

enter a motion to reconsider touching the action of the House on the conference report on Senate bill 182.

The SPEAKER *pro tempore*. If there be no objection, the motion will be entered.

## OHIO CENTENNIAL.

Mr. OUTHWAITE. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of a bill (S. 3182) and that it be considered in the House. I also ask unanimous consent that for this purpose the time of adjournment be extended for a period not to exceed five minutes.

The title of the bill was read, as follows:

A bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government, the Department of Agriculture, the Government Printing Office, and Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. BRECKINRIDGE, of Arkansas. Let the gentleman make a statement, subject to the right to object.

The SPEAKER *pro tempore*. Is there objection to the extension of the time for five minutes?

Mr. BRECKINRIDGE, of Arkansas. I do not object to that.

Mr. CANNON. I think we had better adjourn.

The SPEAKER *pro tempore*. Does the gentleman from Illinois object?

Mr. CANNON. What is the proposition?

The SPEAKER *pro tempore*. The gentleman from Ohio asks an extension of the time of this day's session for five minutes for the consideration of this bill.

Mr. CANNON. Five minutes is not sufficient time in which to consider it.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. CANNON. I think it had better go over until to-morrow.

Mr. KILGORE. I object.

The SPEAKER *pro tempore*. Objection is made. The hour of 5 o'clock having arrived, the House under its previous order stands adjourned until 12 o'clock to-morrow.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HATCH: A bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith—to the Committee on the Judiciary.

By Mr. C. L. ANDERSON: A bill (H. R. 11063) for the relief of Charles T. Murphy—to the Committee on Claims.

By Mr. BLISS: A bill (H. R. 11064) for the relief of William Blanchfield—to the Committee on Military Affairs.

By Mr. CHEADLE: A bill (H. R. 11065) authorizing and directing the Secretary of War to pay \$263.10 to James E. Southard—to the Committee on Military Affairs.

By Mr. CHIPMAN: A bill (H. R. 11066) for the relief of Catherine Happe—to the Committee on Invalid Pensions.

By Mr. COMPTON (by request): A bill (H. R. 11067) to prevent fraudulent transactions on the part of commission merchants and other consignees of goods—to the Committee on the District of Columbia.

By Mr. HOUK: A bill (H. R. 11068) granting an increase of pension to W. H. Kirk—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 11069) for the relief of William A. Flinn—to the Committee on Military Affairs.

By Mr. LANHAM: A bill (H. R. 11070) to authorize the construction of a street railway and wagon-road over the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico—to the Committee on Commerce.

By Mr. McCREARY: A bill (H. R. 11071) for the relief of Robert Wilson—to the Committee on War Claims.

Also, a bill (H. R. 11072) for the relief of W. N. Stokes—to the Committee on War Claims.

Also, a bill (H. R. 11073) granting a pension to Abraham A. Fowler—to the Committee on Invalid Pensions.

By Mr. McCULLOUGH: A bill (H. R. 11074) granting a pension to Samuel McCutchin—to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11075) granting a pension to John F. Heacock—to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 11076) for the relief of Mrs. Mary Amanda Nash—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 11077) to refer the claim against the United States of S. G. Grinnett to the Court of Claims—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 11078) to establish the rank of Arza B. Gilson as major—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 11079) to remove the charge of desertion from the record of Jacob F. Ruff—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 11080) to pension Mary Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11081) to pension A. T. Barard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11082) to pension James Wertz—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. E. BROWN: Petition of Francis A. Campbell and 40 others, of Harrison, Ohio, to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. BUTLER: Petition of Marie P. Evans, executrix of S. Duncan Linton, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COMPTON (by request): Petition of James Williams, for the payment of his war claim—to the Committee on War Claims.

By Mr. HERBERT: Petition of R. J. A. Stringer, and of Emily Daniel, widow of William J. Daniel, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MATSON: Petition of A. B. Gampton and 4,000 others, ex-Union soldiers of Indiana, for the passage of the arrears bill—to the Committee on Invalid Pensions.

By Mr. J. E. RUSSELL: Petition of Edward Sliney, of Paxton, Mass., for relief—to the Committee on Military Affairs.

By Mr. WALKER: Petition of J. A. Morrison and others, citizens of the Fourteenth district of Missouri, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WASHINGTON: Petition of heirs of Granville P. Brown, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition of citizens of Niagara County, New York, to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. WHEELER: Petition of Solomon G. Grunnett, administrator of Valentine Cagle, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of Mary Lynch, to have her name placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of citizens of Chesterfield County, Virginia, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. PHELPS: Of citizens of New Jersey.

## SENATE.

THURSDAY, August 2, 1888.

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

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

## RELATIONS WITH CANADA.

The PRESIDENT *pro tempore*. The Chair announces as the membership of the select committee under the resolution of the Senator from Massachusetts [Mr. HOAR], adopted on the 31st ultimo, to investigate and report upon the relations of commerce and business between the United States and Canada, Messrs. HOAR, ALLISON, HALE, DOLPH, PUGH, EUSTIS, and BLODGETT.

## ANNIE GIBSON YATES.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SAWYER], not now in his seat, called the attention of the Chair to this bill yesterday and intimated a desire to have a conference with the House of Representatives on the bill and amendments.

Mr. CULLOM. I move that the Senate insist on its amendment and agree to the conference requested by the House of Representatives.

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. SAWYER, Mr. BLAIR, and Mr. FAULKNER were appointed.

## NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives, concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. BECK. In the absence of the chairman of the Committee on Ap-

propriations, I move that the Senate insist on its amendments disagreed to by the House, and agree to the conference requested by the House.

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. HALE, Mr. FARWELL, and Mr. BECK were appointed.

#### HOUSE BILL REFERRED.

The bill (H. R. 1106) providing for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

#### PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of Mark H. Spaulding, of Northampton, Mass., praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. PAYNE presented a petition of 42 citizens of Hamilton County, Ohio, praying for the passage of certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3257) authorizing the United States engineer in charge of the harbor improvement of Mobile River and Bay to act as a member of the Mobile River Commission, as established by the laws of the State of Alabama, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3258) for the relief of Dr. John B. Read, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3283) granting a pension to Reuben Ash, reported it with amendments, and submitted a report thereon.

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

- A bill (H. R. 9697) granting a pension to Mrs. Helen B. Brown;
- A bill (H. R. 9463) granting a pension to Lucy A. Jordan;
- A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin; and
- A bill (H. R. 8617) granting a pension to Henry Crotsley.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 5494) for the relief of John T. Robeson, reported it without amendment, and submitted a report thereon.

Mr. HARRIS. I ask the unanimous consent of the Senate to consider the bill at this time. If it takes two minutes I shall withdraw the request. It is simply to refund certain moneys recommended by the Secretary of State.

Mr. BECK. I object. I want the Senate to go to the Calendar under the rule as soon as the routine business is through.

The PRESIDENT *pro tempore*. The Senator from Kentucky objects, and the bill will be placed on the Calendar.

#### COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DAWES July 12, 1888, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee as may be appointed by the chairman thereof, to continue during the recess of Congress the investigation authorized by the resolution of March 1, 1887, with the authority and in the manner and to the extent provided in said resolution; and also to visit any reservations where, in the opinion of said committee, it may be necessary to extend their investigations.

#### BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3409) granting a pension to Wilberforce C. Eaton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3410) granting a pension to John Akey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BOWEN introduced a bill (S. 3411) for the relief of Martin Graham; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HISCOCK introduced a bill (S. 3412) to grant leaves of absence with pay to inspectors of customs and clerks in the customs service;

which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 3413) to ratify and confirm an agreement with the Cœur d'Alene tribe of Indians, residing on the Cœur d'Alene reservation, in the Territory of Idaho, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORMAN introduced a bill (S. 3414) granting a pension to Emma Matilda Selfridge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3415) providing for two additional associate justices of the supreme court of the Territory of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

#### AMENDMENT TO GENERAL DEFICIENCY BILL.

Mr. SAWYER (by request) 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.

#### PATENT OFFICE ATTORNEYS' FUND.

Mr. PLATT. I offer the following resolution and ask for its present consideration:

*Resolved*, That the Commissioner of Patents is hereby directed to communicate to the Senate the names of all persons who had money on deposit with Levi Bacon, financial clerk of the Patent Office, in what was called the "attorneys' fund," at the time of the death of said Bacon, in 1887, and the amounts so deposited by each of said persons, together with the charge against said persons for copies and other dues; also, whether such deposits were made in pursuance of any order of the Commissioner of Patents, and, if so, what order; also other information as to the practice of the office relative to the method of accounts kept by said financial clerk with attorneys and others.

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

Mr. COCKRELL. Let it be printed, so that we can see it.

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

Mr. PLATT. I wish the Senator from Missouri would withdraw his objection for a moment.

Mr. COCKRELL. I withdraw the objection. I am not objecting to the resolution, for I think I am in favor of it, but I did not exactly understand it from the reading.

Mr. PLATT. In 1887 there was a financial clerk, as he was called, in the office of the Commissioner of Patents. He died, and he was said to have been a defaulter. Attorneys had deposited money with him to pay in advance for copies and matters of that sort. What I want to get is the information as to the amount of deposits and the charges against attorneys, etc.

The Commissioner of Patents in his last annual report recommended that something should be done about the matter, and the object of the resolution is to call upon him for all the information which there is, so that we may be able to act intelligently upon the subject, and follow out, if possible, the recommendations of the Commissioner in his annual report.

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

Mr. COCKRELL. I have no objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

#### DESERT-LAND APPLICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nevada [Mr. STEWART] coming over under objection. The resolution will be read. The Chief Clerk read the resolution, as follows:

*Resolved*, That the Secretary of the Interior be directed to furnish the Senate with a list of canceled desert-land applications, with the names of the applicants, and the amounts paid to the United States on such applications respectively, and to state whether, in his opinion, such applicants, or any of them, are equitably entitled to be reimbursed for the money paid on such applications to the United States, or any part thereof, and also to state what legislation is necessary to enable the Commissioner of the General Land Office to settle with such applicants on equitable principles.

Mr. STEWART. In explanation of the resolution I will say that quite a number of citizens of my State and in other places have taken up desert lands in good faith and have settled upon them. I know instances where they have lived upon the land ten or fifteen years, going upon it even before the desert-land law was passed. They took the lands up under the desert-land law, supposing that they could acquire title under it. Some of the land could not be irrigated. They have paid their money, and some have paid the entire amount, and they lived upon the land, but it is above where it can be reached by water, and the applications are canceled.

There are other cases in my State where persons have taken up land, but the water has been insufficient and they have been disappointed, having taken it up during the years when there was an abundance of water, and then for a long series of years they could not get water at all; and those applications have been canceled. I have a large number of letters in my desk reciting cases of hardship.

I introduced the resolution for the purpose of calling the attention of the Secretary of the Interior to the matter and ascertaining if any

legislation is necessary in order to enable the Department to settle with those parties upon equitable terms. It is simply to get information on this subject to see if anything can be done. Those who entered upon the land in good faith and are living on it, who paid their money, perhaps ought to have their money returned. Where they have attempted to take the land for speculation and have been unable to comply with the terms of the law, there should be a different rule.

The object of the resolution is simply to get the information from the Secretary of the Interior as to what ought to be done and what the facts are.

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 agreed to the amendment of the Senate to the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn.

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

A bill (S. 3038) for the relief of P. E. Parker;

A bill (S. 3248) for the relief of John W. Durr; and

Joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks and so forth in the District of Columbia; agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. LEE, Mr. CAMPBELL of Ohio, and Mr. ROWELL managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 288) for the erection of a public building at Sioux City, Iowa, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. NEWTON, and Mr. POST managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

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

A bill (S. 1914) for the relief of Mary E. Hopkins;

Joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands;

Joint resolution (S. R. 27) for the printing of a supplement to Wharton's Digest of International Law;

Joint resolution (S. R. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1887; and

Joint resolution (S. R. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual Report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected."

#### THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. BECK. I call for the regular order, the Calendar under Rule VIII.

Mr. SHERMAN. The Calendar being in order, I move that the Senate proceed to the consideration in open executive session of the fisheries treaty.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar under Rule VIII is in order, pending which the Senator from Ohio moves that the Senate proceed to the consideration in open executive session of the fisheries treaty. The question is on agreeing to the motion of the Senator from Ohio.

Mr. BECK. I ask for the yeas and nays on that motion. We have the morning hour broken up every day.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that on agreeing to the motion of the Senator from Ohio the yeas and nays may be entered on the Journal.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. DAWES (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. I should vote "yea" if he were here.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. BECK (when Mr. HALE's name was called). I forgot at the

moment I voted that I am paired with the Senator from Maine [Mr. HALE], who is absent. I withdraw my vote.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "nay" if the Senator from Vermont were present.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BROWN (after having voted in the negative). As this seems to be a party question, and as I am paired with the Senator from Oregon [Mr. DOLPH], I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Georgia withdraws his vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The result was announced—yeas 24, nays 22; as follows:

#### YEAS—24.

Allison,	Edmunds,	Ingalls,	Sawyer,
Blair,	Farwell,	Jones of Nevada,	Sherman,
Bowen,	Frye,	Mitchell,	Stewart,
Cameron,	Hawley,	Platt,	Stockbridge,
Chandler,	Hiscock,	Plumb,	Teller,
Cullom,	Hoar,	Riddleberger,	Wilson of Iowa.

#### NAYS—22.

Bate,	Coke,	Jones of Arkansas,	Rengan,
Berry,	George,	McPherson,	Saulsbury,
Blodgett,	Gibson,	Morgan,	Vest,
Butler,	Gorman,	Pasco,	Wilson of Md.
Call,	Gray,	Payne,	
Cockrell,	Hampton,	Pugh,	

#### ABSENT—30.

Aldrich,	Dawes,	Kenna,	Spooner,
Beck,	Dolph,	Manderson,	Stanford,
Blackburn,	Eustis,	Morrill,	Turpie,
Brown,	Everts,	Paddock,	Vance,
Chace,	Faulkner,	Palmer,	Voorhees,
Colquitt,	Hale,	Quay,	Walthall.
Daniel,	Harris,	Ransom,	
Davis,	Hearst,	Sabin,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The Senate is now in open executive session. The reading of the Journal of the last open executive session will be dispensed with, if there be no objection. The Chief Clerk will report the treaty by title.

The CHIEF CLERK. A treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818; signed at Washington, February 15, 1888.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Alabama [Mr. MORGAN] that the further consideration of the treaty be postponed until the Wednesday after the first Monday in December next.

Mr. RIDDLEBERGER. Mr. President, the vote just taken I think conclusively settles the only question that can possibly be in controversy from this time on in respect to this treaty, and that is, that the Republican party of this country is opposed to the ratification of the pending treaty, and that the Democratic party is in favor of its ratification. Senators who but a year ago made strong and logical arguments against it—Senators who came from the committee-room in which the treaty is supposed to have been considered—have changed their views at this session.

We find that on the other side of the Atlantic Ocean the treaty is being considered as a party question, and we have a right to consider it as such on this side. We have no prerogative of right to propound an interrogatory to a minister on this floor, and we can not get an answer to such an inquiry as they do over there; but we have a right to judge from the documents here as to whether this is a representative American Government or whether it is a pro-English government.

I do not propose to discuss the details of the fisheries treaty. I propose to bring it to the consideration of the Senate simply as a question which concerns the people of this country—others than those engaged in the catching of bait and the curing of fish.

Sir, if it were that, and that only, I would defer to the Senators and to the Representatives at the other end of this Capitol from the Eastern section of this country, and say to them that I am ready for one to help you to protect your interests; but the treaty involves more than that. I would go to their rescue here with my vote; and I would expect every American citizen to come to the rescue of the people of the Atlantic coast with his vote if any commercial interest of ours was involved in a matter of treaty with Great Britain.

When I offered my resolution some months ago to consider this question in open session, I had then in my possession documents which I was not permitted to give to the public, and which led me to believe that this treaty involved more than the mere question of fishery rights between Canada and the Eastern States. It concerns the people of the whole Atlantic coast. It concerns the people of the Chesapeake Bay. The Senator from Maryland [Mr. WILSON] did not seem to comprehend what he delivered himself of in the speech in which he said he would invoke the power of the Federal Government to prevent Canadian fishermen from coming into the Chesapeake Bay.

I have upon this table an opinion rendered by one of the ablest jurists of this country, in which he says that, taking the sixth and twelfth articles together, there can be no question but that the United States Government surrenders the entire right of fishing in the Chesapeake Bay up to the Patuxent River, and then along the entire Atlantic coast within 3 miles of that coast. I would rather have the judgment of that gentleman than the judgment of the Senator from Maryland, because he is a jurist of prominence and acknowledged eminence, who has given this question his thought, who has studied it, who has looked at every line and sentence of the treaty. He comes not as a representative of any party, but if he can be considered as a representative of any party I can only reply that he is a Democrat—an American Democrat.

Such is the opinion of Judge Levi Woodbury, of Massachusetts, and I desire here, because I do not want to make my remarks any longer than necessary, to put his opinion on record as a part of the remarks which I have to make. Leaving off a part of it, I shall quote only that which refers to the Chesapeake Bay and the Atlantic coast.

I quote first from the Senator from Maryland [Mr. WILSON], who said:

Who would not feel outraged if our Government could and should grant the rights of fishery in the Chesapeake Bay, for instance, to the people of Canada, whereby their fishermen should be induced to swarm down into our waters and give us a taste of the bitter experiences which those people have had for a century to endure? And I have not the least doubt if a bay just like the Bay of Chaleurs deeply penetrated the territory of New England, so as virtually to become a part thereof, with its shores dotted with cities and towns, and with a great local commerce from shore to shore, and Great Britain should claim the right to fish in its waters up to a line within 3 miles of its coasts, or otherwise to interfere with their dominion over it, the old Bay State would be the first, with holy horror and martial fervor, to summon her sister States to the rescue, and doubtless hundreds of thousands of men would spring to the front to rescue her from the voracity of the British lion.

Judge Woodbury says:

I think there can be no reasonable doubt that Article XII will justify a British claim to participate in all our coast, bay, sound, and river fisheries, and will preclude Congress or the States from passing any laws on the subject without the consent of the British. This right to fish and land, to dry and cure, must be extended to them on all our Atlantic coasts. No reservation is made outside of the State lines, or of the 3-mile line, or of private rights now vested. The treaty will become supreme over State constitutions and laws.

It follows that the Canadians and Newfoundlanders can participate within the 3 miles of the coast of the United States in all the local fisheries, river, bay, and coast; the shad, herring, lobster, crab, terrapin, bass, baitfish, oyster, shrimp, clams, turtle, sponge, and snapper fisheries of the Southern coasts are all laid open to them as fully as the cod, hake and haddock, lobsters, etc., of the Eastern States. State laws are annulled—

I ask the Senator from Maryland to note this—

State laws are annulled, and the entire existing private rights in bays and rivers now protected by law are wiped out by this one article of the treaty. Delaware and Chesapeake Bays, the sounds of North Carolina, South Carolina, Georgia, Florida, and their rivers are made free to the fishing of the Canadians and Newfoundlanders, in season and out of season, in any mode they please to employ.

Mr. President, I should be willing to rest the whole case upon that one opinion. I would take the twelfth article and read it, but I take it for granted that every Senator here is acquainted with it. It is the shortest article, I think, in the whole treaty.

I recollect that since this matter came before the Senate in open executive session the governor of Florida has expressed an opinion upon it in which he said that the coast of that State would not be safe from the ravishment of the Canadian fishermen. I know that that has been the general opinion expressed by prominent men along the Atlantic coast. I know that that is the opinion expressed by prominent gentlemen and men who have given thought and study to this subject in regard to the Chesapeake and Delaware Bays—men who have something else to do than consider who may possibly be elected the next President of the United States, men who think as intelligently as the Senator from Alabama [Mr. MORGAN] did a year ago before special messages were sent in here, men who were studying the rights and interests of their people—have said that the twelfth article of the treaty would give the Canadian fishermen the very rights which Judge Woodbury says can not be denied by any judicial tribunal under the treaty; and that, moreover, it annuls the power of the States under their constitutions and laws to prohibit any interference with their rights in these bays and these rivers, and along their coast; and that the Democratic party of the Senate proposes to give away the last vestige of right that the States have to protect their own interests against Great Britain and against Canadian fishermen. I am not surprised at it, Mr. President.

As I said in the outset, I do not propose to discuss this question in detail. That has been done by Senators who understand it; but I propose to say something upon its bearings upon other questions, upon

other matters, its political effect, because the politics of this country is the essence of the liberty of its citizens. I know that the word "politics" is sometimes used as opprobrium; but the last analysis of it is that it means the greatest good to the greatest number, and the recognition of the voice of the greatest number as it is expressed.

I find that in reviewing these papers, while we were shut up here in executive session, deliberating as to whether we should open these doors, there went forth to the people of Great Britain, on the other side of the Atlantic, and I may say, to its subjects on this side, from the mouth of Sir Charles Tupper, a statement which has never yet been denied, that—

Secretary Bayard assured the conference that if the fisheries irritation were allayed there would be no obstacles to arranging for a free interchange of natural products in accordance with the policy of the Democratic party.

That is in quotations.

What has happened?

This is a continuance of the quotation:

Already we have the American chairman of Ways and Means introducing a bill to make free a number of articles that we send to the United States, and on which we paid last year duties amounting to \$1,800,000.

Is any Senator prepared to deny that Mr. Bayard, the Secretary of State, made a private contract outside of that which was submitted to the Senate, as Secretary of State, carrying with him all of that authority which seems to belong to that high office? I ask, has any Senator denied that statement? If not, then it means that the fisheries treaty intended to lead up to free trade, and that being the case we have a right to consider the entire free-trade question in considering it.

But while I am on the matter of the conversations and correspondence of the Secretary of State, I have in my possession copies of two letters for which I think I can vouch. One is dated Gloucester, Mass., April 28, 1885, and it is as follows:

GLoucester, Mass., April 28, 1885.

SIR: The officers of the Fishery Union desire to present the interests of their pursuits in this emergency to the attention of yourself personally or to the President.

GEO. STEELE,  
President Fishery Union.

The reply of the State Department is as follows:

DEPARTMENT OF STATE, Washington, D. C., May 2, 1885.

SIR: The interests which your association represents have already received and shall continue to receive the most earnest and abundant consideration on the part of this Department; and knowing this you will probably see little need for incurring the inconvenience of sending just now a personal delegation to Washington to present your views.

T. F. BAYARD.

GEORGE STEELE.

There are two other letters which I have read in manuscript, but which do not appear in the message and documents, one addressed to a gentleman in Canada and one addressed in turn from that gentleman to Mr. Bayard. Those letters do not appear here. I have read them, and, as I was led to believe, in their original manuscript. I telegraphed for them yesterday, but I have failed to get them up to this time. I repeat I have read them, and if they are not genuine letters then I was misled. I am told that this book, "Executive Document No. 113," has been revised. I am not prepared to say that that is true, and that of all the documents which were in the original those two letters are the only ones that are not here. Let the Secretary answer.

If Senators who have not studied this question will take Senate Executive Document No. 113 and read just that portion of it which relates to fisheries from page 288 through, they will have more information than I could give them if I were to stand upon this floor a week. I propose to leave that part of the question just there.

Mr. President, it is not to be denied, and it not being denied, it is conceded, that the Secretary of State had a private conversation in which he gave forth what I have just read, to the effect that the ratification of this fisheries treaty would lead us to free trade. Then it is proper to discuss that question in connection with the fisheries treaty. It is proper that the people of the United States should know what kind of an Administration this is. Now is the time and this the forum before which this question should be presented. Here is the place where Senators take position on great public questions, and their utterances go before the country as unbiased opinions to be used in a campaign away from here; but this is the place where the explanation ensues. I arraign this Administration and the Democratic party that backs it as a pro-English organization, as is proved by the record. They bring to us from the other side of this Capitol the Mills bill, as it is called.

Whether that is an American measure or an English measure I propose to settle by the record which I have from the English press; and in reading it, I do so only that it may be made part of our record, what I want to get before the people, knowing, as I do, that a single objection will prevail unless I read all as a part of my remarks.

[London Times.]

It would be hardly possible to put the free-trade case more clearly or more strongly, and yet, such is the force of words, President Cleveland shrinks from the use of the term "free trade," and in fact declares that those who taunt him with being a free-trader are deceiving the country. It is certain that the arguments which President Cleveland urges are those which Cobden used to employ forty-five years ago, and which any English free-trader would employ now.

That import duties stifle production and limit the area of a country's markets is purely a free-trade argument. As such we are very glad to see President Cleveland using them, though we are sorry for the popular infatuation which makes it dangerous to give them their right name.

[Saturday Review.]

It must be taken to prove that the President and the Democratic leaders have finally decided that they have nothing to gain by keeping any longer with the protectionists. They have, from whatever motive, resolved to adopt a free-trade policy. Nothing can be more explicit than the President's language: "The simple and plain duty which we owe the people is to reduce taxation to the amount requisite to meet the necessary expenses of the Government and to restore to business and to the country the money accumulated in the Treasury." In America this means free trade.

[Haddingtonshire Courier.]

Cleveland's message will, no doubt, provoke an immense amount of hostility on the part of many who have hitherto been favorable to him. This much is certain, and another fierce contest is impending in America over the principle at issue. If it terminates, as it may be hoped it will do, in the direction of a relaxation of those imposts that now so vexatiously hamper commercial intercourse between Great Britain and the United States, we may look to an impetus being given to our home trade that will go far to make up for the depression of late years.

[London Globe.]

As a rule, the Presidential contest has very little interest for the Old World. On the present occasion, however, an issue is involved which very closely concerns Europe, more particularly Great Britain. Mr. Cleveland has taken his stand on free trade, and, although the party managers have considerably planned down his platform, he is universally recognized in the States as pledged to initiate a new departure in fiscal policy. Nor can there be any doubt that he would act up to this understanding were he elected. The central issue of the contest lies between the maintenance of the present fiscal system intact and its modification in the direction of free trade. And on that broad question Mr. Cleveland's candidature naturally and necessarily carries English sympathy.

[London Standard.]

To American ears the whole message must be redolent of Cobdenism in a slightly modified form; more particularly the enunciation of the principle that the exaction of more revenue than is really required for the public service "is an indefensible extortion and a culpable betrayal of American fairness and justice." This remarkable utterance will be certain to exercise an absolutely paramount influence on the next Presidential election. Party names and party ties are thrown into hotch-potch. The governing issue of the contest will lie between protection and free trade.

[London Saturday Review.]

President Cleveland has devoted himself entirely to the tariff. It is impossible to recast this without touching directly the pockets of every citizen of the United States and indirectly influencing the commercial interests of the world. The President is careful to state that he frankly declares his indifference to the charge of favoring free trade. His policy, he says, may be called by that or another name, but it is the policy he recommends to Congress, and which, he does not affect to deny, must alter the terms on which foreigners have access to the American market, and on which Americans compete with foreigners abroad.

[London Daily News.]

The President feels compelled to characterize the attempt to brand him as a free-trader as deception, but for all that the electoral conflict now in progress is a conflict between free trade and protection, and nothing less.

[London Times.]

As was to be expected, the protectionists have taken the alarm, and, as our correspondent at Philadelphia informs us, they are organizing for a determined resistance. They are no doubt right in believing that, whatever may be said of preserving the essence of the protective system and of ignoring free trade, the tariff can not be reduced to the strict proportions of a revenue corresponding to the limited and diminishing necessities of the Federal Government without admitting a great flood of foreign competition.

[London Standard.]

Mr. Cleveland demands in effect that there shall be a tariff for revenue purposes only. No tinkering with the tariff will suffice; no readjustment of duties will do. The only reform that common sense can accept is one which unaffectedly substitutes the principle of unimpeded imports for that of tariff regulations.

[London Saturday Review.]

It may be taken for granted that the President has not acted without previously consulting the leaders of the Democratic party and securing their approval. He and they have taken up again the old free-trade policy of the South Carolina politicians, unconnected with what in the jargon of American politics was called the sectional question.

[London Post.]

We shall be much mistaken if the effect of this state communication will not be to strengthen considerably the case of free-traders in all parts of the world. It will be regarded as a step in the right direction by all who believe in the soundness of free-trade principles.

[London Daily News.]

The stone now set rolling will not stop until it has broken the idol of protection in pieces.

[Glasgow Herald.]

President Cleveland may say to others, and think what he chooses, but he has precipitated the inevitable struggle between free trade and protection in the United States, and that is tantamount to saying that he is on the side of free trade.

["A Member of Parliament" to New York Herald.]

To convert the United States is indeed a triumph. The Cobden Club will henceforth set up a special shrine for the worship of President Cleveland and send him all its publications gratis. Cobden founded free trade; Cleveland saved it. Such is the burden of the song all through England to-day.

[Cable dispatch to the New York World.]

LONDON, December 10.

The English papers continue to devote much space to what they call "Mr. Cleveland's declaration in favor of free trade." From the average English comment the public here has been led to believe that free trade is now as good as adopted in the United States. It is considered here (in England) that free trade with us (in America) is just what is needed to revive drooping English industries.

[People's Journal, Dundee.]

A great sensation has been created by President Cleveland's message, and if the policy which it indicates be carried out it will produce almost as much effect in this country as in America. The tariff reform which the President recommends goes as far, at least, as the abolition or the reduction of the duties on raw materials. Should Congress give effect to this proposal its immediate result would be an enormous stimulus to English industry.

[London Pall Mall Gazette.]

English free-traders would be well advised if they moderated the ecstasy of their jubilation over President Cleveland's message. Every word which they say in its favor will be used as a powerful argument against the adoption of its recommendation.

That is just what I am doing now.

Mr. President, the Senate can see the close association between the adoption of free trade and this fisheries treaty. But I find in that connection that it is provided as a concession to Canada, in the treaty, that the Administration will strive to secure Congressional action for the free entry or full interchange of salt, coal, and lumber from the Dominion. It is not only a fisheries treaty, it is not only a promise of the Secretary of State, but it is a promise from the entire Administration that they will admit salt and coal and other things, and add them to the free-list "when imported from the Dominion of Canada; that this Administration will exert its best endeavors to do this thing." That draws the line distinctly between the two parties, between the Administration here and the Republicans of this country, as I understand them, and the principles which they propose to assert in the coming campaign, and in all time, until possible circumstances may bring about a condition of affairs where they can better subserve the interests of the people of the United States than they can do now by abandoning that principle.

Mr. President, in this connection I present an extract from a speech delivered in the House of Representatives by a free-trader, in which he says:

Even the corsets of Connecticut, around which hover so many happy associations, or the briar-wood pipes of Knickerbocker are not safe from the interchangeable piracies of the tariff. Oh, the beauty of reciprocal rascality! Gentlemen seem to take umbrage because we call these tariffs, which take from one class to give to another, robbery. But I have the best ethics for the statement that the right of property is violated by the individual by cheating, stealing, robbery, or violation of contract; and universally, just as these crimes prevail, production languishes, industry diminishes, and the richest soil fails these few and impoverished inhabitants. But when Government lays its powerful grip on the property of the citizen to bestow that property on favored enterprises, it is none the less robbery because done under the forms of law.—Mr. Cox (Democrat, New York), tariff debate, May 17.

Mr. President, I have here a book which was written by the same gentleman who delivered that speech in the House of Representatives, a speech from which what I have just read is an extract, and since I have read this book I have not been at all surprised that he should have said just what he did, that we were all robbers, all rascals, all plunderers, who favored a protective tariff. The book is called "A Buckeye Abroad." It was written by a gentleman who was then a member of the Ohio Legislature, when he was thirty years old, written after he returned from a tour of Europe, and, being from Ohio, he gave it the title of "A Buckeye Abroad." He says in the book:

We took a pilot aboard and received from him one newspaper, which was cut into shreds and devoured by fourteen passengers at once. The breath of the fresh landscape is around.

Now, he was getting away from Scotland and Ireland, he was getting away from Germany, and, as this paragraph will show to you directly, he was getting in sight of the cliffs of England and breathing the air of a new civilization. He continues:

Now, I can write like a native of this round earth, for land is all about us. The cliffs of old England stand out in definite outline. Light-houses and mansions attest the presence of a superior civilization. How many thronging associations flit through the mind as I recall that here, not in fancy's eye, but in reality, stands the little isle of power, the home of old Coke and Cromwell, of Spencer and Cowper, of Chatham and Canning, and all the host of glorious minds with whom so much of life has been passed! Ay, in very truth, my eye has greeted the land of William Shakespeare and Guy Fawkes, John Milton and Titus Oates; the ideal realm of John Falstaff and Little Nell; the theater of Roundheads and Cavaliers. Yonder, verily, just over to my right, actually grew into life that vigorous feudalism out of which rose the fabric of our own common law. These remembrances come over me wildly and strangely. Old England! Yes; God bless her! With tears in my eyes I beseech Heaven's best benison upon her. I forget her as the land of ruth and wrong; I remember her only as the land of noble deeds and generous hearts. Her literature, from Chaucer's first uncouth song to Disraeli's last sarcasm, floats through the memory like a vivid power, transforming every prejudice into praise and every wrong into glory.

England—

Says the author of this book—

England, say what we will, stands confessedly the Christian realm. Her history, from the time at least of Elizabeth, is full of her influence upon the policy of the world in opening the way for the Gospel.

Not satisfied with the politics he observed and after hoping that there would be no association of church and state, I find here what I would not prefer to read in the Senate, this paragraph:

I hope the Pope will create no cardinals for America. It was rumored that Bishop Hughes was to have a hat. The ill success attending the Wiseman experiment in England will prevent Papacy from creating any cardinals in Protestant countries. His Holiness, who seems to fancy our *chargé* here sufficiently to consult with him, informed him that there was no foundation for the rumor of an American cardinal. Mr. Cass—

I believe he was a Democrat—

rather advised him against the step; although he explained how perfectly easy the matter would be received in our tolerant country.

The author says further:

Priests meet us on every hand. Rome is thronged with them. As I write long processions of monks in black and white crape and in brown robes move under our window, chanting for the dead body which they bear. Some rich man has died and left a pail apiece to these poor monks to sing his soul out of purgatory.

Such is this book. I do not propose to bring into the Senate a question of religion, but I propose to show what free-trade Democracy is. I have read from this gentleman's own speech, which I had a right to do, because it has become public property now, that we are rascals and rogues and plunderers. Here is his book; and the debates of the House of Representatives, that body in which he delivered the speech a paragraph from which I have read, will show that when he was arraigned on that floor he pleaded the baby act, and said he was a boy when he wrote it. He was thirty years of age when he wrote it. He was a member of the house of delegates of the "Buckeye" State, hence the title of the book, and in one year subsequent to that he was made minister from this country to Peru. A Protestant as a Buckeye. A Catholic in New York, a Protestant in Ohio, he denounces the priests and the clergy. He buys his own books. Such is Democracy. Such is England vs. America. I guess now, sir, the only saving clause is that, having pleaded boyhood in that case, he will plead dotage in this.

As I said, the fisheries treaty involves more than a mere passing view of it would show. Still that is enough for me. I say it is politics on both sides of the ocean. We hear of what is called Democracy pure and simple. Jeffersonian Democracy, that Jeffersonian Democracy which says that the people of this country shall not hear debate on a matter that concerns everybody, as I may express it, from Passamaquoddy Bay to the Gulf of Mexico. And yet here is the report—five Republicans reporting in favor of considering this treaty in open session and four Democrats signing a report against it. That is Democracy pure and simple! Shut out the people of this country from hearing what you have to say! Let them know nothing of what is going on here that may disturb their commercial interests or even their productive interests along the coast! That is Democracy pure and simple; that is Jeffersonian Democracy, as you call it.

Mr. President, there is nothing more apparent than this, that the other side of this Chamber was made subservient to the will of the Administration, and they, therefore, indorse this treaty, and the Administration, with the Democratic representation here, has taken its position and can not, ought not to be, and shall not be, so far as I am concerned, allowed to deny it.

When it came to a vote on this matter, not a Democrat in this Senate voted to open the doors and let the people hear the discussion, and not a Republican voted against it; yet they call themselves the Democracy "pure and simple," the Jeffersonian Democracy. If the President of the Senate will just keep his ears shut for a moment, I will say that such was almost the fact in the consideration of the extradition treaty. When it was proposed to return people from this country to England for the commission of misdemeanors or to bring them from there here for nothing less than the committing of a felony, that treaty was postponed until next December, and in order to relieve the Senate at that time to do what they refused to do then, but two Senators on the other side of the Chamber, voted to continue the extradition treaty until next December.

Mr. President, why do we want a treaty with that government anyway? We shall never have a national government until we have whipped England for her deeds. She never leaves her foot-prints on any soil where she does not leave them with something that marks the same impress where she can put it down again. Our boasted Monroe doctrine is being annulled and wiped from the face of the earth to-day, and we find gentlemen on the other side of the Chamber saying we must arbitrate or we must fight. Has any one asked us to arbitrate? Has any one challenged us to fight? When either of the two propositions shall be submitted here it will be time for the American Congress to consider one or the other. An American Congress will consider either the one or the other when it is presented. Then it will be time for the American people to send other and better and more courageous men than we to represent them in this body and in the other. I would make no proposition of compromise. There is no such suggestion made to us. We have nothing before us but the ratification of this treaty, which involves everything that is dishonorable to us from the tearing down of the American flag on the Canadian coast to the time when an American Secretary of State could affix his name and the seal of this great Government to such a compromise on paper.

I ask why do we want to make a treaty with such a government, anyhow? We had a treaty under which certain criminals were to be extradited, and here are over three volumes of our books full of the Winslow case, in which England stood off and said, "No, you can not have him, unless you agree that you will not try him for anything else than that offense for which he is extradited;" and from that day to this he never has been surrendered.

England has never kept a treaty; she has never made one that she did not violate—I challenge a refutation of that statement—and especially with this Government. That is a case which stands prominently forward all the time, the only case that came up under the treaty of 1841, and there she refused to conform to the terms of her own treaty and asks us now to make another which concedes to her the entire right to fish on the whole Atlantic coast, up through the Chesapeake Bay (the opinion of the Senator from Maryland [Mr. WILSON] to the contrary notwithstanding) to the Patapsco River, and which concedes everything to her and gives us nothing in return.

That, I undertake to say and repeat, is the Democratic theory, and I want the Democrats to take it and keep it to the front, and let it be there, for it has been theirs from the beginning, and let it be theirs to the end. The Republicans have stood out boldly against it, and the party that stands out boldly against any concession of this Government of sixty millions of people, with territory enough to take the world in—the party that stands out, I say, in favor of a Government of sixty millions of people, with territory that is capable of taking in the whole world, is the only party that is fit to govern.

What do you want with a treaty with a government that recognizes no rights among its own citizens; a government that has an unwritten constitution; its judges created for life; a common law that was its pride and is to-day the pride of Americans, for they respect it as they got it from the mother country, as we once called it; impanels a jury with a lord chief-justice on the bench and a jury hears all the evidence, and the lord chief-justice says to the jury after laughing, "There is no case made; you bring in your verdict this way; I am the judge not only of the law, but of the facts"—a violation of the fundamental principles of that unwritten constitution and of the common law of that country and of all civilized countries?

Mr. President, I ask why do we want a treaty with a government that does not respect treaties, and does not respect the rights of its own citizens under its own constitution and its own laws? If this Senate arraigned a man under a crimes act, and appointed three judges of the United States Supreme Court to try him, would it not either appoint a committee to know whether he was a fit associate for Senators here, or would they not let the law take its course, and that man be arraigned for his crimes? Yet we find this government with which we propose to deal to-day by treaty, taking a member of Parliament and naming three judges of its own creation to pass upon his guilt or his innocence! I would sooner have a treaty of commerce with the Fiji Islanders. It becomes the so-called American Democracy to make such a treaty, but it ill becomes the Republican party whose name is derived from that which Jefferson himself assumed when he organized the first Republican party in this country.

We see there as the very basis of this proceeding in that Parliament which is to pass upon this matter, that a member, supposed to have as much right and privilege there as any other, asks by what warrant of right this member of Parliament is taken out, and Mr. Balfour, for instance, called the secretary for Ireland, says, "I am responsible," and that is the answer of the government to a question that involves the personal liberty, and possibly the life, of a member of Parliament. No warrant, no precept, except that the secretary for Ireland says, "I am responsible." Why do we want a treaty with such a government as that? I repeat, sir, that the duty of this Government is to let that government know that the liberty for which our forefathers fought, and which they won, is still cherished, and that we have nothing in common with a government that does not recognize the forms of law at least.

There has been case after case of that sort within the last few weeks. Here is what is called a government leader in the British Parliament asked if he did not have a conference with the editor of the London Times, Mr. Walter, before he made a certain report. He made an equivocal denial of it, and, losing his temper, he was caught in a trap and was obliged inadvertently to confess that he had met him, and then stated that the omission of the words "and others," after the name of "Parnell," was occasioned by a slip of the tongue in reading the bill. There is the greatest of English premiers, Gladstone, confronting that Parliament and its leader, confronting this entire administration, and he says to them that this conduct on the part of the government is censurable. I say we want no treaty with such a government.

I said, Mr. President, in starting that I intended to discuss this question without going into details. I have given the opinion of Judge Woodbury. I have no desire to go further with it except to say, which is almost a repetition, that all that has transpired in connection with this fisheries treaty indicates the policy of this Democratic Administration. It is pro-English from the President to the last Cabinet officer. Nothing has been left undone that would bring about free trade in this country; and what I have read here as proceeding from Mr. Bayard, the Secretary of State, to Sir Charles Tupper, never having been denied must be accepted as the truth, that the adoption of the fisheries treaty would lead to the adoption of free trade by the United States.

The Republican party represents the protection sentiment of this country. The Democratic party represents the free-trade element. I do not undertake to say that no Senator on this floor with Democratic proclivities will deny it absolutely; but, sir, when I hear a vote cast on this floor I know it is on one side or the other. I know it is for the Administration or against it, and there can be no doubt about the position of the Administration. When I hear at one time the Senator from Alabama [Mr. MORGAN] make a speech opposed to the fisheries treaty or any other kind of a treaty, and I hear him afterwards advocate the other side of it, I have a right to conclude that there is some Administration medicine working around in the Senate Chamber and working with the Democratic representation influence.

I know of Senators on that side of the Chamber who say that they

are for protection; others say they are for tariff for revenue but opposed to "war taxes;" but when I hear them say that they are opposed to removing the tax on tobacco, then I have a right to go home with my doubt, for if there be any war tax, it is the internal-revenue tax. The tax on tobacco is an "internal-revenue tax," the most inquisitorial and most offensive that has been known. All internal-revenue taxes are offensive, and the tariff is the only tax that we have had from the very foundation of this Government down to this time, with two interregnums, when we have had what is called by the great American demagogues the war tax.

I say, Mr. President, that I arraign the Democratic party right here and now, and especially the Southern element of it, as being democratic in nothing but in name. I could illustrate to you by calling the name of one State that has two Senators on this floor, where, if you were to withdraw to-day the entire system of protection, two-thirds of their own people would be starved to death in ten years; and yet the Senators from that State sit here perfectly complacent, relying upon a Republican majority to take care of their interests, because they prefer the Confederate idea and to be called Democrats. That is the policy.

Mr. President, if I have detained the Senate longer than it expected, it is simply because what I have had to say is somewhat rambling, because, not anticipating this contingency, I had no preparation at all, and I am sorry if I have interfered with any business of the Senate.

Mr. MORGAN. Mr. President, there are some questions connected with the discussion of this treaty that ought to be disposed of upon the resolutions which I had the honor to offer in the Senate, and while I can not ask this executive session of the Senate to pass upon those resolutions, the remarks that I propose to submit to-day have reference to that phase of the case; and so I will ask the Chief Clerk to read the resolutions that they may go into the RECORD in this connection.

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

The Chief Clerk read as follows:

Whereas in the report of the Committee on Foreign Relations on the treaty now pending in the Senate between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888, the question is presented whether the President had authority to negotiate such a treaty without the previous consent of the Senate; and

Whereas in said report the question is also raised whether the persons appointed by the President, without the advice and consent of the Senate, as plenipotentiaries to negotiate and sign said treaty were lawfully appointed, and whether said document is a treaty duly negotiated for the consideration and action of the Senate; and

Whereas said committee declare in said report that the matters to which said treaty relates were not fit subjects for negotiation with the Government of Great Britain, and that the time for negotiation with that Government on these subjects had passed; and

Whereas the Senate will consider said treaty on its merits, and declines to adopt the views of the committee as expressed in their report as to the constitutional powers of the President in negotiating treaties; and also declines to affirm that the time for negotiation with Great Britain on the subject of our fishing rights or the commercial rights of our fishermen has passed, or that the existing difficulties on these subjects are not subjects of negotiation: Therefore,

*Resolved*, That in the opinion of the Senate the treaty signed by Thomas F. Bayard, William L. Putnam, and James B. Angell, as plenipotentiaries of the United States, in conjunction with the British plenipotentiaries, on the 15th day of February, 1888, and sent to the Senate by the President as a treaty duly negotiated for the consideration and action of the Senate, is properly authenticated as a treaty made by the President of the United States, acting within his constitutional powers, and is lawful and valid as a negotiation.

*Resolved*, That in the opinion of the Senate the time has not passed for negotiation with Great Britain as to the just interpretation of any part of Article I of said treaty of 1818 upon any point of sincere disagreement between the two Governments as to the true meaning of the same, and that no act of Congress has declared that such time for negotiation has passed, nor has the time for such negotiation passed in respect of any commercial rights that may be claimed, or that may be needed, for our fishermen in any of the harbors or ports of the British possessions of North America, and that the existing matters of difficulty, including the claims of our fishermen for damages wrongfully sustained, are subjects for treaty negotiation.

Mr. MORGAN. Mr. President, the country has already been advised through the action of a caucus of the Republican party that this treaty is doomed to defeat, and in speaking upon it and in acting in reference to it my purpose is to save to the Government of the United States as good an attitude as we are able to preserve to it under the very peculiar situation of affairs that will exist after this treaty shall have been rejected. If I were opposed to this treaty, if I believed that it was a sacrifice of the honor and interests of the people of the United States, I would nevertheless insist upon the adoption of the resolutions which I have had the honor to present to the Senate and which I will now discuss, not touching in the remarks I shall submit to-day the merits of the treaty at all. I would insist upon these resolutions for the purpose of disambiguating our future diplomatic or other relations with Great Britain, so that we might have some chance to provide the means by which the two Governments could get in accord, either in the amendment of the treaty or in providing for further commercial rights and privileges as between the two adjoining countries here, Canada and the United States, and for the purpose of putting our Government and Great Britain in respect of this matter upon the same diplomatic ground that has always been claimed and always been secured by our foreign agencies, by our treaty-making power, and by that of all the nations of the earth, the right to communicate to the Government of Great Britain what are our views upon this question, the right

to receive from her the statement of her views upon the question, the right to deliberate upon the respective statements, the right to agree by reciprocal concessions, if it becomes necessary to do so, in order to secure what may be termed, fairly, justice and equity between the two countries.

I can not conceive of a more unfortunate situation than for the Government of the United States, possessing the enormous power that it has, to make a declaration such as is set forth in the report of the majority of the committee in very distinct form, which I will presently quote, that this is not a fit subject for negotiation in the first place—the fisheries treaty and the fisheries relations—and, secondly, that the time for negotiation has passed.

I do not believe either of those statements, and I am quite sure that on that Committee of Foreign Relations there were Senators, very important ones, too, who held the reverse of this doctrine, though they afterwards signed that report, or authorized it to be brought in. What were their motives for the change of opinion it is not for me to say.

I do not impute motives to anybody. I think a man has a right to change his opinion any half-hour that he pleases, if he has reason to change, so as to convince him that he was once in error and desires to rectify his attitude. But it is something that this country will receive, as I believe, with very serious doubt when it is stated on such authority that this question which has been in dispute for seventy years between the United States and Great Britain has arrived at that stage where it is no longer the subject of negotiation and that the time for negotiation in respect to it has passed. I desire by the vote of the Senate to free this question from any such unnecessary embarrassment as that.

If we desire to reject the treaty upon what we call its merits, if we desire to reject it *in solido*, without attempting to improve it or to reform it by amendment in any way as a negotiation coming from this Senate of the United States with the sanction of two-thirds of the body, let us reject it, Mr. President, by our vote, but let us accompany that rejection with the declaration made necessary—I grant you it would not have been necessary but for this report of the majority—that the time has not passed for negotiation with Great Britain about the fisheries. The subject is still a subject of proper negotiation. We have other very unsettled fishing rights in the United States in regard to which Great Britain is our nearest neighbor and the largest participant, if it has any participation at all, and those are the rights of fishery on the coast of the Pacific Ocean, in Alaska, and in the Aleutian Islands and in whatever possessions we have there, and the corresponding rights of fishing opposite to and connected with the coasts of British Columbia or the British possessions on the northwest.

I suppose, indeed I understand, that that is a subject of very careful consideration now by the two Governments, and that there is possibly a serious question raised as to whether the claim of Russia, which she had over the Behring Sea that it was a closed sea as to the fishery (which claim she sold to us, or partitioned to us one-half of when we bought Alaska from her), can be sustained under the law of nations, or whether that assertion of right on the part of Russia at the time she sold Alaska to us is to be confirmed, or is to be modified, or is to be rejected. Now, as compared with the fisheries on the northeastern coast, those on the northwestern coast, Alaska and the neighboring islands, are perhaps worth ten times as much as the fisheries on the northeastern coast ever were or ever will be. They are as yet somewhat unexplored; but the vast banks lying in Behring Sea upon which codfish are found, and halibut and haddock and numbers of other ground fish are found in vast numbers, betoken the fact that in times to come there will be one of the chief sources of supply of all the northern part of this hemisphere for food fishes.

So, therefore, we might just as well say that the fisheries of the Northwestern coast were not the subject of negotiation and that the time for negotiation in respect to them had passed, as to make that declaration in respect to those on the Northeastern coast. We desire to have treaty arrangements and regulations with Great Britain about the Northwestern fisheries; it is very important that we should have; and how are we to deal with them if we are met with a declaration in respect to the fisheries on the Northeastern coast on the part of the Senate that the time for negotiation has passed and that the question is no longer one for negotiation? What reply do we expect Great Britain to make in answer to that proposition in regard to the great Northwestern fisheries, which it is now so necessary should be regulated by treaty agreement?

When two great governments have a dispute as to their rights or relations, especially when the controversy grows out of the interpretation of a treaty, each of them has the sovereign right, and will always assert it, of taking its own attitude towards the question and will act in the matter with supreme independence. The reasons that influence its action are its own, and it is under no duty of explaining them. Either government can stand upon the ground it chooses to assume and refuse to discuss any question or topic that may be included in the controversy. The responsibility for such an attitude is a matter that rests with the other government to assert and enforce.

No such matter can be forced into discussion between them, because each is the supreme and final judge of its own rights. The *ultima*

*ratio regum* is a judgment of the sovereign power, from which there is no appeal but to arms. The refusal to discuss the interpretation of a treaty necessarily presents an issue between the treaty powers that can only be determined by force, in some form, to be exerted by the treaty power complaining of its violation against the other. Where discussion has been exhausted also, the treaty powers having failed to agree, they are in the same attitude towards each other as if both, or either of them, had refused to enter upon the discussion.

The controversy ends and the conflict begins at that point, while a treaty is confessedly in force, neither party having abrogated it, nor having signified an intention to do so, or to assert a release from its obligations. It can not be in abeyance or dead, and can not be disregarded at the pleasure of either party. It is as vital, as obligatory, as compulsory as a law to the contracting powers as are the honor, dignity, and sovereignty of both governments through which it was inspired with its authority.

Governments living under a treaty are equally bound to good faith and fair dealing in its honest execution by sanctions that are stronger than those which operate between persons, concerning their private rights and interests, and by obligations that are as sacred as any that the moral sense of the best people enforce in their dealings with each other.

Those who comprise the *personnel* of the ruling powers in the treaty states have their own dignity and reputation to guard in the faithful observance of these great compacts, but a still more sacred obligation and a more delicate duty is found in the public trust with which they are clothed.

The trusts of government include the peace of the country, the security of the lives of men, women, and children; their liberties, their property, their homes, their industries, their society, their honor, and their religion. The highest and noblest care of such as are in authority must be to guard these trusts.

The fisheries articles of the treaty of 1818 are, by the clear avowal of the United States and Great Britain, in full force and effect, and both governments are bound by their sovereign honor to give complete effect to every stipulation they contain.

Many discussions and contentions have grown up in the effort to preserve and execute the mutual rights and obligations that are imposed by the treaty of 1818 upon both governments.

These controversies, except in the affair of Fortune Bay, which arose and was settled under a different treaty, that of 1871, have been between the local provincial governments on the one side and those in command of our fishing vessels on the other side. None of them have been mere private controversies between individuals. The local governments have dealt directly with the rights of our citizens, secured to them by treaty with Great Britain.

