

SENATE.

WEDNESDAY, February 27, 1889.

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

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. PLUMB. I ask that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the Journal be suspended. Is there objection? The Chair hears none. If there be no motion to correct or amend the Journal it will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 3737) for the relief of Sterling H. Tucker and others; and
A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the following bills:

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased; and

A bill (S. 3864) granting a pension to Sue B. Johnson.

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

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A 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;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases; and

A bill (H. R. 11165) for the relief of John Gray.

The message also announced that the House had passed the bill (S. 1974) for the erection of a public building at Fort Worth, Tex., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSHEND, Mr. MAISE, and Mr. STEELE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. ROGERS, and Mr. EZRA B. TAYLOR managers at the further conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 2070) for the relief of Arno Voss; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 314) for the relief of Henry M. Rector;

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased;

A bill (S. 1283) for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina;

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 3778) to establish the Lincoln land district, in the Territory of New Mexico;

A bill (H. R. 295) for the relief of the legal representatives of H. Corthis;

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 341) for the relief of John Farley;

A bill (H. R. 565) for the relief of Mary A. Howse and Lulu H. Howse;

A bill (H. R. 766) for the relief of H. L. Newman;

A bill (H. R. 948) for the relief of William H. Tabarrah;

A bill (H. R. 2688) for the relief of Alfred Breuer;

A bill (H. R. 4489) for the relief of J. M. Hagan;

A bill (H. R. 4581) for the relief of Thomas Matthews and others;

A bill (H. R. 5336) for the relief of George B. Hansell;

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108, in the city of Houston, Tex.;

A bill (H. R. 5888) for the relief of William H. Boyd;

A bill (H. R. 6394) for the relief of Hayem & Taylor;

A bill (H. R. 6591) for the relief of S. Dillinger & Sons;

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia;

A bill (H. R. 9464) for the relief of Hudson G. Lamkin;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

A bill (H. R. 10481) for the relief of Rev. William Gregston;

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

A bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes; and

Joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremony on the 4th day of March, 1889.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, and asking for a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill and assent to the proposition of the House of Representatives for a conference.

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. ALLISON, Mr. PLUMB, and Mr. GORMAN were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I report from the Committee on Appropriations with amendments the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890. I give notice that at a later period to-day, if the bill shall be returned from the Printing Office, I shall ask the Senate to consider it.

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

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 12, 13, 18, and 35. That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, and 41, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$1,400;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named insert "\$83,060;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 17, page 2 of the bill, strike out "\$2,000" and insert in lieu thereof "\$2,500."

In line 18, page 2 of the bill, strike out "\$3,000" and insert in lieu thereof "\$3,500."

In line 20, page 2 of the bill, strike out "\$2,000" and insert in lieu thereof "\$2,500."

In lines 21 and 22, page 2 of the bill, strike out "\$3,200" and insert in lieu thereof "\$3,700."

In lines 1 and 2, page 4 of the bill, strike out "two clerks of class four, \$3,600" and insert in lieu thereof "one assistant statistician, \$2,000; one clerk of class four;" and in lieu of the sum named in line 7, page 4 of the bill, insert "\$34,500." and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,500;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In lieu of "\$50,000" named in said amendment insert "\$25,000;" and insert after the word "Congress," in said amendment, the following: "On or before the 1st day of February, 1890;" and the Senate agree to the same.

P. B. PLUMB,
G. B. FARWELL,
WILKINSON CALL,
Managers on the part of the Senate.
W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the report of the committee of conference? The Chair hears no objection. Will the Senate agree to the report?
The report was concurred in.

COURT IN INDIAN TERRITORY.

Mr. VEST. I notice that the House of Representatives has sent a message refusing to concur in the conference report on House bill 1874. I ask that the action of the House be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, and asking for a further conference on the amendments of the Senate thereon.

Mr. VEST. I move that the Senate still further insist on its amendments and agree to the further conference asked 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. VEST, Mr. WILSON of Iowa, and Mr. EDMUNDS were appointed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the provisions of section 194 of the Revised Statutes, a list embracing the names of the clerks and other persons employed in the several bureaus of his Department during the calendar year ended December 31, 1888, and showing the time each was actually employed and the sums paid to each; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 25, 1889, a report from the Commissioner of Indian Affairs furnishing information asked for touching the bribery of the Cherokee Council by cattle-men and their agents for the purpose of obtaining leases and a renewal of leases of the lands of the Cherokee Nation; which, with the accompanying papers, was, on motion of Mr. STEWART, ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting an additional estimate of deficiencies for services rendered in connection with the United States courts for the present and prior fiscal years; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, the reports of heads of bureaus of the War Department showing the condition and character of such papers, etc., as are not needed or useful in the transaction of the current business and which have no permanent value or historical interest; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the various Departments of the Government to complete the service of the fiscal year ending June 30, 1889, and for prior year; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 22d instant, schedules of claims allowed by the accounting officers of the Treasury Department since the allowance of those embraced in House Executive Document No. 59 of the present session; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIAL.

Mr. WILSON, of Iowa. I present the petition of William Syphax, William H. Bruce, and others, being a committee for lot-owners in Columbian Harmony Cemetery, in the District of Columbia, praying for the protection of their rights to the same extent as is assured to lot-owners in other cemeteries in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia and printed as a document, as it is a very clear and concise statement of the case.

The motion was agreed to.

Mr. HAWLEY presented the petition of J. W. Dolph and 158 others, citizens of Essex County, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of P. J. Maverty and 220 others, citizens of Ovid, Mich., and the petition of J. W. Sloan and 28 others, citizens of Tekonsha, Mich., praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. VEST presented a memorial of citizens of Missouri, remonstrat-

ing against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. VOORHEES presented a memorial of a large number of citizens of Indiana, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. BERRY presented resolutions of the Southwestern Lumber Manufacturers' Association, in session at Texarkana, Tex., in favor of the passage of a bill providing for the opening of the Indian Territory for settlement; which were referred to the Committee on Indian Affairs.

Mr. PLUMB presented a petition of the mayor and city council of Beaver, Ind. T.; a petition of citizens of Beaver, Ind. T., and a petition of citizens of Council Grove, Kans., praying for the passage of what is known as the Oklahoma bill; which were ordered to lie on the table.

Mr. DOLPH presented a petition of citizens of Whitman County, Washington Territory, praying for the passage of the bill authorizing the board of commissioners of Whitman County to issue bonds for the construction of a court-house in that county; which was ordered to lie on the table.

Mr. MORRILL presented the petition of A. A. Wyman and 26 others (10 voters and 17 women), citizens of Cambridgeport, Vt., and the petition of Joseph Bartlett and 162 others (71 voters and 91 women), citizens of Barton, Vt., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. WILSON, of Maryland, presented the petition of O. B. Grant and 848 others (391 voters and 457 women), citizens of Frederick, Montgomery, Talbot, and Washington Counties, in the State of Maryland, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. SABIN presented a joint resolution of the Legislature of Minnesota, favoring the passage of a law placing prisoners of war confined in rebel prisons on the pension-roll, etc.; which was referred to the Committee on Pensions.

Mr. DAWES presented two memorials of citizens of Massachusetts, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. EVARTS presented a petition of members of the New York bar and of practitioners in the Federal courts, praying for the passage of the bill authorizing corporations to become sureties in certain cases; which was ordered to lie on the table.

Mr. PALMER presented two petitions of citizens of Fremont and Harbor Springs, in the State of Michigan, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented petitions of citizens of Dowagiac and Ortonville, in the State of Michigan, and a petition representing over 1,500 citizens of Michigan, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3960) granting a pension to Mary B. Hunt, reported it with an amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 3708) to provide for the formation and admission into the Union of the State of Idaho, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2445) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes, reported it with an amendment.

Mr. PLATT. I desire to say that I shall endeavor during the day to submit a report detailing the facts upon which the claims for the admission of these Territories are based, and that as soon as the amendments are printed I shall ask the Senate to consider the bills.

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

Mr. TELLER, from the Committee on Public Lands, reported two amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER. On the 20th of February the Senator from New York [Mr. EVARTS] introduced an amendment proposed to be offered by him to the deficiency appropriation bill "to pay the claims for interest of the North German Lloyd Steamship Company of Bremen, the Hamburg-American Packet Company of Hamburg, and the Norse American line of Sweden a sufficient sum to pay said lines interest at the rate of 6 per cent. per annum on such moneys as were exacted from such companies in contravention of treaty provisions and heretofore refunded under the act of June 19, 1878," which was referred to

the Committee on Claims. I am instructed by the committee to report the amendment back favorably with an amendment, and with a recommendation that it be referred to the Committee on Appropriations. I simply want in doing this to commend the consideration of the amendment to that committee. It is not fairly to be considered a private claim. It is being pressed by the German Government and the Swedish Government. The President in his last annual message recommended the payment of this claim, and the Secretary of State, in a communication to the Committee on Claims, has also stated that he regards it as important to the future diplomatic interests of this Government that the claim should be paid.

Mr. HALE. Let me ask the Senator who reports the amendment what papers there are accompanying it to go to the Committee on Appropriations?

Mr. SPOONER. The Committee on Claims will send to the Committee on Appropriations a report which has been adopted once by the Senate, a very elaborate report, giving the history of these claims, and the communication of the Secretary of State.

Mr. HALE. I think it important that all those papers should go to the committee, because it is now considering the bill.

Mr. SPOONER. All of those papers will go to the committee.

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

Mr. SPOONER, from the Committee on Claims, reported an amendment intended to be proposed to the deficiency appropriation bill, providing for an appropriation to pay PHILIP S. POST for reimbursement for expenses incurred in defending his title to a seat as a member of the Fiftieth Congress; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 2598) for the relief of William Whitehouse, reported it without amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on Privileges and Elections to report an amendment to the deficiency appropriation bill, and I am directed to say that it is the report of a majority only of the committee. A minority of the committee dissented from the report.

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

Mr. PUGH. I desire to state that the Democratic members of the committee totally dissent from the amendment reported by the Senator from Massachusetts to be made a part of the deficiency appropriation bill.

Mr. SPOONER. I ask that the amendment reported from the Committee on Privileges and Elections proposed to be offered to the deficiency appropriation bill be read.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Privileges and Elections will be read.

The amendment was read, as follows:

To enable the President of the United States to offer suitable reward for the detection and conviction of the persons, or either of them, who unlawfully carried away and destroyed the poll-books and ballot-box of Plummerville, Howard Township, Conway County, in the State of Arkansas, on the day of the last election in that State for Representatives in Congress and electors for President and Vice-President, the sum of \$25,000, and said reward is hereby authorized.

SALMON FISHERIES OF ALASKA.

Mr. STOCKBRIDGE. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, to report it with an amendment in the nature of a substitute. It is a short bill and a very important one to the fisheries of Alaska. It is very strongly urged by the Fish Commissioner. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the bill reported by him may be now considered. It will be read at length for information.

The bill was read.

The amendment reported by the Committee on Fisheries was to strike out all after the enacting clause and insert:

That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous creatures to their spawning grounds, is hereby declared to be unlawful; and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than \$250 for each day of the continuance of such obstruction.

Sec. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

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

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Fisheries.

The amendment was agreed to.

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

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

Mr. DAWES. The title should be amended. I call the attention of the Senator from Michigan to the fact that the bill does not relate to the fur seals, as amended.

Mr. STOCKBRIDGE. No, sir; it relates to the salmon fisheries of Alaska. The title should be amended.

The title was amended so as to read: "A bill to provide for the protection of the salmon fisheries of Alaska."

Mr. PLATT. Does the section of the Revised Statutes which is referred to relate to salmon fisheries?

Mr. STOCKBRIDGE. Yes, sir.

Mr. STEWART. I should like to have the bill lie over so that I may look at it. I do not know that I shall want to object to it after I examine it.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to reconsider the vote by which the Senate passed the bill.

Mr. DAWES. I wish to say to the Senator from Nevada that unless the bill goes to the other branch immediately it will be entirely useless. It is the result of an investigation of a committee in the other branch with reference to the salmon fisheries only. It has nothing to do with the fur-seal fisheries.

Mr. STEWART. I will enter a motion to reconsider and look at it.

The PRESIDENT *pro tempore*. The Senator from Nevada enters a motion to reconsider the vote by which the bill was passed.

Mr. STEWART subsequently said: I should like to withdraw my motion to reconsider the bill in regard to the salmon fisheries of Alaska.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the motion to reconsider is withdrawn. The bill stands passed.

FISHERIES OF ALASKA.

Mr. HAWLEY. From the Committee on Printing I have several reports to make, mostly concerning current printing, and I should be glad to have immediate action upon them. I submit first a House concurrent resolution relating to the investigation of the fur-seal and other fisheries of Alaska.

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

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That 10,000 extra copies of the testimony taken and the report made by the Committee on the Merchant Marine and Fisheries upon the investigation of the fur-seal and the other fisheries of Alaska be printed, to be distributed as follows: To the Senate, 2,000 copies; to the House of Representatives, 4,000 copies; to the Fish Commission, 1,500 copies, and to the Secretary of State and the Secretary of the Treasury, each, 1,250 copies.

Mr. HAWLEY. I ask the Senate to proceed to the immediate consideration of the resolution.

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

EULOGIES ON REPRESENTATIVE BURNES.

Mr. HAWLEY. I also report favorably, from the Committee on Printing, the joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri, and I ask for its present consideration.

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

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

FISHERIES REPORT FOR 1887.

Mr. HAWLEY. I also report, from the Committee on Printing, a concurrent resolution to print extra copies of the report of the Commissioner of Fish and Fisheries for 1887.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the report of the Commissioner of Fish and Fisheries for the year 1887 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

INDIAN EDUCATION AND CIVILIZATION.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. MANDERSON February 13, 1889, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring). That 5,000 copies of the report on Indian education and civilization, by Alice C. Fletcher, be printed; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for distribution by the Commissioner of Education.

INAUGURAL ADDRESSES OF PRESIDENTS, ETC.

Mr. HAWLEY. From the Committee on Printing, to whom was recommended the joint resolution (S. R. 132) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House, I report a substitute which may be considered as an original bill, the committee makes so many changes in it to meet the objections and include the matter that Senators desired to add. I ask for the present consideration of the joint resolution.

The joint resolution (S. R. 141) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, inclusive, for the first century of Presidential inaugurations, and for other purposes, was read the first time by title and the second time at length, as follows:

Resolved, etc., That there be printed, under the direction of the Joint Committee on Printing, 10,000 copies of the inaugural addresses, in chronological order, from George Washington to Benjamin Harrison, inclusive, covering the first century of the inaugurations of the Presidents of the United States, together with certain historical data connected with the inauguration ceremonies; brief biographical sketches of the Presidents; the Declaration of Independence; and the Constitution of the United States; the farewell addresses of Presidents Washington and Jackson; a steel engraving of the Capitol; steel portraits of the Presidents; and a suitable index by subjects.

Sec. 2. Three thousand of said copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the compilers and editors of the work; and the sum of \$5,130, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of printing the illustrations at the Bureau of Engraving and Printing, which is hereby directed to do that work.

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

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

The PRESIDENT *pro tempore*. Senate joint resolution 138, having been disposed of by the resolution reported from the Committee on Printing, and passed, will be indefinitely postponed, if there be no objection.

STATISTICS OF MARRIAGE AND DIVORCE.

Mr. HAWLEY. The Commissioner of Labor transmits a special report relating to marriage and divorce. I report from the Committee on Printing a joint resolution to print it, and I ask for its immediate consideration.

The joint resolution (S. R. 142) to print 20,000 copies of the special report of the Commissioner of Labor on the statistics of and relating to marriage and divorce, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed 20,000 copies in brown cloth binding of the special report of the Commissioner of Labor on the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia; 10,000 copies for the use of members of the House of Representatives, 5,000 copies for the use of members of the Senate, and 5,000 copies for the use of the Department of Labor.

Sec. 2. That the sum of \$9,249, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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

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

ALIEN MINING CORPORATIONS IN THE TERRITORIES.

Mr. STEWART. I am directed by the Committee on Mines and Mining, who were instructed by a resolution of the Senate adopted October 9, 1888—

To ascertain and report to the Senate at the beginning of the next session of Congress the number of aliens, foreign companies, and corporations owning or working mines in the Territories of the United States, together with the length of time they have been so engaged, the amount of capital invested by them in mining operations, as near as practicable, the amount of dividends paid, and the amount of money expended by them in such mining operations, and what effect the owning and operating of mines by aliens, foreign companies, and corporations has had upon the growth and prosperity of the Territories— to submit a report.

The PRESIDENT *pro tempore*. The report will be received and printed.

BILLS INTRODUCED.

Mr. JONES, of Arkansas, introduced a joint resolution (S. R. 143) to equalize the distribution of hot water at Hot Springs, Ark.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was ordered to be

printed, and, with the accompanying communication from the Postmaster-General, referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN and Mr. VOORHEES submitted amendments intended to be proposed by them, respectively, to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

CALIFORNIA, OREGON, AND NEVADA CLAIMS.

Mr. STEWART. I have here a resolution which I offer, and I desire its present consideration. It is the substance of a bill that was reported to the Committee on Military Affairs and passed here and which has been reported favorably in the other House. It requires the investigation of certain matters by the board of war commissioners now in session: I am informed at the War Department that a resolution of the Senate will answer the whole purpose. It is not probable that the bill will get through, and I should like to have the resolution passed.

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

The resolution was read, as follows:

Resolved, That the Secretary of War, through the Board of War Claims-Examiners, appointed under section 2 of the act of Congress entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory," approved August 4, 1886, be, and he is hereby, authorized and directed to examine all accounts, papers, and evidence which heretofore have been, or which hereafter may be, submitted to him in support of the war claims of the States of California, Oregon, and Nevada, and Nevada when a Territory, growing out of the war of the rebellion, and in suppressing Indian hostilities and disturbances during the war of the rebellion, and in guarding the overland mail and emigrant routes during and subsequent to the war of the rebellion, and to ascertain and state what amount of money each of said States and Nevada when a Territory actually expended, and what obligations they incurred for the purposes aforesaid, whether such expenditures were made or obligations incurred in actual warfare, or in recruiting, enlisting, enrolling, organizing, arming, equipping, supplying, clothing, subsisting, drilling, furnishing, transporting, and paying their volunteers, militia, and home guards, and for bounty, extra pay, and relief paid to their volunteers, militia, and home guards, and in preparing their volunteers, militia, and home guards in camp and field to perform military service for the United States.

The Secretary of War is also directed to ascertain what amount of interest has been paid by each of said States and Nevada when a Territory on obligations incurred for the purposes above enumerated. The Secretary of War shall report to Congress the amount of money which may be thus ascertained to have been actually paid by each of said States and Nevada when a Territory on account of the matters above enumerated, and also the amount of interest actually paid or assumed by each of said States and Nevada when a Territory on moneys borrowed for the purposes above enumerated. And the Secretary of War shall also report the circumstances and exigencies under which, and the authority by which, such expenditures were made, and what payments have been made on account thereof by the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I move to strike out the clause "report to Congress." The Senate has no power to ask that a report be made to Congress.

Mr. STEWART. It should be a direction to report to the Senate.

Mr. SHERMAN. Let it read "report to the Senate." It is a resolution, I understand, for information.

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

The SECRETARY. It is proposed to strike out the words "to Congress" and insert "to the Senate;" so as to read:

The Secretary of War shall report to the Senate the amount of money, etc.

The PRESIDENT *pro tempore*. The resolution will be so modified. The question is on agreeing to the resolution.

The resolution was agreed to.

OFFICE OF SUPERVISING ARCHITECT.

Mr. SPOONER submitted the following resolution, which was read:

Resolved, That the Committee on Public Buildings and Grounds is hereby authorized in pursuing the investigation ordered by the resolution of the Senate of December 21, 1888, to employ a stenographer and a messenger, to send for persons and papers, and have leave to sit during any recess of the Senate prior to December next, and to take testimony at any place in the United States.

That all the necessary expenses of said committee or of any subcommittee thereof be paid out, upon vouchers to be approved by the chairman of said committee or subcommittee, of the contingent fund of the Senate.

The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit.

Mr. COCKRELL. Let the resolution go over.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ORDER OF BUSINESS.

Mr. GORMAN. I ask unanimous consent to call up the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay. There are special reasons why I want to get the bill through to-day.

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

Mr. CULLOM. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Illinois rise to morning business?

Mr. CULLOM. No, sir; I do not. But I ask for the consideration of a conference report.

The PRESIDENT *pro tempore*. If there is no further morning busi-

ness, the Chair will recognize the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. I ask unanimous consent to call up House bill 11197, which is merely for the purpose of removing political disabilities. There is reason why it should be passed to-day.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on Senate bill 2851. If that motion is in order I should like to have the question put.

Mr. GORMAN. I ask the Senator from Illinois to yield until this bill may be disposed of.

The PRESIDENT *pro tempore*. The Chair understands that the conference report in that case has been agreed to. The Chair recognizes the Senator from Maryland, if there be no further morning business.

Mr. CULLOM. If the Senator from Maryland will allow me, I will state that there are two provisions reported as disagreed to by the conferees of the two Houses.

The PRESIDENT *pro tempore*. The conference report was agreed to. The question is upon the disagreeing votes between the two Houses, which is not a matter of privilege.

Mr. CULLOM. I move that the Senate proceed to the consideration of those provisions about which the conferees disagreed. If there is any way of getting the matter before the Senate I should like to do it.

The PRESIDENT *pro tempore*. The Chair had recognized the Senator from Maryland first to make a motion.

Mr. GORMAN. I ask the Senator from Illinois to give way.
Mr. CULLOM. I have no objection to the Senator having the bill passed if it will take no time.

Mr. HARRIS. Do I understand the Senator from Illinois and the Chair to say that the conference report heretofore made on the interstate-commerce bill has been agreed to by the Senate?

Mr. CULLOM. Those provisions of the conference report about which the conferees agreed were agreed to by the Senate.

Mr. HARRIS. Has either House asked for a further conference?
Mr. CULLOM. Yes, sir.

Mr. HARRIS. Which House?

Mr. CULLOM. The House of Representatives asked for it.

Mr. HARRIS. Then I think the only thing for us to do is to grant the conference asked for by the House of Representatives and let the Chair appoint the conferees. I do not think it is a proper subject for discussion before the Senate in the present stage.

Mr. PLATT. May I ask permission of the Senator from Maryland to state my recollection of the matter?

Mr. GORMAN. Certainly.

Mr. PLATT. The Senate conferees disagreed with the House conferees as to two propositions, agreed with them as to the other propositions, and reported accordingly. In the House the report of the House conferees was agreed to. When the message came to the Senate the conference report was presented by the chairman of the conference committee, the Senator from Illinois. Pending the discussion as to whether the report should be agreed to the Senator from Ohio moved to instruct.

Mr. SHERMAN. I moved that the Senate recede from its disagreement to one amendment.

The PRESIDENT *pro tempore*. And agree to the same with an amendment.

Mr. PLATT. And pending that, as I understood, other business intervened and the whole matter went over. I do not know what the record will show.

Mr. HARRIS. Let the Journal be read and let us see exactly what the status of the conference report is.

Mr. REAGAN. The Senate adjourned upon the motion of the Senator from Ohio that the Senate recede from its disagreement to the third amendment of the House.

Mr. CULLOM. The Senate was considering the question of receding from its opposition to the House amendment when the Senate adjourned.

Mr. HARRIS. The Journal must fix the status of the report. Let us see what the Journal shows.

Mr. CULLOM. That is very proper to be done. My impression was that the conference report was regularly before the Senate.

The PRESIDENT *pro tempore*. There is no conference report before the Senate. The conference report was made to both Houses and agreed to. The conferees reported a disagreement between the two Houses upon amendments numbered 3 and 7 to the bill. Those are open questions between the two Houses. The Senator from Ohio has moved that the Senate recede from its disagreement to amendment numbered 3, and agree to the same with an amendment. That matter was pending before the Senate, and was superseded by the resumption of the consideration of the unfinished business when the Senate adjourned.

Mr. CULLOM. Does the Chair hold that if the conference report was agreed to that motion was regularly before the Senate and could be considered?

The PRESIDENT *pro tempore*. It was regularly before the Senate, but was superseded before the adjournment by the resumption of the consideration of the unfinished business, being the resolution offered by

the Senator from Massachusetts [Mr. HOAR], which comes up at 2 o'clock.

Mr. CULLOM. If I knew what motion to make to get this bill before the Senate—

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Maryland [Mr. GORMAN] to move the consideration of a bill.

Mr. REAGAN. The motion of the Senator from Ohio, that the Senate recede from its disagreement to the House amendment numbered 3, with an amendment, is the pending motion, and to that I propose to add another motion, that the Senate recede from its disagreement to the House amendment numbered 7.

Mr. CULLOM. The important thing is to get a motion before the Senate that will enable us to consider the subject at all. That is what I am for.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Maryland.

Mr. CULLOM. He yielded to the Senator from Illinois.

HENRY A. RAMSAY.

Mr. GORMAN. I ask the Senate to proceed to the consideration of Order of Business 2764, being House bill 11197.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none, the Calendar under Rule VIII being in order, the Senator from Maryland moves that the Senate proceed to the consideration of the bill named by him.

Mr. REAGAN. Before passing from the interstate-commerce bill, if the Senator from Maryland will allow me—

Mr. GORMAN. It will take but a second to pass the bill I wish considered if the Senator will allow it to go on.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill referred to by the Senator from Maryland? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay.

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

ORDER OF BUSINESS.

Mr. CULLOM. I move to take up the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, for the purpose of getting before the Senate the question of the consideration of the disagreement between the House of Representatives and the Senate on that bill.

Mr. REAGAN. If the Senator will make his motion to proceed to the consideration of the conference report, it seems to me it would be the motion in order.

Mr. CULLOM. The Chair holds that that report is not before the Senate.

Mr. SHERMAN. I think I have the floor on the pending question whenever it is taken up.

Mr. CULLOM. So the Senator has.
The PRESIDENT *pro tempore*. The Senator from Illinois moves to proceed to the consideration of the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. CALL. Mr. President—
The PRESIDENT *pro tempore*. The Senator from Ohio is entitled to the floor on the pending bill.

Mr. CALL. I object to that.
The PRESIDENT *pro tempore*. The question then recurs on the motion.

Mr. REAGAN. On what motion?
The PRESIDENT *pro tempore*. On the motion to proceed to the consideration of the bill.

Mr. SHERMAN. That is not debatable. Let the bill be taken up.
The PRESIDENT *pro tempore*. It is not a debatable question.

Mr. REAGAN. Is not a conference report a privileged question?
The PRESIDENT *pro tempore*. The motion made by the Senator from Illinois is that the Senate proceed to the consideration of the bill, the morning business having been concluded and the Calendar under Rule VIII being in order.

Mr. CULLOM. That brings up the whole subject.
Mr. REAGAN. The question I asked is whether the consideration of a conference report is not a privileged question that supersedes other questions.

The PRESIDENT *pro tempore*. The Chair understands that the committee of conference have reported and the report has been acted on.

Mr. CULLOM. The Senator will allow me to say that if the bill is taken up, that brings the whole question before the Senate as to the disagreement between the two Houses.

Mr. REAGAN. Is that question debatable?
The PRESIDENT *pro tempore*. It is debatable when taken up. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

ROBERT M'NUTT.

Mr. WILSON, of Iowa. I ask the Senator from Ohio and the Senator from Illinois to yield to me, that I may call up a bill that will take but a moment.

Mr. CULLOM. If there is any debate I shall object.

Mr. WILSON, of Iowa. There will be no debate.

Mr. CULLOM. I will yield if it takes no time in discussion.

Mr. WILSON, of Iowa. I ask unanimous consent to call up Order of Business 2784, being House bill 157.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the Senate may now proceed to the consideration of the bill (H. R. 157) correcting the military record of Robert McNutt. Is there objection to the present consideration of the bill?

Mr. REAGAN. That is merely temporarily laying aside the interstate-commerce bill.

Mr. CALL. I ask consent to say that there was unanimous consent given yesterday that at the conclusion of the three hours devoted to the Calendar the bill known as the bill to reimburse the State of Florida for expenses incurred in suppressing Indian hostilities should be taken up for consideration. I do not desire to lose the advantage of that unanimous consent, and I will ask the Senator from Ohio, who has given way to the Senator from Iowa, if he will not allow this bill to be considered now.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill proposed by the Senator from Iowa [Mr. WILSON]?

Mr. CULLOM. I do not object if it takes no time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 157) correcting the military history of Robert McNutt.

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

INTERSTATE COMMERCE.

The Senate resumed the consideration of the third and seventh amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. SHERMAN. Mr. President, the third amendment of the House disagreed to by the Senate seems to me so manifestly just that if I can get the attention of the Senate directed to the point in controversy I believe it will approve of the amendment and in that way secure the immediate passage of this important bill.

There are two amendments to this bill not disposed of by the conference committee, one of which I shall comment upon in a moment, and the other gives to the State courts jurisdiction in certain cases of matters arising under the interstate-commerce law. I am not prepared to give any opinion upon the second amendment except to express the general belief that in all questions of internal commerce local in character the State courts may properly be intrusted with the enforcement of national law.

There never has been any difficulty growing out of the jurisdiction given to the State courts in suits in which national banks are interested, and I do not believe there will be any serious difficulty in conferring upon the State courts jurisdiction in respect to the matters of interstate commerce, reserving, however, the right to appeal to or transfer those cases to the courts of the United States.

But the amendment I have to deal with seems to me manifestly just. This amendment put on by the House of Representatives declares:

That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

So simple a proposition as that, one would suppose, would be acceded to without question, because it only prescribes a rule of equality, a rule of equity that whether oil is carried in cars called tank-cars or is carried in barrels in box-cars on the same railroad train, the cost of carrying it whether in the one kind of vehicle or the other should be the same, and the shippers should have equal rights and facilities in the transshipment of oil.

But it has so happened—perhaps my State is more deeply interested than any other—that a powerful corporation has grown up, which I have nothing to say against, that desires and seeks to obtain a monopoly of the oil-carrying and oil-producing trade. One of the methods by which it seeks to accomplish that purpose is by building tank-cars of an expensive character in which oil is transported.

Those tank-cars are furnished by the oil company, owned by it, and organized as an equipment company to furnish different railroads, but to be used only by the oil company. In this way the oil company gets such an advantage over all other producers and shippers of oil as to defeat the general purpose of the interstate-commerce law, which declares that all shippers shall be treated alike.

This company, under the name of the Standard Oil Company, has such

means that it is able to provide not only cars but if necessary to buy railroads outright, to absorb and monopolize all kinds of industries connected with oil producing and oil refining. It associates itself with other corporations and other monopolists in various forms, combining in one great management or trust probably fifty or one hundred different corporations. Some of these become equipment companies to furnish cars for railroads, and as they alone can build these cars they are furnished to a common carrier upon the condition that no other shippers shall use them.

They have the complete and absolute monopoly of this business as perfectly as any monopoly that can exist. I do not complain of this company. I have no desire to arraign them simply because they seek to get by their superior management and capital an advantage in trade and in this way absolutely to crush out and break down all forms of opposition.

Mr. President, in the first place I say that no railroad company is authorized by the general principle of the law of common carriers to hire any car or mode of transportation that is not free and open to all alike. This is opposed to the very basis and foundation of our interstate-commerce law.

If that can be violated in one case it may break down the rule of equity in all cases. I am in favor of the general principle asserted in this law, that every railroad company shall be required to furnish the same facilities and the same cars and the same mode of transportation to all alike, whether it be to a poor shipper or a rich shipper, that it shall treat them alike, and that it shall not give to a corporation having unbounded and unlimited capital the right to furnish it with cars, and in this way escape from the universal law applicable to all common carriers; that they must treat all alike, and carry for the rich and for the poor upon precisely the same terms and conditions.

But by this device of organizing companies outside of the common carrier, calling themselves equipment companies or shipping companies or shippers, they are enabled by their patents or superior wealth to furnish to the railroads cars upon condition that those cars shall only be used for them. There is no rule of equity in this; there is no rule of justice in it. It breaks down the whole law of common carrier from turet to foundation-stone. If this principle can be adopted as the law, then every shipper will seek to gain an advantage by furnishing his own car, a duty which the law imposes upon the common carrier.

Now, with regard to express companies and the like, this amendment does not affect them in the least, because the express companies when they put their car upon a line of transportation are bound by the law of common carriers to carry for all alike, and neither the Adams Express Company nor the United States Express Company nor the American Express Company can violate that law any more than a railroad company can.

But, sir, if the principle I am contending for is not correct, then the Adams Express Company can put on their special cars and can discriminate in favor of shippers, although that is now denied to them. If the great and powerful corporation to which I allude is able to furnish to the railroad companies cars specially adapted for its use and upon condition that they shall be exclusively used for the work of this one shipper, then there is established a monopoly which crushes out everybody that is engaged in the same trade.

Mr. President, just that state of things is existing in the State of Ohio. It exists also in several other States. The Standard Oil Company, by its various machinery and its organized associated companies, does furnish what are called tank or cylinder cars for the transportation of its own oil and nobody else's. The railroad companies do not furnish to other shippers the same facilities, and why? They say, "We can better afford to give this business to the Standard Oil Company because that company is strong enough and powerful enough to hire its cars, and it saves us the expense of building cars," and therefore it gives a great advantage to one shipper—it practically gives a monopoly to one shipper.

It is not for the railroad to say, "We can not afford to buy these cars." It is the business of the railroad not only to furnish the track but to furnish the car. Nobody denies or doubts that. The railroad companies acknowledge that duty. They do furnish cars and they furnish cars to various persons. This amendment as it now stands declares that where any company ships oil on tank or cylinder cars owned by themselves on which nobody else can carry oil, if a railroad company transports oil in that kind of cars, it shall furnish the same facilities in other cars furnished by the same railroad to carry the oil of other shippers.

The railroad company may say, "We can not afford to buy tank-cars or cylinder-cars." Then all that this amendment says is, "If you can not do it and furnish to the small shippers the same cars the large ones furnish to themselves, you shall transport the same number of gallons in barrels over your road for the same price and upon the same terms and conditions that you charge a shipper who furnishes his own exclusive car"—the same price for the same quality of oil, the same kind of property.

Mr. HARRIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. I will, sir; certainly.

Mr. HARRIS. Suppose the carrier does carry the same number of gallons of oil for the one company and the other at precisely the same rate, but in one case it uses rolling-stock that does not belong to the carrier but does belong to the shipper; does the Senator think that it is not just and proper that a reasonable allowance should be made to the owner of the rolling-stock for the uses that the railroad company is making of it?

Mr. SHERMAN. I can answer that question. I do not deny it, and the courts, in a case to which I will refer after awhile, say that a reasonable allotment should be made to the shipper who furnishes cars for the use of those cars, but it must be a reasonable allotment, and not a discrimination.

Mr. PLATT. The amendment does not permit that.

Mr. SHERMAN. It does. Here is the fact. Do you desire fair play between all shippers alike? The principle of the interstate-commerce law and the reason why I voted for it and have thus far supported it in all its meanderings is that it does provide one uniform rule for all alike; but if it can be evaded or avoided by one favored shipper furnishing his own peculiar car, giving him the advantage of that peculiar mode of transportation, as a matter of course it makes an absolute, conclusive, and a perfect monopoly. If you allow a powerful company like the Standard Oil Company—governed by some of the ablest men in the country; I know them and respect them, and have not a word to say against them; they are doing business to advance their own interest, as all other people do—

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

Mr. SHERMAN. I should rather not be interrupted in the middle of a sentence.

Mr. BLAIR. I will wait until the Senator concludes his sentence.

Mr. SHERMAN. I have forgotten it now; go on.

Mr. BLAIR. I would ask the Senator if he believes the Standard Oil Company or the corporations it deals with have any right to permit them to place rolling-stock upon the railroads at all? Are they transportation companies? Have they any right to transport property upon the transportation lines of the United States and thus to transfer themselves and the business of the Standard Oil Company, which is to manufacture oil, into a transportation corporation of the United States, and thus become really a railroad corporation of the United States?

Mr. SHERMAN. Let me answer that.

Mr. BLAIR. If the Senator will permit me, there is the radical difficulty about all this business, and I should be very glad to see the Senator's great powers of mind directed towards it.

Mr. SHERMAN. If the Senator had been here he would have heard me in the outset of my remarks state distinctly that I did not believe that any company ought to be allowed to furnish rolling-stock for a railroad company, that it defeats the object of the law. I do not wish to be interrupted in my argument. I have already prepared, and it is lying on the table of the Senate, a proposition that cuts this thing up by the roots, and I tender it to the chairman of the Committee on Interstate Commerce. If he will take this general, broad rule contained in my amendment and put it on as a substitute for the House amendment it will correct all these evils. I will read it:

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

Now, let us take a case. In this particular case there is a company organized as one of the subordinate agents of the Standard Oil Company. It is really what is called an equipment company. It furnishes a peculiar kind of car to the railroad company, which is a common carrier bound by law to treat all shippers alike, and yet this car is leased to this common carrier upon the express condition that nobody shall use that car running over the highway of the nation except one particular person or corporation.

I say that practice ought to be pulled up by the roots, and that no company, whether it is called a construction company, an equipment company, or by any other name, ought to be allowed to furnish any vessels or cars to a railroad company unless they are dedicated to the common use of the whole people.

Mr. MITCHELL. May I ask the Senator from Ohio a question in reference to this proposed amendment?

Mr. SHERMAN. Certainly.

Mr. MITCHELL. If this were adopted and should become part of the interstate-commerce law, I ask if it would not place it in the power, by the permission of law, of any railroad company to refuse to carry cars not owned or controlled by that company.

Mr. SHERMAN. Not at all.

Mr. MITCHELL. Why not under the conditions specified in this amendment?

Mr. SHERMAN. It does not read so at all. There are equipment companies formed all over this country. There are hundreds of them now. It is a favorite way by which railroad companies seek to evade and avoid their duty of furnishing cars, sometimes, it is said, because they are not able to do it. Sometimes some of the strongest companies

in the United States that command millions and hundreds of millions of dollars of capital hire their cars from equipment companies. If they hire their cars and run according to the common law of carriers to treat all people alike, nobody would object.

It does not make any difference to the shipper whether his load is carried upon a hired car or a car owned by the railroad company, but when the car is placed upon the railroad tracks it is then placed upon a government institution, either of the State or the nation, and the railroad is an agency of government, built by permission of the government, and ought to be controlled by the government; and then when a private company or any corporation puts a car on that track it is subject to the law of the road. Suppose under the old stage-coach system—

Mr. STEWART. I should like to inquire of the Senator from Ohio—

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Does the Senator from Ohio yield?

Mr. SHERMAN. I prefer not to do so. I merely read the amendment for information. I have not offered it yet, but I think it is the right thing to do.

All I want now is to secure to my own constituents, men who are engaged in a humble way in trying to develop the oil industry of the country, a chance to refine their oil; men who are comparatively small shippers and who want the use of the common roads of the country on the same terms and privileges that their rivals and competitors have. All they ask is not injustice, not inequality, but they demand that they shall have the same facilities.

If this oil must be carried in tank-cars let them have the same use of these cars put upon the common highway as the Standard Oil Company. Do not give to the Standard Oil Company because it can buy cars and buy railroads—sometimes it is said they can buy every-thing—

Mr. GEORGE. And buy railroad decisions, too.

Mr. SHERMAN. I say it is not fair, it is not just, it is not right to give to these men on account of their power to become construction companies or equipment companies, or anything else that you may call them, to control the ordinary law of the road and to give an advantage and a privilege to oil carried in their tank-cars or in their cylinder cars as against the common transportation furnished by men engaged in the same business in a more humble way in barrels made by the coopers of the country.

Why, Mr. President, it seems so plain and clear a proposition that when it was adopted by the House I supposed it would be at once adopted here. The principle of justice underlying this proposition has been maintained by the Interstate Commerce Commission in a very valuable decision made by them in the first volume of their reports, a decision of marked ability by the chief of that commission, Judge Cooley.

I do not intend now to quote it, except to state the syllabus of it. I find it better stated in their report recently sent to us than I could state it, and I will give the syllabus of the decision, the substance of which I should like to see carried out and applied in this amendment. The English law is much more perfect and much more broad and comprehensive than our law, but I have no doubt we are progressing in the same direction.

In the case of George Rice against the Illinois Central Railroad Company and others the commission says:

When for a special traffic, *e. g.*, the transportation of petroleum oils, a carrier provides rolling-stock for one method, but does not provide it for another for which it publishes rates, but the shippers are expected to provide the same, the terms on which such rolling stock is to be provided should be uniform and be published with the rate-sheets, and can not lawfully be left to be the subject of bargain and of different terms in the case of different shippers.

It is properly the business of a carrier by railroad to supply the rolling-stock for the freights he offers or proposes to carry; and if the diversities and peculiarities of traffic are such that this is not always practicable, and consignors are allowed to supply it for themselves, the carrier must not allow its own deficiencies in this particular to be made the means of putting at unreasonable disadvantage those who make use in the same traffic of the facilities it supplies.

There is the nut and germ of the whole thing. Here these railroad companies furnish to the Standard Oil Company certain rates and charges if they carry oil in their own cars furnished by them, upon an agreement that no other company and no other shipper shall have the use of these cars, and the rate furnished by shippers who have to ship in barrels is higher.

But it is sometimes said, "Why do not these other shippers furnish their tank-cars?" We might as well say, if complaint is made against a railroad, "Well, then, why do you not build a railroad?"

It is just as bad for a man worth \$20,000, carrying on a reasonable business, to say to him, "Well, why do you not furnish tank and cylinder cars?" He will answer you that he can not do it, and the actual evidence shows that when some of these men undertook to get tank-cars of their own construction to carry oil in competition with these great rivals, they found that their rivals were protected by patents in some cases, and in some cases that manufacturing companies could not afford to get the ill-will of this great and powerful corporation by building cars for anybody but the company who furnished the demand for the greater number.

These commissioners have touched the very kernel of this proposition. It is the duty of the railroad companies to furnish cars. If they do not do it it is because they want to have cars furnished to them for nothing, and thus enable a particular shipper to have an advantage over all other shippers.

The other men, the smaller dealers, manufacturing oils, etc., have to buy barrels; they have to go to the cooper and buy them. Each barrel would probably have 50 gallons in it. They have to use them, and they roll them on the car.

It is sometimes said that when more business is done for one shipper the railroad company should be allowed to charge more favorable rates. I admit that as a general rule, unless this discrimination is caused by the neglect of a common carrier to furnish cars alike to all, they can not take advantage of their own wrong because they neglect to perform this primary duty of a common carrier. They should, therefore, impose such terms and conditions as will make the shipment in any other kind of car impossible.

Mr. President, this amendment of the House of Representatives simply says that if they carry oil in tank-cars, well and good, they may allow to the shipper a reasonable rate for the use of the car, or if the tank-cars are furnished by the railroad company they must furnish them to all persons alike, and on the other hand if in competition with the Standard Oil Company the other shippers are compelled from the necessities of the case and their inability to buy tank and cylinder cars, so that they may stand as equal rivals with this great corporation, then the common carriers must carry the oil in barrels as cheaply as they carry oil in tanks. The tank on the car or above the car or part of the car weighs more than all the barrels containing the same number of gallons of oil. That is shown by the testimony in this particular case.

Sometimes it is said that it is more costly to handle the oil in barrels than the oil in tanks, but that is avoided by the railroad company requiring all shippers who hire a car and transport by car-loads to load and unload, and if the transportation is carried in the form of barrels, the shipper must load and unload if he charters a whole car. That is the law of all the railroads, and the same law applies to the tank-cars.

Mr. President, there is that justice at the bottom of this proposition, placed here by the House of Representatives, that, if disregarded, will practically give to a single corporation in this country the absolute control not only of the exploring and obtaining and refining in all its various parts of the petroleum of our country, but give them the absolute monopoly in transporting it to every part of our country.

It is sometimes said still the price goes down. So it does. I believe that this great corporation is managed with as much ability and as much care for the public interests as any such corporation could be; but, after all, the only safety in this country is to have plenty of competition, to invite and encourage this competition by the humbler and feebler persons engaged in this traffic, and this amendment will tend to do that.

If this amendment is not adopted and the principle that is now carried out and must be carried out without the aid of some legislation shall be continued, then it must be expected that the entire traffic in this great product of nature, one of the most remarkable discoveries of modern times, will be absolutely controlled by five or six men. Then when the control is absolute, they are better than human nature has ever furnished if they do not then begin to advance the price and add to the enormous profits that have been confessedly made by this great corporation.

I have no purpose to interfere with them if they will only treat other shippers fairly and put them on a footing of perfect equality. If they want to become an equipment company and will put their tank-cars on and allow everybody else to use them on the same terms and conditions which they themselves do on the payment of a fair and reasonable charge, I have no objection; but when their overgrown and overpowering wealth is the means to drive out of this humble competition such men as those represented in these lawsuits, then I say it is unjust, and my sense of equity rebels against it.

I do think, therefore, that the adoption of this amendment would be wise in every sense of the word. If they choose to furnish cars let them furnish to all alike.

Sometimes it is said, "Why, it is unreasonable to ask these shippers to furnish these cars for somebody else to compete with them." When this shipper becomes a manufacturer of machinery for railroads, a manufacturer of cars, it then is no longer an oil refiner or an oil transporter, but it becomes then a manager of railroads, an owner of railroad cars, and stands on a different footing; and when the shipper puts his cars on a road they ought to be subject to the law of the road. There is no other rule which can be adopted.

Now, Mr. President, give to these shippers the enormous advantages of wealth, the great power that has gradually stricken down one after another of all those engaged in the competition, and what will be the result? Without these special privileges furnished by the construction of the law they have advantages enough, God knows, in the struggle for trade in this great product of nature. Let them have it. I see no way to avoid it. Capital and skill and power and organization will tell in any business, and in that way no doubt many of these great

business firms are built up, but the law should see that the impartial scale should be held up in the eye of the world, and if the advantages come by capital and skill that the law at least is blind to wealth and power.

Give all an equal chance. If they want to furnish their cars and become an equipment company, let their cars obey the law of the road and be hired out by a common carrier to any man who wants them.

Besides that, here is another great advantage they have. They cross railroads and county roads and township roads; they cross farms, invade the whole community for 300 miles to build a pipe-line running from one point to a great city 300 miles away. They use the land of thousands of farms, the highway of every passenger, to build these pipe-lines, and then they use these tank-lines for their sole and only use, excluding their competitors from the use of the same privileges, although these privileges are the grant of a corporation under State law.

That ought to be corrected among the various things that are coming from time to time in this country that ought to be attended to. When any man or any set of men build a pipe-line to transport their products from one point to another they should be required to transport anybody else's products over that same line at a reasonable rate and price. That is not any part of their business. Their business is producing and refining oil, not transporting it; and when they engage in the business of transportation, although they call themselves an oil company, they must be subject to the laws of transportation, which always are just and equal and fair and will give to the cart of the poor laborer going by the roadside on Pennsylvania avenue or on any of the great streets of our cities the same right of way that is given to the most gorgeous equipages found in our streets, and so it must be given in all these great commercial transactions, especially in transportation where it is from State to State over roads that owe their life and existence and all their privileges to corporative power and to legislative will.

There must be justice, there must be equity in these transactions between the rich and the poor, between the great corporation and the humblest dealer in oil, the poor refiner who disposes of eight or ten barrels a day in his humble occupation and hauls it in home-made cooper barrels to the railroad to be transhipped to some distant place, must be treated on the same plane of equality as this giant corporation now dealing with some thirty millions of barrels a year.

Mr. STEWART. The problem of civilization depends upon organized effort. Individuals can do but little. Government is an organized effort, and all partnerships and corporations must necessarily be organized efforts. Co-operation is the foundation of all efforts for developing the resources of the country and contributing to the happiness and comfort of man.

We are very liable to confound legitimate associations, which do so much to bless mankind, with the inconveniences that grow out of them in the way of monopolies.

This amendment affords a very good illustration of the dangers of interfering with enterprise. It is proposed to require railroad companies to carry oil freights as cheaply in barrels, where they have to load and unload, as they carry them in tank-cars prepared especially for the purpose. These tank-cars are a great improvement. They greatly cheapen the product to the people. There is no doubt about that.

It is complained that in using tank-cars the price of oil is reduced so low to the consumer that competition is destroyed. It seems to me that if this is so others should combine and have organized effort and still further bring down the price; but to destroy this organization (the Standard Oil Company) and prevent it from enjoying the advantages of its enterprise without building up any others, will greatly increase the price to the consumer. This must be looked after.

The amendment proposed by the Senator from Ohio which he thinks will cure all the difficulties seems to me subject to many objections. The amendment provides:

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

If this were passed into a law and enforced it might and probably would be construed to require the railroad companies to convey oil or any other product as cheaply on its own cars as it would carry it on cars furnished to it, which would be a great injustice and allow nothing for the making and furnishing of the cars.

Mr. SHERMAN. The shippers can use the cars, but when they go on the road they must be subject to the law of the road.

Mr. STEWART. There is no difficulty about others going on the roads and combining to furnish their own cars. It may have made a few men rich, but in becoming rich they have undoubtedly reduced the price of oil to the consumer beyond what anybody ever anticipated.

Then there is another suggestion made by the Senator from Ohio, that the pipe-lines should be used in common. That is a practical impossibility. It would undoubtedly mix the oil passing through the same pipe-lines. It does not appear to me that they could belong to different companies and avoid confusion.

Mr. SHERMAN. My friend will allow me to suggest that they

take all the oil in their neighborhood and convey it in the pipe-line just like putting wheat into a warehouse.

Mr. STEWART. These pipe-lines certainly go very far and are very useful in reducing the price of oil to the consumer, and have been a great boon and have accomplished a great purpose. There is no difficulty in others doing the same. Whenever a combination is formed which is exclusive and prevents others from doing the same thing, then it ought to be looked into. In the case of a railroad company that occupies the entire space, and where there is no chance for another railroad company, if it discriminates it is necessarily a monopoly; but I do not see any difficulty in any number of persons having oil combining together and furnishing cars, and thus further reducing the price.

It seems to me that would be enterprise, and it is improper and unnecessary to legislate for the purpose of destroying enterprise. It ought rather to be encouraged, and I should favor legislation that would encourage it. If there is any difficulty in others combining and having these cars, and the railroads refuse to treat them all precisely alike, then that ought to be met speedily by legislation; but to break down the enterprises that exist without providing for others is a step in the wrong direction.

I know nothing about the Standard Oil Company except the general fact that they have accomplished a great good for the country in reducing the price of oil, and by their enterprise it is reported that they have gotten very rich. If they have done so, it seems to me the other oil producers would do well to do likewise.

The more restrictions you put upon enterprise the more difficult you make it, the more you enhance the price of commodities to the consumer. It seems to me this is going too far, and that if this matter is to be dealt with, if the railroad companies are not acting fairly, if they do not treat all shippers alike, give them the same privilege to put their cars upon the line and carry them—if there is any discrimination of that kind it ought to be speedily met; but to say that these privileges shall not be granted to enterprise because others are not willing to combine and be enterprising likewise it seems to me is going too far.

I do not sympathize with legislation that trammels business, makes it criminal, and punishes it with fines and imprisonment. I think there is too much of a tendency that way, and there is not sufficient tendency to pass laws under which new enterprises may be organized and the country benefited. I believe in co-operation. The productive power of co-operation is immense. The production of labor and enterprise in each year replaces all the fixed capital. The fixed capital of this country would not support the inhabitants of the United States for a single year, and those who have the art to combine for the purpose of cheapening the necessities of life to the people, it seems to me, ought not to be prevented, and there should be further laws passed to allow others to do it, and if there is anything in the law which hampers enterprise and prevents others from competing let it be amended and let the attention of Congress be directed to that purpose.

I think the provision of the amendment under consideration, if passed into a law, will work great injustice and is a step in the wrong direction. If a proper bill can be prepared which will give all producers of oil the same chances that these have, which will open the door of enterprise to them the same as it is to the Standard Oil Company—if there is any discrimination in our laws in their favor—I would vote for such a bill very gladly; but to tear down this without providing to build up any other, and force the oil producers to carry their oil in barrels and casks, as they formerly did, at a great additional expense, and break up the pipe-lines and double or treble the price of oil, it seems to me it is not the province of Congress to do. It is not just, it is not called for, and it is not legislation for the benefit of the people.

There are many monopolies in this country which ought to be abolished, but they must be abolished by the people and not by Congress. No combination can be formed in this country the power of which can not be limited by the power of the people if they will co-operate. For example, the great beef combination which makes that necessary article of food so dear in many cities, and particularly in Chicago, is entirely within the power of the people to abolish or limit so that this combination may be useful instead of oppressive. Suppose one thousand consumers of beef in Chicago would form a co-operative association and each contribute \$10, making a capital of \$10,000 to start with, and one or more of their number would buy and supply them with beef, what power would the monopoly have to injure these contributors? This can be done in every business or trade, and the attention of the people ought to be directed to this mode of restraining monopolies. Co-operation and competition are the remedies. I prepared and introduced a co-operation bill at the last session of Congress which is now pending before the Committee on Education and Labor. I believe if it could be enacted into law it would do more to mitigate the evils of monopoly than all the criminal statutes against enterprise which can be invented by the genius of man.

