A bill (S. 2677) granting a pension to Jane Reilly;
A bill (S. 2363) for the relief of John W. Combs; and
A bill (S. 3137) granting a pension to Ruth Ames.

Mr. MATSON moved to reconsider the several votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIA M. EDIE.

Mr. WHEELER. I now call up the bill (S. 3325) for the relief of Julia M. Edie.

The SPEAKER *pro tempore*. A vote was being taken on this bill when the gentleman from Indiana [Mr. CHEADLE] made the point that no quorum had voted.

Mr. CHEADLE. I desire to correct the Chair. It was the gentleman from Minnesota [Mr. MACDONALD] who raised that point.

Mr. MACDONALD. I made the point, and continue to make it.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Minnesota [Mr. MACDONALD] and the gentleman from Alabama [Mr. WHEELER]. The hour of 10 o'clock having arrived, the House, under the standing order, adjourns until 10 o'clock to-morrow morning.

PETITIONS, ETC.

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

By Mr. GLASS: Petition of Mary A. Sullivan, of Madison County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LODGE: Memorial of John M. Raymond and 36 others, citizens of Massachusetts, in favor of international arbitration—to the Committee on Labor.

By Mr. TRACEY: Resolution of New York State Legislature requesting Senators and Representatives in Congress to advocate adequate appropriations for completing and repairing dikes and other necessary work on the Hudson River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS: Petition of Alexander Post, Piqua, Ohio, asking the printing of the records of the war of rebellion—to the Committee on Printing.

By Mr. W. L. WILSON: Petition of Simms Powell and others, of Parkersburgh, W. Va., in favor of amendment of interstate-commerce law in relief of commercial traveling—to the Committee on Commerce.

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. CUTCHEON: Of citizens of Holland, Mich.
By Mr. KEAN: Of 230 citizens of Plainfield, N. J.
By Mr. PHELPS: Of 13 citizens of Hackensack, and of 80 citizens of Hackensack, N. J.
By Mr. RICE: Of 55 citizens of St. Paul, Minn.
By Mr. C. A. RUSSELL: of 12 citizens of Canterbury, Conn.
By Mr. SPOONER (by request): Of 25 citizens of Johnson, R. I.
By Mr. THOMAS WILSON: Of 58 citizens of Wasioja, Minn.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. DARLINGTON: Of 269 citizens of Pennsylvania.
By Mr. JOSEPH: Of 4 citizens of New Mexico.
By Mr. KELLEY: Of 30 members of the Princeton Presbyterian Church of West Chester, Philadelphia, Pa.
By Mr. RYAN: Of 82 citizens of Kansas.
By Mr. SAWYER: Of 103 citizens of Perry, N. Y.
By Mr. WARNER: Of 40 citizens of Missouri, and of 102 citizens of Magnet, Mo.

SENATE.

SATURDAY, *March* 2, 1889.

The Senate met at 11 o'clock a. m.

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

THE JOURNAL.

Mr. EDMUNDS. I ask unanimous consent that the reading of the Journal of yesterday's proceedings be dispensed with this morning.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the reading of the Journal be dispensed with. It is so ordered if there be no objection, and the Journal will stand approved.

STATUES OF FULTON AND MUHLENBERG.

The PRESIDENT *pro tempore* laid before the Senate the following resolutions from the House of Representatives; which were read, and ordered to lie on the table:

Whereas by an act of Congress approved the 2d day of July, 1864, the President of the United States is authorized to invite each and all the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or from distinguished civil or military service, such as each State shall determine to be worthy of that national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much as may be necessary, as the National Statuary Hall for the purpose therein indicated; and

Whereas the State of Pennsylvania has provided the statues of Robert Fulton and John Peter Gabriel Muhlenberg, both natives of the State, and illustrious and distinguished citizens thereof:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the governor and through him to the people of the State of Pennsylvania for said statues.

Resolved, That these works of art are accepted in the name of the nation, and assigned a place in the old Hall of the House of Representatives already set aside by act of Congress for statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Pennsylvania.

FORT LEAVENWORTH MILITARY RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas.

The amendment of the House of Representatives was to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease to the Leavenworth City and Fort Leavenworth Water Company the following-described tract of land in the military reservation at Fort Leavenworth, in the State of Kansas: Beginning at the northwest corner of the 20-acre tract of land formerly in said military reservation granted to the Leavenworth Coal Company by the act of Congress approved July 20, 1868; thence north in extension of the west line of said 20-acre tract 500 feet; thence east parallel to the north line of said 20-acre tract 820 feet, more or less, to the railroad right of way; thence southerly on the west line of said right of way 503 feet, more or less, to the north line of the said 20-acre tract; thence west on the said north line to the place of beginning, containing 9¼ acres, more or *less*, reserving to the United States or assigns the coal, or royalty for the coal, underlying said lands, for the purpose of constructing and maintaining thereon a reservoir and such other works as may be necessary to enable said company to supply the troops at Fort Leavenworth and its other patrons with pure water: *Provided*, That the company shall have the free and uninterrupted use of said tract of land for the purposes above named, under the direction and control of the Secretary of War, so long as it is so used, and that when they cease to occupy and use it for such purposes the lease shall be null and void.

SEC. 2. That the act of Congress entitled "An act to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas," approved the 6th day of June, A. D. 1888, be, and the same is hereby, repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. PLUMB. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

CATHARINE G. BODFISH.

The bill (H. R. 382) granting a pension to Catharine G. Bodfish, received yesterday from the House of Representatives, was read twice by its title.

Mr. HOAR. I ask unanimous consent that that bill be now put upon its passage. I am authorized by the chairman of the Committe on Pensions to make the request. He would make it if he were present.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Catharine G. Bodfish, widow of the late Oliver Bodfish, a soldier of the war of 1812.

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

MESSAGE FROM THE HOUSE.

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

A bill (H. R. 752) granting a pension to Richard D. McKinney;
A bill (H. R. 6411) granting a pension to Sarah Jackson;
A bill (H. R. 6880) granting a pension to Thomas Blazer;
A bill (H. R. 8028) to authorize the States of Illinois, Indiana, and Ohio to prosecute suits against the United States in the Supreme Court of the United States;
A bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls;
A bill (H. R. 9264) for the relief Mary Dockham;
A bill (H. R. 10806) granting a pension to Eugenia A. Halston;
A bill (H. R. 10943) granting a pension to Betsy Cole;
A bill (H. R. 11295) granting a pension to Margaret Durand, hospital nurse;
A bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle; and
A bill (H. R. 12421) granting a pension to Miss Frances Thatcher.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 12807) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes; asked

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a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. RANDALL, and Mr. MCCOMAS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (H.R. 2737) granting a pension to Ann Krumpholz;

A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes;

A bill (H. R. 12403) granting a pension to Bennett Cooper;

A bill (H. R. 12404) granting a pension to George W. Andrews;

A bill (H. R. 12619) granting a pension to Littleberry W. Baker;

A bill (H. R. 12607) granting a pension to Ira Wells;

A bill (H. R. 12608) to pension William J. Martin; and

A bill (H. R. 12604) to restore the pension of Ann G. Barker.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

