply for the purpose of indulging in cheap demagoguery on this bill by invoking any rule of law, any rule of necessity which does not exist, in order to try and defeat large grants to which good titles are held under the treaties. I do not stand here to say this Congress has any right in justice and equity to defeat the grant of A, or to cut down its boundaries, if the grant comes within the guaranties of the treaty of Guadalupe Hidalgo or the Gadsden treaty.

But I do say there never was a greater dereliction of duty on the part of this Government than to allow these claims to remain unsettled, and to allow their boundaries to stand in a state of absolute uncertainty for the last thirty-five years, when it must have been apparent that under the present system they never would be settled.

Now, Mr. Chairman, there were a large number of these claims. The gentleman from Arizona [Mr. SMITH] says that this bill will not protect the Government, and will not protect the small claimants, nor will it protect the public domain from the ravages of these imaginary large grant claims.

I contend, Mr. Chairman, that the particular provisions of this bill will protect the Government, will protect the settlers upon the public domain, and will protect all parties interested. Why, sir, this tribunal is a land court. It is organized with three justices, and all of these large claimants will go before the court in banc when these claims are pending before this land court of three justices (who will be distinguished lawyers, no doubt), and the claims will have to rest upon legal and proper proofs.

There will be no Commissioner of the Land Office for men of great political influence to solicit and explain to about the merits or demerits of any particular claim.

There will be no delegations going to the judges of that court like they have in the past gone to the Secretary of the Interior, talking about political influence. I am sorry I have to make such comments. It does not reflect upon any living man, and I do not intend it as such.

It simply reflects upon the defective character of a system; and it reflects upon the comprehension, it seems to me, of any man who suggests that you can settle private-land claims between the Government and the claimants, or between the adverse claimants themselves, by a political department of the Government pulled upon one side or the other in the way we know they are by common custom. It does not reflect in one scintilla, sir, upon these men. It only reflects upon the idea that you can turn a political department of the Government into a court of justice for the adjudication of property rights.

Mr. Chairman, I wish to say but a word more upon this question of testimony or the character of testimony in this case. My friend from Arizona [Mr. SMITH] says this tribunal will be, I think he said, a good opening for fraudulent land claims. Sir, I think the history of litigation in the courts of this country will disabuse the minds of members of this House of any idea of danger in that regard.

Why, sir, if any adverse claimant comes into this court and says that he has reason to believe that these imaginary paper titles which exist and are referred to by my friend from Arizona are not bona fide, good titles, that the papers are forgeries, or that there is fraud in connection with them, what is the result?

Why, sir, if the court or the United States attorney is not satisfied

with investigation of the matter, it may refer it through the Secretary of State to the Government at Madrid, or the City of Mexico, and our representatives there are required to make an investigation into the character of the alleged paper title. They are required to go to the original archives of these governments and find out the true source of these paper titles to which my friend from Arizona has referred, and which he was afraid would walk into court in broad daylight carrying so much fraud upon them.

Why, Mr. Chairman, if that is the case, in the name of common sense and justice how will my friend eliminate these fraudulent titles in Arizona from the public domain and protect the people thereon? If my friend says that this does not offer the necessary machinery for the investigation of these claims, that it does not provide for an attorney of the United States skilled in this branch of the law, that the President is not likely to appoint judges skilled in this department of the law, that we can not send experts if necessary to the archives of Spain and Mexico to decide whether the original papers claimed as genuine are forgeries or not—when all that machinery is given this court with power of appeal to the Supreme Court of the United States—if, I say, under such circumstances you can not eliminate fraud, I ask my friend to suggest to this House how it can be done.

Sir, I hope this bill will pass. I hope we will take these questions of title into court, and thereby administer justice and the law.

ENROLLED BILLS SIGNED.

The committee informally rose, and the Speaker took the chair.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3957) for the relief of Peter Marck, Thomas J. Wright, administrator, and others; and

A bill (S. 2550) appropriating \$20,000 for the expenses of special and select committees of the Senate.

PRIVATE LAND CLAIMS.

The Committee of the Whole resumed its session.

Mr. MCCREARY. I yield five minutes to the gentleman from New Mexico [Mr. JOSEPH].

Mr. JOSEPH. Mr. Chairman, the object of this bill is to settle the titles to private land claims in New Mexico and in a part of Arizona and Colorado. The security of land titles is an absolute essential to the development of any country. No settler can be induced to occupy and improve land from which he is liable to be evicted by the assertion of a superior title. Persons in possession are deterred from making substantial improvements when there is a possibility that their lands and all their improvements may fall into the hands of others claiming by adverse title. The importance of this bill is shown by the number of acres of land the title to which is to be decided under its provisions. No exact figures are accessible, but partial estimates will exhibit the enormous extent of the territory. The report of the Commissioner of the General Land Office for 1881 (The Public Domain, page 406), shows that the land grants in New Mexico and Colorado, whose confirmation had been recommended on June 30, 1880, amounted to 4,294,672 acres. At the same date there had been 146,256 acres in Arizona recommended for confirmation, all under private land grants. These figures do not include the number of acres claimed under the same grants, all of which is reserved from settlement, the number of acres for which no claim has been filed, or the number of acres for which claims have been filed, but which have been rejected or not yet reported on.

The committee estimate in their report (House Report No. 675) that the total number of acres claimed under private land grants in New Mexico is about 10,000,000 acres; in Colorado, about 3,000,000 acres, and in Arizona, about 500,000 acres, making altogether the enormous territory of 13,500,000 acres, almost equal to the combined area of the States of Massachusetts, Connecticut, and New Hampshire. It is the title to this enormous extent of country which this bill proposes to settle. All the evils of unsettled titles have existed there for now nearly forty years, and this, too, in spite of the fact that nearly forty years ago the solemn pledge of the United States was given by treaty stipulation for their settlement. By the treaty between the United States and the Republic of Mexico, of February 2, 1848, known as the treaty of Guadalupe Hidalgo, the present Territory of New Mexico was ceded to the United States. This treaty provided that all property rights of Mexican citizens should be respected; and by the subsequent treaty of December 30, 1853, known as the "Gadsden treaty," this provision was confirmed. Its terms are as follows, (Article VIII, 9 Statutes at Large, page 115):

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

But the property rights thus confirmed could not be fully respected unless means were adopted by the United States to settle the boundaries between public and private domain. This obligation was necessarily inherent in the treaty stipulation, and was fully recognized by the passage of the act of July 22, 1854, entitled "An act to establish

the office of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes." By the eighth section of that act it was made the duty of the surveyor-general to investigate all claims to land in the Territory of New Mexico under the laws, usages, and customs of Spain and Mexico, and to report upon all such claims. The law further provided that the report should be laid before Congress for its action "with a view to confirm bona fide grants and give full effect to the treaty of 1848 between the United States and Mexico;" and in order that the rights guaranteed in this treaty should be in no manner infringed, it was further provided by the same act that "until the final action of Congress upon such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donation granted by the previous provisions of this act."

These provisions of law were extended to Colorado by the act of February 28, 1861 (12 Statutes at Large, page 176), and to Arizona by the act of July 15, 1870 (16 Statutes at Large, page 304). The purpose of Congress was to carry out the provisions of treaty stipulations; but, unfortunately, the means adopted were wholly ineffectual. The Secretary of the Interior, in his report for 1880 (page 32), says:

After a lapse of nearly thirty years, more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress, and, of the number so reported, Congress has finally acted upon only seventy-one.

That number has not since then been increased. This act has now been in operation for thirty-four years, and but 7 per cent. of the claims filed under it have been disposed of. At the same rate of progress it must be several centuries before all these claims are acted upon under existing law. It is therefore not surprising that the same Secretary of the Interior says of this law (Report for 1880, page 32):

Its operation has been a failure, amounting to a denial of justice both to the claimants and to the United States.

While the evils to the owners of valid claims are thus apparent, what is to be said of the great injury to the public in the reservation of enormous areas of land by the mere filing of a claim? Under the act of 1854 the whole tract claimed is by the mere fact of presentation of the claim reserved from disposition by the Government. The settlement and development of the country are wholly barred.

The construction of railroads through New Mexico and Arizona, and the consequent influx of population into these Territories, renders it imperatively necessary that these claims should be finally settled with the least possible delay. (Report Secretary Interior, 1880.)

Year after year have successive Commissioners of the General Land Office and surveyors-general of New Mexico called attention to the necessity of some legislation to cure these evils, but Congress has turned a deaf ear to all complaints. On the one hand, Congress has refused to act upon the claims reported to it under the act of 1854 for confirmation, and, on the other hand, it has failed to create any tribunal to consider and decide the claims.

Every interest demands the promptest possible settlement; the owners of valid claims demand the fulfillment of treaty obligation, the people of the Territory in general demand the removal of this clog upon their progress, and the interest of the United States demands that lands to which no valid adverse title can be asserted should be recognized as a part of the national domain and furnish homes for bona fide settlers.

To determine what will be the most effective remedy for these pressing evils, regard must be had to all the circumstances. There is a prevailing impression in some directions that the land grants in New Mexico are generally of enormous size and for the greater part permeated with fraud. Many of them are for large tracts, and undoubtedly the chance of gaining possession of large areas has stimulated some fraudulent attempts against the Government. But probably 75 per cent. of the over one thousand claims already filed, and 95 per cent. of the claims which have never been filed are for less than 160 acres of land, and many of them for less than 80 acres, and this land is probably not generally worth over \$2.50 per acre. It is therefore safe to say that the value of the land in controversy in more than four-fifths of all the cases of private land grants is not over \$400. It is therefore apparent that any remedy proposed which involves expensive litigation for the assertion of title would be absolute confiscation of hundreds of homesteads. Any such remedy for existing evils would be a mockery, aiding the wealthy but absolutely ruining the poor. These small grants are ancestral homesteads, many of them in possession of the same families for over a century. There will be no dispute as to the title of these. Any tribunal upon the first examination will confirm the grants at once without hesitation. And these uncontested grants would outnumber ten to one the grants about which there could be any controversy.

The land covered by valid claims was never the property of the United States. The grants under which the present owners hold title were made, many of them, over a hundred years before the cession of the territory to the United States, and the object to be attained by the holders is not to get anything from the Government of the United States, but to free their own lands from the cloud upon the title caused by the failure of the United States to make provision for the proof of titles. To burden these homesteads with large bills of expense for an opportunity of establishing ownership would be an outrage. The treaty of 1848, too, in providing that citizens should retain their property

"without their being subjected on this account to any contribution, tax, or charge whatever," would seem to oblige the United States, in fixing the delimitations between the property of citizens and of the United States, to do so without charge to them. This view of the treaty obligations has long been held by them as well as by the United States surveyors-general. (See Reports of Commissioner of the General Land Office for 1869, page 319, and for 1873, page 102.)

Whatever remedy is proposed must not in any event burden the owners of undisputed land grants with heavy bills of costs.

The remedy must also be prompt. For forty years has settlement been withheld. When it is made it should be made without needless delays. The surveyor-general of New Mexico in 1874 strongly painted the existing state of affairs (Report Commissioner General Land Office, 1874, page 113):

For want of a feeling of security as to title, sales of land, either by Government or grant claimants, in such regions is practically closed out, and will so remain until some relief is afforded by Congress.

The Commissioner of the General Land Office in his report for 1876 used this language (page 27):

In addition to the foregoing, I might add, that while these private land claims remain in their present unsettled condition it will continue to retard emigration to and settlement in said Territories; for, until the titles thereto are ascertained, and the land segregated from the public domain, it will be impossible to determine which is public land subject to appropriation and settlement under the public-land laws and which is not.

The surveyor-general in the same year thus spoke of the increase of difficulty with lapse of time (Report Commissioner General Land Office, 1876, page 231):

The longer the investigation of these titles and adjustment of these claims are deferred the more difficult does it become to distinguish between the legitimate and the illegitimate grants, and the greater the opportunity for perpetrating frauds and imposing manufactured paper titles upon the Government.

It is also an injustice to the proper claimant who desires to perfect his title, as it becomes more difficult to prove up his case as time lapses, and should he desire to dispose of his estate, its real value is depreciated from the fact that he can not show a perfect title by reason of the non-action of Congress in confirming his right to the same.

And in 1881 he used this language (Report Commissioner General Land Office, 1881, page 781):

The land-grant question is becoming more serious in this Territory as time lapses.

In his report for 1883, the Commissioner of the General Land Office speaks of the increase of evils with the lapse of time (page 11):

There is a further liability of the assertion of claims heretofore unknown. The increasing value of land, owing to the increased facilities of communication and the general settlement of all the Territories, invites the assertion of such claims, and is an incentive to the manufacture of fraudulent titles. The lapse of time favors claims of a doubtful character and especially favors a broad expansion of original claims.

No remedy will be adequate which permits the present condition of affairs to continue from year to year for another decade, but it must be such as will close promptly all cases save those whose complexity and uncertainty and magnitude demand the thorough scrutiny of the highest judicial tribunal of the country.

Finally, any tribunal to which these cases are referred must be of such intelligence as to be able to discriminate between valid and invalid grants, and for this purpose it must be armed with full powers to investigate every avenue of information, and it must be afforded the most ample and favorable opportunities for personal intimacy with the subject-matter of the grants. Without these qualifications the tribunal can not properly perform its functions.

Two tribunals have been proposed in other bills for the settlement of these cases—a special commission, or the Territorial courts.

This bill proposes the creation of a special land court of three judges, which shall hold special sessions, for six months, at Santa Fé, N. Mex.; Tucson, Ariz., and Denver, Colo., by individual judges, and shall, during the remainder of the year, sit at Washington.

The bill (H. R. 1968) presented by me and reported by the Committee on Territories, proposed the creation of a special commission, with appeals to the Territorial courts and thence to the Supreme Court of the United States. Under that bill it was provided that the commission should sit in various places in New Mexico and Arizona, in the vicinity of the land in question, and that testimony should be given orally before the commission and transcribed.

While I believe that the remedy proposed in that bill is the best adapted to the circumstances and affords the most favorable opportunity to the claimants to smaller grants to prove title to their homes without being involved in expenses consuming the entire value of their lands, nevertheless I am not willing to oppose any measure which offers any solution to the existing evils, since almost any remedy is better than the present uncertain condition of these land titles. The bill now before the House avoids some of the difficulties of a commission bill, and is, I believe, the next best solution of the difficult problem to that offered in the commission bill presented by me. By dividing the land court of three judges created by this bill into three departments and permitting each judge to hold court separately, with the right of appeal to the court in banc, expedition in disposing of these cases is secured. The title in the smaller cases is so clear and undisputed that there can be appeals in no more than 10 per cent. of the cases decided by the different departments of the court.

By holding sessions at Santa Fé, Tucson, and Denver during six months of every year, this court will become thoroughly familiar with all matters pertaining to private land claims, the old records at Santa Fé will be easily accessible, and claimants are given an opportunity either to take their testimony in writing or to present themselves and witnesses for oral examination before the court at Santa Fé, Tucson, or Denver.

Experience has shown in the past that special courts or commissions created for like purposes as this can act expeditiously on matters before them. Land titles in Mississippi were settled by two commissions sitting under the act of March 3, 1823 (2 Statutes at Large, 229).

These two boards adjourned September 21, 1805. Allowing for delays in the organization of the boards, they were in operation only about two years, and during that time decided 2,152 claims. If the board of commissioners under the proposed bill could act as promptly they would dispose of all claims which have been filed within two years. Three boards organized to settle land titles within the Louisiana purchase under the acts of March 3, 1805, and March 3, 1807 (2 Stat., 324 and 440), disposed of 8,353 claims. Successive boards sitting for different periods, created by the acts of May 8, 1822 (3 Stat., 709), March 3, 1825 (4 Stat., 125), February 8, 1827 (4 Stat., 202), and May 23, 1828 (4 Stat., 284), to settle land titles in Florida, disposed of 1,739 claims. In the eight months extending from May 23, 1828, to January 20, 1829, a single board of two commissioners disposed of 379 claims. The California land grants were settled by the commission organized by the act of March 3, 1851 (9 Stat., 631); 836 claims were presented to that commission, and of these 624 were confirmed while 212 were rejected.