COMMITTEE ON ENROLLED BILLS.

Mr. JONES, of Nevada. I ask leave to make a report. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably and with an amendment a

resolution yesterday submitted by the Senator from Colorado [Mr. BOWEN], which I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Enrolled Bills be, and are hereby, authorized to employ a clerk during the remainder of the present session at a compensation of \$6 per diem, to be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Does the Senator desire immediate action on the resolution?

Mr. JONES, of Nevada. I ask for present action.

The Senate proceeded to consider the resolution.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, before the word "clerk," to strike out the article "a" and insert "an additional," so as to read: "An additional clerk."

The amendment was agreed to.

The resolution as amended was agreed to.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased;

A bill (H. R. 834) for the relief of the heirs of John H. Newman;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes;

A 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;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases;

A bill (H. R. 11165) for the relief of Mary Gray, widow of John Gray; and

Joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri.

HOUSE BILL REFERRED.

The bill (H. R. 2070) for the relief of Arno Voss was read twice by its title, and referred to the Committee on Claims.

PUBLIC BUILDING AT FORT WORTH, TEX.

Mr. COKE. I ask the Chair to lay before the Senate the message from the House of Representatives in regard to the bill for a public building at Fort Worth, Tex.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1974) for the erection of a public building at Fort Worth, Tex., which were, in line 9, to strike out "one hundred and thirty" and insert "seventy-five," and in line 12, to strike out "twenty" and insert "forty."

Mr. COKE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the amendments of the House of Representatives numbered 3 and 7 to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. REAGAN. Mr. President, I desire to submit some observations in support of the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate recede from its disagreement to the House amendment numbered 3.

The PRESIDING OFFICER (Mr. HAWLEY). The Chair does not know that two motions of that character can be pending at the same time. The Senator from Ohio has moved that the Senate recede from its disagreement to the amendment of the House numbered 3. If no Senator makes objection—

Mr. CULLOM. I suppose the Senator can make the motion after this is disposed of.

Mr. HARRIS. The pending motion is to recede from the disagreement to House amendment numbered 3 and agree to the same with an amendment. Now, it is perfectly competent for the Senator from Texas to debate both amendments that he suggests, but not more than one motion can be pending at the same time.

Mr. CULLOM. The Senator is proposing to debate the question in relation to the jurisdiction of the State courts as well as the one pending.

Mr. HARRIS. It is legitimate for him so to debate, but that motion is not pending at this time.

Mr. REAGAN. I will submit the motion at the proper time.

The amendment under consideration is to add to section 6 of this bill:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition

that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

The proposition submitted by the Senator from Ohio I ask permission to read now. It is as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the regular order, being the resolution submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. CULLOM. I ask that that be informally laid aside until the pending matter is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. GORMAN. I hope the Senator will move to postpone the consideration of that resolution.

Mr. CULLOM. Let it be laid aside until this bill is disposed of.

Mr. GORMAN. I think it interrupts the business of the Senate, and it is due to the Senator from Virginia [Mr. DANIEL] that the resolution should not be taken up in this way. The Senator from Virginia has the floor upon it, and I move that it be postponed.

The PRESIDING OFFICER. The Chair does not hear the Senator, and he supposes that the Reporters can not hear him.

Mr. GORMAN. I move that the resolution be postponed.

Mr. CULLOM. I hope the Senator will not insist upon that motion now. The mover of the resolution is not in the Senate, and I think it will lead to discussion, and perhaps to delay, in the consideration of this bill.

Mr. GORMAN. I have no objection if there can be an understanding that the resolution shall not come up in the absence of the Senator from Virginia. It is due to him that it should go over to-day. Let us have that understanding and not keep him waiting here. He has the floor on the resolution. If it can be understood that it shall not come up to-day I will not object.

Mr. FRYE. I do not think there is the slightest danger of it coming up or of any further discussion on it very soon.

Mr. GORMAN. With that understanding I shall not object.

Mr. SPOONER. What is the resolution?

The PRESIDING OFFICER. The resolution, which is the regular order, is the one submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. SPOONER. In the absence of the Senator from Massachusetts that resolution ought to be informally laid aside.

The PRESIDING OFFICER. That is the suggestion of the Senator from Illinois. There is no motion pending.

Mr. GORMAN. I have no objection, with the understanding that the resolution shall not come up in the absence of the Senator from Virginia during the remainder of the day, as he is entitled to the floor.

Mr. CULLOM. I have no objection to that. I have no idea it will come up.

The PRESIDING OFFICER. There being no objection, the regular order is informally laid aside during the pendency of Senate bill 2851.

Mr. REAGAN. I also read a paragraph from page 93 of the ruling of the Interstate-Commerce Commission in the case of Rice against the railroads bearing on the principle in question, as follows:

In the case against the Louisville and Nashville Railroad Company order will be entered that the defendant do forthwith cease and henceforward abstain from the unjust discrimination found to exist in its charges for the transportation of petroleum oils as between shipments in barrels and in tanks, and from making any higher charge by the hundred pounds for the transportation of the oils in barrels, including the barrels, than it makes or shall make, contemporaneously, for the transportation of the like weight of the oils in tanks.

What are the facts on which this ruling depends for its correctness?

The product of petroleum in this country is about 27,000,000 barrels, 4,000,000 tons weight, per annum—equal to 1,350,000,000 gallons.

An average barrel of oil is 50 gallons, and weighs 400 pounds, the oil 325 and the barrel 75 pounds.

The Standard Oil trust, by reason of its great wealth, makes and owns the tank-cars in which it transports its oil, and it provides at great cost its terminal facilities.

Without stating exact amounts the Standard Oil trust refines, it is supposed, more than three-fourths of all the petroleum of this country. It owns an equal proportion at least of all the tank-cars in the country. The smaller refiners are not able to build and supply themselves with tank-cars and costly terminal facilities. An equal rate per 100 pounds for oil in tanks, excluding the weight of the tank and in barrels, including the weight of the barrel, is to require the shipper in barrels to pay as much for the transportation of 325 pounds of oil as the shipper in tanks pays for 400 pounds, thus making a discrimination of about 20 per cent. in favor of the one who ships in tanks. The justice of the proposed

amendment and the necessity for the modification of the rule on this subject, as given by the Interstate Commerce Commission in the case of George Rice against the railroads, will appear more fully as I proceed.

The necessity for legislation to prevent discriminations of this kind was shown by the Interstate Commission on page 15 of its first annual report, in which it is said:

It is well known also that the transportation of mineral oil is already to a very large extent in tank-cars owned by parties who are not carriers subject to regulation under the act to regulate commerce. A willingness to disregard the rules of equality and justice as between shippers when it can be made for the interest of the carriers to do so is as likely to make its appearance in the action of the managers of any one of these outside organizations as in that of the managers of the railroads, for the temptations will be the same and the same class of persons will be bidding for special privileges and advantages which before the act was passed prospered so unfairly upon railroad favors. The act has not changed the nature or the grasping disposition of individuals; it has only interposed certain restraints, which it is reasonable to assume will be evaded if the opportunity shall be presented.

These facts are noted for the purpose of placing the whole subject distinctly before the national legislature. If it is the will of Congress that all transportation of persons and property by rail should come under the same rules of general right and equity, some further designation of the agencies in transportation which shall be controlled by such rules would seem to be indispensable.

To attain the ends of justice and fairness the legislation of the country ought to require the railroad companies to adopt one of two lines of policy. First, that they should furnish the means of transporting over their roads all the merchandise presented on equal terms; or, second, that they should cease to be common carriers, and should allow all who would do so to run cars and carry freight and passengers on their roads.

I may observe here that it was the policy adopted in the very early stage of the construction of railroads, to lease to carriers the privilege of running their own cars over the lines, but that policy has been discarded.

The companies should not be permitted to carry for some and allow others to carry their own products over their roads.

That is simply a restatement in another form of the position stated by the Senator from Ohio which is fully warranted by the best opinion on this subject and by the legislation of different States and countries. The first is the plan adopted in this country. The second has been discarded, and our American railroads are, by law and in common practice, common carriers for hire, and charged with all the duties of common carriers.

The railroads provide only one method for the shipment of oil, that is, in box-cars, for the smaller refiner of oil, thus forcing him to accept barrel rates, with which he is unable to compete with the Standard Oil trust, using tanks. On this subject I read from the opinion of the Interstate Commerce Commission in the case of Rice against the railroads, page 43. It is said, and I beg the attention of the Senators to it, because it bears directly upon this question, that—

The most important question that arises upon the assumptions made as the basis for this argument is, whether there are in fact two different modes of transportation which are offered, with their corresponding rates, equally and impartially to all shippers alike, and which it is possible for the class of persons usually engaged in the traffic freely to choose between. If no such offer is in fact made we have no occasion to follow the reasoning of the argument.

Unless we wholly misapprehend the real situation, when the rate sheets of these defendants are presented to the class of persons usually engaged in the traffic, the assumption that two different modes of transportation are offered to them equally and impartially is baseless.

It is to this point that the minds of a number of Senators turn, and hence I beg their attention to the statement of the commission on that subject:

No one of these defendants offers two modes of transportation in the same sense in which it offers its facilities for transportation to shippers of other commodities. Each of them supplies rolling-stock for one method only, and that one is shown to be the method on which, by their rate-sheets, the heaviest burdens are imposed. No such choice is given to adopt the other mode as would be implied from the language used in stating the question; on the contrary, an applicant for that method of transportation would be told he must furnish his own rolling-stock; and this means very much more than might seem to be indicated by this statement; it means, if he would make his business a success, that he shall supply himself with a very considerable number of cars, costing perhaps \$700 each, and that he shall also have stationary tanks at the points to which his shipments are to be made.

The cost of the necessary terminal facilities which he must supply for himself we have no means from the evidence in these cases of comparing with the cost of making provision for the storage of barrels by one who adopts that method. It was testified that the terminal facilities of the Standard Oil Company of Kentucky at Selma, Ala., cost about \$2,000, and at New Orleans about twenty thousand. The vice-president of the Waters-Pierce Oil Company estimates the average cost of putting up stationary tanks to accommodate tank shipments, including side-tracks, etc., to be from \$1,000 to \$50,000, according to the requirements of the station, except at St. Louis, where he estimates it at \$250,000.

It is obvious, we think, from the facts stated, that instead of the defendants offering two methods of transportation which are open to the acceptance of all, they offer only one which is so open. The other is offered on such terms that it can by possibility be accepted only by parties who can control a considerable capital, and who will supply for themselves an important part of the means of transportation, and also supply terminal facilities. The man of small means who adopts the method of transportation in barrels cannot be said to do so of choice when the failure of the carrier to supply for the other the customary means of transportation compels him to do so.

On this point I will read further from the opinion of the commission in the case of Rice against the railroads, pages 50, 51, and 55. The extracts are somewhat lengthy, but they state the matter with perhaps more conciseness and fullness than I should be able to do, and certainly more clearly than I could do in a running argument, and the views are so important upon the point involved as to whether this amendment,

or one having the like object in view, should be adopted that I feel it is worth while to trespass upon the patience of the Senate to call their attention to what the commission say upon the subject.

The fact that the owner supplies the rolling-stock when his oil is shipped in tanks in our opinion is entitled to little weight when rates are under consideration. It is properly the business of railroad companies to supply to their customers suitable vehicles of transportation—

They refer here to the case of Railroad Company vs. Pratt, in 22 Wallace, pages 123, 133, supporting this view—

and then to offer their use to everybody impartially. If the varieties of traffic are such and their requirements of rolling-stock so numerous and diversified that this becomes impracticable or burdensome, so that the aid of their customers becomes essential or convenient, the supply obtained by their assistance can not with any justice be utilized by the carrier in such manner as to establish discriminations which would otherwise be inadmissible. The carrier has no right to hire rolling-stock and then allow it to be used exclusively by one class of persons on such terms as will drive out of business those who are compelled to use its own rolling-stock in a competitive traffic. This, however, is precisely what takes place in this traffic if the rates for the transportation in barrels are considerably in excess of those which are charged for the transportation in tanks.

I have already shown that when the railroads charge for a barrel of oil of 400 pounds carried in a tank the same that is charged for a barrel of oil containing 325 pounds of oil and 75 pounds of barrel they discriminate 20 per cent. in favor of the tank transportation.

The tank cars which are furnished to the carrier by shippers, whether the use is paid for or not, ought properly to be held for the use of all; but if this is found impracticable, it is very certain and very obvious that proprietorship of the car for the use of which the carrier pays, as it generally does, can fairly entitle the owner to no special consideration in the making of rates.

And as I proceed I shall show after a little that not only this discrimination is practiced but that the owners of the tank cars are paid mileage, what the commission call trackage, at three-fourths of a cent per mile for their cars, besides getting 400 pounds of oil transported for the same price that a man transporting in barrels can transport 325 pounds of oil.

He has an advantage, arising from his ownership, in being able to control the use, but that circumstance can be no reason for extending to him exceptional consideration which will make the advantage specially oppressive to competitors. It is, on the other hand, a very forcible reason why the carrier should see to it that its patrons who are forced to make use of such facilities as it provides for them shall not find its own want of proper rolling-stock made a ground of discrimination against them. On this point the misapprehension of the situation is very apparent in some of the arguments which have been made for the defense. The complainant, it is said, asks the railroad companies to relieve him from the consequences of his own lack of capital to carry on his business to the best advantage. He can not choose the best method, because that method requires a large outlay in capital. His competitor in business can choose it, and it is for that reason that complainant is driven out of the market. He must blame his want of capital, it is said, and not the railroad companies, for his failure.

The commission proceed:

A statement of the situation differing a little from this will more nearly present the actual facts. The railroad company not having supplied itself with the necessary rolling-stock to enable one branch of its traffic to be carried on in the way most advantageous to those who engage in it, suffers parties who have the capital which will enable them to supply the defect to put cars of their own upon the road, for the use of which it pays, and at the same time gives to such parties the exclusive use of what they supply, and also such preferential rates on the merchandise carried for them as will put successful competition quite out of the question. It is not the lack of capital to carry on the business that then proves fatal, but it is the lack of capital, in addition to what is needed in the business, to supply rolling-stock to the railroad company for his use. It would be the height of injustice for the carrier to make such a lack a ground for discrimination in rates, and then to say that the party suffering from it has no reason for complaint since the rates which are named are offered to all. The offer is exclusive in fact, whatever it may be in terms or in theory.

If a carrier of passengers were to make a uniform rate of 3 cents a mile to all who rode in the cars it provided, but, being deficient in rolling stock, were to allow owners of private cars to fill them with passengers at 2 cents a mile and be paid for the use of the cars in addition, we should not expect any one to attempt a defense of the discrimination based upon the ground that the rates were equally open to all, and that if one, by reason of lack of capital to supply himself with a private car, was unable to take the benefit of the most favorable rate, he should blame his fortune for it, not the common carrier.

The wrong in such a case would be as plain as it would be gross; but such a discrimination in the carriage of persons would be far less injurious than a similar discrimination in the transportation of property; the one would involve a small sum of money only; the other might be destructive to a business. We hold, therefore, that the fact that one consignor furnishes a car for hire to the railroad company for the transportation of his oil is no ground whatever for a discrimination in rates in his favor as against another consignor who must ship in the cars the carrier supplies. It may be a reason for limiting to himself the use of the car he furnishes, but the discrimination can not justly or lawfully go any further.

Mr. President, I call attention to the very marked manner in which these opinions of the Interstate Commerce Commission sustain the position laid down a few moments ago by the distinguished Senator from Ohio, and I call attention further to the fact that what I have just read from the opinion of the commission entirely answers and overthrows the idea that because all men are not able to build tank-cars, the smaller refiners, who are unable to build them, should be placed at a disadvantage by discrimination which results in driving them out of business and leaving a monopoly of the transportation as well as the refining to the Standard Oil trust.

If we accept the correctness of the statements I have read from the first annual report of the commission as to the necessity of legislation, and what I have just read from their opinion in the case of Rice against the railroads, describing what they term the real situation, it will be found difficult to resist the conclusion that the proposed amendment

numbered 3 or some other provision should be adopted to prevent the Standard Oil trust, in combination with the railroads, from crushing out of existence all the small refiners and securing to themselves a complete monopoly of this immense business of refining, transporting, and selling mineral oils.

It may be as well here as elsewhere to discuss the question of the relative danger of transporting oil in tank-cars and in barrels. One of the arguments used against this amendment is that the danger of transporting oil in barrels is much greater than the danger of its transportation in tanks, and there is some evidence to that point, but evidence, I submit, that when the circumstances are fairly taken into consideration may subject it to the suspicion of coming from interested witnesses.

On that subject I read from a pamphlet entitled "Railway Discriminations as given to the Standard Oil Trust," pages 7 and 8 and on page 19:

John S. Wilson, general freight agent of the Pennsylvania Railroad Company (the highest authority we have), testifies before the commission on January 23, 1888, that he would rather carry powder than oil in tank-cars, and that the shipment in barrels is preferable. Hear him:

"I think, altogether, it is the most undesirable business we do, the carriage of oil in tank-cars. There is no stopping it when it once starts. We had a smash up at New Brunswick. We came in collision there with a line of tank-cars, the oil got on fire, and I think it ran two squares, got into a sewer, ran burning a square or two more, ran on the canal, which was then frozen over, followed the ice a square or two beyond, and besides our own losses we have already paid nearly \$500,000 for the destruction there. I regard it as worse than powder to carry. The bridge at New Brunswick was burned down, which cost us two or three hundred thousand dollars, besides nearly half a million paid out for outside destruction.

"We might run for ten years and by good luck have no serious accident, whereas on the other hand we might strike another case like that at New Brunswick and lose more money than we would make on carrying oil for ten years. I would rather carry anything else than oil in tanks.

"The movement in barrels I have always considered preferable for two reasons. First, we load barrels in a car that will carry a return cargo. There are no back loads for a tank-car. For stock and box cars we can load back and get an increased earning for the round trip. Secondly, if there comes a collision or fire, the packages being separate, we are enabled to save some of the tonnage. There is no hope of saving the contents of a tank-car if it once gets on fire. Barrels you can sometimes scatter and roll off and break them up."

These casualties and fires, picked up from the press, have occurred since Wilson's testimony, January 23, 1888:

"FREIGHT-CARS BURNED.

"PHILADELPHIA, May 4.

"An east-bound freight train on the Pennsylvania Railroad, consisting of three oil-tanks and fourteen loaded freight-cars, was almost totally destroyed by fire at Wayne Station at noon to-day. The accident was caused by the derailing of one of the oil-tank cars, which immediately caught fire and spread to the others. Some of the freight was saved, but, on account of the fierceness of the flames, a large portion was destroyed, and the total loss to the railroad company is estimated at between \$75,000 and \$100,000. Brakeman H. M. Chromister, of Harrisburg, was terribly burned about the face, hands, and body, and will probably die."

"A CAR LOADED WITH NAPHTHA EXPLODES.

"DENVER, COLO., May 14.

"Train No. 7, known as the 'Thunderbolt,' arrived at Fountain at nineteen minutes to 3 a. m., and had only been standing a few minutes, when a caboose and some cars, the brakes of which had got loose in some way, ran down from a side-track and struck the train with terrific force. One car was loaded with naphtha, which exploded, throwing the oil over everything and setting the train on fire. The trainmen shoved the uninjured cars back from the wreck and were trying to save the depot, when it was discovered that two cars were standing on the main track that were not wrecked. The nearest one was burning and was tagged 'powder.' Shortly afterward the car exploded, completely demolishing the depot, several dwellings, and a number of cars. Three persons, one woman and two men, were killed by the explosion, and some twelve or fifteen persons were wounded, but none very seriously. There is a hole in the ground where the car stood about 30 feet in diameter and 15 feet deep. Two cars were burned, and sixteen more, together with the locomotive, were more or less wrecked. It is supposed that tramps let off the brakes from the cars."

"FIRED BY FRICTION—TEN OIL CARS SET IN A BLAZE BY A RUBBING TRUCK.

"PHILADELPHIA, Pa., August 27.

"At an early hour this morning a serious accident occurred on the east-bound track of the Pennsylvania Railroad's main line, by which ten cars loaded with crude oil were totally destroyed by fire.

"Two tramps who were stealing a ride were so seriously burned that one at least will probably die, while the other will be disfigured for life.

"The accident occurred a short distance east of Wayne Station, and was caused by a truck under one of the oil-cars becoming loose and chafing against the body of the car until it created a blaze which at once enveloped the oil-tank cars of the train. Travel with east-bound tracks was delayed several hours, but west-bound trains were not seriously interfered with."

Seventeen tank-cars of oil were totally destroyed and a bridge burned up on the Cincinnati, Washington and Baltimore road, and the road paid the Standard the loss of same, although one of its officers swore, in answer to a complaint in *quo warranto* (after the fire had occurred), that one of the reasons of giving the Standard low rates was because they stood all such losses.

When we hear arguments, as we shall in this case, in favor of the tank-cars because of their safety and security, I beg that this testimony from the highest authority be remembered as showing that there is more danger in the transportation of oil in tanks than in barrels.

Mr. President, as showing the great disadvantage at which the smaller refiners of mineral oils are placed by the combination of interests of the Standard Oil trust and the railroads, I propose to read an extract from a letter of Murray, Dougal & Co., addressed to Mr. George Rice, at Marietta, Ohio, and dated Milton, Pa., December 6, 1887, in which it is said:

Our financial friends state—

This seems to be in reply to a proposition to a company engaged in building tank-cars to build cars for Rice of a similar kind.

Our financial friends state that they have declined to do this mainly on account of some supposed controversy which they claim you have had with the Standard Oil Company and various railroads in the West. They feared you could not use these cars to advantage if the railroads should be hostile to your interests.

I present this to show that the makers of these cars understood it was the purpose of the Standard Oil trust and of the railroad companies to refuse to allow them to be made for the benefit of Rice and other small refiners, so as to give them the opportunity of transporting their oil on equal terms with the Standard Oil trust. It is very striking testimony that should not be forgotten in this connection.

I had intended—but I find I am occupying more time than I expected—to call attention to the ownership of the tank-cars as it appears in the evidence of several witnesses in their testimony before the Interstate Commerce Commission. It is sufficient perhaps for me to state generally that I understand from this testimony and from such information as I can get that the Standard Oil trust owned about four thousand tank-cars, and perhaps owns more now. The next owner of any considerable number of tank-cars is the Pennsylvania Railroad Company, which owns about twelve hundred of these cars. Then there are a few cars owned by some other associations, but in comparison to the whole the number is very limited and unimportant. So I shall pass from that, but I have the evidence before me showing the numbers.

This question can not be rightly understood without considering, to some extent at least, the history, the business combinations, the wealth, the power, and the practices of the Standard Oil trust. A mere taking up of isolated facts and speaking on them gives no adequate conception of the real question which is intended to be met by this amendment. It takes a more comprehensive view, and that view, to some extent as best I can, I propose to state.

Reasoning which applies to ordinary regular business methods is not applicable to this stupendous association whose briarean arms embrace a large part of the commerce and transportation of a continent.

On the 18th of January, 1872, John D. Rockefeller, William Rockefeller, H. M. Flagler, and others, holding a majority of the stock of "The South Improvement Company," made a secret contract with the Pennsylvania Railroad Company, the Erie Railroad Company, the Atlantic and Great Western Railway Companies, the New York and Hudson River, and the Lake Shore and Michigan Southern Railroad Companies, which contained the following extraordinary provisions. One of them is: They agree—

To pay and allow to the party hereto of the first part, on all petroleum and its products, transportation for it over the railroads of the party of the second part and its connections, the following rebates, and on all transported for other parties, drawbacks of like amounts, as the rebates from the gross rates, the same to be deducted and retained by the party hereto of the first part, for its own use, from the amounts of freights, payable to the party of the second part.

That is, it would not only make rebates on the transportation of oil to the South Improvement Company while charging others full rates, but would pay over to that company the difference between the amount of their reduced rates and the tariff rates in general.

They agree further:

To charge to all other parties (excepting such as are referred to in article 3) for the transportation of petroleum and its products rates which shall not be less than the gross rates above specified, and should at any time any less rate be charged, directly or indirectly, either by way of rebate, commission, allowances, or upon any pretext whatsoever, the same reduction per barrel shall be made to the party hereto of the first part, from the net rates provided for them, on all transportation for them during the period for which such reduction shall be made to others.

And it is hereby further covenanted and agreed by and between the parties hereto that the party hereto of the second part shall at all times co-operate, as far as it legally may, with the party hereto of the first part against loss or injury by competition, to the end that the party hereto of the first part may keep up a remunerative and so a full and regular business, and to that end shall lower or raise the gross rates of transportation over its railroads and connections, as far as it legally may, for such times and to such extent as may be necessary to overcome such competition; the rebates and drawbacks to the party of the first part to be varied *pari passu* with the gross rates.

It is further mutually agreed by and between the parties hereto that this agreement shall continue and remain in force for the period of not less than five years, and shall not then nor thereafter terminate until one of the parties shall have given twelve months' written notice to terminate it.

While this arrangement has now ceased to exist, I read it as evidence of the character of arrangements entered into by that corporation by which it absolutely controlled the transportation of petroleum by the five great trunk railroads and has given itself a monopoly of the transportation of mineral oil.

The freight rates and rebates allowed this South Improvement Company per 45 gallons crude were as follows:

Route.	Freight.	Rebate.
From Oil City, Union, Corry, or Irvineton to—		
Cleveland.....	\$0.80	\$0.40
Pittsburgh.....	.80	.40
New York.....	2.56	1.06
Philadelphia.....	2.41	1.03
Baltimore.....	2.41	1.03
Boston.....	2.71	1.06

And probably it was not only a rebate of \$1.06 on the freight but an equivalent to that paid over and extorted from shippers to this Standard Oil Company.

Refined, per 47 gallons.

Route.	Freight.	Rebate.
From Pittsburgh to—		
New York.....	\$2.00	\$0.50
Philadelphia.....	1.85	.50
Baltimore.....	1.85	.50
From Cleveland to—		
Boston.....	2.15	.50
New York.....	2.00	.50
Philadelphia.....	1.85	.50
Baltimore.....	1.85	.50
From Oil City, Union, Corry, or Irvineton to—		
New York.....	2.92	1.32
Philadelphia.....	2.77	1.32
Baltimore.....	2.77	1.32
Boston.....	3.07	1.32

On all the western shipments from the points named and on all shipments either east or west from any points intermediate to those named the ring was to receive a rebate equal to one-third of the gross rate.

By order of the executive committee Petroleum Producers' Union.

The charter of this company was repealed at the instigation of the exasperated oil producers and refiners of the country, and in its place was substituted the Standard Oil Company of Ohio, which got increased rebates and drawbacks, but which were kept better concealed or were more adroitly covered up.

I am advised that these same gentlemen were among the original directors of the Standard Oil Company of Ohio.

The following statement was published by Mr. F. B. Thurber, a prominent merchant of New York, in Scribner's Magazine for December, 1880:

The testimony in the Pennsylvania Legislature showed that the trunk-lines of railroads paid in rebates to the "Standard Oil Company," within the period of eighteen months, \$10,151,218, which was contributed by the roads in the following proportions, namely:

Total shipments, from October 17, 1877, to March 31, 1879, 18,556,277 barrels.	
Total rebates during that time, at 55 cents (average) per barrel, \$10,151,218.	
Of which there was paid to "Standard Oil Company" by Baltimore and Ohio Railroad 11 per cent., as per contract, October 17, 1877.....	\$1,116,633.48
Paid by New York Central and Hudson River Railroad 21 per cent., as per contract, October 17, 1877.....	2,131,755.76
Paid by Erie Railway 21 per cent., as per contract, October 17, 1877.....	2,131,755.76
Paid by Pennsylvania Railroad 47 per cent., as per contract, October 17, 1877 (17½ months).....	4,771,072.46

Total rebates, October 17, 1877, to March 31, 1876..... 10,151,218.00

On the subject of the power and evil effects of this monster corporation I desire to read a passage from an address delivered by Judge Cooley, the president of the Interstate Commerce Commission, at a meeting of Boston merchants, published in the Buffalo Express January 14, 1889. He says:

A few things can, nevertheless, be said of trusts without danger of mistake. They are things to be feared. They antagonize a leading and most valuable principle of industrial life in their attempt not to curb competition merely, but to put an end to it. The course of the leading trust of the country has been such as to emphasize the fear of them—

He undoubtedly refers to this Standard Oil Company—

and the benefits that have come from its cheapening of an article of commerce are insignificant when contrasted with the mischiefs that have followed the exhibitions in many forms of the merciless power of concentrated capital. And when we witness the utterly heartless manner in which trusts sometimes have closed manufactories and turned men, willing to be industrious, into the streets in order that they may increase profits already reasonably large, we can not help asking ourselves the question whether the trust, as we see it, is not a public enemy; whether it is not teaching the laborer dangerous lessons; whether it is not helping to breed anarchy. One thing would seem manifest: There are some trusts whose members are estopped from complaining of organized laborers when, by strikes, or boycotts, or any kindred means, they seek to force compliance with their demands.

They are estopped because their own methods have been of a like nature, and having been employed with greater skill and power have been generally more effective and mischievous. Anything in the nature of a trust that should bring the railroads of the country or of any considerable portion of the country under a single head, with irresistible power to divide business and make rates, would be more to be dreaded than any other trust ever formed or proposed. The reason is obvious—it would control more property, have more power of controlling and coercing the action of individuals and of the public authorities. It would, besides, if formed now, in all probability fall to the control of that class of managers who in handling railroad property do not hesitate to subordinate law to corporate interests and rivalries. No prudent man would give assent to a railroad trust until he was first shown that effective legal restraints had been put into it.

I read the following from a pamphlet published by Mr. George Rice, over his own signature, entitled "Railway Discriminations as given to the Standard Oil Trust:"

In a report to the New York Chamber of Commerce, the committee on railroad transportation of that body alludes to this subject as follows:

"How oblivious of their obligations as common carriers, and how regardless of public rights are the great trunk lines is illustrated by their making an agreement with the 'Standard Oil Company' (article 4), to protect them against loss or injury by competition. What has happened in the case of the 'Standard Oil Company' may happen in other lines of business. With the favor of the managers of the trunk lines, what is to prevent commerce in the rest of the great staples from being monopolized in a similar manner? Already, indeed, it is taking this course. One or two firms in Baltimore, Philadelphia, New York, and Boston, with their branch houses in the West, are, by the favor of the railroads, fast monopolizing the export trade in wheat, cattle, and provisions, driv-

ing their competitors to the wall with absolute certainty, breaking down and crushing out the energy and enterprise of the many for the benefit of the favored few."

It further says:
"If a true history of the 'Standard Oil Company' could be written, it would read more like a romance of the middle ages than a statement of commercial facts possible in the nineteenth century."

"This is the organization to which the Hepburn committee alludes as 'this mysterious organization, whose business and transactions are of such a character that its members decline giving a history or description of it, lest their testimony be used to convict them of a crime.'"

In October, 1879, these same six gentlemen were directors in the Standard Oil Company of Ohio. On February 5, 1880, these same six gentlemen entered into a "most solemn" agreement with the Petroleum Producers' Union, as follows:

"First. That the said parties of the first part shall and will make no opposition to an entire abrogation of the system of rebates, drawbacks, and secret rates of freight in the transportation of freights on the railroads.

"Second. That the said parties of the first part further agree that the railroad companies make known to the other shippers of petroleum on their several roads all their rates of freight, and that said parties of the first part, or any of them, will not receive any rebate or drawback that the railroad companies are not at liberty to give to other shippers of petroleum."

This system of unjust discriminations in the transportation of oil to tide-water was stopped temporarily in 1880 in consequence of legal proceedings instituted by those injured, and probably in deference to the condition of society in Pennsylvania which resulted from the discovery of the outrage.

In that year, 1880, by solemn agreements signed by the members of the Standard Oil Company and the railroad company, it was agreed that for the future rates should be the same to all. And thereupon the Standard Oil Company, in order to avoid paying the same as others, laid pipes from the oil region to tide-water with the rebate-money received, took the business from the railroads by means of this capital which the railroads had themselves unjustly given to them, and were enabled to transport their oil in pipes at a cost of about 5 cents per barrel, while their competitors were compelled to pay railroad freights ten times that amount.

After the Standard had laid their pipe-lines to tidewater, they then negotiated with the roads, and entered into a contract by which they gave them 26 per cent. of their transportation to the seaboard in order to have rates maintained against their competitors, this 26 per cent. to include the shipments of all others, and now being carried out.

In January, 1882, these same six gentlemen comprise two-thirds of the trustees which organized the Standard Oil trust.

After this noble band of six had made this "solemn compact" with the producers to discriminate no more, or to abrogate the system of rebates, drawbacks, and secret rates of freight, they turn about and inaugurate a system that discounts several times over the notorious South improvement scheme and all previous efforts, as I will show.

The highest percentage of discrimination to the South Improvement Company, as per rates above, is 127 per cent., while in one of my own cases, which occurred in 1885, in the transportation of crude oil to my refinery, there was a discrimination of 320 per cent., as the following will figure out:

"Take the case which Judge Baxter decided. The case of *Handy et al. vs. The Cleveland and Marietta Railroad Company*, 31 Federal Reporter, 689, where the receiver of a railroad company was removed because he had made this unjust discrimination. In that case your honors will see that the Standard Oil Company went to the receiver and said to him, 'If you do not do what we want you to do, we will construct a pipe-line and take the oil off your railroad; but if you give us a rate of 10 cents a barrel and charge George Rice 35 cents a barrel, and out of that 35 cents pay to us 25 cents in cash for every barrel George Rice ships, we will give you our business; but if you do not we will lay the pipe-line.'

"Such was the contract they made. What would have been the result if Mr. George Rice had shipped over that railroad as much oil as the Standard Oil Company? Why, the Standard Oil Company would have received for every barrel they shipped 15 cents in money more than they paid for the shipment. That is, they would have been refunded the 10 cents and been given 15 cents as a bonus besides."

Dan. O'Day, manager of the Standard Oil Company, compels Phineas Pease, receiver of this road, to discriminate against me 320 per cent. in their favor, per extract of a letter written by Pease, as follows:

"Mr. O'Day, manager of the Standard Oil Company, met the general freight agent of the Wheeling and Lake Erie Railroad and our Mr. Terry at Toledo about February 12, and made an agreement (verbal) to carry their oil at 10 cents per barrel. But Mr. O'Day compelled Mr. Terry to make a 35-cent rate on all other oil going to Marietta, and that we should make the rebate of 25 cents per barrel on all oil shipped by other parties, and that the rebate should be paid over to them (the Standard Oil Company), thus giving us 10 cents per barrel for all oil shipped to Marietta, and the rebate of 25 cents per barrel going to the Standard Oil Company, making that company, say, \$25 per day clear money on Mr. George Rice's oil alone."

In this same year, July, 1885, the roads doubled their rates of freight on me to New Orleans and Memphis, where I had agencies, and not one iota on the Standard Oil Company.

It was also shown in August, 1887, suits *in quo warranto*, State of Ohio vs. The Cincinnati, Washington and Baltimore Railroad and the New Orleans and Texas Pacific (Cincinnati Southern), to forfeit their charters on account of gross discriminations, that the roads south of the Ohio, in July, 1888, raised the rates on me from 10 to 100 per cent., and not any on the Standard Oil Company. In five months the effect was to shut up fourteen of my agencies out of twenty-four, and thirty-nine other towns out of seventy-three.

As a sample of the many items brought out was, that the Standard had twenty-one tank-cars of oil carried from Cleveland to Atlanta, Ga., on which the gross freight was \$3,307.50, on which the Standard received a rebate of \$1,505.70; also that the Standard had a rate on barreled oil to Chicago of 33.6 cents per barrel, and I was charged 60 cents. The Cincinnati, Washington and Baltimore Railway makes tariff rates from Marietta the same as those from Parkersburg—12 miles distant—which is the headquarters of the Camden Consolidated Oil Company (Standard Oil trust). It is also developed that R. M. Fraser, the general freight agent of the road, gave notice to said company on July 14, a full and complete list of all of my advanced rates, which were to go into effect the next day, 15th, but did not send me a duplicate list until August 23.

Of any changes or advances made on me thereafter this company was promptly advised, although they were not using or shipping at my rates, but this information was most important to them in order to shut me out of the markets. This company also asked Fraser to advance barrel rates.

The Southern Railway and Steamship Association as late as November 27, 1888, sent me their general tariff of rates, now in effect, in which this occurs:

"Special rates on various articles issued from this office are not affected by this publication."

In reference to these discriminations I read further from pages 77, 78, and 79 of the opinion of the commission in the case of Rice vs. The Railroads. I prefer reading from this opinion because it is testimony direct and strong and such as ought not to be overlooked in the consideration of this amendment.

Referring to recent correspondence and quoting rates to the points named in your letter of the 11th instant, I beg to inform you that the following rates on coal-oil are obtainable from Cincinnati to points named:

Points.	In cartanks.	Car-loads per 100 pounds in barrels.
Lexington.....	\$26.00	\$0.13
Chattanooga.....	50.00	.32
Atlanta.....	61.80	.46
Birmingham.....	60.00	.47
Meridian.....	60.00	.45
Vicksburg.....	60.00	.34
Knoxville.....	50.00	.33
Huntsville.....	*.87
Shreveport.....	118.00	.64
Montgomery.....	112.00	.47

* Per 100 pounds.

As bearing upon this table a list of shipments was given, some of the figures in which require notice. The rate—barrel rate—to Lexington was soon reduced to 10 cents per 100 pounds, the tank rate remaining the same. The average shipment in tank-cars to that point seems to have been of 31,223 pounds weight, which would make the rate on tank-car shipments about 8.32 per 100 pounds, and the barrel rate about 20 per cent. higher. The only shipper to this point in either mode was the Standard Oil Company of Kentucky. In contrast to these the shipments from Cincinnati to Chattanooga were in tank-cars varying from 25,000 to 43,815 pounds. The barrel rate was 33 cents per 100 pounds. The tank rate was \$50 per car. At 33 cents per 100 pounds the rate on the oil carried in the smallest car would have been \$82.50; on that carried in the largest it would have been \$144.50. On an average of the two it would have been \$113.54. The average makes the rate on barrel shipments 125 per cent. in excess of the rate on tank shipments, instead of 20 per cent. excess, as at Lexington.

A similar vast discrepancy was shown in the rates from Cincinnati to Meridian. The tank rate was \$60, which, if the tanks averaged 24,000, would make the rate per hundred pounds 25 cents; or, if they averaged 30,000, 20 cents; but while this charge remained, the rate on barrel shipments was raised to 56 cents per 100 pounds—probably not less than 175 per cent. excess over the tank-car rate.

May 30 complainant sent the following letters:
"Please name rate on oil, tank-cars and barrels, car lots, to Mobile and New Orleans."

Also:
"Yours 28th, inclosing rates, finally to hand, after several applications. These rates are prohibitory on my shipments, as you know full well, and the device or method of the tank-car shipment in bulk is purposely used against me (who ships entirely in barrels) in order that I can not compete with the Standard Oil Company in the sale of my products."

I give this for the double purpose of showing, first, the enormous discriminations against shipments, and second, the combination between the Standard Oil trust and the railroads.

"By these rates thus given me to nine prominent points in the South you discriminate against my shipments not less than 67 per cent. and as high as 213 per cent., while to one—Huntsville, Ala.—you make the rate the same per 100 pounds for both barreled oil and that in tank-cars. I will here show you how I arrive at this comparison.

"All the bulk oil carried in tank-cars from the Pennsylvania oil regions to the seaboard pays the same amount for 50 gallons in bulk as for 50 gallons (including the barrel), or the empty barrel is carried extra to compensate for the return of the empty tank-car, and can not bring back freight as against a box-car that can. I maintain and assert that the tank-cars of the Standard Oil Company hold at least 100 barrels of 50 gallons (or 5,000 gallons each), on an average, while some of them hold over 6,500 gallons (or 130 barrels); but for a fair and equitable basis I will call it 100 barrels, and herewith give you the results and the amount of discrimination you dare impose on me in the face and eyes of the interstate act:

From Cincinnati to—	Per car, tanks.	Per barrel.	Per 100 pounds in barrels of 400 pounds.	Per barrel.	Discrimination.
Lexington, Ky.....	\$26.00	\$0.26	13	\$0.52	100
Chattanooga, Tenn.....	50.00	.50	33	1.32	164
Atlanta, Ga.....	61.80	.62	46	1.84	195
Birmingham, Ala.....	60.00	.60	47	1.88	213
Meridian, Miss.....	60.00	.60	45	1.80	120
Knoxville, Tenn.....	50.00	.50	33	1.32	164
Shreveport, La.....	118.00	1.18	64	2.56	117
Montgomery, Ala.....	112.00	1.12	47	1.88	67
Vicksburg, Miss.....	60.00	.60	34	1.36	126
Huntsville, Ala.....	(*)

* 37 cents per 100 pounds for both.

This table shows discriminations running, as alleged, from 67 per cent. to 213 per cent. against the smaller refiners transporting in barrels and in favor of the Standard Oil trust with its monopoly of tank-cars and railroad assistance.

One of the methods by which railroads discriminate in favor of the Standard Oil trust and against the smaller refiners and shippers is, after fixing the rates of transportation, to repay to the owners of the tank-cars (the Standard Oil trust) mileage at the rate of three-fourths of a cent a mile each way.

I read from pages 32 and 33 of the opinion of the commission in the case of Rice vs. The Railroads, and I beg to call the attention of Senators to this statement by the commission:

If, however, the owner of oil at Louisville should desire to send a consign-

ment of oil in tanks to Memphis, and should apply to have cars furnished him for the purpose, he would be told at once that the company did not supply tank-cars to its customers; that if they desired to avail themselves of that method of transportation they must not only pay the rate prescribed, but they must also furnish the company with the cars. This is obviously a most important qualification of the rate itself; and if the shipper must furnish the car at his own expense, the actual cost to him of the transportation will very much exceed the published rate. This, however, does not seem to be generally expected; on the contrary, there seems to be a general, though not a universal, understanding among railroad companies in the Southwest, including the defendants, that the party furnishing a tank-car shall be paid trackage for its use at the rate customary among railroad companies, namely, three-fourths of a cent a mile going and returning, with the privilege on the part of the railroad company of loading the car with return freight when any is offered or is procurable.

This carries out the statement I made some time ago about the Standard Oil trust supplying cars for the use of the railroads and receiving pay for them while the railroads gave it other advantages for discriminating against shippers by other modes.

One difficulty with this understanding is that it does not appear in the rate sheets. The sixth section of the act to regulate commerce provides that "every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established, and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges, and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges."

I am reading here from the sixth section of the act which is now a law. Then they proceed:

The purpose of this provision is very manifest and is well understood. It intends that every person desiring to avail himself of the facilities afforded by the railroads of the country should be enabled to tell for himself, without being under the necessity of calling in the aid of any railroad agent or other person, what charges he must pay for the transportation of his person or his property, and also have in the published rate-sheets an accurate test of the correctness of any exaction. The rate-sheets introduced by the defendants in these cases can hardly be said to give this information. They omit to give a rule, regulation, or understanding which has a very important bearing on the rates, and they wholly omit to notify the owner of oil that the carriers making them do not furnish him with cars for one of the methods of transportation which in terms they offer to him.

I beg that Senators will note throughout this decision everywhere the combination is presented between the Standard Oil trust and the railroads for the crushing out of the smaller refineries. The commission proceeds:

The rate-sheets, therefore, require to be supplemented by other information, and it is from this fact that some part of the controversy between these parties has arisen.

It was said on the argument that the railroad companies were under obligation to furnish tanks no more than they were to furnish barrels; that tanks and barrels were only different kinds of caskets for holding the property which was to be conveyed, and it was matter of course that the shipper should furnish them for himself.

This might be quite true if the tank, like the barrel, was received from the consignor and taken for delivery to the consignee, as packages usually are; but it is not. It is, on the other hand, a part of the car itself, as much as are the sides to an ordinary box-car; it is provided only to hold the oil for transportation, while the barrel holds it both before and after shipment, as an article of merchandise, and is bought and sold with it. The shipper in barrels, it is quite true, is expected to deliver his merchandise in that form of package, and the rate-bill informs him what he must pay upon it. The party proposing to ship in tanks does not receive from the rate-sheets equivalent information; and if outside the rate-sheets he learns that he must furnish the tank-cars, he is still unapprised upon what terms this is to be done, and must seek the information from the officers or agents of the carrier.

But when he seeks this information he learns immediately that the matter is or may be the subject of private negotiation, and perhaps of different terms in different cases. Thus the evils at which this provision of the statute was aimed make their appearance immediately. He is not informed by the rate-sheets what he will be charged for the service to be rendered him, and when he seeks the information he finds the terms are to be the subject of bargain; but a bargain implies a difference in terms in different cases.

In the testimony of Mr. Thomas L. Kimball, general traffic manager of the Union Pacific Railroad, appears the following:

Q. Have you the Standard Oil accounts ready?

A. I have here a memorandum of the car mileage paid the Standard Oil Company from 1882 to 1886 inclusive, \$15,487.81.

This is paid by that railroad company to the Standard Oil Company for the use of its tank-cars in transporting its own oil.

Mr. John C. Gault, of the Cincinnati, New Orleans and Texas Pacific Railroad, in answer to Mr. Rice's inquiry as to the terms on which he could get oil carried in tank-cars, replied:

Tank-cars to be furnished by shippers and to be returned empty at 5 cents a mile.

He did not propose to pay Mr. Rice three-fourths of a cent per mile for the use of his car in going and returning, but he must furnish the tank-car and ship his oil and pay 5 cents a mile for the return of it. Such conduct is monstrous and needs the correction of law.

In some cases the tank-cars of the Standard Oil trust are returned free; in others that company is paid trackage by the road on return of cars at three-fourths of a cent a mile. But Rice was to be charged 5 cents a mile for return of tank-cars.

I will not read the whole of the testimony of Mr. Dow, engaged in the oil business at Memphis, but I will read a question and an answer:

Q. Does that same condition exist in Covington and Obion?

A. Except they reduced the freight a little more in Covington than other places. You might haul it by wagons. In fact I haul it in wagons now.

Q. Over what length of distance do you haul oil in wagons in order to compete with the railroads?

A. Forty miles south of Manito. All the oil I sell there is in the town of Manito, on the Illinois Railroad.

Here a person engaged in the business of selling oil is so discriminated against by railroads and the Standard Oil trust that he can only compete with them by hauling his oil in wagons along the line in the same direction with the railroad for 40 miles in order that he may be able to carry on his business.

One of the reasons assigned for charging more for carrying oil in barrels than in tanks is that the tanks get return freight in cotton-seed oil and in turpentine, while the box-cars, in which barrels are carried, come back empty. This may be so in a few instances of shipments from the South. But the cotton-seed oil made there is not all, perhaps not generally, shipped in tanks. A large cotton-seed-oil factory at the town near which I live sends its oil off in barrels. I am not able to state what the practice generally is, and I only state as to that within my own knowledge.

The greater part of the petroleum product of this country is sent from the oil regions (Pennsylvania, New York, West Virginia, and Ohio) to the Eastern cities, part of it for consumption and part for export. Box-cars carrying barrels of oil there will generally find return freights of merchandise, while tank-cars can carry nothing back, but must be returned empty. Box-cars carrying barrels of oil to the Southern States get return cargoes of cotton, much more of which is shipped North on cars than of cotton-seed oil, besides tobacco, rice, sugar, and other merchandise, which furnish return cargoes for box-cars, and can not be carried on tank-cars.

In reading the opinion of the commission in the case of Rice against the railroads it would seem it was to some extent influenced by this notion that tank-cars could get return freight while box-cars could not. The commission ought not to have been misled by such representations. An examination of the statistics of the railroads in the Southern States, as shown by Poor's Manual, will show that generally the freight on them going north is considerably greater in bulk than that going south.

It seems here as in other points in considering this matter, that the view was a limited, narrow view, not taking in the whole case. The value of cotton shipped in cars from the South and the bulk that it occupies is infinitely greater than that of oil. Besides, the oil shipped from the South in barrels is brought in box-cars. But why dwell on this? Any one familiar with the commerce of that country knows that this argument is unsubstantial and sophistical.

In reference to the wealth and power of the Standard Oil trust and the manner in which it exercises that power over the commerce of this country, I submit that in addition to the millions of dollars' worth of property it owns in oil, land, and wells, in oil refineries, in buildings, in tank-cars, in terminal facilities for the storage and sale of oil, etc., its eight trustees and their subordinate officers are interested as presidents, directors, etc., in about one-seventh of the railways of this country. Poor's Manual mainly, and other sources of information, disclose the fact that the trustees of the Standard Oil trust are presidents and directors in 9,498 miles of railroad, with assets amounting to \$418,773,833.75, while the subordinate officers of the various corporations merged into and belonging to said trust are shown to be presidents and directors of 9,646 miles of railway, with assets amounting to \$394,076,333.49, making a total of 19,144 miles of railway, with assets aggregating \$812,850,167.24.

It is also shown that H. M. Flagler and Benjamin Brewster (trustees) are directors in the Minnesota Iron Company, with a capital of \$20,000,000 (which own the capital stock of the Duluth and Iron Range Railroad).

H. M. Flagler, secretary of the Standard Oil trust, is a director in the Western Union Telegraph Company, capital \$80,000,000.

The Standard Oil trust has issued \$90,000,000 of stock, probably more, worth about \$173, \$155,700,000, showing \$1,068,550,167.24 in which these trustees and their subordinates have part or entire control.

I present this to show the wonderful combination of capital concentrated in the Standard Oil trust and the railroads co-operating with it and using their power to crush out the smaller refiners and shippers, and to give the Standard Oil trust and the officers of these railroads the entire and exclusive control of this vast business of refining, shipping, and selling 27,000,000 barrels of refined oil a year.

The manner in which the interests of the Standard Oil trust are mixed up with the railroads of the country, and the enormous amount of that interest, if my information is correct, shows that when the people of this country deal with the Standard Oil trust they are dealing also with the railroad companies; and that unless a separation of these interests can be compelled there can be no hope of healthy competition in the refining, transportation, and sale of mineral oil. Under such circumstances, unless we can compel the railroads to furnish their own transportation and to furnish tank-cars to other refiners on the same terms on which they are furnished to the Standard Oil trust, the other refiners must go out of existence and that trust be allowed an absolute monopoly of this vast product.

We are told that trust, by its capital and improved facilities, has cheapened oil to the people. Improvements in the process of refining, in the means of transportation, and in the facilities for handling oil,

has, of course, very much reduced its price. Competition has also had its influence in reducing its price to the people.