However much the treaty of 1818 may excite the pride and warm up the affections of the Senator from Massachusetts [Mr. HOAR], plainer and less highly lettered men can see in the wreckage that floats around that rock in a sea of troubles that if it had contained some provision that would have regulated the jurisdiction, the tribunals, and the method of procedure in cases where controversies should arise, the treaty of 1818 would have brought peace instead of discord, and security to our fishermen instead of the frequent invasion of their rights through the action of the provincial courts.

That treaty is utterly silent on this vital subject. All this sensitive plexus of the most intricate rights is left by that treaty uncovered and exposed to the assaults and buffetings of the provincial or other governments without having reserved to our Government the right to dispute their authority or to modify their action, except by appealing to the general laws of nations or else to arms.

The fisheries treaties of the great maritime nations all contain explicit and carefully guarded provisions for the trial of such controversies, but the loved cynosure of the Senator from Massachusetts is more perfect in his eyes because, as to the rights and liberties of our fishermen, it is both deaf and dumb. This present negotiation, so abhorrent to the thoughts and so offensive to the conscience of that Senator, because it amends the treaty of 1818 by some wise and needful provisions for the security of our fishermen, does not go as far as he or the five wise men from the East he has named as the best men to make treaties would have gone in that direction.

Mr. HOAR. May I ask the Senator a question?

Mr. MORGAN. Yes, sir.

Mr. HOAR. Does he think the treaty of 1818 would have been improved if it had contained a provision that the trial of our fishermen when they were exercising their own right should be before the Canadian tribunals with the burden of proof on them?

Mr. MORGAN. I think it is greatly improved by the present negotiation.

Mr. HOAR. That is not my question. I understand the Senator thinks that.

Mr. MORGAN. I do not propose to answer any irrelevant question.

Mr. HOAR. Oh!

Mr. MORGAN. It is very greatly improved, although the RECORD, by mistake, put me down the other day, I believe, as having stated that

there was no particular advantage in this negotiation in that regard. But there Mr. Bayard found this subject, so important and so dangerous, with our private citizens on one side and the provincial governments on the other, with no guide to the adjustment of their rights but the laws of nations. No statesman who had preceded him had ever intimated a desire for any other regulation except on one occasion Mr. Seward suggested to the British Government as a *modus vivendi* that the officers of the navy of the respective governments should upon the fishing grounds take jurisdiction and settle whatever complications and troubles might arise. Mr. Bayard sought for better arrangements and found it a difficult task. He did this by attempting to amend a treaty that was pronounced indefinite and unsatisfactory in its language and too general in its definitions by such men as Webster, Everett, Evarts, and by almost every one who ever had a duty to perform connected with its execution.

Mr. Bayard could not abrogate this treaty; he was bound by his oath, as every man in this Senate is bound, to accept and enforce it as a part of the supreme law while it remains in force. His duty was confined to its honest execution. Congress can abrogate this treaty by a law duly enacted, but until that is done it is upon us an immovable obligation.

Neither Congress nor any other department of this Government has indicated in any form or at any time a purpose to abrogate this treaty. It stands to-day by our own agreement as a valid and binding obligation, and under our own Constitution as a part of the supreme law of the United States.

Mr. EVARTS. The Senator will allow me to ask a question. Supposing the treaty of 1818 were abrogated by this nation or by Great Britain, what would be the subsisting arrangement between the two countries respecting the fisheries?

Mr. MORGAN. Inasmuch as ours was a perpetual renunciation of the fishing rights except within a certain area, I judge we should have no treaty rights in respect of the fisheries, and that was the great misfortune of the treaty of 1818, that we renounced forever—

Mr. EVARTS. I understood the Senator to say the other day that he was in favor of abrogating it.

Mr. MORGAN. I said, and I repeat to the honorable Senator from New York now, that when a bill is brought in here to abrogate that treaty and to assert the rights which were abandoned by our negotiators which arose under the treaty of 1783 and which were the fruits of the Revolutionary war, although I know it would lead to war, I will join with him in making an effort to recover the fruits of the Revolutionary war.

Mr. EVARTS. Then it is worth while to fight for the Revolutionary rights, but not for the rights of 1818?

Mr. MORGAN. I would adhere to them and hold on to them and not give them up. It is not worth while to fight about a matter you do not intend to give up. You had better try to amend it and live under it. If we have to wear a yoke, let us put something that is as soft as possible under the collar if we can, so as to prevent the rubbing.

Mr. EVARTS. I do not wish to interrupt the argument, but to know what your position is as to the effect of abrogating the treaty of 1818; whether you think there would then be no treaty whatever, in your judgment?

Mr. MORGAN. My proposition is that until it is abrogated, while it is upon the statute-book, my oath binds me to stand up to it and execute it fairly. I am bound to do it. I understand that the supreme law of this land binds me in honor and in conscience by my oath to obey it. I look upon the treaty of 1818 as being as much a part of the law of the United States—the supreme law, as it is styled in our Constitution—as the judicial acts upon which rest the judicial system of the United States. And yet I believe that treaty to be the sorest spot in our history. While it stands I will execute and obey it as a man and a legislator according to what I believe is its just and honest interpretation. When I can find a party of Americans who are willing to declare that it is pernicious to the welfare of our people and that it was a craven surrender of the chief part of our rights won in the great Revolutionary war, I will go with that party for an open and manly attack upon it. I will vote for its repeal, for its abrogation, for denouncing it as having been violated by Great Britain, as it has been. I will, with such a party, make a clear and open demonstration against it; but I will not attempt to evade it and slip by it, leaving it behind me as a convenient bomb-proof to which I can retire in security when making a raid to capture other concessions from Great Britain that are admitted on all hands to be foreign—utterly foreign—to the treaty of 1818.

Looking upon this treaty as a part of the law of the United States, and it is written on our statute-books as a part of our laws, the question for us to consider is whether we shall amend it or repeal it, or leave it still to be executed by Great Britain on her own interpretation of its provisions. We can release the United States from its obligations under this treaty at any hour we choose by any act of Congress having that effect. "Shall we do it?" is a question that we have not so far even looked squarely in the face.

We can amend the treaty, but only with the consent of Great Britain, the other party to the compact. We can enforce our construction

of the treaty against the judgments of the provincial courts when our ships are seized, but the choice of means by which this shall be done is a matter that concerns both our honor and interests. If we declare the treaty has been violated by Great Britain and that therefore it is abrogated at our election, and that its renunciations were revoked, and that we therefore resume our rights in the fisheries as they were conceded in the treaty of 1783, we know that such a declaration must mean war. If we make this same declaration and declare further that we mean to support it by nibbling off some of the profits that the Canadians make in having full trading rights in our ports, that may not mean war, but to borrow a phrase from the political platform of the great Republican party, it would be a very pusillanimous and cowardly attitude for a great and powerful government.

The question made most prominent in the report of the majority of the committee on this treaty is whether we will negotiate for its amendment, so that it shall fully present the understanding between the United States and Great Britain, or shall we try to compel Great Britain to accede to our interpretation of it, and to grant us other commercial privileges in her ports, to which the treaty makes no reference, by excluding the Canadians from all trade and traffic with our people?

To resort to any plan of retaliation which ignores the existence and force of the treaty while claiming that it is in full force, and equally to resort to lateral pressure to compel or induce Great Britain to comply with our construction of the treaty, can only be justified, according to our own honor, after a fair and candid effort to secure such results by direct and open negotiation. We have nothing to conceal as to our demands. We need have no fear in formulating them, and have no occasion to resort to any finesse, artifice, evasion, or indirection in trying to get our full rights under this treaty; above all we are not in the unhappy condition of being forced to "stoop to conquer" where our rights are involved and justice is denied us.

I have always understood, and that has been the burden of all our diplomatic correspondence, and of all the debate that has occurred in both Houses of Congress, and especially of the speeches that have been made on this treaty, that our complaints of the conduct of Great Britain and Canada related to the misconstruction of the treaty of 1818, and the abuse of the rights, powers, and restrictions that it included.

Whatever other troubles we have had, whether relating to the fisheries in the waters of Behring Sea, the exactions of tolls for passing our vessels through Canadian canals that discriminated against our commerce, the Monroe doctrine, the right to pass with our vessels through the Straits of Canso, the right of our fishermen to buy or catch bait in Canadian waters or ports, and to trade with those people, are matters apart from the treaty of 1818, and should be settled on their own merits.

We can not expound the treaty of 1818 by construction or by force so as to include any of those matters which are foreign to it without changing its structure and making of it a new creature.

Indirect means, temporary constructions made under the pressure of circumstances, are not the methods for reforming the treaty and increasing our rights under it. When the circumstances are changed and the pressure is removed, the treaty, like a bent bow, will come back to its original condition, and will again become the subject of trouble and of danger.

As the treaty itself, through its various interpretations by various people in authority in the United States, in Great Britain, and in her provinces, and at various times during seventy years, has been the real cause of all our troubles about the fisheries, I have thought, and still believe, that it was an incubus upon our country, and would remain such until it was amended or repealed.

Others differ with me in that opinion. They desire to hold on to the treaty to prevent, as they insist, the loss of all our fishing rights secured by it in the Canadian fisheries; all the rest, not so secured, having been forever renounced in that treaty. They also object to the amendment of that treaty. They demand that it shall stand for the protection of such rights as it secures to our people, and that we shall resort to retaliatory action upon Canadian commerce for the purpose of compelling Great Britain to accept our construction of the treaty, and for the further purpose of gaining other commercial advantages in Canadian ports, to which the treaty, as they admit, has no sort of reference.

The exact issue between Senators who oppose the amendment of the treaty of 1818 and those who favor such amendment is as I have just stated it. If the treaty is to be clung to as the repository and security of our fishing rights in Canadian fisheries (and I see no remedy for it until the event foretold yesterday by the prophet of the Sierras—the Senator from Nevada—has come to pass, and the inevitable war with Great Britain has ended), I prefer its amendment to the temporary and harassing expedient of gaining by retaliation to-day an advantage that may be lost or repented of to-morrow, or that will only continue for a brief period of time.

If our rights in Canadian fisheries are worth anything, they are worthy of the support of a treaty engagement with Great Britain that is clearly understood and honestly maintained on both sides.

Retaliatory measures relating to commercial intercourse can not con-

tinue for any considerable period without resulting in permanent intercourse, which means the destruction of our commerce with Canada, the extension of this ruin to all our export and import trade with Great Britain, and the general prostration of our industries, and universal bankruptcy amongst our own people.

Those who imagine that Great Britain can not do without our wheat and cotton will be surprised to find that a transfer of the British capital now employed in American railroads, manufactures, cattle herds, and invested in American stocks will open the wheat lands of Canada and India and will push the cotton growth into formidable competition with us in all her eastern possessions, and in Egypt, and in her South American colonies.

Those who consider that Canada is held to her allegiance to the British Empire by slender threads, and that her proximity to us makes her a British hostage for the security of the peace, forget that the quarrel we are now promoting is the quarrel of Canada; that there are ancient grudges between us and the refugee Tories who fled to Canada after the war of the Revolution and engaged in the fisheries for support; that these ancient quarrels still linger in the tree, like wind-rifts, though hidden by the bark, and that they are as easily aroused and excited to anger against us as we are against the British, and that we despise the Tories of the Revolution no more intensely than they hate us.

Annexation, absorption, or conquest of Canada will not be a love feast for many years to come, and will never be acceptable to Canadians until Great Britain has become hostile to her people and her interests. Great Britain could better renounce her control over the Suez Canal than the Canadian Pacific Railroad. Her fortress at Gibraltar is not so important as her possessions on Vancouver Island. The future supplies of wheat, lumber, and fish that Canada will send to Great Britain are worth more than the \$500,000,000 she would expend in burning the cities on the lakes and the seaboard of the United States.

True, we could take Canada and other British possessions, but what this free Republic, that governs only through the consent of the governed, could do with a people and a country like Canada, when subjected to our power by conquest, is a problem that needs to be solved before we set out on the expedition that is to result in the subjugation of Canada. It is a long and perplexing calculation that we must make when we count the cost of retaliation and non-intercourse with our nearest neighbor. I think it is easier, cheaper, and more honorable to live in peace with Canada than it could be even to extend our limits to the north pole at a time when such a policy with such a result would bring in a brave and strong people by force and against their will.

I therefore prefer negotiation to retaliation. We have negotiated in part. The President has opened the negotiation and now submits his work to the Senate for our advice and consent. We are engaged in determining what advice we will give the President and how far we will consent to what he has done.

In this stage of our work we are negotiators, just as the President is. We can shape this treaty as we choose, through our right to amend it. If Great Britain does not accept our amendments, that ends the matter. If she should accept, then we have a treaty that must be satisfactory to two-thirds of the Senate.

The Senate can not fail to remember, or, if we forget, the country will remember, that we are clothed with all the powers of negotiation, through the President as the executive head of our Government, to improve this negotiation so that it shall express the will of two-thirds of this body.

No treaty can contain a sentence or clause that does not meet the approval of two-thirds of this body. Are we prepared to admit that we are not equal to the test of formulating a fisheries treaty with Great Britain that will secure to our people every right and every privilege that is claimed for them in this debate? If this treaty does not suit us, let us write one, to which two-thirds of the Senate will agree, that does suit us, and advise the President to submit it to Great Britain for ratification or rejection. We can in this way formulate our contention as to our fishery rights and the commercial rights of our fishermen so that they can not be misunderstood. Without this consensus of opinion in the Senate we shall pass through this debate and reject this treaty without furnishing to the world any distinct idea of what we believe to be the true definition of the rights that we claim.

No man can ascertain from this debate any distinct proposition on which even a majority of the Senate are agreed, to say nothing of what two-thirds of the Senate would unite in asserting. All that we will have established is that the Senate will neither propose a negotiation with Great Britain that will settle the fishery disputes, nor will it assent to that which the President has concluded, nor will it amend that negotiation. We refuse to negotiate, and are driven to the ground assumed by the Committee on Foreign Relations, that the fisheries are not a fit subject for negotiation, that the time for negotiation has passed, and that both the Senate and the Congress have instructed the President that his business and duty are confined to retaliation under the act of March, 1887.

Mature reflection has convinced me as to two facts that were absolutely controlling in the situation we occupy in reference to the north-eastern British provinces in connection with the fisheries.

First, that all our rights of fishery within the territorial jurisdiction, being the joint rights of a tenancy in common with the people on those coasts, they can only be enjoyed, beneficially, by agreement between the countries and by good will amongst the fishermen; and second that intercourse in such joint enjoyment of the fisheries can not be properly or safely regulated by means of retaliatory laws or proceedings.

I can conceive of nothing more difficult than the task of preserving to our fishermen their full and just rights in a joint fishery on the distant coasts of Newfoundland and Labrador, amongst a people whose commerce and ships are excluded from our ports and whose jealousy of their rights in respect of their sole means of subsistence is further inflamed by unfriendly or hostile relations between their government and ours. I can scarcely see that it is possible that our fishermen can safely and peacefully enjoy the rights left to them by the treaty of 1818 while the two countries are engaged in repressing and destroying the commerce of each other, with all the irritations that such relations will engender, unless we send out our war ships, if we should have any, to convoy and protect our fishing fleets.

A treaty right is of little worth if it must be constantly protected by an armed force.

This joint ownership of the fisheries is the great controlling fact that makes it indispensable that its enjoyments should be regulated, controlled, and secured by agreement with the other joint owner, rather than by disagreement, contention, strife, retaliation, and retorsion.

We have seen that, with the best efforts of both governments to promote harmony and peace among the men whose ships visit the same waters to gather, annually, the rich harvest of the fisheries, by treaties with broad provisions for reciprocity, we have been frequently driven to the verge of war by their jealousies and disagreements.

Neither party has ever tried the efficacy of retaliation to prevent or cure these troubles. If we are forced now to this resort it is a certain result that we shall lose the benefit of our joint fishing rights under the treaty of 1818, unless we send out our fishermen under the convoy of our Navy.

It goes without saying that any exercise of force by either party in the fishing waters to correct an injustice or prevent an abuse would almost certainly lead to hostile collision between our men of war and to open hostilities.

These and many like reasons impress me with the conviction that the nature of our rights in the fisheries of the British provinces compels us to prefer the certainty and security of treaty agreements for their regulation to that uncertain and doubtful expedient which is found in unfriendly retaliation.

Therefore, I could only admit the conclusion that the time for negotiation with Great Britain about our fishing rights had passed, with the most serious apprehensions that the time had arrived to state our demands in the clearest manner, and to enforce them by all the means in our power.

If there is a middle ground between our refusal to negotiate and the declaration of an ultimatum, to which we will adhere to the uttermost, in reference to this joint right of fishery in the provincial waters, it is certainly very debatable ground. It is not ground upon which these sovereign nations confront each other in open and upright controversy to settle great questions definitely and fairly in whatever form of contest may be required. It is rather the ground over which the raider steals a march in search of booty, and hopes to exhaust his antagonist by cutting off his supplies and destroying his resources.

This might be good strategy in war, but it is a very weak and shambling policy in respect of our commercial dealings. Rather than resort to this policy, for which we made ample provision by law in 1850, in a statute that is still in force, and under the worst experience we have ever had of the harsh execution of the British view of the treaty of 1818, we have given the Canadians twenty-four years of importation of free fish out of the thirty-eight years since 1850, and in 1870, when the Republican party was in full possession of the Government, they put fresh fish on the free-list and have kept it there to this hour.

Neither Mr. Lincoln, Mr. Johnson, General Grant, Mr. Hayes, or Mr. Arthur ever attempted to resort to the retaliatory law of 1850 to meet any of the many acts of alleged aggression and the constant denial of trading privileges to our fishermen, although they were as severe and defiant as they were ever before or since the twenty-four years during which they held the Presidency, with complete control of every branch of the Government, including the judiciary and a majority in both branches of Congress, that was eager to record their decrees. More than three hundred cases of seizure of our fishing vessels by the provincial authorities had occurred during and antecedent to their possession of the Government, and except the pious episode of the Sunday fishing in Fortune Bay, not one of the five Cabinet officers now in this body, Mr. CAMERON, Mr. EVARTS, Mr. SHERMAN, Mr. TELLER, and Mr. CHANDLER, who held high places in those administrations, can show a line in print that contained even a movement in the direction of a proclamation of non-intercourse or retaliation upon Canada under the law of 1850.

There were the grievances, old and new, quite as aggravated and galling to our pride and damaging to our interests as any that have occurred since Arthur's administration; there was the law of 1850 on the

statute-book, giving the Secretary of the Treasury and the President all the power that was needed to retaliate upon Canada, and here are the ex-Secretaries of the Treasury, of the Interior, of the Navy, of War, and of State, abusing with coarse epithets the present Administration and putting that abuse in a report from a committee of the Senate, and in speeches on this floor, because the President sought to come to a fair agreement with Great Britain, if that were possible, with the consent of the Senate, before resorting to the act of 1850, or that of 1887, to compel that Government to do us justice.

Those ex-Secretaries demand that the door of negotiation shall be immediately shut, so as to force Mr. Cleveland to the sole alternative of retaliation, and the probable result of open hostilities with Great Britain, while for twenty-four years they and their powerful party neither retaliated nor treated, and very mildly complained about the wrongs of our fishermen, some fresh and some old and moss-grown with neglect. Why did they not retaliate? Why did they not force the country into war? The answer is too plain and too humiliating to be stated with composure by any American.

In the treaty of 1871 we, in effect, condoned every previous cause of complaint and merged the wounded pride and the uncollected damages for past wrongs to our fishermen in the new arrangement, by which we admitted fish to our markets free of duty, and agreed to pay a sum which turned out to be \$5,500,000 for peace, fraternity, and poor fishing along the Canadian coasts.

In fact we used these inducements in order to make it easier for Great Britain to agree with us on the Alabama claims, and some other arrangements for the use of the lakes as channels of trade and commerce.

These ex-Secretaries and their party, having resorted to negotiation instead of retaliation, made this treaty of 1871 to cover the very questions that now exist; that appeared in flagrant wrongs in 1869 and 1870, and then subsided for ten years under this five-and-a-half-million-dollar poultice and appeared again in 1885; and now they are here crying out against a President for negotiating a treaty, and sending it to them for ratification, amendment, or rejection, which is a fair, direct, and just settlement of these disputes. Why may we not now treat with Great Britain about these same troubles and misunderstandings on the basis of mutual concession, in order to reach a common and satisfactory agreement, when these ex-Secretaries paid Great Britain five and a half million dollars for the purchase of ten years' peace on these same questions?

They denounce this treaty in their national party platform as a pusillanimous and cowardly surrender, and are scarcely less sparing of epithets towards it and the President in their speeches in the Senate after they have given free fish to Canada and \$5,500,000 in money for the right to fish within the 3-mile limit as fixed by the treaty of 1818 and to land on certain coasts and shores for the purpose of drying their nets and curing their fish. This was the only additional liberty secured to our fishermen, for which these ex-Secretaries and their party paid these enormous sums and gave them the right also to fish in our waters, on our seacoasts and shores north of 39° north latitude, extending this privilege 3 degrees farther south on our shores than was done in the treaty of 1854.

Our fishermen needed the commercial privileges for which we now clamor in such belligerent notes in 1871 quite as much as they are needed now. They were as important then as they are now, but the treaty of 1871, sent to the Senate by General Grant and confirmed without opposition, made no allusion to any commercial rights for our fishermen. The negotiators had their instructions from the President, in which these commercial rights were distinctly called to their attention, but the treaty contained no word on the subject. Senators scout a negotiation as being pusillanimous and cowardly, because it does not make as full provision for the commercial rights of our fishermen as they now claim, while remembering that they and their party made the treaty of 1871 without an allusion to such rights. They made additions to our treaty rights under the treaty of 1818 in these words:

#### ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the seacoasts and shores, and in the bays, harbors, and creeks of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

They stopped with these additions to our side of the subject and gave to the Canadians full fishing rights on our coasts down to 39° north latitude. Can any of the five Secretaries or the Senators who were in this body in May, 1871, answer to our despoiled fishermen why it was that this treaty of 1871 admitted all fish and fish-oil free of duty and

muleted us in a sum of \$5,500,000, and gave British fishermen the equal rights with ourselves to fish on our shores down to 39° north latitude? Were not all these gentlemen on the British side of that question? Let them answer these questions, or else forever after hold their peace on the subject of pusillanimous and cowardly treaties and from any further accusations against us that we are espousing the British or Canadian side of this controversy.

What has become of the recent lofty boast of American statesmanship, that we intend to demand and secure commercial rights for our fishermen in the ports of Canada? What was done to secure those rights in the treaty of 1871? Who moved in that direction? Who intimidated a desire for such commercial rights in 1871? None of the able ex-Secretaries, none of the Senators on this floor; and yet there are many here now who were either in this House or the other in 1871.

Mr. EVARTS. Will the Senator allow me to raise a point of consideration? The Senator must be aware that during the prevalence of the treaty of 1871 all these commercial rights were conceded, practically.

Mr. MORGAN. No, the Senator uses the wrong word. "Concede" does not cover the subject. That is not the fact.

Mr. EVARTS. I do not say the treaty, but the action.

Mr. MORGAN. Nor in any other way.

Mr. EVARTS. The action.

Mr. MORGAN. A mere indulgence was granted to us, precisely of the same character as is granted now under the *modus vivendi* established in the protocol of the present treaty.

Mr. EVARTS. I had not asked the Senator's attention to any other consideration than the mere fact that during the prevalence of the treaty of 1871 these commercial privileges were enjoyed by our people.

Mr. MORGAN. That was not in consequence of the treaty, but because of the changed commercial relationship between those people and our people, whereby it became more profitable to the Canadians to have our people in their ports than it would have been to have excluded them. When we came to settle the damages in the Halifax Commission upon this very question the British representative put in a demand for the privileges of commerce enjoyed under that treaty. Our reply to it was, "The treaty is silent on the subject, and what you have granted us in the way of commerce has been a mere gratuity for your own advantage and benefit, and one that you could withdraw at any time." Therefore it was not conceded.

Mr. EVARTS. I did not state it as a concession. I merely asked whether the Senator agreed that during the period of time the treaty of 1871 was in force commercial privileges as we claim them for fishermen were enjoyed.

Mr. MORGAN. That is very true.

Mr. EVARTS. Very well; that is all I wanted to ask.

Mr. MORGAN. That is very true; they were enjoyed as an act of grace and favor by the Canadians to our people, and for their own private advantage and benefit.

Mr. PUGH. Will my colleague allow me to suggest that the fact that commercial privileges were enjoyed while the treaty of 1871 was in force is no reason why they were not provided for in the treaty itself?

Mr. MORGAN. Surely not.

Mr. PUGH. Those commercial privileges were not enjoyed prior to the formation of the treaty of 1871, and the fact that they were enjoyed while that treaty was in operation is no answer to the failure of the Government to provide for them in the treaty of 1871.

Mr. EVARTS. Will the Senator allow me?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from New York?

Mr. MORGAN. Certainly.

Mr. EVARTS. I had no purpose of interposing the inquiry either to derange the argument of my friend from Alabama, or to anticipate my own on that subject. My purpose was to see whether we can agree about the fact, and then the reasoning may go on so far as you please on your side.

Mr. MORGAN. We agree about the fact that under the benign influences of the treaty of 1871, which gave free fish and free oil to the citizens of both countries, and which made a large promise of money to the Canadians for the value of their fisheries over and above the value of their enjoyment of our fisheries, they were in very good humor, received us very kindly and very hospitably; but the moment that treaty was put an end to they flared up again, and getting back on the hard lines of the treaty of 1818 they undertook to enforce it according to their own interpretation.

There was no object during the pendency of the treaty of 1871 for excluding our men under the treaty of 1818, or making any point at all, because they had the right to go up to the shores and fish on any part of the coast, just as much right as the Canadians themselves had.

If you put this treaty in force you will find that the same state of affairs will occur again in Canada which occurred under the treaty of 1871. Peace will prevail and our fishermen will enjoy the advantages of the joint enterprises or ventures of fishing in those waters with as much security, as much peace, as much quiet, as they did the operation of the treaty of 1871. But the difference would be that by this treaty we should have secured the right by a treaty obligation, while in

the treaty of 1871 our Republican friends left it to be begged or borrowed from the Canadians as they might see proper to grant in according to their grace and free will.

We should enjoy also the guaranties of this treaty without paying any money for it, or without paying free fish for it, or paying anything else for it. If the treaty is carried into effect it will produce precisely the same condition of peaceful intercourse that occurred under the treaty of 1871, which made no provision except to gratify the Canadians and keep them in good humor, and prevent them in that way from interfering with our rights.

It is a common notion frequently advanced in debate that the treaties of 1854 and 1871 were intended to be temporary arrangements. If they were so intended, they were disgraceful escapes from the questions and troubles engendered by the treaty of 1818, which the present Administration has met boldly and settled fairly on principle.

But they were intended to be permanent arrangements, unless they proved injurious to the one or the other of the treaty powers. The reciprocity treaty of 1854 went down under a prejudice against Canada that grew up during the war of the rebellion. The treaty of 1871 went down, as to the fisheries articles, because we found that the treaty was costing us in money many times more than the value of the privileges of the inshore fisheries.

It is yet a very serious question whether we have not lost greatly by the abrogation of the treaty of 1854. Thus we see that the treaty before the Senate is the first and only one in which any commercial privileges have been secured to our fishermen, or in which a serious effort has been made to secure them. I will go into this subject more fully when I shall attempt hereafter to discuss the merits of this treaty in open executive session.

It is in reference to the commercial privileges of our fishermen, and alone in reference to these alleged rights, that the startling doctrine is asserted, and the rash attitude is taken in the report of the majority of the Committee on Foreign Relations that the fisheries are no longer a proper subject of negotiation, and that the time for negotiation with Great Britain has passed.

What commercial privileges do we thus demand for our fishermen? The answer seems to be "the same that we accord to Canadian fishermen." The answer is not candid, for we do not accord to Canadians the right to take fish anywhere within 3 miles of our seacoast or to land and dry fish on any of our shores, and especially do we not allow them the liberty to fish within 3 miles of the shores of the coasts, bays, harbors, and creeks of the dominions or domain of the United States. They have no such treaty rights, and we have never granted such fishing rights to them by any statute, whether the bays are 6 miles wide or as wide as Boston Harbor, or Long Island Sound, or Delaware Bay, or Chesapeake Bay.

They have only the same commercial rights in our ports that we extend to all ships of commerce, while we have a treaty right for fishing privileges and to enter their bays, etc., for shelter or repairs and to obtain wood and water.

One thing is certain in respect of the commercial rights of Canadian fishermen in our ports of entry, and that is, that they are admitted, not for the sake of comity and as an act of grace and hospitality, but because their presence in our ports increases the trade of our merchants, mechanics, outfitters, and dealers in fishing-tackle, provisions, and the equipment of fishermen. Our people have many things to sell to Canadian fishermen in exchange for their furs, while the Canadians have little to sell to us besides bait and fish. We want their trade, while a narrow policy, as I think, induces them to reject the trade of our fishermen. The retaliation that would exclude their trade from our ports would lessen our profits much more than theirs.

But this is what we are told we must demand until their ports are as free to our fishermen as ours are to them.

All such demands are entirely apart from the treaty of 1818, and so we are distinctly informed in the report of the majority of the committee. But they insist that these demands shall be made and enforced by retaliation. If we succeed in getting what we require by this species of force, how long will the privilege continue if it is not secured by a treaty engagement? The answer is, that this having been accomplished by pressure, when that is removed the privilege will cease. I can think of nothing more hopeless as a permanent adjustment of our troubles than this temporary and uncertain expedient.

But it is this wild and unstable device that so strongly addresses itself to the judgment of Senators, that for fear it may not be resorted to they demand that no negotiation shall be entered upon with reference to the fisheries troubles. It is for the vague hope of advantage from this expedient that the President is censured for attempting to treat with Great Britain and to secure broad and useful privileges for our fishermen in a form where we can enforce them.

An untried experiment which all nations consider as leading in the first steps to be taken to the very verge of war, and is therefore resorted to only when all reasonably hope of agreement is extinguished, is held up as our only means of securing our full and just rights with reference to commercial advantages for our fishermen, about which we have not even proposed to treat with Great Britain.

In the summing up of our contentions under the treaty of 1818 as

to its proper interpretation our Government instructed its commissioners in the joint high commission that made the treaty of 1871 as to the remedies they would provide for the injuries our fishermen had sustained. I will read them.

#### 8.—REMEDIES.

These are the instructions to our negotiators who negotiated the treaty of 1871. Here are the remedies:

It is suggested that this class of questions may be adjusted, either—  
I. By agreeing upon the terms upon which the whole of the reserved fishing-grounds may be thrown open to American fishermen, which might be accompanied with a repeal of the obnoxious laws, and the abrogation of the disputed reservation as to ports, harbors, etc.—

No commercial privileges yet mentioned—

or, failing that—

II. By agreeing upon the construction of the disputed renunciation—

Mr. Bayard had attempted to agree upon the construction of the disputed renunciation. So he follows Mr. Fish's instructions upon that point—

upon the principles upon which a line should be run by a joint commission to exhibit the territory from which the American fishermen are to be excluded—

Mr. Bayard did that also—

and by repealing the obnoxious laws, and agreeing upon the measures to be taken for enforcing the colonial rights, the penalties to be inflicted for a forfeiture of the same, and a mixed tribunal to enforce the same.

Mr. Bayard proposed all that, and succeeded in all of it, too, except in the mixed tribunal.

It may also be well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American colonies.

Yet the gentleman who works the political end of the Republican party on the other side, the Senator from Virginia [Mr. RIDDLEBERGER], got up to-day and charged the Democratic party with desiring to admit fish free and to have all manner of free trade with Canada. Here in the instructions given by Mr. Fish to the negotiators in 1871 he directs them to propose to Great Britain free fish and fish-oil to be admitted into both countries.

In addition to the authorities hereinbefore cited, there is in the archives of the Department of State a copious and well-arranged memoir upon the subject of the fisheries, by Richard D. Cutts, esq., of the Coast Survey, which will be placed at the disposal of the commissioners.

That concluded the instructions on the subject of the fisheries.

Mr. GEORGE. Has that memoir been printed?

Mr. MORGAN. It has been printed in parts. Extracts have been printed. The larger part of it is in manuscript in the State Department.

Nothing is suggested here as to commercial rights, nothing as to retaliation. All is to be accomplished by agreement under the compensatory and reciprocal inducement of admitting fish to both countries free of duty. This was our Republican plan of 1871. Our fishermen will not fail to contrast it with the plan of 1888, greatly to the advantage of the latter.

But I do not propose to discuss the merits of this treaty on these resolutions. They relate to the question whether this is a proper subject for negotiation; whether the time for negotiation has passed, and whether this treaty has been negotiated by persons duly and constitutionally empowered to conduct a negotiation.

The opinions of the Senate and of Congress and of individual Senators expressed in debate, have been referred to by the majority of the Committee of Foreign Relations to support their report on this treaty and to justify Senators in denouncing other Senators for alleged abandonment of their convictions under the lash of party discipline and under the pressure of Presidential influence.

I accord to other Senators what I claim for myself, that in their earlier discussions of these questions, and before a party caucus compelled the majority to conduct their part of these negotiations in the presence and hearing of all the people of the world who choose to listen, there was a reserve in statement and argument which was creditable to the Senate and was then compelled by the rules of this body.

The state of opinion in the Senate at the time when the President was anxiously investigating the best means of composing our fisheries troubles with Great Britain must have been an important fact to influence the line of policy he was to pursue. For however valuable our views may be, or however little worth they are intrinsically, they are the opinions of men whom he is bound to consult, of negotiators who may amend, reverse, or ratify his negotiations, or who may scout his action as being without authority.

The following resolution was offered in the Senate by the Senator from Massachusetts [Mr. HOAR] February 24, 1887:

*Resolved*, That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, change, or abolition of any of our existing duties on imports.

That Senator must have forgotten, when he wrote that resolution, that fresh fish had been made free by his own party.

The Senator's mind grasped the fact that it would be proper, and was necessary "in regard to existing difficulties with her province of Canada" that "negotiation should be undertaken with Great Britain."

He sought to prevent any "reduction, change, or abolition of any of our existing duties on imports" by means of such negotiation. The negotiation he then looked forward to has been had, and Mr. Bayard has steadfastly refused to make any change, or to attempt to make any increase, reduction, or abolition of duties on any imports in this treaty. The Senator had seen fresh fish put upon the free-list in a Republican Congress in 1870, and in the Republican treaty of 1871, and he feared a much larger addition to the free-list by a Democratic President.

If anything could induce that Senator to entertain, for one moment, a reasonably tolerant opinion of the President and Secretary of State, I would hope that the close and literal compliance, in this negotiation, with the expressed opinions of the Senator, in excluding from this negotiation all manner of interference with the tariff on fish or any other features of our tariff laws, would incline that Senator to a more indulgent view of the motives that influenced this treaty and the wisdom that guided in its negotiation. On the 3d of March, 1887, the Senate adopted the following resolution:

*Resolved*, That in the opinion of the Senate the appointment of a commission, in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America—

That included both coasts, you see—

ought not to be provided for by Congress.

This resolution took the place of all other resolutions on this subject. It raised the question whether Congress should create, by law, a commission—

To be charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America—

or whether the Constitution should be observed in its control of such questions, by placing that control in the hands of the President and the Senate. It was in the debate on this resolution that some opinions were expressed that will show how rapidly and how curiously we have traveled to reach the ground now solemnly assumed by the Committee on Foreign Relations, that the fisheries are not proper subjects for negotiation with Great Britain, and that the time for such negotiation has passed. I supposed then, as we all know now, that whenever the treaty of 1818 is improved it must be done by treaty.

If we retaliate upon British commerce until we have punished them into the full acceptance of our construction of that treaty and superadd the privileges of free commerce and trade to our fishermen, we could not be content to have all these valuable results to be again disputed when changes in the administration of the Canadian or British Government might cause these concessions to be withdrawn or modified. The time for treaty making will have then arrived instead of having been long passed. And so, if in this game of battledore and shuttlecock in which our most vital interests are to aid the sport of our most reckless statesmen, there should grow up such excitement and ill-blood that war should supervene; at the close of the contest the time for negotiation will again arrive. It is idle under any circumstances, except in impending war when we intend to strike the blow, to declare that the time for negotiation has passed. Unless we mean to resort to force, such vain fulminations only convince mankind that we are a nation of braggarts.

Pressure is right when we wish to get a reluctant power to settle our disputes with them by treaty, but when it is employed to prevent negotiation it can only mean a resort to force. I thought in 1887 that we were using the pressure of resolutions and laws to impress Great Britain with the necessity for treaty relations that were better understood and that should be more justly executed. True, none of us could then afford to say openly all that we believed or felt on these subjects. There were then, as now, some facts vitally affecting these questions that we could not even allude to. To-day, while we are here making a pretense before the country that we are discussing our relations with Great Britain openly and fully, there is laid upon the table of the Committee on Foreign Relations by a solid Republican vote the unpublished parts of two letters of Edward Everett, official letters, sent to our Government while he was minister to Great Britain, that would throw a flood of light upon both the American and British contentions about the fisheries.

I asked the Senate in resolutions to remove the injunction of secrecy from these letters, that I might let the people into all our secret sources of information. The Committee on Foreign Relations refused even to report the resolution back to the Senate, and we must argue this treaty openly upon facts that we do not choose to reveal to our own people, and can not, therefore, be permitted to state in the Senate.

So, I appreciate the reserve under which Senators have been compelled to debate the resolutions and bills relating to this subject, that we have been compelled to consider and discuss. I will not resort to the strategem, which I consider immeasurably mean, unworthy, and unjust, of holding a Senator who spoke on these subjects in 1887, to his responsibility for utterances in which he did not dare to expose the secret counsels of his colleagues, or even to state fully and frankly his own opinions, lest he might betray his country into some unfortunate attitude.

With this allowance to all concerned, I will proceed to read some

things that were said in debate on this floor in the earlier stages of this present controversy. The honorable Senator from Maine [Mr. FRYE] had the floor. He said:

I call attention now, Mr. President, to the treaty of 1818, the provisions of which, I suppose, have been in force since the abrogation of the fishery clauses of the "treaty of Washington." In the negotiation of this England evinced neither magnanimity nor sentiment, and our commissioners neither sagacity nor courage. The times were not propitious for us. Waterloo had been fought; the allies had entered Paris; Napoleon had abdicated, and England was arrogant. We deliberately surrendered all of our fishery rights, and a blow was dealt that industry from which it has never recovered. By its terms England laid the foundation for ceaseless demands, and invited her colonies to the enactment of penal laws and the commission of outrages in their name which would disgrace any civilization.

That was done under the terms of the treaty:

I call attention to Article I: "and the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominion in America, not included within the above-mentioned limits"—

Adds the Senator—

with a proviso that our fishermen might enter these bays, etc., for shelter or to repair damage, to purchase wood and take water, but for no other purpose whatever. We reserved to ourselves only the commonest rights of hospitality and renounced all commercial privileges whatsoever.

We "renounced all commercial privileges whatsoever" by the treaty of 1818, says the Senator from Maine.

But, to be accurate, I ought not to say "renounced all commercial privileges," for up to that time, under England's peculiar colonial policy, we had enjoyed no such privileges.

Mr. COKE. May I ask the Senator who were the American commissioners in the negotiation of the treaty of 1818?

Mr. FRYE. I did know, but I have forgotten who they were. In 1819 the English Parliament passed an act construing this article, making it an offense if our vessels had fished, were then fishing or preparing to fish, within the shore-line, and the colonial courts held that when a vessel within the shore-line was preparing to fish outside of it she was liable to seizure and condemnation.

Further, England claimed that this 3-mile line was to be measured outside of a line drawn from headland to headland, which would include gulfs half as large as the Gulf of Mexico. It is true that on the protest of our Government she subsequently instructed her officers not to enforce the law under this claim, but she has never renounced it.

In April, 1883, the Senator from Maine said that England had never renounced that claim.

For several years we had but little trouble under this treaty; then it came in a perfect avalanche. England and her colony coveted our increasing market, and as usual, without a scruple, went for it. They seized vessel after vessel, condemned them in colonial courts on the testimony of colonial witnesses, refused them shelter, drove them to sea in storms, seized and searched on the high seas, broke up voyages, until in fact the perils of the sea on the banks were not greater than the dangers of the law within the shore-line. Our Government interfered again and again. Mr. Van Buren sent the *Grampus* into those waters in 1839; Mr. Pierce ordered a fleet there; the *Kearsarge* and the *Mississippi* cruised there, and in the presence of our armed vessels our fishermen were undisturbed, but immediately on their withdrawal the outrages were renewed.

The records of the Halifax Commission are full of evidences of illegal seizures; of seizures and condemnations on complaints of the most trivial and inconsequential character; of every conceivable outrage and wrong; of every violation of the rights of hospitality and friendly intercourse. In the pursuit of these unjustifiable methods England and her colony had but one purpose—to force open our markets, and in 1854 their efforts were crowned with success in the ratification of the so-called "reciprocity treaty" reciprocal, however, largely only in name. They opened their fisheries to us, and we our markets to them. I am confining myself, Mr. President, strictly to the question in issue, and, therefore, do not discuss the other features of that treaty.

There was a terrible list of outrages and wrongs, including every phase of what we contend is the misconstruction by Great Britain of the treaty of 1818, carried into actual effect by seizure of our ships, wrongs rated up, year by year. When Mr. Bayard came to treat on this subject he found all this mass of wrong and injustice, and he found that contention of the headlands in his front. It had been practiced long, and with perfect impunity, for no administration had resented it. The "grand old party" which was in possession of this Government for twenty-five years did not resent it all. It all went by as pleasantly as the dream of a sleeping maiden. All was agreeable among the ex-Secretaries and the great men who led the Republican party. They were all smooth and quiet. Notwithstanding that, the Senator from Maine was able in April, 1886, to get up in this body and utter this terrific denunciation against the conduct of Great Britain.

Mr. Bayard found it all there. What has he done with it? He has made a means by which it will not occur again. He has reserved these questions, one by one, that were not condoned and given up in the treaty of 1871 by the Republican party, for future adjudication, and they will be adjudicated, not waived, not condoned, not forgotten.

Now, you see how the situation is changed. You see what advice was given by one of these honorable negotiators, a man in high place, and deservedly so in the Senate for his ability and knowledge of the fisheries question. You see the advice he gave to the President of the United States, then, in his speech, and what the President had a right to conclude would meet his approbation, a treaty that would settle forever the headland theory, still contended for by Great Britain, and one that would check and put down these misinterpretations and misconstructions.

The Senator from Maine went into particulars a little farther on in

his speech. The honorable Senator from Delaware [Mr. GRAY] was seeking some information from him. This occurred between them:

Mr. GRAY. I thank the Senator for allowing me to call his attention to that, because it seems to me it was apropos to something he said about executive aggression interfering with the rights of the American fishermen.

Mr. FRYE. I referred, Mr. President, to the aggression of the treaty-making power. I was glad to notice in the Tribune that our consul-general at Halifax seemed to have been better informed than our Secretary of State at Washington. Mr. GRAY. He seems to have taken the same view precisely as the Secretary of State, so far as anything I have seen from him is concerned.

Mr. FRYE. Did not the Senator notice the two dispatches, one sent in the morning and the other in the evening, which I read the other day?

Mr. GRAY. I did. I will not interrupt the Senator now to say what I think about those dispatches; but I think they are entirely consistent with the position taken by Consul-General Phelan.

Mr. FRYE. The worst outrage which they can commit is the very one which they contend there they have a right to commit, and that is to prevent our vessels from buying bait and ice. What other commercial privileges, let me ask the Senator from Delaware, do we want of Canada than to let our vessels buy bait and ice there? There is nothing else on earth we want to buy there.

That is a pretty strong statement coming from very high authority, from a gentleman reared upon the coast, almost at the Bay of Fundy. Said the Senator from Maine:

What other commercial privileges, let me ask the Senator from Delaware, do we want of Canada than to let our vessels buy bait and ice there? There is nothing else on earth we want to buy there.

Mr. GRAY. I was not talking about commercial privileges. I was talking about the activity of the consular agents.

Mr. FRYE. The consular agent seems to admit there that we can not buy bait and ice.

Mr. GRAY. He has not said anything about that, I think.

Mr. FRYE. That very statement made in the New York Tribune says so, that the Canadians can put men on board our vessels, if they stay there a month, and put them there to see to what? To see that we do not fish or buy bait. All on earth we want to buy there is bait and ice.

I should think if that was all we wanted there at that time we do not want much more there now.

Mr. TELLER. We do not get that; that is the trouble. We do not get the right to buy bait there.

Mr. MORGAN. You will get it if you ratify this treaty.

Mr. TELLER. We could get it under certain circumstances and conditions.

Mr. MORGAN. The conditions are not onerous, merely that a man will take out a license by which he identifies himself as a fisherman. That is all. He does not pay anything for it. That is all he would have to do, and he can buy all the bait and all the ice or anything else he wants there. That is secured by this treaty.

Mr. GEORGE. That is all the Senator from Maine said we wanted to buy there?

Mr. MORGAN. That was all. They have not anything else to sell, he said.

Mr. EVARTS. Will the Senator allow me to ask him a question?

THE PRESIDENT *pro tempore*. Does the Senator from Alabama consent to be interrupted?

Mr. MORGAN. Yes, sir.

Mr. EVARTS. What do fishermen want to buy there besides bait and ice?

Mr. MORGAN. I never was up there in my life. I suppose if they could find some chickens they would like to buy them, possibly some potatoes. I do not know what else.

Mr. EVARTS. The Senator from Maine [Mr. FRYE] was certainly right in saying that all our fishing vessels in the quality of fishing vessels had occasion to ask of hospitality and trade there was to be allowed to buy bait and ice.

Mr. MORGAN. They are allowed to buy those and all other supplies for voyages homeward or outward. They have nothing to do but merely to register their license, and they do not have to pay anything for that under the proposed treaty. Now I will follow the Senator from Maine a little further.

Mr. GEORGE. Before the Senator goes on I wish to ask him if he is reading a statement which the Senator from Maine [Mr. FRYE] made in the last Congress?

Mr. MORGAN. Yes, sir; made in April, 1886. \* The Senator from Maine then referred to the increase of Canada's export of fish to this country since 1871. In 1871 it was \$84,742.59, in 1881 it was \$2,559,312.52, and in 1884 it was \$3,886,358.39. He proceeds:

I have not the official figures of the great lake fisheries, but am informed that they fairly participate in this gain. In fact, it is beyond dispute that the life of the Canadian fisheries depends largely upon the freedom of our markets. Now, sir, what advantages have accrued to us from the Washington treaty?

1. "Wood, water, and shelter." But we had those before, and now, too, under the treaty of 1818.

2. Of commercial privileges. None under the treaty.

3. The right to take fish within the 3-mile limit. What has this been worth to us? The right to take capelin and squid for bait would have been of value, but the moment we undertook to avail ourselves of it we found cables cut, nets destroyed, all manner of damage inflicted, and nothing else could have been expected. The people around those shores, living on the small bays and harbors, have only one resource upon which they can depend for money, the capture of capelin and squid for bait, to be sold to the fishermen. Men, women, and children engage in it with the hook and line. One of our vessels with its huge seine can sweep a little bay clean. Who can blame these people for defending to the bitter end their only source of supply, the sole barrier between them and starvation? Our fishermen speedily gave up this advantage under the treaty and have purchased their bait of these poor people at a cost of over \$100,000 annually. The shore and gulf fisheries have been absolutely worthless.

In connection with the graphic, earnest, and sympathetic remarks of the Senator from Maine, which do great credit to his magnanimity and his generosity as a man, I desire to refer to the fact that there are some delimitations of bays here—Fortune Bay, the Bay of Miramichi, and a part of Chaleurs where the bays are 10 miles from shore to shore, and at that point there is a fixed delimitation in the treaty.

I do not know that I can account fully for all this fixed delimitation, but referring to the remarks I have just read from the Senator from Maine, which were antecedent to the treaty, if the President of the United States found nothing else to respond to but that touching appeal to his generosity and magnanimity which the Senator from Maine so earnestly presented in behalf of those poor people, it seems to me that would have been quite a sufficient influence to have shut those little bays off in which our fishing is of no advantage to us and in which when we had the right to fish there for capelin and other bait we refused to exercise it and would buy bait from those poor people at the cost of a hundred thousand dollars a year. That, it seems to me, addressing itself to the sense of humanity of a people like ours, rich in everything, with the abundance that Providence has bestowed upon us, would be rather a strong and persuasive argument.

Those poor people stretch their huts around the coast, and the incoming of foreign ships, or any ships indeed, unless they are under the control of local laws, would have a natural tendency to break up their little local fisheries, their weirs, and their nets, etc. More than that, sparse communities like those have a very weak hold upon the elements of municipal control sufficient to hold in check a fleet of many thousand fishermen when they have a right to go there, away from the responsibility of home.

If we had communities situated in the same manner I should say that I would dislike very much indeed to understand that any foreign power, British power or any other, had the right to go at will within a little land-locked bay, anchor their ships, sweep about with their seines, and take from the people there all their means of subsistence when it came in. I should dislike that, and I must sympathize and concur with the Senator from Maine when in speaking of these people he says that they—

have only one resource upon which to depend for money, the capture of capelin and squid for bait, to be sold to the fishermen.

There is another reason for it. The United States have engaged with great success and have furnished a very excellent example to their neighboring and other governments upon the subject of the propagation of food fishes. I am informed by the reports of the fisheries of Canada that especially in the Bays of Chaleurs and Miramichi they have their national fish hatcheries established just as we have at Wood's Holl. I should say that it would be a very prudent thing not only for Canadian interests, but also for the interests of the people who consume food-fishes the world over, that these hatcheries should not be liable to intrusion.

I can see in that a very good reason why we might have found it to our advantage as well as to the advantage of the Canadians that fixed lines of delimitation should be put there so that our fishermen or the fishermen of any other country could not intrude.

I did not propose, however, to dwell upon that branch of the subject. I will look into it a little more closely and see if I can find out more about it. I will follow the Senator from Maine [Mr. FRYE] a little further.

In speaking of the value of the inshore fisheries the Senator from Maine [Mr. FRYE] said:

Carefully compiled statistics for the whole period of twelve years show an annual average of 96½ vessels engaged in the gulf fisheries and within the shore-line. The average annual catch in the gulf was worth in our market \$194,659; within the shore line, \$64,882. That would give each vessel in the gulf, \$2,010; in the shore-line, \$673. Now, an American vessel in the gulf, to pay expenses of outfit, insurance, depreciation of vessel, crew's share, and master's commission, must take four thousand dollars' worth of mackerel. So that every mackerel taken either in the gulf or in the shore-line actually cost nearly twice what it was worth. During the whole twelve years our vessels took about seven hundred and fifty thousand dollars' worth, and they cost them more than \$1,200,000. The statistics of the last half of the treaty period make a still worse showing. Formerly it was not unusual for us to have 500 mackerel vessels at a time in the gulf, but in 1879 we had 44; in 1880, 34; in 1881, 3; in 1882, 1.

W. A. Wilcox, of the United States Fish Commission, in his report for 1885, says:

"The few vessels that fished in the Gulf of St. Lawrence at times found mackerel very scarce, at times very plenty, but they were small and of poor quality. With the hopes of finding larger and better fish soon, the vessels in many cases forwarded their catch by rail or steamer to Boston or Gloucester, the same selling for \$2.12½ to \$3.50 per barrel, frequently not bringing enough to pay the cost of barrels, salt, freight, insurance, and commission, not mentioning time, labor, and expense of the voyage. The crews fishing on shares in many cases received nothing, and the vessels' expenses exceeded their gross receipts.

"On November 21 schooners Spencer F. Baird, William McDonald, and W. H. Jordan arrived at Gloucester from a six weeks' cruise in the Gulf of St. Lawrence and off the Nova Scotia shore, none of these vessels having caught a single mackerel during the entire trip.

"Vessels from Gloucester, Mass., are the only ones that entered provincial ports for the purpose of obtaining barrels and supplies. These purchased 9,572 empty fish-barrels, valued at \$7,425.95, and paid in addition \$9,759.05 for provisions, and \$331.26 harbor dues."

It needs no argument outside of these figures to show that the right accorded us to fish in the Gulf of St. Lawrence and within the 3-mile shore-line is absolutely worthless.

I think the President of the United States in negotiating this treaty

might have taken that as a veritable fact, coming from the Senator from Maine, who is an acknowledged authority upon this question, who really understands it as well as anybody, and who has the frankness always to speak what he thinks about everything. I remember that the Senator from Massachusetts insisted that the Senator from Maine ought to have been consulted as well as himself, and he said that the Senator from Maine would have made one of the very best of experts to have negotiated a treaty. If he had started out with the proposition, which is here stated, that the right accorded to us to fish in the Gulf of St. Lawrence, the whole of that great gulf, 3 miles of that shore-line, is absolutely worthless, he probably would have felt no qualms whatever in giving it up. But we did not do it. The President of the United States did not go as far as the Senator from Maine invited him to go in his speech. Did any Senator here ever deny that proposition? There was no denial of it. It was the truth and could not be denied.