UNDERVALUATIONS, ETC.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in further response to the resolution of the 19th ultimo, a report from Appraiser A. B. Stearns in relation to irregular damage allowances on imported merchandise at the port of New York; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the report of the managers of the conference on the part of the Senate on the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; which was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government 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 8, 9, 10, 21, 23, 24, 28, 33, 34, 37, 38, 40, 46, 48, 50, 53, 54, 55, 58, 59, 63, 69, 71, 72, 73, 74, 75, 76, 77, 81, 84, 85, 86, 87, 88, 92, 96, 97, 105, 116, 120, 121, 131, 133, 136, 143, 162, 165, 175, 178, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 18, 19, 20, 22, 25, 26, 27, 29, 30, 31, 32, 35, 39, 41, 42, 43, 44, 45, 47, 49, 51, 52, 89, 90, 91, 98, 99, 102, 103, 109, 112, 115, 118, 119, 122, 126, 127, 128, 129, 130, 134, 137, 139, 140, 145, 146, 147, 149, 150, 152, 156, 159, 160, 161, 174, 177, 179, 180, 183, and 198, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$5,000," and strike out from said amendment the word "grading" and insert in lieu thereof the following: "And grading within the limits of the site;" 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 matter stricken out by said amendment insert the following:

"That hereafter commissions shall not be paid for disbursements on account of sites for public buildings; nor on account of construction of public buildings, except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, D. C., by drafts or checks payable to the grantors of such sites or their legal representatives."

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 amendments as follows: In lieu of the sum proposed in said amendment insert "$200,000;" and after the word "let," in line 5 of said amendment, insert the following: "For the entire structure, at a total cost of not exceeding $500,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$100,000;" 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 matter proposed to be inserted by said amendment insert the following:

"*Provided*, That hereafter all expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000;" 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 101; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: After the word "and" in said amendment insert the words "for ascertaining;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, 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 of the above sum no more shall be expended for salaries and wages in this institution during the fiscal year 1890 than shall with the payments from other sources make a total for such salaries and wages for said year of $28,000 in all."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 16, page 42 of the bill, strike out the words "except when absolutely indigent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, 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 135, and agree to the same with an amendment as follows: Strike out from said amendment the word "gas" and insert in lieu thereof the word "light;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"*Provided*, That no part of this appropriation shall be expended until a contract is made for finishing said building complete, including heating apparatus and approaches, within the limit of this appropriation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, 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:

"Fort Monroe, Virginia: For construction complete of a sewerage system, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with amendments as follows: In lieu of the sum proposed insert "25,000," and add at the end of the amended paragraph the following:

"And in addition to said amount $25,000, to be expended in constructing a road upon such route as may be surveyed and selected by the engineer officer detailed for duty in the park, from the Upper Geyser Basin to the Shoshone Geyser Basin, thence around the southern shore of Shoshone Lake and across the continental divide to the west arm of the Yellowstone Lake, thence along the western shore of Yellowstone Lake to Lake Outlet, and along the Yellowstone River to the Falls and Grand Cañon, thence from the Falls down the Yellowstone River to a junction with the present road to Cook City; in all, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with amendments as follows: After the word "committee," in line 6 of said amendment, insert the following:

"Who shall have power to settle and approve vouchers notwithstanding the dissolution of the committee."

And add at the end of said amendment the following:

"*Provided*, That one-half of said sum shall be paid out of the revenues of the District of Columbia and one-half out of the Treasury of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, 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 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$255,000;" and the Senate agree to the same.

On amendments numbered 60, 61, 62, 141, 142, 182, and 197, the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. EDMUNDS. I wish the Senator from Iowa would kindly tell us what are the points of disagreement that are still left open.

Mr. ALLISON. The three amendments relating to the Bureau of Engraving and Printing are still open. It is really one amendment, but it involves three. Amendments 141 and 142, relating to the Library building. The House conferees would not agree to our provision respecting the Library building. Amendment 182 is the compensation to Mrs. Waite, and amendment 197 is the provision respecting an addition to the Government Printing Office. All the other amendments have been agreed on by the conferees.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report of the committee of conference? If there be none, the question is, Will the Senate concur in the report?

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon the amendments not agreed on by the committee of conference and ask for a further conference with the House of Representatives on those amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers at the further conference on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

PRIVILEGE OF THE FLOOR.

Mr. BLAIR. General Marston, who has been designated by the governor of New Hampshire for appointment as a Senator to fill a vacancy occurring on the 4th of March, is in the city, and I would esteem it a great courtesy if I might be allowed unanimous consent by the Senate to invite him upon the floor.

The PRESIDENT *pro tempore*. The Chair hears no objection, and leave is granted.

GEORGETOWN AND TENNALLYTOWN RAILWAY.

Mr. DAWES. There is a very little bill which will take but two minutes that I should like to have passed.

The PRESIDENT *pro tempore*. The Chair can not entertain the request except by unanimous consent.

Mr. PLATT. Is the morning business over?

The PRESIDENT *pro tempore*. It has not been called. The Chair has been disposing of business on his table which takes precedence of morning business. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 11811) to amend an "Act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia;" which was received by the President August 10, A. D. 1888, and became a law without his approval, was read twice by its title.

Mr. FAULKNER. The bill which has come over from the other House is the same as the bill reported unanimously by the Committee on the District of Columbia of the Senate, and I ask unanimous consent to put the bill upon its passage.

Mr. EDMUNDS. It will have to lie aside to be examined.

Mr. FAULKNER. I desire to say that there is but one difference between the two bills. This bill provides for the track to be laid along the side of a road that is not improved, whereas the Senate bill reported by the committee did not have that precautionary provision in it. There is a strip in the center of this road, and the House bill provides that that shall not be utilized for the purpose of these tracks.

Mr. EDMUNDS. I object for the time-being. I will probably withdraw the objection if I have time to examine the bill.

INDIAN APPROPRIATION BILL.

Mr. DAWES. Is there anything to prevent calling up, by unanimous consent, the Indian appropriation bill at this time?

The PRESIDENT *pro tempore*. There is not.

Mr. DAWES. Then I move to take up that bill.

Mr. PLATT. I desire to present a report when that order is reached.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the 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. Is there objection?

Mr. DAWES. If the bill is taken up, I shall yield informally to the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. The Senator from Massachusetts says if the bill comes up he will yield to me informally to make a report. I shall not be able to be in the Senate all the morning, as I shall have to be engaged in business of the Senate, and I desire to make the report at this time.

The PRESIDENT *pro tempore*. The Chair asks if there be objection to the present consideration of the bill moved by the Senator from Massachusetts. The Chair hears none. The bill is before the Senate as in Committee of the Whole, and will be read at length.

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

Mr. DAWES. I ask that when the bill is read the amendments proposed by the Committee on Appropriations may be acted on as they are reached.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the text of the bill, if there be no objection.

Mr. DAWES. Now I yield to the Senator from Connecticut.

INDIAN TRADERS.

Mr. PLATT. The Select Committee on Indian Traders was constituted originally by the resolution of the Senate of June 3, 1886, to make an investigation and an inquiry. In behalf of the committee I desire to submit the report of the committee relating to the investigation which was ordered by the resolution of June 3, 1886, and also to submit the testimony which has been taken. The Senator from West Virginia [Mr. FAULKNER] has a minority report.

Mr. FAULKNER. I ask the leave of the Senate to present the minority report upon the same subject embraced in the majority report. It was prepared by the Senator from Kentucky [Mr. BLACKBURN].

The PRESIDENT *pro tempore*. The Senator from West Virginia asks leave to submit the views of the minority of the same committee.

Mr. PLATT. Let them both be printed.