From these numerous precedents it is evident that no extended delays would occur through the operations of the commission proposed in this bill. While the larger grants would require the most extended investigation, the great boon of prompt settlement of 80 per cent. of all the grants would be conferred by the bill, and these grants would be those of that especially deserving class, the owners of small homestead tracts.

While the court will afford a prompt disposition of the questions of title, it will also possess the essential qualification of being well adapted to discriminate justly between the valid and invalid grants. The greater part of the business of the court will be private land grants.

Every judge, as well as the attorney for the United States, will devote more than half his time to the investigation of this one subject. In this way each will be entirely familiar with its history, with the Spanish and Mexican modes of procedure, with the forms of documents, and with the signatures of the principal officers authorized to make grants of land. They will all be experts in this class of cases. The decision of the simple, uncontested, and smaller cases can safely be entrusted to them, while their intelligent labors will be at the disposal of the Supreme Court of the United States, to which the more important, complicated, and larger cases will be appealed. The presence of the judges in New Mexico, Arizona, and Colorado will give them an intimate familiarity with these grants, while the representatives of the United States attached to the court will have favorable opportunities to scrutinize all claims and witnesses.

The number of the judges, fixed by the bill at three, will afford an opportunity for consultation and discussion in appealed cases and a settlement of general principles to guide the separate action of each—means of the greatest value in reaching wise conclusions.

Parties and witnesses may be required to appear and give testimony in person before the court, and thus their credibility can be most effectually tested. Special provision is also made for obtaining Spanish and Mexican records in certain cases. It is of great advantage, too, that the presentation of claims and the rules of evidence will be uniform. Many documents relied upon as evidence of grants or as proofs of authenticity of signatures will be of general applicability. In the hands of one court these can readily be applied to any case in which they are needed. If these grants were referred to the various Territorial courts, such papers would have to be transmitted from court to court at great risk and with serious delays to litigants.

The recommendation of experience is not wanting for this legislation. All French and Spanish titles in territory acquired by the United States have been settled by special tribunals. In Mississippi, in Louisiana, in Florida, and in California similar means have been adopted, and this bill has been framed in the light of experience under these tribunals.

Successive Commissioners of the General Land Office and surveyors-general of New Mexico have recommended the creation of a special tribunal to settle these titles. Eighteen years ago the surveyor-general said (Report Commissioner General Land Office, 1870, page 418):

A commission to settle and determine these claims, and a time fixed within which to present them, seems to be the most urgent want of the land system of New Mexico.

In his annual report for 1871 the Commissioner of the General Land Office used this language (page 64):

It is most important to the growth and prosperity of those Territories to which settlement is rapidly being attracted by the extension of railroads, that a separation be made at the earliest possible period between the public lands and those claimed under foreign titles.

It is respectfully suggested that the creation by Congress of a commission similar to that instituted under the act of March 3, 1851, for California would

best conduce to a speedy and just settlement of claims of this kind and promote the rapid growth of those young and enterprising Territories.

In his report for 1875 the Commissioner of the General Land Office made the following recommendation (page 45):

The remedy which I suggest for the correction of these evils is the repeal of the jurisdiction now vested in the surveyors-general and the appointment of three or more commissioners, with full power to hear and decide the validity of all grant claims within the limits of the territory acquired from Mexico, except in the State of California, and with appeal from their decision to the United States courts. By the selection of men specially qualified for and who can devote their time exclusively to these duties a more speedy and otherwise more satisfactory settlement will be obtained. It is believed that if the papers in each case be put in order and the record made up by these commissioners, more speed will be obtained than if the courts, with their other important duties, are given original jurisdiction over these claims.

In the report of the Commissioner of the General Land Office for 1883 he thus sums up his conclusions on the subject (page 13):

My best conclusion is that a commission should be appointed for each of the Territories named, the duties of which should embrace a thorough examination and investigation of the foundations of all alleged private land claims in these Territories, together with an actual investigation of boundaries and limits; and that all claims before Congress or this office, as well as those depending before the surveyors-general, should be remanded to such commission for examination and decision, with proper appeal for review upon errors of law.

Other recommendations by the Commissioner of the General Land Office or the surveyor-general of New Mexico will be found in the following reports of the Commissioner of the General Land Office: Surveyor-general, report for 1869, page 319; 1871, page 147; 1873, page 102; 1875, page 216. Commissioner, report for 1876, page 27; 1877, page 28. Surveyor-general, report for 1874, page 266; 1879, page 459; 1880, page 622; 1881, page 782; 1882, page 524; 1883, page 262; 1884, page 198. Commissioner, report for 1884, page 13. Surveyor-general, report for 1885, page 376.

The settlement of these long-unsettled titles is absolutely demanded by every interest of the Territory of New Mexico. Her development for the last forty years has been retarded by this harassing uncertainty. Thousands of acres of the public lands have been withdrawn from settlement and thousands of acres of private grants rendered unavailable for sale to actual settlers because Congress has neglected to carry out treaty stipulations. Improvements languish because no one knows what will be done with titles to land. New Mexico desires an opportunity for a free development of her great natural resources. Nothing will aid her more than the final settlement of her land titles.

The last House passed without opposition (CONGRESSIONAL RECORD, volume 17, part 5, pages 4370 to 4381) a bill designed to cure these long-existing evils. The bill now before the House is offered as a practicable solution of the question and promises a speedy settlement of the forty years' trouble and delay. The whole Territory of New Mexico awaits its passage with the utmost anxiety.

Mr. PAYSON. Mr. Chairman, I am opposed to the passage of this bill. I had not intended to submit any observations upon it until today, and what I may say with reference to it, being without proper preparation, will, doubtless, be somewhat fragmentary and without that regularity which I should wish.

The matters involved are of great importance, and deserve the most careful consideration by the committee and the House.

The questions presented are not new to me, for I had the honor to be a member of the Committee on Private Land Claims in the Forty-eighth Congress, and gave the subject a good deal of study, and trust I shall be able to shed a little light upon it in this discussion.

Mr. Chairman, a brief résumé of the situation, somewhat in detail, as I can glean the facts from memory and such documents as I have at hand, may not be unprofitable.

By the success of our arms in the war with Mexico we became possessed, under the treaty of Guadalupe Hidalgo in 1848, of the territory now known as California, Nevada, Utah, Western Colorado, part of Arizona and New Mexico; and by the second Mexican cession—the Gadsden purchase in 1853—and the Texas cession of 1850, the remainder of Arizona and New Mexico, as we now know them.

Prior to our acquisition of this vast territory grants and dispositions of lands of greater or less areas, under the authority of the Spanish and Mexican Governments, had been made, and when we succeeded as a conquering nation to the country by the well-known rules of international law we were bound to respect the rights of property of the subjects of the conquered territory situated therein.

Moreover, by the terms of the treaty, we agreed that "Mexicans now established in Territories previously belonging to Mexico, and which remain for the future in the limits of the United States as defined by this treaty shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they now possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever."

An examination of the details of the land grants under Spain and Mexico will show that while they were frequently prodigal, extravagant in area, they were based on orders, proclamations, and decrees, more or less regular, but pursuant to system, beginning in 1773 with directions from the Spanish viceroy to the military commandant at San Diego and Monterey granting lands to individuals near the missions and

pueblos; later, lots of land to soldiers who should marry baptized Indian women; lands to colonists for cultivation, for the requirements of vessels in the East Indian trade, and to furnish supplies for the garrisons of the presidios.

Later in the history the governor was empowered to authorize captains of the military posts to grant lots of land within certain distances of the presidio squares.

After the establishment of the Republic of Mexico in 1824 the system was continued, and the political chiefs of the territories were authorized to make grants in certain cases, and under certain regulations provision was made for large grants for colonization purposes.

While the country was under Spanish and Mexican control, and indeed until a very recent period, the lands were very sparsely settled and regarded as sterile and infertile, and except on the borders of the streams, where a crude system of irrigation could be inexpensively adopted, were considered as of little value except as open ranges for grazing of stock. Therefore the lands were freely granted in large areas to those desirous of establishing ranches or colonies, and along the streams and in the neighborhood of the presidios or garrisons, in narrow lots on the water front, running back to the highlands. To this class I shall refer later.

As a rule none of these grants were surveyed under the former governments; the descriptions were generally vague and indefinite, and usually by reference to other grants equally indefinite, water-courses, mountain ranges, etc. So they come to us, and the difficulty has been to adopt some plan by which the rights of bona fide holders of these foreign titles should be protected in their rights and at the same time the Government shielded from robbery through fictitious claims either of title or boundary, for it is a matter well known to all who have been called upon to deal with this interesting subject that the modern manufacture of ancient muniments of title to these lands is an industry of no small magnitude. As to them, Mr. Chairman, the frauds are infinite in variety and detail, almost, and limited as to areas only by the amount which may be claimed.

The earlier method of settling these claims of titles was by commission, beginning under the treaty with Great Britain, September 3, 1783, down to the settlement of California titles under the act of 1851.

Still later, the act of 1854, so frequently referred to in this debate, was passed, and is the only existing law relating to the claims we are now considering. That act, in brief, authorizes the surveyor-general to ascertain the origin, nature, and extent of all claims originating before the treaty, with his decision on the same, and to report the same to the Secretary of the Interior, to be by him laid before Congress for its action; and until Congress shall act, the grant as surveyed and reported on by the surveyor-general shall be reserved from sale or other disposal by the Government.

It will be noticed, Mr. Chairman, that there is no decision or determination of any question under this act until Congress shall itself make the ultimate decision; and so often has Congress been imposed on by fraudulent titles, and a consequent hesitancy to act in pending cases, with the great mass of business it has to dispose of as well, these claims, so far as reported by the surveyor-general, remain unacted upon and unsettled.

Of course, this state of uncertainty and delay as to title to large areas of real estate seriously affect the prosperity of the Territories, and it goes without saying that some remedy should be provided which will tend to a settlement of the difficulty as speedily as may be, and yet not endanger the rights of the Government by permitting approval of fraudulent, fictitious titles.

My investigation of the subject, Mr. Chairman, has led me to conclude long ago that the best system, the one least expensive to the Government—indeed, comparatively inexpensive—which would be speedy in accomplishing results and protective to the Government, would be substantially this: To give the Department of the Interior jurisdiction to hear and determine all these cases, with a right to either party aggrieved to an appeal to the Supreme Court of the United States, and in substance to provide that the surveyor-general should proceed as now to investigate fully, with additional assistance, if deemed advisable, to expedite the business, and for open and public hearings, and on this to report to the Commissioner of the General Land Office, who should, if deemed advisable, order further investigation, and then, after a fair hearing, he to decide the case. An appeal to be allowed to the Secretary of the Interior, or in case no appeal is taken, the case to be certified to the Secretary for trial on the appeal, or examination and approval by him if no appeal is presented, and decision by him. By this all the records will be in his office, and readily accessible. From his decision, if desired, an appeal to the Supreme Court.

These provisions should apply, as I think, to all cases involving 11 square leagues or less, that being claimed to be the maximum amount allowed under the Mexican law to an individual. If the grant is claimed for more than that amount it should go to Congress for confirmation. Holders of small tracts by possession, less than 160 acres in area, for twenty years or more, by occupants or ancestors, should have their holdings ascertained, surveyed, and patented to them without cost, through the surveyor-general, or his force, and till that is done all applications to enter land in these localities should show and full proof

be made that no part of the lands sought to be entered is in possession of a person of Spanish or Mexican descent.

There should be a limitation of say two years within which all claims should be presented, and in all cases the written evidences of title, or copies thereof, should be filed with the claim, and also in every county where the land lies, and no paper received in evidence unless so filed and recorded in the real-estate records.

Abolish the system of survey and withdrawal on it, and provide that the recording shall be notice.

This in substance, sir, has been my idea for the settlement of these claims for years, and what I shall say will be in support of that plan and so against the pending bill.

I am opposed on principle to the establishment of special, subordinate, inferior tribunals, with limited jurisdiction, for special purposes, only dignifying them by the title of "courts," and with all the expense attending them, especially when the same results sought can be attained by existing machinery with no added expense.

This bill will require about \$30,000 to \$35,000 per year to run it, and, as I shall show, increase the list of office-holders without any necessary demand.

But before reaching that, the plans proposed, as noticed thus far in the debate, are, outside of the pending bill, only two: a commission, such as was formerly had, and an enlargement of the jurisdiction of the existing courts. The last named has never met with approval by either House, although often considered by members, and the experience with commissions has not been satisfactory, indeed is subject to the gravest objections.

Before proceeding with my argument I wish to say, now and here, Mr. Chairman, that Congress has not been inactive in attempting to provide some means for the settlement of these private land claims, made by Spain and Mexico before we acquired the territory, during all these years. For since I have been a member of this body, for the past eight years, there has always been, in one House or the other, some scheme or plan which was regarded as an improvement upon the existing conditions and the existing law for the settlement of the vexed question of claims for lands in the Territories named in this bill. There have been plans proposed at the other end of the Capitol for the organization of a court by what is known as the Edmunds bill. It is an old measure. When I first came to Congress bills for the establishment of local courts were pending in this House, and have been pending in it ever since I have been a member. Other plans have been proposed, but none of them have met the concurrent approval of the Senate and the House so as to change the plan provided by the act of 1854.

With reference to the presentation of this bill, I may be permitted to express my surprise that neither in the report on the bill nor in any of the speeches thus far made has any reference been made to the easy plan I have outlined. One would think from what has been said that the choice necessarily lay between a court or a commission and no third plan worthy of notice.

Let me suggest, also, Mr. Chairman, what struck me as surprising, that the committee deemed it beneath its dignity to ask the opinion of the Department of the Interior as to what might be proper legislation with reference to this subject. It has not yet been stated, at least within my hearing, that the Department of the Interior has had settled, and, as I believe, correct, views with reference to the settlement of this question, and that those views have been expressed more than once, officially, by the Secretary of the Interior and the Commissioner of the General Land Office; and, Mr. Chairman, no Secretary of the Interior, no Commissioner of the General Land Office, has ever approved the plan which is outlined by the bill we are now considering. But on the other hand, recognizing the gravity of the situation, and the necessity of some change of existing law, and the propriety of having some other plan by which the uncertainty that taints these titles may be speedily swept from the domain of doubt and be settled, they have made recommendations year after year which have not, up to this time, been deemed worthy of comment by any of the gentlemen who have had the attention of the committee.

The importance of the questions has been repeatedly pressed upon the attention of the late Secretary, and as frequently as he has had opportunity he has expressed his views. What does the Secretary of the

Interior recommend? I can state it better by reading a few sentences from his official report than by undertaking to adapt my language to give expression to his idea.

PRIVATE GRANTS.

"Another subject which I would respectfully suggest demands immediate legislation is the matter of private grants claimed to be derived from the Spanish or Mexican Governments. This legislation, in my opinion, should be directed to two points: (1) to providing for a trial and final determination of such claims, subject only to appeal to the Supreme Court; (2) an act of limitations barring the presentation of new claims of this character within a stated period.