Mr. MORGAN. Is not the right to fish with bait worth something?

Mr. FRYE. Within the shore-line?

Mr. MORGAN. Yes.

Mr. FRYE. No, sir; it is not. How are you going to take your halibut?

Mr. MORGAN. I refer especially to mackerel.

Mr. FRYE. Mackerel fishing there I think is practically worthless to us; but halibut fish can be taken with bait. We wish to buy bait in Canada for that.

Mr. President, why is it that a privilege formerly of immense value has become valueless? Simply for the reason that there has been a radical change in the manner and methods of fishing, as suggested by the Senator from Alabama.

Now he accounts for it, states his sum, and adds it up, and then proves it.

Mr. GEORGE. There has been no change in the habits of the fish up there?

Mr. MORGAN. Not at all.

Mr. GEORGE. Simply a change in the method of catching them.

Mr. MORGAN. There has been a change in the method of catching them. The Senator from Maine [Mr. FRYE] continues:

The entire worthlessness to us of the privileges accorded by the Washington treaty, the gradual but certain destruction of our fishing industry, the alarming decrease of our fishing fleet and of the sailors manning it, were known of all men, and the earliest day it could, under the terms of the treaty, be done, I introduced a resolution into the Senate instructing the President to give notice of its abrogation as to the fishing clauses. The resolution was reported back from the Committee on Foreign Relations unanimously, and passed both Houses of Congress without dissent or division. July 1, 1885, should have released us from this bondage, but months before that long-desired day arrived our fishermen heard with amazement and indignation that Secretary Bayard was making, without the interposition of the Senate, a new treaty, extending certain provisions of the old one, with a new agreement that—

Now, I will call attention for a moment to the ideas of the Senator from Maine about Canada. He said:

The right of our fishermen to-day to buy bait and ice rests on precisely the same basis as the right to purchase any other article they have to sell; and should this right be denied, Congress can promptly and effectually retaliate by excluding British colonial shipping from our ports. In these regards our intercourse with these colonies depends entirely on legislation, not on treaties. There is not the slightest danger of Great Britain assenting to any interruption of these privileges, to any interference with this intercourse. Newfoundland, a few years since, passed a law prohibiting the sale of bait and ice to our fishermen, but Great Britain refused her assent to the legislation.

Mr. President, I assert, without fear of contradiction by any man engaged in the fishing business, I do not mean importer of fish, that we have nothing to ask of Canada. She has no control over, nor exclusive interest in, any waters where we desire to fish for cod, haddock, halibut, or mackerel. Then what is there for a commission to settle, so far as we are concerned? Canada, I admit, does seek something of us. Our market is to her an absolute necessity. But, under a recent ruling of the Secretary of the Treasury, that solidly-frozen halibut, frozen for weeks, brought into Gloucester by the vessel-load, were "fish fresh for immediate consumption," and not dutiable, a market is opened up to Canada for at least 600,000,000 pounds of fish annually.

The Republicans let in 600,000,000 pounds of fish annually from Canada without paying any duty at all. The Democrats had not anything to do with it except to sit by and see it done. The Senator from Maine continued:

I said we asked nothing of Canada, but we do demand of our Secretary of the Treasury that in construing our tariff laws, if he is in doubt, we and not Canada shall have the benefit of the doubt. Since that item was put into our tariff law the whole method of preserving fish fresh has changed. Then they must be consumed at once, or cured by salt or smoking, but now with freezing processes, refrigerators on fishing vessels, on steamers, on cars, and in every great market, fish are kept fresh as long as they are preserved good by curing. If the Secretary will wisely reconsider this decision, and find some way to rule that small herring, brought in fresh to-day, and to-morrow boiled in oil and made sardines, shall be admitted free of duty, his conclusions will be much more beneficial for his countrymen.

Mr. MORGAN. Can we not get the decision of the Supreme Court of the United States to find out whether he is right or not?

Mr. FRYE. The Senator from Vermont calls my attention to an act of 1823 which authorizes the President to issue proclamation at any time without any further enactment.

Mr. EDMUNDS. When there is discrimination made against our vessels in British ports.

Mr. MORGAN. That is what I understood the law to be. It is not necessary to have any additional Congressional action about it. The President by proclamation can declare non-intercourse.

Because I made that statement at that early day, with the approbation of all the Senators around me, I have been held up as a very inconsistent sort of man in my opinion. I found myself lately very unexpectedly to be a very high authority, being quoted by every one of the Senators who spoke on the other side of this question as if I had a right to commit the Government of the United States to my personal opinion. I admit that I stand on better ground as authority than Mr. Woodbury, or Mr. Spofford, or Mr. Trescott. I concede that they are

very much more learned men than I am, but they are and have been all the time employed as counsel in the case, paid a regular salary for their opinions; and these briefs of hired counsel are brought to the Senate of the United States, and it is announced that those gentlemen are all Democrats, and they want to show the Democratic party of the United States what a terrible mistake Senators are making in following Mr. Cleveland and Mr. Bayard, who are working for the good of the country instead of going to the briefs of the hired counsel, Mr. Woodbury, Mr. Trescott, and Mr. Spofford. I believe all three of those gentlemen were among the "five wise men of the East" whom we were advised by the Senator from Massachusetts [Mr. HOAR] to select to negotiate treaties.

The Senator from Maine was one of them. With the Senator from Maine denying that our rights inshore there were worth anything, denying that the privilege of catching bait was worth anything, as it was more emphatically denied in the report that he joined me in from the Committee on Foreign Relations a little subsequent to the debate from which I have been reading, if we had them altogether I do not know what sort of a medley we should have made of it. I doubt if we could agree at all. Still, I am sorry, after all, that Mr. Bayard did not increase his commission to eight, and bring in the five wise men and put them to work on this treaty. Perhaps that would have satisfied somebody.

It has been alleged, and very unjustly to me, that I have changed my position upon this question. I have read the resolution which was pending before the Senate, reported from the Committee on Foreign Relations, in which the ground was taken that Congress had no right to provide a commission, because the Constitution of the United States had put it entirely within the power of the President to negotiate a treaty upon any question without the advice and assistance of Congress. But the ground was taken further by those who were willing to vote for the resolution in the language in which it was couched, that if Congress had the right to create the commission Congress must instruct the commission, and must ratify the action of the commission, and execute its action; and that that was a power which was entirely foreign to our constitutional system. The Senator from Maine [Mr. FRYE] said in the course of that debate:

Mr. FRYE. I thought that I accorded to the Secretary of State entire honesty of purpose in this matter. I complained that he did not give a hearing to the president of the Fishery Union. If he had, neither the President nor the Secretary of State would have fallen into this diplomatic trap which had been set for them here in Washington.

That is, by the celebrated negotiator, Sir Lionel Sackville West. The Senator from Maine continued:

Now, Mr. President, who seeks another commission?

This was in 1886:

In the light of the history I have sketched, of treaties with Great Britain touching our fishing interests, of the awards and judgments of commissioners having hitherto the consideration and settlement of differences between us and our Canadian neighbors, is there a single ray of encouragement for us to enter again upon this dangerous pathway? What have we to gain by it?

I declare that no man in the United States has asked for another commission, and that no man's name in the United States can be given who has sought another commission at the hands of the President or Secretary of State.

Mr. MORGAN. I should like to ask the Senator from Maine what he means by another commission? Does he mean a commission like that which met at Halifax, or a commission like that which negotiated and settled the treaty of 1871?

Mr. FRYE. I mean precisely what the President says—a commission to consider and settle the fishery rights. I mean any commission.

Mr. MORGAN. Let me ask the Senator from Maine, so that we may understand each other, does he hold that it is the duty of the Government from this time forward to abstain from all effort to settle any disputed questions that may arise or have arisen on the construction of the treaties or the effect of the provincial or British laws upon this subject of the fisheries? Does he intend to close the door against all future negotiations and leave the matter standing precisely as it is, without any effort on the part of the Government of the United States either to correct it or to participate in bringing the two governments to a common understanding as to what the rights of our people are?

Mr. FRYE. I have no power, and if I had I do not know that I would exercise it, to prevent negotiations being made for a treaty touching Canada and her trade and our trade through the usual and ordinary channels, where it would take a two-thirds vote of the United States Senate to ratify any treaty so made.

Mr. MORGAN. Now, I concur with the Senator from Maine that whatever questions remain unsettled between these two governments ought to be settled in the ordinary channels of diplomacy, and ought to be settled ultimately by a two-thirds vote of the Senate upon a treaty submitted to them. I agree to that, but I do not think that it is exactly fair to characterize the suggestion of the President that we should act through a commission as being one entirely parallel with or at all akin to that unfortunate misadventure of our commission which settled the Halifax difficulty in a manner so extremely distasteful to us. I do not understand the President in his recommendation to propose a commission which shall by its action in advance conclude all questions between the governments as to the fisheries, but that it is to negotiate; and I concur with the Senator from Maine that the proper functionaries of the United States Government to negotiate treaties are specified in the Constitution of the country, and they are the diplomatic agents, whoever they may be, authorized by law and empowered by the appointment of the President and the confirmation of the Senate to act in the matter of negotiations, and then the Senate of the United States has the power to ratify or to reject their action.

I do not hold to the doctrine, nor do I understand that the President holds to it in his message, that the Congress of the United States by a mere enactment can empower commissioners to negotiate unsettled diplomatic questions between these two countries in such a way as that their conclusions will become binding upon the country, although the Senate may never have anything to say about the matter in the ratification of the result of their work.

Mr. FRYE. Then the language of the President of the United States was exceedingly unfortunate in his message; and the Senate will bear me witness that I have as yet said nothing touching a reciprocal treaty. I have entered as yet no objection to the treaty-making power negotiating, because I regard the protection of the two-thirds vote in the Senate as ample.

So the Senator from Maine and myself occupied the same ground. Will those honorable Senators who have accused me of abandoning diplomacy in favor of a resolution of retaliation do themselves the justice to appear in the light of honest, sincere truth before the world by correcting their statement? I do not know whether they will and I do not care; it is for them to say.

I wish to show what I had to say in the same year about the then state of the question. In a colloquy which occurred between the Senator from Delaware [Mr. GRAY] and myself, I replied to one of his suggestions, which I need not read, as follows:

Mr. MORGAN. Unquestionably we can do that. Our men in going there do not go under the license of the treaty of 1818; they go under the license of the British statute, and if the statute is in existence at the time they go there we should not hesitate to resent any wrong done to our people, any of them, for the performance of any innocent act, innocent at the time. What might be the result of it after we had had our controversy, I do not know. We might be forced back to the treaty of 1818, because they might repeal their laws and we repeal ours and thereby proclaim again non-intercourse between the British provinces and the United States. That might be the result of it. But all this is now answering a beneficial purpose. It shows the impolicy—

That is the point to which I want to call attention—

It shows the impolicy of discussing any question of this kind as a mere problem, not upon an existing state of facts, not upon an issue made up between us and Great Britain, but upon a supposititious state of facts, conjectural entirely, and so far as I can understand this whole business we are dealing from beginning to end with it as a conjectural matter, and not something that actually exists, and not something that actually claims the attention of the Government, at least this branch of it.

Now notice the embarrassment here in speaking about what we should do in a certain case. Here are Senators who have to vote upon all the treaty relations that become laws between this and other countries; here we are debating a question that is not up upon a state of facts that is only imaginary, and we are quoting very gravely propositions of law and tracing out their analogies and their history, and we are saying also in this state of the case, "I would do thus and so," and some other Senator says, "In this state of case I would do thus and so." All this debate has been brought before the Senate of the United States by what I conceive to be a mistaken call upon the Congress of the United States for its assistance in conducting this matter.

The Congress of the United States has no assistance to grant in this case, and ought not to be called upon to grant it. If we were settling the issues of a war, as we were in 1871, and if we were settling questions of damages that were still open between ourselves and foreign countries growing out of alleged breaches of treaty obligations, then it might become necessary for Congress, in order, perhaps, to give emphasis or some direction, or make some ancillary provision of law, to indulge in anticipation for the purpose of creating a great commission to go out and settle the question. Nevertheless when we came to settle that most important question that we have ever had since the war of 1812, the question of the Alabama claims, connected with which, by British ingenuity, was some almost indefinite claim in respect of the breach of the fisheries treaty, we did not come to the Congress of the United States and ask them to enact a law creating a great high commission. There were ten commissioners who negotiated the treaty of Washington, five on a side, but there was no statute and no joint resolution authorizing the making of that great commission.

I then went on to discuss the subject of the duty of Congress to create a commission for the purpose of considering the fisheries question.

Mr. GRAY. I will ask the Senator from Alabama if the passages he has read occurred in the same debate in 1886?

Mr. MORGAN. They are found in the same debate, which the Senator has noticed here time and again sent around in hand-bill form to inform the people of the United States of my opinions, keeping out of view the whole pith and substance of my statement. It is bad enough for a Senator of the United States to be compelled to refer in this open manner to anything that he has to do as a negotiator for his country in the execution of these very delicate duties. It is bad enough, as we all know, that under the embarrassment of his apprehension that he will say something which might betray his country into a difficulty, he has to bear these burdens and undergo and encounter these difficulties; but when he does and says all that he can to put himself right in regard to the duty of the President to negotiate instead of a commission to be created by Congress, and in regard to the duty of the President to negotiate in preference to retaliation—it is very hard to have his colleagues on this floor get up and select passages from his speeches which do not represent him fairly and truly.

I would beg pardon of the Senate for these allusions to myself were it not that they have been harped upon so frequently and so laboriously by Senators. They certainly must have had very poor material for argumentation when they had to drop the treaty and take me up.

But there is one Senator on this floor to whose remarks I desire to call attention. He generally states them concisely and perspicuously and in most admirable style. In 1887, on the retaliation bill, he seemed to anticipate what might happen hereafter about it, and so he made the speech from which I shall read. It is due to the Senator from Missouri [Mr. VEST] that I should lay his speech in considerable part before the Senate. He said, January 24, 1887:

Mr. VEST. Mr. President, it goes without saying that if the rights of the humblest citizen of the United States should be attacked by any foreign power there would exist a unanimity of sentiment on the part of the people of the United States that those rights should be protected, that the glory and honor of the American people must be preserved. As the Senator from Alabama in front of me [Mr. MORGAN] has very well said, there would be no geographical or sectional differences if any such issue were ever made, and it would be found that the men who were arrayed against each other in battle very lately would stand together in solid phalanx in defense of these rights and of this honor. All this talk which runs beneath any such thing as a war with other peoples of the world is premature. It is enough for us to meet any such contingency when it is absolutely impossible to avoid it.

As for myself, I can say that I have no such prejudice in favor of England or her institutions as prevents me now from declaring that I would not hesitate one single instant as to the consequences if the issue of individual rights or na-

tional honor should be presented to this Congress. But it becomes us to consider well every step that we take in regard to this most serious complication. Whatever else may be said about England and her people, they have in their veins the same blood of conquest and aggression that runs through our own veins; and when it comes to a question of right and of English honor, I am not afraid to say, in spite of any misconception or prejudice in this country against England, that no people that ever lived in history have been more valiant or would suffer more to defend their rights or their national honor.

The Senator from Missouri had read a statement from Mr. Phelps in some of his correspondence, and he remarked upon it as follows:

I have read this for a double purpose; to show the real points at issue, which it seems to me to have not been sufficiently set forth in the course of this discussion, and in the second place, to show that our representative abroad has been true to his country and has asserted the full measure of the rights of the American people, and not only individual rights but our national honor. The negotiations are still pending, as we are informed by the Secretary of State, with the hope that they may come to a favorable adjustment.

Negotiations were pending.

This measure now comes to us, for which I expect to vote, in the nature of a proposition for a commercial embargo. It is, if not war, the half-sister of war. We know in the history of this country war was the result of the embargo which cast its shadow over the last years of Mr. Jefferson's administration, and upon which he vainly relied to prevent a war with Great Britain. That embargo ruined our own people, and the war of 1812 burst upon the country with a British army that ravaged our borders as the vessels of Great Britain ravaged our commerce upon the seas.

This power in this bill is the most extraordinary declaration of war known to civilized nations, and this bill contains most extraordinary phrases, the meaning of which I do not pretend to give. It is said here that the President of the United States shall do so and so, that it shall be his duty within his discretion to declare this embargo against commerce; it shall be his duty within his discretion. What is meant by that "discretion" I leave to the able Senator from Vermont in charge of this bill. If the President has "discretion" why point out his "duty"? If we say to him it is his "duty," why give to him the "discretion"? It is "his duty within his discretion" to put this embargo upon the commerce of the United States with this foreign nation.

But that is not all. I stated that I should vote for the bill, and I vote for it, I am frank to say, because it contains the single provision that the President of the United States shall have discretion in regard to this matter. I would not vote for it as a mandatory bill. I would not take the responsibility of saying that the President of the United States should declare this embargo when these negotiations are still pending and when we know the full result of what a war with Great Britain must mean. It is well enough to talk in a rhetorical style about a war with Great Britain. The world in arms can not conquer this country upon our own soil—nor five such worlds in arms, it may be said without exaggeration. The United States united are invincible in any such struggle as that. But in a maritime war, who could answer for the result? Who wants to risk the gage of battle in any such fashion as that? Who wants to invite such a contest, no matter how high his patriotism or what his military ardor? Who can think for one minute of the enormous loss, not only of life, but of property, which must follow from any such struggle, situated as we now are?

No Senator on this floor attempted to correct that construction put by the Senator from Missouri upon that act of 1857, which is now called a law of retaliation, and which the majority of the committee insist is obligatory upon the President, and that he has no right to decline to execute it or to resort to his constitutional treaty-making power in advance of an attempt to execute it. It is right there, Mr. President, that this committee undertakes, by an act outside of this treaty, and that has nothing to do with its merits, to put this country in an attitude where the President of the United States is bound to resort to retaliation, because they not merely reject the treaty which he has made, but they say in terms, and time and again it has been quoted in debate here, which I will include in my remarks, though I shall not stop just now to read it, that the time for negotiation has passed with Great Britain, and that this is not a fit subject of negotiation. I should like to know what right the Senate of the United States or any of its committees has to say that.

Mr. TELLER. May I ask the Senator if he refers to the committee's report?

Mr. MORGAN. I do.

Mr. EVARTS. Will the Senator allow me to ask what portion of that report he refers to. Is it the clauses contained on page 34?

Mr. MORGAN. I will state to the Senator that the portions to which I refer are contained on pages 24, 25, and 34 of the report of the majority. I will read the portions.

Mr. EVARTS. I did not intend to put the Senator to the inconvenience of reading. I only wanted a reference to the portions to which he referred.

Mr. MORGAN. On pages 24, 25, and 34 of the report of the majority of the committee.

Mr. EVARTS. I found the extract on page 34. Those clauses I recognized.

Mr. MORGAN. On pages 24 and 25 the Senators will find the others.

Mr. President, why did this committee see proper, in rejecting this treaty, to make that demand upon the Senate, so that if their action in reporting that the treaty be rejected should be ratified by a majority of this body, we should stand committed to the declaration that the President had violated his duty in disobeying what they considered to be and announced to be a final injunction of Congress that this subject should hereafter be one of retaliation and not of negotiation.

I call that an act of outrageous presumption on the part of that great committee—a dangerous act of outrageous presumption. We have no more right to instruct the President of the United States that he shall cease negotiations than we have a right to require him to resign his office, not a bit; and whenever in the course of affairs his judgment

recommends to him the exercise of the treaty-making power, it is his right and his duty to exercise it, and send his work here for ratification or rejection or amendment by the Senate.

After doing that, this committee, with a stiff presumption, an unaccountable affectation of authority and dignity, set themselves up to advise the British Crown. We beg your Majesty that you will not take this abortion that the President of the United States has negotiated with your commissioners and its rejection as being an evidence on the part of the United States of a hostile purpose—that is the idea—but that you will provide in such a way as that our fishermen shall have full commercial privileges and enjoy the same rights and advantages in your Canadian ports that your fishermen enjoy in ours. To say nothing of the presumption of it, look at the humiliation of it, begging the British Queen for grace and favor after you have rejected a treaty here upon the ground that she is no longer entitled to have a negotiation offered her.

Our offense, as you will please to understand it, is not against your royal Majesty at all or your Government; it is against Grover Cleveland. We want to give him a wiper as we go along, and a very serious one, and having done that by denouncing him as a presumptuous negotiator of a treaty, in the face of our resolution and in the face of our law giving him the privilege of deciding it and making it his duty to decide whether the United States has reason or not for retaliation, we have flattened him out, and now we turn to your Majesty to assure you very humbly that we did not mean any offense towards you! That is the meaning of it. I should like to see an Irishman with a mouth big enough to gulp that thing down!

This little political finesse, this attempt to cast odium and slur upon the President of the United States, and then to turn around to the Queen of Great Britain and beg of her to escape the consequences, is one of the most humiliating attitudes that a great committee ever took; it is regular toadyism to the British power. I do not think a record of that sort was ever made before, and I challenge the gentlemen who follow me to explain what they meant about it, and why they put that address to the British Crown in the conclusion of their report. I have it here, and I will read it.

Mr. GEORGE. Let us have it.

Mr. MORGAN. It is as follows:

The committee can not but hope that if these ill-advised negotiations, which, as is known to all the world, can not properly commit the United States in any degree until they shall have received the constitutional assent of the Senate, shall fail to meet the approval of this body, Her Majesty's Government will take measures to secure justice and fair treatment in her North American dominions to American vessels and American citizens, in all respects and under all circumstances, and that that Government will see the justice and propriety of according to American vessels engaged in the business of fishing all the commercial rights and facilities in her North American ports that are so freely and cheerfully accorded to her own in the ports of the United States, and that thus the friendship and good feeling which ought to exist between neighboring nations may be finally established and secured.

We would expect to see that signed by the Secretary of State, but instead of that it is signed "JOHN SHERMAN, GEO. F. EDMUNDS, WM. P. FRYE, WM. M. EVARTS, J. N. DOLPH," Senators. So mote it be, Amen. They ought to have wound up with the doxology. What is the use of posing after such a statement as that? Is that taking the British side of the question when they bow the knee of humility before the Queen of Great Britain and put up a prayer to save them against the President of the United States, or is it taking the American side?

Mr. EVARTS. Does the Senator think that the expression of a great nation towards another great nation that that nation would do justice is a petition? That is all we have said.

Mr. MORGAN. The difficulty in the case is that five Senators of the committee are not a great nation. If the Senator from New York really feels that he and his colleagues in the majority are a great nation, that is all right; but so far from being a great nation, they are mere Senators.

Mr. EVARTS. It was expressed in the name of the American nation.

Mr. MORGAN. What right had you to do it? How do you represent the American people in diplomacy?

Mr. EVARTS. Oh, you can comment upon it as much as you please, but that does not alter the case.

Mr. MORGAN. What right has the Senator or any body of Senators to represent the American people in diplomacy? The Constitution gives us no such function. It is an arrogant act of presumptuous impertinence to do it, and that is the whole of it.

Mr. EVARTS. What I object to is the alteration of the text.

Mr. MORGAN. I did not misquote the text.

Mr. EVARTS. A petition you expressed it.

Mr. MORGAN. Oh, what else is it?

The committee can not but hope that your Majesty's Government will take measures—

They do not say "pray," but they might as well have said it, for that is what it means.

Mr. EVARTS. I thought the Senator denounced it as "arrogant presumption."

Mr. MORGAN. I did denounce it as arrogant presumption. The Committee on Military Affairs, or the Committee on Post-Offices and Post-Roads, had just as much right to make a recommendation to Great Britain as the Committee on Foreign Relations. The Constitution of

the United States fixes our functions here, and in so far as we are concerned with this treaty we have nothing to do with it, unless it be to amend, to ratify, or to reject it. That is all we can do; and that ought to be done under the curtain of secrecy, where nobody could distinguish one Senator from another in his action on the matter. It ought not to be the action of a political majority, born in a political caucus, as this was.

Now, I pass over to the next question in this case, to which I will make a very brief reference. It is alleged in this report very gingerly, in quite a tentative and easy way, that the President of the United States had no right to appoint these negotiators. The Senator from New Hampshire [Mr. CHANDLER] came to the conclusion that he had the right to appoint one, so he fixed up an amendment, or rather he put in a resolution, which denied the right to appoint Messrs. Putnam and Angell, but admitted the right of the President to appoint Mr. Bayard. If there was one negotiator there that was a good negotiation, there is no right to make any complaint of it.

But I wish to show now a case in point. When we met to negotiate the treaty of 1871, the broad subject of entering upon a negotiation was brought to the attention of the Senate by the President. I suppose that nobody will say that General Grant was a weak man or that he did not have self-respect or that he was afraid of the opinions of other people. He laid before the Senate what he thought was a proper subject for their consideration, the subject of a general treaty with Great Britain. He appointed the negotiators by and with the advice and consent of the Senate, and they went on until they negotiated a treaty; that is to say, they conducted the negotiation to something where it was about to reach a conclusion, and thereupon General Grant, without consulting the Senate, appointed the negotiators to negotiate the great treaty of 1871.

Why did he apply in the first instance to the Senate on the subject of conducting such a negotiation, and why did he in the second instance speak of his own power and act upon his own power in the appointment of the negotiators to the office they held? It was because in the first instance it was a subject of great public policy that he wished to have considered by the Senate of the United States, and he took their advice on the broad question of public policy, and the commissioners were appointed by and with the advice and consent of the Senate. That was the joint high commission. They did not sign the treaty.

When the President of the United States came to embody that treaty as it was formulated in a paper, a document, and send it to the Senate of the United States, he issued under his own hand his own authority to the negotiators, without referring it to the Senate, showing that the President of the United States had in that case a most thorough and complete conception of what were his constitutional powers in the appointment of negotiators, the employment of men to represent him in a matter of negotiation, and showing also that when he wished the advice and consent of the Senate on a broad subject of general national policy he thought it was his right, his privilege, and his duty to invite the attention of the Senate to it. I have the commissions here. It is not necessary to read them, but they run just exactly as I have stated.

That, with a number of cases in which the Senate has not been consulted, it would seem, would be quite sufficient to establish the proposition that Mr. Cleveland had the right to appoint negotiators to negotiate this treaty; but at the very outside it can not be denied that Mr. Bayard was a competent negotiator; and if he was, the President was clearly within the line of his constitutional duty.

I was a little surprised at the making of that question and very much gratified that the Senator from Ohio [Mr. SHERMAN] did not seem to attach the slightest importance to it in committee, although that Senator always stands by his party and votes with it every time it calls upon him, I believe. I am very sorry the party has not been more considerate in rewarding that honorable Senator for his great devotion to its interests. I think they ought to have done it. It turns out in this day and time that almost "any fellow" can get a place if he just happens to be in the right part of the roof when the lightning strikes.

Before I close upon this subject of the act of 1887, I want to call attention to a joint resolution which was reported yesterday from the Committee on Foreign Relations by the Senator from New York [Mr. EVARTS], which reads thus:

That the President of the United States be, and he is hereby, authorized and empowered to take such measures as in his judgment may be necessary to promptly obtain indemnity from the Venezuelan Government for the injuries, losses, and damages suffered by the Venezuela Steam Transportation Company of New York, and its officers, by reason of the wrongful seizure, detention, and employment, in war or otherwise, of the said company's steamers Hero, San Fernando, and Nutrias by Venezuelan belligerents in the year 1871, and to secure this end he is authorized to employ such means or exercise such power as may be necessary.

Mr. GIBSON. In connection with this question has the Senator from Alabama given any consideration to the resolution offered by the Senator from Ohio [Mr. SHERMAN], by which all disputes between our own and foreign governments were to be referred to arbitration, which was recently adopted by the Senate?

Mr. MORGAN. I wish to say to the Senator from Louisiana, that that was done during the campaign; that was before the Chicago nomination, and I did not care about referring particularly to it. [Laughter.]

Now, Mr. President, suppose the Congress of the United States, having all these great controversies and these great amounts of damages, these quarrels and disputes about the fisheries, when they came to pass the act of 1887 had put in the concluding words that are in this joint resolution, then there might have been some reason for saying to the President, "You have not followed our advice and you have not made war, you have not used the forces of the United States for the purpose of collecting our demands against the British Government or enforcing our rights;" but when we come to a poor little country like Venezuela, we have not any difficulty of that sort. Why? Because we know she can not help herself. A mere threat against a small power is enough, and the President of the United States would be derelict in his duty in this case, if Venezuela did not pay up on his demand, if he did not send some of our rotten hulks down there and fire a few guns against Laguayra or some other place in Venezuela; but when you come to Great Britain, the British lion, whose tail you so industriously twist just now, you are very particular not to say anything at all that would lead the Government of Great Britain to suppose that you really meant war, and yet you do, and you complain of the President because he has not made it.

This is the sum and substance of this case. Will it do to say "We do not expect war; it will not come; it will not be one of the fruits of this line of procedure?" Will it do to say that? Why, Mr. President, I fear not. War may not occur. Why should it not? One thing I will say to the Senate, and they know that I speak the truth. If Great Britain had passed an act of this kind against us and undertook to enforce it, she would feel our claws. A Democratic administration—whatever might be done by a trafficking Republican administration—would plant itself by the rights of the country and would say to Great Britain, "That means a threat against us of war, and we intend to meet it with efficient means and overcome what you may attempt to do."

What is the use of trumpeting these high-sounding belligerent phrases and resorting to these measures that are scarcely less than war if you not mean anything but a trade and traffic?

The people of the United States, Mr. President, may find sooner than we expect that there is at least a rumor, an apprehension, a prospect of belligerency in this country, and that is enough to shake a great many men to the dust. Our commercial interests of the most important character and in all parts of this country are poised upon very narrow centers. The least little disturbance of the financial condition of the country often shakes them to a fall, and here with our money locked up in the Treasury and no relief from taxation, with the country apprehending bankruptcy continually because of the congestion of money here and its scarcity in the places where it ought to have free circulation, what is to prevent a sudden contraction of the currency, a hoarding of money as in war times? What does it mean to hold out to the people of the United States the prospect even that in consequence of these difficulties there may be belligerency between the United States and Great Britain?

You can not name two nations on this earth that would inflict upon each other such damages, such losses, such terrible slaughter as would occur if we should engage in a war with Great Britain. God only knows what the outcome of it would be. It might be that Canada would swing into our possession, and that we should have hitched on to us a hostile and dissatisfied people that perhaps might otherwise have come into a condition of friendliness towards us, when we could assimilate them into our great body politic. All this is because it is supposed for party purposes a few votes can be had for the Republican party by conducting this treaty matter in this way.

Sensors on the Democratic side, let me say to you that I believe the American people have better sense and better conscience than to be controlled by considerations of this kind. Let us do our duty to this treaty and to our country in the calamities which its rejection shall bring upon it, let us stand by our country through thick and thin, then whatever may happen the responsibility will be upon that side of the Chamber and upon that caucus that was held out here in a room, and not upon us.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the motion of the Senator from Alabama [Mr. MORGAN].

Mr. TELLER. I desire to submit a few remarks, but I do not care about going on at this late hour.

Mr. SHERMAN. If the Senator from Colorado does not wish to go on now, I should like to ask unanimous consent to consider a bill.

Mr. TELLER. I will go on, of course, if it is desired by the Senate; but I suppose we shall adjourn in half an hour.

Mr. SHERMAN. I desire to pass a little bill.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. TELLER] is entitled to the floor on the pending question.

Mr. CULLOM. The Senator says he would prefer not to proceed with his remarks to-night.

Mr. SHERMAN. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

#### CREDENTIALS.

The PRESIDENT *pro tempore*. The Senate being now in legislative session, the Chair lays before the Senate the executive certificate of the election of honorable JONATHAN CHACE as Senator from the State

of Rhode Island for six years from the 4th of March, 1889, which will be read and placed on file.

The credentials were read and ordered to be placed on file, as follows:

By his excellency Royal C. Taft, governor, captain-general, and commander-in-chief of the State of Rhode Island and Providence Plantations:

Be it known that JONATHAN CHACE, of Lincoln, in the State aforesaid, qualified according to the Constitution of the United States for a Senator in the Congress thereof, was, by the Legislature of said State in conformity with law, on the 13th day of June, A. D. 1888, elected a Senator from said State in the Congress of the United States for the term of six years, commencing on the 4th day of March, A. D. 1889.

In testimony whereof, I have hereunto set my hand and caused the seal of said State to be affixed at Providence this 7th day of July, in the year of our Lord 1888, and of the Independence of the United States of America the one hundred and thirteenth.

ROYAL C. TAFT.

By his excellency the governor.

[SEAL.]

SAML H. CROSS, Secretary of State.

Mr. HOAR. I ask leave to call the attention of the Senate to the credentials just presented from the Legislature of the State of Rhode Island as a model for that class of papers.

Mr. STEWART. I ask that those credentials be printed, so that we can send them out to the different States as a public document.

Mr. HOAR. That will do very well.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the credentials be printed.

The motion was agreed to.

JACOB G. BOSTALTER.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. The Senator from Nevada [Mr. STEWART] is entitled to the floor on the unfinished business.

Mr. SHERMAN. Pending that, I move that the Senate proceed to the consideration of Order of Business 1818, House bill 5259.

Mr. STEWART. Let the unfinished business be temporarily laid aside.

Mr. SHERMAN. I have no objection to its being temporarily laid aside.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the unfinished business be informally laid aside for the purpose of considering the bill named by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5259) to relieve Jacob G. Bostatter from the charge of fraudulent enlistment.

The bill was reported from the Committee on Military Affairs with amendments, in lines 7 and 9, respectively, by changing the spelling of the name from "Bostatter" to "Bostalter;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the rolls and records of the War Department now in his office, or under his control, any and all charges of fraudulent enlistment now standing on said rolls against Jacob G. Bostalter, late private in Company H, Thirty-eighth Regiment Ohio Volunteer Infantry, and that said Jacob G. Bostalter be restored to all rights lost or suspended by reason of any such charge.

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.

The title was amended so as to read: "A bill to relieve Jacob G. Bostalter from the charge of fraudulent enlistment."

#### AIDS TO NAVIGATION OF MISSISSIPPI.

Mr. GIBSON. I ask unanimous consent that the pending business may be laid aside informally, and that the Senate proceed to the consideration at this time of Order of Business 1945, House bill 5067, reported from the Committee on Commerce.

The PRESIDENT *pro tempore*. Does the Senator from Nevada yield to the Senator from Louisiana?

Mr. STEWART. I do.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks unanimous consent that the unfinished business be informally laid aside for the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River.

The bill was reported from the Committee on Commerce with an amendment, in line 12, after the word "dollars," to insert:

And the sum of \$27,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

So as to make the bill read:

That there be established additional aids to navigation off and near the passes at the mouth of the Mississippi River, in the State of Louisiana, as follows: Higher and more powerful lights at or near the outer ends of the jetties at the South Pass, to replace those now in existence; a steam or hot-air fog-signal at or near the end of the east jetty; a higher and more powerful light on one of the jetties at the Head of the Passes; and a fog-signal at or near Cubit's Gap, in said Mississippi River; the entire cost of which shall not exceed the sum of \$27,500, and the sum of \$27,500, or so much thereof as may be necessary, is here-

by appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

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. GIBSON. I move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

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. FRYE, Mr. GORMAN, and Mr. GIBSON were appointed.

#### HOOR OF MEETING.

Mr. WILSON, of Iowa. I ask the Senator from Nevada to yield to me for a few minutes, that I may call up a bill?

Mr. STEWART. Allow me to make a motion, and then I will yield. I move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

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

The yeas and nays were ordered.

Mr. WILSON, of Iowa. I ask the Senator to withdraw the motion until I can have a bill acted upon.

Mr. STEWART. The Senator can do that in the morning.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

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

Mr. DAWES (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM], or I should vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GEORGE (when his name was called). I desire to inquire whether the Senator from New Hampshire [Mr. BLAIR] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. GEORGE. I will not vote then, as I am paired with him.

Mr. GIBSON (when his name was called). I am paired with the Senator from Nevada [Mr. JONES]. If he were present, I should vote "nay."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. BATE (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Oregon [Mr. MITCHELL].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. PLATT (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I should vote "yea," if he were present.

Mr. COKE (when Mr. REAGAN'S name was called). My colleague [Mr. REAGAN] was obliged to leave the Chamber to-day. He is paired with some Senator, but I do not remember who it is.

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If I were at liberty to vote I should vote "yea."

Mr. GEORGE (when Mr. WALTHALL'S name was called). My colleague [Mr. WALTHALL] is absent on account of indisposition.

The roll-call was concluded.

Mr. BECK. I desire to announce my pair with the Senator from Maine [Mr. HALE].

The result was announced—yeas 15, nays 13; as follows:

#### YEAS—15.

Allison,	Hawley,	Riddleberger,	Stockbridge,
Chandler,	Hiscock,	Sawyer,	Teller,
Cullom,	Hoar,	Sherman,	Wilson of Iowa.
Edmunds,	Mitchell,	Stewart,	

#### NAYS—13.

Bate,	Cockrell,	Morgan,	Wilson of Md.
Berry,	Coke,	Payne,	
Blodgett,	Gray,	Pugh,	
Call,	Hampton,	Saulsbury,	

## ABSENT—48.

Aldrich,	Dawes,	Hearst,	Plumb,
Beck,	Dolph,	Ingalls,	Quay,
Blackburn,	Eustis,	Jones of Arkansas,	Ransom,
Blair,	Evarts,	Jones of Nevada,	Reagan,
Bowen,	Farwell,	Kenna,	Sabin,
Brown,	Faulkner,	McPherson,	Spooner,
Butler,	Frye,	Manderson,	Stanford,
Cameron,	George,	Morrill,	Turpie,
Chace,	Gibson,	Paddock,	Vance,
Colquitt,	Gorman,	Palmer,	Vest,
Daniel,	Hale,	Pasco,	Voorhees,
Davis,	Harris,	Platt,	Walthall.

The PRESIDENT *pro tempore*. There is not a quorum voting. The Secretary will call the roll.

The Secretary called the roll of the Senate, and the following Senators answered to their names:

Allison,	Cullom,	Hoar,	Sabin,
Bate,	Dawes,	Ingalls,	Saulsbury,
Beck,	Edmunds,	Manderson,	Sawyer,
Berry,	Evarts,	Mitchell,	Sherman,
Blodgett,	Faulkner,	Morgan,	Spooner,
Brown,	George,	Paddock,	Stewart,
Call,	Gibson,	Palmer,	Stockbridge,
Chandler,	Gray,	Pasco,	Teller,
Cockrell,	Hampton,	Payne,	Wilson of Iowa,
Coke,	Hawley,	Platt,	Wilson of Md.
Colquitt,	Hiscock,	Pugh,	

The PRESIDENT *pro tempore*. Forty-three Senators having answered to their names, further proceedings under the roll-call will be dispensed with, if there be no objection. The question recurs on agreeing to the motion of the Senator from Nevada [Mr. STEWART].

Mr. STEWART. I will withdraw that now, and give notice that I shall renew it every day until we can agree upon meeting at 11 o'clock.

Mr. EDMUNDS. I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. COKE. I make the point of order on that motion that, in the absence of a quorum, the general rule requiring the adjournment to be until 12 o'clock the next day can not be changed.

The PRESIDENT *pro tempore*. The presence of a quorum has been ascertained by the last roll-call. The Chair agrees fully with the Senator from Texas that the hour of 12 o'clock having been fixed by the action of the Senate, by a majority, as the hour of meeting is a standing order that can not be changed by less than a majority; but the motion of the Senator from Vermont [Mr. EDMUNDS] is in order, because a quorum has been disclosed to be present on the roll-call.

Mr. COKE. I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn until 11 o'clock to-morrow.

Mr. EDMUNDS. At the request of my friend from Iowa [Mr. WILSON], I withdraw that motion for the present.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. WILSON, of Iowa. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Nevada has withdrawn his motion, the Chair understands.

Mr. STEWART. I have.

Mr. GIBSON. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Iowa; but the Senator from Louisiana has a right to make the motion to adjourn.

Mr. GIBSON. I withdraw it to enable the Senator from Iowa to get up his bill.

## ADDITIONAL ASSOCIATE JUSTICE FOR WYOMING.

Mr. WILSON, of Iowa. I desire to ask that the Senate, by unanimous consent, proceed to the consideration of Senate bill 1324, Calendar No. 1994.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1324) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 5, after the word "any," to strike out "two" and insert "three;" and in line 9, after the word "court," to insert "unless one of the other justices is disqualified to sit in such action;" so as to make the section read:

That hereafter the supreme court of the Territory of Wyoming shall consist of a chief-justice and three associates justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "court," to strike out "in manner now provided by law" and insert "by and with the advice and consent of the Senate;" and in line 6, after the word "qualified," to insert "and who shall, when appointed, be a resident of said Territory;" so as to make the section read:

Sec. 2. That it shall be the duty of the President to appoint one additional as-

sociate justice of said supreme court, by and with the advice and consent of the Senate, who shall hold his office for the term of four years, and until his successor is appointed and qualified, and who shall, when appointed, be a resident of said Territory.

The amendment was agreed to.

Mr. WILSON, of Iowa. Those are the only amendments reported. 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.

## INDIAN DEPREDAATION CLAIMS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## RETIREMENT OF GENERAL PLEASANTON.

Mr. HAWLEY. The Military Committee instruct me to ask that the Senator from Nebraska [Mr. MANDERSON] be placed on the conference committee relating to the bill authorizing the retirement of General Pleasanton, in place of the Senator from Minnesota [Mr. DAVIS], who is necessarily absent. I ask that the Senator from Minnesota be excused and that the Senator from Nebraska be put in his place.

The PRESIDENT *pro tempore*. On account of the inability of the Senator from Minnesota [Mr. DAVIS] to serve, the Chair will designate as one of the managers of the conference on the part of the Senate on the bill (H. R. 2972) authorizing the President to appoint and retire General Pleasanton with the rank and grade of colonel, the Senator from Nebraska [Mr. MANDERSON].

## HOUR OF MEETING.

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

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of executive business.

Mr. HOAR. Will the Senator yield to me to offer a resolution?

Mr. CHANDLER. I yield for that purpose.

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

The Chief Clerk read as follows:

*Resolved*, That, until otherwise ordered, the hour for the daily meeting of the Senate shall be 11 o'clock a. m.

Mr. HOAR. I ask for the present consideration of that resolution.

Mr. COCKRELL. Not to-day.

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

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. The resolution lies over under the rule, and will be printed.

## EXECUTIVE SESSION.

Mr. CHANDLER. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves 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 six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 3, 1888, at 12 o'clock m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 21, 1888.*

## POSTMASTERS.

Samuel J. Robinson, at Towson, Baltimore County, Maryland.  
Miss Lucy Hocker, at Eminence, Henry County, Kentucky.

*Executive nomination confirmed by the Senate August 2, 1888.*

## POSTMASTER.

Theodore W. Miller, postmaster at London, Madison County, Ohio.

## PROMOTIONS IN THE NAVY.

Gustav Kaemmerling, Kenneth McAlpine, William Stewart Smith, Lloyd Bankson, Clarence H. Mathews [subject to physical examination], De Witt C. Redgrave, Robert Stewart, jr., William W. White, Bias C. Sampson, Solon Arnold, Martin A. Anderson, Albert Moritz, to be assistant engineers in the Navy, to rank from 1st day of July, 1883, to follow in the order mentioned immediately after the name of Assistant Engineer William D. Weaver.

Clarence C. Willis, Frank H. Conant, Harry G. Leopold, Robert B. Higgins, Willis B. Day, John C. Leonard [subject to physical examination], Ward P. Winchell, Andrew McAllister [subject to physical examination], to be assistant engineers in the Navy, to rank from the 1st day of July, 1884, in the order mentioned, immediately after the name of Assistant Engineer Charles E. Rommell.

## HOUSE OF REPRESENTATIVES.

THURSDAY, August 2, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

## BRIDGE AT WINONA, MINN.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minn., with amendments of the Senate thereto.

Mr. WILSON, of Minnesota. I ask unanimous consent that the House concur in the Senate amendments, which are merely formal.

There was no objection, and it was so ordered.

## FORT WALLACE MILITARY RESERVATION.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 8310) to provide for the disposition of the Fort Wallace military reservation in Kansas, with amendments of the Senate thereto.

Mr. TURNER, of Kansas. I ask unanimous consent that the House non-concur in the Senate amendments and agree to a conference.

Mr. HOLMAN. I hope my friend will allow the amendments to be read.

The Clerk read the amendments in part.

Mr. HOLMAN. I do not ask for any further reading of the amendments. I understand the matter now.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas [Mr. TURNER]?

There was no objection, and it was so ordered.

## PUBLIC BUILDING, JACKSON, MICH.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., with amendments of the Senate thereto.

Mr. O'DONNELL. I ask unanimous consent that the House non-concur in the Senate amendments and agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

## RICHMOND AND DANVILLE RAILROAD COMPANY.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia, with amendments of the Senate thereto.

Mr. LEE. I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* appointed as managers of the conference on the part of the House Mr. LEE, Mr. CAMPBELL of Ohio, and Mr. ROWELL.

## JOHN W. DURR.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3248) for the relief of John W. Durr; which was read twice.

Mr. HERBERT. I ask unanimous consent that that bill be now put upon its passage. The amount involved is only \$125.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized to pay John W. Durr, of Montgomery, Ala., \$125, out of any money in the Treasury not otherwise appropriated, in repayment of that sum overpaid by said Durr on cash entry No. 20428, which said entry was made at the land office at Montgomery, Ala.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama [Mr. HERBERT]?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HERBERT 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.

## PUBLIC BUILDING, WILKES BARRE, PA.

The SPEAKER *pro tempore* also laid before the House the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.; which was read twice, and referred to the Committee on Public Buildings and Grounds.

## PIPE-LINES, CHADRON, NEBR.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3331) to grant to the city of Chadron, Nebr., the right to lay pipe across certain tracts of lands; which was read twice, and referred to the Committee on the Public Lands.

## BATTLE OF PRINCETON.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3379) in regard to a monumental column to commemorate the battle of Princeton, and appropriating \$30,000 therefor; which was read twice, and referred to the Committee on the Library.

## J. SCRIBNER &amp; CO.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1493) for the relief of J. Scribner & Co., of Cleveland, Ohio; which was read twice, and referred to the Committee on Claims.

## P. E. PARKER.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3038) for the relief of P. E. Parker.

Mr. ENLOE. Mr. Speaker, a bill exactly like that has been reported by the Committee on Claims in the House; but despairing of getting recognition here I carried it over to the Senate and got the Senators from my State to have it passed there, and I now ask unanimous consent to have the Senate bill considered at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee?

Mr. HOLMAN. Let the bill be read.

The bill was read, as follows:

Whereas in the year 1867 one Frank Travis was appointed collector of internal revenue for the western district of Tennessee, who executed bond on the 9th day of May, 1867, in the sum of \$100,000, with P. E. Parker as one of his securities; and

Whereas afterward the said Travis became a defaulter and suit was instituted against sureties in the United States circuit court at Memphis, Tenn., in 1874; and

Whereas judgment was obtained against said securities in April, 1875, for \$29,747.41, upon which execution was issued and levied on the property of said P. E. Parker, which said property was sold and brought the sum of \$2,366.95, which was turned into the Treasury; and

Whereas by act of Congress approved March 3, 1881, the securities were released from liability on the bond or by judgment, upon the ground that after the signing of the bond by the securities Congress increased the duties and liabilities of the collector, thereby changing the contract; and

Whereas prior to this act the Government had collected from the said P. E. Parker the aforesaid sum of \$2,366.95: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said P. E. Parker, out of any money in the Treasury not otherwise appropriated, the sum of \$2,366.95, in full compensation for the losses sustained in money on payment of said judgment.

Mr. HOPKINS, of Virginia. I call for the regular order.

Mr. ENLOE. I ask the gentleman from Virginia to give me his attention for a moment. This is a bill to relieve a man who has been absolutely ruined by an unjust judgment. He is to-day sixty-five or seventy years of age, and is working in the fields for a living. He kept a country store near the place where I was born; he gave me the first pocket-knife I ever had; and when I came here I went to work to get this bill through. [Applause.] I have tried hard to get recognition to bring it up in the House; I have almost worn out a good pair of shoes walking down from my seat to the front here to get recognition to have this bill passed; and now that it has passed the Senate and has come over here, I trust that there will be no objection to its immediate consideration.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

Mr. BUCHANAN. Before the Chair "hears none," I desire to say a word.

The SPEAKER *pro tempore*. The Chair can not hear the gentleman's objection unless he makes it.

Mr. BUCHANAN. I addressed the Chair twice.

The SPEAKER *pro tempore*. The Chair will not cut the gentleman off.

Mr. BUCHANAN. Reserving the right to object, I simply want to say that there must be some arrangement made in which we shall have more reciprocity in these recognitions. There has been already one recognition on the other side, and now there is another asked; and the moment we get through with that the regular order will probably be called, and to-morrow morning the recognitions will begin again on that side of the House.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New Jersey—

Mr. BUCHANAN. It is not the Chair's fault, but the fault of circumstances.

The SPEAKER *pro tempore*. After the remark of the gentleman, it is due the Chair should state that a number of bills had come over from the Senate, and when they were laid before the House gentlemen interested in certain bills asked their consideration at the present time. It was not a question of recognition by the Chair.

Mr. BUCHANAN. I understand that; and therefore I am freer to say what I am now saying—that there must be some arrangement to secure more reciprocity in these recognitions, or there will be constant and permanent objection from at least one member of this House.

Mr. HOLMAN. In reference to the bill which has been read, the reason is clear enough why the sureties should be released; but I ask the gentleman from Tennessee [Mr. ENLOE] to state on what ground the committee favors the release of the principal.

Mr. ENLOE. The bill does not propose to release the principal at all. This gentleman, P. E. Parker, was on the bond of Frank Travis, who was collector of internal revenue for the western district of Tennessee. Travis proved a defaulter—

Mr. HOLMAN. This bill, then, is for the relief of one of his sureties.

Mr. ENLOE. That is it. Mr. Parker was one of the sureties, and the only one who made an effort to meet his obligations. The Government sacrificed \$10,000 worth of his property, and simply ruined him.

Mr. HOLMAN. Upon that explanation, I see no objection to the proposition.

Mr. BAKER, of New York. I do not rise to object, but to express the hope that the bill may be allowed to pass, because I am sure that our friends on the Democratic side will then allow two bills to be passed by unanimous consent on the Republican side, one of which I hold in my hand. [Laughter.]

Mr. ENLOE. I hope we shall have a vote on the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. ENLOE 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 SPEAKER *pro tempore*. If there be no objection, House bill No. 1032, of similar import to the Senate bill just passed, will be laid on the table.

There was no objection, and it was ordered accordingly.

#### RENT OF CITADEL ACADEMY, CHARLESTON, S. C.

The SPEAKER *pro tempore* also laid before the House the joint resolution (S. R. 100) directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy; which was read a first and second time.

Mr. DIBBLE. I ask unanimous consent that this resolution be now taken up and passed.

Mr. HOLMAN. Let it be read first.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, authorized and directed to investigate and report the amount due to the State of South Carolina for rent of the Citadel at Charleston, S. C., from August 20, 1867, to February 2, 1882, including the sum equitably due to the State of South Carolina for the loss by fire of the west wing of the said building while in the occupation of the United States, and the appropriation by the United States of the bricks of the said wing to other Government uses; and that he report the result of such investigation to Congress.*

The SPEAKER *pro tempore*. Is there objection to the present consideration of this joint resolution?

Mr. KERR. When did this claim accrue?

Mr. DIBBLE. Between 1867 and 1882.

Mr. KERR. Then it is not a war claim?

Mr. DIBBLE. No, sir.

Mr. TOWNSHEND. Before final action is taken on this resolution I ask that the gentleman from South Carolina may have an opportunity to explain it.

Mr. BAKER, of New York. It is all right.

Mr. TOWNSHEND. I would like to hear an explanation.

Mr. DIBBLE. The bill proposes nothing more than to get from the War Department and Quartermaster-General a report, which, as the bill provides, is to be submitted to Congress for its information and as a basis for any action it may take. This resolution embraces no final legislation, but simply provides for bringing the information before Congress. I will ask the Clerk to read the last clause of the resolution.

The concluding portion of the resolution was again read.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### APPRAISERS' WAREHOUSE, NEW YORK CITY.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, said bill having been returned from the Senate with amendments.

Mr. DIBBLE. I move that the House non-concur in the amendments of the Senate and agree to the conference requested.

Mr. HOLMAN. I wish to inquire whether by these amendments the amount is increased or diminished?

Mr. DIBBLE. The amount is increased, and for that reason I move that the House non-concur.

The SPEAKER *pro tempore*. If there be no objection, the Senate amendments will be non-concurred in and a conference agreed to. The Chair hears no objection. The conferees on the part of the House will be announced later in the day.