The PRESIDENT *pro tempore*. The Chair hears no objection. The minority views will be received and printed with the report.

SELECT COMMITTEE ON PACIFIC RAILROADS INDEBTEDNESS.

Mr. STEWART. I ask the Senator from Massachusetts to give way for a moment to allow the resolution in regard to the special committee on Pacific railroads, which was laid over yesterday, to be passed.

Mr. DAWES. I do not object if it does not cause debate.

The PRESIDENT *pro tempore*. The resolution will be read, if there be no objection.

The SECRETARY. The resolution was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, to strike out all after the word "*Resolved*," and insert:

That the select committee appointed under the resolution of the Senate of January 24, 1888, to which was referred the President's message transmitting the report of the Pacific Railway Commission, be, and it is hereby, continued, with all the power and authority on it conferred by Senate resolution of February 23, 1888, until the indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies, shall be adjusted by Congress. And said committee is hereby instructed to personally examine, during any recess of Congress preceding the meeting thereof in December next, the roads of said companies and the country through which they pass or which is immediately contributory to their income, for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass, and afford to the inhabitants thereof reasonable rates of transportation for passengers and freight. Said committee may hold its sessions at any place in the United States, and the expenses attending its investigation shall be paid out of the contingent fund of the Senate.

Any subcommittee appointed by said committee shall have all the powers of the full committee.

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

Mr. SHERMAN. I ask if the resolution is reported from the select committee?

Mr. STEWART. It was reported yesterday and laid over.

The PRESIDENT *pro tempore*. The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and reported from that committee.

Mr. SHERMAN. What I wish to inquire is whether the resolution was reported originally from the special committee authorized to examine into the Pacific railroads?

The PRESIDENT *pro tempore*. The chairman of the select committee is present and can reply.

Mr. FRYE. It was not reported from the select committee.

Mr. SHERMAN. Then I object to its consideration.

Mr. DAWES. If the resolution is to cause debate I shall be obliged to ask the Senate to proceed with the appropriation bill.

Mr. SHERMAN. Unless that committee asks for this power I shall object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. SPOONER. I ask the Senator from Massachusetts to yield to me.

Mr. DAWES. If it does not cause debate.

Mr. SPOONER. It will not cause debate.

Mr. STEWART. I should like to inquire of the chairman of the committee——

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

Mr. STEWART. I ask the Senator from Wisconsin to give way for a moment so as to let this matter be disposed of.

Mr. SPOONER. I am occupying the floor by the courtesy of the Senator from Massachusetts, and do not feel at liberty to parcel out the time that is accorded to me.

The PRESIDENT *pro tempore*. The Senator from Wisconsin will proceed.

THOMAS D. FISTER—RECUSANT WITNESS.

Mr. SPOONER. Some days ago I reported from the Committee on

Public Buildings and Grounds the facts showing the contempt of a witness who had appeared before the committee, with a resolution directing the Sergeant-at-Arms to take the witness into custody, the resolution being in the usual form. Notice was given by the Senator from Alabama [Mr. MORGAN] and other Senators of a desire to debate the question as to whether the Senate had power to punish for contempt. The lateness of the session and the pressure of business render it absolutely impossible to enter upon that discussion.

After a careful investigation of the subject I have no doubt myself of the power of the Senate to punish a recusant witness in an investigation into the conduct of a public office, the witness being a public official; but in view of the situation the Committee on Public Buildings and Grounds have instructed me to withdraw the resolution and to leave the report standing as the report of the facts, under which, by section 104 of the Revised Statutes, it becomes the duty of the President of the Senate to report the facts to the district attorney of this District for investigation by the grand jury.

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

The Chief Clerk read the resolution reported by Mr. SPOONER from the Committee on Public Buildings and Grounds February 21, 1889, as follows:

Resolved, That the President of the Senate issue his warrant, directed to the Sergeant-at-Arms of the Senate, commanding him forthwith to arrest and to bring to the bar of the Senate the body of Thomas D. Fister, to show cause why he should not be punished for contempt, and in the mean time to keep the said Fister in his custody to await the further order of the Senate.

The PRESIDENT *pro tempore*. The resolution the Chair understands the Senator from Wisconsin to withdraw, if there be no objection.

Mr. SPOONER. Yes, sir; it being the desire of the committee that the report should stand as a report of the facts under the statute to the Senate, and that authorizes certain action by the President of the Senate.

The PRESIDENT *pro tempore*. If there be no objection, leave is granted to withdraw the resolution. Will the Senator from Wisconsin submit his further motion in writing?

Mr. SPOONER. I think it requires no motion. The statute clearly defines the duty of the Presiding Officer upon the facts being reported.

PETITIONS AND MEMORIALS.

Mr. VEST. Will the Senator from Massachusetts permit me to present some petitions?

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that morning business shall be received?

Mr. DAWES. I will yield for formal morning business.

Mr. VEST presented two petitions of citizens of Gill and Magnet, in the State of Missouri, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented two memorials of citizens of Joplin, Mo., remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. VOORHEES presented a memorial of citizens of Cates, Ind., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. DAWES presented the petition of P. F. Barnard and 21 others, citizens of Wendell, Mass., and the petition of Arthur P. Smith and 49 others, citizens of Sunderland, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of alcoholic liquors as a beverage; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 8002) for the relief of Elizabeth Mulvehill, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 2067) for the relief of James H. Gilbert, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CHANDLER. I desire to make a report from the Select Committee on Indian Traders and also to submit the evidence taken by the committee.

The PRESIDENT *pro tempore*. The report will be received if there be no objection, and printed.

Mr. CHANDLER. The minority desire to submit a minority report. The Senator from West Virginia [Mr. FAULKNER] will submit it.

The PRESIDENT *pro tempore*. The Chair understood that the Senator from Connecticut [Mr. PLATT] submitted a report from that committee.

Mr. CHANDLER. This is a report on another branch of the case.

Mr. FAULKNER. I ask leave to present the views of the minority in reference to that branch of the investigation on which the report has just been made by the Senator from New Hampshire [Mr. CHANDLER].

The PRESIDENT *pro tempore*. The views of the minority will be received if there be no objection, and printed.

Mr. FAULKNER. I ask that the views of the minority be printed with the report of the majority.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. BLACKBURN. I submit a report in writing which I gave notice some time ago would be filed with the bill (S. 3299) authorizing the Secretary of the Navy to contract for certain guns and ammunition therefor. I ask that the report be filed with the bill.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 11660) for the relief of Martha E. Flesschert; in which it requested the concurrence of the Senate.

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

A bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation; and

A bill (S. 3951) to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois.

The message also announced that the House receded from its disagreement to the amendment of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, and agreed to the same.

The message further announced that the House insisted upon its amendments to the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARDY, Mr. LAGAN, and Mr. JOHN R. BROWN the managers at the conference on the part of the House.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. 9674) to regulate the course at the Naval Academy, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. ELLIOTT, and Mr. HARMER the managers at the conference on the part of the House.

The message further announced that the House had concurred in 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. 9418) to incorporate the Washington and Western Maryland Railroad Company.

The message also returned, in compliance with the request of the Senate, the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

The message further returned to the Senate, in compliance with its request, the bill (S. 308) for the relief of Faran and McLean.