"By section 8 of the act of July 22, 1864 (10 Stats., 308), it is made the duty of the surveyor-general of New Mexico to "ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico." He is to make re-

port of all such claims with his decision as to the validity or the invalidity of the same, which report shall be laid before Congress for action, and until final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government. Under the provisions of this law, from time to time since its passage, many claims have been made and acted upon, whilst a number are yet pending before Congress unacted upon. The extent and number of the unconfirmed claims can not be accurately stated, as such claims are being continually made, and those heretofore presented seem to grow enormously in area with each passing year in the issuance of patents thereon. At the present time it is approximately estimated that the amount of public land actually reserved from entry and settlement because of such claims is a little short of 6,000,000 acres. Most of this land has been thus reserved for many years, used, enjoyed, or transferred, and sold as freely by the pretended claimants as though their title had been fully confirmed.

"In regard to the lands under Mexican or Spanish title thus held in reservation, this Department is powerless to act, as such reservations are established by act of Congress, and must continue perpetually until that body acts. The well-known fact that by means of such a claim possession can be readily obtained and retained of large bodies of land has very much to do with their continued increase. The claimant has but to pass the ordeal of the surveyor-general's office, where the examination is *ex parte*, often perfunctory, superficial, and possibly erroneous. A favorable report being obtained the law steps in, onsts the jurisdiction of the Land Department from the claimed territory, segregates it from the public domain, and the claimant under this most shadowy and often colorless pretense of title is installed and protected in the enjoyment of all he claims as fully as though possessed of an absolute right and title.

"Millions of acres of public lands are thus held by claimants, and have been held for many years, in some instances for more than thirty years, and in most instances the lands thus held are the best for many miles around. The claimant, being thus guarded and protected in his enjoyment until Congress acts, has no motive to follow up further action by Congress, after the report of the surveyor-general has been transmitted to that body, for whilst the report sleeps in the committee-room his possession and enjoyment of this vast estate remains undisturbed. I need not go further to show the inducements thus held out to the presentation of false claims resting on foundations so shadowy that under other circumstances no one would be tempted to rely upon them. And hence to-day, thirty-three years after the passage of the act, as is shown by the report from the General Land Office, there is but little abatement in either the number or extent of the claims being presented to the land officers.

"The surveyor-general of New Mexico states that during the past year examination has been made of a number of new claims and of old claims (heretofore favorably reported) yet pending before Congress unconfirmed, the area of which aggregates by estimation 4,000,000 of acres; whilst he thinks 200,000 acres will cover all legal and equitable rights thereunder. Nearly forty years have elapsed since the United States has assumed a solemn treaty obligation to perfect and confirm rights existing under these claims.

"As to what action is best to be taken in the premises, opinions differ, but that some action should be taken, and speedily taken, all who know anything about the subject agree. I confess the subject is somewhat difficult to agree with, but after the best consideration I am able to give it, together with my experience in relation to these private land claims, I am now of the opinion that the most desirable and effective manner of disposing of them would be through the Land Department. Provision should be made for an appeal to the Secretary of the Interior, whose decision should be final, unless an appeal be taken directly therefrom to the Supreme Court of the United States.

"As at present organized and equipped, with a slight increase of force, this Department is fully equal to dealing with and determining all legal questions arising under these grants. It has at its disposal legal talent, trained and familiar with questions of land law and in the habit of acting judicially in other cases. Representing the executive power of the Government, this Department must in any event be a large participant in any action in relation to these grants. The official documents, the archives, ancient and modern, relating to the public lands and foreign grants, are in its custody and must there remain. Even were laws enacted transferring entire jurisdiction in relation to these foreign grants to the courts, it would be almost impossible entirely to separate the private lands from the public land system without the interposition of this Department. In fact, now, where grants are confirmed by Congress, this Department has to supervise the surveys in order to carry them into patent.

"Under any plan suggested this Department must be an important factor in administering the law as to these grants; it would therefore seem to be the part of wisdom to confer upon it sufficient jurisdiction and power to fully adjudicate and adjust them, thus dispensing with the unnecessary operations of two machines, neither of which is complete in itself or capable of perfecting the work. The agents and officers of the Department visit or are located in every section where such claims may arise. If clothed with proper authority, the parol testimony desired could be taken before them; though in view of the lapse

of time very little testimony except that of record would be presented. That testimony is already on file among our records. Provision should be made for serving process and making the decision of the Commissioner of the General Land Office final, unless appeal be taken to the Secretary, and the decision of the latter officer final, subject to appeal, as before stated, to the Supreme Court of the United States. Such a plan, in my opinion, would be simple, inexpensive, and accomplish the settlement of these claims in a much more expeditious and satisfactory manner than any of those heretofore suggested.

"When a member of the Senate I favored the idea that the ordinary judicial tribunals of the country were best adapted to deal with the subject, as in other cases where the same rights are at stake, and more in accord with the spirit of our institutions; and, further, because whatever legislation may be enacted or executive action taken, sooner or later each and every grant finds its way into the courts and in some way receives a judicial construction. A larger experience has, however, brought me to realize the force of the objection urged in the reports of the surveyor-general of New Mexico, that the right of the National Government to lands can not be wisely left to the arbitrament of local tribunals, which are more or less under local influences and supposed to sympathize with the individual claimant as against the Government, and to be inclined to deal with his pretensions in a spirit of undeliberality without due regard to legal rights. That experience has shown that the subordinate officers of the Government who are charged with the protection of its interests at remote points become easy prey to the same influences, and the trial of such cases almost invariably degenerates into an *ex parte* hearing wherein the claimant is allowed and expected to make out his side of the case, if in his power, without opposition or resistance or a due regard to the rights of the defense. Further, it is stated that the dockets of the local courts in the Territories are already overburdened with causes which the judges find themselves utterly unable to dispose of as expeditiously as the proper administration of justice demands. Such cases would almost invariably be carried up to the United States Supreme Court, certainly as often as they would be if decided by the Department."

The indorsement of the plan I have outlined was given by the ex-Secretary in his report for the preceding year, and earnestly recommended by the surveyors-general of New Mexico and Arizona.

Mr. SYMES. If this Department is so well equipped with gentlemen learned in the law that it only needs an additional inspector and auditor or two to carry out the object of settling all these private land claims, why is it that after having been at it for thirty-four years they have accomplished practically nothing?

Mr. PAYSON. Mr. Chairman, I am utterly surprised that the gentleman from Colorado [Mr. SYMES] should ask that question, because it demonstrates (and I say it in the most respectful spirit to the gentleman from Colorado) his entire ignorance of the subject-matter that we are discussing. If he had read even cursorily, if he had read even once, the act of 1854, he would know that the Department of the Interior has no power to do other with reference to these claims than to report them to Congress. The Secretary may recommend to Congress to reject them if, in his judgment, they ought to be rejected, and so report them to Congress; but that is the extent of his power. Nothing can be decided under the act of 1854, except by Congress, and that is the defect of that act, that these officers can only report to Congress; they can not determine anything, and because they can not decide, and Congress will not, nothing is accomplished.

Am I understood?

Mr. SYMES. Certainly.

Mr. PAYSON. And there have been reports after reports of these cases, the dockets of this House are burdened with them—reports of rejected claims, passed upon as far as they could be passed upon by the Department of the Interior; but under existing law, as I have said, there is no determination of these claims until these reports come to Congress and are acted upon. And why has not that been done? This brings me to the consideration of the necessity of careful legislation with reference to this matter. The frauds which have been perpetrated under the law allowing private grants to be recognized are, as I have said, infinite in number and infinite in variety, but they have been circumscribed only by the area of the lands over which they could be floated. I have under my hand, and I regret that I have not the time to read them, reports showing millions and millions of acres of the public lands which have been claimed in this way, and which, by the vigilance of the officers who are denounced in no feeble terms by gentlemen upon this floor, have been saved to the people of this country.

Mr. SYMES. And I say—

Mr. PAYSON. I beg the gentleman not to interrupt me unless by addressing the Chair. Mr. Chairman, I have always followed the custom, and I shall not depart from it now, of yielding for a question to any gentleman who desires to ask it for information. I do not assume any pride of opinion in what I state here. It is simply my statement of what I believe, and I shall be happy to answer any question which may be asked me, giving my ideas to the gentleman and the committee, but I must beg the gentleman not to anticipate me or interrupt in the midst of a sentence.

But I have the figures and the reports of cases here under my hand, and I will insert them later, showing what has been done in the Interior Department in saving these lands for the people of this country as against the claims of public plunderers, the equals of whom have never been seen in the civilized world, and these lands have been saved for the people by the efforts of the men whom the gentleman from Colorado [Mr. SYMES] denounces here as special agents and twelve-hundred-dollar clerks in the General Land Office.

Mr. SYMES. Will the gentleman yield for a question?

Mr. PAYSON. With pleasure.

Mr. SYMES. The gentleman in reply to my question a while ago intimates that I am not familiar with this law. I do not wish to discuss that question, but the very statement he has made confirms what I have said—

Mr. PAYSON. I am yielding for a question.

Mr. SYMES. The gentleman's own statement confirms what I said a while ago, namely, that it was impracticable to get these honest claims through Congress, and that claims have gone through here, and patents have been issued to claimants for millions of acres more than they ought to have had.

Mr. PAYSON. Now, what is the gentleman's question? [Laughter.]

Mr. SYMES. If the Interior Department is so efficient, why have they not reported the cases to Congress?

Mr. PAYSON. They have been reported on, nearly all of them, and I have a list of them here which I will not stop to read, but insert. The report of the Commissioner shows that there have been confirmed by Congress claims aggregating 9,668,468 acres; that there are pending in Congress for action by it 123 claims covering 9,349,433 acres, as claimed. These are the lists:

List of confirmed private land claims in New Mexico and Colorado.

| Name of confirnee. | Name of grant. | Date of confirmation. | Area. |
|--|--|-----------------------|---------------------|
| Indians of Pueblo..... | Pueblo de Tesuque..... | Dec. 22, 1858. | Acres. 17,471.12 |
| Do..... | Pueblo de Pojoaque..... | do..... | 13,520.33 |
| Do..... | Pueblo de Nambe..... | do..... | 13,586.33 |
| Do..... | Pueblo de San Ildefonso..... | do..... | 17,292.64 |
| Do..... | Pueblo de Santa Clara..... | do..... | 17,368.52 |
| Do..... | Pueblo de San Juan..... | do..... | 17,544.77 |
| Do..... | Pueblo de Securis..... | do..... | 17,460.69 |
| Do..... | Pueblo de Taos..... | do..... | 17,300.55 |
| Do..... | Pueblo de Pecos..... | do..... | 18,763.33 |
| Do..... | Pueblo de Zia..... | do..... | 17,514.63 |
| Do..... | Pueblo de Jemez..... | do..... | 17,510.45 |
| Do..... | Pueblo de Cochiti..... | do..... | 24,256.50 |
| Do..... | Pueblo de Isleta..... | do..... | 110,080.31 |
| Do..... | Pueblo de Sandia..... | do..... | 24,187.29 |
| Do..... | Pueblo de San Domingo..... | do..... | 74,743.11 |
| Do..... | Pueblo de San Felipe..... | do..... | 34,766.86 |
| Inhabitants of town..... | Town of Tecolote..... | do..... | 48,123.38 |
| Do..... | Town of Tome..... | do..... | 121,594.53 |
| Do..... | Town of Belen..... | do..... | 194,663.75 |
| Do..... | Town of Chilita..... | do..... | 41,481.00 |
| Preston Beck..... | San Juan Baustita del Ojito del Rio de las Gallinas..... | June 21, 1860 | 318,699.72 |
| Inhabitants of town..... | Town of Las Vegas..... | do..... | 496,446.96 |
| Manuel Rivera and 36 men. | Anton Chico..... | do..... | 378,537.50 |
| Elisha Whittelsey et al..... | Ortiz Mine..... | Mar. 1, 1861 | 69,458.33 |
| E. W. Eaton..... | Rancho San Cristoval..... | June 21, 1860 | 81,632.67 |
| Legal representatives of F. Trazilla et al..... | Las Trigos..... | do..... | 9,646.56 |
| Luis M. Baca..... | Five locations..... | do..... | 496,446.96 |
| John Lany, bishop of New Mexico, in trust..... | Nuestra Señora de la Luz..... | do..... | 16,546.85 |
| José S. Ramirez..... | San Pedro..... | do..... | 35,911.63 |
| José Serafin Ramirez..... | Cañon del Agua..... | June 12, 1856 | 3,501.21 |
| Inhabitants of town..... | Town of Mora..... | June 21, 1860 | 827,621.01 |
| José L. Perea..... | Perea..... | do..... | 17,712.00 |
| Antonio Sandoval..... | Bosque del Apache..... | do..... | 60,117.39 |
| Pablo Montoya..... | Pablo Montoya grant..... | Mar. 3, 1869 | 655,468.07 |
| Pedro Armendaris, heirs of..... | Valverde and Fray Cristoval..... | June 21, 1860 | 352,504.51 |
| Do..... | Tract opposite Valverde..... | do..... | 95,070.67 |
| Gervacio Nolan, heirs of..... | Nolan grant..... | July 1, 1870 | 48,778.25 |
| Cornelio Vigil and Ceran St. Vrain..... | Las Animas..... | June 21, 1860 | 97,650.96 |
| Chas. Beaubien and Guadalupe Mirandae..... | Maxwell grant..... | do..... | 1,714,764.94 |
| Charles Beaubien..... | Sangre de Cristo..... | do..... | 998,780.46 |
| Legal representative of Juan Estevan Sino et al..... | Alexander Valle grant..... | do..... | 574.34 |
| José M. Garcia et al..... | Cañon de San Diego..... | do..... | 116,286.99 |
| Juan de Arguello et al..... | Los Tranipas..... | do..... | 46,461.22 |
| Legal representatives of S. Martin..... | Sebastian Martin grant..... | do..... | 51,387.80 |
| Heirs and legal representatives of A. Ortiz..... | Antonio Ortiz grant..... | Mar. 3, 1869 | 163,921.68 |
| L. M. C. de Boca..... | Ojo del Espiritu Santo..... | do..... | 113,141.15 |
| Francisco Martinez..... | Tierra Amarilla..... | June 21, 1860 | 594,515.55 |
| Pueblo of Santa Ana..... | Indian pueblo of Santa Ana..... | Feb. 9, 1869 | 17,360.56 |
| John Scolly et al..... | Scolly grant..... | June 21, 1860 | 108,507.64 |
| Inhabitants of town..... | Town of Crevoletta..... | Mar. 3, 1869 | 199,567.92 |
| Indians of the pueblo..... | Pueblo of Acoma..... | Dec. 22, 1858 | 95,791.66 |
| Do..... | Pueblo of Laguna..... | June 21, 1860 | 101,510.78 |
| José Maria Perea et al..... | Town of Casa Colorada..... | Dec. 22, 1858 | 131,779.87 |

List of confirmed private land claims—Continued.

| Name of confirnee. | Name of grant. | Date of confirmation. | Area. |
|--|----------------------------|-----------------------|--------------------|
| M. G. Chaves <i>et al</i> | Town of Tajuque..... | June 1, 1860 | Acres. 7,185.55 |
| A. Armenta and S. Sandoval..... | Town of San Ysidro..... |do..... | 11,476.68 |
| J. M. Trujillo <i>et al</i> | Town of Manzano..... |do..... | 17,360.97 |
| A. Trujillo..... | Town of Chamita..... |do..... | 1,636.29 |
| Inhabitants of town..... | Town of Tejon..... |do..... | 12,801.46 |
| R. Torres <i>et al</i> | Town of Torreón..... |do..... | 14,146.11 |
| A. Sandoval..... | Aqua Negra..... |do..... | 17,361.11 |
| Representatives of P. Sanchez..... | Ramon Vigil grant..... |do..... | 31,802.92 |
| P. V. de Santillano <i>et al</i> | Los Luceros..... | Mar. 3, 1869 | 126,024.50 |
| V. Duran y Armijo..... | Gaspar Ortiz grant..... | June 21, 1860 | 57.18 |
| J. A. Garcia..... | Brazito..... |do..... | 10,612.57 |
| D. Romero <i>et al</i> | Mesita de Juana Lopez..... | Jan. 28, 1879 | 42,022.85 |
| Benjamin E. Edwards..... | | June 6, 1878 | 626.79 |
| Grand total..... | | | 9,668,468.13 |