To show how competition has caused the lowering of the price of oil I submit the following table, showing the prices at which oil was sold by the Standard Oil trust at the places named before the oils of George Rice came in competition with them, and the prices at which they sold oil after Rice commenced to compete with them:

Names of towns.	Kinds and how delivered.	Prices.	
		Before entry.	After entry.
Paris, Tex.....	110° fire test, in barrels..... per gallon.....	\$0.15	\$0.10
Do.....	175° fire test, in barrels..... do.....	.20	.13
Corpus Christi, Tex.....	110° fire test (two 5-gallon cans in boxes), per case.....	2.30	1.40
Laredo, Tex.....	do..... do..... per case.....	2.40	1.65
San Antonio, Tex.....	do..... do..... do.....	2.30	1.75
San Marcos, Tex.....	do..... do..... do.....	2.60	1.50
Calvert, Tex.....	do..... do..... do.....	2.50	1.50
Weatherford, Tex.....	110° fire test, in barrels..... per gallon.....	.18	.10
Do.....	110° fire test, two 5-gallon..... per case.....	2.20	1.80
Victoria, Tex.....	do..... do..... do.....	2.30	1.50
Athens, Tex.....	do..... do..... do.....	2.20	1.50
Flatonia, Tex.....	do..... do..... do.....	2.20	1.50
Jacksonville, Tex.....	do..... do..... do.....	2.40	1.70
Whitesborough, Tex.....	(No competition.)		
Do.....	110° fire test, two 5-gallon..... per case.....	2.40
Clarksville, Tex.....	110° fire test, in barrels..... per gallon.....	.15
Do.....	(No competition; same freight rate as Paris.)		
Cleburne, Tex.....	110° fire test, two 5-gallon..... per case.....	2.20	1.70
Austin, Tex.....	175° fire test, two 5-gallon..... do.....	3.20	1.50
Do.....	175° fire test, barrels..... per gallon.....	.22	.10
Galveston, Tex.....	110° fire test, barrels..... do.....	.13½	.10
Do.....	110° fire test, two 5-gallon..... per case.....	1.60	1.40
Round Rock, Tex.....	do..... do..... do.....	2.30	1.70
Do.....	175° fire test, two 5-gallon..... do.....	3.30	2.20
Honey Grove, Tex.....	110° fire test, two 5-gallons..... do.....	2.30	1.80
Jacksonville, Tex.....	110° fire test, barrels..... per gallon.....	.20	.15
Ennis, Tex.....	110° fire test, two 5-gallons..... per case.....	2.20	1.50
Tyler, Tex.....	do..... do..... do.....	2.20	1.30
Navasota, Tex.....	do..... do..... do.....	2.20	1.50
Hubbard City, Tex.....	do..... do..... do.....	2.20	1.60
Gilmer, Tex.....	do..... do..... do.....	2.30	1.75
Little Rock, Ark.....	150° fire test, in bulk..... per gallon.....	.16	.05
Morrilton, Ark.....	150° fire test, in barrels..... do.....	.18	.08
Searcy, Ark.....	do..... do..... do.....	.15	.11½
Selma, Ala.....	115° first test, in barrels..... do.....	.15	.08
Birmingham, Ala.....	do..... do..... do.....	.13	.09
Anniston, Ala.....	do..... do..... do.....	.14	.09½
Mobile, Ala.....	110° fire test, in barrels..... do.....	.12½	.09
Huntsville, Ala.....	do..... do..... do.....	.16	.08
Memphis, Tenn.....	150 fire test, in barrels..... do.....	.16	.08
Union City, Tenn.....	do..... do..... do.....	.16	.12
Nashville, Tenn.....	do..... do..... do.....	.16	.08½
Jackson, Tenn.....	do..... do..... do.....	.15	.10
Knoxville, Tenn.....	do..... do..... do.....	.16	.09½
Chattanooga, Tenn.....	do..... do..... do.....	.13	.09
Jackson, Miss.....	110° fire test, in barrels..... do.....	.16½	.13
Vicksburg, Miss.....	do..... do..... do.....	.11½	.09
Holly Springs, Miss.....	150° fire test, in barrels..... do.....	.17	.12½
Winona, Miss.....	do..... do..... do.....	.16	.12
Grenada, Miss.....	150° fire test, in barrels..... do.....	.14	.10
Aberdeen, Miss.....	150° fire test, in barrels..... do.....	.13½	.11
Natchez, Miss.....	110° fire test, in barrels..... do.....	.11	.08½
Meridian, Miss.....	do..... do..... do.....	.14	.09
Water Valley, Miss.....	do..... do..... do.....	.15	.11
Paducah, Ky.....	150° fire test, barrels..... do.....	10½	.07½
Atlanta, Ga.....	120° fire test, barrels..... do.....	.15	.09
New Orleans, La.....	110° fire test, barrels..... do.....	.12	.08½
Shreveport, La.....	do..... do..... do.....	.14	.08

The table is a long one and a very interesting one, showing that as soon as competition was introduced it reduced their rates at the fifty-one places named in the table. It will be seen that at all these places the price of oil was reduced by the competition thus produced.

If we allow the Standard Oil trust to crush out all rivals in this business it will then be in the power of that association to compel the people to accept poorer oil and to pay whatever price it chooses to demand for these oils, and it will be sure to put the price so as to cause oppression.

The idea of presenting an argument to anybody, much less to the American Senate, to prove that to make a monopoly is to cheapen rates is so absurd that I should feel ashamed to argue the question here.

The ruling of the commission is a recognition of the binding force of an artful device for combining the Standard Oil trust and the railroads, which, if continued, can not fail to crush out rival refineries of oil and establish a dangerous monopoly.

And if its reasoning in the extracts I have read from its first annual report and its opinion in the case of Rice against the railroads is correct, its final ruling can only be justified by the fact that Congress has not conferred on it power to enable it to require the railroads to furnish their own tank-cars to meet the requirements for transportation. However this may be, certainly its reasoning calls for and would justify the adoption of the proposed amendment.

Many petitions have come to the Senate from the people of different parts of the country, asking for such legislation as is proposed by this amendment. They are entitled to respectful consideration. The

friends of the Standard Oil trust say this is the work of George Rice. He may well have had some agency in getting them sent here. This should stand to his credit rather than to the discredit of these petitions. The courage and persevering constancy he has shown, and the great sacrifices he has made in the courts, before the Interstate Commerce Commission, and in Congress to protect the oil refineries which compete with the Standard, and to give the country the benefit of that competition, and to bring a giant monopoly under the restraints of law, and to compel it to observe the rules of right, make his course worthy of all commendation and honor, and mark him as of the best type and representatives of American manhood and independence.

If the union of this Standard Oil trust and the railroads shall be permitted to continue it will outrage public sentiment, it will discourage enterprise, it will demoralize the people and cause them to lose faith in the wisdom and justice of Congress, and it will give renewed and increased strength to a monopoly which may even now be too strong to be subordinated to law or controlled by the Government.

This much I have said, Mr. President, upon the third amendment, and while I am on the floor I desire to say a few words upon the seventh amendment made by the House of Representatives, which I will read. It is as follows:

That in all civil actions and proceedings of whatever nature arising under an act entitled "An act to regulate commerce," approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction.

In matters of litigation which now arise between shippers and railroad companies in the transaction of their ordinary business under the influence of the common law, the State courts have jurisdiction of such cases. In the "act to regulate commerce," to which this is an amendment, jurisdiction in civil as well as in criminal cases is retained in the Federal courts. So far as the criminal jurisdiction is concerned, we can not by law take that from the Federal courts, but we have many statutes, many acts of Congress to which I must call some attention, which confer jurisdiction upon the State courts. On the subject of the power of Congress to confer jurisdiction on the State courts over controversies of this kind, I prefer, as the shortest method in which I can present that subject, to read an extract from some remarks delivered on the 4th of January in the House of Representatives by Mr. ANDERSON, of Iowa, which contain a sufficient statement on that subject:

I have given this matter some attention, and I find that in the matter of remedy for the deprivation of Federal office that the State courts are granted the same jurisdiction as the Federal courts, in section 2010, page 353, of the Revised Statutes. Again, in section 2177, page 381, United States marshals may qualify before the State as well as Federal judges. Again, I find that in suits and prosecutions in State courts under the postal laws where the trial of claims and demands of as great value and of prosecutions where punishments are as great in extent as under the State laws in like cases, jurisdiction is given to the State courts, as will be found in section 3833, page 750, of the Revised Statutes. Again, in section 4522 of the Revised Statutes, penalties for omitting to begin a voyage by seamen, the jurisdiction is conferred on State courts; and again, in section 4599, for the arrest of seamen for desertion without warrant, and under section 4063 jurisdiction is conferred as to process against foreign ministers and their domestic servants upon State courts.

Then we come to the national-bank act, which, in plain language, provides: "That suits, actions, and proceedings against any association under this act may be had in any circuit, district, or Territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases."

And, Mr. Speaker, under that provision there have been decisions by the United States Supreme Court sustaining the power of Congress to thus confer jurisdiction on State courts, one of which I shall refer to. It is the case of National Pahquoque Bank vs. The First National Bank of Bethel, Conn., reported at page 382, 14 Wall.

I read from that case the statement of facts: "The First National Bank of Bethel, in Connecticut, on the 21st of February, 1868, failed to redeem some of its circulating notes. They were protested, and on the 26th of February a receiver was appointed under the above-quoted fifty-fifth section of the currency act, who immediately entered on the duties of his office.

"The National Pahquoque Bank of Danbury, Fairfield County, in the same State, asserted that it was a creditor of the Bethel bank and presented its claim to the receiver. The receiver, however, disallowed it.

"The Pahquoque bank thereupon, on the 30th day of May, 1868, brought assumpsit in the superior court of Fairfield County, a court of Connecticut having jurisdiction in similar cases, against the Bethel bank. The bank of Bethel defended itself against the claim on these, in substance, among other grounds:

"L. That the courts of the United States alone had jurisdiction after the appointment and acceptance of the receiver."

Mr. Justice Clifford, in delivering the opinion of the court upon this point, says: "Support to the first proposition is supposed to be derived from the conceded fact that such associations are created by an act of Congress and that they are instruments of the National Government intrusted with the power of carrying on the business of banking and of employing and circulating Treasury notes as a national currency, subject to the supervision and direction of the Comptroller of the Currency and of the Secretary of the Treasury. Banking associations, it is said, were established as instruments by which the Government may perform the trust of furnishing and regulating the national paper currency; and the argument is that inasmuch as they are instruments of the Government to carry into effect a national purpose they can not be impeded in a State court. Confirmation of that view is also attempted to be drawn from the fact that such associations are controlled by the Treasury Department; that all the notes which they circulate as money are received from the Comptroller of the Currency, and that they can not issue any instrument for circulation or use as money except the notes intrusted to them by the Comptroller of the Currency, as authorized by the act of Congress.

"Beyond all doubt such associations are created by an act of Congress and for the purposes assumed by the defendants, but the conclusion attempted to be drawn from those facts can not be sustained, as express provision is made by the fifty-seventh section of the act that suits, actions, and proceedings against any such association may be had 'in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in

similar cases.' Commenced, as the action was, in the proper court of the State where the association is located, and in a court having jurisdiction in similar cases, which is not denied, it is quite clear that the objection to the jurisdiction of the court founded upon the character of the association as an instrument of the National Government must be overruled.

"Jurisdiction in such suits is unquestionably vested in any circuit, district, or Territorial court of the United States held within the district in which such association may be established; but the decisive answer to the objection of the defendants is that the same section of the act of Congress gives authority to creditors to prosecute such controversies in 'any State, county, or municipal court in which said association is located' in all cases where it appears that such courts have jurisdiction under the State laws in similar controversies. Proceedings to enjoin the Comptroller of the Currency under that act must, it is true, be instituted and prosecuted in a circuit, district, or Territorial court of the United States, but the act allows creditors to sue in the proper State courts in all suits, actions, and proceedings against the association, as specifically provided in the fifty-seventh section of the act. Authorities to support the proposition are not necessary, as it rests upon an express provision in the act of Congress."

I suppose I need not have read this, as I judge that no question as to the right of Congress to confer jurisdiction on the State courts to hear and determine civil suits under this law will be raised.

Now, Mr. President, a word upon the expediency of extending this jurisdiction. In many States, and especially in the larger States, litigants must of necessity in a great many cases have to go a great way to reach a Federal courts, involving large expense in travel and hotel bills, and large expense in procuring and carrying witnesses. So in truth by limiting the remedy to the Federal courts we exclude the poorer class of litigants from the benefit of this law.

If we extend this jurisdiction to State courts of competent jurisdiction, it brings the forum for adjudication nearer to the litigants, places it more convenient to them. It will cheapen litigation. It will make it possible for men of moderate means, men injured in smaller amounts, to prosecute their rights and have them protected by the courts of the country when they could not for want of pecuniary means go to a great distance and take their witnesses and bear the expense of prosecuting their claims.

If the law is right in providing for civil suits for wrongs done by transportation companies, then it follows as a logical consequence that justice requires that the trial of those causes should be in the courts most convenient to the parties injured. It is illogical and unjust to say that parties shall have a legal remedy and then to place the remedy so far from them as to make it unavailable to them.

I have occupied the attention of the Senate so long, Mr. President, that I do not feel warranted in pursuing this argument. What I have said suggests the argument which it seems to me is conclusive in favor of the Senate receding from its disagreement to the third and seventh amendments of the House, and when we reach the proper time for that if no other Senator does it I shall make that motion.

Mr. CULLOM obtained the floor.

COURT IN INDIAN TERRITORY.

During Mr. REAGAN's speech as given above,

Mr. VEST. Will the Senator from Texas yield to me that I may make a conference report?

Mr. REAGAN. Yes, sir.

Mr. VEST. I am instructed to make a conference report on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. REAGAN. Yes, sir.

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

Mr. VEST. I wish to state that it is hardly necessary to read this report. It was read yesterday in full, and the House refused to concur in the report. The present conference report simply changes a single provision.

Mr. EDMUNDS. I know it, but it ought to be read.

Mr. VEST. Very good. I was merely speaking in favor of the economy of time.

Mr. EDMUNDS. I signed that report myself, but I think it ought to be read.

Mr. ALLISON. I quite agree with that.

Mr. VEST. I will not ask the Senator from Texas to give way. I will submit the report and ask that it be read when the Senator from Texas concludes his remarks.

The PRESIDENT *pro tempore*. The Senator from Missouri, from a committee of conference, submits a report and asks that it now be read.

Mr. EDMUNDS. Yes, he submits it for action.

Mr. VEST. I submit it for the action of the Senate. I will hardly ask the Senator from Texas to give way for so long a report, for it virtually destroys his speech. I would like to submit the report.

Mr. CULLOM. Is it a long report?

Mr. VEST. It is a long report.

Mr. CULLOM. I hope the Senator from Texas will not be interfered with in his speech, if he desires to go on.

The PRESIDENT *pro tempore*. If the Senator from Texas yields for the presentation of the report, the question of its consideration can be raised on its presentation, and if raised must be decided without debate.

Mr. EDMUNDS. I think if the Senator from Texas wishes to go on, the report had better be withheld.

Mr. VEST. I will withhold it.

MISSOURI RIVER BRIDGE AT SIOUX CITY.

Mr. WILSON, of Iowa. I ask leave at this time to submit a conference report.

The PRESIDENT *pro tempore*. The conference report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

G. G. VEST,
PHILETUS SAWYER,
JAMES F. WILSON,
Managers on the part of the Senate.
CHAS. F. CRISP,
A. R. ANDERSON,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. RANSOM. I ask the Senator from Illinois to give way to me for a minute while I ask unanimous consent to call up a bill that it will not take more than a minute to pass.

Mr. CULLOM. Is it a short bill?

Mr. RANSOM. It is a very short bill, and if it gives rise to one moment's debate I will withdraw it.

Mr. VEST. Mr. President—

Mr. RANSOM. I hope the Senator from Missouri will give way.

Mr. VEST. I would of course give up the floor with pleasure if I had any right to it, except for the fact that there is a conference report here of very great importance, and unless it be acted upon to-day the result may be the defeat of a measure in which a large number of persons are interested.

The PRESIDENT *pro tempore*. The Senator from Missouri has the right to submit the report of the committee of conference as a matter of privilege.

Mr. VEST. I now submit the conference report, and ask for action upon it.

Mr. CULLOM. I ask the Senator from Missouri if there is any danger of the report not being concurred in, or if he will not wait till morning?

Mr. VEST. There is not the slightest danger. The report has been acted upon substantially.

Mr. CULLOM. Of course I have no right to interfere, but I am very anxious that the pending matter shall be disposed of to-night.

Mr. VEST. I assure my friend from Illinois that this report will simply take up the time that is consumed in reading it. It has been once read and acted upon.

Mr. CULLOM. Very well.

COURT IN INDIAN TERRITORY.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That a United States court is hereby established, whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, west by the State of Texas and the Territory of New Mexico; and a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of \$3,500 per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of United States district courts.

"Sec. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal of said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas. The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of \$10,000, conditioned as by law required in regard to the bonds of other United States marshals.

"Sec. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of \$10,000, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

"Sec. 4. That the judge appointed under the provisions of this act shall take the same oath required by law to be taken by the judges of the district courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

"SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

"SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money claimed shall amount to \$100 or more: *Provided*, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only: *And provided further*, That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, or either of them, from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years are hereby repealed; and said court shall have jurisdiction over all controversies arising out of said mining leases or contracts, and of all questions of mining rights or invasions thereof, where the amount involved exceeds the sum of \$100.

"That the provisions of chapter 18, Title XIII, of the Revised Statutes of the United States shall govern such court so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like cases in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and, for like causes, as now provided by the laws of said State.

"The final judgment or decree of the court hereby established, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds \$1,000, may be reviewed and reversed or affirmed in the same manner and under the same regulations as the final judgments and decrees of a circuit court.

"SEC. 7. That two terms of said court shall be held each year at Muskogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other times previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

"SEC. 8. That all proceedings in said court shall be had in the English language; and bona fide male residents of the Indian Territory, over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

"SEC. 9. That the jurors shall be selected as follows: The court at its regular terms shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

"You do swear to discharge faithfully the duties required of you as jury commissioner: that you will not knowingly select any one as jurymen whom you believe unfit and not qualified; that you will not make known to any one the name of any jurymen selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a jurymen concerning the merits of any cause or procedure to be tried at the next term of this court; so help you God."

"SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury-room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave from the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number of qualified persons as the court shall designate, not less than sixty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as petit jurors at the next term of court; shall write names of such persons on separate pieces of paper, of near the same size and appearance as may be, and fold the same so that the names thereon may not be seen. The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from the said box the names of thirty-seven persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed 'List of petit jurors.'

"SEC. 11. That the said commissioners shall then proceed to draw in like manner twelve other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed 'List of alternate petit jurors.' The two lists shall be inclosed and sealed so that the contents can not be seen, and indorsed 'List of petit jurors,' designating for what term of the court they are to serve, which indorsements shall be signed by the commissioners, and the same shall be delivered to the judge in open court; and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

"You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term, unless by leave of the court; so help you God."

"SEC. 12. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the list of petit jurors and of alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as petit jurors and alternate petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

"That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

"That if there shall not be a sufficient number of competent petit jurors and alternates present, and not excused, to form a petit jury, the court may compel the attendance of such absentees or order other competent persons to be summoned to complete the juries.

"SEC. 13. That if for any cause the jury commissioners shall not appoint or shall fail to select a petit jury as provided, or the panels selected be set aside, or the jury-list returned in court shall be lost or destroyed, the court shall order the marshal to summon a petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of petit jurors as if they had been regularly selected; and this provision shall also apply in the formation of petit juries for the first term of the court. The want of qualification of any person selected as juror under section 10 of this act shall not necessarily operate as cause of challenge to the whole panel.

"SEC. 14. That the fees of the jurors and witnesses before said court herein created shall be the same as are provided in the district court of the United States for the western district of Arkansas.

"SEC. 15. That in all criminal trials had in said court in which a jury shall be

demanding and in which the defendant or defendants shall be citizens of the United States none but citizens of the United States shall be competent jurors.

"SEC. 16. That the judge of the court herein established shall have the same authority to issue writs of habeas corpus, injunctions, mandamus, and other remedial process as exists in the circuit courts of the United States.

"SEC. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation and thence north with the boundary line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimsishi River, crosses the said boundary line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the district of Kansas by the act approved January 6, 1853, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the eastern judicial district of the State of Texas for judicial purposes.

"SEC. 18. That the counties of Lamar, Fannin, Red River, and Delta of the State of Texas, and all that part of the Indian Territory attached to the said eastern judicial district of the State of Texas by the provisions of this act, shall constitute a division of the eastern judicial district of Texas; and terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris on the third Monday in April and the second Monday in October; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed against the laws of the United States within the limits of that portion of the Indian Territory attached to the eastern judicial district of the State of Texas by the provisions of this act, of which jurisdiction is not given by this act to the court herein established in the Indian Territory; and all civil process, issued against persons resident in the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Paris, Tex., and all prosecutions for offenses committed in either of said last-mentioned counties shall be tried in the division of said eastern district of which said counties form a part: *Provided*, That no process issued or prosecution commenced or suit instituted or offenses committed before the passage of this act shall be in any way affected by the provisions hereof.

"SEC. 19. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Paris, in the county of Lamar.

"SEC. 20. That every person who shall, in the Indian Territory, willfully and maliciously place any obstruction, by stones, logs, or any other thing, on the track of any railroad, or shall tear up or remove, burn, or destroy any part of any such railroad, or the works thereof, with intent to obstruct the passage of any engine, car, or cars thereon, or to throw them off the track, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment at hard labor for any time not more than twenty years: *Provided*, That if any passenger, employé, or other person shall be killed, either directly or indirectly, because of said obstruction, tearing up, removing, burning, or destroying, the person causing the same shall be deemed guilty of murder, and, upon conviction thereof, shall be punished accordingly.

"SEC. 21. That any person aforesaid who shall, in the Indian Territory, willfully and intentionally destroy, injure, or obstruct any telegraph or telephone line, or any of the property or materials thereof, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be fined in any sum not more than \$500 and imprisoned for any time not more than one year.

"SEC. 22. That every person aforesaid who shall, in the Indian Territory, maliciously or contemptuously disturb or disquiet any congregation or private assembly assembled in any church or other place for religious worship, or persons assembled for the transaction of church business, by profanely swearing or using indecent gestures, threatening language, or committing any violence of any kind to or upon any person so assembled, or by using any language or acting in any manner that is calculated to disgust, insult, or interrupt said congregation, shall, upon conviction thereof, be sentenced to imprisonment for any time not exceeding sixty days, or to a fine not exceeding \$100, or both such fine and imprisonment.

"SEC. 23. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought assault any person with intent to rob, and his counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years.

"SEC. 24. That every person who shall, in the Indian Territory, knowingly mark, brand, or alter the mark or brand of any animal the subject of larceny, the property of another, or who shall knowingly administer any poison to or maliciously expose any poisonous substance with the intent that the same shall be taken by any of the aforesaid animals, or shall willfully and maliciously by any means whatsoever, kill, maim, or wound any of the aforesaid animals, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment for a period of not more than six months, or a fine of not more than \$200, or both such fine and imprisonment; and in case the animal shall have been killed or injured by said malicious mischief, the jury trying the case shall assess the amount of damages which the owner of the animal shall have sustained by reason thereof, and, in addition to the sentence aforesaid, the court shall render judgment in favor of the party injured for threefold the amount of the damages so assessed by the jury, for which said amount execution may issue against the defendant and his property.

"SEC. 25. That if any person, in the Indian country, assault another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than fifty nor exceeding one thousand dollars and imprisoned not exceeding one year.

"SEC. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies in the Indian Territory, with the intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding \$500, or be imprisoned not more than six months, or both, at the discretion of the court.

"SEC. 27. That sections 5, 23, 24, and 25 of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

"SEC. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Amend the title so as to read: "A bill to establish a United States court in the Indian Territory, and for other purposes."
And the Senate agree to the same.

G. G. VEST,
JAMES F. WILSON,
GEO. F. EDMUNDS,
Managers on the part of the Senate.
D. B. CULBERSON,
JNO. H. ROGERS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on concurring in the same. The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following acts:

An act (S. 781) granting a pension to John Fagan;
An act (S. 1832) granting a pension to Ann E. Cooney;
An act (S. 1831) granting a pension to Mrs. Mary Heap Nicholson;
An act (S. 2091) granting a pension to Frances H. Plummer;
An act (S. 2275) granting a pension to Mary Calvert Truxton;
An act (S. 2314) granting a pension to John B. Covert;
An act (S. 2439) granting a pension to Charlotte T. Alderman;
An act (S. 2993) granting a pension to Margaret A. Hillard;
An act (S. 3540) granting a pension to Mary P. Myers;
An act (S. 3634) granting a pension to Mrs. Nancy Smith; and
An act (S. 169) granting an increase of pension to Abby J. Slocum.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 3560) for the relief of William S. Rosecrans; and
An act (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan.

SUE B. JOHNSON.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3864) granting a pension to Sue B. Johnson, 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 amendment to said bill, and agree to the same.

C. K. DAVIS,
JAMES L. PUGH,
A. S. PADDOCK,
Managers on the part of the Senate.
J. LOGAN CHIPMAN,
W. GODFREY HUNTER,
CARLOS FRENCH,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action by the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate, information in regard to the disposition of certain moneys devoted to the allotment of Indian lands; which, with the accompanying papers, was referred to the Committee on Appropriations.

INTERSTATE COMMERCE.

The Senate resumes the consideration of the third and seventh amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, the pending question being on the motion of Mr. SHERMAN that the Senate recede from its disagreement to the amendment of the House numbered 3.

Mr. CULLOM. Mr. President, it is with some reluctance that I consent to say anything and thereby detain the Senate from the consideration of other business. I am, however, pressed into the service to occupy the attention of the Senate for a few minutes.

The bill, referring to the whole bill which has been under consideration, passed the Senate many months ago, during the last session. The bill went to the other House and passed that body with numerous amendments. It came back and the Senate disagreed to the amendments as a whole and asked for a conference, which was agreed to. Conferees were appointed on the part of both Houses, and certain of the amendments pending between the two Houses were settled by the conferees on the part of both Houses. The two amendments which are now under consideration were disagreed to and are therefore pending to-day. Those two amendments I believe, as I have always believed ever since I have had anything to do with this subject, are not amendments that it is desirable to have made to the general act.

The act which was passed two years ago regulating commerce among the States was general in its provisions. It was substantially an enactment into statute law of the common law of the country, so far as it was applicable to the subject under consideration.

There has never before, that I know of, been any effort on the part of any Senator to introduce into legislation amending the general act any provision that might be termed special legislation. It seems to me that the amendment the Senator from Ohio has so ably advocated

does attempt to introduce into the general act to regulate commerce among the States special legislation, and the result of its enactment would be that whenever any individual thought he was aggrieved in any way and did not at once secure justice from the courts or the commission, he would be encouraged to come before the Senate or before Congress and ask such legislation as would exactly fit his case.

It seems to me that it is akin to such legislation as we see once in a while attempted in State Legislatures. When a lawyer has a case and he fears he is going to be beaten, he goes to the Legislature and undertakes to get an act passed to enable him to win his case. While I am not by any means intimating that any Senator is doing or attempting to do that sort of thing, yet it does seem to me that the provision the honorable Senator from Ohio is insisting upon is that kind of legislation.

Not only so, but the Senator from Ohio, in his general declamation here, has stated that he is in favor of the poor man; that he is in favor of exact justice; that he is against standard oil companies; that he is against monopolies, and that generally he wants exact and even justice to all the people; all of which I agree to. Yet, if I understand the amendment, the result of the enforcement of it would be that it would enforce unjust discrimination instead of carrying out even and exact justice to all the people of the country.

I submit to the Senator from Ohio, who is so earnest in behalf of this amendment, whether he does not believe, whether he does not know, that cases might arise where unjust discrimination would be the result of the enforcement of that provision if it was placed upon the statute-book. Therefore I am against it. While it looks very easy, and very nice, and very fair, and very just in its terms, yet, as the Interstate Commerce Commission have already decided more than once, I believe, it would be an unjust discrimination to do exactly what the amendment proposes to do. In other words, the commission have decided that every case must stand upon the facts connected with the case, and that there may be a state of facts under which in carrying oil in barrels, if you please, and in tanks, the charges should be exactly the same. There may be a state of facts, I say, under which if that was the law and enforced, the result would be an unjust discrimination. So it seems to me that no such provision of law ought to be incorporated in the bill.

Ever since I have had anything to do with this subject I have tried in legislation to go just as far as we could afford to go consistent with the interests of the commerce of the country and the protection of the people carrying it on, but in my judgment if we were to enact that provision the result of the enactment would be that either the men who are furnishing oil to-day at the price the people are buying it for would be compelled to put up their price, if the provision the Senator from Ohio insists upon as to the tanks should be enforced. If the cars furnished by any outside company are to be subject to use by everybody, the result would certainly be that such companies or shippers would not furnish cars for themselves or anybody else, and we would go back to the old-fashioned and more expensive methods of transportation that formerly prevailed, the increased cost of shipment being ultimately paid by the consumer.

So it seems to me that this is an impracticable proposition. I do not believe in the declaration the Senator announced as the law, that if one shipper comes to a railroad company and says that he wants a given number of cars, and the railroad company says, "I am not able to furnish them," and then the shipper says, "If you can not do it, I will," that when the shipper does it those cars are under the law to be taken and used by everybody else. It does not seem to me that that is the law on common law principles or that it ought to be in the statutory law.

I agree that in so far as a railroad corporation can it should furnish to all the people doing business exactly the same facilities; yet if a railroad company can not furnish tank-cars, if you please, and the man or company carrying on the business determines to furnish them, he has to allow everybody else to use his cars and break up his business, and put him where perhaps he would not have cars enough in order to carry on the business that he is undertaking to carry on and that he has provided facilities for. Such an arrangement would certainly be very unjust.

So it seems to me that the proposition of the Senator from Ohio is that if any business man or company makes an application for cars and the railroad company is unable financially to furnish them, you have either got to say to the railroad company that it shall not furnish any cars or allow anybody to build their own cars, or else you have got to require that the company which does build the cars shall put them subject to the use of the railroad for anybody else. Is that right? I submit in all candor, is that right, or is there any common-law principle involved in it?

I do not believe there is; but taking it as a matter of practice in business in this country, as the Senator knows, there are coal-cars furnished by companies mining and transporting coal, there are lumber-cars furnished by lumbermen for the purpose of getting out their lumber, there are fruit-cars furnished by individuals for the shipment of fruit when the business perhaps would not justify a railroad company in furnishing such cars or when perhaps the railroad company was not able to furnish them. Does the Senator pretend to say that because

the railroad allows the lumber company or the fruit company or the coal company to furnish its own cars, therefore the cars furnished by any of these companies shall be subject to the use of everybody else?

Mr. HARRIS. And refrigerator cars.

Mr. CULLOM. Yes, sir; refrigerator cars.

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

Mr. CULLOM. Certainly.

Mr. GRAY. I have been much interested in the argument made by the Senator from Ohio in favor of his amendment and in the subject as it has been presented to the Senate. I know that the Senator from Illinois has given great attention to this general subject, and I have been listening to him and intend to listen to him with attention. Inasmuch as it appears from the argument made by the Senator from Ohio that there is a contest between two sets of producers of oil, one who seem to be able to own tank-cars, and another who seem to be unable to own them, I should like to know what, in the opinion of the Senator from Illinois, the interest of the great body of consumers of oil in this country is in this contest between these capitalistic corporations and the producers?

Mr. CULLOM. Of course it is the interest of the people generally that no one corporation should own the country or its business. That I agree to. But, after all, the great purpose of regulating interstate commerce, or having anything to do by legislation with the subject, is to protect the great body of the people against extortion or unjust discrimination or preference, as is expressed in the general act of Congress.

Mr. BUTLER. May I ask the Senator a question for information, for I have not had time to examine the amendment? Does not the amendment practically undertake to regulate freight traffic by Congressional action or interference? I have not had time to examine it, and I ask for information.

Mr. CULLOM. I will read the amendment so that the Senator may know exactly what it is:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

That is the provision.

Mr. GRAY. The Senator of course will tell me if I am interrupting him.

Mr. CULLOM. Not at all. I should have gone further in answer to the Senator from Delaware if the Senator from South Carolina had not asked me the purport of the amendment.

Mr. GRAY. I wanted to pursue my inquiry to this point, whether the result of the amendment of the Senator from Ohio will not be to raise the price of oil to the consumers of the country?

Mr. CULLOM. I have not the slightest question but that it will. While I am upon that branch of the subject I desire to make one allusion to another remark of the Senator from Ohio.

Mr. HARRIS. If the Senator from Illinois will allow me, I beg to suggest that it will produce the very inequality the committee has struggled to prevent.

Mr. CULLOM. Of course, exactly. Now, I want to say a few words to the Senator from Ohio in answer to the suggestion he made in regard to pipe-lines. The Senator complains that certain persons, I do not know who they are, have gone through people's farms and over the highways and byways from some oil region, I suppose, in his State, until finally they have got the pipe-line from that region into the city of Chicago, and he complains about that. Mr. President, if there is anything that the people of Chicago and the West ought to be grateful for it is that whatever company has put down that pipe-line is giving to the people of Chicago on that account cheap oil for manufacturing, for fuel, or for whatever purpose the oil may be used.

While the Senator may have an idea of some principle of law that would prevent that sort of thing, or that would require a regulation of it, I do not know of any provision of the common law or any other, if any individuals or corporations shall put down a pipe-line from Ohio to the city of Chicago for their own use, by which we are going to be able to interfere with it under any general common law principle or any other.

So far as I am concerned I have no particular affection for the Standard Oil Company, because we all know that that company has extorted from the people in years gone by to the amount of millions of dollars. Yet because of that fact and because of the possible unpopularity of that institution in the country, while I have any responsibility whatever for the control of legislation on the subject of regulating commerce, I shall not allow any amendment, if I can help it, to get into the general act which will result in producing an unjust discrimination, and in the end break down the whole effort that we are making in protecting the people against extortion and unjust discrimination.

Mr. DAWES. I wish to ask the Senator a question, because I have not been able to be here during the discussion. Somewhere in the elementary books it is said that you must understand the mischief before you undertake to apply a remedy. Therefore, I should like to know

whether the complaint is that the railroads make a distinction between producers who offer the same facility? That is to say, do they make distinctions in favor of one company furnishing tank-cars, for instance, as against another company offering the same kind of cars?

Mr. CULLOM. Not at all.

Mr. DAWES. Now, another point. Do they make a distinction between those furnishing tank-cars and those offering to furnish another kind of car equally safe?

Mr. CULLOM. There have been two ways of carrying oil, one by tank-cars, which the Senator has referred to, and the other in what are called stock-cars. There have been cases brought before the Interstate Commerce Commission, in one instance against the Lake Shore road, the allegation being, in the first place, that the railroads were making too great a discrimination between the price charged for carrying part of a car-load and a whole car-load. Then again complaint is made that the railroad charges a different rate, and it is alleged that there ought to be no difference between the carrying of oil in stock-cars by the car-load and a car with a tank as a part of the car, the tank being full of oil. Those cases have been before the Interstate Commerce Commission and they have given those subjects their attention, and in two cases or more have decided as to what they thought was substantially right as between the two modes of carrying a car-load in a stock-car and a car-load in a tank-car.

Right here, before I refer to that decision, I will state what the point is. While the Interstate Commerce Commission had decided just what they thought was right as between the two modes of transportation, which was based upon matters of fact, the people representing the stock-car mode of transportation insist still that the railroads give the advantage to the tank-car mode of transportation.

Mr. DAWES. I should like to make one other inquiry.

Mr. CULLOM. Go on.

Mr. DAWES. That is, whether the tank-car is a car that nobody can use except this company?

Mr. CULLOM. Not at all. Anybody can build a tank-car, as I understand, who has got the money to build it.

Mr. PLATT. It is furnished by other companies.

Mr. CULLOM. It is furnished by a good many other companies than the Standard Oil Company.

Mr. DAWES. Is it the answer of the railroad company that the other method is not as safe?

Mr. CULLOM. Of course there is a difference of opinion on that question. The fact is, as I gather from all the information that I have been able to get, that the tank-car system is safer, and I have no doubt myself that it will be but a very brief period of time before there will be no other mode of carrying oil from one portion of the country to another than in tank-cars, because it is the cheaper mode and it is certainly the best mode of transporting it from one section of country to another.

Let me read for a moment what the decision of the commission has been. The last decision by the Interstate Commerce Commission was in the case of William C. Scofield and others against the Lake Shore and Michigan Southern Railway Company, decided July 19, 1888. In that case just what I have stated was the complaint. The parties to it, and there is a large number of them, alleged that the railroads were extorting from them or unjustly discriminating against some of them because they charged too much for a part of a load in comparison with the charge they made for a full car-load of barrels in a stock-car. The other complaint was that there was too much discrimination or difference in the charge between the transportation of a stock car-load of oil in barrels and that in a tank-car.

The commission delivered a long opinion, reciting all the facts and summing up with a statement of the facts in the case, which is entirely too long for me to read, but I will read a paragraph or two simply to show that everything the Senator from Ohio is anxious to secure is being secured by the decisions of the Interstate Commerce Commission as the cases come before them, and that the rights of the parties are being secured, not by an attempt to make special legislation here and to put into the act a statement of what the rate shall be by comparison in every instance, but they do it upon the examination of all the facts before them, and then render a decision just as any court would do, or as a jury would do if the case was submitted to a jury. They use this language. They say:

There is no just and substantial ground for this difference—

That is to say, the difference that existed in that particular case as between the charges by the car-load in barrels and the tank-cars.

There is no just and substantial ground for this difference, so far as we can see. By this arrangement the carrier hauls in one tank-car 90 barrels of oil, etc.

I am reading this to show the view of the Interstate Commerce Commission, which we must trust if we do not abolish it and let the people take their opportunities in the courts, as they have the right to do under the law to-day. If a railroad company that fails to furnish tank-cars to the honorable Senator's friend or anybody in his State or anywhere else refuses to furnish those cars he has a right under the common law, as well as under the act of Congress, in my opinion, to bring a suit. I am sure he has under the common law a right to bring a

suit and punish the railroad for its failure to do its duty as a common carrier under the common law.

Mr. PLATT. If it has failed.

Mr. CULLOM. I say if it has failed to do its duty. I am not saying that it has. So there is the remedy the Senator seeks when he undertakes to make an appeal for one class of men as against another. If a railroad has been derelict in its duty and violated the common law of the land in furnishing or allowing, if you please, tank-cars to be built and used by one company, or if the railroad has furnished tank-cars to one company and has not furnished them to another, he can test the question as to whether under the common law the company was liable because of failing to do its duty by one customer as well as another.

Now I come back to the original proposition. The only point in this, it seems to me, is whether we are going to say by legislation that we will not allow a commission or a court to settle the questions of difference that may exist between a railroad and a shipper, or whether we shall allow the question of fact to be settled by a lawsuit or by a hearing before the Interstate Commerce Commission. I say that the Interstate Commerce Commission are trying—whether they have reached the point of exact justice between the parties or not I am not prepared to say, but they appear to be trying to reach the exact point that the Senator from Ohio alleges he desires, and that is exact justice between the parties. That is all I want.

Now, let us see what the commissioners say in this same opinion:

The preference thus given to oil shipped in tank-cars as against oil shipped in stock-cars in car-load lots is, we think, unlawful, and must be regarded as forbidden by the act to regulate commerce.

If they were committing an unlawful act, if the railroad was charging too much to the man or the company shipping in stock-cars, or unjustly discriminating in favor of the tank-car, the commission have the absolute power to ascertain the facts existing in the case and render their decision, going to any length that they see proper to go to secure exact justice to the party shipping oil in barrels.

Mr. President, I might stand here and read by the hour arguments that have been furnished to me by parties interested in this subject on both sides, but I do not think I ought to take up the time in talking about this feature of the case any longer. While I am up I desire to say a word as against the other amendment that is insisted upon on the part of the House and the House conferees, although technically it is not before the Senate at this moment.

Mr. FRYE. Will the Senator kindly read that other amendment?

Mr. CULLOM. I will. The other amendment which is pending as a difference between the two Houses is as follows:

That in all civil actions and proceedings of whatever nature arising under an act entitled "An act to regulate commerce," approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction.

In the first place, the Congress of the United States, as I understand it, can not confer jurisdiction upon the State courts and require the State courts to take jurisdiction.

Mr. REAGAN. Will the Senator allow me to interrupt him?

Mr. CULLOM. Yes, sir.

Mr. REAGAN. I, a short time ago, called attention to a number of acts of Congress conferring jurisdiction upon State courts for various purposes.

Mr. CULLOM. So I understand. But if we could confer jurisdiction on State courts, the State courts can not take the jurisdiction unless the Legislatures or some other authority in the State gives them the right to do so. That is the point I make.

But aside from any technical question in criticism of the language used in the amendment, I say that it is not in the interest of the commerce of this country that there should be given to the State courts jurisdiction in the administration of a national law if we had the power to give it. What would be the result of it? Suppose we confer, if you please, jurisdiction upon the State courts of the country. The result of it would be that in every State there would be different decisions.

Mr. HISCOCK. I ask the Senator if he concedes that we can confer jurisdiction upon the State courts?

Mr. CULLOM. I do not, but I say, waiving the question of the technical language of the amendment or of the constitutional power to grant it, if we were to conclude that we have the power to do it, it would be unwise legislation on the part of the Congress of the United States to enact such a provision as that. We already see a disposition on the part of local commissions and judges, even of the United States, to differ one with another in different localities.

Mr. HISCOCK. Do I understand that there has been any authority whatever cited tending to prove that we can give this jurisdiction to the State courts?

Mr. REAGAN. If the Senator will allow me, I have cited a number of acts of Congress. I call the Senator's attention especially to the national bank act, which expressly conferred jurisdiction on the courts of any county, city, or parish to try cases arising.

Mr. HISCOCK. To try what case? I did not understand the Senator.

Mr. REAGAN. Cases arising under the national bank act.

Mr. HISCOCK. Does not the Senator know that those cases may

rest upon an entirely different principle? There is there the creation of an artificial person, a corporation.

Mr. REAGAN. Mr. President—

Mr. HISCOCK. If the Senator will allow me, I desire to get this point in right here. There is the creation of an artificial person by Congressional statute, and jurisdiction is given to the State courts in reference to an action by or against that person. Here, on the other hand, and I call the Senator's attention to it, is a provision of the Constitution that "the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States," etc. Every action under the interstate-commerce law arises under a statute of the United States, whereas every action or nearly every action brought against or by a bank in a State is either an action on contract or an action at common law.

Mr. REAGAN. But arising under the act of Congress which created the corporation.

Mr. HISCOCK. Oh, no; it does not arise under the act of Congress. The act of Congress merely creates the person that brings the action. I desire to call the attention of the Senator from Illinois, who has charge of this measure, to that manifest distinction.

Mr. REAGAN. I desire to say that I can find acts of Congress conferring jurisdiction on the State courts.

Mr. DAWES. I should like to inquire of the Senator from Texas if he means to say that a contract made with a national bank can not be enforced in a State court.

Mr. REAGAN. I have said that the express authority was to enforce it.

Mr. RIDDLEBERGER. Mr. President, pending that inquiry—

Mr. CULLOM. I have the floor, I think.

The PRESIDENT *pro tempore*. The Senator from Illinois has the floor.

Mr. HISCOCK. I beg the Senator's pardon for interrupting him.

Mr. CULLOM. That is all right.

Mr. RIDDLEBERGER. Pending that inquiry, I move that the Senate now proceed to the consideration of executive business.

Mr. CULLOM. The Senator has no right to the floor for that purpose or any other.

The PRESIDENT *pro tempore*. The Chair can not recognize the Senator from Virginia, the Senator from Illinois being on the floor in his own right.

Mr. CULLOM. I shall detain the Senate but a very few minutes longer, because I am very anxious that this subject shall be disposed of to-night.

I was about to say that upon the question in issue I entirely agree with the honorable Senator from New York [Mr. HISCOCK]. The fact is that this question of the State court authority has been before the committee from the very beginning of our attempt to get together and pass some act upon this question. I have never believed that we had such authority, and I have never believed that if we had it it would be a wise thing for the Congress of the United States to allow State jurisdiction to be taken of a national law of this kind.

As I was about to say when I was interrupted, there is no interference at this moment with the jurisdiction under the common law in the administration of justice in reference to the rights of the people under the common law by State courts, and there will not be by this act, even after these amendments are acted on; but I think it would be unwise that the Congress of the United States should undertake to give State courts jurisdiction if we had the power to do it, to administer the national law upon the question which touches the very life of the great commerce of this country.

Mr. President, it is very easy for Congress to pass acts, and let me say that it is very easy for us to break down commerce if we are not exceedingly careful in our attempt to legislate upon this great subject. The millions and millions of commerce that is being carried on every day, the internal commerce of this country, can be thwarted, can be hindered, can be injured, can be broken down by a mistake in our legislation here in dealing with this delicate subject.

So far as I am concerned, as I have said before, I am very anxious to go just as far as I can in my judgment go consistently with law and the Constitution and duty in protecting the great body of the people of this country by legislation; but I am not willing to go so far as to take a step that is even of doubtful propriety, because already the railroads of the country are staggering under difficulties that have come upon them, not from State legislation, as I understand, not by any action of Congress, but by the conditions that prevailed before the act of Congress was passed.

Mr. RIDDLEBERGER. I ask the Senator from Illinois if he will not now allow me to make a motion to go into executive session?

Mr. CULLOM. I hope the Senator will not attempt to make that motion until we dispose of this subject.

Mr. RIDDLEBERGER. I ask this because it was agreed yesterday that at 3 o'clock to-day we would go into executive session.

Mr. CULLOM. I can not yield, however much I should like to accommodate the Senator.

Mr. RIDDLEBERGER. Then I will not yield any more either.

Mr. CULLOM. All right.

Mr. President, I say that my judgment is that every Senator should be careful in determining what legislation should be had upon this delicate and important subject lest we injure the commerce of the country instead of benefiting it by any acts that we may pass here in the Senate of the United States.

Mr. HISCOCK. Mr. President—

Mr. CULLOM. I yield the floor to the Senator from New York.

Mr. HISCOCK. Mr. President, as a member of the Interstate Commerce Committee I am opposed to these House amendments, and I desire briefly to state the ground of my opposition.

First, I assume that it can not be successfully controverted that oil can be carried in tank-cars cheaper than it can in barrels. That declaration I make, and I challenge successful contradiction of it.

Mr. REAGAN. I do not think there is any human being on earth who will contradict or take issue with the Senator on that point.

Mr. HISCOCK. Very well. Then, if this provision means anything, it means that the railroad companies shall charge the oil producers more for carrying their product which ought to be carried cheaper. In other words, the amendment, instead of being in the direction of putting down freights, is positive and affirmative legislation in the direction of putting them up. The usual cry against corporations has been that they were extortionate; that they imposed burdens upon the people, and that their powers should be limited because they were robbers.

Here we have a case in which they can and do reduce the price for their service, because of the peculiar facility they have for carrying this product; and the proposition is to make the product pay more. That is the spirit of the amendment and that is what it contemplates.

Mr. President, it means that if superior energy and skill can provide a method by which to give the products of a certain industry to the country cheaper than can be done in other modes, the carriers shall not have the privilege of doing it. It means that if a combination of capital can give goods to the consumer cheaper than individual proprietors it shall not have the opportunity of doing it. In other words, this measure is aimed chiefly against cheapening the products of our mines and our factories to the consumer. I am not in favor, as between domestic producers, of carrying the doctrine of protection quite as far as that.

The Senator from Texas concedes that this product can be carried cheaper in tank-cars than it can in the other method indicated in the bill, but he claims that the same price shall be charged for each method of transportation. If we enact a law which provides for that, the result is to put up the price, to increase the price of transportation, and the one who has cheapened the facilities for transportation must increase the price of the product to the consumer.

Now let us take the amendment which has been offered by the Senator from Ohio. It provides—

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

It is a notorious fact that a large proportion of the cars that are used by railroads to-day are leased by them, belonging to individual proprietors; and they belong to the shippers in many cases, for the reason that they are adapted to a particular service; and it will not pay the railroad companies to own the cars; they can not afford to do it. Take refrigerator-cars which leave a State loaded with butter in a warm season of the year. It may be a very close question whether a railroad company feels that it would pay to build those cars and put them on the road; but the home shipper has his own car in his business; he can afford to have it.

This measure proposes that the very moment he has constructed a car to be used in his business he shall share it with some one else; that others shall have the same right he has to have freightage on that car to an Eastern city, or else that the railroad company shall duplicate that car and put it on the road. That is the amendment. That is precisely what is proposed by the provision of the Senator from Ohio.

I say that I believe all shippers who are engaged in the transportation of perishable goods all over this wide country of ours to an Eastern market should have the right to build their cars, and upon fair and just terms put them upon the railroads. It is in the interest of the producers West and consumers East. The effect of this provision would be to destroy that privilege which is now enjoyed by the Western producer and Eastern consumer, and of which they have the benefit.

I had not intended to discuss these provisions at any great length, but, as I stated at the outset, to give in as brief a way as possible the reason which induced me to oppose the amendments which have come from the other House. Now, a word with reference to the provision as to the jurisdiction of courts. I announce in commencing that discussion that I am not prepared to lay down the law authoritatively as to whether we can confer this jurisdiction upon State courts or not, for I have not examined the decisions; but there is a wide distinction between a provision conferring the jurisdiction which is conferred upon State courts with reference to actions by or against national banks and what is contemplated here, and the cases cited by the Senator from

Texas do not bear at all upon the question which is presented by this amendment. The provision of the Federal Constitution is that—

The judicial power shall extend to all cases, in law and equity, arising under this Constitution; the laws of the United States, and treaties made, etc.

Every action that can be brought under this interstate-commerce law arises under a statute of the United States. It is for the violation of a statute of the United States. It is for a cause of action given by a statute of the United States. Now, how is it in reference to national banks? A national bank is simply a creature of Federal law, an artificial person that the courts say Congress has the power to create. Congress says that artificial person may be sued or sue in the State courts, but it does not say that it may be sued or sue in the State courts for causes of action arising out of or under Federal statutes. The actions that are brought there are actions upon contracts or promissory notes or bonds for the enforcement of rights either at common law or under contract. I say to the Senator from Texas that he has not presented any case which holds that where the cause of action arises out of a Federal statute, is governed by a Federal statute, Congress can abdicate to the State courts the jurisdiction of that action.

Can a cause of action created and arising under the Constitution of the United States be tried in a State court? As I said in the outset, I am not expressing an unqualified opinion on that subject. I am simply calling the attention of the lawyers of this body to the question which I have propounded. There is no distinction between actions arising upon the terms of or given by the Constitution for a violation of the Constitution and those given by statute or arising for a violation of a statute.

Mr. MITCHELL. Suppose a State judge should decline to execute the law, how would you proceed? Could you impeach him? Could you proceed against him at all?

Mr. HISCOCK. Well, I do not know.

Mr. MITCHELL. I should think you could not myself.

Mr. HISCOCK. The whole question is up whether for violation of Federal statutes, which violations are made criminal, jurisdiction can be given to State courts to try the offenders. That is the question presented. If we can surrender to the State courts the power to try civil causes of action given for a violation of Federal statutes, we can give to the State courts also the power to try and punish crimes which are created under the Federal statutes. I see no distinction between the two cases in that respect; but I do not care to discuss the question further.

Mr. HOAR. I should like to ask the Senator a question before he sits down; I do not want to enter into the debate. It may be the Senator has answered it. I suppose the Senator has adverted to the point. If not, I should like to ask him if it is the right of Congress to give jurisdiction to a State court, even with the consent of that court, unless there is State legislation? Can Congress and a State court put together enforce any jurisdiction the State court would not otherwise have without the legislative authority of the State itself?

Mr. HISCOCK. In respect to crimes under Federal statutes there would have to be affirmative legislation on the part of the States, for the reason that the State courts do not necessarily possess jurisdiction of crimes under Federal statutes. As to civil actions, I am not so certain that action on the part of the State is required; but I will not assume to express a decided opinion now upon that point. I am inclined to think that the decisions under the national banking law cover that precise question, but I am not disposed to express an opinion here that I might not want to change on reflection and further consideration.

Mr. HOAR. If the Senator will allow me—

Mr. HISCOCK. I am rather up for the purpose of directing the inquiring mind on this question. What was the Senator from Massachusetts about to say?

Mr. HOAR. I was about to call the attention of the Senator from New York to the distinction. In the case of the national banking law the State courts had jurisdiction unless a system were created by national legislation which excluded them. That is, a corporation, whether foreign, domestic, or national, or a corporation of another State, was liable under bankruptcy process to suspend unless Congress in its control over the subject fixed an exclusive jurisdiction in the United States courts. But here is a jurisdiction the subject-matter of which is wholly within the jurisdiction of the court, and if it is to meet an obligation which the State courts put in force ordinarily Congress can not take jurisdiction. Take the case of *Prigg vs. The State of Pennsylvania*, in 16 Peters, where it was expressly declared that Congress could not give to a State court jurisdiction without affirmative action by the State Legislature.

Mr. HISCOCK. I will not express an opinion on the question that is suggested, but for the purpose of answering the view which has been urged in favor of the amendment providing that the State courts should have jurisdiction of these actions, my argument is complete that if it is true that in those causes of action which arise under a Federal statute the jurisdiction by the Constitution is reserved to the courts of the United States, it follows that it can not be conferred by Congress upon the State tribunals and that it can not be abdicated to them. I have said enough, if I am right in this position, to answer the argument which has been made in favor of the House amendment.

But I now call attention to the provision of the Constitution, subsection of section 8:

To regulate commerce with foreign nations, among the several States, and with Indian tribes.

Under this provision the regulation of interstate commerce is reserved to Congress. The bill and the law which it proposes to amend deal exclusively with interstate commerce and provisions for its regulation. Over that subject neither the legislatures nor the courts of the respective States have any jurisdiction, or can take any, and Congress can not confer jurisdiction upon them.

Every cause of action which can possibly arise under the law in question, or the amendments proposed thereto, will involve the regulation of interstate commerce traffic between the respective States. The actions and the decisions of the courts thereon will involve only questions of interstate commerce, "the regulation of commerce among other States." This jurisdiction, I suggest, can not be conferred upon the State courts.