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 (H. R. 9227) for the relief of Mary Newton;

A bill (H. R. 8225) for the relief of William S. Kellington; and

A bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

BILL INTRODUCED.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 3999) for the relief of John Burns; which was read twice by its title, and referred to the Committee on Patents.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I ask that the Indian appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider 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.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 1, line 9, before the word "agents," to strike out "fifty-eight" and insert "fifty-seven;" so as to read:

For pay of fifty-seven agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

The amendment was agreed to.

The next amendment was, in the appropriation for pay of agents of Indian affairs, on page 5, line 14, before the word "dollars," to strike out "two thousand" and insert "one thousand eight hundred;" so as to read:

At the Union agency, at $1,800.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, to strike out line 22, as follows:

At the Mackinac agency, at $1,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 6, line 5, after the word "all," to strike out "eighty-eight thousand four" and insert "eighty-seven thousand two;" so as to read:

In all, $87,200.

The amendment was agreed to.

The next amendment was, in the same clause, page 6, to strike out from line 9 to line 12, inclusive, as follows:

To pay Charles A. Ruffee balance of salary as agent at the White Earth Indian agency, in Minnesota, for the fiscal year ending June 30, 1880, $600.

The amendment was agreed to.

The next amendment was, on page 7, to increase the appropriation for the expenses of the commission of citizens serving without compensation appointed by the President under the provisions of the fourth section of the act of April 10, 1869, from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Chickasaws," on page 9, to strike out from line 5 to line 10 on page 10, inclusive, as follows:

Amount necessary to reimburse the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $140,884.17.

Amount necessary to reimburse the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41; total, $240,164.58.

The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sum of $140,884.17 shall be paid from time to time upon requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts, in pursuance of authority to be conferred upon said officers by the Legislature of the Chickasaw Nation; and said sum of $99,280.41 shall be paid to such persons as the said Legislature shall, by joint resolution, declare entitled to receive the same: *Provided*, That no interest shall be paid on this amount after the approval of this act.

And in lieu thereof to insert:

For reimbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852 (less payment of $56,021.49 to assignee of W. H. Gwinn), $84,862.68.

For reimbursement of the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41.

The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sums shall be paid, from time to time, under requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts: *Provided*, That said payment to the assignes of W. H. Gwinn be referred to the Secretary of the Interior for consideration.

The amendment was agreed to.

Mr. DAWES. In the ninth line on page 11, and the eighteenth line on page 10, the name should be "William M. Gwin." I move that amendment.

The amendment was agreed to.

The next amendment was, under the head of "Cherokees," on page 11, line 24, to strike out "and also in paying and refunding said sum of $53.33 per head to any of said Indians who may now or may hereafter desire to remove from North Carolina to said Indian Territory," to strike out the following proviso:

Provided, That the money so appropriated shall be paid from the fund created by the act of Congress of July 29, 1848, for the removal and subsistence of North Carolina Cherokee Indians.

So as to make the clause read:

Cherokees:

To carry out the provisions of article 8 of the treaty of May 6, 1826, and the treaty of December 29, 1835, and the further treaty agreement of May 18, 1838, made with the Cherokee Indian Nation, there is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in paying and refunding the sum of $53.33 per head to such of said Indians as have removed themselves at their own cost to the Indian Territory, and who have subsisted themselves for one year after such removal. The said money when paid as aforesaid to be accepted by said Indians as and in full compensation and satisfaction for their expenses in removing as aforesaid and in subsisting themselves for the first year after their arrival in said Territory.

The amendment was agreed to.

Mr. DAWES. I move to strike out the whole paragraph on page 11, beginning with line 11, as follows:

Cherokees:

To carry out the provisions of article 8 of the treaty of May 6, 1826, and the treaty of December 29, 1835, and the further treaty agreement of May 18, 1838, made with the Cherokee Indian Nation, there is hereby appropriated the sum of 20,000 dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in paying and refunding the sum of $53.33 per head to such of said Indians as have removed themselves at their own cost to the Indian Territory, and who have subsisted themselves for one year after such removal, and also is paying and refunding said sum of $53.33 per head to any of said Indians who may now or may hereafter desire to remove from North Carolina to said Indian Territory. The said money when paid as aforesaid to be accepted by said Indians as and in full compensation and satisfaction for their expenses in removing as aforesaid and in subsisting themselves for the first year after their arrival in said Territory: *Provided*, That the money so appropriated shall be paid from the fund created by the act of Congress of July 29, 1848, for the removal and subsistence of North Carolina Cherokee Indians.

The PRESIDENT *pro tempore*. If there be no objection, the two amendments proposed by the committee to this paragraph will be disagreed to and the entire paragraph stricken out as just read by the Secretary. The Chair hears no objection; and it is so ordered.

The reading of the bill was resumed and continued to line 11 on page 16.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Massachusetts to line 6 on page 16, where the word "expend" should be "expended."

Mr. DAWES. Let it be so amended.

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

The SECRETARY. On page 16, line 6, before the word "under," strike out "expend" and insert "expended;" so as to read:

For interest on $675,168, at the rate of 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Creeks," on page 16, to strike out from line 12 to line 9, inclusive, on page 17, as follows:

To pay the expenses of transportation of two hundred and seventy-four Creek Indians at $30 each, and subsistence for twelve months at $25 each for one hundred and sixty Creek Indians, said Indians being named and described in a list appended to the letter of A. B. Upshaw, Acting Commissioner of Indian Affairs, dated 19th of June, 1888, set forth in Executive Document No. 198, Fiftieth Congress, first session, and being entitled to the sums per capita due them under the treaty of ——, 1826, and the treaty of ——, 1832, with the Creek Indians, the sum of $12,220, to be paid to the person authorized to receive and pay out the same to the persons entitled thereto by the Legislature of the Creek tribe of Indians; and said sum shall be distributed only to the Indians named in said list, and shall be paid to them personally or their legal representatives, and the payment under this act shall be a full and final discharge of the United States from all further liability to any Indian of said tribe on account of any claim for transportation or subsistence under said treaties or under any act of Congress relating to said treaties.

The amendment was agreed to.

The next amendment was, after line 23 on page 18, to insert:

Indians at Blackfeet agency:

For second of ten installments of $150,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Blackfeet agency, Montana, as per act approved May 1, 1888, $150,000.

Indians at Fort Belknap agency:

For second of ten installments of $115,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Belknap agency, Montana, as per act approved May 1, 1888, $115,000.

Indians at Fort Peck agency:

For second of ten installments of $165,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Peck agency, Montana, as per act approved May 1, 1888, $165,000.

The amendment was agreed to.

The next amendment was, on page 19, under the head of "Iowas," in line 24, after the words "eighteen hundred and" to strike out "eighty-eight" and insert "eighty-nine;" so as to read:

Iowas:

For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1889, at 5 per cent. per annum, for education or other beneficial purposes.

The amendment was agreed to.

The next amendment was, under the head of "Pottawatomies" on page 25, to strike out from line 19 to line 12 on page 27, as follows:

Fulfilling treaty stipulations with the Pottawatomie Nation.

For this amount, to fulfill the stipulations of the second clause of article 10 of the treaty of August 7, 1868, with the Pottawatomie Nation of Indians and the award made thereunder, the sum of $178,953.43, with 5 per cent. per annum interest thereon from the date of award, approved January 28, 1869, of which sum there shall be paid the Pottawatomies of Huron, Mich., the sum of $9,400, with interest at 5 per cent. from date of award; and the balance of said sum, less whatever sums may be legally and equitably due the delegates of said Indians by virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, and which have been, or may be, approved by the Secretary in whose Department the same is filed, shall be distributed per capita, as follows: Fourteen hundred and twenty-one hundred and eightieths to the Citizens band, and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band of Pottawatomies of Kansas.