List of private land claims in New Mexico, Colorado, and Arizona pending in Congress.

| Name of claimant. | Name of grant. | Area, ascertained and estimated. |
|--|---|----------------------------------|
| NEW MEXICO. | | |
| Indians of Pueblo..... | Pueblo of Laguna..... | Acres. 125,225.18 |
| Do..... | Pueblo Zia Santa Ana and Jemez..... | 382,849.00 |
| Do..... | Pueblo Zuñi..... | 17,581.25 |
| José Sutton*..... | Ojo del Añil..... | 69,445.55 |
| Heirs of Gervacio Nolan..... | Nolan grant..... | 575,968.71 |
| B. M. Montoya*..... | Montoya grant..... | 151,056.97 |
| A. Sedillo*..... | Cañada de los Apaches..... | 88,079.78 |
| N. A. Montoya*..... | N. A. Montoya grant..... | 3,546.06 |
| Roque Lovato..... | Roque Lovato..... | 1,619.86 |
| Lorenzo Marquez..... | Cañada de los Alamos..... | 13,706.02 |
| B. de Sena <i>et al</i> | Cuyamunque..... | 4,000.00 |
| J. B. Valdez*..... | Encinas..... | 6,583.29 |
| J. D. Peña <i>et al</i> | Gotera..... | 594.44 |
| J. F. Baca y Terrus <i>et al</i> | J. F. Baca y Terrus..... | 1,589.87 |
| J. Mirabel <i>et al</i> | Río Grande..... | 109,043.80 |
| J. M. de la Peña <i>et al</i> | Serillos..... | 2,287.41 |
| Y. Chavez <i>et al</i> | Town of Galisteo..... | 9,000.00 |
| J. C. Santistevan..... | Cebolla..... | 17,159.57 |
| J. Sanchez <i>et al</i> | Town of Cieneguilla..... | 43,961.54 |
| N. Ortiz..... | Caja del Río..... | 62,343.01 |
| J. de Gabaldon..... | Cajon del Río de Tesuque..... | 11,619.56 |
| J. de Luna <i>et al</i> | San Joaquin del Nacimiento..... | 131,725.87 |
| A. De Sandoval y Manzanares*..... | San Clemente..... | 89,403.40 |
| Luis Gold*..... | Grant to Luis de Armenta..... | 444.24 |
| Juan Salas <i>et al</i> | Alamitos..... | 436.41 |
| Gervacio Nolan*..... | Grant to A. Sandoval..... | 415,036.56 |
| F. Salazar <i>et al</i> | Cañon de Chama..... | 472,736.95 |
| V. Trajillo and J. L. Taylor..... | Ojo del Apache..... | 45,000.00 |
| P. Martin or P. Martin Terrans..... | Piedra Lumbre..... | 48,336.12 |
| A. Bustamanta and J. J. Martin..... | Grant to Marquez & Padilla..... | 637.23 |
| J. L. Ortiz*..... | Sierra Mosca..... | 33,250.39 |
| R. Archuleta <i>et al</i> | Town of San Antonio del Río Colorado..... | 18,955.22 |
| Luis Duran <i>et al</i> | Town of Ojo Caliente..... | 38,590.20 |
| B. Fernandez..... | San Miguel Springs tract..... | 25,176.39 |
| A. Chavez <i>et al</i> | Arroyo San Lorenzo..... | 130,138.98 |
| Juan de Mestas..... | Juan de Mestas..... | 1,686.47 |
| A. R. de Aguilar..... | Cuyamunque Pueblo..... | 17,754.72 |
| Salvador Gonzales*..... | Cañada Ancha..... | 103,959.31 |
| F. Guiterres..... | Town of Bernalillo..... | 11,674.37 |
| J. J. Gallegos..... | Angostura..... | 2,319.04 |
| J. M. Costates <i>et al</i> | Doña Ana Bend Colony..... | 19,323.57 |
| Mesilla Colony..... | Messilla Colony..... | 33,960.33 |
| Legal representatives G. Ortiz y Pais..... | | 14,000.00 |
| Inhabitants of city..... | City of Santa Fé..... | 17,361.11 |
| Manuel Trujillo..... | Taylora tract..... | 1,003.55 |
| Refugio Colony..... | Refugio Colony..... | 26,130.19 |
| F. Montes Vigil, for..... | Town of Alameda..... | 108,274.87 |
| I. de Rowal <i>et al</i> for..... | Town of Jacona..... | 46,341.48 |
| A. E. Armenta, for..... | Town of Cañon del Río Colorado..... | 42,939.21 |
| S. Vernel and T. Lopez..... | Una de Gato..... | 475,000.00 |
| S. Gabaldon <i>et al</i> | Town of Cevilleta, or Joya..... | 224,770.13 |
| Ignacio Chaves*..... | Grant to Ignacio Chaves..... | 243,036.43 |
| M. Joaquin..... | Grant to M. Joaquin <i>et al</i> | 3,632.94 |
| B. de M. y Pacheco <i>et al</i> *..... | Cañada de los Alamos..... | 148,862.94 |
| F. Tafoya <i>et al</i> | Felipe Tafoya..... | 22,578.12 |
| M. Montoya and S. Montoya..... | M. and S. Montoya..... | 3,253.09 |
| A. Baca..... | Nuestra Señores de la Luz de las Lagunitas..... | 43,653.03 |
| A. Urban..... | San Marcos Pueblo..... | 1,890.62 |
| Luis Jaramilla..... | Agua Salada..... | 18,046.59 |
| B. Baca & Sons..... | B. Baca & Sons..... | 12,207.41 |
| J. J. Martinez <i>et al</i> *..... | Petaca..... | 186,977.11 |
| J. Otero*..... | Ojo de la Cabra..... | 4,340.26 |
| Inhabitants of town*..... | Town of Socorro..... | 843,259.59 |
| J. R. Zamora <i>et al</i> *..... | Vallecito..... | 114,460.54 |
| F. A. Gijosa..... | Rancho de Taos..... | 1,357.83 |
| F. Garcia*..... | Santa Teresa..... | 9,681.29 |
| J. Trujillo..... | Mesilla and Arroyo Seco..... | 5,999.69 |
| J. B. Valdez*..... | Cañon Pedernales..... | 256,000.00 |
| V. Martin <i>et al</i> | Santa Barbara..... | 18,489.23 |
| F. de Onaga Almazgar*..... | Cieneguilla..... | 45,244.73 |
| A. Martinez..... | Antonio Martinez..... | 67,480.20 |

List of private land claims in New Mexico, Colorado, and Arizona pending in Congress—Continued.

| Name of claimant. | Name of grant. | Area, ascertained and estimated. |
|---|---|----------------------------------|
| NEW MEXICO—continued. | | |
| Representatives of Juan de Jesus..... | Orejos del Llano de las Aguages tract..... | Acres. 48,825.48 |
| N. A. Montoya..... | Ojo de Boergo..... | 60,214.13 |
| L. Marquez*..... | San Miguel del Bado..... | 315,300.80 |
| José Dominguez..... | Jose Dominguez..... | (†) |
| J. A. Garcia de Nonega..... | Cañon de San Diego..... | 9,572.57 |
| F. Sandoval..... | Rancho de Galvan..... | 17,018.00 |
| J. M. Vigil*..... | Town of Peña Blanca..... | 585.66 |
| Representatives of Bartolome Baca*..... | Bartolome Baca grant..... | 1,250,000.00 |
| Benjamin E. Edwards..... | Las Truchas..... | 626.79 |
| Francisco Montes Vigil*..... | J. M. S. Baca grant..... | 10,314.65 |
| José Manuel Sanchez Baca..... | Town of Albuquerque..... | 3,601.19 |
| Ambrosio Armijo <i>et al</i> | Polyadera..... | 17,361.06 |
| Juan Pablo Martin..... | Río Arriba..... | 35,924.18 |
| Antonio de Salazar*..... | Rito de Los Frijoles..... | 23,351.12 |
| Antonio Rosa Lujan..... | San Mateo Spring grant..... | 23,022.28 |
| Representatives of Santiago Duran y Chaves..... | | 3,547.46 |
| Antonio Lucero*..... | Cañada de Cochiti grant..... | 104,554.24 |
| Harvey E. Easterday..... | Santiago Rameriz grant..... | 6,165.90 |
| Representatives of Sebastian de Vargas*..... | Sebastian de Vargas grant..... | 24,000.00 |
| Indians of the pueblo of Santa Clara*..... | Cañada de Santa Clara..... | 90,000.00 |
| Mariana Barela <i>et al</i> | Santa Tomas de Yturbe colony..... | 8,877.36 |
| J. M. C. Chavez <i>et al</i> *..... | Town of Abiquiu..... | 10,980.00 |
| Domingo Valdez, heirs of*..... | Domingo Valdez grant..... | (†) |
| Indians of the Pueblos*..... | Pueblos of Santo Domingo and San Felipe..... | 1,145.00 |
| Manuel Alvarez*..... | Ocate..... | (†) |
| Andrez Aragon <i>et al</i> *..... | Las Huertas..... | (†) |
| Inhabitants of the town..... | Town of Atrisco..... | 70,000.00 |
| Diego Padilla*..... | Las Padillas or El Tajo..... | 24,889.92 |
| José Antonio Lucero*..... | J. A. Lucero grant..... | 400.00 |
| M. Bustos*..... | Plaza Blanco..... | 14,000.00 |
| Rosalía Baldez <i>et al</i> | Plaza Colorado..... | 18,240.00 |
| Juan Ignacio Tafoya..... | Cañon de Carnué..... | (†) |
| Joaquin Garcia..... | El Rito..... | 51,840.00 |
| P. A. Gallegos*..... | Guadalupita..... | 115,200.00 |
| Pedro Gallego and Juan Miguel Maes, representatives of..... | Cieniguatas..... | 1,400.00 |
| Total acres in New Mexico..... | | 8,704,785.43 |
| ARIZONA. | | |
| Camon Brothers..... | Rancho San Rafael del Valle..... | 17,360.76 |
| E. B. Perrin <i>et al</i> | Rancho San Ignacio del Babacomori..... | 34,722.02 |
| F. Maish <i>et al</i> | Rancho San Ignacio de la Canoa..... | 17,208.33 |
| Colorado Commercial and Land Company..... | Rancho El Paso de los Algodones..... | 22,193.40 |
| C. P. Sykes <i>et al</i> | Rancho Tumacacori and Calabazas..... | 52,007.95 |
| Matias Alsua..... | Rancho San José de Sañoita..... | 7,598.07 |
| Ramon Romero <i>et al</i> | Rancho San Rafael de la Zarza..... | 17,361.10 |
| Charles D. Poston..... | Aribac..... | 8,680.52 |
| Janet G. Howard <i>et al</i> | Rancho San Juan de las Boguillas y Nogales..... | 17,355.86 |
| Camon Hermanos..... | Rancho los Nogales de Elias..... | 10,638.68 |
| Otero <i>et al</i> | Rancho de Otero and house lot..... | 185.70 |
| Sopori Land and Mining Company..... | El Sopori..... | 160,000.00 |
| Representatives of José Maria Martinez..... | Rancho de Martinez..... | 74.17 |
| Frederick Maish <i>et al</i> | Maria Santisima del Carmen, or Buena Vista..... | 5,000.16 |
| George Hill Howard*..... | Tres Alamos..... | 44,386.80 |
| Total acres in Arizona..... | | 414,833.52 |
| COLORADO. | | |
| A. M. Gomez <i>et al</i> | Medano Springs and Zapato grant..... | 229,814.53 |

† Can not be estimated.

Those marked * are reported and recommended for rejection; except in a very few cases a small area is allowed. These claims have all been reported to Congress, and it may be as well here as anywhere to notice, Mr. Chairman, what the reports are with reference to some of them.

I have not been able to go through the list, but these are abstracts of the reports as to a large proportion of those pending here, and typical of them all as a class; and, as will be seen, a large proportion are reported for rejection because of a condition shown by these abstracts.

Arroyo de San Lorenzo, No. 79, New Mexico. Area claimed, 130,000 acres.

This is an individual grant claimed to have been made in 1825, and accordingly subject to the Mexican law of 1824, which limited grants of that character to one "sitio de ganado menor," or 1,813.32 acres. There was no evidence in this office of the authenticity of the documents upon which the claim of original grant was based, and none that the

conditions upon which such grants were made had been complied with by the grantee to an extent that would vest in him any property rights in the land under the laws of Mexico at date of transfer of jurisdiction, and the proceedings before the surveyor-general were, as usual, wholly *ex parte*. The claim now presented to Congress is for a quantity more than seventy times greater than that called for by the alleged original grant.

No. 49.—Bernabi M. Montano *et al.* Preliminary survey, 151,056.90 acres; area granted to 12 persons, 7 square leagues, or about 31,000 acres. Grant to this extent believed to be valid. Recommended for confirmation, to the extent of 7 square leagues, to the heirs and legal representatives of the 12 original grantees.

No. 50.—Antonio Sedillo; Cañada de los Apaches. Preliminary survey in 1877 for 88,079.78 acres. Claim recommended for rejection for want of compliance with conditions of grant. Preliminary survey pronounced fraudulent as to location and quantity, if grant were valid.

No. 51.—Ojo del Medio; Francisco Chaves, present claimant. Area claimed, 3,546.06 acres. Claimant fails to connect himself with the alleged grant. No valid grant made. No evidence that original claimed grantees ever occupied or in any way reduced to possession the tract claimed under the invalid grant. Claim recommended for rejection.

No. 55.—Encinas; José Luis Valdez *et al.*, claimants. Area claimed, 6,583.29 acres. Alleged boundaries too vague and indefinite to be located on the earth's surface. No evidence of grant. Recommended for rejection.

No. 62.—Town of Cieneguilla. Preliminary survey in 1877, 43,961.54 acres. No legal title shown, but equitable claim recognized from long possession. Actual area to be ascertained (town grants limited to 4 square leagues).

No. 66.—San Joaquin del Nacimiento; Joaquin de Luna, claimant. Preliminary survey, 131,725.87 acres. No evidence that present claimants are heirs or legal representatives of alleged grantees, nor that the land claimed is covered by the grant. Grant invalid for want of compliance with conditions prescribed. Preliminary survey clearly erroneous. "If any valid grant had been shown, under any view of the facts of the case that can be at all justified, the claim made is indefensible." Recommended for rejection.

No. 67.—San Clemente; Aña de Sandoval y Manzaneras, claimant. Preliminary survey, 89,403.40 acres. No right or title shown in present claimants. Their averment of ownership wholly unsupported. Original grantee failed to comply with conditions of grant. The lands are occupied by some thousands of inhabitants whose rights, by long occupancy, or under the laws of the United States, would be sacrificed if this claim were confirmed. Claim recommended for rejection.

No. 68.—Luis de Armenta. Area claimed, 475 acres. Preliminary survey in 1879, 444.24 acres. Area granted, 8.82 acres. Confirmation recommended for amount granted.

No. 70.—Estancia; Antonio Sandoval *et al.* Preliminary survey, 415,036.56 acres. None of the proceedings necessary to make a valid preliminary concession were had in this case. The alleged preliminary concession was not approved by the Mexican Government. There was no authority for the alleged grant, which was never perfected, and there is no record of it. No right or title to the lands claimed was vested in the purported grantee, and his rights under the land laws of Mexico had been exhausted by a prior grant. Claim recommended for rejection.