I will not take the time of the Senate to elaborate this point, and I have made it suggestively for the consideration of the Senators. Its force will be readily appreciated by the trained legal minds, and it is hardly worth while now that I should do more than state it.

Mr. RIDDLEBERGER. I shall not renew the motion for an executive session this evening, because it has been suggested to me that to-morrow at 2 o'clock we shall endeavor to have the motion to go into executive session prevail.

Mr. CULLOM. I think in a little while we shall be able to get a vote on the question under consideration if Senators will remain.

Mr. VEST. There are a number of bridge bills on the Calendar, as I had occasion to say yesterday and the day before, which ought to be disposed of, in which conferences are absolutely necessary, where important railroads are being stopped for the want of the legislation proposed. I move that the Senate take a recess from 6 o'clock, if that is a convenient hour, until 8 this evening.

Mr. CULLOM. I ask the Senator from Missouri to withhold that motion. It may be a few minutes after 6 before this subject is disposed of.

Mr. HARRIS. I do not think the Senator from Illinois understood the suggestion of the Senator from Missouri. He moved to take a recess from 6 o'clock, and it is now three-quarters of an hour until 6 o'clock.

Mr. CULLOM. I did understand it; but if we should not have disposed of the pending business by that time it is doubtful whether there will be a quorum here to-night.

Mr. KENNA. Is it contemplated that the session this evening shall be for bridge bills only?

Mr. VEST. That is all of my interest in it.

Mr. KENNA. Then let it be so understood.

Mr. VEST. I am instructed by the Committee on Commerce to make this motion.

Mr. CULLOM. If the Senator will withhold his motion for half an hour I think we shall then know whether the pending matter will be out of the way, and he can then make it. I am very anxious to do just what the Senator wishes.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate take a recess from 6 o'clock until 8 o'clock this evening.

Mr. VEST. I am willing to fix it at such time as will be convenient to the Senator from Illinois.

Mr. EDMUNDS. That will not do any good. There will not be a voting quorum here on any division. We had better adjourn until 11 o'clock to-morrow.

Mr. HARRIS. The object the Senator from Missouri has, as expressed by him, is to consider some bridge bills, which it is important to have passed at an early hour.

Mr. EDMUNDS. But there will be no quorum here to-night.

Mr. VEST. My experience has been, if the Senator from Vermont will permit me, that in the morning we come here fresh and everybody will be anxious to pass some special bill, and I shall be just as far off from these bridge bills to-morrow morning as I have been for the last week. That has been my experience.

Mr. EDMUNDS. I do not think that that is correct. I think that now in this last stage of the session, if we vote to meet to-morrow at 11 o'clock there will be a quorum here within ten or fifteen minutes afterwards, and the matters to which the Senator refers can be attended to. But on any difference of opinion this evening, it is evident to me from my experience that it will be found that there is not a working Senate present.

Mr. VEST. I think we can get a quorum. At any rate I will do my duty; I will make the motion. My committee instructs me, and I will submit the motion.

Mr. EDMUNDS. Pending that, I will try the sense of the Senate on moving that the Senate adjourn to meet at 11 o'clock to-morrow.

Mr. CULLOM. I hope the Senator from Missouri will put the recess at 6 or half past 6, so that we may get the pending measure out of the way.

Mr. EDMUNDS. I propose to meet at 11 o'clock to-morrow.

Mr. CULLOM. But let us postpone the hour of adjournment until after 6 o'clock.

HOOR OF MEETING.

Mr. EDMUNDS. Then I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. STEWART. I hope that that motion will not prevail and that we shall have an evening session.

The PRESIDENT *pro tempore*. These motions are not debatable, but the Chair will hear suggestions, if there be no objection.

Mr. STEWART. I will state that we got pretty nearly through yesterday with the Calendar of House bills, leaving a few unobjected House bills on the Calendar, and we ought to finish them. We might finish them this evening.

Mr. EDMUNDS. It will be quite impossible for the Senate on any division to get on with business without a quorum, as it never ought to go on with business without a quorum. If I happen to be here, as I think I shall, I shall feel it to be a duty to insist that a quorum shall act, and if a majority of the Senate will not be here to act then we ought not to act at all. We shall get on much better if we meet early to-morrow than we shall by trying to sit to-night.

Mr. STEWART. I seldom create a break-up of a quorum; I am here myself, and I think after we have worked in committee during the whole session and there are a few undisputed bills, if we can not have a few minutes to consider them it is very wrong.

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont has precedence as a question of privilege.

Mr. EDMUNDS. We had better meet at 11 o'clock to-morrow, whatever we may do to-night. So I insist on my motion now.

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

Mr. EDMUNDS. I have modified that, and moved that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

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

The motion was agreed to.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the third and seventh amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, the pending question being on the motion of Mr. SHERMAN that the Senate recede from its disagreement to the amendment of the House numbered 3.

Mr. SHERMAN. Mr. President, I intend to detain the Senate but a few minutes to answer some points made by the Senator from Illinois [Mr. CULLOM].

Mr. HARRIS. Does the Senator from Ohio propose to debate his amendment to the pending bill?

Mr. SHERMAN. Yes, sir, briefly.

Mr. HARRIS. I thought probably it would be more convenient to the Senator after the debate had closed on the other side to proceed; but if he prefers to proceed now, of course he will do so.

Mr. SHERMAN. I have no choice as to the time except that I wish to reply very briefly to the argument of the Senator from Illinois [Mr. CULLOM].

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. SHERMAN. Does the Senator from Tennessee wish to submit a motion to adjourn?

Mr. HARRIS. I desire simply to make a suggestion in respect to the Senator's amendment and in opposition to it.

Mr. SHERMAN. If the Senator desires to do that, as I have the affirmative measure I would rather hear what the Senator has to say.

Mr. HARRIS. I supposed it would be more agreeable to the Senator from Ohio to make the concluding argument for the amendment.

Mr. SHERMAN. I yield.

The PRESIDENT *pro tempore*. The Senator from Tennessee will proceed.

Mr. HARRIS. Mr. President, I desire to say to the Senator from Ohio and the Senate that neither he nor any other Senator will go farther than I to suppress monopolies in their improper practices. I have been a member of the Interstate Commerce Committee from the day it was originally organized, and have had some little to do with the formation of the bills heretofore passed and the one now pending. I want to say with emphasis that the object and purpose and rule of that committee has been to so shape its legislation as to secure absolute equality as between shippers, and I think, so far as the provisions contained in the pending bill are concerned, they do accomplish that precise object.

Under the construction of the Interstate Commerce Commission that object has already been accomplished by the legislation had; but if the amendment of the Senator from Ohio is agreed to, or if the amendment that the House of Representatives put upon the Senate bill shall be agreed to, so far from securing absolute equality as between shippers, it produces and enforces by law absolute inequality as between shippers. Here is one producer of petroleum products who demands the use of the rolling-stock of a railroad company and another producer of the

same character of products furnishes his own tanks and his own rolling-stock.

Now, to illustrate, let the carrier charge exactly the same price for transporting a gallon of petroleum from one point to another, then if the common carrier is allowed a rebate, if it shall come in that form, or if not in that form, if the common carrier pays to the owner of the rolling-stock that he leases and uses for the purpose of the transportation of oil a fair and reasonable rate, he has put the two shippers of oil upon precisely the same platform of equality; but if the amendment of the Senator from Ohio or the House amendment is agreed to by the Senate there is the common carrier using his own rolling-stock to carry the product of one petroleum producer and using the rolling-stock of another producer of petroleum, for which he pays nothing, and the one producer has invested no capital in rolling-stock, while the other has invested from one to three or five hundred thousand dollars in the construction and production of rolling-stock necessary to his purposes.

Now, if the common carrier is compelled to charge no more gallon for gallon of petroleum that is transported in its own cars and with its own rolling-stock than is charged to that producer who furnishes his cars and his rolling-stock, there is no allowance for the interest and the wear and tear upon a half million dollars' worth of cars that the one producer has furnished, and yet you compel the common carrier to transport the same amount of oil for precisely the same price, taking no account of the disparity between these two producers. It works out an inequality and an injustice.

Mr. KENNA. Will the Senator allow me to make a suggestion?

Mr. HARRIS. Certainly.

Mr. KENNA. Would not the effect of this amendment be the entire abolition of the tank-car system?

Mr. HARRIS. There are a large number of tank-cars owned by people who have constructed them that are convenient for their methods of business, and the tank-car company must not only construct their own car, but must construct the reservoirs at the place of destination, the only method by which they can unload the tank-car, and large amounts of capital have been invested in tank-cars and in reservoirs, which cheapen the transportation and cheapen to the consumer the petroleum so transported.

Mr. KENNA. I understand that; but, in the line of the Senator's argument, if you compel the charging of prices for the transportation of oil in tank-cars at rates which are charged for its transportation in barrels, thus divesting the tank-car system of the economy there is in it to the consumer, would you not in effect deny to the people the benefit of every advantage they now derive from the cheaper transportation?

Mr. HARRIS. The inevitable effect will be that no more capital will be invested in the construction of tank-cars and the tank-car system must be abandoned, and the consumers of petroleum and of petroleum products must pay a higher rate of transportation than they have to pay under existing conditions.

Mr. REAGAN. Will the Senator allow me a moment?

Mr. HARRIS. Of course I will.

Mr. REAGAN. It seems to me the Senator from Tennessee and others have taken a wrong view of this question. Nobody questions the superior cheapness of transportation in tank-cars. Nobody wants the owners of tank-cars to be compelled to be charged more because they carry oil in tank-cars. The point which we are endeavoring to meet is the combination between the Standard Oil Company and the railroads performing the same office and with the same capital making a monopoly that is driving the smaller refiners out of existence. What we want to do is to compel the railroads to be common carriers, and not permit the refiners of oil to be common carriers and to be paid by the railroads for the use of their cars, and at the same time have their transportation otherwise as cheap or cheaper than others.

Mr. HARRIS. The suggestion of the Senator from Texas amounts to no more and no less than this: That the railroad common carrier shall not be permitted to hire or lease or rent rolling-stock.

Mr. REAGAN. Oh, no.

Mr. HARRIS. It practically amounts to that, and it amounts to no more and no less.

Mr. REAGAN. Will the Senator allow me?

Mr. HARRIS. Certainly.

Mr. REAGAN. The Senator from Tennessee knows as well as I do that in the early use of railroads the right to run cars on them was leased out, but that idea was repudiated, and the railroads themselves are common carriers, and are by the common law and by our American customs required to furnish cars and furnish the means of transportation for all alike. The point now is to compel them to furnish the means of transportation to all shippers alike. The Senator will not see it that way.

Mr. HARRIS. In answer to the suggestion of the Senator from Texas, without accurate knowledge upon the subject I venture to say that there is not a railroad company in the United States to-day that has not been in the habit of renting more or less of rolling-stock. But there is one platform upon which, I think, the Senator from Texas and I can agree. I agree with him that it shall be the duty of the common

carrier to carry from any given point to any other given point petroleum products by the car-load at the same cost to the shipper. He and I will not disagree about that. But I say that if one producer has invested a half million dollars in tank-cars and rolling-stock, and another producer has not invested a dollar in any such thing, and the carrier is compelled to charge exactly the same price per gallon for transporting oil between these points, you have by law worked out a gross inequality and discrimination in favor of one and against the other.

The thing that the committee has demanded and which the law as it stands, as construed by the Interstate Commerce Commission, requires, is simply that the charge for transportation shall be the same, with a reasonable allowance for the use of the rolling-stock which the carrier has used if it belongs to another person, and, in effect, it matters not a copper whether that allowance for the use of the rolling-stock is made in the form of a rebate or the whole freight is required to be paid in money and then the railroad company simply pays back to the shipper a reasonable compensation for the use of his rolling-stock.

If the amendment of the Senator from Ohio or the amendment incorporated by the House of Representatives upon the Senate bill shall be agreed to it enforces by law an inequality and a discrimination in favor of the one class of producers as against the other, while if the Senate bill is passed as it went from the Senate it produces the effect of absolute equality between the two classes of shippers.

That is all, Mr. President, that I care to say.

Mr. SHERMAN. Mr. President—

Mr. CULLOM. If the Senator from Ohio desires the floor to address the Senate—

Mr. SHERMAN. I am perfectly willing to do whatever the Senate desires.

Mr. CULLOM. I am inclined to think that there is not a quorum present, and that we shall probably fail in disposing of the bill now, and therefore I will not press it further this evening.

Mr. SHERMAN. I shall have the floor, then, when the matter is resumed.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Ohio as entitled to the floor when the consideration of the bill is next resumed.

Mr. PLATT. I think there was, perhaps, some misunderstanding growing out of what the Senator from Tennessee [Mr. HARRIS] said, that the Senator from Ohio [Mr. SHERMAN] was going to conclude the debate. If that is so, I should wish to be heard.

Mr. SHERMAN. I will give way to the Senator from Connecticut.

Mr. EDMUNDS. There was no understanding about concluding the debate.

Mr. CULLOM. I may wish to say something after the Senator from Ohio concludes his remarks.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.;

A bill (S. 3737) for the relief of Sterling H. Tucker and others;

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota; and

A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 22d instant, an additional list of judgments rendered by the Court of Claims; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO DEFICIENCY BILL.

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

Mr. PALMER, from the Committee on Commerce, reported amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

The bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty

stipulations with the various Indian tribes, for the year ending June 30, 1890, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CONSIDERATION OF BRIDGE BILLS.

Mr. VEST. I now move that the Senate take a recess until 8 o'clock for the purpose of considering this evening bridge bills and bills giving the right of way to railroad companies through reservations. There are one or two of those.

Mr. EDMUNDS. That motion, Mr. President, is obviously not in order, stated as it is; but I do not mind about that. It will be impossible to get on to-night without a quorum.

Mr. VEST. I will submit the language to the Senator from Vermont, and will adopt anything which he says is better. What I mean is that the Senate shall now take a recess until 8 o'clock this evening for the purpose of considering bridge bills.

Mr. EDMUNDS. That is your motive for making the motion.

Mr. VEST. That is the understanding. I want the Senate to understand what I mean. I move to take a recess until 8 o'clock.

Mr. EDMUNDS. Pending that, I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn. [Putting the question.] By the sound the noes have it.

Mr. EDMUNDS. Let us have a division.

The question being put, there were on a division—ayes 13, noes 25; not a quorum voting.

Mr. HARRIS. Let us have the yeas and nays on the motion and see if we can not raise a quorum in that way.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the yeas and nays on the motion to adjourn.

Mr. EDMUNDS. I ask unanimous consent to say a single word.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. EDMUNDS. I am perfectly willing to help get on with the business of the Senate, but I do not propose, for one, as a matter of duty, to have the Senate do business at night or in the morning or at any other time without a quorum present for doing it. I shall insist on that. It is perfectly obvious to me, and I appeal to my friend from Missouri, that if we take a recess until 8 o'clock there will not be thirty Senators in this Chamber to-night, saying nothing at all about pairs.

We have agreed to meet at 11 o'clock to-morrow morning, and I will unite with the Senator from Missouri to take up these important small matters about which there is no controversy—such as bridge bills, and so on—if the security of repeal, and so forth, is saved, as it should be and is, undoubtedly, and get on with them; but it will only put thirty or thirty-three Senators to the trouble of sitting here and finding it impossible to do anything, for I do not intend that anything shall be done, as I am constitutionally bound it shall not, unless a quorum is present to do it.

I do not say that in opposition to what my friend wishes, because I am entirely willing to pass all these bills that are right in form and substance, as I have no doubt these are.

Therefore I appeal to Senators to consider whether it is not better to begin at 11 o'clock to-morrow morning than to undertake to go on without any avail, as it will turn out this evening.

Mr. VEST. May I be permitted to make a remark?

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. VEST. I have not the slightest personal interest in this matter, and do not know of any of these bills that I have any special interest in except as a Senator and a citizen of this country. I assume that Senators will do their duty, as I propose to do mine, and if the Senate takes a recess until 8 o'clock I suppose a quorum will be present. There is no reason why that should not be the case.

As I have said before, these bills, about which I receive telegrams and letters every day, and personal solicitations of Senators and Representatives, are in such a condition that there must be a conference to-morrow, or else they will fail of their passage. The railroads are being constructed up to these navigable streams and they can not go any farther unless these bridge bills are passed. That is the whole case. I think there are about twenty of them, possibly not so many. The principal labor in regard to them is in reading them. They have been carefully considered; they have passed through the Engineer Bureau; and a large majority of them have come from the House of Representatives. They have been scrutinized by the Committee on Commerce, and, without arrogating to that committee any especial knowledge, I think that they are safely constructed.

Mr. CULLOM. Will the Senate allow me to make a suggestion?

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. CULLOM. I think that if the Senate were to give unanimous consent that nothing else should be considered but the bridge bills referred to we might possibly come to an understanding and have a session to-night to dispose of them.

Mr. EDMUNDS. I can not consent to that. We have never done anything of that sort in the Senate.

Mr. VEST. I want to get these bills into conference. I will

frankly state that I am advised by members of the House of Representatives that unless the bills go there for conference to-morrow they can not pass them.

Mr. CULLOM. Let us see if we can not have a quorum here to-night.

Mr. EDMUNDS. I will withdraw, if I may, the call for the yeas and nays and try the experiment of seeing how many Senators will be here at 8 o'clock, if the Senate wishes to try it; but I give notice that nothing shall be done to-night without a quorum, if I can help it.

Mr. VEST. I do not want to proceed without a quorum.

The PRESIDENT *pro tempore*. The Chair hears no objection to the withdrawal of the call for the yeas and nays.

Mr. VOORHEES. I would suggest, by way of a settlement of the differences of opinion, if it is possible to do so, to have an understanding that the bridge bills be taken up to-morrow morning at 11 o'clock. I do not believe in an attempt at holding a night session unless there is a great emergency, and if there is not it is always a failure. At the same time I do believe in the propriety and necessity of passing the bridge bills that the Senator from Missouri presents to the Senate. They ought to be passed in the interest of the public.

I ask unanimous consent that when we meet at 11 o'clock to-morrow the bills indicated by the Senator from Missouri shall be taken up.

The PRESIDENT *pro tempore*. After the morning business?

Mr. VOORHEES. After the morning business.

Mr. CULLOM. I shall make an effort to keep the interstate-commerce bill before the Senate until it is disposed of, and shall press its consideration at the very earliest moment after we meet to-morrow.

Mr. KENNA. The Senator from Illinois will pardon me for suggesting that the very purpose of fixing 11 o'clock for the meeting to-morrow is to afford an opportunity to have these bridge bills considered. They will not take very much time, not more than will be made up by meeting at the earlier hour.

Mr. VOORHEES. Failing to get unanimous consent, I make the motion that when we meet to-morrow we consider bridge bills.

Mr. HARRIS. Will the Senator allow me?

Mr. VOORHEES. Yes.

Mr. HARRIS. I suggest to the Senator from Illinois that he do not object—and I do not think any other Senator will—to the consideration of bridge bills immediately after the routine morning business to-morrow, with the additional understanding, if that can be obtained, that we proceed with the interstate-commerce bill immediately after disposing of the bridge bills.

Mr. BUTLER. That is right. We will all agree to that.

Mr. EDMUNDS. That is a little too broad.

Mr. VOORHEES. The bridge bills will not involve debate.

Mr. CULLOM. We can dispose of the bridge bills to-night if Senators are disposed to put themselves out a little in the way of convenience to come here and make a quorum. Let us take up those bills and pass them, and then we can go on with the regular business to-morrow morning immediately after we meet.

Mr. STEWART. Suppose we stay here an hour longer now and pass them.

Mr. RIDDLEBERGER. There was an agreement made that to-morrow at 2 o'clock we shall go into executive session. I want to know whether the Senate understands that that agreement was reached?

Mr. EDMUNDS. There was no agreement. That was only a notice of a motion.

Mr. STEWART. I ask unanimous consent—

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. RIDDLEBERGER] is entitled to the floor.

Mr. RIDDLEBERGER. I want to understand whether the Senate itself understands that an agreement was reached that we shall go into executive session to-morrow at 2 o'clock. Outside of that I care nothing about any understanding in relation to other matters, bridge bills or anything else.

The PRESIDENT *pro tempore*. The Chair does not think that any unanimous consent was given for an executive session at 2 o'clock to-morrow.

Mr. RIDDLEBERGER. Yes, sir; there was no objection to it. If that is not understood by the Senate, I ask that an understanding be had now that we go into executive session to-morrow at 2 o'clock.

Mr. EDMUNDS. I can not assent to any unanimous understanding for an executive session at 2 o'clock to-morrow, but at that time, or about that time, unless I am further informed, I shall certainly vote with the Senator from Virginia, if he makes a motion of that kind, to go into executive session; but it might happen that at that very moment something else was about to be concluded and that we ought to wait a little time longer.

Mr. RIDDLEBERGER. It may happen that the Senator from Illinois will be making a speech and will tell me that I can not take him off the floor. Will the Senator from Illinois agree that to-morrow at 2 o'clock we shall go into executive session?

Mr. VOORHEES. In order to get a definite point before the Senate, I move that to-morrow after the disposal of the routine morning business the bridge bills be taken up, to the exclusion of other business, and continued until they are disposed of—I make that motion to the

Senate—and that then the interstate-commerce bill shall come up in its regular place.

The PRESIDENT *pro tempore*. The Chair thinks that motion would not be in order, as it would require a change of the rules themselves, which prescribe the order of business. That arrangement can only be reached, the Chair thinks, by unanimous consent.

Mr. EDMUNDS. I suggest to the Senator to take an hour for them, and then it will not cut off the interstate-commerce bill. Let us try it for an hour.

Mr. VOORHEES. I ask unanimous consent that the first hour after the disposal of the morning business to-morrow, or so much of that time as may be necessary, be devoted to the consideration of bridge bills.

Mr. CULLOM. I will consent to that.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that to-morrow morning at the close of the formal morning business one hour be devoted by the Senate to the consideration of what are commonly known as bridge bills, favorably reported from the Committee on Commerce and on the Calendar. Is there objection?

Mr. EDMUNDS. Or so much of it as may be necessary until we get through with them.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SABIN. I ask the Senator from Indiana to include in his request for unanimous consent the Senate right-of-way bills. The others we have time to consider, but they are equally as important as the bridge bills, and there are but three or four of them.

Mr. VOORHEES. I am perfectly willing to embrace them if they can be disposed of within the hour. I would not feel at liberty to ask beyond the hour.

The PRESIDENT *pro tempore*. Then is it the understanding that the bridge bills are in that hour first to be considered and afterwards, if time remains, the right-of-way bills?

Mr. CULLOM. And that the interstate-commerce bill shall come up immediately afterwards.

The PRESIDENT *pro tempore*. That will be the understanding, if there be no objection. It is so ordered.

Mr. EDMUNDS. Let us understand this. I ask that the Chair state whether the agreement has been made.

The PRESIDENT *pro tempore*. The Chair has announced that it was so ordered.

Mr. EDMUNDS. Very well, then, I am satisfied. Now I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 28, 1889, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 27, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

PAPERS IN THE WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting reports from the heads of bureaus of that Department showing the condition and character of papers needed in the transaction of the current business and of no permanent value; which was referred to the Committee on Military Affairs, and ordered to be printed.

NORTH LANDING RIVER, CURRITUCK SOUND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, papers relating to the obstruction of navigation on the inland water route through North Landing River, Currituck Sound; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

EMOLUMENTS OF CUSTOMS OFFICERS, 1888.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the official emoluments of officers of customs for the fiscal year ending June 30, 1888, as required by section 2639 of the Revised Statutes; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

PUBLIC LANDS IN LOUISIANA.

The SPEAKER also laid before the House the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana, with Senate amendments.

Mr. GAY. Mr. Speaker, I ask unanimous consent that the amendments of the Senate be concurred in.

The SPEAKER. The amendments will be read.

The amendments were read, as follows:

Page 2, line 14, amend by inserting after the word "claimed" the following: "Provided, That the provisions of this act shall be limited to the lands claimed by actual settlers for purposes of cultivation whose titles are now incomplete

within the limits of the Donaldson, Scott, and Conway grants, and that, after setting apart to each of said settlers not to exceed 160 acres, the residue of the public lands within said grants shall continue to be, as they are now, a part of the public domain: And provided further, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the acts of Congress granting swamp lands to the several States of the Union."

Mr. HOLMAN. Is the last clause which was read a Senate amendment?

The SPEAKER. It is.

Mr. HOLMAN. I ask that it be read again. My first impression was that it was a provision of the House bill.

The SPEAKER. The Clerk will again read the second proviso.

The Clerk read as follows:

And provided further, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the act of Congress granting swamp lands to the several States of the Union.

Mr. HOLMAN. I hope my friend will consent to let this bill lie on the table until to-morrow morning. I was not aware that the amendment embraced the provision just read. A contrary provision was in the House bill.

The SPEAKER. If there be no objection, the Chair will withhold this bill for the present.

There was no objection.

WESLEY MONTGOMERY.

The SPEAKER also laid before the House the bill (H. R. 3829) for the relief of Wesley Montgomery, the said bill having been returned from the Senate with amendments.

The SPEAKER. These amendments apparently are merely formal. The Clerk will read them.

The Clerk read as follows:

In line 2, after the word "Montgomery," insert "or his heirs at law."

In line 3, after the word "enter," insert "in person."

In line 4, after "acres," insert "in one body."

In line 4, after "the," where it occurs the first time, insert "survey."

Mr. DORSEY. I ask that these amendments be concurred in.

Mr. WEAVER. What is this bill?

Mr. BLAND. I think we ought to have some explanation.

Mr. DORSEY. The bill simply permits this man to enter 160 acres of land in one body, in lieu of land which was taken from him by a railroad company.

There being no objection, the amendments were concurred in.

WRITTEN INSTRUCTIONS TO JURIES.

The SPEAKER also laid before the House the bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases, said bill having been returned from the Senate with amendments.

Mr. CULBERSON. This is a very short bill. I ask unanimous consent that the amendment of the Senate be concurred in.

The amendment was read, as follows:

Strike out all of the enacting clause and insert the following:

"That in all States wherein by the laws thereof judges of courts of record are required to give charges and instructions to juries in writing, judges of the district and circuit courts of the United States shall conform to such practice; and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files and be a part of the record in each case."

There being no objection, the amendment was concurred in.

JOHN GRAY.

The SPEAKER also laid before the House the bill (H. R. 11165) for the relief of John Gray, said bill having been returned from the Senate with amendments.

The SPEAKER. These amendments simply change the name of the beneficiary in the body of the bill and in the title by striking out "John Gray" and inserting the name of Mary Gray, his widow. Is there objection to concurring in the amendments? The Chair hears none, and the amendments are concurred in.

POLICE FORCE OF THE DISTRICT OF COLUMBIA, ETC.

The SPEAKER also laid before the House 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, said bill having been returned from the Senate with amendments.

The amendments were read, as follows:

In line 7 strike out "forty-five" and insert "fifteen."

Strike out lines 14 to 17, inclusive.

In line 18 change section 3 to section 2.

The SPEAKER. If the House will indulge the Chair, this is a bill which perhaps ought to be disposed of before the 4th of March.

Mr. BLANCHARD. I ask that the amendments of the Senate be concurred in.

Mr. TAULBEE. What are the amendments?

The SPEAKER. The Clerk will read them again.

Mr. TAULBEE. I would like to hear how the bill will read if amended.

The Clerk read as follows:

Strike out "45" and insert "15" in the seventh line of the bill; so that it will read:

"That the act entitled 'An act to increase the police force of the District of Columbia, and for other purposes,' approved January 13, 1883, is hereby amended

so as to authorize the commissioners of said District to increase said force to 11 lieutenants, 30 sergeants, 245 privates, 19 station clerks, 9 laborers, and the number of mounted men to 35, as they may deem necessary; provided that 15 of the increase in the number of privates hereby authorized shall be appointed to class 1 and 45 to class 2 of said force: and a sum sufficient," etc.

Mr. TAULBEE. Is that increase to be permanent?

The SPEAKER. Only for the purposes of the inauguration, as the Chair understands—to preserve the peace in the city during that time.

Mr. TAULBEE. I make no objection.

There being no objection, the amendments were considered and concurred in.

PUBLIC BUILDING AT KALAMAZOO, MICH.

The SPEAKER laid before the House the bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.

Mr. BURROWS. I ask unanimous consent for the consideration of this bill at the present time. A bill like it has been reported favorably by the House committee.

A MEMBER. Is the amount of the appropriation the same?

Mr. BURROWS. This is the same amount as that reported by the House committee.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] asks unanimous consent for the present consideration of this bill. It will be read.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS, of Virginia. I object.

Mr. DIBBLE. This bill has been favorably reported upon by the Committee on Public Buildings and Grounds, and I hope the objection will be withdrawn.

Mr. BURROWS. Will the gentleman from Virginia withdraw the objection on the statement of the chairman of the committee?

The SPEAKER. The gentleman from Virginia declines to withdraw the objection, and if there be no objection the Chair will withhold the bill.

There was no objection.

HETTINGER COUNTY, DAKOTA.

The SPEAKER also laid before the House the bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota; which was read a first and second time.

Mr. GIFFORD. I ask unanimous consent to put this bill upon its passage. The gentleman from Illinois [Mr. PAYSON], who has charge of it, is present.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length. It is as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to give relief to such homesteaders or others as have been adversely affected by the Government survey, by an exchange of lands with the Northern Pacific Railroad, section for section, or fraction thereof, as the interests of the parties may appear, so as to admit of the company taking other lands within the indemnity limits, in lieu of the tracts covered by real settlements: *Provided,* That the said railroad company will become a party to said exchange.

SEC. 2. That the homestead residence of five years required for holding said lands shall date from the first occupation of said claims.

Mr. PAYSON. I ask unanimous consent to consider the bill.

There being no objection the bill was considered, ordered to a third reading, and being read the third time, was passed.

Mr. PAYSON 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.

ROBERT ADJER AND OTHERS.

The SPEAKER also laid before the House the bill (S. 508) to empower Robert Adjer and others to bring suit in the Court of Claims for rents alleged to be due them; which was read a first and second time, and referred to the Committee on Claims.

STERLING H. TUCKER AND OTHERS.

The SPEAKER also laid before the House the bill (S. 3787) for the relief of Stirling H. Tucker and others; which was read a first and second time.

Mr. BRECKINRIDGE, of Arkansas. That bill, Mr. Speaker, was passed by both Houses of Congress at the last session but failed to get within the limit for becoming a law, as it did not have the examination and approval of the President; and I ask unanimous consent that it be put upon its passage now. It is favorably reported from the House committee.

Mr. KEAN. What is the bill?

Mr. BRECKINRIDGE, of Arkansas. It is to relieve certain parties from disability as sureties upon an official bond of a former pension agent. It takes no money from the Treasury whatever.

Mr. KEAN. Let the bill be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That Sterling H. Tucker, William P. Grace, Elhanon J. Searle, Josiah H. Demby, Samuel Bard, and William G. Pennington, or their estates, be, and they and each of them are hereby, released from any and all liability as the sureties upon the official bond of James W. Demby, formerly pension agent, the said release to take effect upon the payment of the legal costs heretofore accrued in the prosecution of said claim by the United States: *Pro-*

vided, That all the rights and remedies of the Government on said bond as against said James W. Demby shall in no manner be affected hereby, but remain in full force and effect in law.

There was no objection, and the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Arkansas, 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.

SOUTHERN UTES.

The SPEAKER also laid before the House the bill (S. 3894) to ratify and affirm an agreement with the Southern Ute Indians in Colorado and to make the necessary appropriations for carrying the same into effect; which was read a first and second time, and referred to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

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

A bill (S. 314) for the relief of Henry M. Rector;

A bill (S. 1283) for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina; and

Joint resolution (S. R. 137) providing additional telegraph facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889.

PUBLIC BUILDING AT FORT WORTH, TEX.

The SPEAKER. Under the order of the House the Chair will now proceed to call the names of members in alphabetical order for requests for unanimous consent. On yesterday when the roll was called the gentleman from Texas [Mr. ABBOTT] called up a bill the title of which the Clerk will now report.

The Clerk read as follows:

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Fort Worth, in the State of Texas. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of \$130,000: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 20 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. The first question is, Is there objection to the present consideration of the bill?

Mr. BURROWS. I have no objection, Mr. Speaker, of course, to the gentleman's bill, but there is a sort of comity, or should be, between the two sides on these questions; and if it could be understood that the bill which lies upon the Speaker's table and which was laid before the House this morning, objection being made to its consideration by the gentleman from Virginia [Mr. HOPKINS], could be taken up and put upon its passage, I do not think there would be any objection to the request of the gentleman from Texas. I ask, therefore, that it be understood after this bill is disposed of that is to be taken up.

The SPEAKER. The Chair has some doubt as to whether that can be done except by unanimous consent of all the gentlemen upon the floor.

Mr. BURROWS. I ask unanimous consent.

The SPEAKER. The Chair will submit the request of the gentleman to the House.

Mr. BLAND. Mr. Speaker, if we are to have all of the public-building bills up again in this House, then let us have them in their regular order and no other way. I object to the request.

Mr. LANHAM. I hope the gentleman will not object. The bill called up by my colleague is a Senate bill and ought to be passed. It has been favorably considered and reported by the House Committee on Public Buildings and Grounds, and it is desirable as well as important that it should pass. I hope there will be no objection.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is the submission of the request of the gentleman from Texas for unanimous consent to consider the bill, the title of which has been read. Is there objection?

There being no objection, the bill was considered.

The SPEAKER. The first question is on the amendment recommended by the committee, which the Clerk will report.

The Clerk read as follows:

In line 11, strike out "130" and insert "75;" so it will read, "\$75,000."

The amendment was adopted.

Mr. HOLMAN. This, I believe, is a Senate bill?

Mr. ABBOTT. Yes, sir.

Mr. HOLMAN. And it is understood that the amount now fixed is to be the ultimate cost?

Mr. ABBOTT. The ultimate cost.
 Mr. HOLMAN. I mean that no conference committee shall be expected to increase the amount?
 Mr. ABBOTT. Not at all.
 The question recurred upon the third reading of the bill.
 Mr. BLAND. I call for the reading of the report. If we are going into this public-building business again we had better understand exactly what we are doing.

The report (by Mr. BANKHEAD) was read, as follows:
 Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, made the following report:
 The Committee on Public Buildings and Grounds has had under consideration the bill (S. 1974) providing for the construction of a public building at Fort Worth, Tex., and recommends its passage with the accompanying amendment.

Mr. BLAND. Is that the only report accompanying the bill?
 The SPEAKER. It is the only report made to the House.
 Mr. BLAND. I think we ought to have an explanation of the merits of this bill.

Mr. ABBOTT. Mr. Speaker, if the gentleman will allow me, I will make an explanation, which I think will be sufficient to satisfy the gentleman. Fort Worth is a city of 30,000 inhabitants. It has at present eleven railroad outlets. Mails are coming in at all hours, day and night. There are at present no accommodations for caring for the mails and for taking care of the registered matter that passes through that office. I will further state that since the introduction of this bill Fort Worth has been made the headquarters of a railway mail division which embraces the territory of Texas, the Indian Territory, Arkansas, and Louisiana. There are a large number of employes at present engaged in the railway mail service. I do not know the precise amount that the Government is now paying in the way of rent, but know it is paying a large amount. I will also state that the report of the Postmaster-General shows that the gross receipts of that office for the past twelve months amount to \$29,000, and the net receipts are something over \$14,000 per annum. Now, I think that sufficiently explains the necessity for this public building.

Mr. WILSON, of Minnesota. You want double the amount you have, and you can not complete the building without it.
 Mr. BLAND. I fear that this is a bill which ought not to pass. There are no United States courts there.

Mr. MILLS. Fort Worth is a large growing city, one of the largest growing cities in the Southwest.
 The Clerk read the next amendment:
 Strike out, in line 14, the word "twenty," and insert "forty;" so that it will read:
 "A space not less than 40 feet, including streets and alleys."

The amendment was agreed to.
 The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The question recurred on the passage of the bill, and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division.
 The House divided; and there were—ayes 68, noes 2.
 So the bill was passed.
 Mr. ABBOTT 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.

ARNO VOSS.

Mr. ADAMS (when his name was called). I ask to call up the bill (H. R. 2070) for the relief of Arno Voss.
 The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit the account of Col. Arno Voss for \$607, and pay the same out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the request for consideration?

Mr. HOLMAN. I suppose there is a report accompanying this bill.
 Mr. ADAMS. The report covers two pages, and I can explain it in a minute.

Mr. HOLMAN. I hope a statement will be made as to the purposes of this bill.

Mr. ADAMS. This a claim for the widow of a colonel of cavalry who lost property at Harper's Ferry. He has died since the bill was introduced. The widow is seventy-five years of age, and has no means of support. The Committee on War Claims report that Colonel Voss was in command of cavalry, and was ordered to take that cavalry and save it when Longstreet and Stonewall Jackson were investing that fort. He saved the cavalry, leaving behind all his property. He did so, crossed the Potomac, seized an ammunition train of about ninety wagons, and turned them over to the Quartermaster-General at Chambersburgh, thus saving a large amount to the Government, and placed himself on the right wing of McClellan's army; but he lost about \$607 worth of property; and this bill is to repay his widow that amount.

The SPEAKER. Is there objection to the consideration of this bill?
 Mr. BLAND. I reserve the right to have the report read, but will not insist upon its being read at this time.

Mr. LAWLER. This bill has been unanimously reported by the Committee on War Claims.

The SPEAKER. Is there objection? The Chair hears none.
 Mr. BLAND. Now I ask that the report be read, and I hope we will have order so that we may hear what it is.

The report (by Mr. LAWLER) was read, as follows:

Your committee have had under consideration this bill, and the papers relating to the same, and on investigation find that Arno Voss was mustered into the service with field and staff as colonel Twelfth Illinois Cavalry, to date February 1, 1862, and was honorably discharged from the service August 11, 1863. That he was at Harper's Ferry with his regiment under order of Colonel Miles in September, 1862, when Harper's Ferry was besieged by the Confederate forces under Generals Longstreet and Stonewall Jackson, of the Confederate army. That on the 13th of September, 1862, said Voss received an order from Colonel Miles, commanding, to take command of all the cavalry then present at Harper's Ferry, and after nightfall of said day cross the Potomac River over the ponton bridge into Maryland, cut his way through the Confederate lines, and join General George B. McClellan. That said Voss followed the instructions of Colonel Miles, and did cut his way through the Confederate lines, reaching Greencastle, Pa., having captured on his way a rebel train of eighty-five wagons, each drawn by six mules, freighted with arms, ammunition, and provisions, which he turned over to the United States depot quartermaster at Chambersburgh, Pa., who receipted therefor.

That under the order of Colonel Miles referred to he was instructed to leave Harper's Ferry without baggage, wagons, or horses.

That at that date Voss was the owner of a large leather trunk, filled with a full outfit of wearing apparel purchased by him with his own funds at a cost of \$607, which under said order he was compelled to leave behind, and which he never recovered, and finally lost from no fault of his own. That he afterwards bought an outfit of clothing to take the place of the lost one, which cost him the sum of \$750.

The evidence of Brig. Gen. Julius White, who was present at Harper's Ferry at the date referred to, shows that the order of Colonel Miles was given as above stated, and that the leaving behind baggage, wagons, and led horses made it possible for Colonel Voss to inflict serious loss upon the enemy by capture of a transportation train, as above related. The committee is informed that since the introduction of this bill Colonel Voss has deceased, leaving a widow, Mrs. Voss. Your committee would recommend the insertion of the words "widow of" in the caption of the bill, and that the bill as amended do pass.

STATE OF ILLINOIS, County of Cook, ss:

Arno Voss, of Chicago, in the county of Cook and State of Illinois, being duly sworn, deposes and says that according to the best of his knowledge and belief the following is a list of this affiant's property, being his outfit for war as colonel of the Twelfth Illinois Cavalry, lost by him in the military service of the United States at Harper's Ferry in September, 1862, by reason of the order of Colonel Miles, United States Army, referred to in this affiant's petition to Congress for relief:

One large trunk, of the value of	\$25.00
Two regulation uniform coats and shoulder-straps, at \$75 each.....	150.00
Three pairs regulation pants, at \$20.	60.00
Two vests, at \$10.....	20.00
One regulation overcoat	95.00
Three pairs cavalry officer's boots, at \$20.....	60.00
One blue cloth saddle-cloth, with gold eagles and trimmings.....	36.00
One dozen linen shirts, at \$3	36.00
One-half dozen flannel undershirts, at \$2	12.00
One-half dozen flannel drawers, at \$2.....	12.00
One dozen pairs socks, at 50 cents	6.00
One gentleman's dressing-case.....	25.00
One cavalry officer's saber and sword-knot	20.00
One shotgun.....	50.00

607.00

And further this deponent says not.
 ARNO VOSS.
 Subscribed and sworn to before me, at Chicago, Ill., this 5th day of December, A. D. 1878.
 [SEAL.] PHILLIP A. HAYNE,
 United States Commissioner, Northern District of Illinois.

The bill was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill, and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division.
 The House divided; and there were—ayes 65, noes 4.

Mr. BLAND. I will not make the point of no quorum, but it seems that every bill which comes up in this hour must pass, good, bad, and indifferent.

So the bill was passed.
 The SPEAKER. If there be no objection the title of the bill will be amended so as to read: "A bill for the relief of the widow of Arno Voss."

There was no objection.
 Mr. ADAMS 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.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 834) for the relief of the heirs of John H. Newman; and

A bill (H. R. 6612) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes.

PUBLIC BUILDING AT WINONA, MINN.

Mr. ALLEN, of Michigan (when his name was called). I desire to

call up the bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices at the city of Winona, Minn., be, and the same is hereby, increased to \$150,000; and that sum is hereby fixed as the limit of cost for the erection of said building.

Mr. RANDALL. I reserve the right to object until we hear the report read.

The SPEAKER. Does the gentleman from Pennsylvania desire that the report shall be read?

Mr. RANDALL. If the gentleman from Minnesota [Mr. WILSON] will state the facts briefly, I will be content.

Mr. WILSON, of Minnesota. Mr. Speaker, as the report in this case shows, Winona is a city of 22,000 people. It is the principal city of the State south of St. Paul, increasing both in business and population very rapidly. If its population increases for the next ten years as it has for the last it will, at the expiration of that time, be little if any less than 50,000. The Supervising Architect of the Treasury, at the request of the Committee on Public Buildings and Grounds of this House, made an estimate of the number of square feet required in a building fit for the accommodation of the United States court, post-office, internal-revenue, and other Government offices at Winona, and of the cost of such a building. His estimate is that while a building could be erected of sufficient size for the sum of money appropriated (\$85,000) if the building is made of brick without ornamentation, "if it is desired to construct the same of stone and make it fire-proof it will require from \$60,000 to \$70,000 additional." This bill fixes the limit of the increase at \$50,000.

I need hardly say, Mr. Speaker, that no business man would erect such a building of the brick of the locality without window-caps or sills or other ornamentation. The Government has not been accustomed to do so. It would not be creditable for it to do so; nor would it be wise or prudent to erect it without making it wholly or partly fire-proof. Such a building is used as the depository of very valuable property, and of records on whose preservation the title to valuable property depends. It will be seen that the committee of this House cut down the estimate of the architect \$10,000 to \$20,000. The committees of both the Senate and the House have approved of this bill, and the Senate has passed it; and I think this House will consider this sum reasonable and necessary.

Mr. RANDALL. What is the present limit?

Mr. WILSON, of Minnesota. The present limit is the \$85,000 that is left after the purchase of the ground. The committee report \$10,000 less than the architect's estimate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that this bill be now considered?

Mr. BLAND. Let us have the report read.

The report (by Mr. NEWTON) was read, as follows:

Winona is much the largest city in Minnesota south of St. Paul, and is rapidly increasing in population, business, and wealth. In 1880 the population was 10,240, in 1885 it was 15,697, and at this time it is about 22,000.

Winona is situated on the Mississippi River, and on the lines of road of the following railroad companies: The Chicago and Northwestern, the Chicago, Milwaukee and St. Paul, the Chicago, Burlington and Northern; and it is the western terminus of a line of railroad from Green Bay to the Mississippi River, and the eastern terminus of the Winona and St. Peter Railroad, a line running westerly from the Mississippi River, through Minnesota and Dakota, to the Missouri River.

From the data furnished to your committee it appears that the value of the manufacturing plants in the city is \$3,268,000; the number of men employed during the last year in the business of manufacturing is 2,972; the monthly wages (on an average) to the employees of that business are \$133,960, and the value of the manufactured product of the year, \$6,876,265.

A term of the United States district court has been held there for many years, and by an act passed in the House at this session a term of the United States circuit court is to be held there annually.

There is no Government building in Winona. There was appropriated by Congress, at the first session of the Forty-ninth Congress, \$100,000 to purchase a site and erect a building. Of that sum \$15,000 has been used to purchase the site, and the Supervising Architect estimates that not less than \$8,000 will be required for heating and \$5,000 for constructing approaches, leaving \$72,000 for the erection of the building. This sum, in the opinion of your committee, is insufficient. If Winona increases for the next decade as it has for the last the population will be about 50,000, and it seems to us neither wise nor economical to erect a building that would not be sufficient for the wants of the place a few years hence, or even at the present time.

Your committee therefore recommend that the limit of cost heretofore fixed for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, internal-revenue, and other Government offices at the city of Winona, Minn., be increased to \$150,000. The committee therefore recommend that the bill (H. R. 3400) be amended by striking out the words "two hundred thousand dollars," in line 8, and inserting in lieu thereof "\$150,000."

Subject to said amendment, the committee recommend the passage of the bill.

Mr. BLAND (during the reading of the report). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. If this bill fails to pass in this hour, will it not be the first thing in order in the next hour like this?

The SPEAKER. The bill is now up for consideration and when the House resumes this order of business, to-morrow morning or whatever other morning it may do so, this bill will be before the House.

Mr. DIBBLE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. My point is that the limit of 11 o'clock in the order limits only the calling of the names of members and the entertaining of requests by the Speaker, and that there is nothing in the order which limits the actual consideration of a bill to the hour before 11 o'clock.

The SPEAKER. The Chair thinks the construction of the order should be that after 11 o'clock the House resumes the other order of business, having set apart this hour for this class of business.

Mr. BLAND. I wish to have the whole report read, Mr. Speaker.

The SPEAKER. The Chair understood the gentleman to interrupt the reading of the report, not desiring to hear it read further.

Mr. BLAND. I interrupted the reading simply for a parliamentary inquiry.

The reading of the report was completed as above.

The SPEAKER (at 11 o'clock a. m.). The hour set apart under the special order has expired.

ORDER OF BUSINESS.

Mr. BLAND. I move that when the House adjourn to-day it adjourn to meet on Thursday next.

Mr. DIBBLE. I rise to a point of order.

The SPEAKER. The hour has expired. There is nothing before the House.

Mr. SCOTT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. I desire to ask whether it will not be in order for the Speaker in calling the names in the hour between 10 and 11 hereafter to begin at the lower end? Otherwise gentlemen whose names are at or near that end will never have an opportunity to present a bill to this House for consideration.

The SPEAKER. That is a practical difficulty which arises under any plan that can be adopted.

Mr. SCOTT. No, sir. Suppose the Speaker should call one name from the A's and one from the Z's, and so on?

The SPEAKER. What would become of those in the middle? [Laughter, and cries of "Regular order!"]

Mr. BLAND. Mr. Speaker, I rise to a privileged motion.

The SPEAKER. The Chair has heard the gentleman's motion, but the Chair will put no motion to the House until gentlemen resume their seats. In these last days of the session order must be preserved or the public business can not be transacted.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN, of Michigan. What has become of my bill?

The SPEAKER. The gentleman's bill is before the House, and the consideration of it will be resumed when that order of business is again resumed by the House.

Mr. STONE, of Kentucky. I rise to a privileged matter.

The SPEAKER. The gentleman will state it.

Mr. STONE, of Kentucky. I desire to present a conference report.

The SPEAKER. That is in order.

Mr. DIBBLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. My point of order is, that under the resolution setting apart the hour between 10 and 11, there is no exclusion of anything, except that it provides that it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time. There is nothing in the order which prohibits, in any way, shape, or form, the continuance of the consideration after 11 o'clock of a bill which has been taken up before that hour. There is nothing in the first part of the order which says anything about consideration, or says that consideration shall not be entertained at any other time. The order says that requests for unanimous consent shall not be entertained at any other time, but the consent having been obtained within the hour the consideration can extend beyond 11 o'clock. The prohibitory part of the special order is as follows:

And it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except, etc.

Now, the order, I contend, has nothing in it which prohibits the consideration after 11 o'clock of a measure which under the order has been brought before the House. The matter, I submit, must proceed under general parliamentary law, which knows no such interval as 11 o'clock.

The SPEAKER. But this special rule or order of the House does fix a limit at 11 o'clock for the calling of names and the recognition of members for requests for unanimous consent. The Chair thinks it was the evident purpose of the order to devote that time, and that time only, to this class of business—

Mr. DIBBLE. The order does not say so.

The SPEAKER. For otherwise a matter coming up by unanimous

consent at that time might consume the entire day to the absolute exclusion of all other business. Besides, nothing is lost by the construction to which the gentleman objects, because the Chair holds that the measure is before the House and must come up as soon as this order of business is resumed.

Mr. DIBBLE. But it excludes other gentlemen who might present this request for unanimous consent to-morrow.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] will please state his motion again.

Mr. BLAND. It is that when the House adjourns to-day it adjourn to meet on Friday next.

ESTATE OF J. J. PULLIAM.

The SPEAKER. Pending the motion of the gentleman from Missouri, the gentleman from Kentucky [Mr. STONE] submits a conference report, which the Clerk will read:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, 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 amendment.

W. J. STONE,
O. B. THOMAS,
THEO. S. WILKINSON,
Managers on the part of the House.
GEORGE F. HOAR,
W. M. STEWART,
JOHN C. SPOONER,
Managers on the part of the Senate.

Mr. STONE, of Kentucky. Mr. Speaker, this bill as passed by the Senate provided for referring this claim to the Quartermaster-General for investigation. The House passed the bill with an amendment striking out "the Quartermaster-General" and inserting "the accounting officers of the Treasury." The conferees have agreed that the House should recede from its amendment, so that the claim will simply go to the Quartermaster-General.

Mr. BLAND. I would like to understand what is the purport of the claim—what does it propose to pay?

Mr. STONE, of Kentucky. The gentleman will understand that better if the bill be read.

Mr. BLAND. Certainly; let the bill be read.

The Clerk read as follows:

Whereas under the provisions of the act of June 16, 1864, certain claims were allowed and reported to Congress by the proper accounting officers of the Treasury Department, in 1882, for payment, including the claim of J. J. Pulliam's estate, for wood supplied to the Quartermaster's Department of the United States Army; and

Whereas there was a mistake in the amount that should have been reported in favor of said Pulliam's estate, as appears by the report of the committee to whom said bill was referred, made before the passage thereof: Therefore,

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to re-examine and settle the claim of the estate of J. J. Pulliam, deceased, late of Fayette County, State of Tennessee, for wood taken by the United States forces during the late war, from 125 acres of land located near the village of La Grange, in said State; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum that may be found due said estate, first deducting any sum heretofore paid: *Provided,* That the amount shall not exceed \$4,167.

The SPEAKER. The question is upon agreeing to the report of the committee of conference.

The question having been taken,

The SPEAKER said: The ayes seem to have it.

Mr. BLAND. Let us have a division.

The question being again taken, there were—ayes 53, noes 2.

Mr. BLAND. I insist on my motion.

Mr. PEEL. I hope the gentleman from Missouri will allow the Indian appropriation bill to be proceeded with.

The SPEAKER. Does the gentleman from Missouri make the point that no quorum has voted?

Mr. BLAND. I do not.

The SPEAKER. Then the ayes have it; and the report is agreed to.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUE B. JOHNSON.

Mr. CHIPMAN. I rise to present a privileged report—the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3864) granting a pension to Sue B. Johnson, 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 amendment to said bill and agree to the same.

J. LOGAN CHIPMAN,
W. GODFREY HUNTER,
CARLOS FRENCH,
Managers on the part of the House.
C. K. DAVIS,
JAMES L. PUGH,
A. S. PADDOCK,
Managers on the part of the Senate.

The following statement, submitted in pursuance of the rule, was read:

The effect of the conferees' action is to fix the pension of Mrs. General Johnson at \$90 per month. This was the amount originally reported to the House when it acted on the House bill, and this is the amount provided for in the bill passed by the Senate.

Mr. BLAND. Let us have the report read.

The SPEAKER. The report of the conference committee and also the accompanying statement have been read. The question is upon agreeing to the report.

The report was agreed to.

Mr. CHIPMAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLAND. I yield for the consideration of the appropriation bill.

HENRY B. KEFFER.