To carry out and fulfill the first clause of article 10 of said treaty of August 7, 1868, and the awards made thereunder the sum of $48,338.80, to be distributed in names and amounts to those members of the Citizens band of Pottawatomie Indians or their legal representatives named in the communication of J. H. Morris, agent of said Indians, to the Commissioner of Indian Affairs, of date November 9, 1871, and transmitted to Congress by the Secretary of the Interior on December 20, 1871, there being ninety of said names and amounts, the said sum to be subject to such amount as may be due the delegates of said Indians by virtue of contracts or powers of attorney on file in the Departments of the Treasury or Interior, and is or may be approved by the Secretary in whose Department it may be filed, and that the clause in the act approved March 3, 1885, twenty-third Statutes, page 372, referring said claim to the Court of Claims, be, and the same is hereby, repealed.

Mr. DANIEL. Before passing from the clause on page 25, line 19, "Fulfilling treaty stipulations with the Pottawatomie Nation," I wish to be heard.

I see that in the bill as it comes before the Senate the Committee on Appropriations has stricken out the provision from line 19 on page 25 to line 12 on page 27, inclusive, for carrying out treaty stipulations with the Pottawatomie Nation. These two clauses comprise two items of claim of the Pottawatomie Nation against the Government, and it seems to me they ought to be considered separately.

The claims presented in these two clauses of the appropriation bill

have been time and again before Congress for many years. They have been also time and again the subject of very careful and close examination by committees and have been reported upon by the Secretary of the Interior and by the Commissioner of Indian Affairs, and all the reports which have been received from the Department have stated that these were just claims. I hold in my hand a letter from the Secretary of the Interior of January 3, 1889, inclosing one addressed to him by the Commissioner of Indian Affairs, and I beg leave to read from a paragraph of the letter of the Commissioner of Indian Affairs:

In reply to the call for information on the bill in question the Department is advised that the bill sets forth correctly in the preamble the base for the claim of the Pottawatomie tribe, and that the amount specified in section 1 to be paid, namely, $227,851.38, is correct. The award made by the two commissioners appointed by the President fixed the sum due as principal $178,953.43, and by a supplemental report, dated January 22, 1869, the said commissioners awarded the sum of $48,897.95 as interest at 5 per cent. on the sum of $160,540.48, being the sum awarded to be due the Pottawatomies by the Committee on Claims of the House of Representatives December 19, 1862. This interest allowed is for six years one month and three days, dating from December 19, 1862, the date of the award made by the committee, to January 22, 1869, the date of the supplemental report of the commissioners. The two sums named as awarded by said commissioners, namely, $178,953.43 and $48,897.95, make up the aggregate of $227,851.38 named in the bill, and the interest at 5 per cent. on this amount to be allowed should date from January 22, 1869, in lieu of December 29, 1869, as named in the bill.

The above awards of the commissioners are found in House Executive Document No. 61, Fortieth Congress, third session, pages 12 and 31.

The commissioners state on page 3 of their report that they have awarded to the Pottawatomies of Huron $5,000 under treaty of August 21, 1805; also, to the same band, the sum of $4,400 under treaty of November 17, 1807, making a total of $9,400 due to the Huron band. Provision should be made for the payment of this sum with interest to said band, the members of which reside in Michigan.

The second section of the bill—

That is now the second paragraph or clause, which the committee have recommended to be stricken out.

The second section of the bill—

Says Mr. Oberly, the Commissioner—

provides for an appropriation of the sum of $48,332.80, to be paid to certain individual members of the Pottawatomie tribe, in compensation for depredations committed upon the stock, timber, or other property, as required by the first clause of the tenth article of treaty of August 7, 1868. The above claims were examined by the Department and the amount named fixed as equitably due, a report of which was submitted for the consideration of Congress December 20, 1871.

In connection with this item, attention is invited to a clause in the act approved March 3, 1885 (23 Stats., 372), which provides that the above claims shall be referred to the Court of Claims for adjudication.

The above claims have been reported favorably by this office and the Department a number of times since 1869, and the letter of the committee and inclosures are returned herewith, with recommendation for favorable action and final disposition of the claims in question.

Mr. President, as a subcommittee of the Committee on Indian Affairs I had occasion to examine as critically and as exhaustively as the records of the Department permitted the basis of these claims. I made them the subject of a voluminous report in which the whole history of the matter was set forth.

Since 1871 they have been ripe for action by Congress. I can find nothing in any record which throws the slighest doubt or suspicion upon the integrity or justice of these claims, and to postpone them merely to necessitate their periodical presentation to Congress is a waste of time and of labor of the committees and of the Department in reporting again and again and over again their equity and justice. It seems to me, sir, that when there is a just claim against the Government recognized by its Cabinet ministers and by its Senators and Legislators to be a just one, the only proper disposition to make of it is to pay it. It will be a saving to the Government to pay this claim now, and I therefore hope it will be embodied in this appropriation bill.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Chair understand the Senator from Virginia to request a division of the question?

Mr. DANIEL. Yes, sir.

The PRESIDING OFFICER. The question is, then, Will the Senate agree to so much of this amendment as is included between line 19 on page 25 and line 16 on page 26?

Mr. DAWES. It is true, as the Senator from Virginia has stated, that this claim has been before Congress for a great many years. It has been examined in the Interior Department and has been examined by several committees of both branches of Congress and has been frequently recommended for payment, but upon discussion at different times in this branch and in the other there has been so much doubt thrown upon the justice of it as to induce Congress to hesitate and to decline to make the appropriation, and that is why it is still before Congress. It was referred to the Indian Committee during the last session of this Congress and in that committee to the Senator from Virginia, and the Senator from Virginia made a report to that committee which, although not adversely acted upon by the committee, has never, according to my recollection, been acted upon affirmatively. The Senator may correct me if I am wrong.

Mr. DANIEL. As to the first item it was acted upon affirmatively; as to the second, not.

Mr. DAWES. The Committee on Appropriations of the Senate finding it in this bill from the House discussed it at some length, and the same objection which has always appeared throwing some sort of doubt upon the merits of the claim induced the Committee on Appropriations to come to the conclusion that it ought not to be put into an appropriation bill on the last day of the session, when its merits could not be discussed, but that it should come from one of the standing committees of the House or the Senate, as was proposed in the report which the Senator from Virginia has prepared to submit to the Senate from the Committee on Indian Affairs. They were in doubt about the merit of this claim. It is a large claim. It ought to be disposed of either affirmatively or adversely, but this appropriation bill is not the place to consider these large claims, and much that ought to be brought to bear in coming to a correct conclusion upon such a claim as this it is impossible to discuss in these last hours of the session. I am instructed by that committee, therefore, to insist upon its being kept out of this bill.

I am not prepared to say that it is not a just measure, certainly the first part of it which received the approval of the Senator from Virginia as a member of the Indian Committee, nor am I quite prepared to say that I have no doubt about it. I wish to state the case just as it stands before the Committee on Appropriations. It is a claim——

Mr. TELLER. I want to ask the Senator if this has not been approved by the Department on several occasions.