#### IMPROVEMENT OF MOUTH OF BRAZOS RIVER, TEXAS.

The SPEAKER *pro tempore* also laid before the House the following:  
IN THE SENATE OF THE UNITED STATES, August 1, 1888.

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2831) for improving the mouth of Brazos River, Texas.

The SPEAKER *pro tempore*. If there be no objection, the request of the Senate will be complied with. The Chair hears none, and it is so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSK, indefinitely, on account of important business.

To Mr. YODER, indefinitely, on account of important business.

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

To Mr. BLANCHARD, for one week, on account of illness.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. LAWLER, by unanimous consent, leave was granted to withdraw from the files of the House, without leaving copies, papers in the case of N. H. Van Zandt.

#### ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same, namely:

A bill (S. 1914) for the relief of Mary E. Hopkins;

Joint resolution (S. 27) providing for the printing of a supplement to Wharton's Digest of International Law;

Joint resolution (S. 99) providing for the printing of the portion of the annual report of the Chief of the Bureau of Statistics on Commerce and Navigation for the year ending June 30, 1887, entitled "Annual Report of the Chief of the Bureau of Statistics in regard to imported merchandise entered for consumption in the United States, with amounts of duty and rates of duty collected;"

Joint resolution (S. 17) to provide for printing additional copies of the map of the edition of 1886, prepared by the Commissioner of Public Lands; and

Joint resolution (S. 77) providing for a duplicate of the compilation of the reports of the Senate and House of Representatives from 1815 to 1887.

#### OHIO CENTENNIAL.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to discharge the Committee on Appropriations from the further consideration of the bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government, the Department of Agriculture, the Government Printing Office, and Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 18, 1888, and put it upon its passage.

Mr. WISE. If this bill is considered will it be in order to offer amendments?

The SPEAKER *pro tempore*. It will be.

Mr. WISE. Then I want time to offer an amendment, and to be heard upon it.

The SPEAKER *pro tempore*. It will of course be in the discretion of the House as to the debate upon the bill.

Mr. BRECKINRIDGE, of Arkansas. I would suggest to my friend from Ohio not to bring up that bill at this time, as it will likely lead to prolonged debate. It seems to me, in fairness, by reason of certain recognitions on this side, that some similar recognition should be accorded to the other side of the House. If discussion begins on this bill and continues for some time it will most likely result in a demand for the regular order.

The SPEAKER *pro tempore*. The Chair is informed that the last recognition was for a public building on the other side of the House. Besides that, the gentleman was recognized to call up this bill last evening just preceding the hour for adjournment.

Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope it will be read.

The bill was read at length.

Mr. OUTHWAITE. Now, Mr. Speaker—

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. OATES. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

#### GUSTAVUS W. SMITH.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY S. LOGAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

back with the recommendation that it be indefinitely postponed, the bill (S. 257) granting a pension to Mary S. Logan.

There being no objection, the bill was considered, and the recommendation of the committee was concurred in.

#### ASSISTANTS TO CHIEFS OF BUREAUS, NAVY DEPARTMENT.

Mr. WISE, from the Committee on Naval Affairs, reported back favorably the bill (S. 1438) to provide for the appointment of assistants to the chiefs of bureaus in the Navy Department; 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 bill (H. R. 5694) of the same title, reported back by the Committee on Naval Affairs, was laid upon the table.

Mr. WISE. The chairman of the Committee on Naval Affairs is not present, but has requested me to obtain consent that he may file a minority report hereafter.

The SPEAKER *pro tempore*. Without objection the report may be filed to accompany the report of the committee.

There was no objection.

#### LANDS TO TOWN OF MOSCOW, IDAHO.

Mr. HERMANN, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 6842) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery 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.

#### ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I now call up the unfinished business of yesterday.

(The Speaker here resumed the chair.)

The SPEAKER. The Clerk will report the title of the pending bill. The Clerk read as follows:

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER. The question is on non-concurring in the amendments of the Senate, as recommended by the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. If that is the only question before the House—

The SPEAKER. That is the only question. A resolution was read yesterday afternoon and put into the RECORD, but which was not in order when offered.

Mr. TOWNSHEND. Then I ask a vote.

The SPEAKER. The Chair is about to submit the question to a vote.

The question is on non-concurring in the Senate amendments.

The amendments were non-concurred in.

Mr. TOWNSHEND moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. Mr. Speaker, I ask leave to withdraw temporarily the resolution which I asked to be printed in the RECORD. In doing so, Mr. Speaker, I wish it to be distinctly understood that I do not yield the question, but will present it again for the consideration of the House before the amendments are finally acted upon.

The SPEAKER. That is not pending, the Chair thinks, and will be withdrawn.

Mr. HOOKER. What is the request of the gentleman?

The SPEAKER. The gentleman desires to withdraw the resolution read on yesterday, which is not, in fact, pending.

Mr. SAYERS. I shall not offer any resolution at this time.

Mr. TOWNSHEND. Then there is no further motion pending?

The SPEAKER. There is nothing pending.

Mr. TOWNSHEND. I move that a conference be requested with the Senate upon the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

#### DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 10936) making appropriations to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The pending proposition was read, as follows:

Insert the following:

"To pay to John M. Glover the sum of \$2,000 in full of all expenses incurred by him in the contested-election case of Glover vs. Frank in the Fiftieth Congress; and to pay to Nathan Frank the sum of \$2,000 in full of all expenses incurred by him in the contested-election case of Glover vs. Frank, in the Fiftieth Congress."

The amendment was agreed to.

Mr. COTHRAN. I ask unanimous consent to recur to a section of the bill that has already been passed, for the purpose of offering an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 32, after line 15, insert the following:  
"And for support of prisoners of United States courts, balance for the fiscal year ended June 30, 1887, the sum of \$25,000."

The CHAIRMAN. Is there objection to returning to this section of the bill and to the offering of this amendment? The Chair hears none. The question is now on the adoption of the amendment.

Mr. COTHRAN. I send to the Clerk's desk a communication which I wish to have read.

The Clerk read as follows:

TREASURY DEPARTMENT, August 1, 1888.

SIR: I have the honor to transmit herewith for the consideration of Congress copy of a communication from the Attorney-General of the 31st ultimo, submitting an estimate of deficiency in the appropriation for "support of prisoners, United States courts," for the fiscal year ended June 30, 1887, of \$25,000.

Respectfully yours,

C. S. FAIRCHILD, Secretary.

The SPEAKER House of Representatives.

DEPARTMENT OF JUSTICE, Washington, July 31, 1888.

SIR: I have the honor to request that there be transmitted to Congress an estimate for an appropriation for the support of prisoners for the fiscal year 1887 of \$25,000, to be added to the deficiency bill now before the House of Representatives as an amendment. The deficiency appropriation for this same purpose heretofore made at this session was based upon a statement of the amounts due for the support of prisoners in thirty-four districts, not quite one-half of the whole number. Outstanding accounts due in districts not included in that statement, as well as some included therein, which have not been paid—the district of South Carolina, for instance, where nearly \$3,000 are due—make it necessary for the Department to ask for this additional appropriation.

Very respectfully,

G. A. JENKS,  
Acting Attorney-General.

The SECRETARY OF THE TREASURY.

The CHAIRMAN. The question is on agreeing to the amendment. The amendment was agreed to.

Mr. RICHARDSON. I ask unanimous consent to recur to the section immediately preceding the one we are considering, in order that I may offer an amendment which I send up to the Clerk's desk.

The Clerk read as follows:

Insert after line 21 the following:

"To pay 15 per cent. in addition to the amount paid for day labor to the employees of the Government Printing Office, such as compositors, pressmen, stereotypers, laborers, press-feeders, RECORD folders, counters, engineers, machinist, firemen; and proof-readers, revisers, copy-holders, make-up, and imposer of the bill force, who were and are exclusively employed on the night forces of the Government Printing Office, but exclusive of compositors on the RECORD, during the first session of the Fiftieth Congress, \$10,000, or so much thereof as may be necessary: *Provided*, That in estimating the said 15 per cent. credit shall be given the Government for whatever has been paid or is now being paid the said employes above the rates for day work."

The CHAIRMAN. Is there objection to returning to this portion of the bill?

Mr. BURNES. I would not be considered as refusing any courtesy to the gentleman from Tennessee [Mr. RICHARDSON], but his amendment is subject to a point of order, and I might as well make objection now and have the amendment excluded as to let it come up and make the point of order afterwards.

The CHAIRMAN. Objection is made.

Mr. RICHARDSON. Will the gentleman withdraw his objection in order that I may make a statement?

Mr. BURNES. I will withhold my objection in order that the gentleman may make a statement.

Mr. RICHARDSON. This amendment is intended to provide compensation to certain employes of the Government Printing Office who are employed on night work only. They go there at 7 o'clock in the evening and are continuously employed until 3 o'clock in the morning. They receive the same compensation for eight hours' work at night as do persons employed on similar work during the day. This amendment simply provides that inasmuch as they work at night instead of during the day they shall be paid 15 per cent. in addition to what is paid to day employes for the same class of work. I think it is manifestly proper that they should be so paid.

Mr. BURNES. The express statutes governing this case give to the Public Printer absolute power to fix the wages of his employes, and in the face of such a statute the amendment of my friend would, of course, be out of order; and therefore we may as well stop it now by objection.

Mr. RICHARDSON. Do I understand the gentleman to say that the Public Printer has power under the law to pay the night force more than is paid the day force for the same length of time on the same class of work?

Mr. BURNES. The law provides that the Public Printer shall fix the compensation of these individuals, provided that he shall not pay more than 40 cents an hour. Therefore the power is with the Public Printer to pay them up to 40 cents an hour, and in the face of that statute I can not accede to the amendment.

Mr. RICHARDSON. I ask if the effect of the gentleman's argument is that the force employed during the day may be paid at a rate of compensation below 40 cents, and that then these employes, in whose interest this amendment is offered, could be paid an additional compensation not to exceed 40 cents an hour?

Mr. BURNES. I will say to my friend from Tennessee that there may be a fault in the law, but so long as it is the law we are bound by it on an appropriation bill.

Mr. HEARD. I will ask my colleague whether the rate of compensation allowed to the day force is equal to 40 cents an hour?

Mr. BURNES. There is no discrimination so far as I know between the compensation paid to the day force and that paid to the night force, but the Public Printer can make such discrimination from 40 cents an hour down.

Mr. HEARD. As I understand my colleague's reply, it is to the effect that the rate of compensation for day work now is 40 cents. That being so, there is no way for the Public Printer to discriminate so as to pay more for the night work unless he reduces the compensation of the day force. He can not increase the compensation of the night force above that figure.

Mr. BURNES. In answer to my colleague I will call his attention to the fact that very few of these employes receive 40 cents an hour. The great majority of them receive less than 40 cents an hour, and therefore as to that class of employes the Public Printer can increase their compensation if he desires to do so.

Mr. HEARD. My question is answered. I realize that there ought to be a difference between the compensation paid for night work and that paid for day work, and I desired only to know that the law gave the Public Printer such power as would enable him to make a discrimination in favor of those who do night work.

Mr. RICHARDSON. I think the gentleman from Missouri [Mr. BURNES] is mistaken. I think the men are all paid 40 cents an hour. Do I understand the Chair to exclude the amendment?

The CHAIRMAN. Objection is made to returning to the section.

Mr. BURNES. I suggest to my friend from Tennessee that we might as well stop the amendment here, as it would be subject to the point of order, and there is no object in extending to him a barren courtesy from which no fruit could possibly grow.

The Clerk read as follows:

To pay to the widow and legal heirs of the late J. T. Updegraff, a member-elect to the Forty-eighth Congress, but who died before the time of its organization, \$6,000.

Mr. SHAW. I offer the amendment which I send to the Clerk's desk, to come in after line 20.

The amendment was read, as follows:

To equalize the salaries and pay of forty-three persons engaged in the performance of the duties of messengers of the House of Representatives, as mentioned and designated in House Miscellaneous Document No. 263, Fiftieth Congress, first session, \$4,582, said amount to be so applied as to make the compensation of each of said persons, as nearly as may be, \$100 per month for the time they are so employed.

Mr. SHAW. This amendment is for the purpose of equalizing the pay of the messengers of the House. Some of them are now receiving \$70 a month and others \$100 a month, while all are rendering like service. This discrimination, to say the least of it, is invidious and unjust, and ought to be corrected, and I trust there will be no objection to this amendment.

The amendment was again read.

Mr. CANNON. I reserve the point of order on that.

Mr. DOCKERY. The gentleman from Maryland asks unanimous consent that it be considered now.

Mr. KERR objected.

The Clerk read as follows:

Page 35, line —:

"To pay Turner K. Hackman for services rendered as riding page for twenty days previous to the organization of the present Congress, \$50."

Mr. SHAW. I offer the amendment which I send to the desk, to come in after line 5.

The amendment was read, as follows:

To pay Edward W. Coughlan for services rendered as messenger to the Committee on Accounts during the first session of the Fiftieth Congress, \$150.

Mr. DOCKERY. I would like to have an explanation of that.

Mr. SHAW. This young man has rendered service to the Committee on Accounts during the entire session; he has acted as messenger or page to that committee, and I have been authorized by the committee to offer this resolution. There is constant communication between the Committee on Accounts and the Chief Clerk of the House, and every member of the committee, as well as the Chief Clerk, if he were permitted to testify, would say that the services of this young man have been indispensable.

Mr. DOCKERY. Is he on the roll?

Mr. SHAW. He is not. We did not know that we should require the services of a page, and therefore did not ask the House to allow us one, as we might have done. If he had been appointed in the usual way, his pay would have been \$60 a month, which would have amounted to a great deal more than the sum named in this amendment.

Mr. DOCKERY. I shall not object; but according to my recollection this is the first time that we have had an application from the Committee on Accounts for an expenditure of this kind.

Mr. CANNON. Is this young man in the employ of the Government?

Mr. SHAW. No, sir; he is not in the employ of the Government in any regular way.

The question was taken; and on a division the amendment was rejected—ayes 26, noes 30.

The Clerk read as follows:

To pay Charles Carter for extra services rendered during the second session of the Forty-ninth Congress, \$50.

Mr. HOLMES. I offer the amendment which I send to the desk, to come in on page 35 after line 19.

The amendment was read, as follows:

To pay Ralph T. Moses for services rendered as assistant folder in the seal-room from December 5, 1887, to July 25, 1888, \$125.

Mr. HOLMES. This young man has done the work, and has not received any pay. He has rendered bona fide service in the seal-room, and I think he ought to be allowed reasonable compensation therefor. I ask unanimous consent that the amendment be adopted.

Mr. BURNES. I should like to hear a statement of the ground upon which this appropriation is asked for.

Mr. HOLMES. On the ground that the service has been actually performed and has not been paid for.

Mr. BURNES. Is this man upon the roll?

Mr. HOLMES. He is not. He was put to work there and has not been paid for it.

Mr. BURNES. By whose authority was he put to work without being on the roll?

Mr. HOLMES. I am not advised what officer of the House put him there.

Mr. BURNES. I feel compelled in such a case as this to interpose an objection.

Mr. HOLMES. I think the gentleman from Missouri will see the propriety of this employe receiving pay for services actually rendered.

Mr. BURNES. I see no authority for the employment.

Mr. HOLMES. It is one of a class of cases constantly occurring in this House and in the various Departments of the Government.

Mr. BURNES. But no officer of the House reports that this young man has been employed or has rendered service.

Mr. BUCHANAN. I personally know that he rendered service during that time. A part of the service was rendered to myself in sealing documents for me.

Mr. HOLMES. He sealed documents for every member of the House, I presume, during that time. I trust the gentleman from Missouri will not object.

Mr. OUTHWAITE. Has not this young man since been put on the rolls by a resolution of the House?

Mr. HOLMES. I do not know how that may be.

Mr. BURNES. I am just informed that he was put on the roll by a resolution of the House.

Mr. BUCHANAN. This is to pay him for a time when he rendered service prior to being placed on the rolls by that resolution. I know personally that he was here and performed service.

Mr. HOLMES. I do not understand that he was ever paid for the time covered by this amendment. If I believed he had been paid, I would not of course offer the amendment. The gentleman from Ohio [Mr. BOOTHMAN], a member of the Committee on Accounts, informs me that the time named in this amendment was not covered by the resolution placing him on the roll.

Mr. BLOUNT. It appears, Mr. Chairman, that this person was put on the rolls for some weeks prior to authority for his employment, although since that time he was placed on the rolls by authority of a resolution of the House. In itself, this matter seems innocent, but I recall the fact as you will, Mr. Chairman, that some years ago just such transactions as this, occurring in a number of instances, so outraged the sentiment of this House and the country as to force the resignation of the person who was then Doorkeeper. I do not believe that any officer of this House should take upon himself authority to bring any charge against the Government by such action, with the expectation of having the House cure the difficulty by a resolution. What I now say is not for the purpose of casting any reflection upon the present officer, for I do not undertake to say that he is not efficient and honorable. But this is a single instance of what, as I have said, became at one time a scandal before the country; and I want to say here and now to the Doorkeeper, or any other officer of this House, that from now on I shall resist to whatever extent I may be able any such illegal action on the part of any officer of the House.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BLOUNT] object to the consideration of the amendment?

Mr. BLOUNT. I do not object in this case; but I was not willing to have the amendment pass without recalling to the House the scandals which have grown out of such an exercise of power on the part of the Doorkeeper. If he may do such a thing in one instance, he may do it without limit. I hope he will take notice that such a thing is not to occur again.

The CHAIRMAN. There being no objection, the amendment is before the Committee of the Whole for consideration.

Mr. BURNES. I wish to say on behalf of the Doorkeeper that he did not undertake to employ this boy at all. The boy, having once before been compensated for voluntary service, concluded that he could get compensation again. He simply performed this work voluntarily, ex-

pecting to get compensation. He took his chances, as he had done before. Therefore the Doorkeeper is not at all censurable in this transaction. If the Committee of the Whole sees proper to adopt the provision for payment in this case, I have no objection.

Mr. HOOKER. It should also be remarked in defense of the Doorkeeper that his action was indorsed by a subsequent resolution of the House placing this young man on the roll, so that there can be no reflection at all in this matter on the Doorkeeper.

Mr. BUCHANAN. The case, then, stands in this position: For a period of time this young man was here performing work for which he has not yet been paid. I personally know that he did render the service. He did work for myself during that period, and I saw him doing it for others. Subsequently, by resolution of the House, he was placed on the rolls. This amendment is simply to compensate him for the time he was here performing this work prior to his being placed on the rolls. Gentlemen here accepted his services, and we ought to pay for them. That is the whole situation.

The amendment of Mr. HOLMES was agreed to.

The Clerk read as follows:

To enable the Clerk of the House to pay George W. Knox for hauling books and placing them in the rooms in the terrace of the House wing of the Capitol, \$222.77.

Mr. HOLMAN. I ask unanimous consent to submit the amendment I send to the desk, involving about \$40, and also ask that a certificate accompanying the paper be read.

The Clerk read as follows:

To pay W. D. Hunter for thirty-eight days' work during the recess of the Forty-ninth Congress, at the rate of \$40 per month.

Mr. HOLMAN. I ask that the accompanying certificate be read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,  
Washington, D. C., August 1, 1888.

I hereby certify that W. D. Hunter was employed in the House document-room for thirty-eight days during the recess between the Forty-ninth and the Fiftieth Congresses, for which he was not paid, at the rate of \$40 per month.

C. H. HARRIS,  
File Clerk House Document-Room.

The amendment was adopted.

The Clerk read as follows:

To pay E. B. Wade, clerk of the Committee on Printing, for services to June 15, 1888, as clerk to the Select Committee Investigating the Government Printing Office, \$500.

Mr. FARQUHAR. I wish to offer an amendment to this paragraph. The Clerk read as follows:

To pay Edward S. MacDonald for services rendered to Select Committee Investigating the Government Printing Office, \$50.

Mr. BURNES. I shall feel compelled to make objection unless there be some suitable reason given for this amendment.

Mr. FARQUHAR. I will state that this amendment is to pay for the services of a messenger employed in the investigating committee, which should have been embodied in the preceding paragraph of the bill just read, providing for the payment of the clerk of the committee.

The service was rendered by this young man, but the gentleman from New Hampshire [Mr. GALLINGER] failed to bring in the matter at the time that the preceding item was brought in and for which payment is recommended. I want to state further that the minority claim to have paid out over \$200 for services on this committee.

Mr. BLOUNT. Let me ask why it is that this matter has not been submitted to the Committee on Accounts?

Mr. FARQUHAR. I might ask the same with reference to the paragraph read a few moments ago, and which was adopted.

Mr. BLOUNT. And I should have concurred entirely in the propriety of that. I did not expect another like this to follow so soon or I would have objected to the other provision to which consent was given.

Mr. BURNES. I do not think that there was objection to the preceding paragraph of the bill. That came before the committee from the Committee on Printing through its chairman as the request of the committee, and from a respectable committee of the House, transmitting through its chairman a request that that item of expenditure be allowed. The committee could not do otherwise than to make an allowance for the payment as asked, on account of an obligation which the committee had assumed, and for a service that was reported to have been fairly rendered.

Mr. FARQUHAR. That is just it.

Mr. BURNES. But this comes in no such way. The committee never asked, nor did any member of the committee, so far as I know, for this allowance.

Mr. FARQUHAR. I want to say, and I think the chairman of the Committee on Printing will bear me out, that this matter was submitted in the Committee on Printing at the same time, and more than that it was agreed upon by the committee that it was a just claim. I simply rest the proposition upon that statement.

Mr. RICHARDSON. Let it be again reported.

The amendment was again read.

The CHAIRMAN. Is there objection to the consideration of the amendment?

Mr. BURNES. I shall certainly interpose an objection unless the gentleman will state, or some one representing the Committee on Print-

ing, that this liability has been incurred at the instance of the committee, and its payment is asked by the committee.

Mr. LONG. The chairman of the committee is present.

Mr. FARQUHAR. The chairman can answer the question.

Mr. RICHARDSON. As I understand it, this young man was retained by my colleague on the minority of the committee, the gentleman from New Hampshire [Mr. GALLINGER]. He spoke to me about it a few days ago, and said he had incurred this liability serving him and the minority of the committee. The committee itself did not take any action, it is proper for me to say, and did not employ the young man; but I know he was there and rendered service to my colleague representing the minority; and I am quite sure he rendered him valuable service. I interpose no objection.

Mr. BRECKINRIDGE, of Arkansas. He was not appointed by the committee?

Mr. RICHARDSON. He was not.

Mr. BURNES. I think, in view of the statement of the gentleman from New York, backed up by the statement of the gentleman from Tennessee, that I shall interpose no further objection, the services being rendered, and apparently the case presents a proper question for our action.

Mr. BRECKINRIDGE, of Arkansas. What is the status of the question?

The CHAIRMAN. Unanimous request is asked to submit the amendment.

Mr. BRECKINRIDGE, of Arkansas. I shall object to it under my understanding of the case. It seems to be a claim to pay for private services. Let the committee pay such expenses themselves.

The Clerk read as follows:

To pay George Winters and L. B. Cook \$200 each, being the difference between their pay as conductors of the elevator and \$1,200 per annum from July 1, 1886, to July 1, 1888, \$400.

Mr. CANNON. Mr. Chairman, an amendment was offered some little while ago by the gentleman from Maryland under this head, and I do not know that I understood fully its meaning and object. I would desire that the objection be withdrawn, at least so that we may understand what is the scope of the amendment touching the equalization in pay of certain messengers performing duties as doorkeepers. I do not know who offered it, but I think the gentleman from Maryland.

The CHAIRMAN. It was offered by the gentleman from Maryland to equalize the pay of messengers, involving some \$4,000. Is there further objection?

Mr. CANNON. I want to understand what the resolution does. As I understand it, these persons who are employed about the doors here have been found insufficient in numbers, and details have been made from the Doorkeeper's roll of the lower-priced employes, perhaps \$60 or \$65 a month, to perform in fact the duties of doorkeepers here.

Mr. BURNES. That is correct.

Mr. CANNON. This is not a proposition, then, to decrease anybody's pay?

Mr. BURNES. No, sir.

Mr. CANNON. But to increase the pay of certain employes from \$60 or \$65 to what?

Mr. BURNES. To \$100 a month.

Mr. CANNON. During the session?

Mr. BURNES. Some during the session and some are annual, I think.

Mr. CANNON. But during the session?

Mr. BURNES. During the year.

Mr. CANNON. During the whole year?

Mr. SHAW. It would be during the whole year if they were all on the annual roll. There are two who are on the session roll; the others are on the annual roll; and this amendment is for the purpose of equalizing their pay. Some of them receive but \$70 a month. You can find at the different doors of the House, on either side, one man who is receiving \$70 while another is receiving \$100 for rendering exactly the same character of service.

Mr. CANNON. Then it is rather equalizing than increasing the salaries.

Mr. SHAW. To those who receive but \$60 it is an increase to \$100.

Mr. CANNON. I will ask another question. When does the payment cease?

Mr. SHAW. Those who are on the annual roll will continue to draw their pay at \$100, while those on the session roll will receive it during the remainder of the session and then it will cease and they will go their way as they have heretofore.

Mr. CANNON. Their services end with the session?

Mr. BURNES. Some do and some do not.

Mr. CANNON. What do you ask?

Mr. SHAW. That we appropriate sufficient money to equalize the pay and to make it \$100 for those who are on the session roll.

Mr. CANNON. During the session or during the year?

Mr. SHAW. During the time they are employed.

Mr. CANNON. Somebody said that I objected.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] objected.

Mr. CANNON. Then it is not necessary for me to say I did not.

Mr. STONE, of Missouri. I object.

Mr. SHAW. I think it was the gentleman from Iowa [Mr. KERR] who objected.

The CHAIRMAN. The committee has now reached that part of the bill relating to judgments of the Court of Claims, beginning at page 37 and ending at the bottom of page 51. If there be no objection the Clerk will pass these over. Is there objection?

The Chair hears no objection, and the Clerk will read the next section. The Clerk read as follows:

FOX AND WISCONSIN RIVER IMPROVEMENT.

For payment of judgments and awards recovered against the United States for flamage damages caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, and reported to Congress by the Attorney-General in Senate Executive Document No. 181, Fiftieth Congress, first session, namely:

Mr. HOVEY. I move *pro forma* to strike out the last word.

Mr. Chairman, it has not been my intention to labor again to procure recognition by the Chair this session for a second speech, but finding a publication in the Sunday number of the CONGRESSIONAL RECORD, in which allusion is made to some remarks made by me in this House in April, I have concluded that it is my duty to reply.

The publication to which I refer purports to be the "Speech of Hon. COURTLAND C. MATSON, of Indiana, in the House of Representatives, Saturday, July 28, 1888."

I need not say to the members of this House that no such speech was delivered on that day and that no allusion is made to it in the Congressional proceedings of that Saturday.

In this printed speech my colleague [Mr. MATSON] labors to show that the Democratic party is, and has been, the true friend of the ex-soldiers of the United States.

In this Herculean task I do not wonder that he has preferred to print his speech in the RECORD rather than meet with prompt replies to his bold and unfounded assertions.

The Representative on this floor who does not know that the Republican party in this House this session has earnestly labored from the first day to the present hour to procure the consideration of pension legislation, and that the Democratic party here has as earnestly and persistently labored to prevent it, is an imbecile who should be sent to some asylum for safe-keeping.

There can not be found an intelligent man who has watched the proceedings of this House who does not fully understand the motives and attitude of the respective parties on this subject, and that the Democratic party, from the President down to his lowest follower, is strongly opposed to all pension legislation.

In my first speech in this House, on the 20th of April, I said:

On the 4th of January last I offered a service-pension bill, No. 1320, granting a pension of \$8 per month for life to every honorably-discharged officer, soldier, or sailor who had served in the Army of the United States not less than sixty days between March 4, 1861, and July 1, 1865. This bill was the same day referred to the Invalid Pensions Committee. On the same day I offered bill No. 1319, granting a bounty of 160 acres of land to every officer, soldier, and sailor engaged in the military or naval service of the United States during the late rebellion of the so-called Confederate States. On the 16th of January last I offered a bill, No. 5052, "to equalize the payment and do justice to the officers, soldiers, and sailors of the United States in the late rebellion who were paid in currency commonly called 'greenbacks,'" which was referred to the Committee on Military Affairs.

I had hoped that at least one of these bills might possibly meet with the favor of one of those omnipotent committees, and be reported to this House for fair discussion, so that a vote on the ayes and noes might be taken; but, like many other bills which have been introduced for the relief of the ex-soldiers of the late rebellion, neither of them has been reported; and they, too, have been smothered or filed in the unremembered pigeon-holes of the committee-rooms. Our ex-soldiers and sailors seem to be forgotten. Even the President in his message made no allusion to them, their services, or their sufferings, and his henchmen and partisans are following silently and closely in his footsteps.

Mr. TOWNSHEND. I ask to correct the gentleman in reference to his statement about a bill referred to the Military Committee.

Mr. HOVEY. I can not yield.

Mr. TOWNSHEND. I hope the gentleman will not violate the proprieties of the House. He refers to a bill that had no relation to the work before our committee, and which was sent back to the House and transferred to another committee, and that is what I want to call attention to.

Mr. HOVEY. I can not yield to an interruption.

The Committee on Invalid Pensions is composed of nine Democrats and six Republicans, the Committee on Public Lands nine Democrats and five Republicans, and the Committee on Military Affairs eight Democrats and six Republicans, so that the Democrats of those committees have the power to report to this House any bill referred to them, or they can crush, by refusing to report, every bill offered in favor of the ex-soldier. The responsibility is theirs; and I assure them they will be well remembered hereafter by the men whose rights they have so unfeelingly ignored.

Now, Mr. Chairman, it seems to me that the committees to whom those important bills have been referred dare not bring one of them before this House for fair discussion and action. The people who do not understand the gag rules of this House are watching with wonder and blaming their Representatives for not forcing a vote on the most important questions of the day.

It must not be forgotten that my colleague, the honorable and gallant Colonel MATSON, is the chairman of the Invalid Pensions Committee, my much esteemed and ancient friend, Mr. HOLMAN, chairman of the Committee on Public Lands, and my colleague, Mr. TOWNSHEND, of Illinois, whose district joins mine across the Wabash River, is chairman of the Committee on Military Affairs.

If I am correctly informed, no report has been made by the said com-

mittees on either of my bills, and hence under the rules of this House it is impossible to press either of them for further legislative action.

With over one hundred and ninety bills in favor of the rights of ex-soldiers, referred to said committees, no day or days have as yet been set apart for their consideration.

Hundreds of thousands of soldiers at this and former sessions have petitioned for redress and relief in vain. Their petitions now are never read in the session of the House, but are buried in the box at the feet of the Speaker, and are then sent silently to the archives of the nation!

Verily that great and grand old right of petition has lost its ancient force and grandeur. Its denial once by George III was assigned in the Declaration of American Independence as one of the causes which led to the liberty of this country. May its virtual suppression here fail to lose that which it formerly helped to gain.

That there has been a studied and systematic course of opposition pursued by my colleagues on the other side of this House against all general pension legislation can not be honestly denied by any member.

To show how this denial has been systematically pursued I will present a few facts that can not be controverted.

My colleague, Mr. JOHNSTON, of Indiana, in his speech in this House on the 10th of July, shows what efforts he has made to have days assigned and set apart for such legislation. He says:

On the 21st day of May last I offered the following preamble and resolution: "Whereas the Committee on Invalid Pensions of this House has reported House bill No. 9961, by Report No. 2120, entitled 'A bill relating to the arrears of pensions,' with recommendation that it do pass; and

"Whereas said committee in said report estimate that said bill, if passed, will cause the expenditure of \$250,000,000; and

"Whereas all political parties profess to be in favor of granting to the Union soldiers of 1861 to 1865 liberal pensions for service rendered; and

"Whereas on the 19th day January last, House bill No. 3345, granting a pension to all such soldiers, was referred to said committee; and

"Whereas it is important that said several propositions should be disposed of before any bill is passed materially reducing the revenues of the country: Therefore,

*Resolved*, That the Committee on Invalid Pensions be discharged from the further consideration of said House bill No. 3345, and that said bill, and said bill No. 9961, reported by said committee, be made a special order for Friday, the 25th day of May, and that the consideration thereof shall continue from day to day until they are disposed of."

This resolution, asking that these bills should be considered, was, by the ruling of the Speaker, sent to the Committee on Rules, and, strange to say, since the introduction of that resolution there has never been a report from that committee, although Mr. CANNON, of Illinois, representing the minority of the committee, stated publicly upon this floor that the Republicans composing the minority had gone to the Speaker, who is *ex officio* chairman thereof, and requested that the committee be called together for the purpose of taking action thereon, and further stating that there had been no meeting of the committee.

Fearing that the Speaker, in the multiplicity of duties that are crowding upon him, had overlooked the matter, I again, on the 9th day of June, offered the following resolution:

*Resolved*, That Wednesday, the 13th day of June, after the morning hour, be set apart for the consideration of House bill No. 9961, granting arrears of pensions and providing for the payment thereof; and that the consideration thereof shall be continued from day to day until the same is disposed of"—which also went to the Committee on Rules, and which has suffered the like fate of its predecessor.

The CONGRESSIONAL RECORD will show other efforts in the same direction without success.

In May last the Republican members of the House, becoming dissatisfied with the many evasions and long delays in regard to pension legislation, signed a request or petition and delivered it to the Committee on Rules, of which the Speaker, Mr. CARLISLE, is chairman. I now present to the House a copy of the same:

To the Committee on Rules of the House of Representatives:

GENTLEMEN: The undersigned members of the House of Representatives, feeling the great need of prompt legislation for the relief of Union veterans and their dependent ones, respectfully urge your committee to set apart, as early a day as possible, three or four days for the consideration of general pension legislation.

J. C. Burrows, D. B. Henderson, E. H. Funston, George W. Steele, William Cogswell, James O'Donnell, E. B. Taylor, Jacob Romeis, George W. Crouse, Nils P. Haugen, Henry W. Seymour, J. Lyman, J. J. Belden, William Warner, M. M. Boothman, Nelson Dingley, jr., Francis W. Rockwell, H. J. Spooner, H. F. Finley, William W. Grout, J. H. Ketcham, Smedley Darlington, John Lind, M. S. Brewer, Oscar L. Jackson, Robert M. Yardley, C. P. Wickham, John A. Hiestand, A. R. Anderson, G. E. Bowden, Louis E. Atkinson, Franklin Bound, O. B. Thomas, E. S. Osborne, Edward Scull, J. B. Cheadle, Thomas Ryan, J. T. Maffett, Knute Nelson, Thomas S. Flood, Th. H. Bayley Browne, A. J. Hopkins, Binger Hermann, William E. Mason, William McKinley, jr., C. H. Grosvener, John G. Sawyer, Charles E. Brown, B. W. Perkins, J. H. Rowell, John M. Farquhar, Daniel Kerr, Charles S. Baker, Thomas M. Bayne, John B. Weber, W. G. Hunter, George M. Thomas, L. B. Caswell, J. G. Cannon, R. R. Hitt, John Dalzell, John Kean, jr., W. H. Wade, J. T. Johnston, E. N. Morrill, J. H. Gallinger, C. A. Boutelle, John D. Long, R. M. La Follette, H. C. Lodge, William W. Morrow, Henry H. Bingham, L. E. Payson, A. C. Thompson, Benjamin Butterworth, Richard Guenther, Robert P. Kennedy, George Hires, John Nichols, F. C. Bunnell, George West, Jehu Baker, E. H. Conger, J. W. Stewart, W. D. Owen, W. G. Laidlaw, P. S. Post, John H. Gear, Charles N. Brumm, O. S. Gifford, Alvin P. Hovey, William D. Kelley, Wely McCulloch, E. P. Allen, B. M. Cutcherson, William E. Fuller, S. L. Milliken, J. J. Pugsley, A. X. Parker, John A. Anderson, George E. Adams, William Vandever, Albert P. Fitch, S. V. White, A. J. Holmes, John Patton, J. McKenna, Charles H. Allen, Thomas J. Henderson, H. C. McCormick, W. A. Gest, S. R. Peters, G. G. Symes, N. Goff, E. S. Williams, David Wilber, J. Laird, Charles A. Russell, J. Yost, W. O. Arnold, Joseph D. Taylor, George W. E. Dorsey, Thomas M. Brown, Ralph Plumb, Charles O'Neill, I. S. Struble, J. S. Sherman, L. C. Houk, N. Felton, Stephen T. Hopkins, E. J. Turner, N. W. Nutting, William Walter Phelps.

And now, Mr. Chairman, we are here on the 2d day of August with all our requests ignored and unheeded, and the petitions and prayers of thousands of ex-soldiers unread and disregarded. The history of legislation presents no parallel to this outrage upon the rights of the people.

Need I ask why these ex-soldiers are refused a hearing? Need I ask who refuses them? The Democratic side of this House dare not vote upon the bills which I have presented, for they know it would be the political death-knell of every Northern Democrat who should vote against either of them. They know the Presidential election in November is close at hand, and that they are in danger of the veto of either the President or their constituents.

Do you ask for still stronger proof that the Democracy as a party are still opposed to the ex-soldiers as the majority of them were from 1861 to 1865? You have the answer in the President's message, and the provisions of the Mills tariff bill which they have lately passed in this House by a majority of 13.

Does not every ex-soldier know that if that bill becomes a law, it must necessarily destroy all hopes of future pensions? There would be no surplus nor revenue to pay the soldier.

Mr. MCMILLIN, of Tennessee, Mr. MILLS's ablest lieutenant in the debate on the tariff, said:

Mr. Chairman, what is the bill that we present for your consideration? It is a bill which proposes to take \$878,000 off of chemicals; \$1,758,000 off of earthen and glass ware; \$11,480,000 off of sugar; \$331,000 off of provisions; \$227,000 off of cotton goods; \$2,042,000 off of hemp, jute, and flax goods; \$12,330,000 off of woollens; \$3,000 off of books and papers, and \$1,090,000 off of sundries. It also proposed to add to your free-list flax, hemp, jute, chemicals, salt, tin-plate, wool, and other things, amounting to \$22,189,000, making in all a tariff reduction of \$63,720,000. It proposes to make reductions in the internal revenue of \$24,455,000, or a grand total of tax reductions from tariff and internal-revenue sources of \$78,176,000.

Sir, when that grand reduction of our revenue takes place, if it ever does, we must bid farewell to all future taxation to raise a revenue to pay our ex-soldiers their just demands.

#### THE WAR TAX.

We are told that our revenue is now derived from "war taxes." Mr. MILLS and his colleagues on the tariff debate have repeated this over and over again. "The war tax," "the war tax," "the war tax" has been ringing through this Chamber for the last month, until the walls almost retain and reverberate its echo.

Now, it must be clear that if it is a war tax, our great surplus in the Treasury, which now amounts to over \$130,000,000, should be primarily expended for war debts.

1. To the ex-soldiers who made it possible for our Government to pay any debts; and

2. To the bondholders who supplied our Government with the "sinews of war" during the late rebellion.

The bondholders should be fully paid, but we should not entirely forget a little of the inside history. Bonds were bought with "greenbacks" at a discount; many of them were purchased at 70 cents to the dollar, when greenbacks were not worth more than 60 or 70 cents, thus making the actual cost to the bondholders about 50 cents to the dollar. These bonds have since risen in value until they are now held as high as \$1.28 in gold, and they have drawn interest from the date of their issue.

The soldier in his financial operations has not fared quite so well, for he was compelled to receive his "greenbacks" when on a general average they were not worth more than 60 cents to the dollar, and he has never received either principal or interest for his losses on his depreciated paper. If the ex-soldier did not love "Uncle Sam" so well, and if a suit at law could be brought for the difference between the greenback and the gold dollar, there is no court in the world where justice is administered where he could not obtain a judgment. There can be no shadow of doubt upon his rights.

#### PENSION BILLS.

The pension bill vetoed by the President in 1887 only provided for ex-soldiers where there was a "total inability to procure their subsistence by daily labor."

The Grand Army bill referred to by my colleague [Mr. MATSON] defines the disability to be that "which totally incapacitates them for the performance of manual labor." The substitute reported to this House for the Senate bill also defines the disability to be that "which totally incapacitates them for the performance of manual labor."

But my colleague, the chairman of the Invalid Pension Committee [Mr. MATSON], leaves no room to doubt what his views are in regard to pensions which should now be given to his comrades.

In his House bill No. 1329 he clearly draws the line that would cut off all from such relief except those "who are now disabled, and are dependent upon charity for a sustenance," and requires that the disability must be such "as would incapacitate them for any manual labor, and who are dependent upon public charity for their sustenance."

In other words, no ex-soldier under his bill could apply for a pension without first swearing he was a pauper, and then sustaining his claim by proving that he was an object of charity and wholly unable to perform any manual labor.

I can not concur in favoring such a bill, but on the contrary would

most gladly extend and grant a pension to every soldier who has served sixty days and who has received an honorable discharge. That service, discharge, and proof of his identity would be all the red tape that I would require. But my gallant comrade and colleague draws a line where supplication and beggary begin, and Charity comes with open hand to the rescue. I want no charity for the men who fought with me; I want justice, that justice which has been meted out to all the soldiers of the United States who stood by the Stars and Stripes in other days. God forbid that any soldier who fought by my side, or under our glorious banner, should be compelled to beg our Government, which he faced death to save, for a pittance to keep him from the poor-house.

The men who stood shoulder to shoulder on the crimsoned fields of death for the preservation of our Government should never be required by any act of Congress to beg their bread like paupers. Such laws, in my opinion, would be deep stains upon our statute, and I can not understand how any true soldier could consent to place his comrade in that degrading condition.

Sir, I deeply regret the position of my colleague [Mr. MATSON], for with his prestige as a soldier, his talent, force, ability, and position he may be able to check and defeat the enactment of laws which would throw rays of sunshine over many a now gloomy household of his comrades, who boldly faced death under his commands.

My colleague warmly espouses the principles of the Mills tariff bill. He says:

I am now and have been constantly since that overshadowing issue was made a consistent and earnest friend of every measure that has been proposed for relief from overtaxation. I yield to no one in devotion to this cause, for I believe it to be the cause of all the people, and the soldiers are only a part of the great body-politic.

The substance of this, if I understand it, is that the ex-soldier's rights must give way to the omnipotency of the Mills tariff bill, to the wisdom of free-trade reformers. This no doubt is loyal and true Democracy as held and taught by the leaders of the party. But my friend, seeing the effects of the Mills bill in reducing the revenue out of which pensions must be paid, as a panacea, threatens to tax the rich men of our country to raise the funds out of which the soldier shall be paid. That is a long way off; we have the surplus now; why wait "for dead men's shoes?" I will admonish my friend that before such an act will ever pass this House the last tombstone placed above the graves of our veterans will have its marble crumbled into dust. Such promises are more than vain.

To avoid the dilemma in which he finds the President and his party on pension legislation, my friend makes a defense something in the nature of an old English plea, called in law Latin an *absque hoc*, or to make it a little more intelligible, if possible, "without this, that." He says:

At no time since the 4th of March, 1861, has the Democratic party been charged with the full responsibility of Government. The ridiculous rates given in some cases where the fractions of a cent are computed, and of which my distinguished colleague General Hovey saw fit on the floor of this House recently to complain so bitterly, are the results of laws enacted while the Republican party had full control of the Government. When he holds these up to the contempt he is simply displaying the wrongs done to the soldiers by his own party.

Now, Mr. Chairman, I shall not stop to inquire who enacted such ridiculous rules and laws. Here is the part of my remarks to which my colleague alludes:

We are flippantly told that our pension laws are ample and the most beneficent in the world, and that no ex-soldier has the right to find the least fault with the generosity and paternal care of our Government.

Yes, we have pension laws where the red-tape appendages, employés, and machinery alone, not including any pensions, cost our Government over \$1,000,000 annually to dole out a pittance that would starve a dog to thousands of helpless men, widows, and orphans!

Sir, we ought to be ashamed of our niggardly legislation, for our nation is too great for such pitiful parsimony. The one hundred and fifty-one rounds in the Jacob's ladder which leads the veteran to the Pension Department are simply ridiculous.

I have read where the noble Brutus proposed to "coin his heart and drop his blood for drachmas," but it was reserved for our Solons, who framed our pension laws, to measure the value of our veterans' blood by the fraction of one copper cent!

Only think of the blood and wounds of our soldiers being valued at \$2.12½ per month; at \$2.66½ per month; \$1.65½ per month. The fraction of one copper cent by halves and thirds being set apart in fifteen of the one hundred and fifty-one grades to our maimed, broken-down, and wounded soldiers! These wise men must have had Shylock's famous "balance" to weigh their brother's blood, and after they had weighed the blood they must have examined every wound with a strong political microscope before they could figure pensions down to the fraction of one copper cent!

I may say that the Commissioner of Pensions (General Black) was my comrade, as we were at one time in the same army, and I have always regarded him as a gallant soldier and entertained for him great respect. I blame him not in his official capacity, for I believe he has been very active in obedience to the command of his superiors in office. By his last report, in June, 1887, he shows that there were then on the pension-rolls 1,151 persons who received \$1 per month, 30,823 who received \$2 per month, and 65,946 who received \$4 per month, and on the pension-rolls to-day there are over 100,000 persons who are now receiving 3½ to 13 cents per day! What magnificent generosity from a Government that has been saved and preserved by their valor, their sufferings, and their blood! These are some of the pensions about which we hear such loud and bombastic boastings.

I feel sure that my comrade and colleague feels ashamed to see such rules and laws governing our Pension Department; I am sure I do. Let us snatch the child from the fire. We will have time enough to inquire about its parentage afterwards. Give us legislation and let us

wipe out all such flummery without regard to the source from whence it came.

Now, Mr. Chairman, here is a bill of fare collected and collated by my comrade and colleague [Mr. GROSVENOR] of Ohio on the 12th day of June last:

House bill 5038, to amend the act for the arrears of pensions; House bill 4986, to provide a hearing in pension cases; House bill 4952, to amend the law as to the commencement of pensions; House bill 5623, to amend the law relative to pensions; House bill 5642, to regulate evidence in pension cases; House bill 5674, to grant pensions to dependent soldiers; House bills 5036 and 5678, to amend the acts granting pensions; House bill 5627, to increase the rate for total disability in pension cases; House bill 5637, to increase the rate of pension for loss of both hands; House bills 4970, 5611, and 5662, to grant service pensions to soldiers of the war of the rebellion; House bill 5655, to extend the act of 1836 as to pensions; House bill 1633, as to accrued pensions; House bill 4277, to allow rejected pension cases to be appealed to the supreme court of the District of Columbia; House bill 1751, to repeal limitations on the time of filing applications for pensions; House bills 1318, 1330, 1359, 1377, 1384, 1545, 1556, 1717, 1723, 1751, 1824, 3250, and 3429, to repeal the limitation on arrears of pensions; House bill 1724, to grant arrears of pension in cases of total disability; House bills 1453, 3348, 4339, and 4343, to grant pensions in cases of loss of limb; House bills 1457 and 3399, to grant pensions in cases of special-act pensions; House bills 1381 and 1722, to increase the pension of minor children; House bills 1379, 1380, 1499, 1505, 1688, and 1728, relative to dependent pensions; House bills 1823, 1996, 3396, and 3430, to regulate evidence in pension cases; House bill 1572, to grant pensions to soldiers disabled after enlistment and before muster; House bills 1329, 1379, 1392, 1454, 1505, 1559, 1744, 1789, 3262, 3355, and 4413, to grant pensions to disabled dependent soldiers; House bill 1421, to establish a uniform grade of rating for pensions; House bill 3347, to grant pensions to persons not mustered into the United States service; House bills 1362, 1784, 3249, 4356, and 4411, to increase the rates of pension for total disability; House bill 1725, to increase the minimum rate of pensions; House bill 1537, to increase rates of pensions for loss of both arms; House bill 1459, to increase rates of pensions for disability equal to loss of limb; House bill 4340, to increase rates of pensions for loss of both arms or feet; House bills 1331 and 1726, to allow pensions for additional disabilities; House bill 1421, to abolish distinctions of rank in pension cases; House bills 1456, 3309, and 4356, to increase the rates of pensions for loss of an eye; House bills 1317, 1326, 1375, 1382, 1408, 1570, 3434, 4337, and 4356, to increase rates of pension for deafness; House bill 1922, to increase rate of pension for loss of jaw; House bills 1381 and 1722, to increase rates of pensions for minor children; House bill 1544, to grant pensions to soldiers on reaching sixty years of age; House bills 1320, 1391, 3345, 4273, 4292, 4296, and 4344, to grant service pensions; House bills 1457 and 3395, to grant arrears to persons allowed pensions by special act; House bill 1422, relating to special-act pensions; House bill 1730, relating to special act to allow rerating of pensions; House bills 1383, 1500, and 1739, to restore pensions to widows of second husbands; House bill 1557, to fix the date of the commencement of pensions; House bills 1288, 1316, 1721, 1744, 3308, 3354, 4292, and 4347, to grant pensions to widows; House bill 6137, to repeal the arrears act; House bill 6690, to establish a court of pensions; House bill 6639, to allow cumulative pensions; House bill 6143, to regulate evidence in pension cases; House bill 6363, to allow pensions to soldiers disabled by act of another soldier; House bill 6111, to extend the pension laws to nurses; House bill 6654, to increase rate for loss of part of hand; House bill 6705, to increase rate for disability to perform manual labor; House bill 6829, to increase rates for loss of eyes; House bills 6647 and 6829, to increase rate for loss of limb; House bill 4384, to extend the act of 1880 for pensions; House bill 6669, for service pensions; House bill 6173, to extend the pension laws to steam-boat men; House bill 6553, to define the law relative to the commencement of widows' pensions; House bill 7046, to allow arrears of pensions to restored pensioners; House bill 7425, to allow arrears of pensions in cases of loss of limb; House bill 7093, to grant pensions to parents of more than one son dying by means of wounds or disease; House bill 7090, to increase rate of pensions in cases of gunshot fracture of the femur; House bill 7415, to increase rates for total disability; House bill 7054, to grant service pensions; House bill 7761, to repeal the statute of limitations on pension cases; House bill 1420, to pension prisoners of war; House bill 7735, to increase rates for loss of limb; House bills 7753 and 7792, to increase rates for loss of sight; House bill 8061, to restore pensions to widows of second husbands; House bills 8357 and 8360, to allow pensions in cases of loss of limb; House bill 1688, relative to pensions for dependent parents; House bill 1537, to increase rates for loss of both arms; House bill 8322, to allow additional pensions for other disabilities to those pensioned for loss of limb; House bill 8688, to pay arrears of pensions to surviving children of soldiers in pension cases; House bill 8378, to grant service pensions; House bill 9060, to allow pensions in case of loss of limb; House bill 9069, to fix rates of pensions by rank held at date of discharge; House bill 9277, to increase the rate of pensions for total disability; House bill 9743, to repeal the prohibition of pensions to volunteers who may previously have been conscripted into the Confederate service; House bill 9737, for the equalization of pensions; House bill 9737, to grant service pensions; House bill 10053, to fix the rates of pensions for loss of sight; and House bill 10055, to grant pensions to widows and children, at divers times during the present session of Congress were duly referred to the standing Committee on Invalid Pensions.

It can not be denied that this House has had a sufficient number of bills before it from which a selection could be made to eradicate any evil that may exist under our laws in regard to pensions. The committee of which my colleague, Mr. MATSON, is chairman, can easily have all these evils removed if it will only give us three or four days of fair and honest legislation, but up to this hour that committee has not been assigned a single day for general pension legislation.

Poor Committee on Invalid Pensions! It has been shorn of all its jurisdiction over general pension legislation, and its labors are now confined to a few short nights on private pension bills, which are only permitted to be set up like ten-pins that the President may have the pleasure with his wit and sarcasm to knock down with his veto balls!

#### VETOES.

The President's vetoes are defended by my colleague and eulogized as being the essence of perfection. He says:

And so the President in the discharge of his duty, not with malice or ill-will towards the claimant, but with a desire to do his duty only, states the facts upon which he founded his objections. I challenge any of his loud accusers to show any single instance in which he has animadverted unnecessarily against the claimant. When this wholesale charge is made, ask for the specification. Let the case be cited, and the facts and the criticism go together.

Yes, let us have the facts where such facts are fairly and legally obtained, but it must not be overlooked that much of what the President

calls facts is procured by the Pension Department and is entirely *ex parte*. The soldier is seldom present, nor has he a chance of meeting his accusers face to face and cross-examine the witnesses who testify against him before the inquisitorial examiners of the Pension Department.

Remembering this, the President should not unnecessarily tarnish the character of any one. His exalted position should forbid it. But he has not hesitated to give such loose evidence or statements all the sanction of his high official authority.

I will quote a few of his charges, flings, and sarcasms that he has used in vetoing the pension bills of poor and broken-down ex-soldiers who were defending our country whilst he, the President, was out of danger and at his ease in Buffalo.