Mr. BOOTHMAN. Mr. Speaker, I desire to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

Whereas, Henry B. Keffer, a messenger on the roll of the House at \$720 per annum, is a disabled veteran soldier, having served in Company A, One hundred and twenty-second Regiment Pennsylvania Volunteers; and

Whereas he has been stationed at the main entrance of the House during the Forty-ninth and Fiftieth Congresses, and has given eminent satisfaction by his gentlemanly bearing and efficiency; and

Whereas his widowed mother, who is pensioned by reason of the death of his father from disability contracted in the United States service, is dependent upon her son, the said Henry B. Keffer, for support:

Be it resolved, That the name of Henry B. Keffer be transferred to the soldiers' roll of the House at a salary of \$1,200 per annum.

The SPEAKER. The Chair understands this to be an adverse report.

Mr. BOOTHMAN. It is.

The SPEAKER. If there be no objection, the resolution will be laid on the table without reading the accompanying report.

There was no objection, and it was so ordered.

J. W. HIATT.

Mr. BOOTHMAN. I also submit another privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Committee on Accounts be, and they are hereby, instructed to report a bill appointing J. W. Hiatt, at \$2,000 per annum, to arrange and preserve the files in the Clerk's document-room, House of Representatives.

Mr. BOOTHMAN. This is also an adverse report.

The SPEAKER. Without objection the same course will be pursued with regard to this resolution, and it will be laid upon the table.

There was no objection, and it was so ordered.

COURT IN INDIAN TERRITORY.

Mr. CULBERSON. I desire to submit a conference report on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

Mr. Speaker, this conference report has been agreed to by the Senate, but upon investigation of the report as published this morning, it will be seen that by an inadvertence there is an error in the report, whereby it fails to express the object of the conferees. I ask unanimous consent, therefore, that the House disagree to the conference report, and request another conference with the Senate.

There was no objection, and it was so ordered.

Mr. CULBERSON. I also ask that the conferees be instructed as follows:

The Clerk read as follows:

Resolved, That the conferees on the part of the House on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, be instructed to amend the second proviso of section 6 of said bill as reported by the conference committee by striking out of said proviso the words "except as to contracts for the conveyance of real estate in fee," and by inserting in lieu of said words the following: "except as to contracts relating to real estate," and when so amended to agree to said report.

Mr. BLAND. I would like to have the bill read.

The SPEAKER. The gentleman has a right to have it read.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The conference report has already been disagreed to, and another conference ordered, and this is simply a question of instructions. It seems to me that the gentleman is too late now to demand the reading of the bill.

The SPEAKER. But the gentleman has the right to have the bill read. The subject is debatable, and the gentleman has the right to ascertain whether the instructions asked ought to be given or not.

Mr. PEEL. I hope the gentleman will withdraw that, so that we may go on with the appropriation bills.

Mr. BLAND. I am perfectly willing that appropriations may be taken up, also conference reports and the contested-election case; but if that business is not before the House I shall insist upon my motion.

Mr. BREWER. What necessity is there for the instruction of the committee?

Mr. ROGERS. There is no necessity for it; simply to gratify gentlemen who find fault with this part of the bill.

Mr. BREWER. Why not withdraw the request for instructions?
Mr. CULBERSON. Very well; I will withdraw the resolution asking instructions.

The SPEAKER appointed Mr. CULBERSON, Mr. ROGERS, and Mr. EZRA B. TAYLOR as managers at the conference on the part of the House.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, I move now to dispense with the morning hour for the purpose of considering the Indian appropriation bill.

Mr. HEMPHILL. I ask unanimous consent to adopt a resolution giving Thursday night for the Cass and Muhlenberg statues, and also for business from the District of Columbia.

Mr. PEEL. I must insist upon my motion.

Mr. OATES. Before the gentleman's motion is put I ask unanimous consent that members having reports from committees may file them with the Clerk.

Mr. PEEL. I intended to make that request.

The SPEAKER. Without objection, members having reports from committees will be allowed to hand them in at the Clerk's desk, and also the minority views of committees will be in order for presentation. There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

ESTATE OF A. L. BURWELL.

Mr. BOWDEN, from the Committee on Claims, reported as a substitute for bill H. R. 9774, a bill (H. R. 12653) for the relief of the estate of A. L. Burwell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATURALIZATION LAWS OF THE UNITED STATES.

Mr. OATES, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 12577) to amend the naturalization laws of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RICHARD W. MEADE, DECEASED.

Mr. TAULBEE, from the Committee on Claims, reported back favorably the bill (H. R. 11345) for the relief of the heirs of the legal representatives of Richard W. Meade, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. KERR, from the Committee on Claims, presented the views of the minority on the foregoing bill; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed with the report of the majority.

STRIKES AND LOCKOUTS.

Mr. TILLMAN, from the Select Committee on Existing Labor Troubles in Pennsylvania, reported a bill (H. R. 12654) to prevent the combination of carrying interstate commerce with other business, and to prevent strikes and lockouts on railroads, and also to prohibit the consolidation of parallel or competing lines of interstate carriers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ROMAN CATHOLIC CHURCH, JACKSON, MISS.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 11601) for the relief of the Roman Catholic Church of St. Peter, at Jackson, Miss.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALE OF LAND IN MILITARY RESERVATION, FORT LEAVENWORTH.

Mr. MAISH, from the Committee on Military Affairs, reported as a substitute for bill H. R. 11639, a bill (H. R. 12655) to authorize the lease of a tract of land in the military reservation at Fort Leavenworth, Kans.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EIGHT-HOUR LAW.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the bill (H. R. 12128) providing for the enforcement of the eight-hour law on Government premises; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted Mr. TOWNSHEND to withdraw from the files of the House, without leaving copies, papers in the case of W. H. McCabe and W. P. Fowler.

Also, to Mr. CRAIN, to withdraw papers in the case of William M. Douglass.

ORDER OF BUSINESS.

Mr. PEEL. I move to dispense with the morning hour for the call of committees.

Mr. O'NEILL, of Pennsylvania. Did the gentleman include the presentation of bills in his request a few moments since?

The SPEAKER. That request was not made.

The motion to dispense with the morning hour was agreed to.

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

SPECIAL ORDER THURSDAY EVENING.

Mr. HEMPHILL. Pending that I ask unanimous consent to offer this resolution for consideration.

Mr. PEEL. I yield to have the resolution read.

The Clerk read as follows:

That on Thursday, the 28th instant, the House shall take a recess until 7.30 o'clock p. m., the evening session to be given to the consideration of the following business:

1. Not exceeding one hour to the ceremonies relating to the acceptance of the Cass and Muhlenberg statues.

2. To the business reported from the Committee on the District of Columbia, together with conference reports on bills heretofore reported by said committee, not including the national park bill or the trust bills.

The session not to continue beyond 10.30 o'clock p. m.

The SPEAKER. Is there objection?

Mr. WEAVER. I shall make no objection if one-third of the time is accorded to the Committee on Patents to consider Senate bills to which there is no objection.

Mr. RANDALL. I object to that. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. KERR. I rise to a question of privilege. I am represented on page 2550 of the RECORD of yesterday's proceedings as moving an appeal from the decision of the Chair. I wish to state that I did not do that. It must have been some one else.

Mr. WEAVER. Gentlemen have made such appeals to me that I withdraw my objection.

The SPEAKER. The gentleman from Iowa withdraws his objection to the request made by the gentleman from South Carolina [Mr. HEMPHILL]. Is there further objection? The Chair hears none, and the order will be made.

Mr. PEEL's motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

INDIAN APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union and resumes consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

Mr. PEEL. I ask the Clerk to read the amendment which was pending when the House adjourned last night.

The Clerk read as follows:

It is proposed, on page 42, after line 11, to insert:

"That the sum of \$1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminoles of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: \$1,500,000 to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of \$412,942.20 to be paid to the treasurer of said nation, or to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminoles Nation of Indians in and to the tract of country to which said release and conveyance shall apply.

"That the lands acquired by the United States under said agreement shall be a part of the public domain, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided in the act organizing the Territory of Dakota; and whether surveyed or unsurveyed, said sections shall not be subject to settlement or entry under the provisions of this act or any of the land laws of the United States; that the lands acquired under said agreement, except the sixteenth and thirty-sixth sections, shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof), and under the law relating to town sites: *Provided*, The rights of honorably discharged Union soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes, shall not be abridged. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant, and the entryman shall be required to make full proofs; and unless it shall appear that the claim was taken in good faith and that there has been full performance of all the terms and requirements under this act, he shall refuse a patent and declare the prior proceedings before had in such case to be null and void; and all persons settling on land under the provisions of this act shall be required to select the same in square form as near as may be, and to maintain continuous personal residence as required by law on the land and to improve and cultivate the same for that period in the manner required by the homestead laws, and to break up and plow not less than 40 acres of the land filed upon before obtaining title thereto: *Provided*, That any person who having ex-

hausted his right under existing law, but who is not the owner of a home elsewhere, shall be qualified to make one additional homestead entry upon said lands; and all of the provisions of this section shall apply and be in full force as to the lands included in the recent cession of the Mus-ogee (or Creek) Nation of Indians heretofore ratified by the present Congress. Any person who may enter upon any part of said lands, in said agreements contained, prior to the time that they are opened to settlement by the proclamation of the President, shall not be permitted to occupy or to make entry of such lands or lay any claim thereto."

Mr. PEEL. That amendment was read and discussed yesterday evening, and it was ordered to be printed in the RECORD. I suppose we might vote on it.

Mr. BLAND. Inasmuch as that amendment is just called up, I would like to have the gentleman from Arkansas explain it somewhat.

Mr. PEEL. Mr. Chairman, it is well known to the committee that while the Oklahoma bill was pending one of the great objections to creating a Territorial government over the territory embraced in that bill was the fact that the Government had not secured title to the lands from the Indians; that is, a general extinguishment of their equity. Under the treaty of 1866 the Creek, Seminole, and Cherokee Indians ceded to the Federal Government that large domain, amounting to ten, twelve, or fourteen million acres of land for the purpose of locating other friendly Indians or freedmen thereon. The Government after locating some there declined to continue that policy. Therefore the country has been lying waste and barren. In 1885, on an appropriation bill, there was an amendment incorporated authorizing the President to negotiate with these various tribes of Indians for a complete relinquishment of their title in order that it might become part of the public domain.

The international council of these five civilized tribes, deeming that it would invade their territory, passed a resolution declaring that they would not relinquish their title, but would hold the Government to carry out the specific object as stipulated in the treaty of 1866. But recently the Creek Nation of Indians—and I must compliment them for their intelligence and their patriotism—came to Washington, led by General Porter, one of the most intelligent gentlemen I ever met, and readily negotiated with the Government to accept the offer. The amendment to the appropriation bill of 1885 offered to allow \$1.25 an acre for these lands less what the Government had paid. These Creek Indians came forward, and through the Secretary of the Interior, without any expense on the part of the Government, negotiated for this cession.

A message from the President came to the House recommending its ratification. The House reported unanimously in favor of it. The Senate recommended it, and both Houses, without any objection, passed a bill therefor; and the whole title of the Creeks to this country has been extinguished. The Seminole Indians have followed in their wake. It was understood when the Creeks made this initiative step that their brethren—the Seminoles—were to come in on the same footing. The Creek cession has been accepted. The Seminole delegation are here negotiating, and the President sent in his message a few days ago. It went to our committee and also to the Senate committee. The Senate committee has instructed its chairman to insert an amendment in the Indian appropriation bill when it goes to the Senate to provide for its ratification.

The Committee on Indian Affairs of the House have unanimously instructed me to offer this amendment for the purpose of extinguishing the title of the Seminoles. It simply appropriates the amount of money that is required to extinguish the titles to their part of the lands upon the same basis as the title of the Creeks was adjusted. The amendment appropriates the money to be paid only when they execute a conveyance rendering the title satisfactory to the President.

Mr. HOOKER. Does this affect the Seminoles as well as the Creeks?

Mr. PEEL. Exactly the same. When the object of this amendment is accomplished, the Government will then have achieved what it has been a long time attempting to reach, the extinguishment of these equities, in order that we may be able to dispose of the lands as a part of the public domain and settle this long-veged question with the consent both of the tribes and of the United States.

Mr. BLAND. Mr. Chairman, I have always been heartily in sympathy with the policy which seeks by just measures, in pursuance of our treaty obligations, to extinguish the Indian titles to these various public lands and to open them up for homestead settlement. Hence, I was very anxious to see the bill known as the Oklahoma bill become a law, and I hope that it may become a law at this session. For the same reason, in order to carry out the treaty stipulations and for the purpose of purchasing these Indian lands, I am in favor of the pending amendment; and I am only sorry that it is not possible at this time that all of the country known as the Indian Territory should, upon some just terms, become a part of the public domain of this Government and part and parcel of our family of States and Territories. As this amendment seems, from the explanation of the gentleman from Arkansas, to be in the line of the policy I have suggested, I hope it will be adopted. I certainly see no objection to it.

Mr. HOLMAN. In the amendment as printed in the RECORD will be found the words "except section 2301 thereof," referring to the homestead law. My friend, the chairman of the committee, will see that that is not exactly accurate, because the section referred to is not

section 2301 of the homestead law but of the Revised Statutes. I therefore offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out the word "thereof" and insert "of the Revised Statutes of the United States, which is hereby repealed."

Mr. PEEL. That is in pursuance of the object of the amendment. The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Indiana.

Mr. HOOKER. Mr. Chairman, I would like to hear the original amendment read.

The CHAIRMAN. The amendment has been read at length and is printed in the RECORD, but if there be no objection, the amendment will be again read.

There was no objection.

The Clerk again read the amendment as printed in the RECORD.

Mr. ALLEN, of Michigan. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. The amendment just read by the Clerk is pending, and an amendment to that amendment is offered by the gentleman from Indiana.

Mr. ALLEN, of Michigan. I desire to give notice that I intend to offer an amendment to the last proviso.

The CHAIRMAN. The gentleman can do that after the amendment offered to the amendment by the gentleman from Indiana [Mr. HOLMAN] is disposed of. The question now is on the amendment to the amendment offered by the gentleman from Indiana.

Mr. PERKINS. Mr. Chairman, I wish to call the attention of the gentleman from Indiana [Mr. HOLMAN] to the fact that the effect of his amendment is to repeal absolutely what is known as the commutation feature of the homestead law, and to the fact that there is nothing in the amendment to protect the rights of those who have already secured rights under that law. I think, therefore, the amendment should be modified in that particular. With such modification there will be no objection to it.

Mr. HOLMAN. Mr. Chairman, inasmuch as every effort has been made by the House for years past to repeal that section, I think it is desirable to retain the repeal here, but I will modify the amendment in the manner indicated by what I now send to the desk.

The Clerk read the amendment as proposed to be modified, as follows:

Strike out the word "thereof" in the second section of the amendment of the gentleman from Arkansas and insert the following: "Of the Revised Statutes of the United States, which is hereby repealed; but all rights initiated under the same shall remain unimpaired."

The amendment of Mr. HOLMAN as modified was agreed to.

Mr. ALLEN, of Michigan. Now, Mr. Chairman, I desire to offer an amendment to the last proviso, to come in after the word "having."

The amendment was read, as follows:

After the word "having," in the last proviso of the amendment, insert the words "attempted to, but, for any cause, failed to secure a title in full to a homestead elsewhere."

Mr. ALLEN, of Michigan. I reserved the right in committee to offer this amendment. The bill as it now stands gives persons who have already exhausted their right to a homestead the privilege of taking another. Under the existing laws a man when he secures a homestead exhausts his right in that respect and has no right to take a second homestead. The object of this amendment is simply to prevent one who has already secured a homestead under the homestead laws from taking another. It provides that those who have attempted to secure a homestead, but for any reason have failed to secure their title, may have the privilege of taking land again, but that under no circumstances shall a man who has had a homestead be allowed to take another, for the object of the homestead law is to give as many people as possible a chance to get homes; and if one man can take two homesteads another man must go without one.

I know that many men have made mistakes in entering homesteads, have secured poor lands; their homestead entries may not have turned out as favorably as those of others. But such things occur under the law which is common to us all; and to say that a man who has secured a homestead may, because he is not satisfied with it, or because it is not so good as another, step in ahead of a man who has never had the opportunity to get a homestead, is to do injustice and to change a feature of the homestead law which has existed from the time we have had such a law.

My proviso will simply do this: It will allow any man to take a homestead who has heretofore attempted to take one, but failed to secure it. That is the object of the amendment; and then having stricken out the words "exhausted his right," I propose that the words "one who is not the owner of a home elsewhere" be stricken out. Let me illustrate the object of this portion of the amendment. I never took up a homestead, or taking failed to complete my title. I have a home in Michigan. I have the right under the existing laws to go to Kansas or Oklahoma, if I see fit, and take up a homestead, retaining at the same time my property in Michigan. It is not right to say that no one shall be permitted to go there and take up a homestead if he has a home anywhere else. That never has been done under the homestead laws, and we should not now adopt that principle.

Mr. RYAN. I would like to have the amendment reported again. I concur in the views expressed by my friend from Michigan, but I am not quite sure that his amendment carries out his idea.

The Clerk again read the amendment.

Mr. PERKINS. I wish to suggest to the gentleman from Michigan [Mr. ALLEN] an amendment to his amendment, and I think when he listens to what I have to say in this connection he will recognize the propriety of my amendment. There are many people, particularly in the western portion of Kansas and in Eastern Colorado, as well as in many of our Western Territories, who have taken homes under what is known as the commutation feature of the homestead law. They have borrowed the money to enable them to make their entry. Now, in consequence of three or four unfavorable seasons many of these persons have been unable to pay their mortgages, and many have thus lost their homes. The amendment of the gentleman would cut out those people absolutely. If he will modify his amendment so as not to cut out these people who have taken homesteads under what is known as the commutation feature of the homestead law—because those men paid for their land just as settlers paid for land which they took under the pre-emption law—there will perhaps be no objection to his amendment. Most certainly we ought not to cut out those people who have paid for their lands under the commutation feature of the homestead law, who borrowed money to do that, but who, in consequence of unfavorable seasons, have lost everything that they had in the world and are now homeless.

Mr. RYAN. I think my friend from Michigan should accept the modification suggested by my colleague [Mr. PERKINS].

Mr. PERKINS. And with the consent of the gentleman from Michigan we can pass this matter over for the present, so that he can modify his amendment in this particular. We can return to this paragraph hereafter.

Mr. ALLEN, of Michigan. I will ask the gentleman from Kansas whether he can tell us about how many persons there are in the condition he describes.

Mr. PERKINS. Oh, thousands—nearly all those in my State who took land under the commutation feature of the homestead law.

Mr. ALLEN, of Michigan. Have those men perfected their titles?

Mr. PERKINS. They have perfected them under the commutation provision; they have paid the Government for the land, borrowing the money in almost every instance to do so.

Mr. RYAN. They have perfected their titles because they have paid for their lands—have not taken them under the ordinary provisions of the homestead law.

Mr. ALLEN, of Michigan. I do not wish to consent to anything which appears to me contrary to the fundamental principle on which the whole homestead law rests. We can not provide for the misfortunes of all persons, but we certainly ought to do justice to all. The homestead law is a peculiar enactment in this, that it offers to every man in the United States, so long as the public domain shall remain unexhausted, one opportunity to secure a home; and since that law has been upon the statute-book, thousands and hundreds of thousands have availed themselves of the opportunity thus offered. Boys and young men are now growing up who desire to avail themselves of the benefits of this law, as others have done; and to say that a man shall have two chances under the homestead law to get a homestead, thereby depriving some one else of his right to exercise his privilege once, is contrary to the fundamental idea of the homestead law.

I do not wish to be too strenuous in regard to persons who have taken up lands under the commutation feature of the homestead law. I can readily see how a man might buy a homestead, pay cash for it, and in consequence of having borrowed the money lose it.

Mr. PERKINS. These men who took up land under the commutation feature of the homestead law did substantially the same as those who acquired homes under the pre-emption law, and who are to receive the benefits of this act. For that reason those who took up homesteads under this commutation feature of the homestead law should enjoy the benefits of this legislation.

Mr. ALLEN, of Michigan. Mr. Chairman, if this can be passed over informally, the gentleman from Kansas can prepare an amendment as to commutators and submit it hereafter for the action of the committee.

The CHAIRMAN. The amendment will be passed over informally to be returned to hereafter.

Mr. PERKINS. I ask we may adopt the amendment now and return to it hereafter to make whatever modifications may be found to be necessary.

The CHAIRMAN. If the proposition is adopted it can not be amended hereafter except by unanimous consent.

Mr. PERKINS. But, Mr. Chairman, the proposition is that it shall be adopted with the consent that hereafter we shall return to it to make whatever modifications may be found to be necessary.

The CHAIRMAN. If there be no objection that will be done. There was no objection, and it was ordered accordingly.

Mr. JACKSON. Mr. Chairman, I think it a bad policy to extend the provisions of the homestead law or the provisions of the pre-emption law in any way that will permit any one to obtain a larger number of acres than they can at present. Instead of allowing persons who have already had 160 acres as a homestead to take 160 more, I think there

is now good reason why the number of acres that may be taken in the first instance should be restricted and limited to 80 acres. It is well known that the quantity of public land now remaining in possession of the Government suitable for agricultural purposes is small, compared to our population, to what it was a half or a quarter of a century since. The number of landless men in the United States has become so great and the quantity of land available is so small, I think the policy of the Government in the future should be to reduce the size of the homestead entry. We all agree, I believe, that the agricultural lands should hereafter be disposed of to actual settlers alone.

I can see how there may be a few worthy and deserving cases of men who lost their homesteads through misfortune, and if it were reasonably practicable to single out this small number, the Government might again give them the benefit of making another homestead entry; but the Government is not responsible for their losing their homes, and the trouble is there is no place to draw the line. You have to adopt a rule and live up to it. If men have obtained homesteads by commutation and then parted with them by sale the first year after they obtained the title to them I have no doubt they would all now like to have another opportunity to enter another homestead. I can see very well how such men may be appealing to their Representatives to amend the law and give them the privilege. But, Mr. Chairman, in this matter we had better go slowly. Let us save whatever arable lands we have now and parcel them out in small quantities to actual settlers who have no land at all; to men who have never been given any land. That is my proposition, and I hope no amendment will be adopted which will add to the number of men who, under the law, can obtain homesteads by including those who have already had the opportunity and entered homesteads and since then disposed of them.

I understand very well, Mr. Chairman, how men with constituents living on the border land of our settlements are anxious to have provision made which will give those constituents additional opportunities to enter public lands. But there are thousands of men in the older settled States with equal rights to the public lands belonging to the United States who never yet had any opportunity to make homestead entries. Every year the desire of these people to obtain a piece of land for a home becomes greater. Therefore I ask that the public lands be saved for those who have no lands now and who have never yet had an opportunity to make homestead entries.

Mr. WARNER. How many acres would the gentleman suggest as the limit of homestead entries hereafter?

Mr. JACKSON. Eighty acres is, perhaps, enough. That is more than we will be able to give twenty-five years hence. I am informed that in many of the old States from 80 to 100 acres to a settler was the policy at the beginning. It is said that in Indiana large portions of it were settled where the number of acres of land taken up by the settlers did not exceed 40 acres.

Mr. WARNER. Do those in the East waive any part of their heritage by giving to the settlers upon what is known as the great American desert the opportunity to make homestead entries of 160 acres?

Mr. JACKSON. That is the old story. When men want large grants of land from the Government it is represented as poor and worthless. But as soon as they obtain the patent it at once improves, no matter what may be the character of the land.

We have to take now what we can get, and therefore I am in favor of saving for actual settlement the public lands which are left. If the people West have already taken up the garden spots, the landless people who are seeking homes will have to be content with what remains. When almost the whole continent was open to settlement men settled upon and improved only moderate-sized tracts, and certainly it is not too much to ask now, when our agricultural lands are really almost gone, that we should limit the amount of lands that may be taken for homestead. In answer to the remark of my friend on the left I wish to say that the men in the East will take their chances with the men in the West in obtaining a home on the public lands if you will not cut them off by legislation. Make all men equal before the law. Do not give the Western man two chances to an Eastern man's one.

[Here the hammer fell.]

Mr. RYAN. Mr. Chairman, it is an easy matter for a gentleman who is living on the rich and productive lands in the valleys of Pennsylvania to stand up here and say a homestead in the West is sufficient if it shall consist of only 80 acres. He little knows of the hardships and of the privations pioneers have to undergo or he would not say 160 acres way out upon the border, subject to the vicissitudes of a frontier life, are more than should be given in a homestead entry. If he were familiar with this matter I do not think he would stand up here and say that 160 acres is enough. Those who do know the difficulties encountered by the actual settlers know they can scarcely make for themselves a respectable living upon 160 acres in the far West.

I wish to add another thing, and that is the object of the homestead law was to give every man who wanted it a homestead of 160 acres of land, a most wise provision. If there are those who attempted to obtain the benefit of its provisions, but for any reason have lost the privilege, I hope we will not deny him the poor privilege given by this bill which extends the right of homestead entry to that class.

I wish to say another thing. That many who entered their lands

under the homestead law commuted those homesteads and practically paid for them under the pre-emption law. Now, those men ought not to be put in any worse condition than those who took their lands under the pre-emption law and paid for them. They ought to be allowed the right of homestead entry also.

The Creek lands which we obtained a few days ago and the Seminole lands acquired in this bill aggregate nearly 5,000,000 acres, purchased under the provision of the act of 1885, which I had the honor to move as an amendment to the Indian appropriation bill. We shall doubtless soon procure the Cherokee Outlet by the same or similar methods. Let all the homeless have an equal right in obtaining homes on these lands. I think, Mr. Chairman, the criticisms that have been made by my friend from Pennsylvania are hardly just and fair to that class who go from his own State and from other Eastern States to the frontier to carve out homes for themselves.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman from Kansas this question, if it is not true that the homestead law is much abused in the West?

Mr. RYAN. How?

Mr. JOSEPH D. TAYLOR. That certain men use the homesteaders for the purpose of amassing large tracts of lands, using the same men over and over again for that purpose.

Mr. RYAN. I want to say to my friend from Ohio that if there has been any abuse of the homestead law at all it has been because of the commutation clause, which is expressly repealed by the provisions of this bill. No other abuse is possible under the homestead law; and it is only under that provision of it which this resolution repeals that there has been abuse of which complaint is properly made.

Mr. WARNER. And let me suggest that I take it for granted, and it may be properly assumed, that the men who go upon our Western prairies to make their homes have the common honesty of the East not to allow themselves to be used by any one for such purposes.

Mr. RYAN. They are not only honest, but they are the great body-guard of the nation itself.

[Here the hammer fell.]

Mr. PEEL. I hope the gentleman from Michigan, if he has his amendment ready, will now present it and let us have a vote.

Mr. ALLEN, of Michigan. I ask the adoption of the amendment in a modified form as I now send it to the desk.

The Clerk read as follows:

Strike out of the proviso, the words "that any person who having exhausted his right under existing law, but who is not the owner of a home elsewhere," and insert: "That any person who having attempted to, but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commutation provision of the homestead law, shall be qualified," etc.

The question was taken on the adoption of the amendment to the amendment, and the Chairman announced that the ayes seemed to prevail.

Mr. JACKSON. I demand a division for the purpose of asking unanimous consent to make a brief statement of my views on this question.

Mr. PERKINS. I hope there will be no objection.

Mr. JACKSON. If the committee please, I wish to reply to the reason given in regard to those who have commuted and obtained lands in that way. I think that those who obtained their lands under the commutation features of the homestead law, if there be any difference, have certainly less claim now for relief than any other class of men. Let us see what provision was made. The leading feature of the homestead law as originally passed was to give 160 acres of public land to every man or head of a family who would permanently settle upon it and improve it. As a guaranty that he would improve it for his own use as a home, the law provided that he should live upon it at least five years, and could not obtain title until that time had elapsed. But an amendment was afterwards made to the law which permitted a homesteader after one year, by paying the minimum price of \$1.25 per acre, to obtain title without remaining upon it the five years. This was a very improper change. Its tendency was to give lands to those who had money, and not to the settler without means.

I did not propose, Mr. Chairman, to enter into a discussion of the irregularities and frauds which it is alleged have been committed under the homestead law, especially under this commutation provision; I am not making charges; but I repeat if there have been abuses under that law it was under that very feature of it. But without violating law it permitted men to make entries, commute and pay out and obtain title, and sell to speculators, who could thereby acquire large bodies of land. Certainly these parties have less right to have a second homestead given them than any other class. So far as there is evidence before Congress in regard to irregularities and frauds under the homestead law, it is, I believe, wholly where men took their homesteads and commuted them, obtained patents and then sold their lands. It was contrary to the general and true principles of the homestead law that men should be allowed to commute and pay for their homes, because that was only done and could of course be only done where men had money and were able to pay for the lands. In many cases it is alleged—and I undertake, as I have stated, to make no charges whatever, but simply refer to it for the purpose of illustration—that this provision has frequently been used for the purpose of allowing men to take up public lands, and, in accordance with a previous understanding, transfer them

to speculators, and by this plan, it is said, the most valuable of our timber lands on the Pacific Slope have passed in large bodies to individuals, who hold them for speculation.

Mr. RYAN. Let me correct the gentleman there to say that two-thirds of the settlers upon the public domain who have finally perfected their homes, who live upon them and cultivate them, took them under the homestead law and commuted them. It is certainly unfair to assail them.

Mr. JACKSON. I have been very careful to make no charges, but I ask, what does the gentleman's statement indicate? It means that the men who have obtained the lands were not poor men for whom the lands were intended by the homestead law. It shows that they went to men who were able to pay for them, and had money for that purpose, and could buy their lands like anybody else. I have no doubt the gentleman's statement is correct; and that a great many men who have obtained homesteads were men with money, and by this provision the public lands have passed to a great extent into hands of people with money of their own, or it may be money which others had and allowed to be used for that purpose, using this to absorb large tracts of valuable Government lands.

Now, Mr. Chairman, I do not want this garden spot to be given away in great bodies. I want small, compact homes preserved for the people of this great country—for the people who need them. There is no use calling these lands that are expected shortly to be opened poor lands, or, as the gentleman from Missouri [Mr. WARNER] suggested, desert lands. No, Oklahoma is the last great body of good land not yet opened to settlement. I have no doubt it is good and valuable. It is surrounded by populous States and settlements. I do not think there is any good reason for hurrying the titles into private hands. It would be a grand thing if we could keep some of these lands for settlers ten, twenty, or thirty years hence. The settlers now living near it have to a great extent had 160 acres given them as a homestead. I have no doubt vast numbers of them would like the law changed so they could assign their homesteads in Kansas and elsewhere, and hurry into this Territory and get 160 acres more just as soon as it is opened. This would enable those living near it to practically monopolize this land. I am opposed to this; but I do not think it should apply to any part of the public lands.

The CHAIRMAN. The gentleman from Pennsylvania demands a division upon the question just taken.

The committee divided; and there were—ayes 106, noes 4.

So the amendment to the amendment was adopted.

Mr. HOOKER. I offer a proviso to the amendment of the gentleman from Arkansas [Mr. PEEL].

The Clerk read as follows:

Provided, That all rights of any friendly Indians who may have been settled upon any part of said lands proposed to be conveyed shall not be affected by said sale and transfer to the United States: And provided further, That said sale and transfer of said lands shall in no way affect the rights and interests of any other of the five semi-civilized Indian tribes.

Mr. HOOKER. I desire to say a word in regard to this amendment.

Mr. Chairman, it is a subject of congratulation to me to find that the Indian Committee, so ably represented by my friend from Arkansas, and the House, too, seem to have reached the conclusion that there are some Indians at least who have some title to lands which the Government ought to respect; for if it be true that the patent of the Government of the United States to the Creeks, who hold by the same tenure that the Cherokees hold, is not good, then the title you acquire by transfer from the Creeks may be of doubtful character.

I therefore think it is a subject of congratulation that the gentlemen who are in favor of this proposition of allowing the Creeks to sell their claims have at last found out that there is some title to be respected in the Indians in consequence of the patents which the Government have given them. As to the policy, Mr. Chairman, of this sale, I do not pretend to challenge it, for I have held to the doctrine, and hold to it yet, that the five semi-civilized nations of Indians with whom we have been treating and stipulating, and with whom you propose now to make another agreement, have to-day got capacity and intelligence enough to attend to their own matters; and I suppose the United States, through its committees in its Congress, have got capacity, intelligence, and honesty enough not to accept a doubtful title from the Indians. And I congratulate them that they think the right given by the Indian title is a good one.

I want to guard the interests of the other civilized tribes who, under the provisions of the sixteenth section of the treaty of 1866, may have settled upon these lands. I believe, sir, that the Creek Nation has the right to sell the land they live upon if they choose, but I believe that the policy is bad for the Indians, because it settles in the very midst of their country a white population, before whose advancing civilization not many years will have expired before you will say you want the balance of the land; and if they are willing to convey it, that may be all right and proper, because I think they have intelligence to know what their own rights are. But on the policy of settling white population among the Indians, I want to raise this note of warning in behalf of the remaining five semi-civilized tribes as to the impolicy of having a white settlement in the midst of their own country, if they ever expect that they will be admitted to the rights of Territorial organization, or rather I should say to State organization and a representation in

this body and at the other end of the Capitol. They will thus dispose of the rights which the country has conveyed to them, and which they seem to be, so far as the Creeks are now concerned, ready to reconvey to the Government of the United States for an adequate consideration. As I understand the amendment of the gentleman from Arkansas, it proposes now to extend to another of the semi-civilized tribes—the Seminoles—the same right of conveyance and to accept their conveyance, as the Creek conveyance has already been accepted, by legislation.

The amendment was agreed to.

The question then recurred on the amendment of Mr. PEEL as amended; and the amendment as amended was agreed to.

The Clerk read as follows:

For compensation of judges of Indian courts, at such rates as may be fixed from time to time by the Secretary of the Interior, \$5,000, or so much thereof as may be necessary.

Mr. BLAND. I inquire of the gentleman from Arkansas in charge of this bill where these courts are situated for which provision is made for the compensation of the judges.

Mr. HOLMAN. On the reservations.

Mr. PEEL. I am not able to give the gentleman from Missouri all the places, but they are on several reservations. One of the most prominent, as I remember, is that of the Flathead Indians on the Jocko reservation, in Montana. I think the gentleman from Indiana will agree with the statement that I am about to make, that when we made our investigation we found in the report of the agent where all of these courts are located that a great deal of good resulted. The Indians were disciplined by them and disposed to accept the decisions of these tribunals. The decisions of the courts were reported as having been satisfactory to the complainants and defendants, and the judges seemed to be very much respected. The appropriation has done a great deal of good.

Mr. HOLMAN. It gives them some idea of government among themselves.

Mr. BLAND. What laws do they operate under?

Mr. HOLMAN. They operate under the Indian laws.

Mr. PERKINS. Under the Indian laws and orders from the Secretary of the Interior.

Mr. BLAND. Is it to adjudicate matters arising between white men and Indians?

Mr. HOLMAN. No; it is only for matters arising between the Indians.

Mr. BLAND. And not at all for matters between them and white men?

Mr. HOLMAN. Indians entirely. The object is to teach these Indians self-government.

The Clerk read as follows:

That the sum of \$9,371.50, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Interior to pay the settlers who in good faith made settlement in the Wind River Valley, Wyoming Territory, previous to the time when the said valley was included in the Wind River Indian reservation, the value of their improvements as heretofore found by appraisement by the proper Indian agent under direction of the Secretary of the Interior: *Provided*, That no payments shall be made to any one of said settlers until he shall first have finally removed from said reservation.

Mr. BLAND. I would like to have some explanation of that paragraph from the gentleman in charge of this bill, as to what is the subject-matter of these claims.

Mr. PERKINS. This is to compensate some settlers who have settled on these lands prior to the time it was designated as an Indian reservation. Their improvements have been appraised and examined by officers representing the Interior Department, and this appropriation simply proposes to pay them the appraised value of their improvements. But it does not pay it until they have moved entirely from the reservation.

Mr. BLAND. Are they settled on the reservation?

Mr. PERKINS. I understand that they have left the reservation; but as a precaution we provided that they should not be paid until they had removed. The Delegate from Wyoming says they have gone; but as a matter of caution we put this on—that they should not be paid until they had removed themselves from the reservation.

The Clerk read as follows:

This amount, or so much thereof as may be necessary, to be expended under the direction of the Commissioner of Indian Affairs in the purchase of carpets, matting, office furniture, casing for records and files, repairs to casings and furniture, and other necessary expenses incident to the removal of the office of Indian Affairs, to be immediately available, \$2,000; for one female laborer to be employed in Indian Office, at \$6,060 per annum; in all, \$2,660.

Mr. HOLMAN. I raise the point of order on that paragraph.

Mr. PERKINS. There is a typographical error there. We certainly do not intend to pay the female laborers \$6,060. The amount should be \$600.

Mr. RANDALL. That ought to be provided for in the legislative bill.

Mr. PEEL. I know it ought, but it was not done.

Mr. RANDALL. It was not estimated for. That is the reason it was not done.

Mr. HOLMAN. I think this employé ought to be provided for in the legislative bill, and I regard this as a very bad practice. Still, I make the point of order only as to the \$2,000 item preceding that.

The CHAIRMAN. If the point of order is made against one item in the paragraph it affects the entire proposition.

Mr. HOLMAN. There are two distinct propositions, one applying to the \$2,000 in line 10. As to that proposition I make the point of order; as to the other I do not make it.

Mr. RANDALL. I understand that the gentleman from Arkansas [Mr. PEEL] is entirely willing to have that \$2,000 item stricken out.

Mr. PEEL. Yes, sir.

The CHAIRMAN. Does the Chair understand that the proposition of the gentleman from Indiana [Mr. HOLMAN] is to strike out the paragraph from line 4 down to and including the word "dollars" in line 10?

Mr. HOLMAN. That is the proposition.

The amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Kansas [Mr. PERKINS] striking out the letters "ty" in the word "sixty" in line 11.

The amendment was agreed to.

The Clerk read as follows:

To pay Beeson and Baker, of Paola, Kans., for services rendered the Indian Office in furnishing abstract titles, according to statement of August 31, 1888, \$60.

Mr. BLAND. I raise the point of order upon that item. I would like to hear it explained.

Mr. PERKINS. This is to pay for some abstracting that was done by these gentlemen at the request of the Commissioner of Indian Affairs. The Commissioner thought he had authority to order the work and he had it done; the Auditor approved the bill, but the Comptroller questioned the right of the Commissioner of Indian Affairs to order the work done. There is no question that the work was done, and these gentlemen now ask that this amount be appropriated to pay for that service.

Mr. BLAND. On the statement of the gentleman from Kansas [Mr. PERKINS] this is evidently a mere claim and is subject to the point of order, and I make the point that it is not authorized by existing law.

Mr. PERKINS. I trust the gentleman will not do that. These gentlemen can not get their pay in any other way. The amount is only \$60, and it is recommended by the officers of the Department. The Commissioner authorized the work.

Mr. BLAND. If we are going to put claims into these appropriation bills let us put them all in. I make the point of order.

The CHAIRMAN. On the statement of the gentleman from Kansas [Mr. PERKINS] the Chair must sustain the point of order.

Mr. PERKINS. I do not contend against the point of order, but I suggest to the gentleman from Missouri that in my judgment he ought not to interpose it. This service was rendered at the request of the Indian Office; the Government had the benefit of the service and the Auditor approved the bill, but the Comptroller of the Currency questioned the authority of the Commissioner to have the work done, and now these gentlemen ask that this appropriation shall be made to pay for it.

The CHAIRMAN. But the Chair understands the gentleman from Missouri [Mr. BLAND] to insist on the point of order.

Mr. BLAND. My great objection is to putting a few claims into appropriation bills and passing them through here when a great many others have no such favor shown them. However, in this case I withdraw the point of order.

The Clerk read as follows:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, \$685,000; for the construction and repair of school buildings, \$55,000; and for purchase of horses, cattle, sheep, and swine for schools, \$10,000; in all, \$750,000; *Provided*, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed \$10,000, and the entire cost of any day-school building to be so built shall not exceed \$600.

Mr. MILLS. Mr. Chairman, I find that this paragraph makes provision for the support of "Indian day and industrial schools, and for other educational purposes not hereinafter provided for, \$685,000," and "for the construction and repair of school buildings, \$55,000;" but the point I wish to have some information about is this: "And for purchase of horses, cattle, sheep, and swine for schools, \$10,000." I would like to have some explanation of why horses and cattle, sheep and swine have to be purchased for schools to the amount of \$10,000.

Mr. PERKINS. I will say that at most of the industrial schools they have farms in connection with the schools. They cultivate those farms and it is necessary to have horses to do the work, and it is necessary to have cattle and sheep in order to make the farms productive and valuable and serviceable. This is only a continuation of the appropriations heretofore made in this direction. The appropriation this year is less than it was last year, and less than has been asked for by the Department.

Mr. BLAND. While the gentleman is up, I would like to ask him a question. I notice a provision here for the cost of putting up boarding-school buildings. Can the gentleman give us any information as to where those buildings are to be located?

Mr. HOLMAN. They are to be on the reservations, of course.

Mr. PERKINS. This is the usual appropriation in that respect; the matter is left with the Interior Department and the Indian Office, as heretofore.

Mr. BLAND. Then I understand from the gentleman from Kansas

that the committee is leaving the whole thing to the discretion of the Department, without any information as to the necessity for this appropriation.

Mr. PERKINS. The necessity for it arises from the fact that the Department is extending this system of education each year, is gradually civilizing the Indians, is every year inducing more of the Indian children to attend school; and as the number of school children enlarges, the necessity for school buildings necessarily increases.

Mr. BLAND. I would suppose that any recommendation with reference to this matter would be accompanied with a statement as to the location of the school buildings, the different schools to be accommodated, etc.

Mr. PERKINS. The Department does not furnish that information. The matter has heretofore been left and is now left discretionary with the Department.

Mr. BLAND. That strikes me as a rather loose way of appropriating money.

Mr. HOLMAN. I hope the gentleman from Arkansas will consent to amend this paragraph by inserting after the word "construction," in the twenty-first line, the words "on Indian reservations," so as to provide for the "construction on Indian reservations and repair of school buildings." Of course the repairs must be made wherever the school buildings are located.

Mr. PEEL. There is no objection to that amendment. It simply carries out the intention of the committee.

Mr. PERKINS. I am not sure that the amendment suggested should be assented to. We have school buildings which are not on reservations, and it may be that some of this appropriation may be required to be used upon those buildings.

Mr. HOLMAN. This amendment does not affect that matter. The money can still be spent for repairs of school buildings wherever they may be located.

Mr. PERKINS. If the amendment is offered in that shape, all right.

The CHAIRMAN. The Clerk will report the amendment submitted by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

After the word "construction," in line 21, insert "on Indian reservations;" so as to read: "For the construction on Indian reservations and repair of school buildings, \$85,000."

Mr. PERKINS. There is no objection to that amendment.

The amendment was agreed to.

Mr. JOSEPH D. TAYLOR. I move to amend by striking out in line 20 of this paragraph the words "six hundred and eighty-five thousand dollars" and inserting "\$4,000,000." On this amendment I desire to say a word.

The Secretary of the Interior, on page 26 of his last annual report, recommends an appropriation of \$4,000,000 for the purpose of educating Indian youth. The statistics show clearly that the large majority of the Indian youth in this country of school age are not provided with any educational facilities whatever. There are in the United States, omitting Alaska, according to the best attainable statistics, about 250,000 Indians, and about 50,000, or nearly that number, are Indian youth of school age. And yet we have educational facilities for only about 16,000 children, and there are only 15,000 enrolled, while the average attendance is only 11,000.

We are now expending in educating these 11,000 Indian youth \$1,200,000, and if there are 50,000 Indian youth of school age and only 11,000 attending school, there are nearly 40,000 Indian youth of school age running wild for whom no educational provisions whatever have been made.

For more than a hundred years we have been dealing with this Indian problem; and for more than a hundred years our policy has been a complete failure. In all the years of the past as in the present we have been educating a very few and allowing the great mass of the Indians to grow up in ignorance and barbarism. We have recently passed a national statute allotting land to the Indians in severalty. This, too, has been a failure, and it will continue to be a failure until the Indian youth of the entire land are educated.

If we would take the advice of the Secretary of the Interior and appropriate four or five million dollars to provide schools for all the Indian youth of the country, they might in one generation be educated in the English language, in agriculture, and other industrial pursuits, so that they would be qualified to accept lands in severalty and would become peaceable citizens. But so long as we go on as we are now doing from year to year, educating a few at Hampton and a few at Carlisle and a few on the reservations and a few in this or that favorite Indian school, while nearly forty thousand Indian youth are running wild, the Indian question will present precisely the same difficulties in the future as in the past.

We talk of increasing these educational facilities, but we do not do it. Last year the enrollment of scholars was only nine hundred more than the year before, which is as nothing compared with the great mass for which no provision whatever is made.

My only object in offering this amendment now is to call attention to this question. Early in the last session I introduced a bill provid-

ing for the compulsory education of all the Indian children in the United States; but that bill has not been considered, as thousands of other bills have not been considered, and I am well aware that we have not now time to consider and pass such an important measure as this, but I desire to call attention to it as the only remedy for the evils of our degraded and disgraceful Indian civilization. And as much as I am in favor of an increased appropriation for this purpose I would not vote for it unless it were accompanied with a compulsory provision which would secure the attendance of all the Indian children whose education was contemplated. Without this provision the money would avail very little.

I was in the Indian Territory about two years ago, and was at one of the Indian agencies. While there I saw that the Government had made provision for the education of two or three hundred children, and yet only about thirty were in attendance. Seventeen or eighteen teachers were there employed at the expense of the Government, but only a few scholars. It was not the fault of the teachers, but the fault of the law. It is useless, or almost useless, to build school-houses for the Indians and employ teachers and furnish books unless we can in some way secure the attendance of the scholars. We must have a compulsory law, the wisdom of which would soon be appreciated by the Indians themselves.

We have been trifling with barbarism and paying tribute to ignorance, wickedness, and degradation too long, and it is now time that the civilization of this generation vindicate itself by a new departure. If all the Indian children of this generation were educated and taught trades and business and especially fitted for agricultural pursuits there would be no savages to curse the next generation. When the older Indians would pass away, the blanket and the tribal relation and the tomahawk and the wigwam would pass away. The lands allotted to them would become productive farms, and their dwelling-places would become peaceful and happy homes. At present there is no place for the educated Indian children to go when they leave school, and no employment or vocation at their command.

When they return to the tent and the wigwam and the tribe, they are so few in number as compared with the uneducated that they are hated and despised by their uneducated playmates and associates, and in order to escape the hatred and contempt and scorn of their tribe, they go back to the habit and degradation of barbarism and are often worse than they would have been had they never seen school or books. Let all be educated at once, and they will support each other in the pathway of progress, and have a common aim and a common sympathy. Let this be done and let attendance be required if the Army be necessary to secure it. Let the appropriation be large enough and we will save hundreds of million of dollars, untold sacrifice of human life, and bring forth a new civilization.

Mr. Chairman, I now withdraw my amendment. I only wanted to take time enough to call the attention of the House to this question.

The Clerk read as follows:

For support and education of Indian pupils at Albuquerque, N. Mex., at \$175 per annum for each pupil, and for the erection and repair of buildings, \$35,000.

Mr. BLAND. This seems to be an appropriation per capita, but I would like to inquire of the gentleman having charge of this bill the exact number of pupils that are educated in this school.

Mr. PEEL. I am not able to say now just exactly how many pupils are educated in that school.

Mr. PERKINS. One hundred and seventy-five dollars per annum is paid for each pupil, and as the appropriation is \$35,000 it is not difficult to tell just exactly how many are to be provided for.

Mr. BLAND. But it also provides for the erection and repair of buildings.

Mr. PERKINS. Buildings should be made sufficient to accommodate the pupils, and the appropriation is for that purpose.

Mr. BLAND. What was the first cost of these buildings?

Mr. PERKINS. There is quite a large building there which was erected originally by a church organization. The Government secured it from that religious society.

Mr. STONE, of Missouri. If the appropriation of \$35,000 is devoted to this purpose it will support two hundred pupils.

Mr. BLAND. I would like to know what is the character of this building for which an appropriation is made.

Mr. PERKINS. No part of this appropriation is for the erection of any building.

Mr. BLAND. Why, the paragraph provides for the erection and repairs of buildings. I would like to know what is the character of the building.

Mr. PERKINS. As I have already stated, the structure in the first instance was put up by the Presbyterians for a mission school and was subsequently secured by the Government of the United States to accommodate the number of Indians provided for in this appropriation. It is ample to accommodate the pupils who are educated there.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. BLAND. No, I do not.

The Clerk read as follows:

For pay of the Board of Home Missions of the Presbyterian Church for buildings and other improvements made by said board on land at Albuquerque, N.

Mex., donated to the Government for Indian school purposes, \$6,803.13, being the appraised value of said improvements as agreed upon by a representative of said board and a special agent of the Indian Bureau.

Mr. RANDALL. I do not like to interfere with a church, but I should like to direct the attention of the gentleman from Arkansas to this matter. This alleged donation was the reason given why a school should be established at Albuquerque.

Mr. HOLMAN. Did the gentleman from Pennsylvania reserve the point of order?

Mr. RANDALL. I did not.

Mr. HOLMAN. I will reserve it, then.

Mr. RANDALL. As I have stated, the original inducement for the establishment of this school at Albuquerque was the donation of this property by the Board of Home Missions of the Presbyterian Church. It would seem to be what the lawyers call *damnosa hereditas*, an injury to own it. We established a school there, and we are now asked to pay for that donation. [Laughter.] Gentlemen will see there has been a conference between the Presbyterian board and a special agent of the Indian Bureau in this connection.

I want to say further that this matter was investigated last year by the Committee on Appropriations and decided to be a claim in the opinion of that committee and not proper to be embraced in the deficiency bill. I do not make the point of order, because it relates to a church.

Mr. BLAND. I have not made the point of order, as I do not wish to defeat any necessary appropriation for the education of Indian pupils.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. BLAND. I move to strike out the last word. Now, Mr. Chairman, so far as I am individually concerned I am in favor of liberal appropriations for educational purposes. I have not made the point of order, and have merely moved the amendment for the purpose of obtaining information on the subject.

Mr. HOLMAN. Mr. Chairman, I have made the point of order because it is at least doubtful whether this appropriation ought to be made. The location of the school in question is not a good one, to begin with. The Indians gathered there are from the Mescalero Apaches and from the San Carlos reservation, and are necessarily removed several hundred miles from their homes. My observation has led me to conclude that the schools away from the reservations are not as a rule beneficial. When the Indian children go back they go back into a condition of barbarism worse than that of the children raised on the reservations and not removed from it. I think that money expended on the reservation for this purpose has a better effect in regard to the education of the Indian children than the money applied away from the reservation, for that money properly expended on the reservation educates the whole family, father and mother, as well as the pupils, and has a beneficial effect upon all. But when you remove the children from the reservation, which must be done by a kind of force and to the universal grief of the parents, you do not accomplish so much good as can be obtained by educating them on the reservation. So that from my standpoint the establishment of the school in question at Albuquerque was not on the whole a wise measure. It was established by the Presbyterians, and was a very kind and generous act on their part; but my belief is that the school should not have been established at all.

I am not inclined, however, Mr. Chairman, to press the point of order, inasmuch as the chairman of the committee has approved the appropriation and placed the amount in the bill.

The CHAIRMAN. The point of order being withdrawn, the Chair will also regard the *pro forma* amendment of the gentleman from Missouri as withdrawn; and the Clerk will read.

The Clerk read as follows:

For support of one hundred and fifty pupils at the St. Ignatius mission school, on the Jocko reservation, in Montana Territory, at \$150 per annum each, \$22,500.

Mr. TOOLE. I move to strike out, on page 51, lines 24 and 25, and lines 1 and 2, on page 52, and insert what I send to the desk.

The Clerk read as follows:

For the support of three hundred pupils at the St. Ignatius mission school on the Jocko reservation, in Montana, at \$150 per annum each, \$45,000.

Mr. PERKINS. I would like to ask the gentleman from Montana whether the school accommodations there are sufficient to accommodate the number of pupils he proposes to locate there?

Mr. TOOLE. The school is capable of accommodating quite four hundred pupils.

Mr. PEEL. I would ask the gentleman to allow the recommendation of the Department to be read.

Mr. TOOLE. Let me state that I have the recommendation of the Indian Office and the Interior Department asking for this appropriation. These recommendations were made, however, after the bill had been reported from the Committee on Indian Affairs, but the indorsement is in strong terms, and I can appeal to the gentleman from Indiana [Mr. HOLMAN], the gentleman from Illinois [Mr. CANNON], and the honorable chairman of this committee for the confirmation of the statements made in the report of the special inspector of the Indian service when he says that this school is one of the most excellent in the service.