Mr. DAWES. I have stated already that it had been approved several times. If I was asked to put my finger upon the bad places in this provision, I should not be able to do it without a good deal of time, and yet those members of the Committee on Appropriations who insist upon it that it should not be crowded into the appropriation bill will be able, I am sure, to justify this conclusion.

I represent the Committee on Appropriations in stating fairly the conclusions which led that committee to insist upon its being stricken out. I do not know but that the Senator from Colorado, who interrupted me a moment ago, was one of the officials who approved of this measure. I am not certain about that.

The Senator from Virginia has read a letter from the present Commissioner of Indian Affairs, but not a very strong one. Some points are touched gently and with such proper precaution as would pervade the mind of a man who felt that there was some merit in this claim and that something ought to be paid but not quite all this amount asked. I think I have stated the position of the committee fairly.

Mr. McPHERSON. Mr. President, if the Senator from Massachusetts, who has charge of this bill, will give me his attention for a moment, I would like to be informed on this point. It is very evident that the Indians are not increasing in numbers but decreasing from year to year, and inasmuch as the Government has expended large sums of money in the attempt to apportion to them their lands in severalty, I ask how it is that every year there is an increase of appropriations for the Indian Department until to-day it has become one of the most oppressive of the appropriation bills we have. Really I think if we were to take the amount of appropriations made here annually for the Indians we might hire for each one of them a flat in the city of Washington and support him here on less money than is appropriated by this Government for the support of the Indians. I should like to know, if the Senator will inform me, how, now, as they are decreasing in numbers, the appropriations are increasing in amount.

Mr. DAWES. One way to keep this bill down will be for the Senator to help me to keep out this Pottawatomie claim of about $200,000. I will state to him, however, that when we get through with the Pottawatomie claim I will answer more directly his inquiry, and as well as I can. This Pottawatomie claim and a good many more that are found in this bill with black lines drawn through them make it swell up to the large amount which has properly and justly alarmed the Senator from New Jersey.

Mr. McPHERSON. It is the large amount already found in the bill of which I complain; and yet the Senator from Massachusetts, if I understand him aright, concedes the justice of the Pottawatomie claim.

Mr. DAWES. I do not want to leave the impression upon the Senate that I conceded the justice of it. I did not condemn it with the language that I would many claims. I have some doubts about it.

Mr. DANIEL. It is an old saying, Mr. President, that a house which is divided against itself can not stand. My friend, the Senator from Massachusetts, it seems to me, on this occasion represents a house divided against itself, and the best that it can do for itself is to intimate that it has a doubt without being able to tell the Senate where it derives that doubt from. Lord Thurlow's doubts were considered almost as weighty as some other people's opinions, and when the Senator who is chairman of the Committee on Indian Affairs says he has a doubt about some proposition to pay the Indians something, I well know that a doubt so expressed is apt to have more weight than the opinion of some one occupying a less eminent position.

The Senator can speak of his own doubts, but he has no justification for attributing doubt to me. If any reliance whatsoever is to be placed upon the Cabinet ministers of this Government of the present Administration or upon the Commissioner of Indian Affairs, and if any reliance is to be placed upon the records of the Department, upon the reports of its Indian agents, and upon the estimates and statements made to Congress from 1862 to 1889 without a flaw in the testimony and without the expression of a doubt from any official who has dealt with this matter, then I can well understand that the Senator is at a loss for a place to put his finger upon in intimating where doubt arises.

I care nothing in the world for this case except to see this Government do justice, and I will reply to the question which was asked by the Senator from New Jersey [Mr. MCPHERSON], why it is that each successive year the Indian grows more expensive as he grows fewer in numbers? It is because this Government permits his claims from year to year to accumulate and treats him with an utter disregard of his rights and itself with contempt for its own treaty stipulations.

I do not care to detain the Senate at this late hour of its session with any lengthy dissertation upon this subject, but it seems to me that when a claim has been carefully examined into, when Cabinet ministers, and commissioners, and agents have through a period of a quarter of a century with one unbroken voice indicated that it was all right, and when that claim, by reason of the impossibility of the Indian getting justice through the ordinary channels of Congress, has been put upon an Indian appropriation bill, those who contend that the proposition is a just one, and who parade such strong items of proof to show it, are entitled to something better in the nature of an argument from its opponents than that a Senator has a doubt, though he can not put his finger upon the place where the doubt comes in.

I think I know, sir, where the doubt comes in. The honorable Senator from Massachusetts is a member of two committees. As a member of the Committee on Indian Affairs, to which this proposition in the nature of a bill has been committed, he can find no objection to the bill, but as a member of the Committee on Appropriations, which wants to keep up a sort of quasi reputation for economy, and does not want to have its bills loaded down with large amounts, the Senator discovers a doubt. The doubt comes in through the appropriation side of the Senator's meditations. It is a spontaneous doubt, generated not by anything in the record, not by anything that he has heard outside of the record.

Mr. SHERMAN. I ask the Senator from Virginia to yield to me that I may make a report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 12513) for the relief of John J. Freeland; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers with an amendment 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 (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 8429) granting a pension to W. W. Wilson;

A bill (H. R. 6763) granting a pension to John Mann;

A bill (H. R. 5758) granting a pension to Lovina Wright;

A bill (H. R. 12575) to increase the pension of James M. Barrett;

A bill (H. R. 8100) granting a pension to Anna J. Weaver;

A bill (H. R. 8580) granting a pension to Sarah A. Harrison;

A bill (H. R. 11707) granting an increase of pension to Gertrude Northrop;

A bill (H. R. 12273) for the relief of Newton C. Ridenour;

A bill (H. R. 12510) granting a pension to George Hunter;

A bill (H. R. 12540) to increase the pension of Theodore White;

A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder;

A bill (H. R. 5398) granting a pension to Catharine Hays;

A bill (H. R. 2862) granting a pension to William Ford;

A bill (H. R. 12275) to increase the pension to John W. Smith;

A bill (H. R. 12428) for the relief of Martha Rhodes;

A bill (H. R. 12446) granting an increase of pension to Jacob S. Sherman;

A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell;

A bill (H. R. 12491) granting a pension to Lucinda Newman;

A bill (H. R. 11884) to grant a pension to William Hawkins;

A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;

A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford;

A bill (H. R. 3916) granting a pension to Jacob Wolf;

A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;

A bill (H. R. 2157) granting a pension to Ann E. Mussman;

A bill (H. R. 5390) granting a pension to John Limeric;

A bill (H. R. 12420) granting a pension to Lucy, widow of Muckapec-wak-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from effects of wounds received therein;

A bill (H. R. 8327) for the relief of Joseph Lawless;

A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico;

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

A bill (H. R. 8995) for the relief of Antonia Wiener;

A bill (H. R. 9113) granting a pension to Frank M. Martin;

A bill (H. R. 9159) granting a pension to William A. Taylor;

A bill (H. R. 10167) increasing the pension of Nathaniel Crain;

A bill (H. R. 10644) granting a pension to Elizabeth Peterson;

A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;

A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;

A bill (H. R. 11184) for the relief of Jessie Isherwood;

A bill (H. R. 11627) granting a pension to Mary Horning;

A bill (H. R. 11663) granting a pension to M. Josie McClain;

A bill (S. 1384) granting a pension to Margaret J. Cash;

A bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow-Gauge Railroad Company;

A bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

A bill (S. 1719) granting a pension to Levi B. Smith;

A bill (S. 2511) to withdraw certain public lands from private entry, and for other purposes;

A bill (S. 2549) for the relief of Mary Isabella R. Clements;

A bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company;

A bill (S. 2977) granting a pension to Henrietta Brown;

A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;

A bill (S. 3713) granting an increase of pension to Maria A. Rousseau; and

A bill (S. 3918) granting to the Duluth and Winnepeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations, in the State of Minnesota.