In the veto of the bill passed for John W. Ferris, June, 1836, he uses the following language:

The ingenuity developed in the constant and persistent attacks upon the public Treasurer by those claiming pensions, and in the increase of those already granted, is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

Again, in the case of John W. Luce, June, 1836:

It is alleged that the examinations made by the Pension Bureau developed the fact that the deceased soldier was a man of quite intemperate habits. June, 1836.

In his veto in the case of Alfred Denny, June, 1836, who swore that he was injured by being thrown forward on the pommel of his saddle, the President becomes facetious and says:

The number of instances in which those of our soldiers who rode horses during the war were injured by being thrown forward on their saddles indicates that those saddles were very dangerous contrivances.

The innuendo clearly points to the charge that many claimants of that kind were perjured. I most earnestly advise the President not to try any saddle of that kind himself, or he might change his opinion.

In the case of Edward Ayers, May, 1836, the President in his veto says:

It is reported to me by a report from the Pension Bureau that after the alleged wound and in May or June, 1863, the claimant deserted and was arrested in the State of Indiana and returned to duty without trial.

Here the President fastens on the ex-soldier a stain and a crime, the penalty of which would have been death, on the authority of a mere report.

In the case of David W. Hamilton, May, 1836, he says:

If he had filed his application earlier it would have appeared in better faith, and it may be that he would have secured the evidence of his family physician if it was of the character he described.

His delay in filing his claim, in the mind of the President, seems conclusive proof of perjury.

Every soldier who has served in the Army will realize the injustice of the charge as made by the President. Many poor soldiers, from pride, have been restrained for years from presenting their just claims for a pension.

The wit and humor of the President rise again to the surface in his veto of the bill of Andrew I. Wilson, in June, 1836.

Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability.

Other cases might be multiplied in his numerous vetoes, but I deem it unnecessary to make more public his charges against soldiers of drunkenness and loathsome diseases.

It should not be forgotten that in all his vetoes of private pension bills he virtually accuses every claimant and many witnesses with willful perjury, and the reports upon which he promulgates his libelous charges are founded on one-sided reports and rumors. If he were not shielded by his Presidential mantle actions for libel could be successfully brought against him on many of his vetoes. It should be remembered that he judges the claimant from his standpoint and not by the testimony of the claimant and his witnesses under oath, backed by the full indorsement of the Senate and House of Representatives. Surely in such cases the power and cruelty of the one man is very great.

#### PRESIDENT'S APPROVAL OF ACTS.

My colleague goes into extacies over the approval by the President of the following acts: Widow's act, March 12, 1836; act of August 4, 1836, increasing pensions to crippled soldiers; act granting pensions to Mexican soldiers; act of June 7, 1838, granting arrears to widows of soldiers. If these acts were approved by the President without the coercion of political pressure, he is entitled to credit for simply performing a humane duty; but it might be important to inquire who formulated those bills? Did the President ever suggest or recommend the passage of any bill or measure for the relief of the soldier? "I pause for a reply."

I should be pleased if some great statesman would inform me where the difference is between a private bill for a pension and a general pension law, so far as it relates to the power of Congress in making such enactments. Why should the President hold that the general law con-

trolled all subsequent legislation? Surely Congress has power to pass either, and complaint can not be made because the later law differs from a statute formerly enacted. The President seems to treat the general pension law as a Constitution, and annuls by its force all subsequent minor acts that do not conform to it.

I have but a few more words to say in regard to the extraordinary speech of my colleague. It is evident on its face that it was not made to be heard in this House; and it was not. Between the lines it has the ring of "stump oratory," as though it had been manufactured for that purpose. It will not be misunderstood by any one who takes the trouble to read it. No difference now whether its publication was regular or irregular; it is in the CONGRESSIONAL RECORD of Sunday and can be transmitted by mail under his frank to all his constituency, and unanswered it is a pretty good electioneering document.

There are some seeming inconsistencies in my colleague's remarks and different bills that I do not fully understand.

He admits that a universal pension bill "is fast approaching and will soon become a law." Why not now? Will there ever be a better time? In his pauper bill (No. 1329), which I ask to be printed with my remarks, he allows pensions only to those who are incapacitated from the performance of any manual labor and who are dependent on public charity for their sustenance and \$8 per month; but to accommodate all, in the bill reported by him from his committee as a substitute for the Senate bill he cuts down the pension to a cent a day for services performed!

He admits that with the grand surplus in the Treasury we could easily pay all the arrearages of our ex-soldiers; yet during all these months his party, or he himself, has failed to procure any days for the consideration in this House of any of the more important bills that have been referred to his committee. It is strange how badly he, or we, have been treated; but facts are stubborn things. His committee has had more bills referred to it than all the other committees combined. They have nearly all had their days set apart to them, but he has had none for general pension legislation. The ex-soldiers seem to have no rights that this House is bound to respect.

Mr. Chairman, a grand panorama seems passing before me. There are nearly one million men in the column. They look worn and thoughtful, and prematurely old. Many of them are poorly clad, and some are in tatters. About twenty thousand have fallen by the way-side and carried to the poor-houses. Some are armless, some on crutches, some emaciated, and writhing with wounds long since received in battle and which are still running and unhealed! But few of the great mass seem prosperous, for all have passed through that ordeal which leaves poverty behind it. Still they march forward with heads erect. Their step is the proud measured step of the soldier. There is still pride in their bearing, for they know they are the remnant of that band of heroes who saved our nation from ruin and wreck.

Mr. Chairman, these are the men whose petitions by hundreds of thousands remain in our archives unread. These are the men whose just prayers are unheeded and unanswered by the nation they have saved! [Applause.]

#### EXHIBIT A.—HON. C. C. MATSON'S PAUPER BILL.

A bill for the relief of honorably discharged soldiers and sailors who are now disabled and dependent upon charity for a sustenance.

*Be it enacted, etc.*, That all persons who have served one year or more in the military or naval service of the United States, in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now, or who may hereafter be, suffering from mental or physical disability not the result of their own vicious habits or gross carelessness, and which incapacitates them for the performance of any manual labor, and who are dependent upon public charity for their sustenance, shall, upon making due proof of these facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive \$8 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same on the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

Mr. CHEADLE (when the hammer fell during the delivery of the foregoing remarks) said: I ask unanimous consent that my colleague be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] is recognized.

Mr. HOVEY. I ask unanimous consent to be permitted to continue and complete my remarks. I want about thirty minutes. We have been meeting here day after day for eight months, and I have listened to all of you, and now I desire an opportunity to retain the floor while I conclude my remarks.

Mr. BURNES. I will yield ten minutes further.

Mr. HOVEY continued his remarks for ten minutes, when the following proceedings took place:

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ANDERSON, of Iowa. Mr. Chairman, I ask that unanimous

consent be accorded the distinguished member from Indiana to conclude his remarks. I hope the House will grant this favor, as the gentleman is making an interesting speech on an important question at a very interesting time.

Mr. BURNES. How much additional time does the gentleman desire?

Mr. HOVEY. About thirty minutes.

Mr. BURNES. I ask unanimous consent that the time of the gentleman be extended for fifteen minutes, and that fifteen minutes be reserved for the gentleman from Indiana [Mr. HOLMAN] to reply.

Mr. HOLMAN. I shall not ask more than five minutes.

There was no objection; and the request of Mr. BURNES was agreed to.

Mr. HOVEY resumed his remarks, and at the expiration of the fifteen minutes the following took place:

Mr. BURNES. I have a proposition to make which I think will be acceptable to my friend from Indiana. He has now occupied the greater part of an hour, and, in deference to his distinction and his merit as a soldier and a statesman, I ask unanimous consent that he be allowed to go on and finish his speech, and that we on this side shall have a like time to reply.

There was no objection, and it was so ordered.

Mr. HOVEY resumed and concluded his remarks.

Mr. BURNES. I now yield the floor to my friend from New Hampshire [Mr. MCKINNEY].

Mr. HOLMAN. Before my friend from New Hampshire begins I ask him to give me five minutes to say a few words in reply to my colleague who has just taken his seat.

Mr. MCKINNEY. I will yield five minutes to the gentleman.

Mr. HOLMAN. I was not present during the first part of my colleague's [Mr. HOVEY'S] remarks; but I understand that he referred to a bill introduced by him granting bounty lands to the soldiers of the Union Army which was referred to the Committee on Public Lands, and that he complained that that bill had not been reported back. Is that correct?

Mr. HOVEY. I so understand the facts.

Mr. HOLMAN. Was that your statement?

Mr. HOVEY. That is my understanding.

Mr. HOLMAN. Then in reply to my colleague I wish to call attention to the history of the efforts at bounty-land legislation since the beginning of the late war, and to show who is to blame for the failure to secure bounty lands to the soldiers of the Union Army. On the 18th day of December, 1861, almost at the beginning of the late war, when the homestead bill was pending which ultimately became the homestead law, I offered an amendment to the bill providing for extending to the soldiers of the then existing war the provisions of the act of March 3, 1855, which had granted or enlarged the grants of bounty lands to all the soldiers of the preceding wars.

That proposition was in the following words:

*And be it further enacted*, That the provision of an act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, shall extend to and be construed to embrace the officers, soldiers, and seamen who have been engaged in the military or naval service of the United States since the 12th day of April, 1861, or who shall be engaged in such service during the present war: *Provided, however*, That no officer, soldier, or seaman shall be entitled to the benefit of said act unless he shall have been engaged in the service aforesaid for a period of not less than sixty days, or been honorably discharged on account of wounds received or sickness incurred while in the line of his duty in such service: *Provided further*, That the widows and children of officers, soldiers, and seamen who shall die from wounds received or sickness incurred while in the service of the United States, as aforesaid, shall be entitled to the benefits of said act. And this act, except this section, shall not go into operation for the period of one year after the close of the war in which we are engaged.

In a House overwhelmingly Republican that proposition was defeated, and it was defeated upon the express ground, as I have heretofore stated in this House, and as is shown by the debate on the proposition, that the tendency of the measure was to monopolize the public lands through large purchases of the bounty land warrants. The homestead law was approved finally on the 20th of May, 1862, and although that argument of the monopolizing tendency of the bounty land policy was accepted as a reason sufficient for the action of the House in defeating my proposition, the policy of making grants of public lands to corporations was immediately entered upon, the great grant to the Union Pacific system of corporations of 28,000,400 acres of land being made on the 1st day of July, 1862, when the amount of those grants had reached more than one hundred and eighty-one millions of acres of the most fertile lands of the public domain. I again, on the 12th day of December, 1872, brought forward a bill granting bounty lands to the soldiers of the Union Army, as follows:

A bill to enable honorably discharged soldiers and sailors, their widows or orphan children, to acquire homesteads on the public lands of the United States.

*Be it enacted, etc.*, That every private soldier, musician, and officer who served in the Army of the United States, during the late war, for ninety days, and was honorably discharged, including the troops mustered into the service of the United States by virtue of the third section of an act entitled "An act making appropriations for completing the defenses of Washington, and for other purposes," approved February 13, 1862, and every seaman, marine, and officer, and other person who served in the Navy of the United States or in the Marine Corps, during the late war, for ninety days, and who was honorably discharged, and the widow of any such soldier, musician, seaman, or officer, or if there be

no such widow his orphan children under twenty-one years of age shall be entitled to enter a quantity of public lands (not mineral) not exceeding 160 acres or one quarter-section, which shall be composed of contiguous tracts, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, or other lands subject to entry under the homestead law of the United States, and receive a certificate of such entry without payment of any Government fees.

SEC. 2. That such entry shall be made in the name of the person entitled as above to make the same by application in person, or by agent, under such regulations as the Secretary of the Interior shall prescribe; and the patent for the land so entered shall be issued only to such soldier, musician, seaman, or officer, or to his widow or orphan children, provided for in the first section of this act, who made the entry; but no sale of such land, or of any interest therein, or power of attorney authorizing such sale, or other contract or agreement in anywise affecting or concerning any such land, made, executed, or entered into prior to the issuing of the patent therefor and the actual delivery of the same to the person to whom issued, shall be of any effect whatever, but every such sale, power of attorney, contract, or agreement shall be null and void.

SEC. 3. That the Secretary of the Interior shall prescribe rules and regulations to carry the several provisions of this act into effect.

This bill passed the House on the 12th day of December, 1872, on a yea-and-nay vote—yeas 118, nays 54; but the recognized leaders of the Republican side of the House voted against it, including Mr. Coburn, Mr. Dummell, Mr. Garfield, Mr. HOAR, Mr. HAWLEY, Mr. KELLEY, Mr. Roberts, Mr. Sargent, Mr. Twichell, Mr. William A. Wheeler, and others equally prominent. It was not a party vote, for many Republicans voted for it and some Democrats against it. Of the gentlemen now members of this House Mr. BULLER, Mr. COX, Mr. RANDALL, and myself voted for it; Mr. KELLEY against it.

I placed the measure upon two grounds: first, as an act of justice to the soldiers of the Union Army; and second, as a means of resisting and counteracting the alarming policy which was then in progress of granting away the public domain to corporations. That measure passed the House, but it passed against the opposition of leading Republican members. It went to the Senate, and was sent to the Committee on Public Lands, from which it was reported adversely by Mr. STEWART, of that committee; and it was indefinitely postponed, or at least it was never heard from again.

The following is the beginning of the report made on this bill to the Senate on the 12th day February, 1873, after full deliberation, for, as I have stated, it passed the House on the 12th of December, 1872. The soldiers of the whole country in overwhelming numbers petitioned the Senate to pass it, yet in a Senate overwhelmingly Republican not one word was spoken in its support. But the following is the beginning of the report, which sufficiently indicates its character:

Mr. STEWART, from the Committee on Public Lands, to whom was referred the bill (H. R. 1665), to enable honorably discharged soldiers and sailors, their widows, and orphan children, to acquire homesteads on the public land of the United States, submitted an adverse report thereon; which was ordered to be printed.

The report proceeds as follows:

That this bill, if enacted into a law, would provide for the disposition of at least 320,000,000 acres of selected public lands. That the whole area of the public domain, exclusive of Alaska, is less than one thousand millions of acres. From this must be deducted as valueless or unsuitable for settlement or reserved by law for other purposes, the lakes, the swamp-land grant of 1850, the railroad grants yet unpatented, the sixteenth and thirty-sixth sections of each township granted for common schools, the Indian Territory and other reservations for the Indians, the mineral lands, the uninhabitable mountains, the alkali deserts, and all other waste lands.

These deductions are variously estimated at from two-thirds to three-fourths of the whole amount of the public domain, or from 666,000,000 to 750,000,000 acres. This would leave from two hundred and fifty to two hundred and thirty-four million acres of public lands fit to be occupied by settlers. The highest, and probably a very exaggerated, estimate of the amount of such lands is 400,000,000 acres. If the 320,000,000 acres required to satisfy the terms of the bill under consideration could be found, exclusive of the necessary deduction above noted, all reasonable expectations would be answered. A minute discussion of the amount of the arable lands in the public domain is, however, unnecessary. It is quite evident that most if not all the public lands suitable for cultivation would be required to satisfy the terms of the bill, and there would be a strong probability that those who were unfortunate enough to be last would find no lands to enter.

And so ended the second and last attempt to secure to the soldiers of the Union Army a freehold in the land of their country in conformity to a traditional policy which was unbroken from 1787 down to the period when the party of my distinguished colleague came into power.

The first measure, that of 1861-'62, was defeated because, in the opinion of the Republican leaders, it would tend to monopoly; the second, that of 1871-'72, was defeated because there was not land enough to secure the soldiers their freeholds. But, strange enough, between those two periods the same party as represented in Congress had granted away the following lands:

	Acres.
To States for railroad corporations.....	17,775,624
To railroad corporations direct.....	163,643,944
Grand total.....	181,419,568

Now, sir, that 181,419,568 acres thus given over to a most wicked and infamous monopoly includes the most choice tracts of your public lands, the most fertile parts of your once great public domain extending from the Mississippi River to the Pacific Ocean, selected with care by the skillful agents of the corporations to whom they were so generously granted. And granted too by Congress and by the leaders of a party that could not think of granting lands to the Union soldiers for fear of monopoly!

And now, sir, after sixteen years have elapsed since that adverse report was made to the Senate, after 181,419,568 acres of the very cream of your public domain, a territory more than eight times as large as the good State of Indiana, have been given by Republican Congresses to a few elegant gentlemen who made money out of the war instead of Union soldiers who imperiled their lives in upholding the Union, and the widows and orphans of those who fell in battle—after sixteen years, during which, under the pre-emption law and other laws, your public domain has been left exposed to a most infamous system of land piracy and monopoly by which vast portions of the lands which should have been the homes of your Union soldiers and laboring people, have been seized upon and appropriated by great capital interests, and are placed forever beyond their reach.

And all this under the pre-emption and other laws, which a succession of Houses of Representatives under Democratic control have earnestly sought to repeal, and thus secure the remaining lands for homes for your people under the homestead law, without as yet securing the co-operation of the Senate, while the monopoly of the little that remains of valuable public land still goes on, with only here and there a fragment of the magnificent public domain which existed on the 4th day of March, 1861, when the Republican party came into power, left within the reach of the workmen of this country—a domain which, husbanded with the wisdom, prudence, and patriotism displayed by all former parties from 1787 down to March 4, 1861, would have secured free homes to our landless people for a century to come.

With all this and after all of this, with a mere remnant of the public domain adapted to agriculture left, with this record before the country a gentleman on that side of the House gravely proposes that Congress shall grant bounty lands to the Union soldiers! What a patriotic policy! Give to corporations and monopoly, to capitalists of Europe and America, to English and Scottish Lords, the grand domain of your fertile lands, and to the soldiers of the Union Army your barren wastes, sterile mountains, and the ice fields of Alaska! No one can be deluded or deceived by this. All men know, and none better than the soldiers of the Union Army, that the lands which ought to have been theirs according to the traditional policy of the Republic—the millions of acres which ought to have been the freeholds of the men who defended the Union in the hour of its deadly peril, the homes of those whose labor creates and upholds the public wealth—have been given by Congress to corporations and monopoly, and are now enlarging imperial private estates. Restore to your public domain the vast millions of acres of fertile lands you have given to corporations and surrendered to monopoly, and then justice can be done to the Union soldier who imperiled his life for the Union, to the widow and orphan whose husband and father fell on the field of honor in defense of his country.

My own record shows how gladly I would aid in securing such result.

Mr. MCKINNEY was recognized.

Mr. HOVEY. Mr. Chairman, one word—

The CHAIRMAN. The gentleman from New Hampshire is recognized.

Mr. HOVEY. Can I not be allowed to reply to my colleague?

The CHAIRMAN. Only by unanimous consent.

Mr. HOVEY. I want a minute in reply to show how fallacious all that he has said is.

Mr. HOLMAN. I hope my friend will have a minute to reply.

Mr. HOVEY. I want to say this—

The CHAIRMAN. The gentleman from New Hampshire [Mr. MCKINNEY] has been recognized.

Mr. MCKINNEY. How much time does the gentleman from Indiana [Mr. HOVEY] want?

Mr. HOVEY. A minute or a minute and a half.

The CHAIRMAN. The Chair hears no objection to the gentleman from Indiana [Mr. HOVEY] occupying one minute.

Mr. HOVEY. Mr. Chairman, it is not important to me what the past legislation of this House has been. I stand here for my constituency; I demand justice for the soldiers who fought beside me, and I want them to have the same rights their fathers had. What rights had their fathers in regard to public lands? Why, sir, down to the war of 1861, every soldier who had served one day in battle or fourteen days in the Army of the United States was entitled to 160 acres of land. My colleague [Mr. HOLMAN] says we have no land; we have an area of public land more than thirty-five times as large as the State of Indiana.

Mr. HOLMAN. I did not say we had no land. I said we had only 75,000,000 acres available for agriculture, without irrigation.

Mr. HOVEY. If you will not give the soldiers bread, give them at least the stones; give them your rocks and your mountains. [Applause.]

Mr. Chairman, I wish to append to my remarks a table in regard to the extent of our public domain:

THE PUBLIC DOMAIN.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.

Washington, D. C., April 13, 1888.

SIR: I am in receipt of your letter of the 10th instant, relative to certain statistics relating to the public lands, and in reply thereto herewith inclose a table showing the estimated area of the public domain disposed of, and the estimated area remaining to June 30, 1887.

Under date of April 9, I transmitted you a statement giving the area of the public lands surveyed and the estimated area unsurveyed to June 30, 1887.

Very respectfully,

S. M. STOCKSLAGER,  
Commissioner.

Hon. A. P. HOVEY,  
House of Representatives.

Statement showing the area of land in each State and Territory, with the area surveyed and unsurveyed to June 30, 1887.

States and Territories.	Area of States and Territories.	Surveyed up to June 30, 1887.	Area remaining unsurveyed on June 30, 1887.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Ohio.....	25,581,976	25,581,976	
Louisiana.....	28,731,090	27,067,762	1,663,328
Indiana.....	21,377,760	21,637,760	
Mississippi.....	30,179,840	30,179,840	
Illinois.....	35,465,093	35,465,093	
Alabama.....	32,462,115	32,462,115	
Missouri.....	41,886,931	41,886,931	
Arkansas.....	33,410,063	33,410,063	
Michigan.....	36,128,640	36,128,640	
Florida.....	37,931,520	30,704,518	7,227,002
Iowa.....	35,228,800	35,228,800	
Wisconsin.....	34,511,360	34,511,360	
California.....	100,992,640	71,988,476	29,004,164
Minnesota.....	53,459,840	42,316,088	11,143,752
Oregon.....	60,975,360	39,867,995	21,107,365
Kansas.....	51,776,240	51,776,240	
Nevada.....	71,737,600	32,793,702	38,943,898
Nebraska.....	47,077,359	46,989,039	88,320
Colorado.....	66,880,000	58,184,750	8,695,250
Wyoming.....	62,645,120	47,093,498	15,551,622
New Mexico.....	77,568,640	46,580,485	30,988,155
Utah.....	54,064,640	13,078,172	40,986,468
Washington.....	44,796,160	21,281,622	23,514,538
Dakota.....	96,996,480	47,865,153	48,731,327
Arizona.....	72,906,240	13,804,538	59,101,702
Idaho.....	55,228,160	10,350,554	44,877,606
Montana.....	92,016,640	18,540,335	73,476,305
Alaska.....	369,529,600		369,529,600
Public Land Strip.....	3,672,640		3,672,640
Total.....	1,775,028,547	946,725,505	828,303,042

DIVISION OF ACCOUNTS, GENERAL LAND OFFICE, April 9, 1888.

Mr. HOLMAN. You have given all the lands to corporations, and now you propose to give the "stones" to the soldiers.

The CHAIRMAN. The gentleman from New Hampshire [Mr. McKINNEY] is recognized for thirty-five minutes.

Mr. McKINNEY. Am I not allowed more time than that?

The CHAIRMAN. The gentleman from Indiana [Mr. HOVEY] occupied forty minutes, and a like time was granted to the side on the right of the Chair. The gentleman from New Hampshire yielded five minutes of that time to the gentleman from Indiana [Mr. HOLMAN].

Mr. McKINNEY. I was not aware of that arrangement or I would not have yielded.

Mr. BUCHANAN. I rise to a parliamentary inquiry. What measure is now under consideration?

The CHAIRMAN. If the gentleman desires the Clerk will read the title of the pending bill. Unless unanimous consent is given for an extension of time, the Chair can not recognize the gentleman from New Hampshire for more than thirty-five minutes.

Mr. McKINNEY. Mr. Chairman, it is with some degree of diffidence that I rise in this House to speak upon a subject that may not be considered germane to the question before us for consideration at this time; but I feel that it devolves upon some member on this side to answer the statements that have been made in the Halls of Congress and throughout the country that the Democratic party and the present Administration is unfriendly to the Union soldier, who in the hour of peril to the Union and the old flag went forth as brave men in defense of that which had been left them by their fathers as the richest legacy that can come to any generation—a united country and a free people.

I am not here to-day as an apologist for my party; I am only here to state the facts as they exist, and to show to the people of this country that the Democratic party is true to those who fought the country's battles, and that during the three full years that the present Administration has been in power, the Union soldiers have received greater consideration than they ever received in a like period during the twenty years of Republican administration after the war was over. Every Republican upon this floor and every intelligent man in the country knows this to be true; but for mere partisan purposes they have perverted the facts, and sent broadcast through the land the statement that the present Administration and the party that supports it is the enemy of the Union soldier. A simple investigation of the pension-rolls will show how false this statement is.

In order that we may make the comparison most just to the Republican party we will compare the last three years of the Republican administration with the three full years of the Democratic administration.

The annual report of the Commissioner of Pensions for the fiscal years 1883, 1884, and 1885 show certificates issued as follows:

Original.....	108,121
Increase.....	79,248
Miscellaneous.....	3,852

Total claims admitted during the last three years of Republican rule..... 191,221

The records of the Pension Bureau for the fiscal years 1886, 1887, and 1888 show certificates issued as follows during these years:

Original.....	156,226
Increase.....	181,173
Miscellaneous.....	22,055

Total claims admitted during first three years of Democratic administration..... 359,454

Excess of certificates issued under Democratic administration..... 168,233

Net increase to pension-rolls during the last three fiscal years of Arthur's administration..... 59,428

Net increase to pension-rolls during first three fiscal years of Democratic administration..... 104,875

Excess of net increase under Democratic administration..... 45,447

FUNDS DISBURSED.

During the last three years of Republican rule..... \$183,399,216.31  
During three years of Democratic administration..... 217,399,757.39

Excess of disbursements by Democratic administration..... 34,000,541.01

New names added to the pension-rolls during last three years of Republican administration..... 92,215  
First three years of Democratic administration..... 172,152

Excess of new names added by Democrats..... 79,917

This does not indicate that the soldiers have suffered under Democratic administration of the Pension Bureau. With no increase of force in the Department, but with a decrease, without superior opportunity for collecting evidence, the administration of General Black has shown almost 100 per cent. of increase of work performed and of certificates issued. The work of the Department has been brought up to date; old claims have been disposed of; and the bureau is now doing current work, and every claim is assured of prompt consideration when the claimant presents the necessary evidence required by law. If we will turn to the workings of the special examiners' division we will find the comparison equally favorable to the present administration.

Mr. KERR. Do you not recognize a necessity for additional pension legislation?

Mr. McKINNEY. We will talk about that hereafter.

Mr. KERR. Why not now?

The CHAIRMAN. The gentleman from New Hampshire declines to yield.

Mr. McKINNEY. Unanimous consent has been given to the gentleman more than forty times to talk as he pleased.

Mr. KERR. Never once.

Mr. McKINNEY. I propose to occupy my own time.

We make the comparison between the years 1884 and 1885, under Commissioner Dudley, with the years 1886 and 1887, under Commissioner Black. The reason for not comparing with the three full years is because the report of the Commissioner for 1888 is not yet complete.

For 1884:

Examiners in field.....	351
Cases investigated.....	7,452
Reports made.....	2,187
Depositions taken.....	18,484

For 1885:

Examiners in field.....	308
Cases investigated.....	9,831
Reports made.....	29,224
Depositions taken.....	189,743
Credibility reports.....	23,623

Expense account for the two years, \$514,269.18. Of this sum \$343,551 was charged as traveling expenses; average cost of investigating, \$52.31 per case.

UNDER DEMOCRATIC ADMINISTRATION.

For 1886:

Examiners in field.....	277
Cases investigated.....	12,715
Reports made.....	29,395
Depositions taken.....	171,380
Credibility reports.....	23,246

For 1887:

Examiners in field.....	253
Cases investigated.....	31,010
Reports made.....	26,399
Depositions taken.....	140,544
Credibility reports.....	33,192

Total expenses for two years, \$427,404, of which sum \$153,180.20 was charged for traveling expenses. Average cost of investigation, \$13.78 per case.

This work was done with an average force of sixty-four examiners less than were employed by Mr. Dudley. The result was the investigation under Mr. Black of 43,725 cases as against 17,283 cases under Mr. Dudley, a saving in traveling expenses alone of \$190,271; a saving

in total expense account to the Government of \$86,865; a saving in each case investigated of \$38.53. In other words, it costs under the present administration only 26 per cent. as much to investigate a special case as it did under Mr. Dudley. It seems to me that every honest man must admit by this comparison that both the soldier and the Treasury have been greatly benefited by a Democratic administration, as compared with the administration preceding it. I heard two Republicans now on this floor make the statement that every facility was offered under the present Commissioner for a speedy adjudication of pension claims. One of the best friends of the soldier in the United States Senate, a Republican, told me that during the fourteen years he had been in Congress, the Pension Bureau had never been in so good condition, nor the ruling of the Department so liberal and just to the soldier as it is under General Black.

If we will turn to the record of appointments under the present administration of the Pension Bureau we will find the comparison is not to the glory of the Republican party. Of 416 appointments made by General Black from March 17, 1885, to June 30, 1887, 230 were soldiers or soldiers' kindred, and 186 were civilians—a net difference in favor of soldiers of 44, or about 24 per cent. General Black has appointed 29 ex-Union soldiers in excess of the total number dropped from the rolls by death, discharge, resignation, or otherwise; and this with 150 employes less than were on the rolls during the fiscal years of the previous administration would make a net difference in favor of the soldier of 179, or about 12 per cent. more soldiers, sailors, or their widows and kindred upon the pay-rolls than were ever upon the rolls in the history of the office. Three hundred and seventy soldiers or their kindred occupy the higher positions in the bureau, paying \$1,200 a year and upwards, against 292 civilians—a difference in favor of the soldier of 27 per cent.

Mr. Chairman, the Democratic party can well afford to go to the country with this record, and it will only be by a false representation of the facts that the ex-Union soldiers will fail to see their true interests and recognize who are their true friends. There will be no extra force of examiners sent into the doubtful States between now and election to promise pensions in return for votes; neither will the examining boards be overrun with soldiers ordered for examination in order that our party under a false pretense may capture the votes of the veterans; but we will present to them the simple facts and figures, and trust to their intelligence and loyalty to cast their votes as may seem best to them for their own interests and the interest of the Government their loyalty helped to save.

But the Republicans will say, Oh, General Black is all right; we find no fault with the administration of the Pension Bureau; but it is the President himself that we find fault with; we believe he is not the friend of the Union soldier. Now in order that we may know if this be true, let us examine his record upon this question, and if he has proven himself the enemy of the Union soldier, we will all join our forces in condemnation of him and his administration.

We can only judge of a man's character by his daily life. We judge of a man's sentiments regarding any question before him by his treatment of that question. President Cleveland has had ample opportunity to show his feelings toward Union soldiers, and we have no hesitancy in placing his record before the country as a representative of the Democratic party. Had he been opposed to further pensioning the soldiers he would have vetoed the pension legislation that has passed Congress since he has been President. Yet what are the facts? On March 19, 1886, there was an act passed increasing widows' pension from \$8 to \$12 per month. The benefits of this bill applied to 102,568 widows, and amounts to \$4,923,264. President Cleveland signed the bill. He approved the act of August 4, 1886, which increased the pension of 10,092 pensioners to the amount of \$1,089,936. He approved the act of January 29, 1887, known as the Mexican war pension bill, applying to 21,704 pensioners, amounting to \$2,083,584. He approved the act of June 7, 1888, granting arrears of pensions to widows from the date of their husbands' death, estimated to apply to 10,000 widows, averaging \$108 each, amounting to \$1,080,000. Total benefits of these acts applying to 144,364 pensioners of \$9,176,784.

This does not indicate that the President is opposed to pensioning soldiers and their widows. He has never vetoed but a single general pension law, and that was the bill known as the dependent pension bill. It is not necessary for me to attempt here to defend that veto. It has been defended largely by the soldiers themselves; many Grand Army posts have commended the act. The leading Republican papers all over the country have commended the veto, and you will find but few of any party who defend the bill as it was passed, or who criticize the President for exercising the veto power in its disapproval. In his veto of this bill he calls the attention of Congress to the fact that statutes which, like pension laws, should be liberally administered as measures of benevolence in behalf of worthy beneficiaries, should admit of no uncertainty as to their general object and consequences. He then shows most clearly that there would be great doubt about the interpretation of the language of the bill, whether it was meant to apply only to those who were wholly unable to earn their support by labor, or whether it applied to all who were in any degree mentally or physically disabled, thus including the thousands who are receiving already a pension below the \$12 a month contemplated in the bill.

The chairman of the Committee on Pensions in the House claimed there was no provision for pensioning any one who has a less disability than a total inability to labor, and that it was a charity measure. The chairman of the committee in the Senate dissented from this construction of the bill, and declared that it embraced all soldiers who are disabled to any considerable extent. Others held the same view of the bill. If this construction of the bill was correct, the result would have been entirely different from the purpose of those who framed it. There is not a single sentence in that veto message that casts an unkind reflection upon the soldier in any way. On the contrary, he expresses sympathy with them, and only withheld his signature on the ground that the bill was not explicit in its terms and would fail to accomplish the object aimed at by its promoters. I here insert extracts from leading Republican papers of the country, commendatory of the President's veto, and will append more fully in the RECORD:

President Cleveland's reasons for declining to approve the dependent-pension bill are sound and sufficient.—*Worcester (Mass.) Spy.*

This is an entirely new departure in the matter of pensions (except where many years have intervened), and one which does not receive the approval of the majority of the veterans of the war or of the public generally.—*Hartford Courant.*

President Cleveland is entitled to credit and thanks for the manly and sensible stand he has taken, and we are sure the country will applaud and sustain him in it.—*Albany Express.*

The veto will be generally approved by public sentiment throughout the country. For the position finally taken he deserves credit, and it will be freely extended to him on every hand.—*Troy Times.*

Undoubtedly the country is with him.—*Buffalo Express.*

The country is with him in reprobating the present tendency of Congress to pension extravagance. The President's veto, being sanctioned by the country, will probably operate as a check to this form of extravagance, and prove in consequence a great public service.—*Philadelphia Press.*

President Cleveland's veto of the pauper pension bill will be generally approved.—*Philadelphia Bulletin.*

In vetoing the pauper pension bill the President has performed a brave and worthy act.—*Philadelphia Enquirer.*

In common fairness and justice to the President we must heartily commend his action.—*Pittsburgh Chronicle-Telegraph.*

The President did well to veto it.—*Wheeling Intelligencer.*

The objection to the bill was that it opened the door for vast abuses. The way these could come to pass is strongly stated by the President.—*Cincinnati Commercial.*

It was a courageous act for Mr. Cleveland to face the demagogues in Congress with a veto of a general outdoor relief pension bill, but he has done it without hesitation, and justified himself at every point.—*Chicago Tribune.*

That was a good place for a veto. Public sentiment will sustain this act of the Executive.—*Minneapolis Journal.*

Senator QUAY, chairman of the Republican national committee, in the Philadelphia Bulletin of February 19, 1887, said:

The men who did the actual fighting and have some pride in their record resent the idea of being pauperized. That veto message is the best thing that President Cleveland has set his hand to, and if I were in the Senate now I would vote to sustain it.

As I said before, it is unnecessary for me here to defend this act of the President. It is sanctioned by the people of this country, and will never be used against him except by those whose partisanship is stronger than their patriotism.

Again, the President is charged with unfriendliness to the soldier because of his vetoes of private pension bills. Let us investigate his conduct in this regard and see whether he has been less just to the soldiers than he ought to have been under the circumstances.

#### PRIVATE PENSION BILLS.

The number of private pension bills approved by President Cleveland, or allowed to become laws by him by limitation, to July 24, 1888, were 1,264.

The number of private pension bills approved or allowed to become laws by limitation during the entire period of Republican administration were 1,524, or only 260 more in twenty years after the war than President Cleveland has approved in three years and five months. There is a little doubt that before the present Congress adjourns President Cleveland will have approved more private pension bills than all the Republican Presidents from Lincoln to Arthur.

Private pension bills approved by—

President Grant.....	485
President Hayes.....	303
President Arthur.....	736
President Cleveland.....	1,264
Average per year under—	
Grant.....	60
Hayes.....	75
Arthur.....	184
Cleveland.....	360

During President Cleveland's administration he has vetoed of private pension bills 199; bills failed for want of signature, 55. And for this he is called the enemy of the Union soldier—a strange way to show his enmity. Had he desired to show his opposition to pensioning soldiers how much better he could have done it by vetoing the 1,264 and allowing the 199 to pass.

I do not believe there is a single Representative on this floor that believes the President has selected these 199 soldiers and soldiers' widows in order that he might show his opposition or contempt for the Union soldier; nor is there a Representative who would dare risk his reputation before the country on such a statement. The President's only thought has been justice to the worthy soldiers who did honest service for the country and who are justly entitled to recognition from the Government. He has freely expressed himself in his veto mes-

sages as desiring to show every consideration to those who are justly entitled to a pension, but he has refused to approve pensions for those who have utterly failed to show any connection between their present disabilities and their army service. In this he has been just to those who are deserving.

There is not a member here who does not know that if the President had not given more attention to the bills passed by this House and the Senate than the House and the Senate gave them, great injustice would have been done in many cases. Twice during this present Congress has he received bills the second time for his signature. He has vetoed seven bills passed by Congress where the pensioner was already receiving a larger pension granted by the Pension Bureau than the bill passed by Congress called for. He has vetoed bills that were passed for the relief of soldiers, because on examination of the evidence on file in the Department he was convinced that the soldier would receive justice through the Department and be entitled to arrearages which he would lose by the special act. The veto of Senate bill 7540 saved to the beneficiary \$5,760. The veto of Senate bill 1067 saved to the beneficiary \$1,074. These amounts were paid to them shortly after the veto through the Pension Office.

Another of the same kind has been adjudicated by the Department, and the soldier is now receiving \$50 per month. Four bills were vetoed on the ground of desertion and dishonorable discharge; on the same grounds General Grant vetoed nine special acts, all of this nature that came before him. Seventeen special acts were vetoed because the applicants were not in the military service at the time of the incurrance of the disability for which relief was asked. On the same grounds President Grant vetoed two private acts, all that came before him of this character. Ten were vetoed because the claimant is now receiving pension commensurate with the degree of disability found to exist on examination by a competent board of surgeons. President Grant vetoed three private acts for the same cause, all that came before him of this nature.

A few days ago the President vetoed a private act because the applicant had deserted the Union forces on capture by the Confederates, and served nine months in the Confederate army before recapture. This bill was presented by a Republican friend of the soldier, and is the first attempt to pension those who served in the Confederate army. Yet the Republican party calls President Cleveland an enemy of the Union soldiers for his vetoes; but President Grant, though guilty of the same acts, and for the same cause, was a patriot and a friend of the soldier. Consistency, thou art indeed a jewel; but never found in the Republican party. President Cleveland discovered that under all previous administrations the consular officers of the Government abroad had charged our pensioners now residing abroad for verifying their papers. He thereupon issued an order directing that such service should be rendered them free of charge.

These statements alone are sufficient to prove to every honest citizen of this country that President Cleveland has shown more true love for the honest soldier by his careful consideration of their rights than has Congress by its ill-considered and ill-advised legislation for those who could not prove their claim. A Senator said a few days ago, in discussing the President's vetoes, that after the House and Senate had investigated a claim and passed upon it, it was preposterous for the President to set up his judgment against it. Now, that Senator knows, and the members of this House know, that in the average pension claim there is never any investigation either by the House or by the Senate; and I do not believe they are thoroughly investigated by the Pension Committee.

It would be impossible for the committee as a body to investigate every claim. Each case is referred to a subcommittee of one, and I think the committee will not deny that they usually accept the report of the subcommittee. In a single sitting of seventy minutes the Senate has passed one hundred and forty-seven private pension bills. What consideration did these bills receive by the members of that body when they were passing them at the rate of more than two a minute? In this House every Friday night we pass from thirty to forty private bills, and unless the bill calls for a larger sum than is allowed in such cases by law, there is seldom any discussion upon them. Each member present is satisfied to let the others pass if he can get his own bill through. I yield to no man in a desire to do exact justice to every deserving Union soldier, and where there is a doubt I would always resolve that doubt in favor of him who loyally defended the Union.

But I confess, with some degree of shame, that too often here we act the part of cowards instead of the part of statesmen; and it ill becomes us to criticize the President for exercising his prerogative as the Constitution which he has sworn to uphold directs. As good a man as there is on the Invalid Pension Committee in this House, and a Republican, said to me that in nine cases in ten the President is right in his veto; that many bills are allowed to pass without sufficient evidence. If, according to his statement, the President is right nine times where Congress is right once, then he can well afford to go to the country on his record; and on these grounds I am willing to advocate him as the true friend of the true soldier.

SOLDIERS IN OFFICE.

President Cleveland has not been unmindful of the soldier in the ap-

pointments he has made. Of the seventeen pension agents appointed by President Cleveland, sixteen were soldiers in the Union Army, and the seventeenth, Mrs. M. A. Mulligan, is the widow of a distinguished Federal soldier who was killed in battle. Mr. S. L. Wilson, the eighteenth pension agent, appointed by President Arthur, who lost both legs at the battle of Gettysburgh, has been continued in office by the present Administration. Thus every dollar of the nearly \$80,000,000 that is distributed each year to soldiers by the Government passes through the hands of veterans who defended the Union.

The following is the list of some of the Union soldiers that President Cleveland has appointed to office: General Rosecrans, General Corse, General Sigel, General Black, General Bragg, General Buell, General McMahon, General Franklin, General Davis, General Bartlett, Colonel McLean, and Colonel Denby, and hundreds of others who have been appointed as postmasters and to fill offices in various departments of the Government; and I stand here to assert that there never was a time in the history of the Government since the war when there were more soldiers employed in the service than now. The charge is made that soldiers have been discharged from office. That is true in some cases; but Democratic soldiers have been appointed instead. A man who did his duty in the Army, but who because of his conviction of right voted the Democratic ticket since the war closed, never received any recognition from the Republican party. Oh, no; they were allies of the Confederacy.

Is it anything wrong that when the Democrats came into power the Democratic soldier should have recognition? There are hundreds of Republican soldiers in the service now who have been kept there by this Administration. Will some Republican please give to the country a list of Democratic soldiers who were in the service under Republican administration. It would be excellent reading during the coming campaign. This Administration has in every way shown its kindly feelings toward the ex-Union soldier by granting pensions to those who were deserving and by appointing them to positions of honor and trust; and any attempt to bring discredit upon the Administration or the party it represents because of its unfriendly attitude toward the soldier will utterly fail when the records of its acts are made known to the people.

#### RETURN OF REBEL FLAGS.

One other sin this Administration is charged with, and that is the attempt to return the Confederate flags to the States in which the organizations belonged from which they were captured. I deem it wise here to submit the action of the President in that matter and the correspondence which took place between Adjutant-General Drum, the Secretary of War, and the President, that the people may know that the scheme was conceived in the mind of a Republican, that it never had executive action in its favor, and that the only return of Confederate flags by the Government took place under a Republican administration. In April, 1887, the Adjutant-General of the Army, an appointee of President Hayes, whose tenure is fixed by law, wearing the button of the Grand Army of the Republic, addressed a letter to the Secretary of War in which he suggested the propriety of returning all flags, Union and Confederate, to the authorities of the respective States in which the regiments which bore these colors were organized, for such final disposition as they may determine.

Mr. BOUTELLE. What Republican does the gentleman from New Hampshire refer to?

Mr. McKINNEY. General Drum.

Mr. BOUTELLE. General Drum is a good Republican, you say?

Mr. McKINNEY. Yes, sir.

Mr. BOUTELLE. You are sure about that?

Mr. McKINNEY. Yes, sir, I am quite sure of it.

Mr. BOUTELLE. Are you as sure of the fact in question as of his Republicanism?

Mr. McKINNEY. I am sure that General Drum first suggested the return of these flags in a letter to the Secretary of War; and if he is not a Republican I would like the gentleman to show the reason why.

Mr. BOUTELLE. The gentleman also said, I believe, that the only flags returned to Confederates were returned by Republicans?

Mr. McKINNEY. I do say so.

Mr. BOUTELLE. I undertake to say that no flag was ever returned by any Republican official to any person connected with the late Confederacy.

Mr. McKINNEY. This proposition was never discussed by the Cabinet, and no formal action was ever taken on it, or any order signed by the President. It was, however, submitted to him with other routine matter, and approved in a perfunctory way, on the statement that such action had been customary in the Department under previous administrations. General Drum's letter was as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, April 30, 1887.

SIR: I have the honor to state that there are now in this office (stored in one of the attic rooms of the building) a number of Union flags captured in action but recovered on the fall of the Confederacy and forwarded to the War Department for safekeeping, together with a number of Confederate flags which the fortunes of war placed in our hands during the late civil war.

While in the past favorable action has been taken on applications properly supported for the return of Union flags to organizations representing the survivors of the military regiment in the service of the Government, I beg to sub-

mit that it would be a graceful act to anticipate future requests of this nature, and venture to suggest the propriety of returning all the flags, Union and Confederate, to the authorities of the respective States in which the regiments which bore these colors were organized, for such final disposition as they may determine. While in all the civilized nations of the world trophies taken in the war against foreign enemies have been carefully preserved and exhibited as proud mementoes of the nation's military glories, wise and obvious reasons have always excepted from the rule evidences of past internecine troubles which by appeal to the arbitrament of the sword have disturbed the peaceful march of a people to its destiny.

Over twenty years have elapsed since the termination of the late civil war. Many of the prominent leaders, civil and military, of the late Confederate States are now honored representatives of the people in the national councils, or in other eminent positions lend the aid of their talents to the wise administration of the affairs of the whole country, and the people of the several States composing the Union are now united, treading the broader roads to a glorious future.

Impressed with these views, I have the honor to submit the suggestions made in this letter for the careful consideration it will receive at your hands.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

HON. WILLIAM C. ENDICOTT,  
*Secretary of War.*

General Drum therefore wrote letters to the governors of all the States offering the return of such flags; but before any of the flags were sent or delivered, the President gave further consideration to the matter, and wrote the following letter to the Secretary of War:

EXECUTIVE MANSION, Washington, June 16, 1887.

I have to-day considered with more care than when the subject was orally presented me, the action of your Department directing letters to be addressed to the governors of all the States offering to return, if desired, to the loyal States the flags captured in the war of the rebellion by the Confederate forces, and afterwards recovered by Government troops, and to the Confederate States the flags captured by the Union forces, all of which have been packed in boxes and stored in the cellar and attic of the War Department.

I am of the opinion that the return of these flags in the manner thus contemplated is not authorized by existing law nor justified as an executive act.

I request, therefore, that no further steps be taken in the matter, except to examine and inventory these flags and adopt proper measures for their preservation. Any direction as to final disposition of them should originate with Congress.

Yours, truly,

GROVER CLEVELAND.

THE SECRETARY OF WAR.

The fact, therefore, is that under this Administration not a single rebel flag has been returned or given up. I do not stop to read the correspondence; it will be found in the RECORD—

Mr. BOUTELLE. I would like the gentleman to elaborate that point.

Mr. MCKINNEY. Read it, if you want to, in the RECORD; you will have plenty of time to read it. I want to finish my speech.

Mr. BOUTELLE. I understood the gentleman to say he was giving the facts. Now, I would like to hear them.

Mr. MCKINNEY. I will make my speech; and if the gentleman wants to reply, he will have time to do so if he gets the floor.

Mr. BOUTELLE. I can do that; but I want you to state the facts.

Mr. MCKINNEY. Under this Administration not a single rebel flag has been returned or given up, but under the administration of Edwin M. Stanton twenty-one such flags were surrendered to the survivors of the organizations from which they were captured.

Mr. CUTCHEON. Surrendered to whom?

Mr. MCKINNEY. To the survivors of the organizations from which they were captured. Those now in the hands of the Government are in a room in the upper story of the building of the War Department where they can be easily visited and examined.

Mr. BOUTELLE. I hope the gentleman—

The CHAIRMAN. Does the gentleman from New Hampshire yield?

Mr. MCKINNEY. I do not. Let the gentleman make his statement when I get through.

Mr. BOUTELLE again endeavored to be heard.

The CHAIRMAN. The gentleman from New Hampshire declines to yield.

Mr. BOUTELLE. But the gentleman said—

Mr. MCKINNEY. No matter what I said. You can reply to it in your own time, not in mine.

Mr. BOUTELLE again rose.

Mr. MCKINNEY. Mr. Chairman, I decline to be interrupted. If the gentleman is a gentleman he will reply in his own time.

The CHAIRMAN. The gentleman from New Hampshire declines to yield, and is entitled to proceed without interruption.

Mr. MCKINNEY. Mr. Chairman, whatever of the captured Confederate flags were returned to those who bore them in the war were returned by the officials of the Republican party. I am glad, however, that they were not all returned, for there are many good men on this floor who were of age and in good physical condition when the war broke out, but whose patriotism never led them in sight of a rebel flag while the war was being prosecuted. I presume it was because it was not safe to investigate them at that time; but now as they read the history of that mighty struggle their patriotism is aroused, the blood boils in their veins, and the thought of returning these flags that were captured by their brave brothers is more than they can endure.

But luckily for their peace of mind, these flags are safe from the hands of the enemy. They are stored in the attic of the War Department, where they may go at any time and under the guidance of a Democratic official they may feast their soul upon the tattered and moth-eaten em-

blems of the lost cause. Go, brethren, go, and look upon the trophies of brave and noble men, and remember while you look upon them that none of the glory that shall surround the history of those who bore them off the field in triumph will ever crown the history of your lives; and bear in mind, and enforce it upon your children and friends, that this Administration has returned no rebel flags.

Mr. BOUTELLE. What does the gentleman mean by "return?"

Mr. MCKINNEY. I do not yield to the gentleman.

Mr. BOUTELLE. I want to know what the gentleman means by the word "return," in that connection.

Mr. MCKINNEY. I repeat, I do not yield to you. I will yield to that gentleman nothing.

A MEMBER on the Democratic side. Sit down.

Mr. MCKINNEY. But there is another charge—

Mr. BOUTELLE. Who said that?

Mr. MCKINNEY. Mr. Chairman, I must insist that I may be permitted to proceed without interruption.

The CHAIRMAN. The Chair hopes gentlemen on the floor will assist the Chair in preserving order.

Mr. BOUTELLE. I was inquiring who it was in response to my inquiry said "sit down."

Mr. MCKINNEY. Yes, you are always "inquiring." But there is one other charge that has been brought against the President. He has appointed rebel brigadiers to office, which is an offense to every ex-Union soldier who sacrificed for his country when these brigadiers were attempting to destroy it. Now we had an idea that all citizens of this country stood upon an equality; that every citizen entitled to vote under the Constitution had an equal right to compete with his fellows for any office he might desire to hold; and also that the appointing power had a right to select from the various States in the Union such citizens as might be considered for place. Now as regards rebel brigadiers, I did not know we had any in this country. We did have them during the war; they were a part of that class of men who seceded from the Union, set up a government of their own, and declared their allegiance to it, and renounced the Union of which they had before been a part. But we of the North denied their right to go out of the Union. We declared they could not secede; and as an earnest of the faith that was in us we enlisted large armies, and at the point of the bayonet we enforced our idea. After four years of war, after the best blood of the nation, both North and South, had been shed, the Northern Army was victorious. The South laid down their arms, and General Grant commanded the armies of the South to go home and take their horses with them, to till their farms and raise bread for their wives and children. The Northern idea had been victorious; secession was a failure; the Union was as broad as ever, and reached from ocean to ocean, and from Canada to the Gulf.

The people of the South were refractory children of the Union and deserved such punishment as the nation saw fit to inflict. The Republican party was in power in every branch of the Government; they extended to these children of the South the hand of brotherhood; they invited them back again to the old home from which they had wandered, and like the prodigal of old, they should be received again with joy. They were invited to re-form their State governments according to the Constitution and send their Senators again to the halls of legislation, to elect from among their citizens representatives to the halls of Congress, and once more we should dwell together in peace and love.

Was not this what the Republican party said to the South? The South accepted the olive branch; they returned to their first love; they renounced the Confederacy; they proclaimed once more their allegiance to the Union; they sent their representatives to the halls of legislation, and were once more at peace with themselves and with the entire people. But when in the exercise of their right the voters of this country elected a majority of Democrats to this House this same Republican party that had invited them here set up the cry of rebel brigadier against them. And every Northern Democrat who voted with them was proclaimed an ally of the Confederacy. I have no apology to offer for those who rebelled against the Government that had nurtured them.

A MEMBER. Have not they all stated that?

Mr. MCKINNEY. I have not a word to offer in palliation of their crime against the flag which had so long protected them; but I do say that it does not lie in the mouth of the Republican party, by whose own acts they are here, to raise the cry of rebel brigadier. They are here as a part of this nation, the mightiest on this earth. They have not refrained from joining the Representatives from the North in voting appropriations for the support of the Government. They have not lifted their voice against the appropriation of the hundreds of millions of dollars that have been voted to the Union soldiers as a reward for their loyalty and sacrifice—the best possible evidence that they have accepted the result of the war, and are ready to join hands with us in bearing the flag of freedom to nobler heights than it has ever attained in the past. But let us see if this cry of rebel brigadier is because those men were once members of the Confederate army, or whether it is because they are members of the Democratic party.