Mr. HOLMAN. I wish to confirm that statement from my own observation, that it is one of the very best in the Indian service, much

more efficient than some far more pretentious schools outside of the reservations.

Mr. PEEL. I also take great pleasure in saying the same thing. We visited the school in person. It is the best disciplined and located school that I have seen, and the amendment meets my thorough approval. From my knowledge of the surroundings I have no objection to the adoption of the amendment.

The amendment was adopted.

Mr. HOLMAN. Mr. Chairman, last evening when this bill was under consideration the committee, by unanimous consent, passed over two paragraphs on page 41 of the bill at my request with a view to recurring to them and offering an amendment. I refer to the paragraphs beginning with line 3 and ending with line 8, in the following words:

For support and civilization of the Navajo Indians, including pay of employes, \$7,500.

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, \$7,500, to be taken from the funds now in the Treasury belonging to said Indians.

I now submit the amendment which I wished to prepare: To strike out lines 3 and 4 and amend the next paragraph by striking out, in line 6, the words "seventy-five hundred" and inserting "including pay of employes, \$15,000."

Mr. PEEL. Let it be read as it will stand if amended.

The Clerk read as follows:

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, including pay of employes, \$15,000, to be taken from the funds now in the Treasury belonging to said Indians.

Mr. HOLMAN. I now move a further amendment, to strike out "to" after the sum named, and insert the words "seven thousand five hundred dollars of which shall" so that it will read, "\$7,500 of which shall be taken from the funds now in the Treasury belonging to said Indians."

The committee informally rose to receive a message from the Senate, Mr. ENLOE in the chair.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. McCook, its Secretary, announcing that that body insisted on its amendments disagreed to by the House, agreed to the conference asked for, and had appointed Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN conferees on its part.

It also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

It also announced concurrence in House resolution for the printing and distribution of extra copies of the testimony taken and report made by the Committee on Merchant Marine and Fisheries for the investigation of the fur-seal and other fisheries in Alaska.

It further announced the passage without amendment of H. Res. 266, to print the eulogies on James N. Burnes, of Missouri.

It further announced that the Senate insisted upon its amendments to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes; agreed to the conference asked, and had appointed Mr. VEST, Mr. WILSON of Iowa, and Mr. EDMUNDS as conferees on its part.

It also announced that the Senate had passed with an amendment the bill (H. R. 5716) for establishing a light-house at the mouth of Otter Creek, Lake Champlain; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. PALMER, Mr. CULLOM, and Mr. RANSOM as conferees on its part.

It also announced that the Senate had passed with amendments the bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. JONES of Arkansas, Mr. PLATT, and Mr. DAWES as conferees on its part.

It further announced that the Senate had passed with amendments the bill (H. R. 8740) to authorize the Secretary of the Interior to sell to the "Methodist College Association of Southwestern Kansas" certain lands in Kansas; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. PLUMB, Mr. TELLER, and Mr. COCKRELL as conferees on its part.

It also announced that the Senate had passed with amendment the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. MITCHELL, Mr. SAWYER, and Mr. REAGAN as conferees on its part.

It also announced that the Senate had passed with amendments the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. SPOONER, Mr. FARWELL, and Mr. FAULKNER as conferees on its part.

It further announced that the Senate had passed with amendments the bill (H. R. 11634) to provide for the allotment of land in severalty to United Peorias and Miamies, in Indian Territory and for other purposes; asked a conference on the disagreeing votes of the two Houses,

and had appointed Mr. DAWES, Mr. MORGAN, and Mr. STOCKBRIDGE as conferees on its part.

It also announced that the Senate had passed with amendments 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; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. VEST, Mr. SAWYER, and Mr. FRYE as conferees on its part.

It also announced that the Senate had passed the bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment, North Carolina Mounted Infantry.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The amendment of Mr. HOLMAN was reported again.

Mr. McMILLIN. What is the object of this being taken from the funds of the Indians?

Mr. HOLMAN. I would like to have it all taken, but the custom has been to appropriate \$7,500 from the funds of the Government and \$7,500 from the funds of the Indians.

Mr. McMILLIN. So it is to be taken from the Indian funds and the general funds of the United States. I see no reason why it should not be taken entirely from the Indian fund.

Mr. PERKINS. The pay of employes ought not to be taken from their funds.

Mr. McMILLIN. If they are for their good, why not?

Mr. HOLMAN. I think that is all right. They are better than any other Indians we have.

Mr. McMILLIN. Mr. Chairman, what is the question before the House? I want the section read as proposed to be amended.

The Clerk read as follows:

It is proposed to strike out "to be taken from the funds" and insert "\$7,500 of which shall be taken from the funds of said Indians," and the paragraph if amended as proposed will read: "For continuing the work of constructing ditches and reservoirs for the Navajo Indians, including the pay of employes, \$15,000, \$7,500 of which shall be taken from the funds of said tribe now in the Treasury belonging to said Indians."

Mr. McMILLIN. My reason for opposing the amendment is that I think these appropriations ought to come from the Indian fund.

Mr. HOLMAN. I hope there will be no objection made against this.

The amendment was agreed to.

The Clerk read as follows.

For trust-fund interest due Delaware general fund, \$8,930. This amount to be paid per capita to the Delaware tribe of Indians, under the direction of the Secretary of the Interior, being the sum invested by the United States in Florida and North Carolina bonds and held in trust for their benefit by the said Secretary, \$140,000; and the Secretary of the Interior is also hereby authorized and directed to sell the Union Pacific Railroad bonds held in trust for the Delawares, and to pay to said Indians per capita the proceeds thereof, together with all uninvested moneys to their credit and on deposit in the United States Treasury: *Provided*, That the Florida and North Carolina bonds, amounting to \$140,000, shall become the property of the United States.

Mr. RANDALL. I make the point of order against that paragraph, that it makes new legislation. This is a proposition to distribute \$140,000 among the Delaware Indians, and also to sell certain Union Pacific Railroad bonds which have been invested by the Government as part of the money due to the Indians named. Now, I do not believe altogether in giving the money directly to these Indians. I believe the effect will be that they will spend the money and then they will become dependent upon the United States Treasury.

Mr. PEEL. I think I can satisfy the gentleman from Pennsylvania.

Mr. RANDALL. The point of order I make is that there is no law authorizing this disposition of the fund.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas on the point of order.

Mr. PEEL. I do not think the point of order is well taken, because this is a trust fund that belongs to these Indians. It is now deposited in the Treasury of the United States. They have petitioned for this money, and I think under the rules of the House conferring jurisdiction upon the Committee on Indian Affairs in relation to all matters between the Indians and the making of appropriations therefor, the right is given to authorize the Secretary of the Interior to distribute this money among them. That is all it does. I therefore make—

Mr. RANDALL. If the gentleman will allow me, will he tell me what is the amount of Florida and North Carolina bonds?

Mr. PEEL. I was just getting the documents for that purpose. I do not know that I shall be able, without going over them pretty carefully, to find the amount exactly, but there is \$140,000—

Mr. RANDALL. I do not know of any law that compels the United States to take those bonds at \$140,000.

Mr. PEEL. I think you will find on an examination of the statement made by the Department that the money was invested in these bonds for the benefit of the Indians, and if you pay them the money the bond would come back to the Government. Under Rule XI all matters affecting the relations between the United States and the Indians and the Indian tribes, including appropriations therefor, are referred to the Committee on Indian Affairs, and I insist that under that rule the committee had the right and power to report this appropriation in this bill.

Mr. RANDALL. Not under that rule. That does not give you any power to legislate. You are changing the law here.

Mr. PEEL. It is only disbursing the money. The law authorizing the investment is an old one.

Mr. RANDALL. This is merely a change of existing law. It would not be here if it was not a change of existing law. If they had the power to do this they would do it without putting this provision on the appropriation bill.

Mr. PEEL. The Secretary of the Interior would not have the power to disburse the money without a law authorizing it.

Mr. RANDALL. And you propose to make a law to let him do it, and not to let him do it as the trust provides, for the trust provides that it shall be held, not distributed.

Mr. PEEL. I ask to have clause 16 of Rule XI read.

The Clerk read as follows:

The relations of the United States with the Indians and the Indian tribes, including appropriations therefor: to the Committee on Indian Affairs.

Mr. PERKINS. Mr. Chairman, not upon the point of order—reserving that, I would like to have read for the benefit of the gentleman from Pennsylvania [Mr. RANDALL] and of the committee the communication received from the Interior Department upon this subject.

The communication was read, as follows:

DEPARTMENT OF THE INTERIOR, Washington, December 22, 1886.

The PRESIDENT:

I have the honor to submit herewith copy of a communication of 14th instant from the Commissioner of Indian Affairs, inclosing copy of a petition addressed to the Congress of the United States by certain Delaware Indians resident in the Cherokee Nation, praying that the Government cause to be paid to each Delaware Indian the amount due of the principal and interest of the "trust fund" held by virtue of the several treaties with them.

The petitioners state that they are citizens of the Cherokee Nation; have a republican form of government; an elective judiciary and other officers; a school system, and all other appliances of a civilized government; that they are an agricultural and a stock-raising people, subsisting mainly as such, and are on the same equality in these respects as the Delaware Indians who elected to become citizens of the United States under the treaty of July 4, 1866, who have long since received their share of said trust fund.

The Commissioner of Indian Affairs reports that it would be a great benefit to the said people and a large saving to the United States Government if the request of the petitioners is complied with; that the whole number of these Indians, as per last pay-roll, aggregates eight hundred and sixteen individuals, and the per capita payment was \$59; that their trust funds amount to \$874,178.54; that the annual interest thereon amounts to \$46,131.73, and that there is in addition to the above principal sum a further sum of \$12,633.89 accumulated interest on their school fund now on the books, which results from the fact that the Delaware children are educated at the Cherokee schools under the agreement with the Cherokees in 1867.

With a view to obtaining the necessary legislation by Congress for effecting the purpose sought by the Indians, the Commissioner of Indian Affairs has caused to be prepared a draught of an amendment (copy herewith) which he desires may be incorporated in some one of the appropriation bills, and he recommends that the same may be forwarded to Congress for favorable action.

Concurring in the views of the Commissioner, I respectfully recommend that the matter may be laid before Congress for the consideration and action of that body.

I have the honor to be, very respectfully, your obedient servant,
H. L. MULBROW,
Acting Secretary.

Mr. PERKINS. In addition to that, without asking to have the entire document read, I desire to suggest that this amendment was prepared in the Indian Office, that it has the approval of the Interior Department, and that these Indians are entirely competent to care for themselves. As suggested by the letter of the Secretary, they have a common-school system; they have a local government of their own; they are as civilized as any members of the tribes who have become citizens of the United States. This statement shows that they have \$53,000 in Florida bonds, \$87,000 in North Carolina bonds, \$49,000 in Union Pacific bonds, and \$672,000 in United States Government bonds.

Mr. RANDALL. But you do not propose to distribute the United States bonds?

Mr. PERKINS. No. I am showing now what their funds are in the aggregate. We do not propose to distribute the entire bond.

Mr. PEEL. Mr. Chairman, for the information of the gentleman from Pennsylvania and of the committee generally, I will state that these Delaware Indians, so called, are not Delawares in the proper sense of the word. They are Cherokees now. They are incorporated into the Cherokee Nation, one of the five civilized tribes, which has a regular form of government, and they are entitled to all the interests and privileges of the Cherokees. Therefore, the distribution of this fund will not affect their future in the least. Gentlemen say that they will become a charge upon the Government hereafter. They can not become a charge upon the Government unless the Cherokees become such a charge, because these Indians are a part of the Cherokee Nation. The Government is now paying \$46,000 a year interest on this money; the Indians want it turned over to them, and the Government does not want it, and I do not see why it should not be disposed of in this way.

Mr. RANDALL. All that goes to the merits of the question as an independent proposition, but the provision, in my judgment, does not belong here under the rules of the House.

Mr. PEEL. If the gentleman insists upon the point of order, as a matter of course it must be disposed of, but I was in hopes that when he learned the merits of the proposition and also understood the econ-

omy that would be accomplished, on the part of the Government by this provision, he would not object to it.

Mr. RANDALL. I do not think there is any economy accomplished by it.

Mr. PEEL. Certainly there is. It will save \$46,000 a year which the Government is now paying out as interest on this money.

Mr. RANDALL. How will it save any money to the Government?

Mr. PEEL. It will save \$46,000 interest that we are paying every year.

Mr. RANDALL. At all events, it does not belong on an appropriation bill. That is clear.

Mr. PEEL. I must say, Mr. Chairman, that I think the Committee on Indian Affairs have the power to report this provision in this bill. I hope, however, that the gentleman from Pennsylvania will withdraw his point. More than a majority of these Indian families have petitioned on this subject. I have a petition in my pocket now in addition to the one which has been set out here. If the Indians want this money and are competent to take care of it, and if the Government does not need it, let us distribute it, and save the \$46,000 a year interest that we are now paying. I hope the gentleman will withdraw his point of order.

Mr. RANDALL. I decline to withdraw it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For trust-fund interest due Kaskaskias, Peorias, Weas, and Piankeshaws, \$3,347.84.

Mr. WEAVER. I desire to reserve the point of order against the last paragraph until I hear further in regard to it.

Mr. SPRINGER. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 55, after line 20, insert the following:

"Provided, That said commission is authorized to propose to the Cherokee Nation or tribe of Indians an agreement providing for the complete cession and relinquishment to the United States of all their right, title, and interest in and to the lands known as the 'Cherokee Outlet,' and the purchase of the same by the United States on the same terms as were contained in the agreement which was entered into with the Creek Nation and ratified by act of Congress at this session; and if such agreement is made and entered into by the parties respectively and ratified by the national council of said Cherokee Nation, the lands embraced in said cession shall become a part of the public domain and be opened to settlement under the homestead laws of the United States in the same manner and under the same conditions as provided in this act with reference to the lands recently ceded to the United States by the Creek and Seminole Nations or tribes of Indians; and the President of the United States is authorized to issue a proclamation, after the ratification of said agreement, fixing the time when settlers may enter upon the lands embraced in said outlet."

Mr. BUCHANAN. Has a point of order been reserved against the paragraph?

The CHAIRMAN. A point of order was reserved against the paragraph by the gentleman from Iowa [Mr. WEAVER].

Mr. BUCHANAN. I suppose a point of order would also lie against the amendment. I make the point of order distinctly against the amendment until I know more about it.

Mr. SPRINGER. I will explain the proposition to my friend from New Jersey. This proviso simply authorizes the commission that may be appointed under and by virtue of this act to enter into and conclude an agreement with the Cherokee Nation for the complete relinquishment of all their right, title, and interest in the Cherokee Outlet to the United States upon such terms and conditions as are provided in the treaty recently ratified by and between the United States and the Creek Nation for the cession of their lands; and if such agreement is made by the parties, respectively, then this outlet is to become part of the public domain in the same manner as has been provided in regard to the Creek lands; that is, the land shall be opened upon the same conditions precisely. Of course, unless the agreement is entered into, this provision amounts to nothing at all. It simply offers to the Cherokees the same terms that we have offered to and obtained from the Creeks in regard to their lands which lie side by side with those now under consideration.

The CHAIRMAN. The Chair desires to know whether—

Mr. MCADOO. I wish to offer an amendment.

The CHAIRMAN. The Chair desires to pass upon the question of order.

Mr. RYAN. I do not think anybody has made a point of order; the point was simply reserved.

Mr. WEAVER. I made no point of order; I simply reserved it. I now withdraw it.

Mr. BUCHANAN. I renew the point of order as to these words in the seventh and eighth lines, on page 55:

Not more than two of whom shall belong to the same political party.

I think that if the President of the United States can not be trusted to appoint proper commissioners the whole provision had better go out.

Mr. WARNER. I suggest to my friend from New Jersey that he reserve the right to make the point of order, and pending that, move to strike out those words.

Mr. BUCHANAN. I do not care which way it is done. In accordance with the suggestion of the gentleman I will reserve the point of order and will move to strike out those words.

The CHAIRMAN. If there be no objection, the words referred to by the gentleman from New Jersey will be stricken from the paragraph.

Mr. PEEL. I do not understand what is the proposition.

Mr. BUCHANAN. I desire to strike out the words "not more than two of whom shall belong to the same political party." I think that either the outgoing President or the incoming President should be trusted in a matter of this kind.

Mr. PEEL. I can not consent to the amendment striking out that clause. That has been the rule in regard to nearly all these commissions.

Mr. BUCHANAN. Then I make a point of order against those words.

Mr. PERKINS. I trust my friend from New Jersey will permit me to suggest that in several bills in which we have provided for commissions we have inserted a clause of this kind providing that no more than a given number should be from the same political party. The object is to distribute these matters fairly between the two great political organizations.

The CHAIRMAN. The Chair understands the gentleman from New Jersey to withdraw the point of order against the paragraph and to move to strike out these words.

Mr. BUCHANAN. No, sir; I said that I would renew the point of order made by the gentleman from Iowa [Mr. WEAVER], but only as to these words. The whole paragraph is subject to a point of order, but I only raise the point in regard to these words.

Mr. PEEL. Well, if the gentleman insists on it, let those words go out.

The CHAIRMAN. If there be no objection, the words indicated will be stricken out.

Mr. OUTHWAITE. I object to those words going out by consent. I would like the Chair to rule upon the point. If the Chair holds that they must go out on a point of order, all right.

The CHAIRMAN. Very well; then the Chair will be compelled to sustain the point of order upon these words; but there is a question whether it would not affect the balance of the paragraph.

Mr. RYAN. It would, if the point were made against the rest of the paragraph; but it is not.

The CHAIRMAN. Very well; the Chair sustains the point of order made by the gentleman from New Jersey.

Mr. SPRINGER. Now, I ask for a vote on my amendment.

Mr. CUTCHEON. I suggest to the gentleman in charge of this bill that the words "to the United States," in line 13, page 55, ought to be transposed so as to come in after the word "relinquishment," in line 11. The clause will then read "full and complete cession and relinquishment to the United States." In this way we shall avoid ambiguity.

Mr. SPRINGER. That is right.

The CHAIRMAN. If there be no objection, the verbal amendment suggested by the gentleman from Michigan [Mr. CUTCHEON] will be agreed to. The Chair hears no objection, and it is ordered accordingly.

The question recurred on Mr. SPRINGER's amendment; which was agreed to.

Mr. MCADOO. I move to amend by the following proviso, to come in after the amendment just adopted:

Provided, That no part of said sum shall be expended in buying refreshments for Indians attending meetings with commissioners or in anywise attending or presenting gifts to such Indians or their representatives.

The amendment was agreed to.

Mr. KENNEDY. I move to strike out the last word, to reply briefly to the gentleman from Georgia, and the reference made to my connection with the Ohio senate as its presiding officer on yesterday.

I desire to call attention, Mr. Chairman, to that contest in Ohio, and to say that contest arose because of frauds perpetrated in the county of Hamilton. The frauds consisted in stealing the ballot-boxes in one precinct and carrying them into a saloon, where they were opened and stuffed with Democratic votes.

In another precinct three or four hundred names were added to the poll-list, and these names were of persons who had no residence or place in that district, and who could not be found by the Democratic officers from the senate of the State of Ohio.

Not only that, but in another precinct one of the Democratic judges of election, having placed the ballot-box nearly 30 feet away from the door, deliberately took the votes passed to him from the window, putting the ballot placed in his hands to be deposited in the box into his pocket and from another pocket taking out and putting a Democratic ballot into the box. So openly was this done and so clearly was this seen that a leading Democrat of Cincinnati said to him, "You infernal scoundrel, you have even stolen my ballot."

There was suspicion that there was likely to be Democratic scratching at the ballot-box, and therefore these men were not willing to trust even the Democrats themselves.

That question came up for contest in the senate of the State of Ohio as to the four seats from Cincinnati, and those claiming these four seats having been elected at the same time and by the same tickets, or ballots, and standing together, the presiding officer of that assembly (and I had the honor to be the presiding officer) declared in that contest

these gentlemen could not vote in their own case. And in that decision I was sustained by every precedent of this House, by every parliamentarian in the country, by the distinguished Judge Wilson, author of Wilson's Parliamentary Law, and by every other parliamentarian of any note. I, as the presiding officer, decided these men could not vote. Then the Democrats left the chamber of the senate in the State of Ohio and set up a rump senate of their own. After that, by agreement, the cases were heard, testimony taken, and then they came back to the senate, but rather than to submit to a final hearing twenty Democratic members left that body and fled to Kentucky and Tennessee. The seventeen remaining members, no question having been made as to a quorum being present, seated the four contestants, and proceeded with the business of the house.

The record was made by Hon. Charles L. Vallandigham, clerk of the house, a Democrat himself, a gentleman of honor and reputation, the son of Clement L. Vallandigham, formerly a member of this House, and on that record the matter was carried to the supreme court in my State and the supreme court sustained that body and the action of its presiding officer.

Not only was it sustained by the supreme court but sustained by every honest Democrat in the State of Ohio, including such gentlemen as Hon. George L. Converse, of Columbus, and the honorable gentleman who afterwards became the candidate for the Vice-Presidency on the national Democratic ticket, Hon. Allen G. Thurman.

And not only that, Mr. Chairman, but in the trial of the cases, the wing, as it were, of this great conspiracy, the tally-sheet fraud, at Columbus, Hon. Allen G. Thurman, who was chosen to represent the prosecution, in his speech to the jury on that occasion declared that the firmness of the presiding officer of the senate at that time had saved the State from disgrace, and he commended my course in that body. [Applause.]

The forgers, ballot-box stuffers, and ballot-box plunderers of Hamilton County were afterward tried for their crimes and convicted and sent to the penitentiary, where they belonged, and since that time we have had fair and honest elections in that city of Cincinnati, and I commend this course of proceedings to my Southern Democratic friends.

That is all I desire to say.

Mr. O'NEALL, of Indiana. Mr. Chairman, I rise to oppose the *pro forma* amendment.

I beg the indulgence of the committee for a few moments, and will take the privilege of presenting my views upon a pending question, in order that the House may know how very "fair and impartial" our political opponents can make themselves when it is our ox that is being gored. I desire to be brief. I send first to the Clerk's desk and ask to have read an article from the San Francisco Chronicle of date March 25, 1887, a Republican newspaper, which has reference to the methods by which one of the sitting members upon this floor and upon the other side of the House obtained his seat, and has been allowed and is now allowed to keep it.

The Clerk read as follows:

CONGRESSIONAL ELECTION.

Whatever may be the result of the contest between Sullivan and Felton, enough has already appeared to make it perfectly manifest that Felton's election was assured by the use of the most improper and vicious methods. It is proved beyond a doubt that the sugar ring worked earnestly and diligently for him and spent their money in ways which they would doubtless call practical politics, but which are more properly classified by the simple name of bribery.

It is conceded that a certain amount of money may be used at or about election time in a perfectly legitimate manner. There are certain recognized campaign expenses common to every election and every party. These are perfectly well understood and accepted by everybody. But the people have yet to learn that paying men money to vote in one way or not to vote in another, dragging into voting for a particular candidate by threats of losing their places, or discharging men because they have voted the wrong ticket are, all or any of them, allowable, or that they come within the definition of clean or decent politics.

The question of a fair and honest expression of public opinion is of vastly greater importance than that any one man, no matter what his politics, should go to Congress. On the purity and fairness of elections rests the whole fabric of popular government. Take that away, and the structure of government by the people crumbles to ruins. If, on the other hand, a particular man is defeated for Congress, the world moves on just the same, the affairs of the nation do not suffer any violent shock, nor is the welfare of the country seriously impaired.

Such an election as is now being investigated is a shame and a disgrace to this city and this State. The shamelessness of Felton's political supporters would overpass belief were it not that it is so well known that they never stick at anything to gain their purposes. If they make up their minds to a certain thing it is going to be done, if it can be accomplished by human means and if the weakness of human nature can be successfully assailed by promises or threats. Bribery and corruption are their usual weapons, threats and intimidation the reserve stock of their armory. In this last case they employed all their force and used all their ammunition, and they made every shot tell. At any rate, Felton received his certificate of election, and this was all his partisans and henchmen could accomplish. Whether he will retain it is another thing.

Whenever there is an election secured by such means as were employed to elect Felton it is to be hoped that it will be contested. In no other way can this infamous system be broken up except by showing its utter uselessness to defeat the will of the people, and every man, no matter what may be his politics, who secures his election by such means as the sugar ring used to elect Felton should be unseated and new elections held until they can be honestly conducted.

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn, if there be no objection; and if the gentleman desires to proceed he can renew it.

Mr. O'NEALL, of Indiana. I renew the *pro forma* amendment.

The article, Mr. Chairman, which has just been read appeared in the leading Republican newspaper of San Francisco on the 25th day of March, 1887. The contestant had at that time been taking evidence for about thirty days in this contest. That paper, the Chronicle, is the leading Republican newspaper of the State of California, and is published in a city wherein two-thirds of the population of the Fifth Congressional district of that State reside. A few days later, and in the same paper, this article appeared, which I now send to the desk to have read. It bears date April 5, 1887.

The Clerk read as follows:

TOO SOLID FOR FELTON.

An examination of the ballots cast at the Almaden mine shows that over 150 of the tickets were scratched for Felton for Congress, and that all the changes had been made by three persons. This unanimity of sentiment must be very gratifying to the candidate who received his certificate of election on the strength of it, but it is very questionable whether the House of Representatives will smile as much over it as did Mr. Felton and his friends.

There is but one name for the method by which this election was carried, and that is corruption. No sane man believes that 150 votes would be polled at one precinct, all scratched for one man and the scratching all done by three persons, unless some improper influence had been used to bring about such a result. Voters who are entirely free and untrammelled do not, as a rule, employ three persons to scratch 150 ballots for them at one precinct. Either the voters were too ignorant to know what was done to their tickets, or they were compelled to vote them as they were prepared for them; and it is easy to imagine that either will be enough to induce a Democratic House of Representatives to throw out the whole precinct.

Felton's supporters claim to be able to prove that corruption and bribery were used for his opponent. That may be, but of his supporters. A second bribery does not make the first one right, nor can any proof do away with the evidence afforded by the inspection of the Almaden ballots. It in no way palliates or excuses the guilt. Such disclosures are simply shameful.

They go to show that nothing is allowed to stand in the way of partisan success, and that in practical politics there is only one thing to be considered, the election of the candidate. That men are bought, threatened, or driven into voting as they otherwise would not is considered a mere nothing, provided there are enough of such votes to elect. That the people are defrauded of their real choice is deemed rather a good joke than otherwise, and the swindled candidate is wished better luck next time.

If the Government of this country is to be carried on by popular suffrage such a course of conduct as has been developed in this Congressional election can not be in any way condoned or excused. The unpardonable sin against the people—that of defrauding them of their political rights—has been committed and nothing can mitigate the guilt of the offenders. Such an election as this is more dangerous to the liberties of the nation than armed rebellion would be, for it saps the very foundation of popular government and threatens the destruction of the whole fabric.

Whenever the day shall come that a state of things such as has been brought to light in this contest can go unchallenged and unpunished government by the people is at an end. We shall have substituted money for majorities, and coercion and corruption for a free and fair ballot.

During the reading of the foregoing,

Mr. ALLEN, of Michigan, said: I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. I make the point of order against this article and the preceding one. I protest against this Indian appropriation bill being made further a mud-scow, and I move that the honorable gentleman from Missouri [Mr. BLAND] be requested to come to the rescue.

The CHAIRMAN. In view of the decision of the Chair on yesterday when a similar question was presented—

Mr. ALLEN, of Michigan. I withdraw the point of order.

The CHAIRMAN. The Chair was about to overrule the point of order.

The time of the gentleman from Indiana has expired.

Mr. ROWELL. Mr. Chairman—

Mr. MCKENNA. Will the gentleman from Illinois yield to me?

Mr. ROWELL. In a moment.

I shall not depart from my usual practice and take up an election case for discussion on an appropriation bill; and I only rise now, sir, to call the attention of this committee to the fact that this election contest has been based from beginning to end upon just such testimony as has been presented by the gentleman from Indiana—hearsay, rumor, newspaper talk, and such testimony—and that the newspaper which has been brought into this contest here to-day and called a Republican newspaper is a newspaper that has from the beginning been hostile to the Republican member from that district in California; that the whole report in this case from turret to foundation-stone is based on testimony having no more weight in any court than newspaper articles of that character; and I say, sir, as far as Almaden is concerned, that every voter of the Almaden mine except eight, they dead or moved away, came into the case—the testimony is in the record—and impeached that statement, impeaching the statement of your witnesses. So that you were compelled to abandon Almaden in committee and substantially in your report. [Applause on the Republican side.]

I yield to the gentleman from California.

Mr. BLAND. Then why do you not take up the case?

Mr. ROWELL. I always seek a continuance, when I know the jury is packed against me, if I can. [Renewed applause.]

Mr. MCKENNA. Mr. Chairman, it is well known to the House that I have taken a decided and prominent interest in the contest between Mr. Sullivan and Mr. Felton, but I took that interest when the case was presented. I have never yet intruded myself on the House when my remarks would be irrelevant, and I do not now know whether I

shall be justified in following the bad example of the gentleman from Indiana [Mr. O'NEALL] who, in his eagerness and impartiality, took the floor to have read newspaper articles reflecting on the sitting member, who is in every respect the gentleman's peer.

Sir, it has been from considerations other than those of fear of the result of the contest as far as the result ought to be dependent on the evidence which caused me to take the stand I have taken. Why, sir, look at the record in the case [holding up two large volumes]—nineteen hundred pages of testimony pushed to our consideration in the last days of a weary Congress, testimony which must necessarily be referred to in order that a calm, judicious, and fair judgment should be formed. And, sir, knowing full well such reference can not be made, the gentleman from Indiana has considered it safe to have newspaper articles read from the desk. Knowing such reference could not be made, he has considered it safe and sufficient to make the report which he has made in the case.

The record, sir, deters, yes, repels not only what the gentleman in his report is pleased to term the "average member" of Congress from its perusal, but repels the most resolute and conscientious and painstaking member from even looking at it. It has so efficiently this effect that I am almost forced to believe that it was purposely intended to have this effect. And yet there is no testimony in it which in a fair tribunal would raise a suspicion against the sitting member.

There is direct testimony in it against the contestant, and for the entertainment of the gentleman from Indiana, and by way of illustration of the case, I send to the Clerk's desk to be read from the Record, page 1121, the testimony of John F. Reed, called on behalf of the contestee. His testimony applies to one of the precincts in the city of San José:

The Clerk read as follows:

Q. Do you know anything in relation to the voting of a number of men in the Fourth ward in this city?

A. In what way?

Q. Were you participating in the voting of a number of men yourself?

A. Yes, sir; I was.

Q. On whose behalf?

A. The Democratic party.

Q. That is a straight Democratic ticket?

A. Yes, sir; from top to bottom.

Q. Including the name of Mr. Sullivan?

A. Yes, sir.

Q. I will ask you how many you participated in voting?

A. I could not state.

Q. About how many? I do not ask the names. About what number of voters did you succeed in assisting in voting?

A. Seventy or eighty.

Q. At least seventy, and probably not more than eighty?

A. Yes, sir.

Q. They voted the Democratic ticket, did they?

A. Yes, sir.

Q. I will ask you if any one else assisted you in voting these various parties?

A. Yes, sir.

Q. I believe Mr. Fisher?

A. Mr. Fisher and Mr. Hommerich.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKENNA. I move to strike out the last word.

Mr. PEEL. I desire to appeal to both sides of the House. I think it is very necessary that we should pass this bill, and in order to do so I make this request: That general debate on all amendments that may be offered shall be closed in twenty minutes.

The CHAIRMAN. The time to be equally divided?

Mr. BLAND. I want to extend the time to one hour. The other side have heretofore refused to take up this case; and this is the only opportunity we may have to get it before the House. [Cries of "Regular order!"]

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. BLAND. I ask that one hour be given. [Cries of "Regular order!"]

The CHAIRMAN. If the gentleman from California will submit another *pro forma* amendment the Chair will recognize him.

Mr. BLAND. I object to proceeding—

Mr. MCKENNA. I move to strike out the last word, and ask the Clerk to proceed with the reading.

The Clerk read as follows:

Q. They are both residents of the Fourth ward?

A. Yes, sir.

Q. And these men voted in the Fourth ward at the last election, and voted the straight Democratic ticket?

A. Yes, sir.

Q. How do you know they voted the straight Democratic ticket?

A. Because I would give them the tickets and go with them to the polls.

Q. And see that they put them in?

A. Yes, sir.

Q. Do you know whether or not they received any consideration for it?

A. I believe they did.

Q. Upon what do you base your belief?

A. Mr. Hommerich and Mr. Fisher would settle with them.

Q. Would you see them settle?

A. Yes, sir.

Q. Would they pay them before voting or after?

A. After voting.

Q. How would they know that they had voted?

A. They took my word for it.

Q. That is, as I understand it, after these parties were voted you would take them to these men?

A. Yes, sir.

Q. Represent to them that they had voted?

A. Yes, sir.

Q. And they would pay them for it?

A. Yes, sir.

Q. About what was the average price that they got?

A. Different prices; \$3 the utmost.

Q. What was the lowest?

A. A dollar.

Q. That, I suppose, ranged according to the time of day or according to the inclination of the parties?

A. In the forenoon they were cheaper than in the afternoon.

[Laughter.]

Mr. MCKENNA. Now, sir, that is not hearsay testimony; it is direct testimony, and direct to the effect that in behalf of the contestant in this case, 80 votes were purchased at a rate from \$1 to \$3. The report in this case is illustrated by this testimony. In connection with it I will read from the report made by the gentleman from Indiana. On page 1 of the report and on page 2 this language is employed:

No charges of fraud or other wrong or violation of law or of the rights of the elector being made by contestee against contestant, the committee might well have passed over the evidence without looking for anything upon which averments might have been based. But, in view of the magnitude of the cause and of the importance of dealing out equal and exact justice, the committee have industriously and in a painstaking manner examined to ascertain whether any evidence existed upon which such allegations—

That is, against the contestant for bribery—
could have been made, and none is found.

[Laughter.]

He proceeds:

In fact, nothing is found to warrant a suspicion of fraud against Sullivan or the vote by him received.

Oh, how industrious the gentleman from Indiana was; how painstaking! [Laughter.] Such is some of the record, Mr. Chairman; and in the whole of it, in the whole accumulation which has been piled up by the contestant, there is nothing which justifies accusation against Mr. Felton. But, as I have said, none will resort to the record to find out whether the report of the gentleman is true or untrue, founded or unfounded; hence my action.

Mr. Chairman, the whole thing, certainly the present proceeding, is distasteful to me. I am in no pleasant position from my standpoint, because, as I have said, it is not my practice or my disposition to intrude myself where my remarks or myself will be irrelevant. Besides, Mr. Chairman, I can not approach the consideration of any election case but with distaste amounting almost to nausea. In pretension, election cases are non-partisan; in fact, they are oftener the most partisan of questions.

With solemnest bombast we assert the coldest neutrality, and while our words are yet echoing in the air we execute the hottest partiality, and we are not ashamed. Indeed, we swell and glow with a sensation as new, as delightful of having subdued the eagerness of our legislative function to the sedateness of justice. There may be some merit, sir, in acquiescing without comment in the hypocrisy which declares justice in our words while we execute injustice in our deeds; but there are some cases so gross that they should not be allowed to hide under a miserable mockery of fairness, and the case of Sullivan against Felton is one of them; and if I can rejoice at all at this opportunity to address the House, it is because it is an opportunity to show this, because it is an opportunity to show in a few words what the record in the case is and what the case is. Thanking the House for its attention and apologizing even for having been forced to demand and use its attention, I take my seat. [Applause.]

Mr. O'NEALL, of Indiana. Mr. Chairman, we are told by the honorable gentleman from Illinois that this is hearsay testimony and that the Chronicle opposed Mr. Felton. It may be and is hearsay testimony. I want to tell him that the proprietor of that paper is Hon. Michael DeYoung, who was a delegate to the Chicago convention that nominated Benjamin Harrison for the Presidency, and I believe is or in the late campaign was a member of the Republican national committee.

Mr. SPRINGER. And he is a candidate now for a Cabinet position. Mr. O'NEALL, of Indiana. And, as my friend, Mr. SPRINGER, says, is now urged by the Republican press of this country for a place in the Cabinet of the incoming President. The paper may have opposed Mr. Felton. I am not advised as to that, but the editor was so disgusted at the methods by which Mr. Felton obtained the certificate of election as to boil over with indignation. When the gentleman says that the only evidence in this case is hearsay, except the evidence of one James Reed, whose testimony is against Sullivan, I want to tell him that he has not read the evidence.

If he will read the evidence he will find that all the testimony of Mr. Reed, to the extent that it is entitled to any credit, is in relation to his work for one Singletary, who was running for clerk in the county of Santa Clara and who was elected by two or three hundred majority, while Mr. Sullivan and the balance of the Democratic ticket were beaten by that many. Mr. Reed expressly exculpates Mr. Sullivan from all participation in or knowledge of the matters about which he testifies.

Let me say further, if that side of the House wants to hear something about an election case where every species of fraud was perpetrated to secure the sitting member his election certificate, and which fraud is proven by an abundance of direct and uncontradicted testi-

mony, let them take up this election case and let the light of that evidence shine in upon it. Do not, gentlemen, do not talk about the want of evidence. Let the case be discussed and go to the country, and let the country have an opportunity to judge. Gentlemen upon that side work themselves up into a white heat and go into cat-nip pass-overs when a colored man's rights are at stake or imagined to be at stake.

Is not an Irishman about as good as a "nigger?" I know that a good many of our Republican brethren do and always have held, the colored "gentleman" to be entitled to much higher consideration than an Irishman, but certainly upon that side of the House there ought to be a few—a very few at least—who will not deny even to an Irishman the right to be heard and to have his case passed upon.

The gentleman from Ohio, who entertained us yesterday evening and who has again this morning given us a further exhibition, will surely come to the front and give us the benefit of his mighty influence. After his demonstration there is no mistaking the fact that in his own estimation at least he is the very embodiment of honest impulses and of fair dealing.

In the State of California the law provides that in the city of San Francisco the mayor, the auditor, the city and county attorney, the tax-collector, and the city and county surveyor shall constitute a board of election commissioners for the county and city of San Francisco; that this board shall appoint the precinct election boards. These latter boards shall be composed of persons of different politics. In 1886 the mayor and auditor were Democrats, the others, then members of that election board, were Republicans.

Mr. Strother, who was the auditor, testified that the three gentlemen referred to brought in a complete set of names to constitute the inspectors and judges of the eighty-odd precincts in that part of said county and city in the Fifth Congressional district, and without giving himself or the mayor any say about the matter whatever moved the appointment of the persons by them selected, and that when the mayor refused to put the motion the mover, John Love, city and county attorney and one of the commissioners, put the motion, and the other two Republicans voted with him. And these persons thus selected were declared the persons who should hold the elections. Mr. Strother testifies further that a number of the parties selected were of a disreputable character.

The testimony of Mr. Strother is uncontradicted; on the contrary, it is tacitly admitted by Mr. Love, who afterward became one of Mr. Felton's attorneys in the case. To be sure, this scheme did not avail anything, because the Democrats appealed to the courts for a writ of mandate, to which these men afterward submitted. I refer to this simply to show the spirit of unfairness rife among the party friends of Mr. Felton. While this scheme did not work, when foiled in that effort, the Republican managers of that election began to hunt up the Democratic committeemen for the different precincts, to whom had been confided the selection of the Democratic minority on these precinct boards, and whenever a committeeman could be influenced to select a man wanting in integrity, it was done. In the second precinct, the forty-sixth assembly district, where one James Hughes was the Democratic committeeman, he was induced to import and board at his home a couple of pretended Democrats to be placed on the election board. In counting out the ballots in this precinct when Sullivan's name was reached on a Democratic ticket the name of Charles N. Felton was read instead.

Mr. ROWELL. I challenge the statement and assert that there is not any such testimony except hearsay from the first to the last page.

Mr. O'NEALL, of Indiana. Let us take up this case.

Mr. ROWELL. I challenge the record.

Mr. O'NEALL, of Indiana. I will be more than glad to show you the evidence.

Mr. ROWELL. You can not do it.

Mr. O'NEALL, of Indiana. In this precinct the fraud is proven by overwhelming evidence, and in different ways, and by the most direct testimony. O'Shea, who was a Republican watcher, testified that when Sullivan's name was on a ticket it was deliberately read off "Charles N. Felton." His (O'Shea's) testimony is corroborated by the evidence of one Garrigan and by a recount of the tickets and by numerous circumstances that I would be glad to point out from the record had I the time to do so.

When the recount took place Sullivan had 94 instead of 2 majority. This, be it remembered, was a precinct that usually gave about two Democratic to one Republican vote. In 1884, between the same candidates, Sullivan and Felton, Sullivan had about two votes to Felton's one. In 1886 Sullivan's returned vote was 130 while Felton's was 128. The recount gave Sullivan 167 and Felton 73. To satisfy myself about this precinct I sent and procured a certified copy of the returns at the late election, which I now have at my boarding place. From this certified return at the late election the Harrison electors had 79 votes while the Cleveland electors had 201, a majority of 122.

No unbiased mind can read all the evidence in relation to this precinct, not hearsay evidence, but direct and uncontradicted testimony, and come to any other conclusion than that James Hughes was hired to get on that election board men who would and did deliberately

count to Sullivan a much less number of votes than he received, and to Felton a much larger number than he received.

In the second precinct of the forty-eighth assembly district the evidence showed that at least two members of this board were bribed and that the returns were crooked. Just what effect the bribery had on the returns and the vote of the precinct is not disclosed, but that the evidence was and is such as to show such uncertainties and such a want of integrity in the precinct vote as to demand its being thrown out there is but little room to doubt. Had I the time I would be glad to point out the various items of evidence, direct evidence, showing want of integrity in this precinct. The precinct gave Felton 55 majority.

But, sir, it is hardly necessary now to enumerate. Let this case be taken up and we will give that side of this House an opportunity to contemplate the picture. In the language of the San Francisco Chronicle—

The shamelessness of Felton's political supporters would overpass belief were it not that it is so well known that they never stick at anything to gain their purposes. If they make up their minds to a certain thing it is going to be done if it can be accomplished by human means, and if the weakness of human nature can be successfully assailed by promises or threats.

The political supporters referred to are the sugar kings, Spreckles Bros. These men had headquarters at the Baldwin Hotel, where they had a secretary, one John W. Burdett, employed. Mr. Burdett testified that he had the extreme honor of being secretary to Felton's committee. From these headquarters a circular was sent out inviting voters to these headquarters. Democrats and Republicans were alike invited. So says Burdett. Invited for what? "To confer with the executive committee at their rooms, Nos. 26 and 28, Baldwin Hotel." So says this circular.

The effect of this circular, so Burdett says, was to bring a great many individuals to these headquarters. Among the persons thus attracted were between 500 and 1,000 strikers. "Where the carcass is there will the buzzards go." It is not necessary to follow this further. Let me refer gentlemen to the evidence of such men as William McLaughlin, Frank Cunningham, and others who visited those headquarters. Sirs, the testimony shows that from these headquarters there was, on the day of election, sent \$50 cash to each of the eighty-odd precincts in that part of the city—the south half in the Fifth Congressional district. Besides this, the evidence abundantly shows that other large sums of money were used in these same precincts. In short, it is not extravagant to assert that in the city of San Francisco there was a perfect carnival of corruption and corrupt methods.

Mr. BLAND. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. BLAND. I desire to offer an amendment to this bill.

The CHAIRMAN. If the gentleman will wait until the Clerk can read the pending paragraph, then if the amendment is in order the Chair will recognize it.

Mr. BLAND. I supposed that the paragraph had been read.

The CHAIRMAN. It had not; and all amendments to the previous paragraph had been exhausted and all *pro forma* amendments withdrawn.

The Clerk resumed the reading of the paragraph.

Mr. MORRILL. I desire to offer an amendment.

The CHAIRMAN. Does the gentleman wish to offer an amendment to the paragraph now being read, or to the paragraph last read?

Mr. MORRILL. To the paragraph last read.

The CHAIRMAN. The gentleman will send it up.

The Clerk read as follows:

After line 20, page 56, add:

"The President of the United States is hereby authorized and directed to appoint three commissioners for the purpose of entering into negotiations and agreements with the Prairie band of Pottawatomies and the Kickapoo Indians in Kansas for the sale of a portion of their reservation and the allotment of the remainder, such agreement, when made, to be by them submitted to the first session of the Fifty-first Congress; and to carry out the provisions of this act the sum of \$5,000, or so much as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available."

Mr. MORRILL. Mr. Chairman, I desire to say in support of this amendment that these reservations are situated in the most thickly settled portion of Eastern Kansas. They lie but a few miles apart. The Pottawatomie reserve is about 10 miles square, containing some 70,000 acres, and the Kickapoo reserve is 5 miles by 6, containing nearly 20,000 acres. The Indians have improved but a small portion of these lands. The surrounding lands are nearly all improved and in a high state of cultivation, occupied and owned by as intelligent, enterprising, industrious, and moral a people as ever plowed a furrow or harvested a crop. These reservations are at present a standing annoyance and embarrassment to the people of the counties in which they are located.

Being entirely beyond the control or jurisdiction of the local authorities, there is no power vested in them to locate and maintain roads or build bridges to afford the residents of the surrounding country safe and convenient means of communicating with each other. Their property being exempt from taxation, they stand as a barrier to the improvement of the counties and make the burden of taxation much heavier on the people. Prairie fires are frequently started on the reser-

vations, sweeping over a large extent of country and destroying the fences and grain-stacks of the neighboring farmers, who are powerless to detect and punish the guilty parties. Thousands of dollars have been paid out within the past few years as costs in criminal cases arising upon these lands.

There are comparatively a small number of either tribe now residing upon these reservations, the larger part having years ago moved to the Indian Territory. The few who still remain would doubtless have gone at the same time had it not been for the influence of a few half-breeds, who, exempt from taxation and all the burdens of civil government, grow wealthy by systematically bleeding the blanket Indians of their annuities. I believe if this matter was honestly and fairly presented to the Indians that a large majority would prefer to sell their lands and join the other members of the tribe farther south. Some doubtless would choose to take allotments and remain where they are, but this could be easily arranged. The present condition of affairs is simply unendurable to those who have made homes on the surrounding lands, and it is the duty of the Government to afford ample and immediate relief. I trust there will be no opposition to this amendment.

Mr. O'NEALL, of Indiana, obtained the floor.

Mr. PERKINS. I would like to ask—

The CHAIRMAN. The Chair has already recognized the gentleman from Indiana [Mr. O'NEALL], who, the Chair presumes, rises to oppose the amendment.

Mr. PERKINS. I wish merely to ascertain where my colleague proposes that this amendment be inserted.

Mr. O'NEALL, of Indiana. I believe I have the floor.

Mr. PERKINS. My colleague, as I understand, has offered this amendment to come in at the end of line 20. An amendment has already been inserted there. For that reason he should offer his amendment to follow the amendment already incorporated in the bill.

Mr. SPRINGER. This amendment follows the two provisos already put upon the bill, one by the amendment offered by myself and the other by the amendment of the gentleman from New Jersey.

The CHAIRMAN. The Clerk understands that the amendment offered by the gentleman from Kansas [Mr. MORRILL] is to come in after the amendments already agreed to.

Mr. SPRINGER. I suggest to the gentleman from Kansas that instead of providing in the amendment for the appointment of a new commission he use the words "said commission," so as to allow the commission already provided for to take jurisdiction of this matter.

Mr. MORRILL. I think the suggestion is a good one. I modify my amendment in accordance with it.

Mr. O'NEALL, of Indiana. Mr. Chairman, I propose now to simply notify the other side that we shall insist upon calling up this case and give gentlemen who challenge the record an opportunity to do so.

ENROLLED BILLS SIGNED.

The committee informally rose, and Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 565) for the relief of Mary A. Howse and Lulu H. Howse;

A bill (H. R. 766) for the relief of H. L. Newman;

A bill (H. R. 285) for the relief of the legal representatives of H. Cortis;

A bill (H. R. 4581) for the relief of Thomas Matthews and others; A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

A bill (H. R. 10481) for the relief of Rev. William Gregston;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

A bill (H. R. 9464) for the relief of Hudson G. Lamkin;

A bill (H. R. 341) for the relief of John Farley;

A bill (H. R. 5888) for the relief of William H. Boyd;

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

A bill (H. R. 5336) for the relief of George B. Hansell;

A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 6591) for the relief of S. Dillinger & Sons;

A bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 948) for the relief of William H. Tabbarrah;

A bill (H. R. 4489) for the relief of J. M. Hogan;

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 6394) for the relief of Hayem & Taylor;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 2688) for the relief of Alfred Breuer; and

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.

Also the following Senate bills:

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased; A bill (S. 3778) to establish the Lincoln land district in the Territory of New Mexico; and

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. PEEL. I ask a vote on the pending amendment.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Kansas.

The amendment was adopted.

The Clerk read as follows:

The President of the United States is hereby authorized and empowered to appoint three commissioners for the purpose of entering into negotiations and agreements with the Sioux Indians occupying the Great Sioux Indian reservation in Dakota for a full and complete cession and relinquishment to the United States of a portion of their reservation, and to divide the remainder into separate reservations, and for such other purpose as they may find necessary touching said Indians and said reservation; and such agreements, when made, to be by them submitted to the first session Fifty-first Congress for ratification; and to carry out the provisions of this act and the duties of said commission the sum of \$25,000, or so much thereof as may be found necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, this amount to be immediately available.

Mr. RYAN. I offer the amendment I send to the desk.

Mr. RANDALL. Before that I would like to have some salary fixed for these commissioners.

Mr. PERKINS. I will offer an amendment for that purpose later.

Mr. RYAN. I desire to add an amendment as an additional section, to come in at the end of section 2, on page 57.

The Clerk read as follows:

That the President may at such time as he may deem it necessary direct land offices to be located upon the lands opened to settlement by this act, not to exceed two in number, and may nominate and by and with the advice and consent of the Senate appoint the usual officers to conduct the business of said land offices.

Mr. RYAN. In support of the amendment I wish to state that under the provisions of this bill certain lands are to be opened to settlement by proclamation of the President, but there is no provision made as to how a settler can make his entry on the land. I therefore offer the amendment providing that the President may establish these land offices not exceeding two in number.

Mr. SPRINGER. That is right.

Mr. PERKINS. There ought not to be any objection to that.

Mr. HOOKER. I understand, Mr. Chairman, that the provisions of the bill—and if I am correct in my understanding the amendment proposed comes in after line 11, on page 57—

Mr. RYAN. Yes, sir.

Mr. HOOKER. It will be observed by the provisions of the bill that the President is authorized to appoint three commissioners for a specific purpose, and whatever these commissioners may do has to be submitted to Congress before it is operative. In other words, the Fifty-first Congress must ratify their action. It provides: "And to carry out the provisions of this act and the duties of said commission the sum of \$25,000, or so much thereof as may be found necessary," is appropriated. I do not think, therefore, that there ought to be an amendment put on the bill establishing land offices here until there has been action on the report of that commission.

Mr. PERKINS. But that provision relates to the Seminole and Creek lands.

Mr. RYAN. The gentleman from Mississippi will perceive that under the provisions of the bill the Creek lands that we purchased the other day by act of Congress and through negotiations, and the Seminole lands which are here provided for, are to be taken for settlement under the proclamation of the President issued for that purpose. Now it would be entirely idle for the President to issue a proclamation to open the lands to settlement if there was no land office where a settler could go and make his entry, and my amendment simply provides that the President may establish not exceeding two land offices for that purpose.

Mr. HOOKER. And does not apply to the Sioux lands?

Mr. RYAN. No.

Mr. PERKINS. They are not open yet, and of course the report of the commission would have to come before Congress before they can be opened.

Mr. PETERS. That is an entirely different provision.

The amendment of Mr. RYAN was adopted.

The CHAIRMAN. The Clerk will read.

Mr. PERKINS. Before proceeding with the bill I desire to offer an amendment to section 2, fixing the compensation of the commissioners or limiting it to \$10 a day, exclusive of traveling expenses, and I will prepare that amendment and ask consent to return to this section afterwards.

The CHAIRMAN. Without objection the paragraph will be passed

over for the present to allow the gentleman from Kansas to prepare the amendment.

There was no objection.

Mr. STEELE. I ask consent of the chairman of the committee to refer to page 51, line 16.

The CHAIRMAN. For what purpose?

Mr. STEELE. I desire to insert the word "not" before the word "included." I was absent on a conference committee when that section was under consideration.

Mr. PEEL. Mr. Chairman, I am inclined to object. That matter was discussed before the committee.

Mr. STEELE. I hope the gentleman will not object to it.

Mr. PEEL. I will have to object.

The Clerk resumed and concluded the reading of the bill.