POST-OFFICE 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. 12490) making appropriations for the service of the Post-Office Department 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 1 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, and 9, and 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 an amendment as follows: Strike out from said amendment the following words: "Payable out of this appropriation;" and the Senate agree to the same.

P. B. PLUMB,
W. B. ALLISON,
Managers on the part of the Senate.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Managers on the part of the House.

The report was concurred in.

COMMERCIAL UNION WITH CANADA.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 129) to promote commercial union with Canada, to report it favorably. I ask that it now be read for information.

The PRESIDING OFFICER (Mr. PLATT in the chair). The joint resolution will be read.

The Secretary read as follows:

Resolved, etc., That whenever it shall be duly certified to the President of the United States that the Government of the Dominion of Canada has declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties upon trade between the United States and Canada, he shall appoint three commissioners to meet those who may be likewise designated to represent the Government of Canada, to prepare a plan for the assimilation of the import duties and internal-revenue taxes of the two countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

Mr. SHERMAN. The Senator from Vermont [Mr. EDMUNDS] requests me to say that he does not concur in this report. I am directed by the Committee on Foreign Relations to ask for the immediate consideration of the joint resolution, if there be no objection.

Mr. BLAIR. I object.

Mr. SHERMAN. I suppose then it goes over.

The PRESIDING OFFICER. Objection being made, the joint resolution goes over.

RELIGION AND SCHOOLS.

Mr. BLAIR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Education and Labor to report the hearings before it upon the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools be paid out of the contingent fund of the Senate, and that said committee may have the notes of said hearings printed for its use.

SILK CULTURE IN THE UNITED STATES.

Mr. BLAIR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Agriculture and Forestry to report the hearing before it upon the bill (S. 3128) for the development and encouragement of silk culture in the United States under the supervision of the Commissioner of Agriculture be paid out of the contingent fund of the Senate, and that the notes of said hearing be printed for the use of the committee.

LIGHT-HOUSES, ETC.

Mr. PALMER 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. 10832) for the establishment of a light-house and fog-bell on Oyster-Bed Shoals, in the Hudson River, New York, 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.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

Mr. PALMER 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. 12430) providing for the establishment of the light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steamship Oregon, in New York Harbor, 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 amendment.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

Mr. PALMER 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. 12324) making appropriations for the establishment of a light-house station on St. Catharine Island, State of Georgia, 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 amendment.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

Mr. PALMER 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. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior, 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.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

DETROIT PUBLIC BUILDING.

Mr. PALMER. I move that the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich., which was recalled from the House of Representatives the day before yesterday on my motion, be now returned to the House of Representatives and that the House be notified of its return.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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. DANIEL. Mr. President, as long ago as 1861 the Secretary of the Interior was requested by Congress to examine and to make a report upon the nature and validity of this claim. He obeyed his instructions, and his detailed report was made on the 19th of December, 1862, and is found in House Executive Document 19 of the third session of the Thirty-seventh Congress. In that report he stated that the sum of $160,540.48 was due to the Pottawatomie Indians, and notwithstanding that report no payment was made. After seven years had passed Congress again took cognizance of the matter and a treaty was made with the Pottawatomies, and by the latter clause of article 10 of that treaty it was provided—

That the claim of the Pottawatomies heretofore examined and reported on by the Secretary of the Interior under the act of Congress of March 2, 1861, shall be submitted to two commissioners to be named by the President of the United States for examination, etc.

In pursuance of that treaty commissioners were named by the President, were sworn, examined the claim, and reported their judgment, together with the evidence upon which it was based, and they found that the United States owed the Pottawatomie Indians the sum of $178,953.43 with 5 per cent. interest from December 19, 1862, and this is the item thus solemnly ascertained to be due to these Indians by a commission appointed by the President of the United States under a treaty, and which is now embodied, which constitutes the first clause or paragraph of the amendment now pending.

All of the testimony and the itemized matters upon which their conclusion is based are found in House Executive Document No. 61, of the Fortieth Congress, third session. Since that time Secretary after Secretary and Commissioner after Commissioner have affirmed that this was a just conclusion and have submitted to Congress recommendations for the payment of the amount found to be due.

A year ago, as a member of a subcommittee of the Committee on Indian Affairs, I went in person to the Interior Department, and, in consultation with the Commissioner of Indian Affairs, went over the details of this transaction, and in order to be precise and particular submitted to the Department a copy of the detailed report which I had drawn. In regard to the first item—at least, the one which I characterize as such in order to discriminate between the two propositions—the Commissioner of Indian Affairs says, in a letter addressed to the Secretary of the Interior, under the suggestions of inquiry from the Committee on Indian Affairs in a letter dated March 15, 1888:

In regard to the first sum named in the bill it will be found by reference to House Executive Document No. 61, Fortieth Congress, third session, that the commissioners, Charles Rowland and Stephen D. Mills, under date of the 18th of January, 1869, submitted their report and award to the Secretary of the Interior, and that the said Secretary on the 28th of January, 1869, transmitted the said report to Congress, as provided by the tenth article of the treaty of the 7th of August, 1868. In said report the commissioners' award amounts to $178,953.43, and the bill should be amended by the substitution of this sum for the amount named in the bill, with interest from December 19, 1862.

This sum has been awarded these Indians by this Government under a commission appointed by the President, which has lain before the Congress of the United States for twenty years without a challenge from any source and without any dispute as to its integrity, as to its accuracy, as to its justice, or as to its wisdom. As to that item I will say that I was authorized by the Committee on Indian Affairs when the report was submitted to them to report it favorably.

Now as to the second item. This morning, from conversation with the Senator from Massachusetts, I have heard the first doubt intimated about that item which has ever reached my mind. If there is any doubt about it and any ground of fair doubt can be stated, I certainly would not press it; for I do not desire to be instrumental, however innocently, in urging any appropriation before this body which is not sustained by every element of just and complete proof.

I will submit this matter to the Senate without further detaining it, simply stating that these claims have every show of justice and propriety upon their face and are sustained by all the proofs which are customary in such matters.

PERSONAL EXPLANATION.

Mr. HOAR. Mr. President, I ask unanimous consent to make a personal statement which will take but a moment. It relates not to myself, but to another Senator.

Mr. RIDDLEBERGER. I do not want to object, but I have understood to-day that the Senator from Vermont [Mr. EDMUNDS] last night served notice on the Senate as to what should and should not be done. If that be the case, I intend to serve notice that I am quite as big a Senator as the Senator from Vermont.

Mr. DAWES. I hope now Senators having served their notices the appropriation bill may be proceeded with.

Mr. RIDDLEBERGER. I object unless the Senator from Vermont gives us to understand that he did not mean what he said.

Mr. HOAR. I submit to my friend from Virginia that it is a little hard to punish me and the Senator who is concerned in the statement I am about to make for the defaults of the Senator from Vermont. The Senator does not understand that I have ever served any such notice on anybody or been guilty of any discourtesy.

Mr. RIDDLEBERGER. No, sir, I do not; but I think the Senator from Vermont should have notice served on him by the rest of the Senate that he does not control it.