No. 71.—Cañon de Chama; Francisco Salazar *et al.* Area estimated by original petitioners for confirmation, 184,320 acres. Preliminary survey in 1878 at instance of present claimants, 472,736.95 acres. Actual extent of grant, as recommended by alcalde, 4 square leagues, or 17,361.04 acres. Actual possession, 166.22 acres, given to thirty-five persons with common rights in the remainder of the 4 square leagues. Recommended for confirmation to the heirs and legal representatives of the thirty-five original grantees to the extent of 4 square leagues.

No. 75.—Sierra Masca; Juan Luis Ortiz. Area claimed, 115,200 acres. Preliminary survey in 1879, 33,250.39 acres. Claim a forgery. Recommended for rejection.

No. 76.—Town of San Antonio del Rio Colorado. Preliminary survey, 18,955.22 acres. Recommended for confirmation by surveyor-general in 1874, "to the inhabitants of the village." The present surveyor-general finds no legal title, but as the inhabitants were placed in possession by an officer of the Mexican Government, and have occupied, improved, and cultivated the land in good faith for more than thirty years, he recommends confirmation upon equitable grounds to the extent of lands actually occupied and improved under the proceedings by which they were placed in possession and within the boundaries therein specified, the quantity and precise location to be hereafter determined by evidence and a survey in the field.

No. 79.—Arroyo de San Lorenzo; Antonio Chaves. Preliminary survey in 1878, 130,138.98 acres. No evidence that grantee complied with the conditions of the laws under which the grant was made. Recommended for rejection.

No. 87.—Gaspar Ortiz. Preliminary survey, 42,000 acres. Claimed area unknown. Papers forgeries. Recommended for rejection.

No. 91.—Town of Alameda; representatives of Francisco Montez Vigil, claimants. Preliminary survey in 1878, 106,274.87 acres. No

evidence that grantee ever entered into actual possession of the lands or complied with the conditions of the grant. The land claimed has notoriously been occupied by large numbers of people in villages and on ranches for many years, and was so occupied long before the American occupation of the country. A confirmation to grant claimants would dispossess these people of their valid rights under the laws of the United States, and give their homes and possessions to strangers who have no legal or equitable claim to the land. The Vigil claim is recommended for rejection.

No. 93.—Cañon del Rio Colorado; Antonio Elias Armenta *et al.*, claimed grantees. Area claimed, 42,939.21 acres. Claim rests upon a pretended preliminary concession by the town council, which, if made, was without authority under the Mexican laws and was never perfected into a grant under those laws. Claimants never entered into possession, and have failed to show either a legal or equitable claim. The party now claiming has failed to connect himself with the claim. There is nothing to show that original petitioners for preliminary concession are dead or alive, or that they left any legal representatives. The claim can not be located on the earth's surface under the terms of the petition and alleged concession. The lands claimed were occupied and cultivated by others previous and subsequent to the date of the pretended concession. Claim recommended for rejection.

No. 96.—Ignacio Chaves *et al.* Petitioners for grant asked for a tract one league and a half square, or 9,755 English acres. Ceremonial possession was given for a tract containing 4 square leagues and somewhat more, 4 square leagues being 17,360 acres. A preliminary survey of alleged boundaries was made in 1878, covering 243,036.43 acres, or more than ten times the quantity preliminarily granted. The grant was conditioned upon occupation and use, and there is no evidence that these conditions were in any manner complied with, or that grantees had any actual property interest in the land at date of cession to the United States. Claim recommended for rejection.

No. 99.—Nuestra Señora del Pilar; Diego Antonio Chaves *et al.* Preliminary survey, 22,578.12 acres. Quantity claimed largely in excess of alleged grant. Present claimants have failed to connect themselves in any manner with alleged grantees, and the evidence adduced fails to show either a legal title or equitable claim under said grant to any portion of the lands claimed. Recommended for rejection.

No. 103.—Luis Jaramillo, or Agua Salada. The preliminary concession is believed to be genuine and is for 1 square league. A survey made in 1879, in the interest of grant claimants, covers 18,046.59 acres, or more than 4 square leagues. There is no evidence that the express conditions of the grant were complied with, and present claimants are not identified as having any connection with original grantees; neither is there any evidence that grantees ever occupied the land or that they left any heirs or legal representatives. The surveyor-general states that no valid title, legal or equitable, is shown to the lands claimed, and the survey would be fraudulent if the grant were valid. Claim recommended for rejection.

No. 105.—Petaca; José Julian Martinez *et al.* Preliminary survey, 186,977.11 acres. The original concession was to thirty-six persons for a town grant. Such grants were limited to 4 square leagues. The grant in this case never became perfected into record title. The town of Petaca, containing about thirty families, is situated upon the land, and was in existence at date of transfer of jurisdiction. The survey is grossly excessive in quantity. Confirmation recommended on equitable grounds to the heirs and legal representatives of the thirty-six original grantees to the extent of the land actually occupied and cultivated by them.

No. 106.—Ojo de la Cabra; Juan Otero, original claimant. Area, 4,340.26 acres. Rejection recommended on ground that claimants have failed to show a title either in law or equity.

No. 107.—Town of Socorro. Claimed estimated area, 1,612,000 acres. Preliminary survey in 1878, 843,259.59 acres. No valid grant of record, but there were undoubtedly many inhabitants upon the lands prior to the treaty of 1848. The amount of land that could rightfully be claimed, would be small, as the towns upon it which contained the population formed a small group included in a few square leagues. Confirmation is recommended upon equitable grounds to the original settlers, their descendants and legal representatives, for the land actually occupied and used by them on the 2d day of February, 1848, its extent to be hereafter ascertained by evidence and a survey upon the ground, excluding mineral lands.

No. 108.—Vallecito de Lovato; José Rafael Zanora *et al.*, claimed grantees. Preliminary surveys in 1878, 114,400.54 acres. Area claimed by present claimants, 30,000 acres. Claim recommended for rejection, on the ground that no legal or equitable claim has been shown.

No. 111.—Santa Teresa; Francisco Garcia *et al.* Preliminary survey, 9,681.29 acres. The preliminary concession in this case was not perfected into grant at the date of the Gadsden treaty, and being for lands ceded by that treaty, is void under the provisions of the sixth article thereof. Rejection recommended.

No. 115.—Cieneguilla; Francisco de Anaya Alamazer. Grant alleged for a quantity of land amounting to 1,666 $\frac{2}{3}$ varas, or about 500 acres. Preliminary survey, made in 1879, covers 45,244.73 acres. The surveyor-general reports no valid grant, but recommends an equitable

confirmation to the extent of about 500 acres, which is shown to have been in the possession of the representatives of the alleged grantee.

No. 119.—San Miguel del Bado; Lorenzo Marquez *et al.* Preliminary survey, 315,300.80 acres. The grant was made to fifty-two persons whose names are specified, and distribution was made in the act of juridical possession among fifty-eight heads of families. The surveyor-general finds the grant valid and recommends confirmation to the heirs and legal representatives of the persons named in the distribution. In reference to quantity, he states that it was not the practice of the Spanish Government to make grants of large tracts of land at the date of this concession. I find upon examining the allotments that the whole area to which title was given to the fifty-eight persons was 61 acres, being a house and garden lot for each. The cultivable and grazing lands were common. I have recommended confirmation to the extent only of the land reduced by grantees to their actual use and occupancy to be ascertained by additional evidence and survey.

No. 126.—Bartolome Baca. No survey has been made by the United States, and it is impracticable to estimate the area, as the boundaries can not be identified from official records.

The surveyor-general disapproves the claim, for the reason that claimants have failed to show either a legal title or an equitable claim.

No. 128.—Las Truchas; Francisco Montes Vigil. The grant was for a tract to be measured in a specified manner, and so measured would contain one square league, or 4,340.28 acres. Mineral lands expressly reserved. The preliminary survey covers 10,314.65 acres, evidently an excess of nearly 6,000 acres. There is nothing to show positively that grantees earned the land by complying with the conditions of the grant.

No. 132.—Antonio de Salazar *et al.* Preliminary survey, 23,351.12 acres. No title, but an equitable claim to a small portion of an area of 2,900 acres, mostly absorbed by the patented Indian pueblos of San Juan.

No. 137.—Sebastian de Vargas. Area estimated by claimants, 24,000 acres. Surveyor-General Pullen, in 1884, disapproves the claim, on the ground that claimants have not presented a *prima facie* case. Surveyor-General Julian recognizes an equitable claim to the extent of lands actually occupied and cultivated, to be determined by additional evidence and survey.

No. 138.—Pueblo of Santa Clara. Area unknown. Grant regarded valid, and confirmation recommended to the Indian or native inhabitants.

ORIGINAL EXAMINATIONS.

No. 140.—Town of Abiquiu. Estimated area, 10,980 acres. Confirmation recommended not to exceed that amount.

No. 141.—Domingo Valdez. Claimed area unknown. Claim recommended for rejection on the ground that claimants have failed to prove a legal title or equitable claim.

No. 142.—Pueblos of Santo Domingo and San Felipe. Area unknown. Pueblo grants limited to 4 square leagues. Confirmation recommended.

No. 143.—Ocate. Claimed area unknown. Grantees failed to comply with conditions, and claim void for uncertainty of description. Rejection recommended.

No. 144.—Los Huertas. Claimed area unknown. No evidences that grant was ever made. Claim recommended for rejection.

No. 147.—José Antonio Lucero. Grant to the extent of 1 fanega of corn planting, or 8.82 acres. Regarded valid, and recommended for confirmation to that extent.

No. 148.—Plaza Blanca. Estimated area about 14,000 acres. Grant made for a fanega and a half of corn planting, or 13.23 acres. The larger area has been occupied for cultivation of grazing. The surveyor-general regards the grant as valid, and recommends confirmation. I have suggested that confirmation be limited to the extent of land actually granted.

No. 152.—Guadaloupita. Claimed area unknown. No evidences of grant. Claim recommended for rejection.

The grants and alleged grants embraced in the foregoing examinations and re-examinations include an ascertained claimed area of some 3,600,000 acres, with an unascertained area sufficient to swell the amount to upwards of 4,000,000 acres. In this amount the surveyor-general finds valid claims to the extent of some 100,000 acres of ascertained area, and there is possibly an equal amount embraced in his recommendations for an equitable confirmation of certain unascertained small areas. Not less than 90 per cent. of the area embraced in grants heretofore reported for confirmation are found by these examinations to be made up of invalid claims and fraudulent surveys.

In empowering surveyors-general to examine and report upon private land claims Congress failed to provide any means whatever for an investigation upon their merits, and the reports originally made are, therefore, in gross, merely reports of claimants' representations unchallenged, unverified, and uninvestigated. So-called preliminary surveys, made wholly at the instance of claimants, represent merely the greed of insatiable demands, and are no guide to either the location or extent of actual grants.

With this light before it Congress has hesitated, and members who have investigated these claims have felt assured that nine out of ten were as fraudulent and as false as perjury could make them. Nine out of ten of the claims that have been presented have been supported by

manufactured titles. I speak advisedly when I say nine out of ten, for I have in my hands now the reports of the surveyors-general of New Mexico and of Arizona, and they both make that statement.

And, more than that, there have been many of these grants confirmed in the earlier days of Congress but none now; but why? I am glad to tell the gentleman. Because it has been only within a very recent period that the Congress of the United States has opened its eyes to the fact that the public lands of this nation were rapidly slipping away from the grasp of the General Government. Within my recollection—since I came into business life—the great West was thought to be illimitable. When I went to the State of Illinois people thought that the public land was inexhaustible. Whenever a corporation came to Congress asking for land the grant was made to it, limited only by the modesty of the request. The records of Congress will show that upwards of 200,000,000 acres of public land were given prodigally and lavishly to those who simply came and asked for them. It startles the mind to realize the extravagance and prodigality with which these grants were made, simply for the asking. I am not criticising now the men who did it. I would not have done it if I had been here; but it is done, and has gone into the domain of history.

The point I make now is that the public land was regarded as inexhaustible, and whoever came here making any kind of a specious claim or plausible request and holding out his hopper, had that hopper filled. Who does not know it? Thus there happened with reference to various claims coming before Congress what happened as many gentlemen believe in regard to the Maxwell claim from the gentleman's own State. Many persons believe, and I am one of the number, that legally not exceeding 98,000 acres were ever embraced in that claim originally. But it was enlarged to an area of 1,700,000 acres; and extended and enlarged surveys were made from mountain peak to mountain peak, instead of from foot-hill to foot-hill. And that grant was confirmed by Congress upon the demand of gentlemen who, honestly without doubt, believed at the time that those grantees were entitled to that land.

Looking back, however, now over our history, we find that the time has come when there must be a stop put to this kind of disposition of the public lands. About 1880 there was a halt called with reference to this policy of confirming because of the reports coming up such as that which I hold in my hand from surveyors-general here and there who had investigated these matters and who found that the experience which the General Government had in dealing with land claims in California was being repeated in Arizona, New Mexico, and Colorado. Who that has had occasion to examine the workings of the commission under the act of 1854 does not remember the condition of things about the city of San Francisco about the time Mr. Edwin M. Stanton, afterward Secretary of War, was sent out there as special agent to investigate these land frauds? What did he find about your city [addressing Mr. MORROW]? The fact is familiar to you that he found titles manufactured from the first line to the last; titles on which the great wax seals, three inches in diameter, were forged; proofs made that the original records had been destroyed and that these were duly authenticated copies, and later the fact developed that there never were records. Millions of acres of land, worth now hundreds of millions of dollars, were claimed under forged titles of that sort. Those things became well understood. The air was filled with them about this Capitol when I came here in 1880; and I agree that I absorbed at that time some of the spirit of suspicion in reference to these land claims. Hence, being placed on the Private Lands Committee in the Forty-eighth Congress, I took occasion to examine some of these claims, and I believe, from personal inspection of many of them, that the statements made by the surveyors-general of Arizona and New Mexico are absolutely true. And since that time, thank God and the honesty of an American Congress, not one of those grants has ever passed this House, and I predict that none ever will. [Applause.]

Mr. SYMES. I desire to ask the gentleman whether, in his opinion, a court of justice organized as proposed by this bill, with the right of appeal in important cases to the Supreme Court of the United States, would or would not be more liable to eliminate fraud than the process which has been going on under the act of 1854?

Mr. PAYSON. I will, at a later stage of my remarks, show why I think this bill ill-advised. I am now endeavoring to state the reasons why something ought to be done. I agree with everybody who has spoken here that the act of 1854 is not working out the results which ought to be obtained by the legislation of an American Congress. But I am going to put my observations with reference to that upon a somewhat different ground from that suggested by other gentlemen.

Mr. Chairman, the rights of the claimants of these great, immense grants of public land do not trouble me in the least. I have never seen the time when a man having an immense claim either to public land or any other matter of right was not able to look after his own interests. I am opposing this bill on the threshold because it does not, in my judgment, provide for the protection of those who most need protection—the holders of small areas of land, especially in New Mexico; there are not so many of them in Arizona. The gentleman from Colorado—and I beg him to understand that when I refer to him so frequently it is not because I am singling him out as against others to be

answered, but because in his discussion of the bill, unlike the remarks of other gentlemen, he has addressed himself to specific sections of it—the gentleman from Colorado says he “is thoroughly satisfied with the provisions of this bill with reference to the holders of these small grants.”