Mr. CUTCHEON. I offer the following amendment to the last section:

On page 60, after line 24, after the words "from time to time," strike out to the end of the section and insert: "Visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs what in his judgment are the defects, if any, in any of them in system, in administration, and in means for the most effective advancement of the pupils therein towards civilization and self-support, and what changes are needed to remedy such defects as may exist. The superintendent shall nominate to the Commissioner of Indian Affairs for employment and recommend to him for dismissal superintendents, teachers, and such other persons as are permanently employed in carrying on Indian schools under the management of the Government; and the Commissioner shall, subject to the approval of the Secretary of the Interior, employ or reject such nominees and dismiss or reappoint such superintendents, teachers, and other school employes. The superintendent shall also have authority to make, with the approval of the Commissioner of Indian Affairs, such rules and regulations for the conduct of the schools as in his judgment their good may require. Such superintendent shall spend at least six months of each year in the field in the inspection of Indian schools. The Secretary of the Interior shall cause to be detailed from the employes of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools."

Mr. PERKINS. Before debate proceeds I reserve the point of order upon that amendment.

Mr. CUTCHEON. Just a few words in explanation. The last section of the bill changes existing law in several particulars, but particularly in this. Under the law, as it now exists, it is provided that the superintendent shall visit these schools where Indians are taught in whole or in part from appropriations from the United States Treasury. The bill before us provides that he shall visit such Indian schools as are being managed by the Government. In other words, he can not visit or inspect schools except those. My amendment restores the existing law in that respect, and for the reason that we may have more information in regard to the management and government of the schools to which we contribute from the public Treasury, as well as of those schools which we manage. Take the Hampton school; it is a Government school. The pupils are taken there by contract, and we ought to have the privilege of sending an inspector there in order to decide whether it is advisable to continue the appropriation for that school; and the same may be said in regard to the other schools of a like nature—the Lincoln and the Albuquerque schools.

The next material change in the law will be found in the last part of the section, commencing after the words "Indian schools," as follows:

One of which said assistants shall be designated by the superintendent of Indian schools as a chief clerk, and such person so designated shall be acting superintendent of Indian schools during the absence of the superintendent or when a vacancy exists in such office.

Now, whenever the superintendent goes into the field and is absent, then this mere clerk becomes the acting superintendent of the Indian schools, and as such it is provided in this section he may discharge, subject to the approval of the Secretary of the Interior, teachers and other employes. It seems to me that is too great a power to give to a mere clerk. My amendment omits the final clause of the section.

Mr. RANDALL. Will the gentleman yield for a question?

Mr. CUTCHEON. Certainly.

Mr. RANDALL. Does the amendment propose to continue the present law in giving to the Indian school superintendent the supervision and control over the schools that are in part supported by the Federal Government?

Mr. CUTCHEON. That is what it does.

Mr. RANDALL. I think the gentleman is clearly right in that direction. There is no doubt that it changes existing law. There is no difference whether we pay \$1 or \$50. It is a change of the present law as to the superintendent of Indian schools.

Mr. NELSON. I want to suggest to the gentleman from Pennsylvania and the gentleman from Michigan, if they will allow me, that the trouble with the old law was this: It was too comprehensive. The law as it is now on the statute-book was put on by a law of last year. It is too comprehensive. It would give to the superintendent of Indian schools as much control in the removal of the teachers in your school at Philadelphia as it does in the schools on the reservations.

Mr. RANDALL. I do not think the Lincoln Institute would object to fair supervision or control.

Mr. CUTCHEON. My amendment does not change that. That is left subject to the approval of the Secretary of the Interior.

Mr. NELSON. If the gentleman from Michigan will make his amendment provide merely for visiting these schools, then it will be all right, but if it provides for anything more than that in regard to these contract schools it interferes with the business of private parties, and that would be a mistake.

Mr. CUTCHEON. My amendment does not require that. It requires the superintendent to visit and inspect, but not to employ or discharge teachers.

Mr. PERKINS (to Mr. CUTCHEON). If you will confine your amendment to that there will be no objection to it. But you have incorporated into it many provisions which we have not examined and have not time to examine, and as to those I make the point of order.

Mr. CUTCHEON. They are very simple.

Mr. PERKINS. Well, if you will confine the amendment to the features you have stated, there will be no objection to it.

Mr. CUTCHEON. There is one other matter that I want to mention. My amendment provides that the report shall be made directly to the Commissioner of Indian Affairs instead of to the Secretary of the Interior. It seems to me that this is a part of the Indian Bureau, and that the report ought to go primarily to the Commissioner. Do you object to that?

Mr. PERKINS. Not if you confine your amendment to that.

Mr. CUTCHEON. The next difference is, that the superintendent is authorized to nominate teachers to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs is authorized to appoint them with the approval of the Secretary of the Interior. Is there any objection to that? The superintendent, instead of appointing teachers and other employes, nominates them to the Commissioner, and the Commissioner, as head of the bureau, makes the appointments with the approval of the Secretary of the Interior. If the objection of the gentleman from Kansas [Mr. PERKINS] to my amendment applies only to the matter of keeping the superintendents six months in the field, I am willing to withdraw that part.

Mr. PERKINS. Prepare your amendment with the modifications you have suggested and I think there will be no objection to it. And while that is being done, Mr. Chairman, I ask unanimous consent to return to a paragraph that has been passed over.

There was no objection.

Mr. NELSON. Mr. Chairman, I make a point of order against the amendment of the gentleman from Michigan [Mr. CUTCHEON] in so far as it gives the power to appoint teachers to the Commissioner of Indian Affairs—

The CHAIRMAN. The Chair will suggest to the gentleman that permission has been given to return to a paragraph that has been passed over. In the mean time the gentleman from Michigan [Mr. CUTCHEON] will prepare his amendment in a modified form, and the gentleman from Minnesota [Mr. NELSON] can present his objection to it when it is again offered.

Mr. PERKINS. On page 57, at the end of line 11, after the word "available," I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "available," at the end of line 11, page 57, insert: "Provided, That the pay of such commissioners shall not exceed \$10 per day, exclusive of traveling expenses."

The amendment was agreed to.

Mr. CUTCHEON. Now, Mr. Chairman, I have modified my amendment, and I desire to call attention to the points of difference in order to see whether there is any objection to what remains. The existing law provides that the superintendent may employ and discharge superintendents, teachers, or any other persons connected with schools wholly supported by the Government, and, with like approval, make such rules and regulations for the conduct of such schools as in his judgment their good may require. I now withdraw my former amendment and submit it in the modified form which I send to the desk.

The Clerk read the amendment, as follows:

Page 60, line 24, after the words "time to time," strike out to the end of the section and insert:

"Visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist. The superintendent shall nominate to the Commissioner of Indian Affairs for employment, and recommend for dismissal, superintendents and such other persons as are permanently employed in carrying on Indian schools under the management of the Government, and the Commissioner shall, subject to the approval of the Secretary of the Interior, employ or reject such nominees and dismiss or retain such superintendents, teachers, or other school employes. The superintendent shall also have authority to make, with the approval of the Commissioner of Indian Affairs, such rules and regulations for the conduct of the schools as in his judgment their good may require. The Secretary of the Interior shall cause to be detailed from the employes of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools."

Mr. NELSON. I desire to make a point of order against so much of that amendment as authorizes the Commissioner of Indian Affairs directly or indirectly to appoint or remove the teachers of Indian schools. I can not quote the exact words of the amendment, but the Chair will understand the provision to which I allude. I make the point of order that it is a change of existing law. The main feature of the new law

adopted last year was to vest the power of appointing and removing teachers of Indian schools in the superintendent of Indian schools. This amendment proposes to set aside that provision and permit these appointments and removals to be made by the Commissioner.

Mr. CUTCHEON. I would be glad if the gentleman from Minnesota [Mr. NELSON] would withhold his point of order for a moment in order that I may make an explanation.

Mr. NELSON. I have no objection to that.

Mr. CUTCHEON. I wish to state the difference between this provision and that of the existing law. The present law passes over the Commissioner of Indian Affairs entirely with reference to the appointment and dismissal of teachers; the superintendent of Indian schools appoints and dismisses, with the approval of the Secretary of the Interior, while the Commissioner of Indian Affairs has nothing to say about the matter pro or con. My amendment simply brings the Commissioner of Indian Affairs into the operation; the superintendent will either nominate for appointment or recommend for dismissal, and then the Commissioner may appoint or dismiss, with the approval of the Secretary of the Interior. In either case the ultimate power rests with the Secretary of the Interior. In the one case—that is, under the existing law—the Commissioner is wholly passed over, while by my amendment he is brought in as the primary power to appoint or remove, acting upon the nomination or recommendation of the superintendent. It seems to me this is right. That is all the change that my amendment proposes.

Mr. NELSON. I insist on my point of order to that part of the amendment. I desire, if I may be permitted, to make a brief reference—

Mr. CUTCHEON. I hope the gentleman will withdraw the point of order.

The CHAIRMAN. The Chair desires to hear the gentleman on the point of order.

Mr. NELSON. I have nothing further to say on that point.

The CHAIRMAN. The Chair will sustain the point of order as to that part of the amendment.

Mr. STONE, of Missouri. Before the point of order is insisted upon or decided I wish to say a few words. If I understand the amendment now proposed by the gentleman from Michigan—and I wish the particular attention of my friend from Minnesota, for I propose to state some facts which may possibly have some influence with him—I understand that the amendment proposed by the gentleman from Michigan is intended to restore to the Commissioner of Indian Affairs the right to approve at least, if not to make appointments and removals of teachers. Now, I wish to say that up to the time of the passage of the Indian appropriation bill of last year the Commissioner of Indian Affairs did have the power to make these appointments and removals; but at that time this office of superintendent of Indian schools was created and the power to make these appointments and removals was conferred upon that officer. The effect of that legislation has been to create a conflict of authority. It makes two heads where there should be but one. I am in possession of some facts showing the consequences of this conflict; I do not care to state them in detail; but it is a fact that by reason of the conflict brought about in the administration of the law between the Commissioner of Indian Affairs and the superintendent of Indian schools at least two and possibly more of these schools have been totally destroyed.

The school at the Kiowa agency and that at the Nez Percé agency no longer exist. The trouble has arisen from this condition of things: The superintendent of Indian schools resents any effort on the part of the Commissioner to control the schools or any persons connected with their management. Now, the Indian agent is required to enforce the rules and regulations prescribed by the Department for the government of the Indians. Among these regulations is one strictly forbidding the bringing of any intoxicating liquors upon the agency. Now, I know as a matter of fact that two or three months ago the superintendent of the school at the Kiowa agency was found in a state of intoxication on more than one occasion. He was suspended by the agent in charge, and the action of that agent was sustained by the Commissioner of Indian Affairs; but owing to jealousy or something else the superintendent of Indian schools here at Washington reinstated that man in the control of the school at the Kiowa agency. As a result of this conflict of authority, the Kiowa and Comanche Indians have met in council and have taken their children away, so that the school is discontinued entirely. A similar condition of things exists at the Nez Percé agency. It will thus be seen that this division of authority in the administration of the law brings disastrous results to the schools. It seems to me there ought to be a controlling power somewhere.

Mr. CANNON. I agree with the view expressed by the gentleman from Missouri [Mr. STONE]. Now, if this amendment be made broad enough to take the appointing power entirely away from the superintendent, both in regard to nominations and otherwise, and to lodge that power with the Commissioner of Indian Affairs, subject to the Secretary of the Interior, then I will make a point of order.

Mr. CUTCHEON. My amendment simply leaves the superintendent the power to nominate or recommend. As he is the officer in immediate contact with the schools, this provision seems reasonable.

The CHAIRMAN. The Chair desires—

Mr. STONE, of Missouri. Will the Chair permit me one word?

The CHAIRMAN. The Chair wishes to have this question of order settled before further discussion is had upon the merits.

Mr. STONE, of Missouri. I trust that the point of order will not be insisted upon. There ought to be some remedy for such evils as I have stated.

Mr. NELSON. I wish only to say that I regard this matter as vital. If the Chair will allow me to reply to the observations which have been made (though perhaps this discussion is outside the point of order) I wish to say that one of the chief reasons last year for changing the law so as to create this office of Indian school commissioner and give him these powers, was the fact that under the old practice the Commissioner of Indian Affairs in too many instances made the appointment and removal of teachers of Indian schools a matter of mere patronage. I very well remember a discussion that I heard between the late Commissioner, Mr. Atkins, and another prominent official of the Government on this question; and the complaint was made that to adopt the law which was enacted last year was to cut off the Indian Office from a portion of the patronage or perquisites belonging to it.

My idea is this: the office of Indian school superintendent and the management of Indian schools should be divorced as much as possible from the management of the Indian Office in other respects. It should stand on its own footing, and the superintendent of the schools should have the right to discharge his subordinates for cause.

[Here the hammer fell.]

The Clerk read the words which were ruled out on the point of order] and the question was taken on the remaining portion of Mr. CUTCHEON'S amendment, and it was agreed to.

Mr. PERKINS. Does the amendment of the gentleman from Michigan, just adopted, strike out the concluding portion of the section which provides for a chief clerk?

Mr. CUTCHEON. It does strike that out and leaves the matter to existing law.

Mr. PERKINS. I did not understand that it struck that out, and do not believe it should be stricken out. As the law is to-day there is no one to act for the superintendent when he is absent in the field, and there should be some one to act in his place. That is the judgment of the committee, and therefore we have provided for the chief clerk, who should act as superintendent while he was absent from the office.

The CHAIRMAN. By unanimous consent, the section may be modified.

Mr. CUTCHEON. The objection was, during the absence of the superintendent, of allowing a mere clerk to assume the duties of the superintendent. Under the law the superintendent has the right of removal, and the point of order made by the gentleman from Minnesota was that the power of removal lodged with the superintendent was in his absence conferred upon a mere clerk.

Mr. PEEL. I hope we will have a vote.

Mr. LA FOLLETTE. I offer the amendment which I send to the Clerk's desk.

The Clerk proceeded to read the amendment.

Mr. NELSON. That is a new section, and I desire to recur to the section just passed.

Mr. LA FOLLETTE. My amendment can be acted on and then we will go back if necessary. I ask for the reading of my amendment.

The Clerk read as follows:

Amend by adding after section 8 the following:

"SEC. 9. That hereafter the costs of the trial of the cases in the courts of the several Territories tried pursuant to and for the offenses named in section 9 of the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1888, and for other purposes,' shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses in the trial of criminal cases in the courts of the United States."

Mr. LA FOLLETTE. The amendment I offer is, as I perfectly well understand, subject to a point of order; but I do not believe the point of order will be made against it when the House understands the reasons for offering it.

Until the last session of the Forty-eighth Congress there was no law whatever in this country for punishing one Indian for any crime against the person or property of any other Indian upon an Indian reservation. In the closing hours of the Forty-eighth Congress, when the appropriation bill was under consideration, an amendment was offered to that bill giving jurisdiction to Territorial courts where reservations were located to try criminal cases, such as murder, rape, assault with intent to commit murder, and other designated offenses.

It gave rise to considerable discussion at the time. A point of order was made against it and the gentleman from Indiana and several others participated in the debate. After full discussion the point of order was withdrawn and the amendment was adopted. The law has, however, been inoperative, scarcely a single case having been prosecuted under it. When any of the offenses named in the law are committed by one Indian on the person or property of another upon a reservation in any of the Territories the officers there refuse to take cognizance of the offense, and we have not far to seek for the reason of their indifference.

The entire expense of prosecution would fall, of course, upon the

county where the offense is committed; and as the reservations and the Indians upon them contribute nothing towards the payment of the taxes or the expenses of the Territories, the officers refuse absolutely to enter the charges and begin prosecution.

The Secretary of the Interior and Commissioner of Indian Affairs in the two last reports from those officers have recommended the enactment of some law to give force and effect to the law passed at the last session of the Forty-eighth Congress.

I send to the desk and ask to have read certain extracts from the report of the Commissioner.

The Clerk read as follows:

[Report of Commissioner of Indian Affairs for 1886, page 103.]

In my last annual report attention was called to certain defects in the ninth section of the act of March 3, 1885 (23 Stats., 385), providing for the punishment of certain crimes committed by Indians. Subsequently a bill was prepared and submitted to Congress relieving the Territories of the expenses incident to the enforcement of the law, and extending its provisions to that portion of the Indian Territory not covered by the laws of the five civilized tribes. I deem the passage of this or a similar bill to be necessary to the proper execution of the act. In Dakota especially the county authorities refuse to prosecute Indians guilty of the most serious offenses on the ground of the expense incident to such prosecution. As the counties derive no revenue from the reservations within their limits, the injustice of compelling them to assume the burden of these prosecutions is apparent.

[Report of Commissioner of Indian Affairs for 1887, page 33.]

For the third time I am compelled to call attention to the defects in the ninth section of the act of March 3, 1885 (23 Stats., 385) providing for the punishment of certain crimes committed by Indians, Congress having failed to enact the same.

The Territories should be relieved of the expenses incident to the enforcement of the law.

Mr. LA FOLLETTE. It is of importance to the General Government that the law be enforced. It would operate as a powerful support in preserving peace and good order on the reservations. Besides it would be of the highest value to the Indians in bringing them to a due regard for the lives and persons and property of others under the laws of civilization. It would be worth much to them as a means of education and development.

Mr. HATCH. Let us have a vote. I think there will be no objection to the amendment.

Mr. LA FOLLETTE. I trust the amendment will be adopted.

The amendment was adopted.

The CHAIRMAN. The gentleman from Minnesota is recognized to offer an amendment to a preceding paragraph.

Mr. NELSON. The correction I desire to make I find has already been made.

Mr. PEEL. I desire in connection with my remarks, Mr. Chairman, in regard to the disbursement of the Delaware fund, to have printed in the RECORD a communication by the chief and representative of the Delaware Indians bearing upon the subject.

There was no objection.

The paper referred to by Mr. PEEL is as follows:

To the Senate and House of Representatives of the United States:

I write this to you because I am not able to speak to you all. I am here in the interests of my people, the Delaware Indians, who are now incorporated with the Cherokee Nation, with which they dwell in peace.

My people have a large sum of money in the Treasury of the United States, together with some bonds of the States of North Carolina and Florida, and some bonds of the Union Pacific Railroad Company. The money and the amount of the bonds belong to my people. The United States pay interest at 5 per cent. per annum upon the money and the face value of the bonds. The payment is made semi-annually. It amounts to about \$180 to each family during the year or \$90 every six months. Paid in this way it does the people but little good and much harm. They depend upon these payments more and work less. They go in debt to the merchants, who trust them upon the faith of the interest payment. The merchant has to wait six months for his money, and he therefore charges higher prices and greater rates of interest. The result is that the people get very little good from the interest money.

This system of interest payment is therefore pernicious in two ways:

First. The people get very little for their money and are always in debt.

Second. They are encouraged to work less and to depend more upon the small payments and the credit system, which places them always in the power of the merchant.

Eleven years ago the chiefs, headmen, and councilors became convinced that all the moneys of the people should be paid to them, and at a council they appointed me to represent them in the effort to have it accomplished. I caused petitions to be signed by my people urging the payment. I came here, though I am advanced in years and the distance is long, six times, and asked you to give my people their own. Your President and Interior Department asked also that it should be done. Yet you failed and refused to do so. I now ask you again that our moneys be given to us. The reasons for my request are these:

When my people were uncivilized they needed a guardian. They were improvident, they did not know how to work, their feet were strangers on the path of civilization. They could not be trusted with large sums of money because they were as children and needed a guardian. That time has passed. They number nearly eight hundred people. They are subdivided into some two hundred families. The family relation is preserved. The husband and father cares for his wife and children. We have farms, homes, gardens, orchards. We have horses and cattle and other stock. Our children have excellent schools. The people have their churches as have the whites. Some are Baptists, some are Methodists, others belong to other denominations. Religious freedom is established, but nearly all worship the God of the Christian and are a Christian people. Our lands are good. We grow wheat and corn, oats and rye, and potatoes. Our gardens are rich with plenty, our orchards smile with God's goodness. Our lands are good for pasturage, where our flocks and herds grow fat and increase. My people no longer look to the forest and the stream for food, but to their fields and their labor. We are a civilized people. We are as the white man, competent to manage our property and money. We are no longer children, and therefore no longer need a guardian. We need our moneys for two reasons:

First. It will remove the last lingering sense of dependence. When our people know they will receive no more money from the United States they will grow strong and self-reliant. The merchants will sell to them only for cash, or on short credit at cheaper rates with less interest. Only the industrious will be enabled to get credit. Hence lessons of industry and economy will be taught, and our people will have better goods at cheaper prices. The present pernicious credit system, whose basis is the semi-annual interest payments, will be destroyed.

Second. The payment of all our moneys at once will give to each family on an average nearly \$4,000. With this sum they can improve their homes, get better furniture, improve their modes of living, erect better barns, acquire more improved utensils, better stock of horses and cattle, and free themselves from debt. Then, with a good country and a fair start, with only themselves to depend upon, they will grow strong in heart, strong in self-reliance, and under the smile and providence of God will work out their own destiny for themselves toward a better and higher life.

The President and the Secretary of the Interior have shown already that the payment to us of our moneys will relieve the United States from the payment of 5 per cent. interest each year.

Hence I ask in the name of my people that you enact the necessary law to pay over to my people, the Delaware Indians, all of the moneys now to their credit in the Treasury of the United States.

Very respectfully,

CHARLES JOHNNYCAKE,

Representative and Delegate of the Delaware Indians.

Mr. PEEL. I now move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had directed him to report the same back to the House with sundry amendments.

Mr. PEEL. I demand the previous question upon the amendments, and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered, and under the operation thereof the amendments recommended by the committee were concurred in; and the bill as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PEEL. I demand the previous question upon the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

Mr. PEEL 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced agreement to the conference report on the amendments of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa.

It also announced the passage of the following bill and joint resolutions, in which concurrence was requested:

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska;

Joint resolution (S. R. 142) to print 20,000 copies of the special report of the Commissioner of Labor on the statistics of and relating to marriage and divorce;

Joint resolution (S. R. 141) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States from George Washington to Benjamin Harrison, inclusive, for the first century of Presidential inaugurations, and for other purposes.

It also announced concurrence in the amendments of the House to the bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

It further announced the passage of resolutions for the printing of the report on Indian education and civilization, by Alice C. Fletcher, and of the report of the Commissioner of Fish and Fisheries for the year 1887, and for the distribution thereof; in which concurrence was requested.

It also announced that the Senate had passed the following House bills without amendment:

A bill (H. R. 157) correcting the military history of Robert McNutt; and

A bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsey.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A 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;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases;

A bill (H. R. 11165) for the relief of Mary Gray, widow of John Gray; and

Joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri.

Also the following Senate bills:

A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson;

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.;

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota; and

A bill (S. 3737) for the relief of Sterling H. Tucker and others.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced agreement to the report of the conference committee on the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CLEMENTS. Mr. Speaker, I submit the following conference report, and ask that it be printed in the RECORD, and the statement of the conferees be read.

There was no objection, and it was so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 11, 12, 13, 15, 31, 45, 53, 56, 69, 75, 84, 88, 89, 97, 99, 101, 102, 106, 107, 108, 109, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 41, 50, 55, 59, 66, 67, 70, 81, 85, 86, 90, 91, 92, 93, 110, 111, 112, 114, 115, 116, 117, 119, and 123, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "One laborer, \$1 per day, \$313;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,577;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,450;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,150;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "and on Fifteenth street, between Pennsylvania and New York avenues;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For resurfacing and repaving Pennsylvania avenue, from First to Seventeenth streets northwest, \$125,000; in all, \$215,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 49; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "contract" and insert in lieu thereof the word "contracts;" and at the end of said amendment insert the following: "To be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "fifty" and insert in lieu thereof the word "forty;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 79, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out

in said amendment the words "and for circles to become public reservations;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$418,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$43,540;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In line 3 of said amendment, strike out the word "six" and insert in lieu thereof the word "five;" and strike out of said amendment the words "five hundred," where they occur in lines 8 and 10; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Add to the words proposed to be inserted by said amendment the following: "and succeeding;" and the Senate agree to the same.

On amendments numbered 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 39, 42, 43, 44, 47, 48, 51, 52, 54, 61, 63, 64, 65, 100, and 124 the committee of conference have been unable to agree.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1890, submit the following written statement in explanation of the action which is recommended by the conference committee on each of the amendments in the accompanying conference report, being in comparison with the bill as it passed the House, except when otherwise stated, namely:

On amendments numbered 2, 3, and 4: Provides for one additional laborer at \$1 per day, and strikes out proposed increase of \$500 in the salary of the inspector of plumbing in the executive office.

On amendments numbered 5, 6, and 7: Provides for an additional clerk at \$1,000, and strikes out proposed increase of \$300 for the contingent expenses in the assessor's office.

On amendments 8, 9, and 10: Increases the amount for contingent expenses \$250 in the collector's office, and \$500 for necessary expenses in the collection of overdue taxes.

On amendments 11 and 12: Strikes out proposed increase of \$1,000 in the salary of the assistant attorney.

On amendments 13, 14, 15, and 16: Strikes out proposed increase in the salary of superintendent of roads from \$1,400 to \$1,800; increases the salary of the superintendent of lamps from \$900 to \$1,000; and strikes out provision for superintendent and inspector of sewers at \$2,000.

On amendment 17: Increases amount for contingent expenses in the engineer's office \$200.

On amendment 19: Provides for paving Fifteenth street between Pennsylvania and New York avenues.

On amendments 31 and 32: Strikes out proposed increase for repairs to pavements from \$90,000 to \$100,000, and appropriates specifically \$125,000 for resurfacing and repairing Pennsylvania avenue from First to Seventeenth streets.

On amendment 33: Increases the amount for permit work from \$100,000 to \$125,000.

On amendment 36: Increases the amount for repairs to streets, avenues, and alleys from \$30,000 to \$40,000.

On amendment 38: Increases the amount for repairs to county roads from \$45,000 to \$50,000.

On amendment 41: Provides for extending Eighteenth street, middle section, to Columbia road, at a cost of \$5,000.

On amendment 45: Strikes out provision that limits the improvement of Rock Creek Church road, except where it is widened.

On amendment 49: Describes Howard avenue, which is to be improved, as located in Mount Pleasant.

On amendment 50: Reduces the amount for improving Bunker Hill road from \$8,000 to \$4,000.

On amendment 53: Restores the provision for improving River road from Tenth to town west.

On amendment 55: Reduces the amount for condemnation of streets, roads, and alleys from \$10,000 to \$5,000.

On amendment 56: Strikes out the provision inserted by the Senate authorizing the commissioners to proceed to condemn land for streets, alleys, and roads and highways to the ascertainment of the costs thereof.

On amendment 59: Increases the amount for cleaning and repairing sewers and basins from \$33,000 to \$35,000.

On amendment 60: Increases the amount for replacing obstructed sewers from \$12,000 to \$15,000.

On amendment 62: Increases the amount for suburban sewers from \$40,000 to \$50,000.

On amendments 66, 67, and 68: Confines the work of sprinkling, sweeping, and cleaning to streets, avenues, and alleys; strikes out the limitation of 27 cents per thousand square yards for sprinkling, sweeping, and cleaning streets and avenues, and 30 cents per thousand yards for alleys, and provides for payment to the contractors for the current fiscal year for such work at contract prices.

On amendment 69: Strikes out proposed increase for the parking commission from \$18,000 to \$25,000.

On amendments 70, 71, 72 and 75: Provides for electric lighting on the south side of Pennsylvania avenue; increases the amount for electric lighting from \$35,000 to \$40,000; limits the payment for electric lighting to 60 cents per night on wires underground, and to 40 cents per night to wires operated wholly or in part overhead; and restores the provision authorizing the commissioners to invite proposals for supplying electric light at reduced rates by any system.

On amendments 79 and 80: Provides for increased pay to principals of drawing schools.

On amendment 81: Requires the commissioners to report to Congress an estimate of the number of teachers required in the public schools and the amount of salary for each.

On amendment 84: Strikes out proposed increase for repairs and improvements to school buildings from \$20,000 to \$25,000.

On amendment 85: Increases the amount for contingent expenses of public schools from \$22,500 to \$25,000.

On amendment 86: Appropriates \$3,985.30 for the purchase of additional ground for the Arthur School building.

On amendment 87: Confers upon the commissioners all the powers conferred on the Secretary of the Treasury and other officers of the United States by the act of August 1, 1883, for the condemnation of land for sites for school buildings, engine houses, and police stations.

On amendment 88: Strikes out proposed increase in the salary of the major and superintendent of police from \$2,700 to \$3,300.

On amendments 89, 90, 91, 92, 93, and 95: Strikes out proposed increase in the number of lieutenants of police from 9 to 10, increases number of sergeants of police from 22 to 28, increases the number of police privates of class 1 from 145 to 185, increases number of police privates of class 2 from 140 to 150, and increases number of drivers of police patrol wagons from 5 to 7.

On amendments 97 and 98: Strikes out proposed increase in contingent expenses of the fire department from \$7,500 to \$8,000.

On amendment 99: Strikes out proposed appropriation of \$5,000 for purchase of new fire-alarm boxes.

On amendments 101, 102, and 105: Strikes out proposed provision that a clerk in the health office shall in the absence or inability of the health officer perform his duties; and strikes out proposed increase of one clerk at \$1,000 in the health department.

On amendments 106, 107, 108, and 109: Strikes out proposed increase in the general miscellaneous fund of the District from \$7,000 to \$8,000; and provides for one hostler and ambulance driver at \$240, as proposed by the House for the Washington Asylum.

On amendment 110: Reduces the amount for improving the grounds of the Reform School from \$600 to \$300.

On amendment 111: Appropriates \$6,700 for steam-heating and lighting by gas the several buildings of the Industrial Home School.

On amendment 112: Increases the amount for the relief of the poor from \$15,000 to \$16,000.

On amendment 113: Appropriates \$5,000 for temporary support of indigent persons, to be expended in the discretion of the commissioners of the District.

On amendment 114: Increases the amount for the maintenance of the Columbia Hospital and Lying-in Asylum from \$15,000 to \$20,000.

On amendments 115 and 116: Appropriates \$700 for drainage and sewerage and for coal vault for the buildings of the National Association for Destitute Colored Women and Children.

On amendment 117: Appropriates \$10,000 for the erection of a brick building for the German Orphan Asylum Association.

On amendment 119: Appropriates \$15,000 to aid the House of the Good Shepherd in erecting a building.

On amendment 120: Requires report to be made from the asylums reformatories, industrial schools, and charities named in this act and in former and succeeding appropriation acts on or before the 1st day of October of each year.

On amendment 121: Strikes out proposed appropriation of \$2,000 to enable the commissioners to obtain information touching the charities of the District.

On amendment 123: Inserts the following provision as section 3 of the bill: "That hereafter all moneys received from the sales of animals or material of any sort, purchased under appropriations made for the District of Columbia since July 1, 1878, other than for the water department, shall be paid into the Treasury of the United States, to the credit of the United States and the District in equal parts; and all balances of appropriations that have been heretofore or that shall be hereafter made for the District of Columbia under section 3 of the act of June 11, 1878, entitled 'An act providing a permanent form of government for the District of Columbia,' heretofore or hereafter remaining unexpended at the end of two years from the close of the fiscal year for which such appropriations have been or shall be made, shall be covered into the Treasury, one-half to the credit of the surplus fund and one-half to the credit of the general fund of the District of Columbia."

On amendments 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 39, 42, 43, 44, 47, 48, 51, 52, 54, 61, 63, 64, 65, 100, and 124 the committee of conference have been unable to agree. These amendments relate to work on streets and avenues; proposed legislation touching the character of rails to be used by street railroads in the District; constructing county roads and suburban streets; appropriations for main and pipe sewers; authority to use appropriations for repairs of sewers and replacing of obstructed sewers by contract or otherwise; making appropriations available at once for improvement of streets and county roads, construction of sewers and erection of school buildings; appointment of three sanitary engineers to report upon a system of sewerage in the District of Columbia; the placing of telegraph, telephone, and electric-light wires underground; and to the appropriation of \$200,000 for the establishment of a zoological park.

J. C. CLEMENTS,

FELIX CAMPBELL,

D. B. HENDERSON,

Managers on the part of the House.

Mr. CLEMENTS. Mr. Speaker, just a few words more in explanation of this report. This bill as it passed the House appropriated \$4,943,193.61. It was increased by the Senate to \$6,296,139.91; being an increase of \$1,352,946.30, of which sum the House agreed to \$32,905 by concurring in certain Senate amendments, leaving \$1,320,041.30 to be disposed of by the conference committee. Of this sum the conferees have been unable to agree upon \$873,137. The Senate yields \$155,596, and the House yields \$291,308.30. Now, I wish to call attention to the items involving the appropriations which are still in controversy between the conferees of the two Houses. Upon streets the amount in controversy is \$498,137, on county roads \$110,000; making a total of \$608,137.

It will be seen by these figures that the Senate amendments, concerning which we are unable to agree, appropriate for streets and county roads an expenditure of about \$1,100,000, being an increase over the bill of last session of about \$608,000 in round numbers.

The managers on the part of the House have not thought that they were authorized to concede this large increase in expenditure in the matter of streets, in view of the present good condition of the streets, comparing favorably, as we think, with the streets of other cities. In this connection I would call attention to the fact that in 1881 the amount appropriated for streets was \$300,000.

It has been gradually increasing, until last year it was \$617,000. Now, it is proposed by this Senate amendment to carry this item up to \$1,100,000. Furthermore, in this connection I will call attention to the increase in this bill during the same period of time for all purposes.

Mr. BLOUNT. Will my colleague allow me a question at this point?

Mr. CLEMENTS. Certainly.

Mr. BLOUNT. I wish to know whether that increase is to be appropriated to any specific streets, or is it a gross sum?

Mr. CLEMENTS. It is intended to be applied to specific streets named, and to be apportioned by schedule to the different parts of the city.

In 1881 the total amount appropriated was \$3,425,257.38. The amount appropriated last year was \$5,070,210.32. I read these figures in order to show the rapid and continuous growth of public expenditures for the District of Columbia for various purposes, and it must be borne in mind that the people of the United States outside of the District of Columbia under the provisions of the law organizing this Government pay 50 per cent. of these expenditures. The people of the District pay the other 50 per cent. On the main and pipe sewers the amount of difference again is \$50,000. Another amendment is for \$15,000 to pay for a sanitary commission—a commission of sanitary engineers—to examine the present sewerage system of this city and to make report.

The conferees on the part of the House object to this provision for the reason that under the appropriation bill of last year \$5,000 was given to enable the commissioners of the District to make an examination of the present system of sewerage, and their report, we are informed, is now almost ready to be submitted. It has not been received, however. We do not know the result of their investigation, and therefore did not think it wise to enter upon another inquiry until the result of that one was known.

The next and last item involving any expenditure of money is an appropriation of \$200,000 for a zoological park, proposed to be purchased through the instrumentality of a commission provided for in the Senate amendment. The conferees on the part of the House have not thought proper to yield on that question.

Mr. HATCH. And I hope they will not.

Mr. HOLMAN. I hope not.

Mr. CLEMENTS. This makes \$873,137 that is in controversy in accordance with this report.

There are five other items of legislation in this bill to which I will briefly call attention, and upon which the conferees have failed to agree. One is a provision requiring the existing street railway companies to replace their present track with flat rails, and, while the conferees on the part of the House believe that something ought to be done, I think I am authorized to say that they believe some steps ought to be taken to correct the nuisance now existing at the railroad crossings, and while they believe that perhaps, by degrees, this plan of substituting flat rails for those now used may be carried out, at the same time they think that the provisions of this amendment proposed by the Senate are oppressive, and would perhaps result in bankrupting some of the weaker roads if they were required to replace their rails within a very short period, as they would be under the provision in the bill. The House conferees have therefore been unable to agree to the Senate amendment.

The next is a provision as to the repairs of streets and alleys, that they may be made under contract or otherwise. Under existing law they must be made under contract with the lowest bidder. The provision in the bill authorizes the commissioners, at their discretion, to have the work done otherwise than under contract wherever they see proper. We have not thought this a wise provision. The general policy of the Government has been to require these things to be done under contract with the lowest bidder, and if a provision of this sort were to be adopted at all, we think it ought to relate only to the smaller items of expenditure.

The third legislative provision proposed about which there is disagreement is one to make the amount of money appropriated for streets, roadways, and avenues immediately available. We do not believe that that is a necessary or wise provision. We think that the expenditures for each fiscal year should be kept within the fiscal year as far as practicable, and therefore we have not thought proper to agree to this provision.

Another provision is in regard to authorizing the commissioners to permit in some cases the laying of electric, telegraph, and other wires underground, and to prohibit them from permitting companies hereafter to place additional wires overhead. The House provision is to prohibit in the future additional wires being put overhead, and to give authority to the commissioners to permit the existing wires or others to be put underground. The Senate provision in effect simply gives a permissive power to the commissioners to allow existing wires to be placed underground.

Another matter of disagreement is the Senate amendment changing the bill in relation to contracts for asphalt pavements. The existing law, which has been approved by Congress after Congress, limits the amount to be paid to \$2 per square yard. The provision of the Senate now in controversy proposes to give to the commissioners the discretion to increase that amount, wherever in their judgment the travel or the importance of a particular street or the character of the ground requires a larger expenditure in order to make a good pavement. The conferees on the part of the House thought that to grant such discretion as that would be in effect to repeal the statute and leave the matter entirely to the commissioners. If we give the commissioners

power to make exceptional contracts in their discretion, that, in effect, sweeps away its limitation entirely.

Now, Mr. Speaker, I have said all that I care to say upon these provisions, and I reserve the balance of my time.

Mr. BLOUNT. I wish to ask my colleague in relation to one point. I understood him to say that there is an item there for the purchase of a park.

Mr. CLEMENTS. Yes, a zoological park; an amendment put in by the Senate. The appropriation is \$200,000.

Mr. BLOUNT. At what point?

Mr. RANDALL. At no point. Wherever they may select.

Mr. CLEMENTS. I think there is some intimation as to the locality, but it is very loose.

Mr. RANDALL. It is very loose indeed.

Mr. HENDERSON, of Iowa. Mr. Speaker, this question of a national park or a zoological garden is a matter to which I would like to have the House give its attention. It will be observed that we have practically agreed upon all matters in controversy between the two Houses except the amount to be given for street improvements and the question of this national park. Nearly all the remaining matters in issue between the two Houses have been agreed upon. In regard to this park I would be glad if the House would give some expression of its views. In the House bill there was no provision for a park. The Senate amended the bill by providing for the purchase of 200 acres of ground for a zoological park or garden. Since that time a sentiment has developed in this city, and it has been pressed upon us by a citizens' committee, that we should inaugurate here a national park embracing some 2,000 acres of land. Now, if it is the sentiment of the House that we should have a park at all, I would be glad to have some expression of that kind at this time, so that we may act intelligently in the conference. For myself I say that I incline very strongly in favor of a park in this city. We have not one now.

Mr. ANDERSON, of Kansas. How much will it cost?

Mr. HENDERSON, of Iowa. It is estimated that it will cost, all told, to get the land about a million and a half of dollars. I am satisfied that a provision can be draughted in the conference that will bring the amount much below that sum, by compelling the property-owners whose land will abut on this park to contribute largely to the expense. If some general instructions were given to us, declaring that the sentiment of the House favors a park at all, I believe we can provide for carrying out that judgment in a wise manner. But if the House is against any park, the sooner we know that the better, that we may terminate this issue in conference.

Mr. ANDERSON, of Kansas. How much is it estimated will be the cost of maintaining the park after it is established?

Mr. HENDERSON, of Iowa. No estimate has been made in that respect as to the national park. As to the zoological park, the estimate was about \$25,000 a year—probably \$40,000 for the first year or two, when the Government would be putting in accommodations for the animals. Our experience would probably be about the same as that of other cities in regard to their parks.

I will say for the information of those who desire to know, that according to the figures furnished to us the parks in London embrace 2,200 acres; in Paris, 58,000 acres; Vienna, 8,000 acres; Tokio, 6,000 acres; Berlin, 5,000 acres; Dublin, 1,900 acres; Versailles, 3,000 acres; Central Park, New York City, 840 acres. Chicago has just authorized a park of 2,000 acres. I do not know what number of acres may be embraced in the present parking system of that city. San Francisco has 1,200 acres of park. The city of Washington has no park. It is a question for grave thought and earnest consideration whether the time has not arrived when our national capital should have a park in keeping with the capitals of other nations. I think that we should have the judgment of our associates in this House on that subject. I believe in this park; I am for it; but I will yield my judgment to that of the House and will devote my efforts to carrying out its wish. I repeat that I would be glad to have an expression of the sentiment of the House before we again go into conference.

Mr. HATCH. Does the gentleman wish to be understood as saying that there is in the Senate amendment provision for two parks—one a general park and one a zoological garden?

Mr. HENDERSON, of Iowa. No, sir. The original amendment which was put on the bill by the Senate provides for the purchase of 200 acres for a zoological garden. The proposition now urged upon us is to have a national park embracing some 2,000 acres, running clear out to the boundary, and which shall include a zoological garden—the greater to include the less.

Mr. HATCH. How much of this proposed appropriation is to be devoted to the establishment of the zoological garden?

Mr. HENDERSON, of Iowa. It was estimated that for the first year about \$40,000 would be required to equip and run the zoological park.

Mr. HATCH. That is, aside from the purchase of the land?

Mr. HENDERSON, of Iowa. I think the amount embraced in the amendment of the Senate for the purchase of the ground for the zoological garden is about \$200,000.

I desire to say in this connection, as suggested to me by the gentleman from Pennsylvania [Mr. O'NEILL], that Philadelphia has 2,900 acres of park.

Mr. HATCH. If the gentleman would include in this bill an amendment providing for inclosing the Capitol as a "zoological park," I think the country would indorse the proposition, for we have now as big a "bear garden" here as anybody could want. [Laughter.]

Mr. HENDERSON, of Iowa. No doubt there are in the Capitol some animals that ought to be taken in. But let us not turn this matter to mirth. It is a serious question, and I think it should be seriously considered by the House.

Mr. RANDALL. Does the gentleman from Iowa maintain that the conferees representing the House and the Senate upon a controversy involving \$200,000 for a zoological garden can entertain a proposition for purchasing, not 200 acres, but 2,000 acres, at an expense of a million of dollars?

Mr. HENDERSON, of Iowa. I think it is within the power of the two Houses to do that.

Mr. RANDALL. Well, then, I hope this House will take that fact into consideration in the vote which it will give.

Mr. HENDERSON, of Iowa. That is why I have said in perfect candor that I do not want to do anything on this question until we have an expression of the sense of the House; I have frankly presented the question with that view. I certainly would not venture on such a proposition without some expression from the House in favor of it.

Mr. BLOUNT. Will the gentleman from Iowa permit me to ask him a question?

Mr. HENDERSON, of Iowa. With great pleasure.

Mr. BLOUNT. The proposition is for a zoological park?

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. BLOUNT. The gentleman says there is being pressed on them a plan for a national park, an entirely distinct one from this zoological park?

Mr. HENDERSON, of Iowa. It is to be an enlargement of this, and embraces animals as well as a general park.

Mr. BLOUNT. It is to be a national park.

Mr. HENDERSON, of Iowa. It is a national park, embracing a zoological collection. That is what they are pressing upon us. A number of bills have been introduced into the Senate and House embracing that idea. I am not certain but favorable reports have been made on them. The gentleman from Illinois [Mr. ROWELL], on the District Committee, says favorable report has been made on that proposition.

Mr. BLOUNT. What is the extent to which they propose to enlarge?

Mr. HENDERSON, of Iowa. They propose to take in about 2,000 acres. The park proposed by the amendment is to be located on Rock Creek. The larger park would take in the smaller.

Mr. BLOUNT. I understand that is being discussed by the conferees.

Mr. HENDERSON, of Iowa. We have only discussed the zoological feature so far.

Mr. BLOUNT. But it is being pressed.

Mr. HENDERSON, of Iowa. It is being pressed by the citizens' committee. A committee came and asked us to consider it.

Mr. BLOUNT. Do the conferees consider it is competent for them to entertain the proposition?

Mr. HENDERSON, of Iowa. We can enlarge or decrease it, but I think some expression should come from the House before we enter on any such proposition.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman yield to me?

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. As the amendment now stands it is limited to a zoological park.

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. What the gentleman wants is instructions to go further and make an amendment for a national park.

Mr. HENDERSON, of Iowa. We want an expression from the House whether they want a park or not.

Mr. BRECKINRIDGE, of Kentucky. There is the difficulty with those of us who are in favor of a zoological park and against a national park. For one I am in favor of a zoological park. I think if we can appropriate money for the purpose of making archaeological and ethnological researches and to send out the Albatross to find fossils at the bottom of the sea we can certainly spend a few thousand dollars to keep the animals now nearly extinct from becoming entirely so by the establishment of a zoological park in this city. I think that is a wise thing, but I am not willing to go into a real-estate speculation to the extent of 2,000 acres for a national park.

Mr. HENDERSON, of Iowa. I wish to impress upon the House if we are going to have a park here it must be provided soon, for when houses are built and the city extends into the region where the park is proposed to be built, the only available ground for it will be taken up.

It is now within our reach, and citizens are eager to contribute from their own pockets to aid in building it. If the larger scheme can be made the property-holders will contribute largely towards it.

Mr. BRECKINRIDGE, of Kentucky. I do not wish to be understood as wishing to prevent any liberal citizens from buying 1,800 acres of land and presenting it to the Government or city for that purpose if they choose. I wish to be understood only as favoring the zoological park instead of the other; and, if possible, I should like to have some expression of sentiment on the part of the House which would enable the conferees to act on that proposition.

Mr. HENDERSON, of Iowa. But for the fact that a few men planted in the midst of the proposed park, having the power of refusing to sell their lands or fix any price upon them, are able to block the way of their fellow-citizens in this respect, there would probably be not so much necessity for this action. But the power to condemn must be given to reach that class of people. That is why the citizens of the District of Columbia insist upon some legislation to reach them. Efforts were made by subscription; a large amount has already been obtained by subscription, and, as I understand, a considerable amount has been promised; but because of the fact that here and there some person will refuse to give way or allow his property to be used for the purpose at any compensation, hoping to be able at some time or other to demand from his fellow-citizens blackmail of 200 or 300 per cent. over the value of the property, it is necessary that some such steps should be taken to allow the exercise of the right of eminent domain, if this work is ever to be prosecuted. Because, as I have said, when this land is built up, it will be very difficult and very expensive to get possession of it.

Mr. BLOUNT. Will the gentleman permit me a moment?

Mr. HENDERSON, of Iowa. Certainly.

Mr. BLOUNT. For many years we have been told when making the appropriations pertaining to the Potomac Flats that the Government would gain thereby about 700 acres of land. I wish to ask my friend if in the investigation of this matter that subject has been considered.

Mr. HENDERSON, of Iowa. We did not have that matter before us, I will state to my friend from Georgia.

Mr. BLOUNT. If my friend had heard my question I think he would not have answered me in that way. He has just stated, when he was referring to the need of securing the land which it was desirable to secure possession of for the purposes of a national park, that it would be difficult after awhile, or in a few years, to get suitable lands; and in that connection I asked the gentleman whether he or his fellow-conferees in discussing the feasibility of getting lands for this purpose had turned their attention to the large amount of land which would probably be reclaimed from the Potomac Flats.

Mr. HENDERSON, of Iowa. No, sir; it has not been urged upon us as either desirable or available for that purpose. On the contrary, the region of Rock Creek, it is represented, is a beautiful region of country for the purposes of the park, equally adapted for that purpose as the Philadelphia park, and better perhaps than Central Park in New York. I do not know as to the accuracy of that, for I have not inspected them. I simply lay the matter before the House and ask an expression of its judgment.

Now I would like to answer my friend from Ohio who is on his feet.

Mr. BUTTERWORTH. I wish to ask if it is not possible to make substantial progress in this matter by ascertaining first what lands can be obtained, surveying the outlines, and then get the next Congress to act upon it, if we are not now ready to do so? I understand that neither the price of the ground is known, nor in fact the exact limits the park is proposed to occupy.

Mr. HENDERSON, of Iowa. They have made and submitted very careful estimates of the cost.

Mr. BUTTERWORTH. But I only wish to suggest whether it is not possible to insert a provision here looking in the direction the gentleman contemplates.

Mr. HENDERSON, of Iowa. The citizens' committee have that matter well in hand. The region is well mapped out, and the only difficulty is in the want of power to condemn for the purpose of acquiring title for the Government.

I will yield to the gentleman from South Carolina [Mr. HEMPHILL] unless some other gentleman desires to be heard.

Mr. HEMPHILL. I would like to offer the following instruction to the committee of conference.

The SPEAKER. It is not now in order to instruct the conferees. It can be read for information, if the gentleman desires.

Mr. HEMPHILL. Then I ask that it be read for information.

The Clerk read as follows:

Resolved, That the House managers on the District of Columbia appropriation bill are hereby instructed by the House to endeavor to secure such action by the managers on the part of the two Houses on the Senate amendment numbered 124 as will secure to the District of Columbia a national park.

Mr. HEMPHILL. I offer that resolution with a view of getting the sense of the House on this question. As those of us who have been here for a year or two remember, an effort has been constantly made on the part of the Senate to so provide in the appropriation bill for the

District of Columbia that some legislation may be had for the establishment of a zoological park. At the same time there have been bills pending before this and the other branch of Congress for a national park, and if the national park project is adopted then the provision for the zoological park as a separate institution will be entirely unnecessary. The bill for the national park has been reported favorably and unanimously by the Committee on the District of Columbia, who have taken a great deal of pains in this respect to investigate the subject and ascertain all of the details.

Inasmuch as no opportunity will be afforded us in this session of Congress to present this matter to the House, and as in the view of the committee it is important that it should at the present time be acted upon, I would like to submit the views which influenced the committee in reporting this bill favorably.

Now, Mr. Speaker, there has been a great deal said heretofore about how much has been spent upon the District of Columbia in the way of public improvements; but if gentlemen will look out upon this city they will see that there has been less done for the people of the District of Columbia, as citizens of this District of Columbia, than for the people of many other cities in the United States. Now, I do not say that the people here do not get more benefit from the public buildings and parks than we get in South Carolina or any other city; but they have no general park here that belongs to the public.

They have no public buildings where the city authorities have a permanent abiding place. They have no post-office fit for any city of this country or any country that is civilized. In fact, there has been nothing done for the people of this city that has not been done for people of other cities of this Union not as large. Therefore, I trust that gentlemen will not view this question unfavorably upon the theory that there has already been as much done for the people of this District as the Government is under obligation to do. Now, there is scarcely a city of any size in the United States that has not a public park. While there are a number of small parks in this city, there is not a single one of any size where the people can go out into the country, as it were, and get the fresh air and have all the invigorating influences that come from the country that does not belong to some private party. There are, it is true, a number of small reservations, but they do not accommodate the large portion of the city growing out towards the west, and if the same spirit governs us in the future that has in the past, the whole of the park in which the Smithsonian Institution is situated will be occupied by public buildings.

Mr. BLAND. Does not the gentleman from South Carolina think that if the obstructions were taken away that have been created by the Pennsylvania Railroad and the ground cleared that that would be a very desirable park?

MESSAGE FROM THE PRESIDENT.*

A message in writing from the President, by Mr. PRUDEN, one of his secretaries, was received, and the following approvals were also announced:

On February 26:

An act (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890;

An act (H. R. 7718) for the relief of Milo McCrillis;

An act (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory to or near Baxter Springs, in the State of Kansas;

An act (H. R. 10240) for the relief of J. Edwin Pilcher;

An act (H. R. 11515) granting a pension to Charles G. Sanders;

An act (H. R. 11923) granting a pension to Charles Schuler;

An act (H. R. 10832) granting a pension to Nancy Hamilton;

An act (H. R. 10879) increasing the pension of Permelia Smith; and

An act (H. R. 2428) granting an increase of pension to William H. Koch.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. HEMPHILL. I will state, Mr. Speaker, that if there is any portion of this District in which we could well have a park it is this portion through which Rock Creek passes, and if the people of this District are to have a park for such portion as would be an honor to this city, being the capital of this nation, they can not get it unless they get it under action of this Congress. There is no power in any governmental officer here to condemn land or to put his finger for a public purpose upon a single piece of property in this District; and therefore whatever is done must be done by action of Congress.

Now, I know, Mr. Speaker, that 2,000 acres of land is a very large park for a city of the size of the city of Washington; and if we were to legislate for to-day or for the near future it would be too large; but we all know that this city is growing rapidly; that property is going up in price, and that if we are to have a national park in this city this is the most opportune time the Congress of the United States will ever see.