Was General Longstreet a Union soldier? No; he was a rebel major-general; one of the strongest supporters of General Lee in his defense of

Richmond. When the war ended he soon saw where his greatest interest lay, and he cast his lot with the Republican party. That party did not cry out to him rebel brigadier, but bade him welcome, and appointed him to the important office of collector of the port of New Orleans, and afterwards United States marshal of the district of Georgia.

Was General Mosby a Union man? No; he was also a rebel brigadier. He carried on his warfare after the style of the guerrilla. He seldom faced our forces on the open field, but hanging on the mountain side watching the little band of Union scouts in the valley, like as a lion pounces upon his prey, he pounced upon the little squad of men and shot them down or bore them away as prisoners of war.

No man in the Confederacy was so despised by the Union soldier as General Mosby. But when the war was over, seeing his opportunity, he proclaimed allegiance to the Republican party, with what result? He was welcomed to their fold, and sent across the ocean as minister to a foreign land.

Thousands of Union soldiers who bore evidence of honorable service for their country, equally well qualified for the position, were passed over, that this particularly obnoxious Confederate general might be honored. [Applause.] Was General Mahone a Union soldier? No; he was also a rebel. He, observing where his personal interests lay, proclaimed his allegiance to the Republican party, and the whole power of a Republican administration was turned to his assistance that he might deliver a State into the hands of that party. And if the inside of the contract by which the agreement was made could be opened to the world, it would bring a blush of shame to the cheek of every loyal American. But why continue this list? Every intelligent citizen knows that there were hundreds of them.

I did not think when preparing this that I might also have called attention to one Mr. Chalmers, of the shoe-string district fame in Mississippi, a man charged with ballot-box stuffing and every other crime known to the law, a man who was sent away from the House because he was elected by fraud, and yet when the Democratic party would no longer stand by him he proclaimed his allegiance to the Republican party, the party took him up, and in the last Republican convention he made a speech as the Republican delegate, and is now one of the most lovely and sweet fellows in the world. [Laughter and applause on the Democratic side.] No one who knows him believes him an iota better than when he was turned out of the Democratic party because he was a fraud and a scoundrel. [Laughter.]

Gentlemen here at my side are calling my attention to some thirty or forty more rebel brigadiers who are in the same position, and yet I will not stop to mention them specifically, but I have included them under the general head of "Promiscuous."

The great sin, then, in the eyes of the Republican party does not consist in the fact that a man has been a rebel brigadier. No matter how strong a fight he made against the Union, no matter though he disregarded every rule of civilized warfare, no matter though he was the last to lay down his arms and acknowledge the supremacy of the Constitution, all that was necessary was to proclaim allegiance to the Republican party, and though his sins were as scarlet he became as white as snow, and they gathered him to their bosom as one who was worthy of all honor, and the smile of love that wreathed their countenances was like the sweet smile of a young mother when she looks upon the face of her first born. [Laughter.]

Mr. Chairman, the sin of having been a rebel is nothing in the eyes of the Republican party as compared with the sin of being a Democrat. That is the one sin they can not forgive. No matter how true they have been to the Government, no matter how bravely they fought for the Union, to vote the Democratic ticket is the one unpardonable sin. And twenty-three years after the war is over, when a new generation has grown up who only knows of the war through history and the stories of the war told them by their gray-haired veteran fathers, the leader of the Republican party proclaims to the world that such men as Hancock and McClellan, who so nobly defended the Union in the hour of its peril and shed their blood for its perpetuation, were allies of the Confederacy.

Is it any wonder that the people in their indignation overthrew that party and proclaimed that henceforth they would follow the old Stars and Stripes rather than the Republican flag, the bloody shirt? [Applause on the Democratic side.] Thank God, our country is once more united. [Applause.] Our people are bound by the ties that can never be severed; and once more we have a government of the people, by the people, and for the people. Notwithstanding the dire consequences that the Republican party prophesied would follow the election of a Democratic President, under the administration of Grover Cleveland our national integrity has been maintained. We have paid three hundred millions of dollars of our national debt; the business of the country is prosperous; our people are happy.

More soldiers have been pensioned than ever before in the same period since the war. More money is being distributed to the needy. More soldiers are in office, and the bow of promise to our country is more radiant than it has ever been in the past; and when next November comes the voters of this country in the exercise of the noblest right that ever was conferred upon the people of any nation will render their verdict at the ballot-box in favor of him who knows no North, no South,

no East, no West, but who has administered the Government for the benefit of the whole people—Grover Cleveland. [Prolonged applause.]

During the delivery of the foregoing remarks the hammer fell.

Mr. HENDERSON, of Iowa. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

There was no objection.

Mr. MCKINNEY then resumed and concluded his remarks as above.

Mr. KERR. I ask the gentleman from New Hampshire before he takes his seat to answer my question as to whether there is not necessity for additional pension legislation?

Mr. MCKINNEY. I would like very much, Mr. Chairman, to publish some other matter that I did not read during the course of my remarks.

There was no objection.

#### APPENDIX A.

THE PRIVATE PENSION VEToes—PRESIDENT CLEVELAND'S REASONS FOR THE VETO OF THE PRIVATE PENSION BILLS—PRESERVING THE RIGHTS OF ALL PENSIONERS AND MAINTAINING THE HONOR OF THE PENSION-ROLL—NEARLY EVERY VETO SUSTAINED BY THE ACTION OF REPUBLICAN COMMISSIONERS OF PENSIONS.

ANDREW J. HILL.

Vetoeed because proposed beneficiary's name is Alfred J. Hill. The bill would be inoperative.

ABIGAIL SMITH.

Vetoeed for the reason that the bill would reduce the pension she is receiving under the general law.

LOUIS MELCHER.

After less than three months' service was discharged August 16, 1861, for "lameness caused by previous repeated ulcerations of the legs, extending deeply among the muscles and impairing their powers and action by cicatrices, all existing before enlistment." Claim consequently rejected by Pension Bureau. The cicatrices showed beyond doubt the previous existence of this difficulty, and the term of service was too short to have developed and healed repeated ulcerations in a location previously healthy. (Veto upholds surgeon's certificate made at time of discharge, and upon which the Pension Office based its action.) Commissioner Dudley rejected this claim in 1884.

ELIZABETH S. DE KRAFFT.

Vetoeed to save her arrearages to which she is entitled under the general law. The only effect of this bill would be to reduce her pension.

ELIZABETH LUCE.

Husband applied for pension shortly after his discharge, January, 1864, alleging disability from being thrown forward on pommel of his saddle when in service. No record to that effect and no such evidence could be produced. Surgeon's certificate at discharge states disability arose from "organic stricture" existing at time of enlistment. Claim rejected. Twenty years after he died of chronic gastritis. Soldier's death did not result from disability or injury contracted in military service. Claim for pension rejected in 1868 by Commissioner Barrett; August, 1883, by Commissioner Dudley, and January, 1885, by Commissioner Clarke.

CARTER W. TILLER.

Claim filed in Pension Office 1877 as dependent father, which was rejected. Claimant enjoyed a fair salary as a policeman ever since his son's death. The latter deserted, and ten months thereafter died. This claim was rejected in July, 1879, by Commissioner Bentley.

ELEANOR C. BANGHAM.

In July, 1885, upon special examination, pensioner admitted her husband suffered from epilepsy from early childhood, and that he committed suicide during a despondent mood following an epileptic fit. Pension withdrawn, it being apparent that his epilepsy was not contracted in service.

DAVID W. HAMILTON.

In his application for pension November, 1879, fourteen years after his final discharge from the Army and just prior to the expiration of time for filing claims for pension arrearages, and after the death of his family physician, he admitted that he suffered from hydrocele as early as 1856. His claim was rejected by the Pension Office on the ground that his alleged disability existed prior to his enlistment. This claim was rejected by Commissioner Dudley in 1883.

JAMES C. CHANDLER.

Applied twice for pension. In his first application, 1869, he alleged that in April, 1862, he was run over by a wagon and injured in his ankle. The records show that he was discharged less than two months afterwards for chronic bronchitis. In his second application he alleged he contracted typhoid fever in May, 1862, resulting in "rheumatism and disease of the back in region of kidneys." Yet in January, 1864, he again enlisted, was pronounced sound, and served until mustered out, September, 1865.

JOHN D. HAM.

Claimed that while riding from his home to join a regiment his horse fell on his ankle and injured him; never joined any regiment, but returned home; the next year was drafted, accepted as physically sound, and served out his term. Seventeen years afterwards applied for a pension for injury to his ankle, which was denied after investigation by the Pension Bureau, by Commissioner Dudley, December, 1883.

EDWARD AYERS.

The application to the Pension Bureau rejected on the ground that investigation proved that the injury complained of was sustained when a boy; that there is no record to show that he was injured in the Army. He deserted in May, 1863, and was subsequently arrested and returned to his regiment. This claim was rejected by Commissioner Baker in 1873, and twice by Commissioner Dudley—1882 and 1884.

DUDLEY B. BRANCH.

Alleged hernia from a fall while getting over a fence June 9, 1862, but served more than a year afterward, and in 1863 was transferred to the invalid corps for an entirely different disability. Did not apply for pension until thirteen and a half years after his fall (December, 1875), and his claim was rejected by Pension Bureau for want of satisfactory evidence. No reason why exception should be made and bureau overruled. Claim rejected June, 1883, by Commissioner Dudley.

REBECCA ELDRIDGE.

Husband was pensioned at \$2 per month for slight wound which did not incapacitate him for manual labor. Over fifteen years after his discharge, while working about a building, he fell backward from a ladder, fractured his skull, and died same day. For this the bill proposed to pension widow. Vetoeed because not pensionable. This claim was rejected by Commissioner Dudley in August, 1882.

## MRS. ANNIE C. OWEN.

Husband mustered as second lieutenant December 14, 1861; discharged October 16, 1862; lived nearly fourteen years afterward and never applied for pension. Twenty-one years after his discharge his widow applied; alleged that he received two shell wounds on July 1, 1862, and died in 1876, from neuralgia of the heart some way caused by such wounds. There is no record of the wounds. Widow's claim was rejected by Pension Office; death not result of Army service. Claim was filed in 1883 and rejected by Commissioner Black in 1886.

## J. D. HAWORTH.

This bill proposes to pension claimant for disability which had its origin in causes existing prior to enlistment, and not the result of Army service. This claim was rejected by Commissioner Bentley in 1880.

## M. ROMAIN.

In 1882 claimed pension alleging that in winter of 1862 he incurred varicose veins from standing guard excessively. No record of his disability appears, and evidence of same being insufficient his claim was rejected by the Pension Bureau. He then made application to Congress and added another allegation, that in May, 1865, he was injured in breast and shoulder by a railroad accident while on detail duty. Rejected by Commissioner Dudley in 1884.

## SIMMONS W. HARDEN.

In application filed 1866 alleged he was injured by fall from a wagon while in service. Fourteen years later he claimed that he was afflicted with enlargement of lungs and heart from over-exertion at a review. His Army record makes no mention of either of these troubles, but shows that he had at some time dyspepsia and intermittent fever. (Veto upholds rejection by Pension Office.) This claim was rejected in 1868 by Commissioner Barrett, and again in 1884 by Commissioner Dudley.

## THOMAS S. HOPKINS.

Enlisted June, 1862, discharged June, 1865. Filed claim November, 1880, and in June, 1881, was granted \$50 per month for debility resulting from malarial fever and chronic diarrhea. This bill proposes to waive the limitation law of 1879 so that the beneficiary may claim \$9,000 arrearages. It was subsequently altered to meet President's suggestions, and approved.

## JOHN HUNTER.

Discharged July 13, 1865, expiration of term. Served twelve months. Fourteen years after discharge he filed claim for pension because of gunshot wound in leg while in skirmish. Though aided by the Bureau, it could not be shown that the injury was due to the service, and there being no record of his alleged wound his claim was rejected. Evidence recited in House Committee report fails to show continuous disability from wound, even if received. This claim was rejected in December, 1884, by Commissioner Clarke.

## JOEL D. MONROE.

Enlisted August, 1864, and mustered out with regiment June, 1865. Fifteen years after filed claim alleging tree fell on him, injuring his eyes; and also that he contracted rheumatism in service. Rejected by Pension Office. No record of either disability, nor proof furnished that either originated in service. Claim rejected by Commissioner Black.

## FRED J. LEESE.

Discharged June 4, 1865, after serving nine months. No record of disability. Eighteen years after discharge he filed claim which is still under investigation in Pension Office.

## CORNELIA B. SCHENCK.

Husband enlisted August, 1861, mustered out October, 1864. No record of any disability in service; lived eleven years after discharge; never claimed disability, and died of inflammation of the stomach, etc., December, 1875. Ten years later his widow applies for pension and her claim is now under examination in Pension Bureau.

## WILLIAM H. BECK.

Enlisted in 1861; re-enlisted as a veteran volunteer in 1864; mustered out April, 1866. Thirteen years after discharge (1879) filed claim in Pension Office, alleging epilepsy incurred in 1863, caused by jar from heavy firing. Six months after the date of alleged injury he re-enlisted upon a medical certificate of perfect soundness, and served more than two years thereafter. No evidence to support bill. This claim was rejected, 1881, by Commissioner Bentley.

## MARY J. NOTTAGE.

Husband enlisted 1861; discharged 1862 for "disease of urinary organs," which had troubled him for years. He died of consumption seventeen years after, without having made any claim for pension. In 1880 widow claimed pension, which was rejected. Disease was not contracted in the service.

## JAMES E. O'SHEA.

Enlisted 1861; discharged 1864. Claimed pension for saber wound in head received March, 1862, and gunshot wound in leg in autumn of same year. Records are silent as to wounds, but show that in 1864 he was found guilty of desertion and sentenced to forfeit all pay, etc., for time absent.

## JOHN S. WILLIAMS.

Alleged his shoulder was dislocated in 1862 while ferrying troops across a river; served afterwards until 1865. No record of such injury. Claim rejected in 1882 by Commissioner Dudley.

## HENRY HIPPLE, JR.

Sixteen years after discharge discovered that during his service in Army, August, 1862 to May, 1863, he contracted rheumatism but received no treatment for it while in the Army, nor attendance by physician since discharge. Claim filed 1879. No facts shown to entitle him to pension. Rejected in 1882 by Commissioner Dudley.

## JOHN W. FARRIS.

After having been allowed pension in 1885 for chronic diarrhea, claimed increase for sore eyes contracted 1884, in consequence of his previous ailment, etc. The bill contemplated pensioning him for disease of the eyes, which the medical referee of Pension Bureau reports "can not be admitted to be a result of chronic diarrhea."

## ELIJAH P. HENSLEY.

In 1868 was granted pension dating from 1865, and drew until 1877, when upon evidence that the injury for which he was pensioned was not received in line of duty, his name was dropped from rolls. Appealed to Secretary of Interior, who sustained action of Pension Bureau.

## ROBERT HALSEY.

Seventeen years after close of the war he filed claim in Pension Office, alleging that in 1863 he contracted fever affecting lungs, kidneys, and stomach. A board of surgeons in 1882 found disease of kidneys, but no indication of lung or stomach trouble. Three years later medical referee reported no disease of lungs or trouble since filing claim, and that the kidney difficulty had no relation to Army service. Veto sustains rejection by Pension Commissioner Black.

## ALFRED DENNY.

Entered service June, 1863, as captain and assistant quartermaster. After remaining in that position less than a year he resigned to accept a civil position.

Twenty years afterwards he filed claim in Pension Office, alleging that in August, 1863, he was thrown forward on the horn of his saddle, rupturing right side and subsequently of left side. The records disclose no evidence of any accident or disability. Claim rejected in 1884 by Commissioner Dudley.

## MARRILLA PARSONS.

No claim filed in Pension Office. Her step-son enlisted in 1861, and subsequently died of consumption. No facts even are shown that the disease resulted from military service. Step-parents are not under the law entitled to pensions.

## JACKSON STEWARD.

This case is pending in Pension Bureau, and no reason why it should not take its course.

## ANNA A. PROBERT.

Husband, who was a druggist, died in Memphis of yellow fever, in 1878.

## SAMUEL MILLER.

In 1880 filed claim in Pension Office, which was rejected. Board of surgeons failed to discover any evidence of disease. Rejected by Commissioner Dudley in 1883.

## CLARK ROON.

Filed claim in 1874, alleging lost his health while prisoner at Tyler, Tex. In October, 1874, filed affidavit that he contracted disease of heart and head in the service. In January, 1878, he abandoned allegations as to disease, and asked for pension on account of gunshot wound in ankle. Pension was granted in 1880 on theory of medical board that it was "possible that applicant was entitled to a small rating for weakness of ankle." Not entitled to an increase. This claim was rejected in 1878 by Commissioner Bentley.

## HEZEKIAH TILLMAN.

Claim for increase still pending in Pension Bureau.

## CHARLES SCHULER.

Claim is pending in Pension Bureau and undetermined.

## MARIA HUNTER.

Claimant's petition in Pension Bureau is pending undetermined.

## JOSEPH TUTTLE.

Claims as dependent father. When soldier was nine years of age claimant abandoned the boy, who lived among strangers until 1861, when he enlisted and was killed in action in May, 1862. Claimant exhibited such indifference that he was not aware of his son's decease for two years thereafter. He is not entitled to profit by the death of this patriotic boy. Rejected by Commissioner Black in 1886.

## ANDREW J. WILSON.

Drafted February, 1865; discharged following September on account of "chronic nephritis and deafness." In 1882 filed claim in Pension Office alleging that in June, 1865, he contracted rheumatism. As claims were rejected he repeatedly set up other complaints, none of which were sustained by the evidence. Now under examination by Pension Bureau.

## MARY S. WOODSON.

Husband was discharged October, 1863, on account of disease of heart. He left home in 1874 and has not since been heard of. Rejected in 1884 by Commissioner Dudley. There is no other evidence.

## SARAH HARBAUGH.

Soldier discharged September, 1864. Received wound in ankle May, 1863. Died of heart disease October, 1881. No connection between cause of death and Army service. Rejected by Commissioner Dudley in 1883.

## BRUNO SCHULTZ.

Applied for pension several years ago and rejected. Since then the case has been opened and is now awaiting additional evidence. Rejected in 1877 by Commissioner Bentley.

## WILLIAM BISHOP.

Was enrolled as a substitute March 25, 1865, when high bounties were paid. Was admitted to hospital April 3, with measles. Returned to duty May 8, and mustered out with a detachment of unassigned men, May, 1865. Fifteen years afterwards (1880) filed claim alleging measles had affected his eyes and spinal column. Rejected by Commissioner Dudley in 1881.

## JULIA CONNELLY.

Husband was mustered into service October 26, 1861. He deserted November 14, 1861. Visited his family December 1, and was found drowned near his home December 30, 1861.

## LOUISA C. BEEZLEY.

Husband was enrolled as a farrier in September, 1861. Discharged July, 1862, on account of "old age." Thirteen years afterwards he died. He never claimed pension. In 1877 his widow filed claim that he died from disease contracted in service, which was found to be erroneous. Rejected in 1882 by Commissioner Dudley.

## CHARLES A. CHASE.

Enlisted September, 1864. Mustered out June, 1865. Fifteen years thereafter filed claim alleging disease of kidneys and liver from exposure, October, 1864. There is no record of alleged disease and no proof of its contraction in Army. Rejected in 1884 by Commissioner Dudley.

## GILES C. HAWLEY.

Enlisted in August and discharged in November, 1861, "on account of deafness." Seventeen years thereafter (1878) he filed a claim in Pension Office alleging that from exposure and excessive duty his hearing was seriously affected, which was rejected. Since pensioned under the general law.

## MARY ANDERSON.

Husband was pensioned on account of chronic diarrhea. In 1882 he was found dead on the railroad track. Pension Office rejected claim because death was not connected with military service.

## HARRIET WELCH.

Husband fell from the cars in 1877 and was killed. The widow's claim was, by the Pension Office, rejected on the ground that death did not result from military service. Rejected in 1884 by Commissioner Dudley.

## JAMES BUTLER.

On the 11th of September, 1864, while at his home after enlistment, but before his company was organized, he fell into a cellar, fractured his leg, and was discharged. In December, 1864, his claim for pension was rejected by the Pension Office, and again in 1871. The claimant was never mustered into the service of the United States, and his injury was not received in the performance of duty.

## JAMES H. DARLING.

Discharged in 1862. Filed claim in Pension Office alleging rheumatism. Rejected on account of not being result of army service. Medical examination in 1877 and again in 1882 showed that he was not entitled to pension.

## SALLIE WEST.

Disease which produced husband's death had not its origin in his military service.

## MARTHA M'ILWAIN.

Husband lost a leg in 1862 and was pensioned for disability. In 1883, while under the influence of liquor, he took morphine, from which he died. The death was not due to military service.

## ALICE E. TRAVERS.

Husband was discharged June, 1866. He was a druggist, and was in the habit of taking opiates. He died, 1881, from an overdose of morphine. He never applied for a pension. The claim was properly rejected by Pension Office in 1886.

## WILLIAM H. STARR.

Case is pending in Pension Bureau, awaiting additional evidence. It should be concluded there before special legislation is resorted to.

## PHILIP ARNER.

Discharged from service in July, 1864. In fall of 1865 he was taken ill, since which time he has been troubled with lung difficulty. Pension Office rejected claim 1883. Absolutely no allegation of any incident of his service related to his sickness.

## MARY NORMAN.

Soldier was mustered out June, 1866. Was drowned while trying to cross Roanoke River in 1863. In 1881 the claim was rejected because death was not due to military service. Rejected in 1881 by Commissioner Bentley.

## MARY A. VAN ETTEN.

Soldier was drowned near his residence in New York in 1875. The widow presented her claim ten years after husband's death. Rejected in 1885 by Commissioner Black.

## JAMES D. COTTON.

This claim is pending in the Pension Office and undetermined as to the dependence of claimant at date of soldier's death.

## DAVID T. ELDERKIN.

Enlisted August, 1862; he was dishonorably discharged June 11, 1863, with forfeiture of all bounty, pay, and allowances. In 1882 he filed claim in Pension Office, which was rejected. Rejected by Commissioner Black.

## GEORGE W. GUYSE.

Filed claim in Pension Office 1878, alleging gunshot wound received in skirmish, 1863. Examining surgeon, 1884, reports that he finds no indication of gunshot wound. Three of his comrades who originally testified in his behalf afterwards denied that the wound was received in service. The evidence tends to show that he cut his knee after his discharge. The Pension Office properly rejected claim.

## MARY ANN MILLER.

Her husband enlisted in 1861 and went into camp near Cincinnati. June 3, 1861, he went into the city on a private affair and was killed in altercation with some unknown person. His death was not connected with military service. Claim rejected in 1879 by Commissioner Van Aernam.

## NEWCOME PARKER.

Vetoed for claimant's benefit, to save him the pension allowed him prior to assage of bill, of which this act would have deprived him if signed.

## JOHN S. KIRKPATRICK.

Sixteen years after discharge alleges varicose veins contracted in 1862, yet served until discharged, 1864. No record of any disability.

## WILLIAM BOONE.

While celebrating the Fourth of July at his home was injured by discharge of a cannon. Injury not in line of duty.

## WILLIAM DERMODY.

Mustered out July 17, 1865. On July 23 was wounded in personal fight, not in line of duty. Rejected in 1881 by Commissioner Bentley.

## ARNER MOREHEAD.

Applies, 1879, to be restored to pension-roll, having been dropped therefrom in 1876 because disability for which he was pensioned was shown to have existed prior to enlistment, and testimony taken afterwards by special examiner conclusively established such fact.

## JOSEPH ROMISER.

Was not in a State or United States organization at time of injury for which pension was claimed, and not pensionable.

## ARETUS F. LOOMIS.

Vetoed to save pensioner four years pension of which the act as passed would have deprived him.

## ROXANA V. ROWLEY.

Husband, after little over three months' service, tendered his resignation as first lieutenant on account of incompetency. In 1880, fifteen years after discharge, he applied for pension, alleging disease of liver while in service. The physician attending him before enlistment stated that claimant was so afflicted as early as 1854, and regarded as incurable. Soldier died 1881; his widow applied 1882; her claim rejected by Commissioner Dudley because the disease existed prior to enlistment.

## MRS. MARGARET A. JOCOBY.

Husband disappeared in 1875, and never heard of by her since. In 1885 she applied for pension on ground that he partially lost his mind from deafness and chronic diarrhea in service. His death from such cause has not a particle of proof to rest upon.

## ELIZABETH M'KAY.

Never applied to Pension Bureau; but bill is based on her allegation that husband contracted chronic diarrhea in 1862, and died from effects thereof in 1874. He was discharged June, 1864, with loss of all pay and emoluments; had applied in 1870, alleging various disabilities, none of them of the nature of diarrhea. There is no medical testimony to support widow's claim.

## JAMES T. IRWIN.

Applied 1876, rejected 1879, his various allegations not well founded. Again applied September, 1884, alleging disease of heart contracted twenty years prior. Allegations not supported by examining surgeons in three different examinations. Rejected in 1879 by Commissioner Bentley.

## WILLIAM H. NEVIL.

Pensioner been drawing since 1865 the same amount provided by this bill. Its passage would be valueless to him.

## H. L. KYLER.

Drew pension since 1864 for neuralgia and eye disease. Pension stopped 1880 on proof he had been under treatment for those very ailments five years before entering Army. Enlisted for one hundred days only. Dropped from rolls in 1882 by Commissioner Dudley.

## FANNIE E. EVANS.

Claimed her husband contracted hernia, 1863. He never claimed pension, and died, 1883, of apoplexy. Rejected, 1884, by Commissioner Dudley.

## JAMES CARROLL.

Alleged wound while securing recruits for Company B, Third North Carolina Mounted Volunteers. Name not borne on any of those company rolls, and for that reason his claim was rejected by Pension Bureau. A claim to same effect by one Perkins, claiming same service and injury, was allowed in 1873, but pension stopped, 1877, on same ground as Carroll's. Investigation showed that while plundering their neighborhood with a number of men they had collected they were hunted down by home guards and shot at the time they stated. Claim rejected in 1883 by Commissioner Dudley.

## EDWARD M. HARRINGTON.

Filed claim in Pension Bureau, 1879. Injuries not related to Army service.

## LEWIS W. SCANLAND.

Applied for pension 1884, alleging he contracted chronic diarrhea in Black Hawk war of 1832. On examination by board of surgeons, 1884, he did not claim to have diarrhea for a good many years, but claimed to be affected with constipation, except at times when taking medicine for it. Rejected by Commissioner Dudley in December, 1884.

## ROBERT H. STAPLETON.

Applied in 1883, alleging injury while acting as lieutenant-colonel in 1862. Examination in 1882 showed three left ribs fractured, which, if result of injury received in 1862, must have been then apparent. By law claims of this description must, to be valid, be successfully prosecuted prior to July 4, 1874. Claimant's delay to apply is not explained. His rank does not indicate his ignorance of the law. Rejected by Commissioner Dudley in 1883.

## SALLY ANN BRADLEY.

Husband, after long service, was discharged 1865; afterwards pensioned for gunshot wound, and died 1882 from a cause not claimed as from military service.

## MARIA CUNNINGHAM.

Husband applied for pension in 1876, alleging shell wound in head. Claim rejected, as no disability appeared from that cause. Died in 1877 from other causes. Claim rejected by Pension Bureau because cause of soldier's death was not shown to have had its origin in military service. Rejected in 1885 by Commissioner Black.

## MRS. CATHARINE M'ARTY.

Filed claim 1886 alleging her husband died in service from overdose of colchicum. Evidence indisputably shows that the day previous to soldier's death a comrade asked him to smell and taste some medicine, which he did, became very sick, and died next morning. Death not result of Army service. Rejected by Commissioner Dudley in 1882.

## MARGARET D. MARCHAND.

Husband entered the Navy in 1828, was retired 1870, and died of heart disease 1875. Claim filed in Pension Office 1883 and rejected because no evidence furnished to prove death resulted from naval service. Rejected in 1883 by Commissioner Dudley.

## JOHN TAYLOR.

Has received pension since 1865—has been twice increased, once by Pension Office, and again by special act, 1882. The increase here applied for was denied by Pension Office because he was already receiving pension "commensurate with his disability."

## AUGUSTUS FIELD STEVENS.

Discharged October 3, 1861, after serving less than two months. Rejected by Pension Bureau in 1882, after full examination. Rejected by Commissioner Dudley in 1882.

## MARY KARSTETTER.

Husband drew pension since June, 1865, for gunshot wound in left hand, and died August, 1874, of gastritis and congestion of kidneys. Widow applied 1882, alleging soldier died of wounds received in battle, and that he was injured while in Army by a horse running over him, which is not supported by evidence and has no necessary connection with cause of husband's death. Rejected by Commissioner Dudley in 1884.

## DANIEL H. ROSS.

Filed claim in Pension Bureau and died February, 1886. Bill vetoed so as to save the widow's rights.

## JENNETTE DOW.

Husband employed in railroading fifteen years after muster-out; died 1882, of apoplexy. Widow applied 1883, claiming he died of wound received in Army. Pension Office rejected claim.

## MARY J. HAGEMAN.

Husband, pensioner for wound, died August, 1884, twenty years after discharge, from typho-malarial fever. His widow's application was rejected by Pension Bureau because the disease was not due to military service. Rejected by Commissioner Black in 1885.

## WILLIAM H. WEAVER.

Applied twelve years after discharge. After six special examinations by Pension Bureau to ascertain the truth and deal fairly by this claimant, his claim was rejected because disease for which he claimed pension was shown to have existed prior to his enlistment.

## RACHEL BARNES.

Husband committed suicide by hanging. It was proposed in this bill to pension beneficiary as widow by reason of soldier's death. His death, however, is not connected with his military service. Rejected by Commissioner Dudley in 1883.

## DUNCAN FORBES.

Increase of pension. Has been liberally pensioned from January, 1865, and served three years in Navy since that time without further disability.

## GEORGE W. CUTLER.

After several allegations made at different times, each giving different causes, none substantiated as arisen from the service, his pension claim remains as originally rejected in 1865. Veto upholds rejection. Rejected by Commissioner Barrett in 1865.

## ANN KINNEY.

Husband was pensioned, 1865, for wound; died 1875. Widow claimed pension, alleging his death was from effects of the wound. He was addicted to periodical sprees, and in one of these, while creating a disturbance, was taken by city marshal and placed in lock-up, where he died suddenly an hour afterward. Rejected by Commissioner Bentley in 1878.

## SUSAN HAWES.

In 1883 her son attempted to board a moving freight train, made a misstep, and car-wheel passed over his foot. Two physicians called in deemed amputa-

tion necessary and administered preparatory anæsthetic, but patient died before amputation, two hours after accident. His death is not attributable to his military service. Rejected by Commissioner Black in 1885.

ABRAHAM POINTS.

Discharged June 28, 1865; in 1878 applied for pension on ground of stiffened elbow joints and sore eyes contracted in service. No such record of these disabilities, but his neighbors and acquaintances of good repute showed conclusively that these disabilities existed prior to his enlistment. Rejected in February, 1885, by Commissioner Clarke.

MRS. AMELIA C. RICHARDSON.

Remarried 1858. In 1862 her son by former husband enlisted and died in service 1865. He had not lived with his mother after her remarriage, and there is no competent evidence that he contributed to her support after that event. At the time of his death his step-father was earning \$70 per month and owning considerable property, part of which still remains to him. Not dependent.

WILLIAM DICKENS.

Vetoed to benefit claimant, as the bill, if passed, would have deprived him of back pension already granted him from 1864 to date.

BENJAMIN OBEKIAH.

Beneficiary has already been six months on pension-roll for same amount fixed by this bill.

MRS. MARGARET DUNLAP.

Beneficiary is mother of a soldier who was, in 1864, killed by one of his comrades in a personal row. Rejected in 1872 by Commissioner Baker. The injury was not received in line of duty.

WILLIAM LYNCH.

Discharged 1859. Twenty-four years afterward, April, 1884, claimed pension for rheumatism contracted in 1857-'58 in Utah. Claim still pending in Pension Bureau.

ALEXANDER FALCONER.

Case is provided for by a general law recently approved.

JAMES BAYLOR.

In this case no advantage would accrue to beneficiary under special act, and justice will be done him under general law. Rejected in 1879 by Commissioner Bentley.

MRS. CATHARINE SATTLER.

Soldier was wounded in battle August, 1864, and discharged by amputation of left fore-arm March, 1865. Subsequently the same year he was married to beneficiary and pensioned; pension increased 1866. October 31, 1867, drew his monthly pay of \$50 as United States watchman at New York City; disappeared that day, and on November 13, 1867, his body was found in North River, New York City. Was strong and healthy at time of death. Nearly seventeen years afterward, in 1884, his widow on above facts applied for pension, which was denied November, 1884, as soldier's death was not due to his military service. Rejected by Commissioner Dudley.

FRANKLIN SWEET.

Already on pension-rolls for the same amount named in the bill.

ROBERT K. BENNETT.

Soon after enlistment, September, 1862, was detailed to cook-shop, and five months thereafter was received into hospital from which he was discharged from the service three weeks later for "varicocele to which he was subject four years before enlistment." Seventeen years afterward claimed pension for hernia and piles contracted in service. Claim rejected 1883. Medical examination, made 1882, states no evidence or symptoms of disability resulting from Army service. Rejected in 1883 by Commissioner Dudley.

JESSE CAMPBELL.

His claim, rejected 1881, was reopened January, 1887, and he has been pensioned under the general law.

LOREN BURRITT.

Pensioned since 1886, and now draws \$72 monthly pension, the highest under general laws. There are over one thousand other pensioners of this class on the rolls worthy of the same special legislation, and all should be treated alike. Unfair to make two rates for same disability.

ABRAHAM P. GRIGGS.

Enlisted August, 1861, entered hospital January, 1863. Discharged the service therefrom November, 1863. His discharge certificate states "worthlessness, obesity, and imbecility, and laziness," "totally unfit for the Invalid Corps, or for any other military duty." Nearly twenty years after his discharge claimed pension for rheumatism. A board of United States examining surgeons report no pensionable disability existing, and that he is able to work. Claim rejected in 1885 by Commissioner Black.

CUBBERT STONE.

Over sixteen years after discharge claimed pension for piles contracted in service. Claim rejected in October, 1884, by Commissioner Dudley, on ground that disability originated while undergoing court-martial sentence, therefore not in line of duty. The committee recommend pension be granted beneficiary "by reason of faithful service to his country," whereas in his thirty-nine months' service with no record of disability, thirty-five months were passed in desertion or imprisonment therefor.

CHARLOTTE O'NEAL.

Husband resigned from service June, 1862. Seven months thereafter he died of disease which, it is admitted, had no relation to Army service.

JOHN REED, SR.

Filed application in Pension Office, 1887, alleging he was dependent upon deceased soldier for support; that his wife died in 1872, and filed an affidavit of a man who alleged he was present at her death. This was in 1883 rejected. This claimant, in 1859, abandoned his wife and family, and never thereafter contributed to their support. The soldier's mother was granted a pension in 1862, and enjoyed it until 1884, when she died. His claim was false, and was supported by false testimony.

JOHN D. FINCHER.

Twenty years after discharge from service (1882) he filed claim for pension, which was rejected, because in 1882 and again in 1885 he was examined by a board of surgeons, who report no disability.

JACOB SMITH.

Vetoed because this bill proposes to reduce the pension of a worthy soldier.

RACHEL ANN PIERPONT.

Vetoed because its approval would reduce the amount she is now receiving.

MARGARET R. JONES.

Is now receiving the highest pension allowed by law in such cases. No reason for an exception in her case.

ANTHONY M'ROBERTSON.

Applied for pension 1874. In November, 1886, the highest rate allowed by general law was granted him, to date from 1863.

WILLIAM H. MORHISER.

The bill proposes to allow him pay and allowances for a period for which the records show he has already been paid.

ANN WRIGHT.

Vetoed because she receives under general laws the same amount here proposed. Rejected in 1882 by Commissioner Dudley.

SARAH HAMILTON.

Husband of claimant deserted May, 1863. June, 1864, arrested as a deserter; returned to duty September, 1864. In 1872 he applied for pension, alleging injury to left leg, causing varicose veins, sustained in February, 1863, which was granted. He died in 1883 of apoplexy, which had no relation to his injury. Rejected in 1883 by Commissioner Dudley.

HANNAH E. LANGDON.

Husband served six months as an assistant surgeon, when he resigned. In 1880 filed application for pension, alleging chronic diarrhea and piles. Granted pension January, 1881, and died following September of consumption. Widow's claim was rejected by Pension Bureau because death was unconnected with disease for which pension had issued or with his military service. Rejected in 1883 by Commissioner Dudley.

BETSY MANSFIELD.

Filed claim in 1882, alleging dependent parent. Evidence disclosed not dependent.

LAURA A. WRIGHT.

Nearly twenty years after the war her husband committed suicide. No result from wound.

H. BROKENSHAW.

Received at draft rendezvous 25th March, 1865, mustered out 30th June, 1865. Eighteen years after (1883) he filed application alleging that March 25, 1865, he hurt his ribs in a scuffle with recruits, which was rejected—not incurred in line of duty. Rejected in 1886 by Commissioner Black.

HANNA C. DEWITT.

Vetoed because a precise duplicate of this act was passed by present Congress, and signed by the President.

MORRIS T. MANTON.

Filed claim in Pension Office in 1882, and denied because no pensionable disability existed.

WILLIAM P. WITT.

Enlisted in one hundred days' service. No record of disability. Twenty years later filed claim, alleging chronic diarrhea, rheumatism, liver disease, and impaired hearing. No evidence to sustain either complaint excepting deafness, which did not result from Army service. Rejected in 1886 by Commissioner Black.

CHLOE QUIGGLE.

Husband enlisted in February, 1865, mustered out in September, 1865. In 1882 he died of disease not incident to Army service. Rejected by Commissioner Dudley in 1884.

WILLIAM H. BRIMMER.

Was a wagon-master; discharged May, 1865; no record of any disability; twenty-three years after filed claim for pension, alleging rupture in 1864. Unsupported by sufficient evidence.

WILLIAM SACKMAN, SR.

His discharge states his disability "caused by falling off his horse near Fredericktown, Mo., while intoxicated." "A discharge would benefit the Government as well as himself." The surgeon who made the certificate in reply to Pension Office says, "I remember the case distinctly; I made the examination in person, and read the statement to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent." Rejected by Commissioner Dudley in 1883.

MARY SULLIVAN.

Vetoed because a precise duplicate of this was signed by the President July 1, 1886. Rejected in 1884 by Commissioner Dudley.

EMILY G. MILLS.

Husband, a retired naval officer, was accidentally shot and killed, 1873, by a neighbor who was attempting to shoot an owl. Not a pensionable case.

GEORGIA A. STRIKLETT.

Widow's claim is based upon allegation that he was wounded with buckshot by bushwhackers while recruiting in 1863. No record of such wounds. Soldier made no claim for pension. The evidence shows that he was killed by a pistol shot in an altercation with another man. Rejected in 1885 by Commissioner Black.

THEORORA M. PIATT.

Her husband served in the volunteer army as major and afterwards entered the regular Army and was subsequently placed on the retired list, where he remained until April, 1885, when he died by suicide. He was practicing law in Kentucky. Not pensionable.

NANCY F. JENNINGS.

Her husband was discharged June 24, 1862. Never applied for pension. Died 1877 of apoplexy. Not result of Army service. Rejected in 1886 by Commissioner Black.

SALLY A. RANDALL.

Her first husband enlisted in the war of 1812 and was discharged in 1814. Died April 12, 1831. Never applied for pension. Death not result from military service.

CYRENUS G. STRYKER.

Filed claim 1879, alleging injury to spine September, 1862. Repeated medical examination failed to reveal any disability, and was rejected accordingly. Rejected by Commissioner Black in 1886.

WILLIAM H. HESTER.

Claims injury to eyes by sand blowing into them in a storm in 1869. It is conceded in the report of the committee to which this bill was referred that the claim was largely supported by perjury and forgery, but that claimant was believed to be innocent. The evidence in the Pension Office clearly establishes the whole case to be fraudulent and sustained wholly by perjury.

ROYAL J. HARR.

Alleged disease not result of Army service. Rejected March, 1885, by Commissioner Clarke.

ELLEN SHEA.

Soldier never claimed pension. No record of any disability. In 1884 lost his life in a snow-slide in Colorado. Not a result of Army service. Rejected January, 1885, by Commissioner Clarke.

FARNAREN BALL.

Soldier died in 1872 from overdose of laudanum. Not entitled to pension. Rejected by Commissioner Black in 1885.

## ELIZABETH BURR.

Husband enlisted for and served one hundred days in 1864. Never applied for pension. Died April, 1867, of dropsy. Thirteen years afterward his widow claimed pension on ground that the dropsy was contracted in service. Claim rejected by Pension Office as not sustained by evidence.

## CHARLES GLAMANN.

Served to July, 1865. No record of injury or sickness except an attack of remittent fever. Fifteen years later claimed pension, alleging he was accidentally struck and injured in left arm with a half brick by a comrade, doubtless result of personal altercation.

## MARY F. HARKINS.

Husband pensioned for wound in right foot; died seventeen years after his discharge "from rupture of the heart." Widow's claim for pension, on ground that death was the result of the wound in foot, was properly rejected by the Pension Bureau on ground that the death cause was not the result of the wound. Rejected in 1884 by Commissioner Dudley.

## ELLEN SEXTON.

Her husband, discharged 1864 for disability arising from vicious indulgence, died in 1875 of consumption. The cause of his death is not due to the Government service.

## DOLLY BLAZER.

Husband mustered out June, 1865; never applied for pension, and died thirteen years afterward of yellow fever. Disapproved for reason that his death was not due to his military service. Rejected in 1886 by Commissioner Black.

## ELIJAH MARTIN.

Vetoed because the proposed beneficiary is dead.

## VIRTUE SMITH.

Husband was pensioned in 1867 for wound. Pension twice increased. Held Government clerkship sixteen years, and died in 1880, aged 64, of consumption. Up to 1877 was in excellent physical condition. His death was not related to his military service.

## LIEUT. JAMES G. W. HARDY.

While traveling in recruiting service, 1864, placed his arm outside railroad-car window, when it was struck by something outside, and one of the bones broken. Had no right of action against railroad company. His fracture was not properly adjusted for ten months, during which time he remained in service. Pension Office rejected his claim. His injury was evidently the result of his carelessness.

## MARY MINOR HOXEY.

Husband was pensioned, 1871, for wounds, and in 1879 was allowed arrearages from time of his discharge. He died December, 1881, of consumption while drawing pension of \$17 per month. In 1884 his widow was allowed pension at same rate (also pension for two minor children, now attained the age of sixteen years), and still receives it, the same as allowed to all widows of her class. The bill proposed an increase of her pension, which would be unjust to other claimants equally meritorious.

## JOHN A. TURLEY.

Interfered in altercation on steam-boat, under charge of an officer, and fallig, struck his head fatally. The bill proposed to pension his widow therefor. His death, however, was not the result of his military service.

## MARY ANN DOUGHERTY.

Her widow's pension, secured in 1878, through fraudulent testimony and much false swearing on her part, and stopped upon discovering her husband was alive and himself drawing a pension. The bill in this case now proposes to grant her pension for injury she alleged to have received while making cartridges in United States arsenal. Records show no such woman was ever employed there.

## POLLY H. SMITH.

Husband, in 1870, after sixteen years' service, was placed on retired-list as officer on account of incapacity arising from fistula, developed in 1868. Fifteen years after his retirement, while attempting to raise a trunk to his shoulder, he suddenly died of heart disease. It is not seen how cause of his death can be connected with his service or incapacity therefrom.

## JOEL B. MORTON.

Claimed pension for death of his son, Calvin Morton, in Custer massacre, 1876. The casualty records of the massacre, though very complete, contain no mention of such a soldier. Pension Bureau now searching for proof of son's service, which, if obtained, will secure claimant justice under general law. War Department records show Morton was alive and drawing pay two years after his death as claimed by this bill.

## JULIA WELCH.

Her widow's pension claim having been rejected by Pension Bureau because soldier died from disease which bore no relation to any complaint contracted by him in Army, the veto upholds such rejection as correct. Rejected in 1886 by Commissioner Black.

## MARY ANN LANG.

Husband was pensioned for wound in nose and died February, 1881, of dropsy. Widow's claim, filed 1884, was rejected on ground that soldier's fatal disease was not the result of his military service. Reputable medical evidence shows that soldier died of liver trouble from long and excessive drinking of beer and liquor; drinking harder towards the last of his life, though warned by his family physician. The medical referee of Pension Bureau, to whom appeal was taken for reversal of rejection by Pension Bureau, sustains the rejection. Rejected in 1886 by Commissioner Black.

## NATHANIEL D. CHASE.

His claim in Pension Office begun June, 1864, renewed 1870, reopened 1880, and now pending, awaits further information and evidence to substantiate it. The Pension Bureau is competent to judge of his pensionability. Rejected in 1864 by Commissioner Barrett, and in 1882 by Commissioner Dudley.

## HARRIET E. COOPER.

Her husband, a major, resigned 1863, on account of business affairs. Was afterward pensioned for rheumatism, and died twenty years afterward from chronic alcoholism, according to his attending physician's testimony, upon which rejection of her claim by Pension Office was based. The veto sustains action of Pension Office, which the bill endeavors to set aside.

## WILLIAM M. CAMPBELL, JR.

Enlisted August 5, 1862, mustered out July 16, 1865, was a deserter for one year and seven months, and arrested and court-martialed. He alleges that in February, 1862, he contracted mumps from impure virus in vaccination. As he was not in United States service at that time, the proposed bill "seems neither to have law nor meritorious equity to support it." Rejected in 1880 by Commissioner Bentley.

## VAN BUREN BROWN.

Eighteen years after discharge claimed pension, alleging various disabilities. His case, full of uncertainty and contradiction, was very thoroughly examined

by Pension Bureau, rejected, subsequently reopened, re-examined, and again rejected. Three medical examinations failed to disclose any pensionable disability. Rejected by Commissioner Black in 1885 and 1887.

## SARAH E. M'CALEB.

Her husband was discharged June, 1865. Died 1878 by suicide. No ground for pension shown. Rejected in 1883 by Commissioner Dudley.

## DAVID A. SERVIS.

Alleges comrade put powder in his pipe, which exploded and injured his eyes; no record thereof or of any disability, although served two and a half years thereafter, when regiment was mustered out June, 1865. Never made claim until twenty-two years later.

## ANNA MERTZ.

Her husband, who served as captain, resigned June, 1863. December 1, 1884, more than twenty years after his discharge, died from an overdose of morphine self-administered.

## JOHANNA LOEWINGER.

Husband pensioned for chronic diarrhea, died July, 1876. A coroner's inquest found verdict of suicide by cutting his throat with a razor. His death was not caused by his military service.

## STEPHEN SCHIEDEL.

Served from October, 1861, to October, 1864, without record of injury or disability. Sixteen years after discharge claimed pension, alleging injury to back and shoulder in June, 1862. Medical examinations disclosed injury to hand and arm and some rheumatic trouble all incurred since discharge, but do not sustain the injury for which he claimed pension. Death not result of military service.

## ELISHA GRISWOLD.

Was discharged February, 1866. Filed claim 1880, alleging that while in prison in January, 1866, he fell from a swing and hurt his head and shoulder. No record of injury. Not result of army service. After this claim was rejected, in March, 1885, he filed another, alleging diarrhea and malarial poisoning.

## CHARLES GLAMANN.

Served from September, 1864, to July, 1865; was injured in left arm by a brick thrown by a comrade in a personal altercation.

## BRIDGET FOLEY.

Husband enlisted in August, 1862, and was discharged when he reached Washington for rheumatism contracted before he enlisted. He never applied for a pension, but died in 1873 of consumption. Cause of death had no relation to Army service.

## TOBIAS BANEY.

Enlisted February, 1865, and was discharged in January, 1866. Claim for disability from palpitation of the heart. This case has been repeatedly examined by the Pension Bureau since 1878 and always rejected as unworthy. No reason why that Bureau's conclusion should not stand in this case as in others.

## AMANDA F. DECK.

Husband was pensioned for a wound received in shoulder in an Indian fight in 1864. He was killed in 1883 in a personal difficulty not connected with his Army service.

## THOMAS SHANNON.

Soldier in regular Army. While on leave at Rio Grande, Texas, in 1872, was injured by an explosion of powder at a 4th of July celebration. Rejected by Commissioner Baker.

## THERESA HERBST.

Husband was in Union Army and captured by the Confederates at Gettysburg. He then joined the rebel army and fought in its ranks for ten months, when he was taken prisoner by the Union forces. He died of heart disease in 1868. The President says:

"I will take no part in putting a name upon our pension-roll which represents a Union soldier found fighting against the cause he swore he would uphold; it would have been a sad condition of affairs if every captured Union soldier had deemed himself justified in fighting against his Government rather than to undergo the privations of capture."

## JOHN F. BALLIER.

Claimant is now drawing under general law the full amount fixed by this bill.

## WOODFORD M. HOUGHIN.

Disability is no wise attributable to Army service. The claim has been thoroughly examined and rejected by Commissioners Bentley, Dudley, and Black.

## MARY FITZMORRIS.

The claimant is now receiving under general law the precise sum named in this bill.

## APPENDIX B.

[From the Worcester (Mass.) Spy, Republican.]

President Cleveland's reasons for declining to approve the dependent pension bill are sound and sufficient. If it should become a law it would enormously increase the annual expenditure for pensions, adding probably to the list of pensioners nearly or quite as many as are now enrolled. The bill would open great opportunities for fraud. Comparatively few of the added pensioners would be either needy or deserving, and many of them never saw an enemy or encountered any of the hardships or dangers of war. We believe it is a fact, though it is not generally known, that the amount paid annually by the United States in military pensions exceeds considerably the pay of the soldiers in any of the great European armies, and the amount has increased enormously for some years past, and is likely to grow rather than diminish for many years to come. It is right that veterans disabled in the service by wounds or disease should be liberally pensioned, and a grateful country will not grudge the expense, but the bill which the President declines to approve goes much further than that, and further than is reasonable or just.

[From the Boston Traveler, Stalwart Republican.]

President Cleveland in vetoing the dependent soldiers' pension bill has undoubtedly put himself in harmony with the overwhelming sentiment of the country. Whatever his motives may have been, the country is to be congratulated on his act. It is not regarded as probable that the bill can be passed over his veto. Many of those who voted for it in the first instance will hesitate to vote for it the second time. The enormous draft on the Treasury it would necessitate in the event of its becoming a law was not at first appreciated, and its defects and dangers were not understood.

[From the Hartford Courant, Republican, Senator HAWLEY's paper.]

The President has vetoed the dependent pension bill. After the reasons he has assigned for vetoing numerous individual pension bills, where the proof was not clear that the disability of the applicant was the result of service in the Army or Navy, he could not honestly find it possible to approve a general pension bill, which proposed to grant pensions by wholesale to persons unable to

earn their support, whether or not their inability resulted from disease or injuries received in the service. This is an entirely new departure in the matter of pensions, except where many years have intervened, and one which does not receive the approval of the majority of the veterans of the war or of the public generally.

[From the Boston Transcript, Independent Republican.]

Whatever clamor is raised against President Cleveland for manfully discharging his duty by vetoing hasty and shambling legislation for the purpose of catching a few thousand soldier votes, will not survive a careful reading of the reasons which Mr. Cleveland gives as justifying his negative of the dependent pension bill.

The President discusses this whole question of pension granting in a dispassionate manner, as one who holds the scales fairly between the old soldier and the general community who must pay the taxes.

[From the Providence (R. I.) Journal, Independent Republican.]

The President has done himself credit by vetoing the dependent pension bill, and will earn more of the esteem of self-respecting veterans than the politicians who advocated and voted for it. The country can pardon a good many minor errors in a chief magistrate who has the courage to perform such an act of duty against clamor, misrepresentation, and mistaken sentiment. There will be no use in trying to make political capital out of the President's veto of the dependent pensions bill. The country has had such an experience with the arrears-of-pensions bill in the amount of the expense and the injurious effects upon the recipients of the bounty that it distrusts these measures and will approve their defeat. The President has done the country a good service, and will get the credit for his courage and patriotism from all right-thinking citizens irrespective of party.

[From the Buffalo Express, Republican.]

Undoubtedly the country is with him. The voice of the press is as truly the voice of the people as the voice of the people is the voice of God. The people of course include the old soldiers. Mr. Cleveland's veto nails the libelous lie that the majority or better element of veterans desired the passage of the pauper pension bill, which was an insult to their patriotism. The Democratic President proved a more watchful agent of the people than either the Democratic Representatives or the Republican Senators.

[From the Newark Daily Advertiser.]

It must be admitted that a bill so broad and generous, even lavish in its provisions as this is, must needs open a wide door to fraud and deception of various degrees of magnitude. Briefly, the bill is open to an indefinite variety of constructions. It was certain to encourage fraud. It would not reach so many of the deserving as of the undeserving.