I am not satisfied with them. The measure as to them, in my judgment, is wrong in principle and vicious in its enunciations. What class of people are intended to be benefited and protected by the provisions to which the gentleman has alluded and with which he says he is satisfied? How many gentlemen in this House have examined the situation of affairs in these two Territories and the relations which the people there bear to the General Government of the United States, so as to be able to vote understandingly on this question? Here is the exact situation. That country in the early days, we all know, belonged to Spain. With the extension of her boundaries and the establishment of military posts for the protection of her boundaries, military posts were established along the Rio Grande River and still farther to the north and west. Under the Spanish laws, power was given to the commandants of the different posts to farm out, as it were, to the people little pieces of land, upon which they might go and raise garden truck or vegetables and things of that kind. These were the usual camp and garrison followers, of whom we knew something in recent days, and these people settled down upon these small tracts of land granted by the commandants of the military posts. In that country crops are only raised by irrigation, and pieces of land are specially desirable only when they front upon the water. So, bordering upon the streams, and first along the Rio Grande River, these holdings with fronts sometimes as narrow as 50 feet and yet running back to the mesa or back to the mountains, these holdings were settled upon by these people.

I saw five years ago, when I went leisurely along that valley, settlements south of Albuquerque, where I was told there were 10,000 people living. Upon these little holdings they and their ancestors have been living for one hundred or two hundred years, running back to the Spanish conquest of what is now a portion of this Union. These people lived there. Their descendants followed after them. We agreed when we acquired possession of that territory by the treaty of Guadalupe Hidalgo to protect them in their holdings, and that whatever rights they had should be given to them without cost or expense.

Let anybody go among that people and tell them there is a question about their title to the land upon which they live, and you might as well deny the divinity of the Savior as to deny the title they have and claim by occupancy alone.

Mr. SYMES. That is the object of this bill.

Mr. PAYSON. If the gentleman will not anticipate me, I will come down to the point he has been trying to make.

Mr. SYMES. They have been trying to do that for thirty-five years, and have not yet succeeded.

Mr. PAYSON. We have not been at it within the last thirty-five years, and we have not been at it a minute in reference to this class of people. There has never been action by any surveyor-general in reference to any one of these small holdings or looking to validating that holding.

Mr. SYMES. That is what I say, and yet we have been running along for thirty-five years without having done anything.

Mr. PAYSON. Now, if the gentleman from Colorado will not anticipate me he will get at what I mean before I get through, whether he agrees with it or not. I have said to him that the Department was powerless to confirm title, and that was the defect of existing law, which my plan will rectify. I hope he understands me exactly.

Those people, Mr. Chairman, believe with the earnestness of a religious conviction that the title they have to these little holdings is absolute and indefeasible. They are harmless, quiet, and inoffensive people; innocent and ignorant; and this bill, what does it propose to do with them? Why is it brought to the attention of the law-makers there is necessity to do something for this class of people? The aversion of the American frontiersman, the man who goes out to gather in pieces of new land, is proverbial now; to the desire on the part of those who want to speculate in public lands these people open a fruitful field.

Here are people ignorant of their rights, except they have a holding which they believe to be secure without paper evidence of title, land becoming rapidly valuable in the market. There is the field for the cupidity of those going out to make claims under the general land law. So some enterprising citizen locates on a portion of land occupied by these people and enters that land in the local land office, and it goes into the General Land Office. This practice progressed so far we know that in 1879 an act of Congress was passed reserving from the public land certain valleys in Arizona and certain lands in New Mexico from the operation of the homestead and pre-emption laws in order to protect these people upon their holdings until something could be done for them.

The treaty made by the United States guaranties to them their title without cost to them. What does this bill propose? They are to present a formal petition to the court setting up their claim; the tenure under which it is held, and the evidence in support of it, the extent and boundaries of it, to be known only after expensive surveys; then,

if after investigation they have been found in possession of it for forty years, the court may confirm their title to that land! They ask for bread and are given a stone! And then comes the bar of the limitations in the bill: “That all claims not presented under this bill within a period of two years from the date of its passage are hereby forever barred, and all lands not so presented are hereby restored to the public domain.”

Mr. Chairman, doubtless the gentleman from Colorado and other gentlemen within the sound of my voice have been among those people living along in the localities I have described. If so I would gladly yield five minutes of my time now to any one of them who will rise and say in the presence of the House of Representatives that he believes he knows a single instance, or one in a hundred, in any one of these localities where any person affected in any manner by the provisions of this bill, will go into a court, go through the formality of hiring a lawyer, and present his case for adjudication to be passed upon by the tribunal suggested here.

Mr. MORGAN. How would they know the law had been passed?

Mr. PAYSON. That is a very happy inquiry by the gentleman from Mississippi. How would they know that such a law had been passed, or how many, even if it was brought to their attention, would be able to avail themselves of it?

Mr. SYMES. If the gentleman from Illinois will be as good as his word, I will occupy about a minute in making a response to his suggestion.

Mr. PAYSON. Very well.

Mr. SYMES. This bill provides for notice being published in the English and Spanish languages in the vicinity where these small claimants live; and when this court provided by the bill goes out there, I have no earthly doubt that when the facts are brought to their attention, the attorney who represents these people, or the people themselves if they do not employ an attorney, will see that their little claims are properly presented before that tribunal. All that is necessary is for them to come forward and make their proof that they have been in possession for forty years—I think twenty or twenty-five would be ample; but when that proof is made to the satisfaction of the court that they or their ancestors have occupied this land for forty years next preceding the approval of this bill, no further title or evidence of ownership is necessary. That settles the question. There is no appeal to the court in banc, and that is the end in favor of the small claimants. I submit that it is better than to have an agent traveling around with an attorney and telling them what their titles are worth.

Mr. KERR. Suppose the court decides against them, how can they appeal?

Mr. THOMAS, of Wisconsin. I wish to avail myself of the opportunity offered by the gentleman from Illinois to make a brief reply to the point made by him a few moments since. Now, the facts which the gentleman overlooks are that these land-grabbers, claiming millions of acres under the law of 1854, have in hundreds of cases in New Mexico and Colorado extended their lines so as to include hundreds, and I do not think I am above the point to say thousands, of these small claims, and claim by virtue of fictitious land grants; and I for one think that ought to be investigated by the court, and the right and title of these smaller farmers and small holders, who hold under a species of vassalage and at their mercy, ought to be settled.

Now, the object of this bill is to aid men of that kind, and they are the vast majority of these smaller holders in the Territory of New Mexico, Arizona and Colorado, who are at their mercy. Section 15 of the bill provides:

That wherever any claimant shall produce evidence to the satisfaction of the said court of the continuous occupancy and possession, by himself, his ancestors, or grantors, for forty years next preceding the date of the approval of this act, of a piece or parcel of land in either of said Territories or State, not exceeding 160 acres in extent, and not included within the limits of any grant for the establishment of a city, town or village, no further evidence of title or ownership shall be necessary or required from such claimant, but he shall thereupon be entitled to confirmation of his title to such piece or parcel of land.

So that it will be seen no costs are required to be paid at all.

Mr. PAYSON. You have got to have a lawyer?

Mr. THOMAS, of Wisconsin. He may have to hire a lawyer; but it does not follow that he must do so. He may go into the court without a lawyer. A provision is made here, as will be seen, that he has no costs to pay to establish his title.

Mr. PAYSON. Will the gentleman tell me how one of these Mexicans, who has lived there himself, and his ancestors for two hundred and fifty years, who does not understand a word of our language, would go into the court without the help of a lawyer under that bill? Can he imagine how it is possible for him to do so?

Mr. THOMAS, of Wisconsin. In reply to that I can only say that when a man is in that condition, under the laws as they exist, by which he is virtually deprived of his property, this bill gives him a chance to come into the court and obtain his remedy.

Mr. PAYSON. But he is not deprived of his property under existing law. Under the law and the treaty between this country and Mexico, his title, if he is still in occupancy, is as good as any man's title. The only difficulty is that in cases where there is a desire to dispossess him, there is no title that he has which is deducible of record. That is the

only difficulty he rests under, except possibly in the case that his land may be grabbed by somebody, himself ousted, and the possession assumed by somebody else, while he is unable to resist the aggression. But I am suggesting this because I am showing what I think to be some of the features of this bill which are subject to criticism; and I propose to submit, at the proper time, what I have indicated as, in my judgment, a better scheme altogether. I am not here for the purpose of saying that the act of 1854 is the best enactment that could be made. I do not believe it is. I believe in a better one, as I have outlined it.

Mr. HOVEY. At the expense of the United States?

Mr. PAYSON. Yes; at the expense of the United States. And that the decision of the Secretary of the Interior, unless appealed from, in every grant that embraces less than 11 square leagues of land should be final and conclusive; and as to every grant including more than that, not one of them should ever be confirmed except by the joint action of the two Houses of Congress, with the approval of the President of the United States.

As regards the holders of these smaller areas of land, place it in the power and make it the duty of the surveyor-general of each of these Territories, with a corps of assistants subject to his disposal, to make surveys, to go wherever these people live and, without any expense to them, survey their land and certify the survey to the Commissioner of the General Land Office, and let him issue a patent in the mean time prohibiting settlement as against them.

I realize the difficulty of undertaking to prove titles back for forty years. We all know that forty years is more than the average of one generation. In every State of this Union, so far as I am advised, and I can speak absolutely as to my own State, open adverse possession for twenty years is deemed conclusive as to title. Possession for seven years under the claim and color of title is made good there. These lands on which these people have been living are of no great value to anybody except themselves or to one who goes there with a speculative idea.

Mr. SYMES. Will the gentleman permit me a suggestion in reference to what he was saying a moment ago?

Mr. PAYSON. Yes, sir.

Mr. SYMES. In a bill reported from the Committee on Territories, of which I am a member, and similar to a bill which passed the Forty-ninth Congress, it is provided that in proving up these small claims the expense of it should be paid by the Government.

Mr. PAYSON. And it ought to be.

Mr. SYMES. I agree with the gentleman from Illinois in that statement; and I should like to see this bill amended in that particular.

Mr. PAYSON. I said, in answer to the gentleman from Indiana and the gentleman from Mississippi a few minutes ago, that my plan contemplated that. In accordance with the treaty between this Government and Mexico, and even under the promptings of humanity alone, a great, rich nation like this, with a surplus running into hundreds of millions in the Treasury, is engaged in a paltry retail peanut business when it goes to quibbling with some poor, ignorant, harmless being as to who shall pay the cost of providing title for 15 or 20 acres of land when it has been assured to him by the greatest power in this country—the treaty-making power.

Mr. Chairman, let the Government do justice to these poor people. I remember with pleasure, ay, with pride, the fact of the enactment of the homestead law—that grand, beneficent enactment—which with its central idea of “free homes for free men” has been a rallying cry for years; an act signed by that great man from my own State, President Lincoln, and which has been one of the many stars in his crown of glory. I remember all this as I stand here clamoring for this legislation for these dependent poor, as I have for five years! [Applause.]

I think that plan ought to be adopted. Who can possibly be harmed by it? Let us commence at the lower round of the ladder and help the poor and needy first. Everybody who knows anything about these claimants knows that those who are asserting title to these great areas of land bought them for a song—a pittance was paid for what is to-day a principality.

I have the records in my desk in my own committee room of Public Lands of a transaction where a tract of land of 1,700,000 acres was bought with four mules. Then there is this great Peralta grant, involving 7,000,000 acres of land, covering with its dark and blighting shadow the southern half of Arizona, the southwest corner of Kansas, taking in the whole of No Man's Land, part of the Pan Handle of Texas, and part of the Indian Territory. What was the basis of that claim? Simply a voluntary agreement not reduced to writing to colonize a few immigrants on that territory. The papers in that case show that not a dollar of money was invested by the men who were engaged in that great enterprise; a transaction involving 7,000,000 acres of public lands; a territory that is almost one-quarter the size of the great, grand State in which I live, and not a dollar of money invested in it.

Let those men come to this body. The American people has yet a conscience and that conscience is and ought to be reflected here; and when a man has an honest claim, and it can be made to appear that it is honest, he will get it. Suppose it is deferred, he can afford to wait, well afford it.

It is better for men who have valid claims, the confirmation of which

may be possible, to postpone them for a few years. They can better afford to permit themselves to be inconvenienced by that delay rather than future generations shall be deprived by the system of worse than robbery of hundreds of thousands, not to say millions of acres of land through hasty methods of adjustment. The inconvenience that can result to them is not to be compared to evils that always have resulted through haste.

I have spoken of limiting the jurisdiction of the Department to claims of 11 square leagues of land. I took that as the unit, and I make this statement for the benefit of those who have not investigated this question. There is a belief—I do not subscribe to it, nor do I deny it—that 11 leagues of land was the most that could be granted under the laws of Mexico in grants to individuals.

It is asserted by some of the best lawyers in the country that that is the extreme amount. I will assume that as a unit in the proposed legislation which I will offer as a substitute for this bill at the proper time. If a claim of that amount or less passes the ordeal of the surveyor-general, of the Commissioner of the General Land Office, and of the Secretary of the Interior, then, so far as the General Government is concerned, it can well afford to say that that shall be final. On the other hand, if the decision is against the claimant, he will have a right of appeal to the Supreme Court of the United States.

Mr. SYMES. Will the gentleman yield for a question?

Mr. PAYSON. Yes, sir.

Mr. SYMES. I had presented to me once as an attorney the immense claim which the gentleman has so eloquently described, and as to which he says the only consideration for 7,000,000 of acres was an agreement to colonize a few people on the land. I fully concur with him as to that claim. I told the parties that consulted me that the claim had no foundation which this Government would recognize, and that they had better abandon it. I told them that as a lawyer. But now I ask the gentleman if he cites that as a case such as would be in danger of passing through this land court, if it were created under the proposed bill.

Mr. COCKRAN. Will the gentleman yield to me for a question?

Mr. PAYSON. With pleasure.

Mr. COCKRAN. Do I understand the gentleman to suggest that the proper course would be to give an appeal from the Secretary of the Interior to the Supreme Court of the United States?

Mr. PAYSON. I do.

Mr. COCKRAN. Do you find any constitutional authority for that?

Mr. PAYSON. I think I understand the gentleman's point. I know that a question has been raised—and it is a question to which I have given some little thought—as to whether the Supreme Court of the United States, being a court of appellate jurisdiction only and having very limited original jurisdiction in civil cases, there might not be a difficulty in the way of allowing an appeal to that court from the Secretary of the Interior as a matter of practice. In answer to him, I have to say that if upon investigation it should be found that the obstacle suggested does exist—I do not commit myself on that point—there is a very easy way of getting around it by providing that the decision of the Secretary may be entered as a judgment *pro forma* in the supreme court of the District of Columbia and an appeal be taken from there to the Supreme Court of the United States. But that is only a question of detail, as I think the gentleman from New York will agree. Just how the practice would be regulated is a matter that could be settled hereafter. The principle is what I am after; details can easily be settled.

Mr. COCKRAN. Another question. Would there be any objection to establishing some tribunal, whatever it might be called, equipped with the power to ascertain the facts in any of these controversies, with an appeal from that tribunal direct to the Supreme Court of the United States?

Mr. PAYSON. I am coming to that later, as I said a moment ago to the gentleman from Colorado [Mr. SYMES], but I may as well state the objection now as at any other time. A good deal of surprise would be expressed by any lawyer here if an adequate statement could be made of the exhibitions of genius manifested by those who are claiming lands under fraudulent grants, in the preparation of their proofs before courts or commissions. I remember that when I read of what was done in California before the commission appointed under the act of 1854, it seemed not only to border upon, but to enter actually into, the realm of fancy and imagination. I did not believe that such things were possible. But I have seen the records covering hundreds and hundreds of pages (and in the reports from the General Land Office and the Department of Justice there are hundreds of pages with reference to these matters in California), records which were manufactured from the first line to the last and appeared to be duly authenticated. Seals were attached with all due formality. Signatures were counterfeited with astonishing accuracy. Affidavit upon affidavit was made that the originals from which these records came had been lost or destroyed, and all apparently perfectly regular, afterwards confessed forgeries, and made easy by the careless way in which archives were kept there.