We can get a park here in this District now at a cost which will not be any more than one-fifth or one-sixth of what has already been expended for the purchase of land by the city of Philadelphia or New York or any of the large cities in this country. In Brooklyn, where they have a large park, they spent \$3,919,000 in the purchase of the land alone. In St. Louis, where they have a new park of about 788 acres, they paid \$849,000. In addition to that they have a number of other parks in the city of St. Louis; and I do not understand, Mr. Speaker, why the people of this District and the people of the United States should not be willing to expend as much money for the benefit of the people residing in this capital city as is ordinarily spent by people who control their own expenses.

Mr. HERBERT. Will the gentleman state how much is the annual expense of keeping any of these parks in order that he has mentioned? Can the gentleman give us any idea of the annual expense of keeping up one of these immense parks?

Mr. HEMPHILL. No, sir; I have no information upon that subject. I will say, however, to my friend from Alabama that I presume the people of those cities are well satisfied with the expense that is found to be necessary to keep up these parks, because there is not a single instance where such a public park has ever been dedicated and the people have taken it back and put it to any other use, as they might do if they were dissatisfied; and not only have those cities which have parks kept them up and improved them, but nearly every other city of any importance in the country is now seeking to acquire such a park.

Mr. TAULBEE. I will ask the gentleman from South Carolina whether it is not a fact, so far as he has observed with regard to this matter of public parks, that a large proportion of the expense which is necessary in order to maintain them is derived from the leasing of proper privileges to citizens within the parks?

Mr. HEMPHILL. I think that might be made available to quite a large extent in maintaining a park.

Mr. HOPKINS, of Illinois. I desire to ask the gentleman a question as to the propriety of this legislation on an appropriation bill. Is there anything in the proposed amendment that would limit or control the purchase of this property, or protect the interests of the people at large against the privileged few who would be benefited?

Mr. HEMPHILL. My resolution was presented simply to test the sense of the House upon this question, so that if the resolution is adopted and the report comes back from the conferees, the House, if it be satisfied that the amendment is a properly drawn one, can adopt it; if not, can give the conferees further instructions, or can reject the amendment. This leaves it to the conferees upon the part of the House, if this resolution is adopted, to prepare a suitable amendment by which the interests of the public will be properly guarded.

Mr. McMILLIN. Will the gentleman from South Carolina permit me to ask him a question?

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. The gentleman has referred to parks that have been purchased or made by other cities, and to the expenditures incurred therefor.

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. Does the gentleman propose that the city of Washington shall do what those other cities have done, pay for the parks that it gets, or does he propose that they in conjunction with the balance of the people of the United States shall pay for it, and that his constituents and mine shall pay for part of it?

Mr. HEMPHILL. I will say to the gentleman that so far as I am concerned I would propose that the citizens of the United States should do with reference to this public park as they do with reference to all other public improvements in this District, that is, that they should pay their fair share of the cost of the park. We own one-half of the property in the District. It belongs to the United States, and the concurrence of opinion has been up to this time that the Government of the United States ought not to own half the property here unless it is willing to pay half the expenses.

Mr. McMILLIN. Will the gentleman permit another question?

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. The gentleman says that the people of the United States own one-half of the property here.

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. In order to arrive at that estimate is it not a fact that the parks themselves which are now established here have been charged to the people of the United States as a part of their property?

Mr. HEMPHILL. Well, sir, if they are a part of the property of the United States, and if the United States is not satisfied to hold them or to pay taxes upon them, let the Government sell them or erect public buildings on them.

Mr. McMILLIN. Furthermore, is it not the fact that the streets have been charged against the United States in order to make up that estimate?

Mr. HEMPHILL. Oh, that is neither here nor there.

Mr. McMILLIN. I will say to my friend that that is here. That is a fact, and it is going to remain here.

Mr. HEMPHILL. Well, that may be a fact; but if so, it is a fact by the action of Congress, and it is not fair to blame the people of the District for something which Congress has done of its own free will.

Mr. McMILLIN. But you are endeavoring now to get Congress to do something more in the same direction.

Mr. HEMPHILL. Well, if we have done an erroneous thing in the past, the proper remedy is not to deny to the people of this District a public park such as the people of other cities have. The proper remedy is to go to work now to regulate properly the proportion of the expenses of the District which the people here ought to pay, and the proportion which the people of the United States ought to pay. But let us not visit the punishment upon the people of the District when they have had no voice in the action that has been taken in the past, and when it has been done by Congress itself, which has had sole authority to act in the premises.

Mr. HERBERT. I wish to ask the gentleman from South Carolina whether it is not also a fact that in order to make the showing of the Government owning one-half of the property here, all the Government buildings have been charged to the people of the United States? And is it not also a fact that the Government itself, without any help from the people of the District, takes care of every public building here?

Mr. HEMPHILL. I presume that is all true, but I do not see that it has anything to do with the question at issue here.

Mr. HERBERT. It is an answer to your argument about the Government owning one-half of the property.

Mr. HEMPHILL. It is not an answer to my argument; and if the gentleman thinks it is I am quite satisfied that he has a monopoly of that opinion. We did this ourselves. Congress fixed the matter to suit itself, and not the people of the District, and if anything is wrong Congress is responsible and Congress alone has the power to change it.

Mr. HERBERT. The facts I have stated, though, go to your argument, based upon the estimate of the Government owning one-half the property here.

Mr. HEMPHILL. That does not make any difference. I simply say that that is the estimate which has been recognized heretofore, and that Congress, which has had the power, has not changed it. The gentleman from Alabama is entitled to his opinion, and I may agree with him, but at the same time it is not fair to make the people of the District responsible for the existing state of affairs.

Now, there is something else I would like to say in regard to this park. It is well known that Rock Creek flows right through the District from one end to the other until it empties into the Potomac River. Along a considerable portion of Rock Creek the banks have been built up with dwelling-houses, and as a natural consequence the creek has become in some parts the natural sewer for everything in the shape of refuse coming from those dwellings. Rock Creek has thus become a stench in the nostrils of the people in that portion of the city. There has been pressed most urgently upon the District Committee a proposition to arch over Rock Creek in part and to tunnel another part so as to get rid of these noxious odors coming from the creek. If we should undertake to do that work, although it would apply to only a very small part of Rock Creek, it would cost, according to the estimate, \$600,000, and in all probability by the time we had finished it the cost would be a great deal more.

Now, as a pure matter of dollars and cents, I submit whether it is not better to keep the banks of this creek free from dwelling-houses and dedicate the land to some public purpose. I do not hesitate to say that something must be done for the protection of the people living in the neighborhood of Rock Creek, where buildings have been constructed on its border. Unless something be done that whole stream will become the deposit of the sewerage and refuse of people living upon its banks, and that portion of the city will soon have to be abandoned or given over to people who can live in the midst of those stenches.

Besides, Mr. Speaker, there will never be a time when this property can be purchased as cheaply as it can be purchased to-day. The people who own the land that is expected to be purchased along Rock Creek, if any be purchased at all, are the original owners of the property; and as a member of the District Committee I can say that not a single one of them nor the representative of one of them has come to me, or, so far as I know, to any member of the committee, urging this park project upon our consideration. Although I have heard the names of a number of these owners, I know but a single one; and although he bought a piece of property there four or five years ago, he says, "If you want this land for a public park, I will sell at a price that any gentleman in whom I have confidence will put upon it." I think that is a fair proposition. He has not asked Congress to appropriate one cent; but he says that, on the contrary, he would prefer to hold the land that he might realize the advance in price.

It is true that a part of the property along this creek has become very valuable. I know a gentleman in this city who, according to repute—I have no personal knowledge of the fact—purchased seven or eight years ago a piece of property in this city for a small sum, which he could now sell for \$250,000 or \$300,000. If we are ever going to get a park, now is the time; it is in my opinion the only time when the people's representatives will be willing to vote the sum necessary to secure it.

In addition to that, Mr. Speaker, if this park is purchased the District under the usage and the existing law will have to pay one-half of the expenses. It is proper that the people owning property along the line of this park should pay their just proportion in view of any increased value which may arise from the dedication of this land to public use. The District is in a better condition to pay its share of this money now than it will probably ever be for years to come. There is a considerable surplus in the treasury of the District, amounting to several hundred thousand dollars—between six hundred thousand and seven hundred thousand.

Mr. BLOUNT. How about the debt?

Mr. HEMPHILL. Of course there is a debt due by the District; but it is not payable.

Mr. RANDALL. The District is in debt to the Federal Government to the extent of a million dollars, on account of the expense of the work on the aqueduct, and I suggest, if there is any surplus in the treasury, the District should devote it to paying that indebtedness.

Mr. HEMPHILL. I want to remind the gentleman from Pennsylvania that, as I understand, this aqueduct was controlled entirely by officials of the United States.

Mr. RANDALL. The gentleman was stating that the District has \$600,000 in its treasury undisposed of. I wanted to say that I thought the best appropriation of that amount would be for the District to pay something toward the million of dollars advanced by the Government on the aqueduct, which has proved an utter failure.

Mr. HEMPHILL. I think before the District pays any money on that account there ought to be instituted an investigation to see whether the Government of the United States has not swindled the people of this District out of a great deal of that money. As I understand, there is an investigation now going on at our expense—

A MEMBER. The committee has reported.

Mr. HEMPHILL. Yes, the investigation is finished, I believe; and I understand there is a very black report, so far as the Government of the United States is concerned. If we have taken the money of the people of this District, or at least run them into debt to the extent of a million of dollars, and if, according to the report made by members of this body, we have misappropriated the money designed for the construction of that tunnel—

Mr. RANDALL. That was done against the remonstrance of the Committee on Appropriations.

Mr. HEMPHILL. That may be true. Yet the District is not responsible, as the gentleman will admit. It is by the fault of officials of the United States Government that this misappropriation has happened, and it is not right to visit our sins upon the people of this District.

Now, Mr. Speaker, they talk a great deal about having a "monkey show" here, and all that sort of thing, just the same kind of language we heard when this question was before the House on a former occasion. We spend a great deal of money in keeping in order the horticultural garden down here. The gentleman from Kentucky [Mr. BRECKINRIDGE] says that we ought to provide for the preservation of the animals on this continent before they become extinct; but I think it much more important that we should furnish some outlet, some breathing place, for the poor people of this city, who can not get away in the hot weather, and to give them fresh air, sunlight, and a chance for health and life. Those who live here and can not get away, and those of us who were kept here last summer during the long discussion upon the tariff, have seen the poor people sitting out and lying out on the streets by day and night, under the baking sun of the day or the reflected heat of the streets at night, unable to get relief from the intense heat; and I do not know that we can do a better thing than to furnish to the children of the poor people some shaded places where they can go and get rid of the hot glow of the summer sun.

If, then, it is important to preserve the animals of the country, how much more important is it to do something towards preserving the health of the people, and especially those of our people who can not get away in the summer time. I trust we will not be niggardly and unjust to these people, and while we are willing to establish a park here for animals, forget them and their wants, but that we will rise to a proper consideration of the question; and I believe when we have done so we will give to the people of this city what is given to the people of other cities, who have the privilege of electing their own city officials, their own city council and mayor, a proper and suitable public park.

Mr. CLEMENTS. Mr. Speaker, I will occupy not exceeding five minutes in this discussion. The gentleman from South Carolina has spoken of the injustice to the people of this District in refusing this appropriation, and intimates illiberality on the part of the Government.

Mr. HEMPHILL. Well, I do not mean to say that the Government is illiberal; but I tried to show that the people of the District did not receive as much benefit as some of our friends seem to think they have already received, and as I myself thought they received before I got here and served upon the committee.

Mr. CLEMENTS. I wish to show, Mr. Speaker, something of the obligations of the District to the United States in connection with the District government.

The bonded debt of the District of Columbia which the Government of the United States has assumed—that is to say, one half of it, principal and interest—on the 1st day of July was \$20,581,000, as shown by the following statement from the last report of the Treasurer of the United States, to wit:

The following table shows the date of maturity, rate of interest, and principal of the loans of the District of Columbia outstanding on the 30th day of June, 1888:

Date of maturity.	Title.	Rate of interest.	Amount.
July 30, 1873.....	Three-year (Emery).....	<i>Per cent.</i> 7.3	\$100
July 1, 1891.....	Permanent improvement....	6	3,031,600
July 1, 1891.....	Permanent improvement....	7	515,600
July 1, 1892.....	Twenty-year funding.....	6	956,150
July 26, 1892.....	Market.....	7	144,900
July 1, 1899.....	Twenty-year funding.....	5	920,400
October 1, 1901.....	Water.....	7	360,000
November 1, 1902.....	Thirty-year funding.....	6	604,100
July 1, 1903.....	Water.....	7	15,000
August 1, 1924.....	Fifty-year funding.....	3.65	14,033,600
Total.....			20,581,450

The annual interest on this sum at that time was \$906,000, of which the Government of the United States is paying one-half. In addition to the funded debt—and by the way I will state that the principal part of this has been for improvements in the District of Columbia—in addition to the funded debt there is one-half of the amount recently expended on the aqueduct tunnel for the increase of the water supply of the city; so that the amount due on the 1st day of July by the District to the United States for money already advanced for the tunnel was \$1,038,000. The debt of the District, funded and otherwise, of which the United States has assumed and is paying to the sinking fund one-half of the principal as it is discharged and annually one-half of the interest as it accrues, amounts in the aggregate to the immense sum of over \$21,000,000.

Now that we have a surplus of about a million in the Treasury (which, if the Senate amendment prevails, would leave it only about a half million or a little less) the gentleman says is an opportune time to expend money for a zoological park, and at the same time adopt the larger provision for a national park, the one which he is advocating, which is to swallow up the zoological garden and make it a part of it. The provision inserted in the bill to which he refers, reported by his committee, as I understand, provides not for the immediate payment, but for the creation of a debt running along for future years, adding up and piling up against the people of the United States outside as well as those inside of the District a further accumulation of debt for the luxury of a park.

Why not in the interest of the tax-payer apply it to the water debt or to the three and a half millions of bonds that will be due July 1, 1891, within a year after the expiration of the year for which the appropriations of this bill are made? In my judgment there is no necessity in this city for a national park such as is proposed, as there is in other cities. The Government of the United States has reserved plats of ground all over the city, in addition to the larger reservations which we find everywhere, breathing places where the people can go; and we have broad streets and the Government has expended money in their improvement; and in the sundry civil bill each year is carried a large sum of money for paving the walkways through the reservations, and paid for entirely out of the revenues of the Government; no part of it is paid by the District, nor is anything paid by the District for the lighting of the reservations, for the convenience of the people of the District much more than for the people outside. And the gentleman himself has referred to the Soldiers' Home, a place near by, which, while it does not belong to the city or the National Government strictly, yet it is a great place of resort and will remain there.

Now, I believe the time has come when the Government of the United States is paying largely more than its proper share for the expenses of the District and that it ought to be reduced, and if the people of this city and District desire a park it is their business to provide it at their own expense in a larger measure than is provided in the amendment which it is proposed to incorporate on this bill.

I yield to the gentleman from Texas [Mr. MILLS] for five minutes. Mr. MILLS. I was a member of the Forty-third Congress when this strange copartnership was entered into between the Federal Government and the government of the District of Columbia. When the local government of this District was abolished by the Forty-third Congress I then very seriously questioned the wisdom of that action; and every year since that time has satisfied me more fully that the government now held over the people of this District is wrong. It is un-American. It is not in accordance with the principles upon which we have organized local governments in this country. The people of this District ought to have a local government of their own, and the Federal Government ought to have such jurisdiction and control over the public property of the Federal Government as is necessary to take care of it.

In the arrangement of the compromise the interests of the Federal Government, which would apply in that government, were abolished, and it was then determined that the Federal Government should pay one-half of all the expenses annually incurred in the administration of the government of the people.

At that time, perhaps, it was a fair apportionment. The city was small; perhaps not exceeding 100,000 inhabitants. It has passed beyond that, and the property owned by the Federal Government then was around this Capitol and in the streets and parks belonging to the Federal Government, which were retained by the Government for its use at that time. Now the city has extended and is continuing to extend. The interest of the Federal Government is constantly decreasing in proportion as the interest of the people is constantly increasing. As my friend from Pennsylvania said a few moments ago, the apportionment is now excessive upon the Federal Government, and the people under the local government are not contributing what they ought to contribute toward the Government. I believe, sir, that we ought to stop this unnatural partnership, and the Federal Government ought to appropriate each year out of its own funds whatever is necessary and its equitable proportion for the protection of its public property and the interests of the city.

But, sir, what interest has the Government in buying a park for the people of the District of Columbia? The park belongs to the people, not to the Federal Government. It is not for the interest of the Federal Government that there should be a park on Rock Creek or in the midst of the city. It is for the comfort and convenience of the people, and not for the Government, and the people ought to pay for it. We will continue this condition of things until we dissolve this unnatural government and give the people of the District of Columbia the same rights that we give the people of Texas—representation upon their population, charging them with their own local self-government. [Applause.]

Mr. CLEMENTS. Mr. Speaker, I now yield ten minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. It is singular what a prejudice against the Treasury of the United States is manifested in connection with all the arguments made touching expenditures for this District. The distinguished gentleman who is now the chairman of the Committee on the District of Columbia alleges that the Federal Government ought to be liberal in the matter of appropriations here, because it owns one-half of the property. The gentleman from Tennessee rightly suggested that in ascertaining the one-half of the property of the United States it consisted mostly in streets, alleys, and parks.

Now, sir, I wish to know if any gentleman will gainsay the question that the streets and parks are for the people of this city, and if they are, will you undertake to close your eyes to it and charge it as a matter inuring to the benefit of other people outside of this District? Why, sir, it is strange that such argumentation should obtain in so intelligent a body as this. In reference to the water supply here, the Government originally paid for it out of the Federal Treasury, and this people got it as a gratuity. Then these same people came in a few years ago and insisted that the Government of the United States should give them an additional water supply; and because, forsooth, there may have been some mismanagement in some given place, unwilling to take their own misfortune, they turn upon the Federal Government and charge it as a crime and insist that we shall make it good. It is said, sir, that the city of Washington has not been and is not fairly treated, is not liberally treated, and has not the same opportunities that other cities have. What city, sir, in this country—is it New York, Philadelphia, or any city in this country—that has the Federal Government come to it and taken one-half of its burdens in the shape of taxation? Yet, sir, that was their singular argument.

Again, sir, only a few years ago the people of this District complained that the public health was affected by the Potomac flats, and if we would appropriate, as we have done, millions of dollars for the reclamation of it—and it is going on to-day—we would reclaim 700 acres of beautiful land lying along the Potomac. A large part of it has been reclaimed, a large part is being reclaimed; and yet none of the gentlemen who have come before the House conferees, none of the gentlemen who appeared before the Committee on the District of Columbia, offer to use any portion of the 700 acres or any other area owned by the Government of the United States. It is always private property that we are to buy. No matter what we have we can not utilize it. There is always some special reason why the necessary improvement should not be put on Government land, where it would take nothing out of the Treasury.

My friend from Iowa says he has not heard of this matter at all in his interviews with the Senate conferees. It does not appear that that committee or the Committee on the District of Columbia ever hear of anything in connection with this question of the purchase of land except Rock Creek park. My friend, the chairman of the Committee on the District of Columbia, says that no gentleman interested in that property has ever approached him. I take his statement as true. I take it as true subject to this qualification: I do not suppose that my friend ever inquired into that matter at all. But, sir, there does come to us

through other sources, there does come from citizens of this District who are in communication with members of this House the statement that there are persons engaged in a large real-estate speculation about this proposed Rock Creek park. They have their attorneys who do approach other members of this House and who do press that project. It is doubtless being urged by them, and all of this word painting as to the beauty and importance and value to the city of this park is the work of those artists.

Now, sir, so far as I am concerned, I am not willing to do anything that will put into the hands of the House conferees at such a time as this, with little opportunity for deliberation, with little opportunity to ascertain whether it is true, as stated by honorable citizens of this District, that real-estate speculations are involved—I am not willing, I say, to put into the hands of the House conferees authority at such a time to take action upon this important question. If it is true that speculators are organized to urge the sale of this park, let us beware, for the best of us may be misled. Let us postpone this matter until we have time to investigate through a committee of this House the questions that are raising doubts in our own minds, and when we shall have done that and the matter shall have come up before us for deliberate action, then let us give it due consideration.

Sir, let us bear in mind the situation. Up to this hour the House of Representatives has refused to take up this question. It has been apprehensive about the parties in interest who were behind this project. It has been apprehensive lest it should be misled in this matter. It has been interested to preserve its own good name free from any possible imputation of scandal. While this is true of the House, the Senate has tacked on to this bill an appropriation of \$200,000 for a zoological garden, and when the conferees get together certain interested persons will be there pressing not for the \$200,000 but to sell 2,000 acres of land. They tell you of what is done in Paris, of what is done in London, of what is done in Philadelphia; they appeal to your national pride to take up this matter now and not to postpone it. In the closing hours of the session, in that hurried conference, shall we make haste to dispose of the public treasure? My colleague has just stated that the Senate amendments to this bill involve an increase of expenditures in one year of 25 per cent. What city in this country would not make a halt at such a suggestion? It is enough of itself to cause us to stop short, and now, in the closing hours of this Congress, to put an end to this question, for the present at least, by instructing the House conferees that we will not entertain this project further at this time. [Cries of "Vote!" "Vote!"]

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS was recognized, and yielded five minutes to Mr. HOPKINS, of Illinois.

Mr. HOPKINS, of Illinois. Mr. Speaker, the arguments already made in favor and against the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL] by members who have preceded me are as strong proof as any man can desire against the policy of adopting it. Gentlemen of intelligence and experience in such matters contend that there is no necessity for the creation of a public park in the city of Washington of the character contemplated in the proposed amendment, while others of equal intelligence and experience insist that such a park is not only a necessity, but that members of the House who oppose it do not appreciate the importance of this great project.

This, then, presents the issue as to whether the members of this House should favor a bill authorizing the laying out of a great national park in this the capital city of our country. Now, until this question is settled it seems to me, sir, that it is not wise legislation to attempt to appropriate a million and a half of dollars that may be used for such purpose. The gravity of the measure demands that it should be presented in a separate and distinct bill and brought before the House by a committee in the manner provided by the rules which we have adopted.

In no other way can there be a full and a fair discussion of this proposition. If this vast sum of money is to be expended, as the gentleman from South Carolina [Mr. HEMPHILL] contends, for the good of the public, let the representatives of the public have a voice in determining the manner of its expenditure. The way in which the question is presented in the amendment takes from the members of the House all opportunity to be heard upon perfecting a bill for the purchase of the land for the creation of the proposed park and providing against illegitimate speculations by syndicates or real-estate dealers. We know that unless legislation for this object is properly guarded scandals are liable to arise.

Now, before I am called to vote upon a proposition which takes from the public Treasury nearly a million and a half of money, I would like to listen to the arguments of those who believe that a public park of the character proposed in the amendment should be established in Washington.

When I have satisfied my mind as to the necessity of the park I will then be ready to assist in perfecting the legislation by which this is to be accomplished. But I protest against the summary manner in which the friends and advocates of this proposed park are forcing this question.

The gentleman from South Carolina [Mr. HEMPHILL] talks in a way that indicates that he has given much thought and study to the subject. But I take it, sir, that the great majority of the members of the House feel as I do, that they would like more light upon the subject. I am opposed to this amendment for other reasons, but my time is too limited, I fear, to permit me to present them now.

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS was recognized, and yielded four minutes to Mr. McMILLIN.

Mr. McMILLIN. Mr. Speaker, I rise for the purpose of entering my protest against the proposition that is involved in the amendment now under discussion. The people of the United States have given to the city of Washington a greater area of parks and more park adornment than is possessed by any other city in the country in proportion to population. This statement will not be denied by any one of the Representatives of sixty millions of people sitting around me.

We have here Judiciary Square, Lafayette Square, Franklin Square, and Lincoln Park. Then we have the immense park and grounds extending from the Capitol to the Potomac nearly two miles, to which we are adding hundreds of acres by the lands we are reclaiming from the Potomac River at a cost of millions of dollars. The Capitol grounds and White House grounds also contribute their beauty. All this has been given by the United States to this city. But not content with this, we are asked to go still further and sell the homes of the people in order to make them the habitations of monkeys. [Laughter.]

The gentleman from Iowa complains that some of the citizens living on the land which it is contemplated to purchase for this purpose are holding it back and attempting to "blackmail" the Government by fixing a high price upon it. It seems to be a crime in the eyes of some that the spot associated with school-boy days should have any pleasant memories to cause the grown-up man to linger there and be reluctant to turn it over as a residence for the bison and den for the snake.

This is not designed simply as a park for the people; that is not the object; the purpose is to establish zoological grounds to be inhabited by rabbits, snakes, and all kinds of animals that will be delightful to the eye as objects for the inspection of those who visit here. Whatever the debate may claim to the contrary, the amendment itself shows that it is designed for a zoological garden. If the people of Washington want that kind of a display, let them have it; but let them pay for it themselves.

Mr. HEARD. Will the gentleman yield for a question?

Mr. McMILLIN. I would like to do so, but I have only four minutes; the gentleman, therefore, will pardon me for declining.

The amendment provides for the establishment of a zoological park in the District of Columbia "for the advancement of science!" A bear garden is to be established "for the advancement of science!" You are already paying, gentlemen, as the representatives of a hard-worked, tax-paying people one-half of the expenses connected with the government of this city. This itself is unjust and should not have been begun. You are required by the proposed amendment not only to pay for this land, but to buy the monkeys and then pay for their keeping.

Barnum is to have a new rival in his "animal industry," and the people of the United States who can not get to Washington are to "pay the fiddler" for others' dancing. Gibbon tells us love of the circus and fights of wild beasts characterized the degeneracy of the Romans. To gratify this morbid fondness for display of wild beasts one of Rome's distinguished statesmen urged Cicero to hurry and send to the "Eternal City" the tigers, lions, etc., necessary for his approaching show.

Are we following in their footsteps, and anxious to imitate their decline? I must enter my most solemn protest against saddling still further indebtedness upon the people of the United States for the purchase of land at \$2,000 an acre, to be followed by the expense of keeping up a zoological garden here in this city. Let us perform the duties legitimately devolving upon us, and not attempt to rival circus and menagerie owners in the show business.

[Here the hammer fell.]

Mr. CLEMENTS. I would like to inquire whether the gentleman from South Carolina [Mr. HEMPHILL] proposes to—

Mr. HEMPHILL. I will state that I am quite anxious to reach a vote, for the hour is now late; but I promised five minutes to the gentleman from Missouri [Mr. HEARD] and five minutes to the gentleman from Maryland; and after that I want to say a word or two myself. I will then call the previous question.

Mr. RANDALL. Oh, no; you have not the control of this bill.

Mr. HEMPHILL. I mean the previous question on the resolution.

Mr. RANDALL. That has only been read for information.

Mr. HEMPHILL. I yield five minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Speaker, I am not unmindful of the fact that the House is impatient for a vote. I can not afford to ignore that fact any more than my audience can afford to listen to me when it is already tired. But I rise to protest mildly against the course of argumentation which has been pursued in opposition to the position of my friend from South Carolina [Mr. HEMPHILL]. It may be all right for the distinguished gentleman from Tennessee [Mr. McMILLIN] to inveigh in general against the policy of establishing zoological gardens although many eminent and patriotic statesmen favor it. It may be that it is

all wrong, as the gentleman from Texas [Mr. MILLS] argues, that the form of government which we find in this District exists.

But, in the language of the gentleman from South Carolina, I beg leave to remind these gentlemen respectfully that we are not responsible for the existing law, but that there can be no ground purchased for the purposes of a zoological park or park of any kind, and no money expended for the maintenance and care of such park unless by the consent of Congress. I would remind the gentleman from Texas that it is not the fault of the people of this District that this "un-American system of government" exists here. This, as has been said by the gentleman from South Carolina, is due to the act of the American Congress and without the agency or consent of these people. Let Congress assume the responsibility for its own misdeeds; if it did wrong, let it correct that wrong, and not lay the responsibility for it at the door of the District.

Now, a word in reply to my friend from Georgia [Mr. BLOUNT]. A few days ago, when a certain measure was under discussion in this House, that gentleman remarked in my presence that he would not give much for a man who always saw a "job" in everything, and therefore opposed it. I responded that I agreed with him cordially in that feeling. Now, I want to call the attention of the House, and especially of my friend from Georgia, to the fact that, losing sight, I think, of the spirit of that sentiment, he has made a speech against this proposition based primarily upon the assumption by him that there is a "job" in it; that there is some great real-estate organization behind it and pushing it; and he intimates that although the gentleman from South Carolina disclaims having been approached upon the subject by interested parties, perhaps others have been approached. Now, I have heard no man on the floor of the House or elsewhere, except the gentleman from Georgia, intimate that anybody had been approached. I do not believe he was ever approached—

Mr. BLOUNT. If the gentleman wants to press that matter, I have no objection to answering very fully.

Mr. HEARD. I do not fear to press it. More than that, I invite the gentleman to make any disclosures in his knowledge. I challenge him to do so; for if he knows anything behind this scheme which makes it disreputable or liable to bring scandal upon the American people, I say it is his duty to disclose it for the benefit of his associates on this floor, that they, being warned by such knowledge, may be prepared to act as intelligently as he.

Mr. BLOUNT. Will the gentleman allow me—

Mr. HEARD. Not now; I want to finish my sentence. I want to say to the gentleman, however, in the presence of this House, every member of which who hears me knows that I speak truly, that the gentleman, while claiming a desire now to have this proposition discussed on its merits and fully, has always, to the extent of his power, obstructed the consideration of the same when the effort was made to bring it before the House in a separate bill; that when the chairman of the District Committee asked for the fixing of a day for District business the gentleman from Georgia resisted the granting of any time to that committee unless the consideration of this bill should be excluded.

I say that the Committee on the District of Columbia, which reported this measure or a measure of this character, has been always anxious to have the matter discussed upon its merits and to have the House act intelligently upon it. But I am not willing to let the gentleman from Georgia intimate, without showing the reason for the intimation, that the "schemes" of which he talks may influence some gentlemen other than himself to the conclusions at which they may arrive. If the gentleman knows of any improper scheme connected with this whole matter, I repeat, let him now give the information to the House and the country in order that we may be duly warned. This House will then act as intelligently and I believe as patriotically as will the gentleman from Georgia.

I insist, Mr. Speaker, that the position taken by my friend from South Carolina is right. If the people of the United States pay more of the expenses of conducting the District government than they ought, it rests with Congress to change that rule. And let not this House forget that it is the duty of Congress to so change that rule as to secure justice alike to the whole country outside the District and to the District of Columbia. This House should not forget, and I ask that in our instructions to the committee we should consider it, that it is competent for Congress to fix and determine the proportion of such expense as the District should bear. These conferees have come like honest men asking us for an expression of our opinion as to the merits of the proposition for a national park which they have been discussing in conference, and for our instructions as to what they shall do.

Now, Mr. Speaker, let us discuss this matter like honest men dealing fairly with each other. If the sense of the House is against the measure on its merits, let us so instruct these gentlemen on the conference committee. But bear in mind, as the gentleman from South Carolina [Mr. HEMPHILL] has truly stated the proposition, if the people of this city are to have the park privileges which they desire, they have got to be obtained through authority of this Congress. Nothing can be done by them without our permission. Even if they are willing to pay the entire expense of carrying out the plan they can not do so on their own motion.

It must be done, if done at all, under the authority of the Government

of the United States. Congress can expend millions of dollars of the money belonging to the people of this District and waste it in an aqueduct tunnel or otherwise, because it has the authority to do so; but the people of this District before they can do anything of the kind proposed, and before even they can expend their own money for any public purpose, must first get the authority of Congress to do it. If you are in favor of it, then it becomes all right; but otherwise they can do nothing.

Mr. HATCH. Will my colleague permit me to ask him a question?

Mr. HEARD. Certainly.

Mr. HATCH. Does the gentleman say that a million of dollars was wasted on the aqueduct tunnel?

Mr. HEARD. I understand two million of dollars were wasted upon that tunnel; and one million comes out of the treasury of the District of Columbia, though the waste occurred through no fault of hers, but by the negligence or misconduct of those acting for the Government.

Mr. HATCH. Was not that bill reported by the Committee on the District of Columbia?

Mr. HEARD. No, sir, it was not. That committee had nothing whatever to do with it.

Mr. HATCH. Who made the appropriation?

Mr. HEARD. I am not prepared to answer who made the appropriation; but the District Committee could not do it, and I suppose of course the Committee on Appropriations.

Mr. BLOUNT. I can answer that question if I am allowed to do so.

The SPEAKER. The gentleman's time has expired.

Mr. RANDALL. I want to put the saddle on the right horse. If I remember correctly, that proposition originated in the Forty-seventh Congress.

Mr. HEARD. That is beyond my memory of things here. I mean it did not come from the present Committee on the District of Columbia.

Mr. RANDALL. The gentleman said that it did not come from the District Committee.

Mr. HEARD. Not since I have been a member of that committee during the last four years.

Mr. RANDALL. I do not want any misunderstanding in this matter. My impression is, and I make the statement subject to review hereafter when I have made examination, that this aqueduct-tunnel project came from the Senate in the Forty-seventh Congress.

Mr. HEARD. But not from the District Committee.

Mr. RANDALL. It came originally from that committee, if I recollect aright, and my friend from West Virginia [Mr. WILSON] corroborates that statement.

As the gentleman from Missouri [Mr. HEARD] has alluded to the Committee on Appropriations I will merely remark that committee has resisted all along under the leadership of the gentleman from West Virginia the whole of this procedure.

Mr. HEARD. Allow me?

Mr. RANDALL. Certainly.

Mr. HEARD. I am advised by my friend from Georgia [Mr. BLOUNT]—

Mr. BLOUNT. Do not put it too strong.

Mr. HEARD. The gentleman from Georgia said it came from the Senate in the nature of an amendment to your bill.

Mr. RANDALL. I think not.

Mr. HEARD. That is what the gentleman from Georgia says.

Mr. RANDALL. Let us get this matter right.

Mr. HEARD. I want no controversy with the gentleman from Pennsylvania on this subject, because I do not assume to be prepared to contradict him or to correct him if he is wrong. My statement was based upon that received by me from the gentleman from Georgia [Mr. BLOUNT].

Mr. HEMPHILL. There is no need of controversy about it. I now yield the floor to the gentleman from Maryland [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I know the House is impatient to vote on this proposition and I will only detain it for a moment or two. Gentlemen seem to be oblivious of the fact that this is our capital city when they assert that in proportion to its population and extent it has larger park privileges than any other city of the United States and offer that as an argument against the pending measure. Not one of the constituents of any member of this House has come to this city but that member has felt a pride in showing him its beauties, its public buildings, broad avenues, and reservations.

I understand the proposition has been made in the Senate to expend a certain amount of money for the purpose of still further beautifying and adorning this city. I feel a pride in this city, and am willing to vote to place a reasonable amount of money in the hands of trustworthy agents for the purpose of still further improving it. Improvements should here keep pace with the growth of our country. This capital should be so adorned as to be an incentive to patriotism, and thus be made to contribute towards perpetuating our republican form of government. Money expended in this way is assuredly wisely invested. As this is the capital of the greatest nation upon the earth, so it should be made the most beautiful city in the world.

Mr. HEMPHILL. I desire merely to say a word or two more.

Mr. CLEMENTS. How much time does the gentleman propose to take?

Mr. HEMPHILL. How much time have I remaining?

The SPEAKER. The Chair understood the gentleman was speaking in the time of the gentleman from Iowa [Mr. HENDERSON], and that being the case there are seventeen minutes remaining.

Mr. HEMPHILL. Does the gentleman from Georgia desire to go on this evening?

Mr. HATCH. Oh, let us finish this up.

Mr. HEMPHILL. I only want to say that there seem to be some of our friends here who always manage to work themselves up into a state of undue excitement when anything of this kind is proposed because of apprehended real-estate speculations. It is not a question of whether somebody is going to make a little money but whether the District of Columbia and the United States are to get full value received for the proposed expenditure, because if the scheme is undertaken it is the duty of Congress to see that the money is properly expended.

It should be remembered, Mr. Speaker, that the people of the District of Columbia, having no representation here on the floor, ought not to be denied the right of having that which every other city is allowed to enjoy; and I will say if they object to this that there has not been a single man who came before the District Committee and made that objection known. In addition to that, all this talk about the people of the United States paying for "monkeys," and the homes of the people being taken away from them in order to establish places here to keep monkeys, has nothing whatever to do with the question. The people of the United States are not "paying the money" in any sense in which these words are used in the speeches of gentlemen who are opposed to this measure. The property of the United States Government is paying its appropriate share of the taxes here. The amount that has been fixed by Congress is the amount that was believed to represent the proper proportion of the General Government towards the payment of taxes here, and if Congress thinks it is too large it can change it if it is not satisfactory. Hence it has nothing whatever to do with the question; and it is not coming out of my pocket, nor your pocket, but is a tax levied upon the Government of the United States upon property which it holds in this city, and which pays only its share of the taxation.

Now, there is nothing whatever in the idea that this thing is being pushed upon the House at the closing hours of the session of Congress. This measure has been pending in various forms since 1866, and was reported to Congress and thoroughly and fully investigated, and Mr. B. Gratz Brown, a gentleman who afterwards ran upon the national Democratic ticket, and ought therefore to receive the respectful consideration of this side of the House at least, reported in favor of it.

Mr. HATCH. I beg the gentleman's pardon; he did not run upon the Democratic ticket; he ran on the Greeley ticket.

Mr. HEMPHILL. Oh, he ran on the ticket which the Democrats set up and voted for. It is too late now to deny it. The Democrats nominated him.

Mr. HATCH. I beg the gentleman's pardon again; they did not nominate him.

Mr. HEMPHILL. Well, whether they did or not, he ran on the Democratic ticket, and the Democrats voted for him as a representative of Democracy, and he is an honorable man so far as I know his record. He reported in favor of this measure, and spoke in behalf of it in the Senate of the United States in 1866, and the question has been before Congress ever since that time. It was before the last Congress, and has been before every Congress for a long time, and will be before all Congresses to come, I suppose, until some definite action is taken in regard to it. I hope, therefore, the members of the House will vote upon this as a pure business transaction without reference to the other irrelevant questions which have been sought to be lugged into the debate.

I yield the balance of the time back to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. Mr. Speaker, this debate has been running about in the way I wanted it to run, because I desired an expression of sentiment on the part of the House in regard to this proposition.

There are one or two things in connection with the matter which either are not understood or which seem to be obscure to the minds of some gentlemen, and to which I desire to call the attention of the House briefly. The first parties that agitated the question of a zoological park or garden in this city were gentlemen connected with the Smithsonian Institution, and the central figure amongst them was Mr. Hornaday, a very intelligent gentleman, a man of large experience, who spent much time in the jungles of Africa and in other places, and felt a patriotic interest in preserving the remaining animals of this country.

He came before the Committee on Appropriations with the proposition, but the committee rejected it, and I was influenced somewhat by the idea suggested by my friend from Georgia at the time that probably there was a real-estate scheme back of the proposition. I think this House knows pretty well the fact that I have been quite an aggressive party in making attacks on such things as that when I thought they had as an inspiring motive such underlying influences. I have fought them vigorously, and have had some experience and hard fights in conferences with my friend from West Virginia [Mr. WILSON] on that same question. But after looking into this matter my investigation satisfied me that the real-estate speculators were against the park.

Now, the Senate has put on an amendment here providing for a 200-acre proposition. The citizens finding it at that stage, took it up and wanted to enlarge the appropriation into a national park, keeping the zoological garden as a feature of it. I had no part in getting up the bill or in reporting it, not being a member at that time of the District Committee, favoring the national park. So far as I have investigated it, and so far as the question of every great city having breathing places for its population is concerned, that feature comes to me with force in favor of the proposition. If it embraces a real-estate speculation, if it is for that purpose, I am for hitting that with an iron hand; but I am not prepared to sacrifice it because it might be an incident. I know nothing of the kind. No one approached me on the subject excepting the citizens' committee, ably represented and ably spoken for, who came before the conferees on the part of the House to represent their views. I thought it my duty before entering upon so important a question to lay it before the House and invite instructions. I care not whether it be voted up or voted down upon this bill. I will endeavor to carry out the instructions of the House. I am for the park, I am for a zoological garden, but I am frank in telling you that whatever is the judgment of this House in its action on this matter will be law for me.

Mr. HOPKINS, of Illinois. Does the gentleman not think it would be better to have that project in a separate bill?

Mr. HENDERSON, of Iowa. I am not prepared to answer that for this time.

Mr. CLEMENTS. Mr. Speaker, how much time is there remaining?

The SPEAKER. There are only six minutes remaining.

Mr. CLEMENTS. I yield two minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. The combination between the United States Government and the District of Columbia is, in my opinion, an infamous outrage upon the tax-payers of the United States; and so long as it exists this capital city of the nation will be disgraced as the Mecca of speculators and professional boomers. This is the best parked city in the world. It has no districts of congested population; it has no commerce; it has no manufactures; it has uniform, broad, open, healthful, well-paved avenues; it has no towering tenements and blind alleys; its numerous well-kept parks are brought to the homes and the very door-steps of the rich and poor people alike. It does not need this park. The city might as well buy an iceberg from Alaska as this park.

The gentleman from Tennessee [Mr. McMILLIN] spoke a moment ago about a monkey-garden. The monkey is the central figure in the theory of evolution; and this project has evolved as from the jelly-fish to the elephant. It was originally suggested that there should be a zoological garden attached to the Smithsonian Institution for all the animals of the United States. There would be plenty of room there for that. Then came the demand for an independent zoological park, with monkeys from Africa to gambol with the native buffalo, and the great American rattlesnake to play with the foreign boa-constrictor, while the native raccoon slept peacefully with the Numidian lion.

Then, from the zoological garden, pure and simple, came the grandly organized boom for Rock Creek Park. The monkey-garden, true to its nature, has evolved into this gigantic demand on the national taxpayer. The "greatest show on earth" can crowd under canvas, but the proposed zoo wants half a township. There is nothing mean about local enterprise when it can draw drafts on the United States Treasury. Where is this park to be located? The gentleman from South Carolina [Mr. HEMPHILL] grew eloquent and pathetic asking breathing places for the poor; but he asks us to put this park not on the redeemed lands near the river, but away off in the region of the suffering and oppressed rich people, of whom you can not find enough to redeem Sodom remaining in the city during the hot, sultry days of which he speaks.

Where are the petitions from the great mass of the citizens for this park? If Dives demands, why does not Lazarus even petition? There is and can be no blackmail in raising the price of this land, because we do not want this park now nor will we ever need it in the future. If the backers of the movement want this land let them buy it themselves. The people of the United States do not want it. I am a true friend of this beautiful city and its people. The trouble is a few here undertake to speak for the majority. It is hard here to get genuine public opinion on local questions. In my opinion what is needed is good old-fashioned American local self-government.

Let the people rule. Divorce this unnatural partnership between the District and United States Government. Let the people choose their rulers, and through them say what they want, and then put their hands in their own pockets and pay for it like the manly, independent Americans they claim to be. In the mean time down brakes, hard and strong, on speculative adventures at the expense, to a large extent, of the Federal tax-payers.

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS. Mr. Speaker, I yield two minutes to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON, of West Virginia. Mr. Speaker, I do not want to participate in this discussion, but I have a great interest in questions affecting the District of Columbia, and in questions which are of great

interest to my friend from Iowa [Mr. HENDERSON]. I have still a recollection of the strong comradeship that grew up between us in the last Congress when we had very hard battles over the District appropriations in the closing hours of the session. I have been called upon to confirm the statement made by the gentleman from Pennsylvania recently as to the origin of the appropriation for the water-works of the District of Columbia. That appropriation, Mr. Speaker, was not made upon the regular appropriation bill for the District of Columbia. It will be found in the statutes of the Forty-seventh Congress in an independent act, which was approved on the 15th day of July, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

My recollection of the origin of that act is that it came to the House from the Senate; that it first passed at the other end of the Capitol and came to this House. I venture to make the statement that it was considered and reported to this House by the Committee on the District of Columbia in the Forty-seventh Congress.

Mr. HEMPHILL. Will the gentleman state who was the chairman of the Committee on the District of Columbia in that Congress?

Mr. WILSON, of West Virginia. In the Forty-seventh Congress? I was not a member of that Congress.

Mr. CLEMENTS. Mr. Neal, of Ohio.

Mr. WILSON, of West Virginia. Mr. Neal, of Ohio, was chairman of that committee. My recollection is that this bill was passed at a night session devoted to the business of the District of Columbia.

Mr. BUTTERWORTH. I understand that the fault is not in the law, but in the execution of the law.

Mr. WILSON, of West Virginia. I was going to make that statement, that the trouble is not in the law so much as it is in its execution.

Mr. BUCHANAN. The water supply has not been increased, but "the other purposes" have been faithfully carried on. [Laughter.]

Mr. WILSON, of West Virginia. The whole trouble has come from the plans adopted for a subterranean tunnel. If the plans proposed by General Meigs or those proposed by Colonel Casey had been adopted it would have been completed years ago and at an expense of not one-fourth of what has already been expended, which seems now to have been wasted, and an adequate water supply obtained for the elevated portions of the city of Washington.

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS. I yield two minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I only want a few minutes in which to enter my protest, inasmuch as these parks and Government reservations are under consideration, against the manner in which they are used and abused on public occasions; and I do not allude to the occasion of the present inauguration, but to four years past and since, and to every opportunity since I have been a member of this House.

We talk of the people of the United States, and of the benefit that they derive from these reservations and parks. It is said that the streets belong to the people of the United States; that the parks are the property of the people of the United States; that the public buildings belong to the people of the United States; and yet we see all these reservations partitioned off to-day with scantling for seats, where no citizen of the United States who comes to Washington can get a sight of the inauguration ceremonies without paying a high fee to the monopolists, whoever they are, who belong in this District. Now, if we are to have public parks for the benefit of the people, and public streets and public reservations for the citizens of the United States, let us tear down the seats of these monopolists and let the free citizens of the United States have an opportunity of seeing the celebrations on public occasions without having to contribute their money to these monopolists of this District, who undertake to crowd everybody out by their great structures upon our public reservations. Let us have free parks and free streets. [Laughter and applause.]

The SPEAKER. The time allowed for debate has expired. The question is on agreeing to the report.

Mr. DIBBLE. I desire to move that the House recede from its disagreement.

The SPEAKER. This is not the time to make that motion.

Mr. CLEMENTS. I ask the previous question on the adoption of the report.

Mr. HEMPHILL. That, I understand, relates only to those things that have been agreed upon.

The SPEAKER. The report states that the conferees have agreed as to certain matters and have disagreed as to certain other matters. If the report is adopted the matters upon which the conferees agree will be disposed of, and the other matters upon which they disagree will be open for the action of the House or for future conference.

The previous question was ordered.

The conference report was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HERBERT, Mr. HATCH, Mr. RANDALL, and Mr. CLEMENTS rose. Mr. CLEMENTS. Mr. Speaker, I wish to inquire whether or not the instructions proposed to be given by the resolution of the gentleman from South Carolina [Mr. HEMPHILL] are pending.

The SPEAKER. They are not. They have been read for information.

Mr. CLEMENTS. Then I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That, in the opinion of this House, the conferees on the part of the House on the District of Columbia appropriation bill should adhere to their action in conference of a disagreement as to this amendment.

Mr. HEMPHILL. Does that relate to the park?

The SPEAKER. The resolution does not mention any particular amendment.

Mr. HENDERSON, of Iowa. That is offered as a substitute for the resolution offered by the gentleman from South Carolina [Mr. HEMPHILL], I understand.

The SPEAKER. That resolution was not formally offered. It was read for information, but it is not pending.

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, in order that the effect of the vote may be fully understood, I wish to say that, as I understand, an affirmative vote on the resolution offered by the gentleman from Georgia [Mr. CLEMENTS] will be a declaration against the zoological garden and against the park.

The SPEAKER. Undoubtedly.

Mr. CLEMENTS. I move to insert in the resolution, after the word "amendment," the words "numbered 124."

The motion was agreed to.

Mr. CLEMENTS. I demand the previous question on the adoption of the resolution.

Mr. DIBBLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DIBBLE. I rise to move that the House recede from its disagreement to the amendment numbered 124.

Mr. RANDALL. That is not in order.

The SPEAKER. The motion to recede takes precedence, but in effect it is simply the converse of the other proposition, and a vote on either one settles the other.

Mr. DIBBLE. I believe I have the floor.

Mr. RANDALL. The previous question has been demanded.

The SPEAKER. The previous question was demanded on the resolution; but pending that the gentleman from South Carolina makes a motion which under the practice of parliamentary bodies has priority, a motion that the House recede from its disagreement. As this motion tends to bring the two Houses to an agreement it has precedence.

Mr. MILLS. But has the gentleman the floor to debate the question when the previous question has been demanded?

The SPEAKER. It was not demanded on this proposition, but on the resolution offered by the gentleman from Georgia. This is a motion of superior dignity.

Mr. DIBBLE. I yield five minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. HEMPHILL. I would like to submit a motion, to be read in connection with that already pending—a motion that the House recede with instructions—

The SPEAKER. The House can not recede with instructions. The House can recede from its disagreement to an amendment, and can concur in the amendment with an amendment; but the House can not recede and at the same time instruct the conferees.

Mr. SCOTT. I move that the House adjourn.

Mr. HERBERT. I hope that motion will not carry. I desire to ask that there be a session to-night for the consideration of the naval appropriation bill.

The question being taken on the motion to adjourn, there were—ayes 87, noes 46.

Mr. O'FERRALL. I call for the yeas and nays.

The yeas and nays were not ordered, there being—ayes 11, noes 85; less than one-fifth voting in the affirmative.

So the motion to adjourn was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

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

By Mr. PETERS: A bill (H. R. 12656) granting a pensions to Elizabeth W. Davis—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 12657) to grant a lease for a bathhouse at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. TOWNSHEND: A bill (H. R. 12658) for the extension and improvement of Fifth street northwest—to the Committee on the District of Columbia.

Also, a bill (H. R. 12659) for the extension of Whitney avenue, in the District of Columbia—to the Committee on the District of Columbia.

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: Affidavit to accompany House bill No. 4662—to the Committee on Military Affairs.

By Mr. BOOHER: Petition of John M. Holt, of Atchison County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRUMM: Petition of citizens of the Sixth district of Kentucky, asking for the reopening of the election case of Thobe vs. Carlisle—to the Committee on Elections.

By Mr. CARUTH: Petition of Geo. A. Rougee, administrator of John Rougee, of Eliza H. White, widow of Bartlett B. White, and of Perry Crosthwait, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Memorial of farmers of Nebraska, for an increase of the currency of the country—to the Committee on Banking and Currency.

By Mr. GROSVENOR: Petition of Hughes Post, No. 285, and of Philip H. Sheridan Post, No. 328, Grand Army of the Republic, for an appropriation for publishing war records—to the Committee on Appropriations.

By Mr. HERMANN: Resolutions of Multnomah Typographical Union, in favor of the Breckinridge international copyright bill—to the Committee on Patents.

By Mr. O'FERRALL: Petition of Henry Huyett, of Clarke County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Maritime Exchange, asking the House of Representatives to recede from its amendments to Senate bill No. 2851, amending the interstate-commerce law—to the Committee on Commerce.

By Mr. OUTHWAITE: Resolutions of W. H. Fowler Post, No. 366, Grand Army of the Republic, in favor of appropriations of money for publishing war records—to the Committee on Appropriations.

By Mr. RICE: Memorial of the Secular Society of Minneapolis, Minn., against the Sunday-rest bill, etc.—to the Committee on Labor.

By Mr. ROBERTSON: Petition of heirs of Hermina Porche, of East Baton Rouge Parish, Louisiana, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. T. L. THOMPSON: Concurrent resolutions of the Legislature of California, for the improvement of Eel River, California—to the Committee on Rivers and Harbors.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. T. J. CAMPBELL: Of 395 citizens of New York.

By Mr. HUDD: Of 336 citizens of Wisconsin.

By Mr. H. G. TURNER: Of H. H. Tucker and others, of Georgia.

By Mr. VOORHEES: Of 187 citizens of Washington Territory.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BREWER: Of 215 citizens of Ovid, Mich.

By Mr. BUCHANAN: Of 179 citizens of Mount Holly, N. J.

By Mr. KEAN: Of 214 citizens of Ocean Grove, N. J.

By Mr. MCCOMAS: Of citizens of Rockville, of Lay Hill, of Potomac, of Buckeystown, of Williamsport, of Hagerstown, of Smithsburgh, of Sharpsburgh, of Keedysville, of Smithsburgh, Md., and of the Grand Lodge of Good Templars of Maryland.

SENATE.

THURSDAY, February 28, 1889.

The Senate met at 11 o'clock a. m.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of 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.

The message also announced that the House had passed the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 157) correcting the military history of