[From the Philadelphia Press, Republican.]

Many of the President's criticisms to the bill are well founded. No one seems to know with certainty whether it would have cost the nation \$5,000,000 or \$50,000,000. The bill was drawn with such liberality and vagueness of language that there is grave reason to fear that had it or should it become a law it would impose upon the national Treasury a host of men who do not need or do not deserve this liberal bounty of a too lavish government.

[From the Philadelphia North American, Republican.]

President Cleveland's veto of the dependent pension bill will be heartily approved by the sober sense of the Republic. It will of course be condemned by those whom it disappoints, and unscrupulous demagogues of the baser sort may try to make party capital out of it. But thoughtful and intelligent citizens of both parties will rejoice that the President has had the moral courage to put this check upon a movement which threatened not only to bankrupt the Treasury but to demoralize the public mind, to destroy the spirit of manly independence in thousands of now self-supporting men, and to set the stigma of mendacity and pauperism upon the honored veterans of the war of the rebellion.

[From the Philadelphia Telegraph, Republican.]

President Cleveland yesterday did what all good citizens, and especially all patriotic ex-soldiers and sailors, expected he would do when it was announced that the so-called dependent pension bill had finally passed both branches of Congress—the Senate without division and the House by a vote of 180 yeas to 76 nays—by sending in a veto message in which he discusses the whole subject at great length and gives abundant reasons why such a measure should not become a law. This bill is the worst and most extravagant of a number of excessively extravagant pension bills that have been enacted in a spirit of demagogism, and it is little better than an insult to every man who served in the Federal Army or Navy during the civil war for better reasons than those strictly relating to bounty, wages, and opportunities for plunder.

[From the Philadelphia Bulletin, Republican.]

President Cleveland's veto of the pauper pension bill will be generally approved. The measure was one of those pieces of hasty legislation, passed in deference to popular sentiment, with but little regard to consequences.

The veto message is a direct, logical document, questioning very properly the wisdom of adopting the service-pension principle, and exposing the faulty construction of the bill.

[From the Albany Express, Republican.]

The dependent-pension bill, which President Cleveland vetoed last week, is a measure that never should have passed, and would not, it seems to us, if Senators and Representatives had not deliberately shirked what many of them must have known and felt, and which some of them even admitted, to be a duty. Its passage resulted largely from moral cowardice—a common but most pernicious failing on the part, unfortunately, of too many public men. What would have happened if the President had been similarly weak we can all see very clearly, now that our attention has been particularly called to it. President Cleveland is, therefore, entitled to credit and thanks for the manly and sensible stand he has taken, and we are sure the country will applaud and sustain him in it. It is good to note, for once, that the political press of the country, without distinction of party, is substantially agreed in sustaining the President, and in giving him credit for firmness and courage at a time when those qualities were in great demand.

[From the Poughkeepsie Eagle, Republican.]

The people of the United States owe recognition to the courage of President Cleveland for his action in refusing to sign the dependent-pension bill. All parties desire to honor and treat fairly and liberally those who fought in defense of their country, but this has already been done. As the President says, history shows no record of any soldiers who were paid as well while in service, or who have been provided for as bountifully since their discharge. Nobody regrets this, and nobody thinks there has been too much done, but there is a limit to all things, and when the pension appropriation is equal to two-thirds of the cost of the entire military establishment of Germany, it is certainly time to stop.

[From the Utica Herald, Republican.]

President Cleveland vetoes the so-called dependent-pension bill. The principle which has governed pension legislation heretofore has been that pensions should be given only for wounds or disabilities incurred in Army or Navy service. This bill proposed an enlargement of the pension idea—to pension for serv-

ice as well as for injuries received in service. It created a new class of pensioners, a class difficult of ascertainment. When this bill was before Congress nobody was able to tell how much money it would take from the Treasury. The chairman of the House Pension Committee thought it would cost not more than \$6,000,000. When the arrears bill was before Congress official assurance was given that it would cost less than \$25,000,000. It has cost at the present time \$218,000,000. It is deemed a reasonable estimate that the dependent bill would add at least \$70,000,000 annually to the pension payments. The claim agents would fatten anew on the opportunities so flexible a measure would present. Veterans all over the country have spoken out against this measure. There was perceptible nowhere, except among demagogues and claim agents, a demand for it.

[From the Buffalo Commercial Advertiser, Republican.]

The dependent pension bill was passed by both Houses of Congress without very careful scrutiny, and its full bearings were not clearly understood by the country until it was in a fair way of becoming a law. The result of the general study of the measure that has been going on since then is that public sentiment, so far as it is reflected by the press of the country, is almost wholly against it. The objections to the measure raised by Republican and Democratic papers alike are substantially those set forth at length in the President's veto message. The bill was loosely drawn, and in its present form ought not to have received the approval of Congress.

[From the Rochester Herald, Republican.]

President Cleveland has vetoed the pauper pension bill which a truckling Congress passed. The premises are sound and the conclusions irresistible. Now, what is Congress going to do about it? There will undoubtedly be an effort to pass the bill over the veto, but it does not seem possible that it can succeed.

[From the Syracuse Journal, Republican.]

The nearly unanimous voice of the press of the country, reflecting the prevalent opinion, is heeded by the President in his veto of the dependent pension bill. Congress was not courageous enough to face the claim agents' lobby. Now that it has heard the voice of the nation it will not presume to exercise again the power it seemed to have, and a wholesome check will be put upon such sweeping pension legislation.

[From the Troy Times, Republican.]

The veto by the President of the dependent pension bill will be generally approved by public sentiment throughout the country. It was, indeed, the wisest act with which he can be credited during his administration thus far. For the position finally taken he deserves credit, and it will be freely extended to him on every hand. Dissatisfaction will find expression chiefly among the claim agents and attorneys who originated this intended "strike" upon the Treasury, and expected to make large gains by it.

[From the Paterson (N. J.) Press, Republican.]

The Press is willing to go as far as reason will allow in urging the granting of pensions to veterans of the Union Army. But it is a serious question whether justice to worthy veterans demands that the dependent pension bill, which has just been vetoed by the President, should be passed over the veto; and principally for this reason is it doubtful: The pension business, everybody knows who knows anything about it, is infected with abuses of a very grave character. In fact, it is a question whether under the operations of the pension ring the larger portion of the pensions appropriations does not now yearly fall into the hands of pension agents rather than go to the men who ought to be benefited. If it were possible to remove this notorious abuse of a generous nation's bounty, we do not believe that any really patriotic American would object to the very last degree of liberality in spending the surplus revenue in alleviating the wants of Union veterans or those dependent upon them, even though their needs might not be directly traceable to service in the Army or Navy of the Republic. How far, indeed, this dependent pension bill meets the approval of the best class of Union veterans is itself a question. It is a difficult problem to solve. On the whole, with such knowledge as we have on the subject, it seems to be better to have no further legislation of a general nature affecting pensions, but to allow applications to be dealt with on their individual merits.

[From the Norristown (Pa.) Herald, Republican.]

There is a very general disposition to give the President credit for his veto of the dependent pension bill. In fact, he seems to have made out a pretty case.

[From the Pittsburgh Chronicle-Telegraph, Republican.]

In common fairness and justice to the President, we must heartily commend his action in vetoing the dependent pension bill. His veto messages are plain, straightforward, manly statements of facts, and should have weight with all fair-minded persons regardless of political bias. The matter of granting pensions has been carried to such an excess by Congress that it was absolutely necessary that a check should be put upon it, and the dependent pension bill offered just the opportunity needed.

It was a measure tending to foster greed at the expense of patriotism. We know that this is not the popular side of the question, but the side for the moment most popular is not necessarily the right side. Going to the root of the whole business, patriotism has very little to do nowadays with the passage of pension legislation. Congressmen long ago saw that it was an easy way to gain favor with the soldier element, and have carried it to an unreasonable and unjustifiable length, and President Cleveland does right in calling a halt.

[From the Wheeling (W. Va.) Intelligencer, Republican.]

Nobody was able to give any reliable estimate of the number of persons who would come forward as claimants under the dependent pension bill, and therefore it was impossible to form any idea of the amount of money that would be required to satisfy the claims. This is a fatal objection to the bill, and the President did well to veto it, notwithstanding it passed Congress by so large a majority. There is good reason to believe that many who voted for the measure in Congress did so in the belief that it would be vetoed. It is not possible that it will be passed over the veto.

[From the Cincinnati Commercial-Gazette, Republican.]

The objection to the bill was that it opened the door for vast abuses. The way these could come to pass is strongly stated by the President.

[From the Cincinnati Times-Star, Republican.]

The pauper-pension bill was wrong in principle, and would have led to endless abuses in practice. It was not demanded by the soldiers who did the fighting, and who do not ask a penny in charity from the Government. In plain English it was "a levy on the rifle-pits for the benefit of the ambulance brigade," and any veteran knows what that means. It would have increased taxation by about \$70,000,000 a year, but this was a secondary consideration not sufficient to condemn the bill had it been just. Pension laws need amending, but this would have been a dangerous departure.

[From the Minneapolis Journal, Republican.]

The President has vetoed the dependent-pension bill. That was a good place for a veto. Public sentiment will sustain this act of the Executive. It is generally regarded as unworthy of the country and a mark of ingratitude to hesitate to meet any demand made in the name of the veterans of the late war, but this measure seems to have been inspired more by a desire to revive the falling

business of the pension agencies than to aid the dependent parents of veterans of the war.

[From the Chicago Tribune, Republican.]

President Cleveland's message returning the dependent-pension bill to Congress is by all odds the ablest state paper the President has written. The document is remarkable, indeed, for close, clear analysis, strong reasoning, and unimpeachable conclusions. Since the complete exposure the President has made of this loosely drawn and dangerous bill any Democrat who votes to pass it over the veto will very likely incur a judgment of political death at the hands of his party, and Republicans who yield it demagogic support will need much better reasons than they have yet made public to justify themselves before the people.

It was a courageous act for Mr. Cleveland to face the demagogues in Congress with the veto of a general outdoor-relief pension bill, but he has done it without hesitation, and justified himself at every point. The bill involves a "tremendous addition" to the burdens of the Government and the imposition on the laboring and tax-paying classes, and added to the present tax for pensions would make a load heavier than the support of any standing army in Europe. In point of demagoguery, fraud, waste, injustice, and appalling expense to the people of the United States, this bill transcends anything ever passed in Congress, or by the Parliament of any other country. Let every man, whether he has been for or against the bill, read the veto message carefully before he expresses any opinion on the rightfulness of the Executive negative.

"THE PRESIDENT WAS RIGHT."

This is what George W. Childs says of the pension vetoes:

[From the Philadelphia Ledger, July 13.]

There have been but few Presidents of the United States who have so conspicuously displayed so high a degree of moral courage in the discharge of the duties of their office as Mr. Cleveland has done, and in nothing else has he exhibited his elevated sense of responsibility so much as in his vetoes of sundry private pension bills. This, which should have been universally recognized as meritorious, has been by many of his partisan opponents set down against him as an offense. His motives are impugned, his conduct misrepresented, and he is held up to the contumely of all those who have fought their country's battles as one who is indifferent to their valor, unappreciative of their services, opposed to conceding them the reward which is justly theirs.

There is nothing in the vetoes of the President to prove these grave charges; there is nothing in them to give even the color of credibility to them. So far have the President's political opponents pursued their opposition to him in this respect as to contend that his numerous vetoes of these private pension bills is a flagrant abuse of the constitutional exercise of the veto power, and an insult to the legislative department of the Government. That is as false a contention as could be made: the Constitution is mandatory to the effect that "every bill" passed by the House and Senate shall, before it becomes a law, be presented to the President of the United States. If he shall approve it, he shall sign it; but if he shall not approve it, he shall return it to the House in which it originated, with his objections, and then the bill shall become law only by a vote of two-thirds of each House.

The known facts regarding these private pension bills similarly determine the propriety of the President's vetoes. He does what neither the Senate nor the House does: he devotes time, labor, and thought to the consideration of every separate pension bill presented to him, and according to their merits or defects he approves or disapproves them. In marked contrast with what the President has done in diligently, carefully inquiring into the merits of the bills presented to him for his approval is the unconsidered, reckless conduct of the Senate in passing them, illustrated by the uncontested statement of Senator BUTLER, in yesterday's debate, that in a single session of seventy minutes that body had passed 147 private pension bills.

In one of his veto messages last week the President said that the idea of Congress seems to be "that no man who served in the Army can be the subject of death or impaired health, except that they are chargeable to his service. Medical theories are set at naught, and the most startling relation is claimed between alleged incidents of military service and disability or death. Fatal apoplexy is admitted as the result of quite insignificant wounds, heart disease is attributed to chronic diarrhea, and suicide is traced to Army service in a wonderfully devious and circuitous way. \* \* \* This course of special legislation acts very unfairly. Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws."

All this is the truth, as case after case has established it, and yet the hue and cry of unscrupulous partisanship has so perverted the good conscience and devotion to duty of the President as to make him seem an enemy of the soldiers and his conduct an offense to them. No one who has read the President's veto messages in which he has stated his objections to those bills which he has disapproved can fail to perceive that he has, in every case, acted in entire good faith with respect to the claims of our soldiers. The pension list, he said, should be made a roll of honor, a record of the great, heroic deeds of brave men, and be not marred by the appearance of the names upon it of those who are unworthy of the distinction and benefits it should confer.

That the President was right, that Congress was wrong in the matter of the overwhelming proportion of the vetoed bills is proved by the fact that Congress has recognized, except in the very rarest instances, the validity of his objections. It was in its power to set aside his vetoes in any case if it were right and he wrong, but in how many cases has it done so? In so exceedingly small a number as to testify to his general wisdom, courage, and integrity in connection with these bills.

In this regard it is worth the while of the people to consider that there is something better than partisan supremacy; that fidelity shown in the administration of the Government is much better, and that there can be no partisan necessity so strong as to warrant the condemnation, through misrepresentation, of the Executive for doing that which it is his duty to do. In this private pension business the President has been engaged in correcting the errors of Congress. He has done it at the risk of having his motives misrepresented, his conduct denounced, his patriotism questioned, his popularity impaired; but, conscious of being right, determined to do right, he has gone resolutely on in the faithful discharge of his duty. That is what he should be encouraged to continue to do, and by no others more than by the brave men who fought the battles of their country, and who should now stand shoulder to shoulder with the Commander-in-Chief of the Army in his efforts to make the pension list a roll of honor and every pension certificate a token of valor and patriotism.

[General Sherman to the Grand Army, St. Louis, June 12, 1887.]

Honest men differ widely on this question of pensions to our old and feeble comrades. We all want to do what is right, but differ as to the means. All we know is that after twenty-odd years after the civil war the Government of the United States under Republican and Democratic rule pays out to our old soldiers of the Union Army about \$60,000,000 per year and a few thousand to the Mexican war veterans, regardless of locality, and not one cent to the rebels of the South whom we fought in the civil war. We old soldiers of the civil war have not yet just cause to make an issue on the question of pensions to our infirm and wounded comrades. I advise you to go right along, prepare the way for the Grand Army of the Republic at its session of Wednesday, September 28, 1887, at St. Louis, and receive them as they deserve, as honored guests; also, the President of the United States, with such other honored guests as may grace the

occasion. If any of our comrades feel hurt at the association, they can remain at home, but the sun will rise each morning, the seasons will follow each other in quick succession, and the world with its myriads of people will go right along just the same.

The bill was very imperfect—

said ex-Congressman Negley, of Pennsylvania, a leading Republican of that State—

and the President, I think, showed mature judgment in writing the veto he did.

General H. V. Boynton, the veteran Republican correspondent at Washington, who was a brave soldier during the war, talks in a similar strain:

To me the bill seems to be a mixture of good and bad, with the bad predominating. The claims of dependent parents do not need argument. There is also a large class of dependent soldiers, many—to the disgrace of the country—in poor-houses; many more dependent on relations, who, however willing, are sorely burdened with their charge. A nation which has been saved by the aid of such men ought not to hesitate to contribute liberally to their support. But the trouble is that while the bill aids these classes, it also opens a wide door for the undeserving, the shirks, and similar classes, with whom good soldiers have nothing in common. The pernicious features of the bill are such as now constantly arise from that view of a pension bill which prompts too many politicians to ask as the first question how a bill can be framed to catch the most votes, either for themselves or their party. With such attempts at legislation the honorable soldiers of the country never had the least sympathy.

[Harrisburg correspondence Pittsburgh Dispatch, Republican.]

QUAY WOULD SUSTAIN CLEVELAND'S VETO.

Colonel QUAY received a letter to-day from a corporal in his old regiment, a man who was pretty thoroughly shot to pieces in the war, asking him to oppose any attempt to pass the dependent-pension bill over the President's veto. "The old man is a little previous," said the Senator-elect, speaking of the letter; "he doesn't quite understand that I haven't a vote in the Senate this session. But he has the right idea about that bill. At least he speaks the sentiments of every real soldier I have heard express an opinion on the subject. The men who did the actual fighting and have some pride in their record as soldiers don't want to be pauperized. There is not a man in my Grand Army post in favor of it. I don't think any considerable number of Grand Army posts can be got to support the movement to pass the bill over the President's veto. That veto message is the best thing President Cleveland has put his hand to, and if I were in the Senate I would vote to sustain him."

#### APPENDIX C.

PRESIDENT CLEVELAND'S APPEALS FOR JUSTICE TO ALL WORTHY PENSIONERS BY THE PASSAGE OF GENERAL LAWS THAT SHALL GIVE TO LIKE CASES LIKE PENSIONS.

[From Cleveland's first annual message.]

While there is no expenditure of the public funds which the people more cheerfully approve than that made in recognition of the services of our soldiers living and dead, the sentiment underlying the subject should not be vitiated by the introduction of any fraudulent practices. Therefore it is fully as important that the rolls should be cleansed of all those who by fraud have secured a place thereon, as that meritorious claims should be speedily examined and adjusted. The reforms in the methods of doing the business of this bureau which have lately been inaugurated promise better results in both these directions.

[From Cleveland's second annual message.]

The report of the Commissioner of Pensions contains a detailed and most satisfactory exhibit of the operations of the Pension Bureau during the last fiscal year. The amount of work done was the largest in any year since the organization of the bureau; and it has been done at less cost than during the previous year in every division.

On the 30th day of June, 1886, there were 365,783 pensioners on the rolls of the bureau.

Since 1861 there have been 1,018,735 applications for pensions filed, of which 78,834 were based upon service in the war of 1812. There were 621,754 of these applications allowed, including 60,178 to the soldiers of 1812 and their widows.

The total amount paid for pensions since 1861 is \$808,624,811.57.

The number of new pensions allowed during the year ended June 30, 1886, is 40,857—a larger number than has been allowed in any year save once since 1851; the names of 2,229 pensioners which had been previously dropped from the rolls were restored during the year, and after deducting those dropped within the same time for various causes a net increase remains for the year of 20,658 names.

From January 1, 1851, to December 1, 1885, 1,967 private pension acts had been passed. Since the last-mentioned date, and during the last session of the Congress, 644 such acts became laws.

It seems to me that no one can examine our pension establishment and its operations without being convinced that through its instrumentality justice can be very nearly done to all who are entitled under present laws to the pension bounty of the Government.

But it is undeniable that cases exist, well entitled to relief, in which the Pension Bureau is powerless to aid. The really worthy cases of this class are such as only lack by misfortune the kind or quantity of proof which the law and regulations of the Bureau require, or which, though their merit is apparent, for some other reason can not be justly dealt with through general laws. These conditions fully justify application to the Congress and special enactments; but resort to the Congress for a special pension act to overrule the deliberate and careful determination of the Pension Bureau on the merits or to secure favorable action when it could not be expected under the most liberal execution of general laws, it must be admitted, opens the door to the allowance of questionable claims, and presents to the legislative and executive branches of the Government applications concededly not within the law and plainly devoid of merit, but so surrounded by sentiment and patriotic feeling that they are hard to resist. I suppose it will not be denied that many claims for pension are made without merit, and that many have been allowed upon fraudulent representations. This has been declared from the Pension Bureau not only in this, but in prior administrations.

The usefulness and the justice of any system for the distribution of pensions depend upon the equality and uniformity of its operation.

The American people, with a patriotic and grateful regard for our ex-soldiers—too broad and too sacred to be monopolized, by any special advocates—are not only willing but anxious that equal and exact justice should be done to all honest claimants for pensions. In their sight the friendless and destitute soldier, dependent on public charity, if otherwise entitled, has precisely the same right to share in the provision made for those who fought their country's battles as those better able, through friends and influence, to push their claims. Every pension that is granted under our present plan upon any other grounds than actual service and injury or disease incurred in such service, and every instance of the many in which pensions are increased on other grounds than the merits of the claim, work an injustice to the brave and crippled, but poor and friendless soldier, who is entirely neglected or who must be content with the smallest sum allowed under general laws.

There are far too many neighborhoods in which are found glaring cases of inequality of treatment in the matter of pensions; and they are largely due to a yielding in the Pension Bureau to impurity on the part of those, other than the pensioner, who are especially interested, or they arise from special acts passed for the benefit of individuals.

The men who fought side by side should stand side by side when they participate in a grateful nation's kind remembrance.

Every consideration of fairness and justice to our ex-soldiers, and the protection of the patriotic instinct of our citizens from perversion and violation, point to the adoption of a pension system broad and comprehensive enough to cover every contingency, and which shall make unnecessary an objectionable volume of special legislation.

As long as we adhere to the principle of granting pensions for service, and disability as the result of the service, the allowance of pensions should be restricted to cases presenting these features.

Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy or the tender mercies of social and political influence, with their unjust discriminations.

The discharged soldiers and sailors of the country are our fellow-citizens, and interested with us in the passage and faithful execution of wholesome laws. They can not be swerved from their duty of citizenship by artful appeals to their spirit of brotherhood born of common peril and suffering, nor will they exact as a test of devotion to their welfare a willingness to neglect public duty in their behalf.

#### EXTRACTS FROM VETOES OF PRIVATE PENSION BILLS.

In his message returning to Congress the first pension bill disapproved, that of Andrew J. Hill, vetoed for the reason that the pensioner's name was Alfred J. Hill and that the proposed bill would be inoperative, the President took occasion to say:

The policy of frequently reversing, by special enactment, the decisions of the bureau invested by law with the examination of pension claims, fully equipped for such examination, and which ought not to be suspected of any lack of liberality to our veteran soldiers, is exceedingly questionable. It may well be doubted if a committee of Congress has a better opportunity than such an agency to judge of the merits of these claims. If, however, there is any lack of power in the Pension Bureau for a full investigation it should be supplied; if the system adopted is inadequate to do full justice to claimants, it should be corrected; and if there is a want of sympathy and consideration for the defenders of our Government the bureau should be reorganized.

The disposition to concede the most generous treatment to the disabled, aged, and needy among our veterans ought not to be restrained; and it must be admitted that in some cases justice and equity can not be done nor the charitable tendencies of the Government in favor of worthy objects of its care indulged under fixed rules. These conditions sometimes justify a resort to special legislation; but I am convinced that the interposition by special enactment in the granting of pensions should be rare and exceptional. In the nature of things if this is lightly done and upon slight occasion, an invitation is offered for the presentation of claims to Congress, which upon their merits could not survive the test of an examination by the Pension Bureau, and whose only hope of success depends upon sympathy, often misdirected, instead of right and justice. The instrumentality organized by law for the determination of pension claims is thus often overruled and discredited, and there is danger that in the end popular prejudice will be created against those who are worthily entitled to the bounty of the Government.

In another case he says:

We have here presented the case of a soldier who did his duty during his Army service, and who was discharged in 1865 without any record of having suffered with rheumatism and without any claim of disability arising from the same; he returned to his place as a citizen, and in peaceful pursuits, with chances certainly not impaired by the circumstance that he had served his country, he appears to have held his place in the race of life for fifteen years or more. Then, like many another, he was subjected to loss of sight, one of the saddest afflictions known to human life.

Thereupon, and after nineteen years had elapsed since his discharge from the Army, a pension is claimed for him, upon a very shadowy allegation of the incurrance of rheumatism while in the service, coupled with the startling proposition that this rheumatism resulted, just previous to his application, in blindness. Upon medical examination it appeared that his blindness was caused by amaurosis, which is generally accepted as an affection of the optic nerve.

I am satisfied that a fair examination of the facts in this case justifies the statement that the bill under consideration can rest only upon the grounds that aid should be furnished to this ex-soldier because he served in the Army, and because he a long time thereafter became blind, disabled, and dependent.

The question is whether we are prepared to adopt this principle and establish this precedent.

None of us are entitled to credit for extreme tenderness and consideration toward those who fought their country's battles; these are sentiments common to all good citizens; they lead to the most benevolent care on the part of the Government and deeds of charity and mercy in private life. The blatant and noisy self-assertion of those who, from motives that may well be suspected, declare themselves above all others friends of the soldier, can not discredit nor belittle the calm, steady, and affectionate regard of a grateful nation.

An appropriation has just been passed setting apart \$78,000,000 of the public money for distribution as pensions, under laws liberally constructed, with a view of meeting every meritorious case; more than a million of dollars was added to maintain the Pension Bureau, which is charged with the duty of a fair, just, and liberal apportionment of this fund.

Legislation has been at the present session of Congress perfected, considerably increasing the rate of pension in certain cases. Appropriations have also been made of large sums for the support of national homes where sick, disabled, or needy soldiers are cared for; and within a few days a liberal sum has been appropriated for the enlargement and increased accommodation and convenience of these institutions.

All this is no more than should be done.

But with all this, and with the hundreds of special acts which have been passed, granting pensions in cases where, for my part, I am willing to confess that sympathy rather than judgment has often led to the discovery of a relation between injury or death and military service, I am constrained by a sense of public duty to interpose against establishing a principle and setting a precedent which must result in unregulated, partial, and unjust gifts of public money under the pretext of indemnifying those who suffered in their means of support as an incident of military service.

Again he says:

In speaking of the promiscuous and ill-advised grants of pensions which have lately been presented to me for approval, I have spoken of their "apparent Congressional sanction" in recognition of the fact that a large proportion of these bills have never been submitted to a majority of either branch of Congress, but are the results of nominal sessions held for the express purpose of their consideration and attended by a small minority of the members of the respective Houses of the legislative branch of Government.

Thus, in considering these bills, I have not felt that I was aided by the deliberate judgment of the Congress; and when I have deemed it my duty to disapprove many of the bills presented, I have hardly regarded my action as a dissent from the conclusions of the people's representatives.

I have not been insensible to the suggestions which should influence every citizen, either in private station or official place, to exhibit not only a just but a generous appreciation of the services of our country's defenders. In reviewing the pension legislation presented to me, many bills have been approved upon the theory that every doubt should be resolved in favor of the proposed beneficiary. I have not, however, been able to entirely divest myself of the idea that the public money appropriated for pensions is the soldiers' fund, which should be devoted to the indemnification of those who, in the defense of the Union and in the nation's service have worthily suffered, and who, in the days of their dependence resulting from such suffering, are entitled to the benefaction of their Government.

This reflection lends to the bestowal of pensions a kind of sacredness which invites the adoption of such principles and regulations as will exclude perversion as well as insure a liberal and generous application of grateful and benevolent designs. Heedlessness and a disregard of the principle which underlies the granting of pensions is unfair to the wounded, crippled soldier who is honored in the just recognition of his Government. Such a man should never find himself side by side on the pension-roll with those who have been tempted to attribute the natural ills to which humanity is heir to service in the Army. Every relaxation of principle in the granting of pensions invites applications without merit and encourages those who for gain urge honest men to become dishonest. Thus is the demoralizing lesson taught the people, that as against the public Treasury the most questionable expedients are allowable.

In another case he says:

I can not spell out any principle upon which the bounty of the Government is bestowed through the instrumentality of the flood of private pension bills that reach me. The theory seems to have been adopted that no man who served in the Army can be the subject of death or impaired health except they are chargeable to his service. Medical theories are set at naught and the most startling relation is claimed between alleged incidents of military service and disability or death. Fatal apoplexy is admitted as the result of quite insignificant wounds, heart disease is attributed to chronic diarrhea, consumption to hernia, and suicide is traced to army service in a wonderfully devious and curious way.

Adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress, since nearly all the beneficiaries named in these bills have unsuccessfully applied to that bureau for relief.

This course of special legislation operates very unfairly.

Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws. It operates unfairly by increasing in numerous instances the pensions of those already on the rolls, while many other more deserving cases from the lack of fortunate advocacy are obliged to be content with the sum provided by general laws.

The apprehension may well be entertained that the freedom with which these private pension bills are passed furnishes an inducement to fraud and imposition, while it certainly teaches the vicious lesson to our people that the Treasury of the national Government invites the approach of private need.

None of us should be in the least wanting in regard for the veteran soldier, and I will yield to no man in a desire to see those who defended the Government when it needed defenders liberally treated. Unfriendliness to our veterans is a charge easily and sometimes dishonestly made.

I insist that the true soldier is a good citizen, and that he will be satisfied with generous, fair, and equal consideration for those who are worthily entitled to help.

I have considered the pension list of the Republic a roll of honor bearing names inscribed by national gratitude and not by improvident and indiscriminate alms-giving.

I have conceived the prevention of the complete discredit which must ensue from the unreasonable, unfair, and reckless granting of pensions by special acts to be the best service I can render our veterans.

In the discharge of what has seemed to me my duty as related to legislation and in the interest of all the veterans of the Union Army, I have attempted to stem the tide of improvident pension enactments, though I confess to a full share of responsibility for some of these laws that should not have been passed.

I am far from denying that there are cases of merit which can not be reached except by special enactment; but I do not believe there is a member of either House of Congress who will not admit that this kind of legislation has been carried too far.

My aim has been at all times, in dealing with bills of this character, to give the applicant for a pension the benefit of any doubt that might arise and which balanced the propriety of granting a pension, if there seemed any just foundation for the application; but when it seemed entirely outside of every rule, in its nature or the proof supporting it, I have supposed I only did my duty in interposing an objection.

It seems to me that it would be well if our general pension laws should be revised with a view of meeting every meritorious case that can arise. Our experience and knowledge of any existing deficiencies ought to make the enactment of a complete pension code possible.

In the absence of such a revision and if pensions are to be granted upon equitable grounds and without regard to general laws, the present methods would be greatly improved by the establishment of some tribunal to examine the facts in every case and determine upon the merits of the application.

Other extracts are as follows:

If such speculations and presumptions as this are to be indulged, we shall find ourselves surrounded and hedged in by the rule that all men entering an army were free from disease or the liability to disease before their enlistment, and every infirmity which is visited upon them thereafter is the consequence of army service.

Before the passage of the bill herewith returned, the Commissioner of Pensions, in ignorance of the action of Congress, allowed his claim under the general law. As this decision of the Pension Bureau entitles the beneficiary named to draw a pension from the date of filing his application, which, under the provisions of the special bill in his favor, would only accrue from the time of its passage, I am unwilling that one found worthy to be placed upon the pension-rolls by the Bureau to which he properly applied should be an actual loser by reason of a special interposition of Congress in his behalf.

I am by no means insensible to that influence which leads the judgment toward the allowance of every claim alleged to be founded upon patriotic service in the nation's cause. And yet I neither believe it to be a duty nor a kindness to the worthy citizens for whose benefit our scheme of pensions was provided, to permit the diversion of the nation's bounty to objects not within its scope and purpose.

It is not a pleasant thing to interfere in such a case. But we are dealing with pensions and not with gratuities.

I believe her case to be a pitiable one and wish that I could join in her relief. But unfortunately official duty can not always be well done when directed solely by sympathy and charity.

A disabled man and wife and family in need are objects which appeal to the sympathy and charitable feelings of any decent man, but it seems to me that it by no means follows that those intrusted with the people's business and the expenditure of the people's money are justified in so executing the pension laws as that they shall furnish a means of relief in every case of distress or hardship.

THE ONLY "REBEL PENSION" BILL PRESENTED VETOED BY CLEVELAND.

After his capture he joined the Confederate forces and in 1865 was captured by General Stoneman while in arms against the United States Government. He was imprisoned and voluntarily made known the fact that he formerly belonged to the Union Army. Upon taking the oath of allegiance and explaining that he deserted to the enemy to escape the hardship and starvation of prison life, he was released and mustered out of the service on the 11th day of October, 1865.

He was regularly borne on the Confederate muster-rolls for probably nine or ten months. No record is furnished of the number of battles in which he fought against the soldiers of the Union, and we shall never know the death and the wounds which he inflicted upon his former comrades in arms.

He never applied for a pension, though it is claimed now that at the time of his discharge he was suffering from rheumatism and dropsy, and that he died in 1868 of heart disease. If such disabilities were incurred in military service they were quite likely the result of exposure in the Confederate army; but it is not improbable that this soldier never asked a pension because he considered that the generosity of his Government had been sufficiently taxed when the full forfeit of his desertion was not exacted.

The greatest possible sympathy and consideration are due to those who bravely fought, and being captured as bravely languished in rebel prisons.

But I will take no part in putting a name upon our pension-roll which represents a Union soldier found fighting against the cause he swore he would uphold; nor should it be for a moment admitted that such desertion and treachery are excused when it avoids the rigors of honorable capture and confinement.

It would have been a sad condition of affairs if every captured Union soldier had deemed himself justified in fighting against his Government rather than to undergo the privations of capture.

Mr. HENDERSON, of Iowa. Mr. Chairman, I ask unanimous consent, and I have no doubt that the gentleman in charge of the bill will readily accede to it, that our side of the House be granted some time to reply to the remarks of the gentleman from New Hampshire.

Mr. MCKINNEY. I was replying to a gentleman on that side of the House, the gentleman from Indiana.

The CHAIRMAN. The gentleman from New Hampshire occupied thirteen minutes additional time at the request of the gentleman from Iowa.

Mr. HENDERSON, of Iowa. I thought it was more than that. I thought it was at least twenty.

Mr. BOUTELLE. I move to strike out the last word.

Mr. HENDERSON, of Iowa. I ask that our side be granted thirty minutes.

Mr. SPINOLA. Say thirty minutes on each side.

Mr. HENDERSON, of Iowa. Well, if the gentleman wants time on that side, let us say forty on each side.

Mr. SPINOLA. Very well; we might just as well devote the balance of the day to this discussion and make it a field day.

The CHAIRMAN. The Chair will submit the request of the gentleman from Iowa to the committee.

Is there objection to allowing forty minutes on each side?

Mr. STONE, of Missouri. I object.

Mr. HENDERSON, of Iowa. Then I renew my former request for thirty minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. STONE, of Missouri. I object to that, and demand the regular order.

Mr. SPRINGER. How much time will it take to make an equal division of the time?

The CHAIRMAN. It would require about fifteen minutes on the left of the Chair to equalize the time used by the gentleman from New Hampshire.

Mr. McMILLIN. I hope the gentleman from Missouri will withdraw his objection.

Mr. SPRINGER. I ask unanimous consent that fifteen minutes at least be allowed to gentlemen on the other side of the House.

Mr. STONE, of Missouri. In deference to what seems to be the wishes of the committee, I will withdraw my objection.

Mr. BURNES. I trust my friend from Iowa will be allowed thirty minutes.

Mr. HENDERSON, of Iowa. I am not asking it for myself, but for our side of the House.

Mr. BURNES. How much time will the gentleman want for himself?

Mr. HENDERSON, of Iowa. I do not know that I shall occupy any time myself.

Mr. BURNES. Let us give the gentleman thirty minutes to be occupied as he sees proper.

The CHAIRMAN. Is there objection?

Mr. BURNES. If it is understood that we are then to stop this electioneering business and proceed with the regular order in the House, I think there will be no objection by any one.

The CHAIRMAN. The Chair hears no objection.

Mr. HENDERSON, of Iowa. Now I yield that time to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, I shall not attempt to follow the gentleman from New Hampshire [Mr. MCKINNEY] in all his line—I will not say of argument, but of oration. I wish to traverse a single field, and that will be the field of pension legislation. The mission of the gentleman from New Hampshire has been to attempt to prove that the Democratic party is entitled to the credit of the increased number of pension certificates issued within the past three years, and that the present Democratic Administration has therefore been a better friend of the soldier than the Republican administrations preceding. That is the position I shall attempt to traverse. And I now lay down this primary proposition, that every man, woman and child borne upon the pension-rolls of the United States to-day is there by virtue of the action of the Republican party or the representatives of that party, except those who have been restored to the roll after having been dropped therefrom for participation in rebellion against the Government. [Applause.] That is my first proposition.

The distinguished gentleman from Indiana [Mr. MATSON] printed in the RECORD on last Sunday a well-considered and elaborate speech, in which he made the following statement:

Let me suggest that whatever defects there may be in the pension laws are the legacies of Republican rule. NO PARTY DURING OR SINCE THE CIVIL WAR HAS HAD THE POWER TO ENACT ANY LAW EXCEPT THE REPUBLICAN PARTY. From the 4th of March, 1861, to the 4th of March, 1875, there was undisputed sway; and again from the 4th of March, 1881, to the 4th of March, 1883, there was a Republican majority in both branches of Congress and a Republican President was in the executive chair.

If "no party during or since the war has had power to enact any law except the Republican party," then surely the credit of all pension laws which have been enacted belongs to the Republican party.

It is true that up to 1874, when the Revised Statutes were compiled, there was not a word in the law, not a section nor a statute, relating to the subject of pensions that had not been put there by the Republican party, and with the single exception that I have named, and there is not now a single section that has been placed there except by their action.

Admittedly down to March 4, 1875, when the Democratic party returned to power in this House, the credit of all pension legislation which existed belonged to the Republican party.

Mr. Chairman, how does it stand since that date? I affirm that every important item of pension legislation since that date were either Republican measures or owed their enactment to Republican votes. I have myself examined the record and here give the result:

In order that these votes may be more readily referred to, I here append them in tabulated form.

It will be noted, first, that only in one case (that of the widows' increase bill) were there more Democrats voted for than against any bill; second, that in all these votes there was but one Republican vote against one of them, and that was from the State of Florida. This table, taken from the official record, ought to settle now and forever the attitude of the Democratic party toward pension legislation:

Tabulated statement of votes on pension bills.

Name of bill.	Democrats for.	Democrats against.	Republicans for.	Republicans against.
Repeal of arrears limitation, Forty-sixth Congress .....	48	61	116	0
Mexican pension bill, with Senate amendments, Forty-eighth Congress, first session.....	39	84	87	0
Mexican pension bill, with Senate amendments, Forty-eighth Congress, second session.....	57	84	72	1
Widows' increase, Forty-ninth Congress.....	80	66	118	0
"Senate bill, 1886" Forty-ninth Congress (never reported back in the House).....	7	14	27	0
Dependent-pension bill, Forty-ninth Congress.....	66	76	114	0
Dependent-pension bill, Forty-ninth Congress (to pass over President's veto).....	37	125	138	0
On all the bills (aggregate).....	334	510	572	1

That table, Mr. Chairman, is worth more than any of the gentleman's flights of rhetoric. It shows that not one of all those bills could have passed upon the Democratic vote. This table is the barbed spear that will impale the claims of the Democratic party. It is like the "damned spot" on Lady Macbeth's hand. "All the perfumes of Arabia" can not sweeten it.

But the gentleman referred to the great increase of pension certifi-

ates in the last three years over the number issued in the previous three years. These tables are all printed by Colonel MATSON in his speech. It appears, according to these tables, that this excess of certificates issued numbers 168,231. Where does that excess come from? It is shown in a communication, also included in Colonel MATSON'S speech as an exhibit, namely: The excess arises from the act of March 9, 1886, increasing pensions of widows, orphans, and dependents; from the act of August 4, 1886, increasing pensions to crippled soldiers or amputation cases, and the act of January 29, 1887, known as the Mexican pension bill, and the act of June 7, 1888, giving arrears to widows.

Under these first three acts there have been issued 133,364 new and additional certificates. Of these 112,660 were under the two acts first named. This was merely the mechanical operation of withdrawing the old and issuing the new certificate, the old certificate being the only proof required.

Now, my inquiry is, Mr. Chairman, who is entitled to the credit of these three acts? To whom is due the legislation which produced the increase? Down to 1874 unquestionably the Republican party is entitled to the credit of every pension law. I maintain that since that time, with the single exception which I have before named, they are entitled to the credit of the pension legislation by virtue of which this increase of pension certificates has occurred. The first statute referred to by the gentleman from New Hampshire [Mr. MCKINNEY], and also by the gentleman from Indiana [Mr. MATSON], is the act approved March 19, 1886, granting an increase of pension to widows, minors, and dependents.

I do not know how many gentlemen introduced bills in that Congress for that purpose in the House. I know, for one, I did; I know it went to the Pensions Committee and a bill was reported back; I know also that it passed this House, and by what vote did it pass the House? I find, by reference to the RECORD, that it was passed under a suspension of the rules on the 1st of February, 1887. I find that upon the vote 80 Democrats voted for the bill and 66 Democrats voted against the bill, and as two-thirds was required under the rules to pass it, by the Democratic vote alone it would have been defeated. I find that 118 Republicans voted for the bill, and I find that not one single Republican voted against it. [Applause.]

The Republican party in this House passed that law, and it could not have been passed at the time it was passed except by the Republican vote. Sixty-six Democrats voting against the widows' bill would have defeated it, if it had depended upon the Democratic vote, by a very considerable majority. I therefore claim that credit for the "widows' increase pension bill," and of the 102,568 certificates issued under it, is due to the Republican party of this side of the House, because it would have been defeated by the vote of the sixty-six gentlemen on the other side of the House.

Now what are the facts in regard to the next act to which the gentleman refers; an act for which he claims the credit for the Democrats; the act approved August 4, 1886, increasing the pension of men who have lost an arm or a leg, sometimes called the amputation bill. I introduced a bill of that kind in the Forty-eighth Congress, in pursuance of the petition of the Grand Army of the Republic, and I introduced it again in the Forty-ninth Congress. I do not know what other gentlemen introduced similar bills, but I do know that the gentleman from Iowa [Mr. HENDERSON] did. It was not my particular number that was reported back.

I think it was Mr. MATSON'S or Mr. HENDERSON'S bill that was reported back, and that came before the House. What was the vote? (That is House bill 2056, first session of the Forty-ninth Congress.) It passed the House of Representatives without division; it went to the Senate and was there amended and the rates increased. It came back to the House. On June 23, 1886, for the first time, I asked consideration of that bill by unanimous consent. Mr. Morrison, of Illinois, objected, and it was not then considered, but later on, August 2, 1886, Colonel MATSON, as chairman of the committee moved, under suspension of the rules, to take up the bill and pass it, and it was taken up and passed by the following vote: Yeas 166, nays 51, divided as follows: Democrats voting for the bill 75, Democrats voting against the bill 51; Republicans voting for the bill 91, Republicans voting against the bill—not one. [Applause.] And so it was passed by Republican votes. Had it been left to the Democratic vote under the suspension of the rules, the bill would have been defeated by more than 25.

Under that bill there have been issued additional certificates to the number of 10,092; and I claim this issue of certificates to the credit of the Republicans on this side of the House.

What is the next bill to which the gentleman refers and claims credit for the Democratic side? It is what is called the Mexican pension bill. Well, now, perhaps neither side can claim any very great credit for the passage of that bill; but I desire to state the true history of the Mexican pension bill. It was introduced in this House by General Frank Woolford, of Kentucky, a most excellent and patriotic gentleman. It was a very simple measure when it was introduced. It provided that any man who had ever had his name on the army-roll of the Mexican war for a single day during the years 1845, 1846, 1847, or 1848, even if he had not been within a thousand miles of Mexico, should have a pen-

sion for life at \$8 a month without any limitation of service, disability, age, dependence, or anything else.

That bill in that form came before this House, and I, for one, opposed it with whatever ability I had. I regarded it as a legislative monstrosity; but it passed the House in that form by a vote as follows: Democrats for the bill, 123; Democrats against the bill, 12. Republicans for the bill, 33; Republicans against the bill, 56—a majority of 111 Democrats for the bill and a majority of 23 Republicans against it. That bill went to the Senate, and the Senate struck out everything after the enacting clause and put a decent bill in its place.

I here incorporate in my remarks precisely what took place in the Senate:

The PRESIDENT *pro tempore*. Objection being withdrawn, the bill will be read at length.

The Chief Clerk read the bill, and the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment of the Committee on Pensions was, in line 4, section 1, after the words "that the Secretary of the Interior be, and he is hereby, authorized and directed to," to strike out the following words:

"Place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of \$8 per month, from and after the passage of this act, during their lives."

"SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: Provided, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities."

And in lieu thereof to insert:

"Place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or en route thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States."

"SEC. 2. That pensions under section 1 of this act shall be at the rate of \$8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of \$8 per month or more, nor to any person receiving a pension of less than \$8 per month, except for the difference between the pension now received (if less than \$8 per month) and \$8 per month."

"SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted."

"SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto."

"SEC. 5. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act."

"SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States."

Mr. CONGER. What is the section repealed?

Mr. BLAIR. The section repealed is this:

"SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States."

That is repealed, but the act contains a provision that no person shall be pensioned whose disability was contracted in opposition to the Government of the United States.

Mr. CONGER. Is that repealed absolutely, or only so far as it affects this act? Let that clause be read again.

The PRESIDENT *pro tempore*. The repealing clause will be again read.

The Chief Clerk read section 5 of the amendment of the Committee on Pensions.

Mr. WILSON, of Iowa. That is all right.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Pensions.

The amendment was agreed to.

That bill came back here—not the bill that went from this House, but the Senate bill—and it passed the House by a vote of 247 yeas to 5 nays; the nays being three Democrats and two Republicans. The vote was non-partisan, and therefore I say that neither side can claim the exclusive credit.

But I claim that the Mexican pension bill, as it became a law, was

strictly a Senate bill, was a Republican measure, and was altogether different in character from the Democratic measure that originally passed the House. Under that law there had been issued 21,704 additional certificates up to the time when the Commissioner made this report. That gives, under these three acts, 133,364 additional certificates out of the 168,000 additional certificates which the gentleman claims should be credited to the Democratic party, and which I claim should of right be credited to the Republican party.

This accounts for the vast majority of the increases. As for the rest, the present Commissioner ought to have turned out more. It will be observed by reference to the tables printed by the gentleman from Indiana [Mr. MATSON], which are the same used by the gentleman from New Hampshire [Mr. MCKINNEY], that of the whole number of certificates issued by Commissioner Black in three years, 181,173 were increases of pensions which had been granted by Republican Commissioners, and in which for the most part there was nothing but an examination by a board and a new certificate or the merely mechanical operation of withdrawing the old and issuing the new certificate.

Not only that, but Commissioner Black had at his hand the accumulated material of more than twenty years, an increased force of examiners and experts, and instead of having his bureau scattered in detached and ill-adapted buildings, as Commissioner Dudley did, he has had the most commodious and the most convenient building for the dispatch of business that the Government has ever possessed in this capital. I could not detract from the credit justly due General Black. But he has only been administering Republican laws, and he is in full sympathy with the Republicans in the matter of pensions. And just here I desire to call attention to the difference between the making and the administering of law. General Black is an efficient administrator of the law. But the law itself confers the right to the pension, not the Commissioner. Those who made the law and conferred the right are entitled to the credit for the increase.

There is still another law the credit of which is claimed for the Democratic party, the "widows' arrears act," which passed at the present session of Congress, and was approved June 7, 1888. Let us look at that for a moment and see where the credit of it belongs. I have searched the RECORD in vain to find whether any other gentleman introduced a widows' arrears bill; that is, a bill to date the pensions of widows back to the death of their husbands. I know that I did introduce such a bill, and the gentleman from Kansas [Mr. MORRILL] introduced a bill declaratory of the existing law. Those two bills went to the committee and were never reported back; but upon the pension appropriation bill my Republican friend from Iowa, Mr. CONGER, moved an amendment almost in the terms of the bill I had introduced, giving arrears to widows from the date of the death of their husbands.

The chairman of the subcommittee in charge of that bill, the gentleman from Ohio [Mr. FORAN, Democrat], raised a point of order against the amendment, but the Chairman of the Committee of the Whole [Mr. HATCH, of Missouri, Democrat] overruled the point of order, and the amendment was adopted without a division. The bill with that amendment went to the Senate. There it was debated at great length. There a motion was made by the Senator from Missouri [Mr. COCKRELL] to strike out all words that would apply to widows whose pensions had been theretofore allowed, namely, the words "which have been or." This would have cut off all widows whose pensions have been allowed from July 1, 1880, to this date, about 10,000. A division was had, and the vote was as follows: For striking out, 20—every man a Democrat. Against striking out, 23, of whom 22 were Republicans, and 1 Democrat. All honor to that lone Democrat!

So the amendment of Mr. CONGER was concurred in by the Senate and became a law, and ten thousand widows may thank a Republican of the House and the Republican Senate for their arrears. That amendment was Republican in its origin, was introduced here by a Republican, and the point of order against it was made by the Democratic chairman of the subcommittee; it went to the Senate and there it was retained in the bill by a strict party vote, except one, the Republicans voting in favor of it and the Democrats against it.

I have now gone over all the new pension legislation the credit of which is claimed by the gentleman from New Hampshire for the Democratic party, and I have undertaken to show that every one of these measures, the widows' increase bill, the amputation bill, the Mexican pension bill, and the widows' arrears bill, every one of them, was passed by Republican votes, and would not have passed if left to the Democratic side. Such is the fostering care of the Democratic party of the soldiers of the country and of the soldiers' widows.

Now, Mr. Chairman, a few words in regard to another subject which the gentleman from New Hampshire has discussed.

As I said awhile ago, I can not follow him in his flight. I do not dare attempt it, for in his oratory he swept through the firmament like a comet, from horizon to horizon, paling the stars and the planets as he passed with the brilliancy of his electric flashes. [Laughter.] I can not undertake to follow him, but I want to say a few words in regard to the vetoes. The gentleman tells us that the present Pres-

ident of the United States has signed more private pension bills than any other President has ever signed; but he does not tell us how many such bills the President has vetoed, nor what is the proportion between the number of his vetoes and the number of the vetoes of other Presidents.

I claim that the issue is not how many bills a President signs. That is not the test of his friendliness to the legislation. The test is, what proportion of the bills sent to him does he treat in a friendly manner? I undertake to say that President Cleveland has vetoed more pension bills than all the Presidents of the United States from George Washington down. Not only that, but he has vetoed twenty-five times as many as all the other Presidents of the United States from Washington down. In the Forty-ninth Congress there were sent to President Cleveland for his action 949 pension acts. Of those 949 he vetoed 124; he disapproved but allowed to become law without his signature 156, and 55 he failed to sign, which failed for want of his signature; making a total of 231 out of the 749 presented to him that he failed to approve.

I have recently had occasion to investigate this matter, and I here give the result of that investigation. The account stands thus:

Grant approved 575, disapproved 8; Hayes approved 307, disapproved NONE; Arthur approved 736, disapproved NONE. All three approved 1,614, disapproved 8. Or three Republican Presidents disapproved 1 in 202.

But 5 of the 8 vetoed by General Grant were vetoed for the benefit of the claimants, and making that deduction it would leave but three vetoes or 1 in 538.

Now, how stands it with President Cleveland? During the first two years of his administration Congress sent to him for approval 949 acts. The Constitution (Article I, section 7, clause 2) directs that "If he (the President) approve (an act) he shall sign it." Therefore if he does not sign he does not approve.

Of these 949 acts President Cleveland—

Vetoed and returned.....	124
Disapproved without returning.....	156
Pocketed and defeated.....	1

Total disapproved.....	281
Approved and signed.....	668

Or he disapproved 1 act for every 2.37 that he approved, or nearly 1 in 3. Republican vetoes, 1 in 202; Democratic vetoes, 1 in 2.37. So much for this piece of Democratic special pleading. According to the statement of his champion [Mr. MCKINNEY], the President has to date signed 1,264 bills, and has failed to sign 410, or almost exactly 1 in 3.

During the twenty-four years of Republican administration, extending from Lincoln to Arthur, inclusive, there were but 8 vetoes of pension bills—all by President Grant—5 of which were in the interest of the beneficiaries of the bills.

In three sessions of Cleveland's administration the pension vetoes already number 199, without counting the 156 disapprovals where the bills were allowed to become law without the President's signature; failed for want of signature 55. Therefore we make this comparison:

Vetoes of pension bills in twenty-four Republican years, 8, or 1 in three years.

Vetoes of pension bills in three Democratic years, 199—199 in three years, or, counting the failures to sign, 410 in three years.

The gentleman says that General Grant vetoed some pension bills. General Grant, during the eight years of his administration, vetoed 8 pension bills only. Five of those were, as I have before said, vetoed in the interest of the beneficiaries because they had already been allowed at the Pension Office a better stipend than they could obtain by the bills. Three he vetoed because the proposed beneficiaries were deserters from the service.

Mr. TOWNSHEND. May I ask the gentleman a question?

Mr. CUTCHEON. Certainly.