When I was in New Mexico five years ago this summer, the register of the local land office pointed out to me in what was called the governor's palace, now occupied by our officers as a public building, an out-house in which he stated there had been kept for months and months the paper evidences of the title to great areas of land in the Territory,

easy of access to any, kicked about as rubbish, put in places where neither of us would put a dog, regarded as valueless. Frequently forged papers are inserted in these masses, and then searched for, found, and certified as genuine. This was attempted with the Peralta grant. That these things have been done is beyond question. Now, we all know as lawyers that when you are trying a matter before a tribunal and the trial of the case actually begins, the procession begins to move; it has to be then and there tried to an end upon such material as is at hand. To make myself better understood, I will give an illustration. Suppose that I am attorney for the claimant in one of these land-grant claims and the gentleman from New York [Mr. COCKRAN] is the district attorney under this bill. I prepare my case. Of course the Government has nothing to do but to stand back and see what evidence the claimant has to show why the title should be confirmed.

I get up and offer to the court in the first place a certified copy of a grant made by the proper authorities of the Republic of Mexico away back in 1826 or 1830. By affidavit after affidavit I prove that there was an original of that grant which has been lost, and I produce the depositions of some persons who testify to what is known as juridical possession. These witnesses swear that in their boyhood they remember going with their fathers out upon this land; that their fathers picked up and threw into the air some spears of grass and shouted, "Long live the Republic," or "Long live the King;" that ceremony being equivalent under the Spanish law to seisin under the common law. This sort of proof, as regular as anything can be, is offered. That being the case, what would the gentleman from New York, as attorney for the Government under this bill, do?

Mr. THOMAS, of Wisconsin. Will the gentleman permit me to answer?

Mr. PAYSON. Yes, sir.

Mr. THOMAS, of Wisconsin. The gentleman from Illinois asks, what would the gentleman from New York do under this bill? I take the liberty of answering by simply reading from section 14 of the bill, which provides—

That whenever the Government, by its attorney, or any person, corporation, or association, shall deny the existence of the right, title, or grant from the Spanish or Mexican Government, under which any petitioner claims lands by petition before said court, or shall allege that the said right, title, claim, or grant was fraudulently obtained, or that there is good reason to believe that the papers or documents under which any such right, title, or grant is claimed are forgeries, then in any such case the petitioner or petitioners shall, upon the order of said court, exhibit to the court, at a time and in such order to be specified, the original papers or documents upon which any such right, title, claim, or grant is alleged to be founded, if the same are in possession of such petitioner or can be obtained by him; if such originals can not be produced by such petitioner, he shall exhibit and file in the office of said court, within such time as the court shall direct, duly authenticated copies of all papers upon which he depends to establish his claim; whereupon if the Government, by its attorney or any proper person, shall certify said court that there is doubt as to the validity of such claim, right, or grant, it shall be the duty of the court to transmit to the Secretary of State of the United States a request that the question in controversy be thoroughly investigated by the representative of the United States Government in Spain or Mexico, or any of the States thereof from which it is claimed any such right, title, or grant is derived.

And thereupon the necessary evidence is obtained.

Mr. PAYSON. There is nothing new in that; we have all read it in the bill. That does not meet the question at all.

Mr. BUCHANAN. The gentleman from Illinois will allow me to ask this question: Is it not likely that in such a case as he speaks of the Government, instead of being represented by a gentleman of the fine legal learning and acumen possessed by the gentleman from New York [Mr. COCKRAN], would be represented by some attorney who had no practice at home, who was not fit to have any practice at home, and who had been appointed as a legal representative of the Government because he had had political backing?

Mr. PAYSON. I would rather not answer that question.

Mr. COCKRAN. The gentleman from New Jersey [Mr. BUCHANAN] will permit me to decline the compliment which he pays me, and to assure him that it is properly due to the President of the United States, who, under this bill, will see that the Government is suitably represented.

Mr. PAYSON. But we propose at the next election to change the political character of the administration, and will see to it ourselves that suitable appointments are made.

Mr. COCKRAN. Even if such a change were made, I would still have confidence in the administration of justice by the duly-appointed representatives of the Government. [Laughter and applause.] But let me ask a question directly in point in this controversy: Assuming that this tribunal would be exposed to all the weaknesses and dangers which the gentleman suggests, what other tribunal can be devised which will not be exposed to similar influences?

Mr. PAYSON. I meet that question by referring the gentleman to the plan I outlined a moment ago. You have first the surveyor-general of the Territory, supposed to be an honest man; and in the case of New Mexico and Arizona, I know that the officers deserve that character. This remark is no more than is due to those gentlemen, whom I have known from boyhood, George W. Julian and John Hise. Two better men never lived.

Mr. SMITH, of Arizona. I can corroborate the gentleman as to the surveyor-general of Arizona.

Mr. PAYSON. Next comes the Commissioner of the General Land

Office, an officer who is, presumably at least, a man of as much ability as the average lawyer who would be appointed to the position of judge under this bill. Next above him would come the Secretary of the Interior; and out of such material, very properly, as to intellect, judges of the Supreme Court are frequently made. Next above him comes the Supreme Court of the United States. I desire to be fully understood. I am not assuming that the judges to be appointed under this bill will be inferior in ability to others in like position, or that they will be lacking in integrity. I am not reflecting on the system by imputation as to either quality.

I am urging that they will be no better in either respect than the men called to act as Commissioner or Secretary, and that the Assistant Attorney-General for the Interior Department will probably be a man of larger experience and learning than the attorney to be appointed under the bill; but the point is that when the case is made up the case of the claimant is *ex parte*, the Government is not advised of it. The claimant presents only the evidence helping him, and the court must act on that which is presented to it. A court never, never sets on foot inquiries and investigations to be prosecuted outside to help either party on questions of fact. It must, as we all know, leave those matters to the litigants, but under my plan the officers could stop at any stage and make investigations as the proceeding developed occasion. In other words, the Department officials who deal with the evidence at first hand are not compelled to move except so far as they may deem it advisable to move, taking into account the best interests of the Government. Nor, I will say to the gentleman from New York, are they compelled to receive testimony as conclusive of a question, as a court would be compelled to do if the matter were on trial before it. If the gentleman will do himself the justice to read through the reports (tedious as some of them are), containing the history of the investigations of some of these private land claims based upon titles which afterward were confessed to be forgeries, he will see that it has been in the past a great safeguard to this nation that officers of the Government, who were called upon to pass on the validity of these claims, the regularity and authenticity of the papers evidencing the title, were not obliged to make a decision until they themselves had carried the investigation farther and in a line upon their own suggestion.

I do not believe, Mr. Chairman, that there is a necessity for this special tribunal at all. If the machinery of the executive department is sufficiently extensive, if there is a sufficiently large corps of employés to pass upon these questions as speedily as they ought to be passed upon, and the Secretary assures us of the sufficiency, then from motives of economy alone we ought to save the thirty-odd thousand dollars a year which it will cost to execute this bill.

Mr. COCKRAN. Will the gentleman permit me to interrupt him?

Mr. PAYSON. With pleasure.

Mr. COCKRAN. In view of the excellence of the present system, can the gentleman entirely reconcile that excellence with the fact these questions are undetermined and are before Congress asking for solution?

Mr. PAYSON. I will tell the gentleman. I do not assert the excellence in the present plan. Before the gentleman came in I had shown the defect of the present law in this, that it does not permit the Department to decide anything, only to report to Congress.

If it had the power to decide, all the long list of claims I have presented would have been decided years ago, unless pending in the Supreme Court on appeal.

Mr. COCKRAN. Then the only question is whether this is the best method of deciding them?

Mr. PAYSON. No; but what shall be substituted for the existing law, and I prefer rather than to have this bill adopted, which, in my judgment, would render it possible in the future to practice the frauds which have been practiced in the past; and if that is to be the result of its adoption I for one prefer the present delay, under which no possible frauds can be practiced.

Mr. Chairman, I hold in my hand a letter addressed to me by Mr. Julian, the surveyor-general of New Mexico, which I heartily indorse and will incorporate in my remarks, omitting the formal heading:

Several projects for the settlement of these titles have been urged. One of these is the creation of a commission, like that provided for California by the act of Congress of 1851. Another is the submission of these questions to the courts of New Mexico, according to the provisions of what is known as Mr. EDWARDS'S bill. Another is the organization of a land court, which shall hold its sessions either in Washington or in New Mexico, for the purpose of hearing these cases. In my opinion none of these legislative schemes are demanded by any necessity. Let me invite your attention to a few simple facts in elucidation of this view.

The act of Congress of July 22, 1854, makes it the duty of the surveyor-general to ascertain "the origin, nature, character, and extent" of these foreign grants, and make full report thereon to Congress with a view to the final action of that body. This work was begun in 1855, and is now substantially completed. The claims are on the files of the General Land Office and before the committees of Congress, including duly certified copies of the papers in each case, the evidence, both documentary and oral, the reports of the surveyor-general, and the supplementary reports recently submitted, all in their orderly connection, and printed. What is obviously wanted is a brief enactment of Congress referring all these cases to the Land Department for decision on the basis of action thus supplied. Congress refuses to adjudicate any more of them, but this certainly does not make nugatory the records thus prepared, but only necessitates their submission to another tribunal. That tribunal is at hand in the Department of the Interior.

In urging this plan of settlement, as I have done during the past two years, I am now supported by Secretary Lamar. In his late annual report he says

that "as at present organized and equipped, with a slight increase of force, that Department is fully equal to dealing with and determining all legal questions arising under these grants. It has at its disposal legal talents trained and familiar with questions of law and in the habit of acting judicially in other cases. Representing the executive power of the Government, this Department must, in any event, be a large participant in any action in relation to these grants. The official documents, the archives, ancient and modern, relating to the public lands and foreign grants, are in its custody, and must there remain.

Such a plan, in my opinion, would be simple, inexpensive, and accomplish the settlement of these claims in a much more expeditious and satisfactory manner than any of those heretofore suggested.

If these views are sound the expensive and dilatory machinery of a court or commission is wholly superfluous. Should any such tribunal be established it will be obliged to dispose of the cases on the papers on file in the General Land Office. No other method of proceeding is possible, since the witnesses are nearly all dead, and the record of their evidence must be received. In a few cases additional testimony might be desired, for which provision could readily be made in the act of Congress transferring them. A competent lawyer could decide them as well as a court or commission, for in either case the basis of judgment would be the same. The business would be done speedily, while I have shown in my last annual report that on the plan of a commission like that proposed in Mr. JOSEPH's bill, or of a court such as the Edmunds bill of the last Congress provides for, the cases would not be settled in a quarter of a century.

That I am right in pleading for the summary method of settlement proposed will more clearly appear by referring to the amount and character of the work involved. In the recent address of Governor Ross before this committee he estimates the number of claims to Spanish grants in New Mexico at five or six thousand. The extravagance of this statement makes it simply ridiculous, and my respect for his official position obliges me to assume that he has been very unfortunately reported. Besides the few unsettled claims in Colorado and Arizona, there are two hundred on the files of the surveyor-general's office at Santa Fé. Forty-nine of these have been disposed of by Congress. Forty-odd additional cases are in such fragmentary and imperfect shape that no action on them is possible, while the claimants, who were notified over two years ago to amend and perfect their applications, have failed to do so. The fair assumption is that the cases have been abandoned. This leaves a residue of only a little over one hundred claims to be disposed of. A few straggling cases in the custody of private parties may yet make their appearance after the lapse of thirty-four years, but this is not probable, and it may reasonably be presumed that the cases now on file and exhibited on the official map of the Territory are all, or very nearly all, that will demand attention.

Nor is there anything difficult or intricate in their settlement. Governor Ross, as reported, tells you that "so intricate and tangled has become the wool and warp of this Spanish and Mexican grant business—so interdrawn the lights and shadows of good and evil intent in their manipulation—that only by the most careful judicial investigation by a tribunal clothed with ample authority to enforce testimony will it be possible to elicit the truth and establish justice." This is poetry, and needs to be translated into the plain prose of actual facts. Of the one hundred cases referred to, many involve very small tracts, like those of the group in the vicinity of Santa Fé. These can be readily disposed of, as they disclose little ground for controversy.

There are a good many colony and pueblo grants, about which there is no real dispute, and in which the grantees or their descendants will hold their lands by occupancy and prescription if the grants should be found technically invalid. Quite a number of other claims, as I have found, are so clearly valid, or else so manifestly invalid, as to preclude controversy, and make their disposition easy and merely formal, while comparatively few of them involve such controverted questions of law or fact as to require any elaborate investigation. There is nothing mysterious or occult about them. They involve none of the niceties of legal metaphysics. As a rule, the grant relied on by the claimant is found among the archives on file in the surveyor-general's office. Its genuineness is easily ascertained, and the cases of forged grants are very few. If it is shown by the archives that juridical delivery of possession was made, and the evidence proves that the conditions of the grant were complied with, a conclusion is readily reached.

The shocking and wholesale frauds that have been perpetrated in New Mexico in dealing with these claims have had their genesis in the brazen and defiant roguery of the claimants and not in the intricacy of the cases as presented. I have personally examined nearly all the claims in New Mexico, and have no hesitation in saying that the whole batch of them could be disposed of in from one to two years by a competent lawyer who would industriously apply himself to the task, under the supervision of the Secretary of the Interior. There is, therefore, no necessity or even excuse for a court or commission in New Mexico to pass upon them, while "the right of the National Government to lands" as Secretary Lamar says, "can not be wisely left to the arbitrament of local tribunals, which are more or less under local influences and supposed to sympathize with the individual claimant as against the Government." The truth of this statement has been abundantly verified and shockingly illustrated by the action of the California commission, created by the act of Congress of 1851, which became the cat's-paw of land-stealing experts in their triumphant robbery of the public domain.

As to the numerous small landholders in New Mexico who claim no title under any grant and have no right to their little possessions except that of occupancy and prescription, I have been hearing their claims and forwarding their proofs to the General Land Office as in the case of grant claimants. These examinations involve no court charges, and this fact is a great relief to the parties concerned, who are too poor to defray the expenses of litigating their claims before a court or commission. Should the plan I am urging be adopted nothing will be wanting but the action of the Land Department upon their cases.

In urging these views I am decidedly opposed by the grant claimants, but I am sure I represent the rank and file of the people of New Mexico. The Government has left them in the wilderness for more than the third of a century and they now have a just right to a speedy deliverance.

I respectfully submit that this is only possible on the plan I propose, and that to turn them over to the tedious and dilatory machinery of the courts would be to prolong indefinitely the evils under which they have so long groaned.

Yours, truly,

GEO. W. JULIAN.

The CHAIRMAN. The gentleman's time has expired.

Mr. PAYSON. Mr. Chairman, I desire only a single word. At the proper time I shall offer the bill I have outlined as a substitute for the bill of the committee, and on it I invoke the favorable consideration of the House; and I thank gentlemen for the kind attention with which I have been complimented.

Mr. MCCREARY. I have taken the floor, Mr. Chairman, for the purpose of suggesting a recess until Monday morning at 10 o'clock, for the purpose of continuing the consideration of the pending bill. I think there is a general desire on the part of the House to get through with this matter, and I will therefore now move the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having taken the

chair Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona and New Mexico and in the State of Colorado, and had come to no resolution thereon.

Mr. MCCREARY. I now move, Mr. Speaker, that the House take a recess until Monday morning at 10 o'clock.

Mr. SAYERS. I ask the gentleman to withdraw that for a moment until I can present two amendments to be printed in the RECORD.

Mr. MCCREARY. Certainly.

Mr. SAYERS's proposed amendments were read, as follows:

Strike out the word "forty," in line 4, section 15, and insert the word "ten;" so that it will read:

"SEC. 15. That wherever any claimant shall produce evidence to the satisfaction of the said court of the continuous occupancy and possession, by himself, his ancestors, or grantors, for ten years next preceding the date of the approval of this act, of a piece or parcel of land in either of said Territories or State."

Also, insert after the word "claims," in line 20, page 10, the following: "And any instrument of writing and any assignment or indorsement thereof shall be regarded as fully proved unless some party to the suit shall deny in his plea that the same is genuine, and moreover, shall file with the papers in the cause an affidavit stating that he has good cause to believe, and does verily believe that such instrument of writing, assignment, or indorsement is forged."

RIVER AND HARBOR BILL.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported a bill (H. R. 9050) for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union; and, with the accompanying report, ordered to be printed.

Mr. ANDERSON, of Kansas. I reserve all points of order on that bill.

Mr. BRECKINRIDGE, of Kentucky. I was going to do the same thing.

MAJ. DANIEL N. BASH.

Mr. DUNHAM. I move, by unanimous consent, to take up for consideration the bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, United States Army.

The bill was read.

Mr. BLOUNT. Let us have the report in that case.

Mr. DUNHAM. I desire to state, in a moment, that the House bill was introduced by myself and received the unanimous report of the Committee on Military Affairs—

Mr. BLAND. I think we had better have the regular order.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. MCCREARY. I have not yielded the floor for such a motion.

Mr. McMILLIN. I do not desire to take the gentleman off the floor, and will yield to hear his statement.

Mr. MCCREARY. I move that the House take a recess until 10 o'clock on Monday morning.

The SPEAKER *pro tempore*. If that motion is adopted the effect will be to continue the consideration of this bill.

Mr. RANDALL. And make Monday Saturday. There is no restriction; the House may be kept in session all day and the Monday session altogether lost.

Mr. McMILLIN. I will state a reason to the gentleman from Kentucky that would operate against his motion.

Committee meetings are to be held, and in view of the fact that members of the House are not excused from attendance because of their presence at committee meetings, it would prevent meetings of committees from being held on that day, and greatly inconvenience and retard the business.

Mr. MCCREARY. Then I will ask unanimous consent that this bill, now under consideration, be taken up on next Saturday after the consideration hour.

Mr. RANDALL. I will have to object to that, as on next Saturday here will probably be an appropriation bill.

Mr. MCCREARY. Then I will say, subject to appropriation or revenue bills.

Mr. HOLMAN. I will also have to insist upon an exception in favor of the general homestead law.

Mr. STEELE. Pending that, I move that the House do now adjourn. The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BURROWS: A bill (H. R. 9088) for the relief of James S. Smith—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 9089) for the relief of Jacob Henry—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 9090) for the relief of Enoch S. Whitehouse—to the Committee on War Claims.

By Mr. PEEL (by request): A bill (H. R. 9091) for the relief of John L. Owen—to the Committee on Military Affairs.

Also, a bill (H. R. 9092) for the relief of George W. Glenn—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 9093) for the relief of Lincoln W. Tibbets—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 9094) making an appropriation for the benefit of the Presbyterian Church at Smyrna, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9095) to increase the pension of Charles Clark—to the Committee on Pensions.

Also, a bill (H. R. 9096) for the relief of John N. Smith—to the Committee on War Claims.

By Mr. ROBERTSON: A bill (H. R. 9097) for the relief of the Odd Fellows' Hall Association of New Orleans, La.—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 9098) for the relief of the legal representatives of A. J. Beale, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9099) for the relief of M. G. Gilbert—to the Committee on War Claims.

Also, a bill (H. R. 9100) for the relief of C. J. McConnell—to the Committee on War Claims.

Also, a bill (H. R. 9001) to place the name of Granville Dunning on the muster-rolls of Company B, Thirtieth United States Colored Heavy Artillery—to the Committee on Military Affairs.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 5747) granting a pension to Emma Zimmerman—to the Committee on Invalid Pensions—to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Memorial of 55 citizens of Chicago, Ill., against repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolutions of the Chicago Board of Trade, in relation to the Nicaragua Canal—to the Committee on Commerce.

By Mr. C. H. ALLEN: Petition of Barnet Rogers and 256 employés of the Smith & Dove Manufacturing Company, of Andover, Mass., protesting against any reduction of duties on flax or dressed lint—to the Committee on Ways and Means.

Also, memorial of William Oswald & Co., for better postal service between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. C. S. BAKER: Petition of Hon. B. F. Fenner and 198 others, citizens and business men of Penn Yan, Yates County, New York, in favor of the reduced rate of postage on letters—to the Committee on the Post-Office and Post-Roads.

By Mr. BIGGS: Petition of several thousand residents and miners of the gold belt of California, urging the passage of House bill 1216, for the survey of rivers and streams of the State affected by mining débris—to the Committee on Mines and Mining.

By Mr. BOOTHMAN: Petition of Pioneer Grange No. 136, Patrons of Husbandry, of Weston, Ohio, protesting against the reduction of the wool tariff—to the Committee on Ways and Means.

Also, petition of same, for the reduction of postage on plants, bulbs, and other fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWEN: Petition of Robert R. Dors, of Craig County, Virginia, for payment of his war claim, with accompanying proofs—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of 80 citizens of Pine Bluff, Ark., protesting against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. BREWER: Protest of R. B. Caruss, N. T. Daniels, and 75 other farmers of Clinton County, Michigan, against putting wool on the free-list—to the Committee on Ways and Means.

By Mr. J. R. BROWN: Petition of B. Y. Fretwell and 27 others, citizens of Danville, Va., protesting against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. BUNNELL: Petition of workmen in glass manufactures, of Wayne County, Pennsylvania, against the reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. CAREY: Memorial of the Legislative Assembly, praying for authority to lease school lands—to the Committee on the Public Lands.

Also, memorial of the Legislature of Wyoming, in reference to the Fort Bridger military reservation—to the Committee on the Public Lands.

Also, memorial of certain citizens of Wyoming Territory, praying the duty be not removed from window-glass—to the Committee on Ways and Means.

Also, memorial of the Board of Trade of Laramie City, Wyo., praying for the construction of reservoirs—to the Committee on the Public Lands.

By Mr. CONGER: Petition of the board of railroad commissioners of Iowa, for the passage of such legislation as will prevent the loss of life and limb in coupling cars and handling brakes and regulating the manner of heating cars—to the Committee on Commerce.

By Mr. CROUSE: Petition of W. S. Phillips and others, of Chagrin Falls, Cuyahoga County, Ohio, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of Richard T. Sullivan and Foss & Co., of Boston, Mass., asking retention of present tariff rates on wool, rags, shoddy wool, extracts, etc.—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of W. T. Alexander, late postmaster at Jacksonville, Ala., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. GALLINGER: Petition of Herbert Bailey, of Claremont, N. H., for quick mail transit between New England and the West—to the Committee on the Post-Office and Post-Roads.

Also, petition of the railroad commissioners of New Hampshire, in favor of uniform automatic couplers for freight-cars on interstate railroads—to the Committee on Railways and Canals.

By Mr. GIFFORD: Petition of M. M. Denison and 49 others, citizens of Hand County, Dakota, praying that flax and flax products may be protected by a high tariff—to the Committee on Ways and Means.

By Mr. GRANGER (by request): Petition of John Barris and others, and of J. S. Mead and others, in relation to the postage on seeds—to the Committee on the Post-Office and Post-Roads.

By Mr. D. B. HENDERSON: Affidavit of William Ryan & Son, pork-packers, of Dubuque, Iowa, contradicting statement of W. G. Bartle, of St. Louis, Mo.—to the Committee on Agriculture.

Also, petition of Branch No. 21, Butchers' National Protective Association, favoring the Butterworth bill for purelard—to the Committee on Agriculture.

By Mr. T. J. HENDERSON: Resolution of the Sheffield Farmers' Alliance of Bureau County, Illinois, favoring placing lumber, salt, and wool on the free-list, reducing the tax on sugar, clothing, and other necessities, and against the repeal of tax on tobacco and whisky—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of Pomona Grange, Salem, Oregon, for creation of a department of agriculture with a Cabinet secretary—to the Committee on Agriculture.

Also, protest against reduction of tariff on wool, by the North Pacific Sheep and Wool Growers' Association of Oregon—to the Committee on Ways and Means.

By Mr. HITT: Memorial and affidavit of stock-shippers and pork-packers of Galena, Ill., touching statements of W. G. Bartel—to the Committee on Agriculture.

By Mr. S. I. HOPKINS: Petition of Robinson, Tate & Co., and 87 others, merchants of Lynchburgh, Va., against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

Also, petition of George W. Hardwicke, for the payment of his claim—to the Committee on Claims.

By Mr. HOUK: Petition in behalf of William H. Kirk, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HOVEY: Petition of Knights of Labor of Evansville, Ind., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LAIDLAW: Petition of citizens of Allegany County, New York, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. LONG: Petition of Local Assembly, No. 4286, Knights of Labor, of Plymouth, Mass., for the tonnage-tax bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LYMAN: Memorial of the Board of Railroad Commissioners of Iowa, for legislation better to protect employés of railways engaged in coupling freight cars—to the Committee on Commerce.

By Mr. MASON: Petition of citizens of Illinois, against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petition of Geo. B. Safford, of R. B. Dunn, and of Dennison Walker, for quick mail transit for New England—to the Committee on War Claims.

By Mr. NICHOLS: Petition of Palmer Babcock, of Johnston County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Petition of farmers of Adams, N. Y., for better protection by means of the tariff—to the Committee on Ways and Means.

By Mr. PENINGTON: Petition of sundry citizens of Milford, Del., for an appropriation for the improvement of Mispillian Creek—to the Committee on Rivers and Harbors.

By Mr. PERRY: Petition of citizens of Greenville, of Piedmont, of Simpsonville, of Reedy River Factory, of Columbia, and of Greenville, S. C., against the passage of the lard bill—to the Committee on Agriculture.

By Mr. PLUMB: Petition of 110 members of Local Assembly, No. 376, Knights of Labor, of Braidwood, Ill., for the passage of the tonnage bill—to the Committee on Commerce.

By Mr. RICE: Circular letter of the Board of Railroad Commissioners, of Minnesota, urging legislation for the better protection of brakemen in the employ of railroad companies, engaged in coupling and uncoupling cars—to the Committee on Commerce.

By Mr. ROBERTSON: Paper in the case of Rupert G. Hill—to the Committee on Military Affairs.

By Mr. SPRINGER: Petition of the Dakota Agricultural College, relative to certain university lands—to the Committee on Education.

By Mr. J. D. STEWART: Petition of Mary Boyd, of Clayton County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Papers in the claim of Carr, Rogers & Co.—to the Committee on War Claims.

By Mr. J. D. TAYLOR: Petition of William Bundy and 32 others, of James A. Sheppard and 57 others, and of Silas Bailey and 17 others, for the adoption of the schedule of duties agreed upon by the wool-growers and wool manufacturers in January, 1888—to the Committee on Ways and Means.

By Mr. WEBER: Two petitions of farmers of Erie County, New York, for protection of farm products—to the Committee on Ways and Means.

By Mr. WILLIAM WHITING: Petition of Festus C. Currier, of Fitchburgh, and of Merchants' Association of Boston, Mass., for better mail facilities—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. H. Hamlin and others, against the admission of Utah—to the Committee on the Territories.

Also, petition of John C. Green, of Fitchburgh, Mass., in favor of better postal facilities—to the Committee on the Post-Office and Post-Roads.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BELDEN: Of William Strong and 40 others, citizens of East Syracuse, and of Arthur E. Daniels and 22 others, citizens of Camillus and Belle Isle, N. Y., ex-soldiers and sailors.

By Mr. BUNNELL: Of soldiers and citizens of Susquehanna County; and of 150 soldiers and citizens of Ulster, Bradford County, Pennsylvania.

By Mr. GOFF: Of E. P. Meyers and others, of Marshall County, West Virginia.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. LEE: Of citizens of Verdierville, Orange County, Virginia.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BUNNELL: Of 265 citizens of Bradford County, Pennsylvania.

By Mr. ERMENTROUT: Of James Mitchell, of Atlanta, Ga.

By Mr. GALLINGER: Of James Mitchell, of Atlanta, Ga.

By Mr. LONG: Of 81 citizens of Plymouth County, Massachusetts.

By Mr. MILLIKEN: Of the Woman's Christian Temperance Union of Ellsworth, Me.

By Mr. NELSON: Of 99 citizens of St. Louis County, Minnesota.

By Mr. RICHARDSON: Of 134 citizens of Coffee County, Tennessee.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of L. W. Brown and 73 others, citizens of Fulton County, Ohio.

By Mr. HAUGEN: Of 73 citizens of the Eighth district of Wisconsin.

By Mr. RUSK: Of 61 citizens of the Third district of Maryland.

By Mr. WEBER (by request): Of 80 citizens of the Thirty-third district of New York.

By Mr. WILLIAM WHITING: Of 63 citizens of the Eleventh district of Massachusetts.

By Mr. WILLIAMS: Petition of 73 citizens of the Third district of Ohio.

SENATE.

MONDAY, April 2, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

HANNAH R. LANGDON.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 549) granting a pension to Hannah R. Langdon, which were, in line 4, after the word "pension-roll," to insert "subject to the limitations and provisions of the pension laws," and in line 8, after the word "rebellion," to strike out "and pay her at the rate of \$20 per month from and after the passage of this act."

Mr. DAVIS. I move that the Senate concur in the amendments of the House of Representatives.

Mr. EDMUNDS. How will the bill read with the amendments agreed to?

The PRESIDENT *pro tempore*. The bill will be read as amended by the House of Representatives.

The Chief Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Hannah R. Langdon, widow of Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers, in the war of the rebellion.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Minnesota to concur in the amendments of the House of Representatives.

The amendments were concurred in.

IDA M. WELTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1784) granting a pension to Ida M. Welton; which was to add to the bill the words "and pay her a pension at the rate of \$18 a month."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MRS. APOLLINE A. BLAIR.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 574) to increase the pension of Mrs. Apolline A. Blair, which was, in line 4, to strike out the words "for and during her natural life."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills, heretofore received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 428) granting a pension to William B. Johnson;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 3191) granting a pension to Mary S. Logan;

A bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter;

A bill (H. R. 4104) granting a pension to Mahala Dexter;

A bill (H. R. 5118) granting a pension to Theodore Gardner;

A bill (H. R. 6759) granting a pension to Mary Robinson;

A bill (H. R. 6761) for the relief of James Orr;

A bill (H. R. 6812) granting an increase of pension to Stephen Thurston; and

A bill (H. R. 7856) granting a pension to Emma R. Johnson.

The joint resolution (H. Res. 140) appropriating \$25,000 for the International Exhibition in Barcelona, Spain, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 8962) for the relief of Anthony L. Woodson was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 6394) for the relief of Hayem & Taylor; and

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Frémont, in said State.

MARY S. LOGAN.

Mr. HOAR. I desire to inquire of the chairman of the Committee on Pensions what is the bill granting a pension to Mary S. Logan, which has just been read and referred?

Mr. DAVIS. It will be remembered that the Senate passed two bills, one for the relief of Mrs. Logan and the other for the relief of Mrs. Blair. The House passed the Senate bill for the relief of Mrs. Blair, and instead of passing the Senate bill for the relief of Mrs. Logan, it passed a bill of its own in the same terms. I now ask unanimous consent for the consideration of House bill 3191, granting a pension to Mary S. Logan.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the Senate recall from the Committee on Pensions and proceed to the consideration of the bill (H. R. 3191) granting a pension to Mary S. Logan. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mary S. Logan, widow of the late John A. Logan, a major-general of the United States Volunteers in the late war for the Union, and to pay her a pension at the rate of \$2,000 per annum.

The PRESIDENT *pro tempore*. Are there amendments to the bill in Committee of the Whole?

Mr. CULLOM. Was not the Senate bill the same?