Mr. TOWNSHEND. How many pension bills were passed during the first four years of General Grant's administration, and how many have been passed during Mr. Cleveland's administration?

Mr. CUTCHEON. I can answer that in a few moments. I believe it is stated by the Department that during the first term of General Grant's administration 321 special acts were approved; during his second term 254. During the first Congress of President Cleveland's administration there were sent to him 949 private pension bills.

Mr. TOWNSHEND. How many did he approve?

Mr. CUTCHEON. Of these he approved 668. But, Mr. Chairman, with all due deference to the gentleman, it seems to me that is a very narrow device. The President has absolutely nothing whatever to do with the number of pension bills sent to him. That is a matter for Congress exclusively; and during a part of General Grant's administration, as the gentleman well knows, the Democratic party was in power in one branch of Congress and controlled absolutely the number of pension bills sent to him. The question is not how many did they approve, but how many did they refuse to approve. In eight years

Grant refused to approve 8. In two years Cleveland refused to approve 281. That is the test.

My point, Mr. Chairman, is just this, that the President has absolutely nothing to do with the number of pension bills sent to him. The only question is, how does he treat them when they come to him? Does he treat them in a friendly or an unfriendly way? I am justified in saying that the general course of treatment of President Cleveland toward pension bills sent to him has been unfriendly. He has already vetoed more than 199 pension bills, besides the 156 he disapproved without vetoing them. At one fell swoop he struck down the dependent pension bill, which would have benefited thousands and tens of thousands of needy veterans who were suffering in the almshouses of the country. His course as a whole has been adverse to pension legislation. I will say nothing here of the undignified and unbecoming language in which many of the vetoes were couched. I will give him credit for having improved in that respect.

But, Mr. Chairman, there is one other matter on which I wish to speak for a moment, and then I shall yield the floor to other gentlemen. I want to make a brief allusion to what the gentleman from New Hampshire [Mr. MCKINNEY] said about the order for the return of what are called the "rebel flags." The gentleman says that no flag was ever returned under the order of President Cleveland, and that therefore the President is to be held up as an example of patriotism and virtue. But, Mr. Chairman, I have this to say, that it is nothing to the credit of the President, who made the order, that the flags were not returned. It was the voice of the great loyal North and Northwest that came thundering down upon him like a cyclone that stopped the order and turned it back. [Applause.]

The following is the substance of General Drum's letter to the Secretary of War:

\* \* \* \* \*

While in the past favorable action has always been taken on application, properly supported, for the return of Union flags to organizations representing survivors of the military regiments in the service of the Government, I beg to submit that it would be a graceful act to anticipate future requests of this nature, and venture to suggest the propriety of returning all the flags (Union and Confederate) to the authorities of the respective States in which the regiments which bore those colors were organized, for such final disposition as they may determine.

Impressed with these facts, I have the honor to submit the suggestion made in this letter for the careful consideration it will receive at your hands.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

The indorsement of the Secretary upon this letter is as follows:

WAR DEPARTMENT, May 26, 1887.

The within recommendation is APPROVED BY THE PRESIDENT, and the Adjutant-General will prepare letters to governors of those States whose troops carried their colors and flags now in this Department, with the offer to return them as herein proposed, the history of each flag and the circumstances of its capture or recapture to be given.

WILLIAM C. ENDICOTT,  
*Secretary of War.*

So President Cleveland did approve the order, but when he discovered that he had made a grave mistake he prudently retreated.

But, Mr. Chairman, I want to be distinctly understood. This is a matter for the President only. I do not know and I never heard that anybody in the late Confederacy (if I may use that expression) ever asked for the return of those flags. Those flags were bravely defended with life and blood, and with courage equal to that exhibited in any struggle; and when the flags went down the great body of those who had fought under them in the Confederate army accepted the situation, and they never asked for the return of those flags. They recognized the fact that the flags were the symbols of their cause, and when the cause was lost the flags went with the cause.

What would they do with them if they had them? Mr. Chairman, a flag means something. That flag over your head means something. It means something to me and to my comrades who followed it upon many a bloody field. It means country, it means Constitution, it means liberty, it means law, it means all the thronging future with its momentous possibilities. [Applause.]

It means homes and firesides; it means our children, and it means our kindred and our posterity that shall come after us down to the latest generations. That is what we fought for. [Applause.] That is what our comrades died for. It may be that the President did not realize this. It has never been burned into him in battle fires as it has been into some.

What did the other flag mean? You men who bore it bravely, you know what it meant. It meant the doctrine of the right of secession, and you yourselves now say that the doctrine of secession is dead. It meant the dissolution of this magnificent Union, and you yourselves say now that this is a grand, magnificent, indissoluble Union of indestructible States. [Applause.] It meant war against the Constitution of your country. Does it mean that to you now? If you had received the flags, moth-eaten, tattered, torn, battle-rent as they are, what would you have done with them?

No, my friends; no, my brothers; I speak with malice to no one, with charity to all; it is better that they should rot and be moth-eaten in the attics of the War Department than that they should ever be

returned to the hands that bravely bore them on the battle-field. Out of the tomb of the lost cause they will bring neither light nor glory nor honor. Let them rest. They no longer mean what they meant then; they can never mean it again, and God helping us we never intend that the symbols of disunion, secession, and war against the Constitution shall ever again go back into the hands that bore them on the battle-fields of the rebellion. [Loud applause.]

I now yield what time is remaining to the gentleman from Maine [Mr. BOUTELLE], if he desires it.

The CHAIRMAN. The gentleman has six minutes remaining. Mr. CUTCHEON. As I do not see the gentleman from Maine in his seat, I will yield it back to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. I will reserve the remainder of the time, unless the gentleman from Maine, whom I now see in the Hall, desires to occupy it.

Mr. BOUTELLE. I have no use for the six minutes.

Mr. HENDERSON, of Iowa. Then I shall reserve it.

The CHAIRMAN. The Clerk will resume the reading of the bill. Mr. BURNES. I wish to offer an amendment before leaving this part of the bill.

The Clerk read as follows:

Page 41, line 7, strike out "Casper" and insert "Caspar."  
Page 47, line 30, strike out "Hunter" and insert "Hunker."  
Page 50, lines 11 and 12, strike out "Horenburg" and insert "Hovenburg."  
Also, on page 59, line 9, insert "Harry H. Bodwell, \$1,459.54; Edward J. Strong, \$111.20; C. Mark Cole, \$4,097."  
And in lines 20 and 21 strike out "\$46,239.31" and insert "\$51,897.05."

The amendment was adopted.

The Clerk read as follows:

For expenses of United States courts, 1879 and prior years, \$128.04.

Mr. MORROW. I offer an amendment to come in after line 14.

The Clerk read as follows:

Amend, on page 59, after line 14, by inserting the following:  
"For balance of fees of A. L. Rhodes as assistant United States attorney in the cases of the San Francisco Savings and Trust Society vs. Irwin and Boulden vs. Phelps, involving title of Mare Island, California, including the navy-yard, \$4,000."

Mr. BURNES. I make the point of order against that amendment; that is not germane in the first place, and then that it is an expenditure unauthorized by law.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. MORROW. In reply to the point of order, I desire to call the attention of the gentleman from Missouri and the Chair to a note appended to page 5 of the document I hold in my hand, which is a letter from the Secretary of the Treasury, transmitting a supplemental list of claims allowed by accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, embodied in Executive Document No. 377, of this session of Congress. The account is set forth there as the account of "A. L. Rhodes, special assistant United States attorney; fees of district attorneys of United States courts, 1887, and prior years," to which is appended this note:

NOTE.—The Attorney-General, on February 24, 1888, approved an account for \$4,000 in favor of Mr. Rhodes as special assistant United States attorney, apportioning it among fiscal years as follows: \$1,000 payable from appropriation for 1885; \$1,000 payable from appropriation for 1886, and \$2,000 payable from appropriation for 1887. The appropriation for each of those years being exhausted, the First Auditor reported the whole account to this office disallowed, basing his action on section 3679, Revised Statutes.

This office, though regarding the action taken by the Auditor as correct under section 3679, Revised Statutes, has not certified the account, but has chosen thus to bring the matter to the attention of Congress, in order that an appropriation may be made to pay it, if Congress so desires.

Now, it may possibly be that under a strict construction of that particular section of the law to which reference is made (section 3679 of the Revised Statutes), which restricts the appropriations for contracts where the money is not in the Treasury to pay the contracts, that the amendment would be inadmissible; but I desire to say that the most that can be claimed against this amendment is that the aggregate of the expenditure under that particular head was in excess of the amount appropriated, though it did not follow that this particular contract was in itself in excess of that amount, so that when you come to the final adjudication of these particular accounts, and the contracts were found to be in excess of the amounts appropriated, this strictly might fall under that rule. But I hope the gentleman from Missouri will not insist upon the point of order if the Chairman shall determine the point as well taken, but will allow this claim, the character of which I am satisfied no one will dispute, to be considered on its merits, and let the committee decide the question.

The CHAIRMAN. The Chair understands the gentleman from Missouri to make the point of order that the appropriation is not authorized by existing law.

Mr. BURNES. It is right in the face of the existing law, and the gentleman will so concede.

Mr. MORROW. All I concede is that the appropriations for that year were deficient and that the contracts were made, and necessarily made in excess of the appropriations.

But, if the Chair will permit me, I want to appeal to the gentleman from Missouri not to insist upon the point of order. This was a contract made with one of our leading attorneys in California, who discharged the duties most efficiently and faithfully—

The CHAIRMAN. The Chair thinks the gentleman had better get the attention of the gentleman from Missouri, since he makes his appeal to him.

Mr. MORROW. I am now appealing to allow this to go in, and I am stating these reasons: The Attorney-General made this contract with Mr. Rhodes (ex-chief-justice) to perform these services. It was to defend the title to Mare Island, an exceedingly valuable property of the United States. It is admitted that the contract for the services was exceedingly moderate, and that Judge Rhodes has performed, even for the compensation here proposed, services that were very valuable. The result of his services has been to save the title of this property to the United States. Now, here is a contract made by an officer of the United States who had authority to make the contract; the services have been performed; there is nothing remaining to be done on the part of the attorney; and the compensation ought therefore to be paid.

Mr. BURNES. In so far as the gentleman appeals to me, I yield to that appeal; but he can not appeal to me successfully in this case as a representative of the rules. Therefore I am compelled to insist upon the point of order, as the admission of this amendment would be a direct and palpable violation of the rules of the House.

Mr. MCKENNA. I would like to ask the gentleman a question. Is it within the competency of the Attorney-General of the United States to employ special counsel in a case? If it is, and he does so, then certainly to make appropriation to pay for those services would be within existing law.

Mr. BREWER. I desire to call attention to a case which arose on this very bill the other day, in which it was stated that the Attorney-General had power under the law to employ special counsel and permission was given to put an appropriation upon this bill for a case exactly like this.

Mr. MCKENNA. In a matter of this kind, if there be any doubt, I think the doubt ought to be resolved as against the point of order. The suit in which these services were rendered involved the swamp and overflowed land on Mare Island. That suit was decided against the Government and is now before the Supreme Court of the United States on appeal. The other case involved the yard itself. And surely, Mr. Chairman, under such circumstances as this, the fee being small and the counsel employed having performed the services, if there be any doubt, it should be resolved against the point of order.

Mr. ROGERS. During a discussion the other day upon an amendment offered by myself to put upon this bill an additional \$30,000 to enable the Attorney-General to pay attorneys for services they had already rendered, together with those which are likely to become necessary during the current year, the question was put to me by my friend from New Jersey [Mr. BUCHANAN], who is not now present, as to whether or not there were any cases of the character now presented by the gentleman from California. At that time I had made no inquiry into that matter whatever; but I have since gone to the Treasury Department and made inquiries to ascertain whether there were cases of the description just mentioned. I find that there was not only this particular case which the gentleman from California has presented, but another case where the Attorney-General had employed counsel under the direction of Congress, or rather had employed counsel in pursuance of law, to look into the title to the Potomac flats; and no doubt there are others, though I did not ask how many there were; neither did I investigate into this matter at all. These services are rendered in pursuance of law, and the gentleman from California is entirely correct in stating (and I can turn to the statute in an instant if necessary) that the Attorney-General has power to employ these parties.

There are certain restrictions upon the employment, such as that employment must be made before the work is performed; but that the power exists there is no question. The amendment I sought to put on this bill was to enable the Attorney-General to discharge these liabilities incurred under the law. It was voted down, improperly voted down in my judgment. Every case of that description stands upon precisely the same basis as the case now presented by the gentleman from California. Services of this description now remain unpaid, and yet no provision has been made on the part of the Government in the sundry civil bill or in this bill for the payment for these meritorious services.

I remarked at the time when the amendment was presented that there was a misapprehension of this matter, because I think the House had in mind the case of Mr. Lowrey's fees in New York, and refused to make the appropriation on that account. I want to state that I learn from my friend from Alabama [Mr. OATES], who I believe is now present, that Solicitor General Jenks, who alone of the officers of the Department of Justice has had anything to do in the way of employing counsel connected with the Bell telephone case, says that he does not intend to pay Mr. Lowrey any more of the fee he claims against the Government.

Now, what the House ought to do, and what the committee ought to

do, is to pass the amendment which I offered the other day and appropriate \$30,000 in this deficiency bill to enable the Department of Justice to do that which Congress has called upon it to do. This amendment as offered I have not a shadow of doubt ought to be adopted. The employment of special attorneys is a matter left to the discretion of the Attorney-General, and is imposed upon him as a matter of public duty.

Mr. MORROW. I think under the authority of the Attorney-General, conferred upon him by law, he is to employ counsel, and that it is in order on this bill to appropriate money for the payment of services rendered under that employment. Now, this is a case where the Attorney-General did employ counsel in an emergency. A suit was brought in which valuable services were rendered. He had to employ an exceedingly able lawyer, who has rendered faithful service, and the Government has been benefited thereby. Now, the question is, will this House pay this lawyer for the service he rendered in accordance with the contract which the Attorney-General was authorized to make under the law?

Mr. BURNES. I agree largely with the gentleman from Arkansas [Mr. ROGERS] as to the propriety of paying these claims. They are like a thousand other meritorious claims pending before Congress for which some provision ought to be made. I call the attention of the Chair to section 3679 of the General Statutes, which reads:

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of that appropriation.

Now, I am satisfied with my friend from Arkansas that the interests of the Government demand that liberal appropriations should be made for the employment of general counsel, and able general counsel in many cases; but that is not the question before us now; we will reach that at some other stage.

The CHAIRMAN. If the point of order is insisted upon, the Chair will be compelled to hold that it is well taken.

Mr. MORROW. It seems that the other day this very question was raised by the gentleman from Arizona [Mr. SMITH], who called attention to section 363 of the Revised Statutes.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken, but if the gentleman chooses he can take the judgment of the committee.

Mr. MORROW. I desire to call the attention of the Chair to section 363 of the Revised Statutes, which provides that—

The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain in the name of the United States such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of their compensation, and shall have supervision of their conduct and proceedings.

The CHAIRMAN. But that section is qualified by the other section, which restricts the Attorney-General to the amount of the appropriation for the fiscal year.

Mr. BURNES. The gentleman from California [Mr. MORROW] does not seem to understand. But while the Attorney-General has the power to employ counsel in cases like this, yet in making contracts for the employment of counsel he is limited by the amount of the appropriation.

The CHAIRMAN. That is the statement which the Chair has just made, and if the sections read are the only sections of the law bearing upon the subject, the Chair thinks the point of order is well taken.

Mr. MCKENNA. But, Mr. Chairman, it does not appear here that when this contract was made it was in excess of the appropriation.

The CHAIRMAN. The fact that there is a deficiency would seem to indicate that it was.

Mr. MCKENNA. No, sir; because it may be that the money was disbursed in other ways after the contract was made and before the time of payment.

The CHAIRMAN. That might possibly prove to be true upon investigation, but it does not affect the point of order.

Mr. MCKENNA. Well, if the contract was within the law when it was made, it is not put outside of the law by the subsequent expenditure of the moneys for other purposes.

The CHAIRMAN. But the point the gentleman raises involves a question of fact, not a point of order. The presumption is that this is beyond the appropriation, or else this deficiency would not be asked for. The section of the law which the gentleman has read authorizes the Attorney-General to employ, but the other section which has been read by the gentleman in charge of the bill limits the employment within certain bounds fixed by the appropriation.

Mr. MCKENNA. Would not that ruling make the whole deficiency bill out of order, because manifestly there have been deficient appropriations or there would be no necessity for further appropriations now.

The CHAIRMAN. The Chair thinks it would make out of order everything sustaining a relation to this bill like that sustained by this particular item. The point of order is sustained.

The Clerk read as follows:

Claims allowed by the Sixth Auditor for deficiency in postal revenues, 1885 and prior years, except the claim numbered 6800 in said Executive Document No. 377, \$2,677.04.

Mr. RAYNER. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting, after line 9, page 66, as follows: To pay M. C. Mordecai, mail contractor, as per order of the Postmaster-General, dated January 2, 1861, for allowance of one month's extra pay for discontinuance of service, allowed by the Sixth Auditor of the Treasury in Executive Document No. 25, item 138, of the Forty-seventh Congress, \$3,333.33.

Mr. BURNES. If the amendment offered by the gentleman from Maryland [Mr. RAYNER] is before the committee I desire to make the point of order against it, but I will reserve the point until the gentleman has an opportunity to be heard.

Mr. RAYNER. I will ask to have read the letter which I send to the Clerk's desk.

The Clerk read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY  
FOR THE POST-OFFICE DEPARTMENT,  
Washington, D. C., July 20, 1888.

SIR: Your letter of the 10th instant, addressed to the honorable Postmaster-General requesting to be informed what amount, if any, remains unpaid of the one month's extra pay allowed M. C. Mordecai, on discontinuance of service under his contract on route from Charleston, S. C., to Key West, Fla., has been forwarded to this office.

In reply, I have the honor to inform you that no part of the one month's extra pay allowed Mr. Mordecai, under the orders of the Postmaster-General dated January 2, 1861, which amounts to \$3,333.33, has yet been paid by this office, for lack of the necessary appropriation.

This claim was taken to the Court of Claims in 1883, and is known in said court as cause No. 13412, but what action, if any, has been taken by said court in the case, this office has not been advised.

Very respectfully,

D. McCONVILLE, Auditor.

Hon. I. RAYNER,  
House of Representatives.

Mr. RAYNER. Mr. Chairman, this is an eminently just claim which ought to have been paid long ago, and I do not think that any point of order will lie against it. It arises upon a contract between the Government and the claimant to carry the mails from Charleston to Key West, by way of Savannah, for a compensation of \$40,000 a year; the contract providing that in case the mail should be discontinued the contractor was to receive an extra month's pay. There was an express provision in the body of the contract that "the Postmaster-General may curtail or discontinue the service in whole or in part, he allowing one month's extra pay on the amount dispensed with."

Now, the service was discontinued, and the Postmaster-General at that time, and his successor, both approved the validity of this claim and said that it ought to be paid. It then went to the accounting officers of the Treasury Department, who decided that it ought to be paid. It then went to the Court of Claims, and they decided that it ought to be paid, but that it was barred by limitation, and therefore they could take no action in regard to it unless under authority of a special act of Congress. The money has been due for over twenty years, and it certainly ought to be paid without further delay.

Mr. BLOUNT. Does this case stand upon any other footing than ante bellum mail contracts generally?

Mr. RAYNER. Yes, sir. This is not a claim for transporting the mails. This is a claim under a contract in which the Government agreed that in case the mail should be discontinued they would allow the contractor a month's extra compensation. They did discontinue the service, but the compensation has never been paid.

Mr. BLOUNT. But was not the contract for carrying the mails?

Mr. RAYNER. Yes, sir; but this claim is not for the service of carrying the mails. This is a claim for a month's extra compensation arising out of the discontinuance of that mail service.

POST-OFFICE DEPARTMENT, Washington, January 2, 1861.

SIR: The Postmaster-General orders that the service on the route No. —, from Charleston, S. C., via Savannah, Ga., to Key West, Fla., and back, twice a month by steam-ship "Isabel, or other steamers, if necessary," under contract with you of 3d October, 1860, at the sum of \$40,000 per year, for and during the term commencing the 15th day of October, 1860, and ending the 30th day of June, 1864, be discontinued, and one month's extra pay allowed on the amount dispensed with.

This order is to take effect immediately.

I am, very respectfully, your obedient servant,

HORATIO KING,  
First Assistant Postmaster-General.

M. C. MORDECAI, Esq.,  
Charleston, S. C.

Mr. BLOUNT. What is the date of that order?

Mr. RAYNER. January 2, 1861. The claimant had been carrying the mails under his contract, and the Government discontinued his service. The Postmaster-General directed that this one month's extra pay should be paid to him, according to the explicit provision of the contract that the Postmaster-General might curtail or discontinue the service in whole or in part by allowing one month's extra pay. The matter then went to the accounting officers of the Treasury, and they allowed the claim. Afterward it went to the Court of Claims, which declared that the claim ought to be allowed; but there being no special act of Congress authorizing its payment, and the claim being barred by the statutory limitation, the court held it had no jurisdiction to find final judgment. It has been admitted during various administrations of the Post-Office Department that the money is due. The claimant has been here year after year pressing his demand for

the payment of that which has been admitted by the Government to be honestly due him.

Mr. DINGLEY. Will the gentleman state again the date of the order of the Post-Office Department?

Mr. RAYNER. January 2, 1861, was the date of that order. The mails had been carried under this contract for about six months.

Mr. DINGLEY. For what reason was the contract discontinued?

A MEMBER. The war was just beginning.

Mr. RAYNER. This was of course just before the opening of the war; but the Government continued after that time to carry the mails in a great many of the Southern States, endeavoring to keep up the mail service as well as it could. The service under this contract was discontinued without any notice to the claimant; and in the order of discontinuance the Postmaster-General allowed this one month's extra pay. Mr. Holt, who succeeded to the office of Postmaster-General, passed favorably upon the validity of the claim.

Mr. DINGLEY. Is it not a claim that should take the usual order which claims take before Congress?

Mr. RAYNER. It has taken that order. It has been before the Court of Claims.

Mr. DINGLEY. Has it been before the Committee on Claims and reported favorably?

Mr. RAYNER. It has not. The language of the Court of Claims is the following:

On the 3d day of October, 1860, just before the organization of the rebellion against the United States, by the passage of ordinances of secession by some of the States, the claimant entered into a written contract with the Postmaster-General to carry the mails by steam-ships from Charleston, S. C., to Key West and back, twice a month, commencing October 15, 1860, and ending June 30, 1864, at the compensation of \$40,000 a year.

The Legislature of South Carolina passed an ordinance of secession December 20, 1860, and other Southern States soon did the same. The mail service in all those States became disorganized even before the passage of those ordinances; and yet during that time, as well as afterwards and until the government of the Confederate States was fully organized, the mails continued to be carried somewhat irregularly on most of the routes under existing contracts with the United States.

In the case of *Reeside vs. The United States* (8 Wall., 33, and 7 Ct. Cls. R., 89) the Supreme Court say in relation to the condition of affairs then existing:

"The policy of the Government was to conciliate the people, and to separate them, if possible, from the leaders; and one of the means used for this purpose was to continue these mail and postal accommodations so long as any hope existed of preventing the rebellion or continuing peaceful relations."

As to this particular route now under consideration, however, the Postmaster-General availed himself of a reservation in the contract that—

"The Postmaster-General may curtail or discontinue the service in whole or in part, he allowing one month's extra pay on the amount dispensed with."

And on the 2d day of January, 1861, he made an order to take effect immediately, of which the claimant was duly notified, that the service under their contract should be "discontinued, and one month's extra pay allowed on the amount dispensed with."

Thereafter the claimant performed no further service.

By the express terms of the contract, as well as by the order of the Postmaster-General, the United States thereupon became indebted to the claimant in the sum of \$3,333.33, for the amount of one month's extra pay, and that obligation has never been discharged.

That this sum was and still is due to the claimant can not be doubted, and is conceded on the part of the defendants.

Mr. DINGLEY. Has this been adjudicated by the Court of Claims?

Mr. RAYNER. The court decided the facts in favor of the claimant, but could not give judgment because of the statutory bar. That is the statement of the court at the end of the opinion. This claim has hung on in Congress year after year. The claimant, who has been long waiting for his money, is now in almost destitute circumstances.

Mr. BURNES. Mr. Chairman, I have no disposition to defeat this claim by pressing a point of order against it, although I am satisfied that the age of the claim and its date justify us in looking to the question which has not been passed upon—the loyalty of the claimant. Now, mark you, I am probably no less disposed to the payment of claims, whether the claimant was loyal or disloyal, than other members on this floor, if the claims are just and honest claims against the Government. But the settled and constantly pursued policy of Congress for twenty-seven years has been against the payment of claims like this. Whether the point of order is good or bad, I leave it for the Chair to decide, simply saying that I trust this House under no circumstances will at this time undertake to depart from its settled policy and make appropriations for claims like this. Rather, sir, let this claim take its chance, like all kindred claims, before the committees of this House whose duty it is to deal with such claims, and let us leave the appropriation bills free from matters of this kind.

Mr. RAYNER. What is the point of order that the gentleman makes against this claim? I would like to know.

Mr. BURNES. Well, I will say because it is a claim. Because there is an element of claim in it that has not been passed upon either by the courts of the country or by the accounting officers of the Treasury, namely, the loyalty of the claimant.

Mr. RAYNER. Why, the Court of Claims and the accounting officers of the Treasury have both passed upon it, and it does not come within the law which provides that money within the Treasury not paid out within two years shall be covered back into the Treasury, because of the fact that the appropriation for the payment was never actually made. I have the allowance here and a statement of the accounting officers of the Treasury. He is a loyal man now. I do not think there is any proof or even any charge of disloyalty at this time.

I do not see, therefore, that there is any point about that, nor should it enter into the question; nor does it come within that provision of law to which I have referred, the two years' limit, because it has not yet been provided for, although the Treasury officials have allowed it and the Court of Claims have passed upon it; and had it not been for the limitation on that court they would have given judgment for the amount of the claim. This allowance was made on the 14th day of June, 1878, in the estimate for payments under this head:

Estimates for the payment of claims allowed by the accounting officers of the Treasury Department under the provisions of section 4 of the act of July 14, 1878, payable from appropriations the balances of which have been exhausted or carried to the surplus fund, etc.

Under which head appears the following:

M. C. Mordecai, mail contractor: For allowance of one month's extra pay, per order of the Postmaster-General dated January 2, 1861; for discontinuance of service, \$3,333.33.

J. H. ELA.

Everything has been done that could be done in support of the case. It has been allowed by the Sixth Auditor, and also by the report of the Court of Claims; and, as I have said, the judgment would have been entered but for the reason that the court had not jurisdiction owing to the time that had elapsed since the claim originated.

Mr. HOPKINS, of Illinois. Did the Court of Claims hold that as the only reason for the disallowance?

Mr. RAYNER. The court say that there is no defense of disloyalty set up. The court refers to the Revised Statutes, section 3480, which made it unlawful for any officer to pay any amount, claim, or demand against the United States which accrued or existed prior to the 13th of April, 1861, "in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who, during such rebellion, was not known to be opposed thereto and distinctly in favor of its suppression." This question, then, of loyalty is something new, set up now, although this claim has been going on this way for twenty-five years.

Mr. HOPKINS, of Illinois. But the United States may have thought the defense of limitation was sufficient.

Mr. RAYNER. Yes, but they passed upon the validity of the claim. They acted on it, and they go on to say:

The original cause of action accrued more than six years before the filing of the petition in this court by the claimant, and his claim is not one of those for the payment of which provision was made by the act of March 3, 1877. The court therefore has no jurisdiction of the case, and the petition must be dismissed.

The court held that under the provisions of the act of March, 1877, the court had no jurisdiction in the premises. But they passed upon the facts. You have the contract with the Government and you have an express provision in the contract that the contractor shall be paid this money; that is to say, one month's compensation in the event of a discontinuance of the service by the order of the Department.

Mr. BLOUNT. The gentleman refers to the act of March 3, 1877. Is that the appropriation bill providing for certain *ante bellum* claims which had been acted upon and sent up from the Sixth Auditor?

Mr. RAYNER. I think likely it is. But let me state that this case does not belong to that class of claims. This is for payment for a breach of contract for carrying the mails and for actual service. It is on a contract which agreed to give the contractor one month's pay, provided the Government should discontinue the route during the pendency of the contract. It is a distinction which the Court of Claims clearly makes; that is to say, it comes under the head of a contract on which the service was discontinued.

Mr. BLOUNT. The Government contracted with him to carry the mails?

Mr. RAYNER. Yes, sir.

Mr. SHAW. And the Government terminated the contract.

Mr. RAYNER. Yes; on account of which this balance became due.

Mr. SHAW. That provision is made in all contracts to give the contractor a month's pay where the service is discontinued; and it is provided in the case now before us that an extra month's pay was to be given in case of a discontinuance.

Mr. RAYNER. The court have passed upon that, and they say:

The claimant would be entitled to judgment in his favor if his claim was embraced in the description of those for which the appropriation is thus made.

Referring to the act to which I have heretofore called attention. But they say also—

That this sum was, and still is, due to the claimant can not be doubted and is conceded on the part of the defendants.

Mr. HOPKINS, of Illinois. Are any of these claims, for which appropriation was made, from the South?

Mr. RAYNER. I do not know how that may be.

Mr. DOCKERY. This is no more a deficiency than hundreds and thousands of other claims of like character which may be sought to be appended to this bill.

The CHAIRMAN (Mr. CRISP in the chair). The Chair will be compelled to hold, unless the gentleman can cite some statute law authorizing the expenditure, that the point of order is well taken.

Mr. RAYNER. The only law that I can cite, Mr. Chairman, is the action on this claim by the Court of Claims, to which I have called attention, the allowance by the Auditor of the Treasury of the claim, and the statement on the part of the Postmaster-General that the claim

should be paid. Now, the law which provides that money which has been unpaid and lying in the Treasury for two years shall revert to the Treasury does not apply to this claim at all, because there has been no appropriation for this particular amount. But we claim under the decision of the Auditor of the Treasury, and of the Court of Claims, and the opinion of the Postmaster-General.

Mr. DIBBLE. Mr. Chairman, I will just submit to the Chair this point in relation to the question which the Chair asked in reference to the power of the House to act upon this claim now, that the law which authorized the payment of this allowance to the claimant in this case is the law which authorized the Postmaster-General to make the contract, which had a provision inserted in it that in case he made a breach of the contract by a discontinuance of the route there should be paid one month's compensation to the contractor. The law which authorized the making of the contract imposed also the obligation on the part of the Government to pay the money that is now claimed.

The Postmaster-General had exercised that function under existing law, and the legal obligation under that law attaches to the Government; and therefore it comes within a class of cases which are authorized by existing law. It was authorized by existing law that the Government should pay that one month. The Government has declared the contract off with one month's pay, and have therefore authorized it by existing law. Nothing in the world is necessary now but the appropriation; and this is the place for it.

Mr. RAYNER. The other day there was a claim passed here of the same character as this claim. I think a point of order was raised against it, but was withdrawn. It was in reference to transportation during the war. The amendment was offered by the gentleman from New Jersey [Mr. MCADOO], and the point of order was withdrawn, as I understand, on the ground that the claim had been passed upon by the Treasury officials. The case of the gentleman from South Carolina is the same thing substantially. The contract here provided that the claimant should be paid so much. The Treasury Department has allowed the claim, and the Court of Claims has also declared in favor of its payment. Two Postmaster-Generals have agreed that it was just. The service was discontinued. The claimant has waited twenty years for the payment of his claim. He has proved that it is a valid claim, and that it is due from the Government.

The CHAIRMAN. The Chair does not understand that because a claim is just and has been allowed by the Department, it is therefore necessarily authorized by law. The Chair understands the rule to mean that on a general appropriation bill no amendment shall be in order except, in the language of the rule, for expenditures "previously authorized by law." The attention of the Chair has not been called to any law authorizing this expenditure, and he therefore sustains the point of order.

Mr. DOCKERY. I move to strike out the last word. Mr. Chairman, it is not my purpose to detain the House but a few moments, as it is simply my desire to submit a brief financial exhibit of the condition of the national Treasury. The President in his last annual message referred to the "condition confronting" Congress and the country, and urged the immediate reduction of Federal taxation, so as to decrease the growing volume of revenue which was daily augmenting the surplus in the Treasury until it then aggregated \$79,466,695.30. That untoward "condition" is to-day more pronounced, as the surplus which "confronted" us on the threshold of this session has been increased in the sum of \$53,051,056.25.

I desire to invite attention to the condition of the Treasury, as shown by the Treasury books on the 1st of this month, as contrasted with its condition on the 30th of June last. During the month of July the Secretary of the Treasury purchased of 4½ per cent. bonds \$659,200 and paid as premium on them \$48,531. He also purchased \$353,700 of 4 per cent. bonds, paying on this last class of bonds \$95,701.38 as premiums, the entire purchase aggregating \$1,157,132.38.

The purchases prior to July 1st, amounted to \$26,776,850, on which premiums were paid amounting to \$5,609,950.40, so that the entire purchase of bonds since the 23d of April last, with the premiums that have been paid, amount to \$33,543,932.78.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. DOCKERY. Certainly.

Mr. BUCHANAN. Has the gentleman figured out how much less that premium is than the amount would have been if the interest on the bonds were paid at maturity?

Mr. DOCKERY. I have not, and I do not believe it is sound business policy to tax the people and pay 27 per cent. on a debt not yet matured.

Mr. BUCHANAN. I asked the question because there seems to be some statement of a saving that has been effected in connection with the Treasury statement.

Mr. DOCKERY. That is very true; but speaking from a business standpoint, I confess that I have but very slight admiration for that sort of "saving."

Mr. Chairman, the revenues of the Government for the month of July were \$33,613,590.40. The average daily income of the Government during the same period was \$1,084,303.35—more than a million dollars pouring daily into the Treasury—whilst the daily average bond purchases amounted to but \$32,677. The surplus of idle and unpro-

ductive money in the Treasury on the 30th day of June last, which was \$120,272,205.90, has augmented until it now swells to the enormous aggregate of \$132,517,751.55, an increase in one month of \$3,245,545.65! And yet, Mr. Chairman, with this startling "condition" confronting us we have occupied days and weeks, and other days and weeks are to be consumed in discussing the mere "theories" underlying the different systems of taxation.

Mr. HOPKINS, of Illinois. Can the gentleman state to the House how many bonds are due in two years?

Mr. DOCKERY. There yet remains about \$220,000,000 of the 4½ per cent. bonds which mature September 1, 1891.

Mr. HOPKINS, of Illinois. What provision is the Administration making for paying these bonds?

Mr. DOCKERY. The law provides that there shall be annually set aside a certain sum of money—I think about \$50,000,000 (a sinking fund)—for the payment of these and other bonds of the United States.

Mr. HOPKINS, of Illinois. Would it not be better policy to take the fifty or sixty millions deposited in the national banks and for which the Government is getting nothing and use it in buying these bonds?

Mr. DOCKERY. The Government issued its circular, and has been in the market ever since the 23d of April last endeavoring to purchase bonds, and has been able to buy only \$33,543,932.78, and those at an enormous premium. The difficulty which President Grant foresaw when he was the Chief Executive has come to pass. The moment the Government goes into the market to buy bonds, that very moment they begin to appreciate. That is the difficulty confronting the Secretary of the Treasury to-day.

Mr. HOPKINS, of Illinois. Is not the difficulty in the manner in which the Government has gone to work to buy the bonds, rather than in the fact of buying them?

Mr. DOCKERY. I think not. The Government has simply advertised, just as a private individual would advertise if he desired to purchase a certain number of bonds.

Mr. LAIRD. As a business man, what do you say to the enhancement of the value of the fours and four-and-a-halves by the manner in which their purchase has been conducted? The four-and-a-halves could have been bought for 107 or less if the bid had been asked in that way.

Mr. DOCKERY. I do not know that I exactly catch the drift of the gentleman's question, but will say that all of the four-and-a-halves have been purchased for less than 8 per cent. We may differ as to methods, but if I understand the criticism implied by the interrogatory, I must say that I do not think it well founded, as in my opinion any other plan for purchases would have been followed by the appreciation of the bonds.

Of course I imagine that no policy which this Administration could devise would be exactly satisfactory to our friends on the other side; but if I were going to purchase bonds I do not know what course I could pursue except to advertise in some way the fact that I desired to purchase, and then if my friend from Illinois [Mr. HOPKINS] had bonds to sell, I suppose he would offer them, in which event I would accept or reject as the prices seemed either reasonable or exorbitant.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. If I understand the complaint of the gentleman from Missouri [Mr. DOCKERY], it is that this side of the House has pursued a policy which has resulted in increasing the surplus in the Treasury, or rather in preventing a reduction of the revenue, sought on the other side through the Mills bill. Now, I desire to say, with respect to this complaint, that gentlemen on this side of the House who have opposed the Mills bill and have contended for a revenue bill of another character have been as earnest as gentlemen on the other side to secure such a reduction of the revenue as would prevent a surplus. Nay, more; for more than a year and a half we have been ready at any time to vote for a proposition on which the other side agrees with us, and has inserted in the Mills bill, for the reduction of the revenue by abolishing the tax on tobacco, except perhaps cigars, and that notwithstanding this side of the House has stood ready for a year and a half to vote for that proposition and reduce the revenue \$25,000,000, and notwithstanding gentlemen upon the other side have sought to obtain recognition to put on its passage a bill thus reducing the revenue, no such recognition has been given.

And notwithstanding at any time this session the majority of the Ways and Means Committee might have taken advantage of this agreement of both sides, and passed a bill reducing the revenue and the surplus to this extent, yet they have declined to do this. And why have they declined? Evidently in order that there might be an increasing surplus as a lever to be used to secure the overthrow of the system of protection of home industries in this country.

Mr. NELSON. Will the gentleman allow me a question?

Mr. DINGLEY. I do not yield now.

Mr. NELSON. Is there any popular demand for the repeal of the tobacco tax?

Mr. DINGLEY. I decline to yield.

Mr. NELSON. Do the people want the tobacco tax repealed?

Mr. DINGLEY. I decline to yield at this time. I simply say that the other side of the House have voted to incorporate in the tax re-

duction measure which they have proposed a proposition to abolish this tax, and nearly all of this side of the House would be ready to vote for that proposition under all the circumstances; and that in view of this, gentlemen on the other side would have seized upon what was practicable and passed such a bill if they had been half as desirous of reducing the revenue as they profess to be.

Mr. NELSON. Who wants the repeal of the tobacco tax?

Mr. DINGLEY. I decline to be interrupted, for the gentleman's question has nothing to do with the point I am considering. Mr. Chairman, I want to say further that this side of the House have been ready from the beginning to give their votes for the passage of a bill reducing the revenue, which should protect the industries of this country. Gentlemen will understand this, and know full well the lines on which a tax-reduction bill would receive our support. There will probably come to gentlemen upon the other side of the House, as well as to this side, before we adjourn, a bill from the Republican Senate embodying the Republican and protection views of the manner in which the revenue and surplus should be reduced, and the reduction proposed by that bill will be as much as the bill which has been proposed by the other side by the bill which has passed the House; and the "average" duty of the dutiable list will be no more than that proposed by the Mills bill, but the mode of distributing this "average" will be very different from that proposed in this bill, which retains a duty of 68 per cent. on sugar and 100 per cent. on rice, but places wool and farm products on the free-list. When a protection bill shall be returned to us from the Senate as a substitute for the Mills bill we shall see if gentlemen on the other side will be as eager to reduce the revenue when the industries of the country are to be preserved as when they are to be destroyed.

Now, Mr. Chairman, with reference to the point suggested by the gentleman from Missouri, that the idle surplus of the Treasury is daily increasing, and is now over one hundred and thirty millions, why is it that with \$222,000,000 of the bonds of this Government bearing 4½ per cent. interest and due in three years, and over seven hundred millions of 4 percents—bonds which can be purchased at such a rate that they will yield the Government more than 2 per cent. for its money lying idle now and in part for nearly a year past; why is it, when this can be done, that from last October to April not a single bond was purchased, notwithstanding the Government was loaning this money to pet banks without interest? I know the excuse, but every gentleman in this Hall knows that the excuse had no foundation, for precisely the same law authorizing the purchase was on the statute-book then that there is now. Surely, so long as the interest-bearing debt of the Government can be anticipated by purchase at rates which yield the Government at least 2 per cent. for its money, there is no excuse for increasing the surplus in the Treasury; and if it is increased the country will have the right to infer that this is done to maintain a lever to push Congress into adopting such a revision of the tariff as will overthrow the protective system. [Applause on the Republican side.]

Mr. BYNUM. One word in reply to the gentleman from Maine [Mr. DINGLEY]. He says that that side of the House have been unanimous in favor of the reduction of the tobacco tax. I am not violating any secret of the Committee on Ways and Means in the statement I am about to make, because by a resolution of that committee its records have been made public. During the consideration of the bill which was introduced in the House, when the internal-revenue portion was under consideration a motion was made by the gentleman from Pennsylvania [Mr. KELLEY] to repeal the entire tobacco tax. The gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Maine [Mr. REED] voted in favor of the motion, while the gentleman from Ohio [Mr. MCKINLEY], the gentleman from Indiana [Mr. BROWN], and the gentleman from Michigan [Mr. BURROWS] voted against it. [Applause on the Democratic side.] So that there was a majority of the gentleman's own side in the Committee on Ways and Means recorded against the proposition to which the gentleman has so generously proffered the solid support of his party.

Mr. LAIRD. How did the Democratic members of the committee vote?

Mr. BYNUM. They voted against it, of course.

Mr. DINGLEY. The gentleman knows very well that the particular proposition relating to the tax on tobacco inserted in the bill passed by the House could have been incorporated into a bill alone and passed in this House at any time.

Mr. BYNUM. The gentleman stated that his party and his side were united in favor of this proposition. I merely called his attention to the vote on that single measure in committee and to the fact that a majority of his own side voted against it. His party, I undertake to say, will not support a measure repealing the tax on cigars, cigarettes, and cheroots.

Mr. DINGLEY. I do not know what was the particular proposition in the Ways and Means Committee to which reference is made, but the gentleman from Indiana well knows that a proposition relating to the tobacco tax similar to that incorporated in the Mills bill would have passed this House at any time by a large majority; and I suggest to the gentleman that if he and his associates are half as anxious as they pretend to be, they will take advantage of this situation and re-

port such a bill immediately. I predict, however, that they will not do so, because they know it will pass.

Mr. COMPTON. Mr. Chairman, I desire to say that I represent what is in large part a tobacco-growing district; and I think I have as much at heart and appreciate as fully as any man representing such a district the interest and welfare of my people. I have heard it charged time and again—and some of my friends on this side seem to be nervous under the accusation—that the Republican party are in favor of abolishing all the taxes on tobacco, and that the Democratic party has refused to accede to a proposition to reduce the tax upon tobacco. What does the Mills bill do? If I understand it correctly it reduces the tax on tobacco by about \$23,000,000, taking the tax off leaf-tobacco, chewing-tobacco, and smoking-tobacco, and leaving it only upon cigars and cheroots.

Now, as a representative of a tobacco-growing district and as a Democrat, I want to say to my Republican friends I am ready to meet them upon that square issue alone. In view of the proposition which has been presented here—a compromise proposition from top to bottom—the prime object of which is to reduce the surplus revenue now in the Treasury and prevent a financial crisis in the country, I invite the Republican opposition in the district in which I am a Democratic candidate, to meet me on that issue before the tobacco growers there; and I have no hesitation in saying, that as men devoted to their principles as Democrats, and devoted also to their country as good citizens, the people of my district will accept that issue squarely, and will defeat our political opponents whenever they see fit to make the issue. I am willing to accept that as the only issue in my district.

Mr. FUNSTON. Are you opposed to taking the tax off tobacco?

Mr. COMPTON. I am not. I have voted, as you did not, to take the tax off leaf-tobacco, chewing-tobacco, and smoking-tobacco, retaining a limited tax upon cigars and cheroots. Why did you not vote for that?

[Here the hammer fell.]

Mr. BURNES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed with amendment, in which the concurrence of the House was requested, the bill (H. R. 10540) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the Senate insisted on its amendments to the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes; disagreed to certain amendments of the House to the Senate amendments, and agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. FARWELL, and Mr. BECK.

#### SUNDRY CIVIL BILL.

Mr. FORNEY. Mr. Speaker, I ask that the sundry civil bill, with the amendments of the Senate, be referred to the Committee on Appropriations, and ordered to be printed.

There being no objection, it was so ordered.

#### LEAVE OF ABSENCE.

Mr. BLISS, by unanimous consent, obtained leave of absence until Saturday next, on account of important business.

#### LEAVE TO PRINT.

Mr. HOLMAN, by unanimous consent, obtained leave to extend in the RECORD his remarks delivered to-day.

#### UNITED STATES COURTS IN NEBRASKA.

Mr. ROGERS. I rise to a privileged question. I ask the Clerk to read the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

JOHN H. ROGERS,  
JOHN S. HENDERSON,  
Managers on the part of the House.

JAMES F. WILSON,  
WM. M. EVARTS,  
RICHARD COKE,  
Managers on the part of the Senate.

The following statement of the House conferees, submitted in accordance with the rule, was read:

#### STATEMENT BY THE HOUSE CONFEREES.

The amendment of the Senate is a substitute for the House bill. The House bill divides the State of Nebraska into divisions, assigning certain counties to each division, and locates the courts at five places. The Senate amendment does not divide the State into divisions, and locates the courts at four places instead of five, dropping the town of Kearney. In other respects the conferees of the House think the bills are substantially the same.

The report of the committee of conference was agreed to.

Mr. ROGERS moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of conferees as follows, namely:

On the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., Mr. DIBBLE, Mr. NEWTON, and Mr. POST, and on the bill (H. R. 1666) for the erection of an appraisers' warehouse in the city of New York, and for other purposes, Mr. DIBBLE, Mr. COX, and Mr. KENNEDY.

#### ELIZA A. CUTLER JONES.

Mr. BAKER, of New York. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6619) for the relief of Eliza A. Cutler Jones, and that the same be now put upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read, as follows:

*Be it enacted, etc.*, That there be paid Mrs. Eliza A. Cutler Jones, of Scottsville, Monroe County, New York, the sum of \$5,000, in five annual installments of \$1,000, each, out of any money that may hereafter be appropriated for the use and benefit of the Cheyenne Indians.

Mr. BRECKINRIDGE, of Kentucky. Let the report be read.

The report (by Mr. BIGGS) was read, as follows:

Your committee find that Henry C. Jones, the son of the claimant in this case, with several others, while engaged in the survey of public lands in the State of Kansas, near Fort Dodge, in March, 1874, was ruthlessly murdered by a roving band of Cheyenne Indians; that Congress, recognizing the justness of claims of this kind, has paid to Mrs. O. F. Short and Mrs. James Shaw, whose husbands and sons constituted the other members of the party at the time of the massacre, \$5,000 each as compensation for their loss.

Your committee think therefore that the claimant, who is now old and infirm, should receive a similar amount as compensation for the loss of her son, who was then a youth of twenty-one years, unmarried, and upon whom she depended for support, and accordingly recommend the passage of the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. From what committee does that bill come?

Mr. BAKER, of New York. From the Committee on Indian Depredation Claims. I will state that it takes no money from the Treasury—

Mr. BRECKINRIDGE, of Kentucky. But it takes it from the Indians.

Mr. BAKER, of New York. Yes; under the law for depredations committed by them.

Mr. SYMES. It takes it from the Indians who engaged in the raid, and committed the depredations for which the claim is lodged.

Mr. BAKER, of New York. I hope my friend from Kentucky will not object.

Mr. HOLMAN. Have the Indians been heard?

Mr. BRECKINRIDGE, of Arkansas. Does this come out of the funds belonging to the Indians?

Mr. BAKER, of New York. It does.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BURNES. I am bound to object.

Mr. BAKER, of New York. I hope the gentleman will not object. This is a particularly meritorious case.

Mr. BURNES. I must object for the simple reason that there are thousands of these claims equally meritorious with this. It has been the law all the time to take them out of the Indian money. Let it go through the usual channel.

#### LUCY M. SWINNEA AND MARY E. HANSERD.

Mr. MORGAN. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd.

Mr. HOPKINS, of Illinois. Let the bill and report be read, subject to the right of objection.

The Clerk proceeded to read the bill.

Mr. BUCHANAN. I rise to a question of order. The hour of 5 o'clock has now arrived.

The SPEAKER *pro tempore*. The point of order is well taken. The hour of 5 o'clock having now arrived, the House stands adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FISHER: A bill (H. R. 11033) for the relief of David O. Ramsey—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 11034) for the relief of the executors of the late John Grant—to the Committee on Claims.

By Mr. O. B. THOMAS: A bill (H. R. 11035) to authorize the building of a bridge over a part of the Mississippi River nearly opposite La Crosse, Wis.—to the Committee on Commerce.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of Anti-Monopoly and Settlers' Rights Association of Colorado, relative to certain publiclands in Colorado—to the Committee on the Public Lands.

By Mr. BAYNE: Petition of citizens of Allegheny, Pa., for amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. FITCH: Petition of citizens of Brooklyn, N. Y., for the removal of duties on dental instruments—to the Committee on Ways and Means.

By Mr. HIRES: Petition of citizens of Camden County, New Jersey, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of Rankin R. Lannan, of Coffee County, Tennessee, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Mary Wheeler and of Anthony Ann Williams, of Limestone County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition, 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, was referred to the Committee on Invalid Pensions:

By Mr. BOOTHMAN: Of Matthew Curren and 26 others, and of Elijah V. Clark and 43 others, ex-Union soldiers, of Rhode Island.

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. C. R. BRECKINRIDGE: Of citizens of Turnip, Ark.

## SENATE.

FRIDAY, August 3, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Journal of yesterday's proceedings was read and approved.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department in regard to the item "heating apparatus for public buildings," contained in the sundry civil appropriation bill for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of June 4, 1888, certain records of the Navy Department concerning the United States steam-ship Tennessee; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

## JACOB G. BOSTATTER.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Ohio [Mr. SHERMAN] desires to ask the Senate to take some action in reference to the bill (H. R. 5259) to relieve Jacob G. Bostatter from the charge of fraudulent enlistment.

Mr. SHERMAN. The Senate yesterday passed the bill changing the name of "Bostatter" to "Bostalter" by an amendment erroneously reported from the Committee on Military Affairs. I ask the Senate to agree to the bill as it passed the House. I move to reconsider the vote by which the bill was passed so as to correct the spelling of the name.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate reconsider the vote by which the amendment was concurred in and ordered to be engrossed, and the bill to be read a third time and passed.

The motion to reconsider was agreed to.

Mr. SHERMAN. I ask that the amendment reported by the Committee on Military Affairs be disagreed to.

The PRESIDENT *pro tempore*. If there be no objection, the amend-

ment by which the name was changed from "Jacob G. Bostatter" to "Jacob G. Bostalter" will be disagreed to.

Mr. SHERMAN. Now let the bill be passed just as it passed the House. Their spelling of the name was correct.

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

The PRESIDENT *pro tempore*. The title was amended by the Senate. That amendment will also be disagreed to.

## PETITIONS AND MEMORIALS.

Mr. MANDERSON. I present a very voluminous petition from one Giles Otis Pearce, a resident of Nebraska. He sets forth a great many grievances and wrongs perpetrated upon him by officials of the United States. After reading the petition somewhat carefully, I am at a loss to understand just what is the nature of the grievances, but the petitioner claims some \$5,000,000 from the Government as damages, and asks that his case may be sent to the Court of Claims. I do not know what to do with the petition except to refer it to the Committee on the Judiciary for its investigation.

The PRESIDENT *pro tempore*. The petition will be received and referred to the Committee on the Judiciary, if there be no objection.

Mr. PAYNE presented a petition of citizens of Athens and Meigs Counties, Ohio, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. BECK presented seven petitions of citizens of Boyle County, Kentucky, praying for the passage of the per diem pension bill; which were referred to the Committee on Pensions.

## REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3414) granting a pension to Emma Matilda Selfridge, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 78) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses, reported it with amendments.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes, reported it with amendments.

## BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3415) for the relief of John W. Coleman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 3417) granting a pension to George E. Fernald; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3418) for the erection of a public building at York, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL (at the request of a member of the House of Representatives) introduced a bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

## WITHDRAWAL OF PAPERS.

On motion of Mr. CULLOM, it was

Ordered, That J. W. Chickering be granted leave to withdraw from the files of the Senate the papers relating to his case, no adverse report having been made.

## POSTAL CRIMES.

Mr. VEST submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to return to the Senate the enrolled bill (S. 3303) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1883.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to request the Senate to return to the House of Representatives the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., with the action of the House thereon.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, and agreed to the same.

The message returned to the Senate, in compliance with its request, the bill (S. 2831) for improving the mouth of the Brazos River, Texas.