Mr. DAWES. I hope the reading of the appropriation bill will proceed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] desires to make a personal explanation.

Mr. DAWES. I beg pardon.

Mr. HOAR. Mr. President, two days ago when a resolution was reported to pay Mr. J. J. Finley, who had been duly appointed by the

governor of Florida to a seat in this body, his salary for the time which elapsed between the beginning of the term and the election by the Legislature of the present Senator from Florida [Mr. PASCO] the Senator from Vermont [Mr. EDMUNDS] observed that he thought Mr. Finley—

Is entitled to his pay, although it is a very curious thing that another gentleman has been paid for precisely the same length of time already by the Senate.

And then, after making an observation in support of that resolution, the Senator added:

We ought, however, to take some order at some time so that we shall not be paying three Senators from the same State during the same period of time.

I have been requested by the Senator from Florida [Mr. PASCO] on reading this observation of the Senator from Vermont, lest he may be supposed, where the matter is not fully understood, to have been guilty of some indelicacy in regard to the matter, to make a statement in relation to it. There is no such implication, at least, conveyed in the remarks of the Senator from Vermont, but as the Senator from Florida desires me to state the facts, I will state them.

After the Senator from Florida had taken the oath of office he stated to the official in the Secretary's office, who has charge of these accounts, that he was in doubt whether he could properly receive the salary from the beginning of the constitutional term or not. That official informed him that the precedents would entitle him to it. The Senator from Florida, however, preferred, before taking the money, to consult the President *pro tempore* of the Senate, the present occupant of the chair [Mr. INGALLS]; and the present occupant of the chair brought the matter informally to the notice of the Committee on Privileges and Elections, who had dealt with that class of subjects. That committee, not of course as a committee, but the members of that committee examined the precedents very carefully; and they were satisfied that under the precedents of the Senate that Senator was entitled to receive this salary.

When Senators are not sworn in until December, or when members of the other House are not sworn in until December, they receive their salary from the beginning of the constitutional term. All the duties of the term, all the preparation for legislation, all the care for the interests of the constituent at the seat of government for the entire six years, devolved upon the Senator from Florida, and that has equally been true whether the election of a Senator took place before the beginning of his term or afterwards. So it seemed to the members of the committee that the Senator from Florida was clearly entitled to his compensation from the beginning of the term under a uniform, ancient practice, both of the Senate and House of Representatives; and they expressed that opinion.

So the Senator from Florida was not only not indelicate, but he was scrupulously careful and delicate not to receive this compensation if there remained in the mind of the persons who had given the most attention to that class of subjects any reasonable or considerable doubt.

Now, it is equally true that Mr. Finley was entitled to the seat to which he was appointed, but he never qualified, he never performed the duty, but he was the duly appointed official for a few weeks, and he was of course bound to arrange his business so as to be ready to attend the Senate if a special session had been called, and it was therefore a case where the usages of the Senate somewhat conflict or overlap, and provide where the peculiar facts happen here for the compensation of two persons for the same office. The compensation in the case of Mr. Finley was paid out of the contingent fund, and it seems to me that the decision and action was proper in both cases. But whether I am right or wrong in that matter, I make this statement only to have it go on the record that the Senator from Florida is not liable to any imputation or blame in the matter.

Mr. EDMUNDS. Mr. President, I entirely agree with what the Senator from Massachusetts has said regarding the personal demeanor of the Senator from Florida. His conduct about it, as I knew when I made the remark I did, had been entirely and scrupulously delicate, and I did not intend and I do not think my language would lead anybody to infer or to make the slightest criticism upon the simple fact that the Senator had received the salary, for he took it according to the ancient law and practice of the Senate in all cases. My remarks were intended to be directed entirely to the seeming incongruity in the course of the action of the Senate during these years of doing what had been done in respect of which both these gentlemen were clearly within the regular usages of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had announced the appointment of Mr. WISE in the place of Mr. HERBERT, excused, as one of the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 9674) to regulate the course at the Naval Academy.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senate, as in Committee of the Whole, resumes the consideration of House bill 12578, being the Indian appropriation bill.

Mr. PLUMB. I am somewhat familiar with the last provision found on page 26, about which the Senator from Virginia [Mr. DANIEL] has spoken. Some years ago as a member of the Committee on Appropriations I had occasion to look over the testimony which was presented in support of this claim. In my judgment that testimony *prima facie* was far from conclusive as to the merits of the claim, and I can say also that on account of facts within my own knowledge I was entirely convinced that it was a claim without merit, at all events, except as to a very small portion of it.

It is a claim for depredations. The testimony was taken by the Indian agent under circumstances which clearly pointed to collusion. No adverse testimony was submitted; practically no identification of the persons or the time and places at which the depredations were committed was furnished. It is a claim which I think, is substantially a fraudulent claim, and ought not to be allowed. I do not know about the first claim and therefore do not express any opinion about it; I am referring to the second item.

All I want to say in connection with this subject further is that it is not always safe to take the report of a Department officer in regard to the merits of a claim. That is not a reflection especially upon the head of a Department. He acts through subordinates. We all of us know that claims do slip through the Departments which are entirely devoid of merit.

The Senator from Massachusetts [Mr. DAWES] and myself had occasion some years ago in the Committee on Appropriations to look up some claims that were put on an Indian Appropriation bill in the House of Representatives and it became entirely manifest that in regard to every single one of them the grossest carelessness had been exhibited by the officers in charge of the investigations and that carelessness affected a very large portion of each claim, and while I do not say that the Department's recommendation is not entitled to weight, I do say that it is not conclusive except in a very limited class of cases.

I beg to say to the Senator from Virginia that when he says any member of the Committee on Appropriations feels constrained to prevent the padding of the appropriation bills that come from that committee, whatever his design may be, he utters a compliment to the committee. That is my judgment. In the first place, the committee is not for the purpose of investigating claims. By the rules of the Senate claims are especially excluded from its jurisdiction. Such amendments are subject, if offered in the Senate to an appropriation bill, to a point of order. There is a Claims Committee, there is an Indian Affairs Committee, and there are forty other committees of the Senate to which the various subjects of this and similar kinds are committed, and to whom the Senate yields as to persons with authority, and who, if they discharge in an apt and timely way their duty—I do not say that they do not—this and such claims as this would never have occasion to be put upon an appropriation bill, but would go through the ordinary processes of legislation in the Senate.

It is to some extent a familiar and frequent recourse to put upon an appropriation bill a measure which for some reason or other, through the tardiness of a committee, through accident, misfortune, or something of that kind, was not able to go through the scrutiny of the ordinary legislative processes, and thereby to prevent that consideration by both bodies acting independently which is usually applied to other matters of legislation.

The Committee on Appropriations have endeavored to carry out the rules of the Senate. They are only human. They may have erred. They may have erred some times in the line of too strict an economy. It is a very good direction in which to err. They have endeavored to keep out, so far as they possibly could, matters that came within the jurisdiction of other committees and such things as they were forbidden by the rules, not alone because of the legislative propriety involved, but for the further reason that they did not desire to do what would in any way incur the animosity of other committees, as would be the case if they should seem to invade the jurisdiction of those committees.

When this measure was presented to the Senate some time since and went to the Committee on Indian Affairs, being strongly pressed by those who had charge of it and knew something about it, the committee said, "We will commit this to the Court of Claims." For some reason or other it has not gone to the Court of Claims. The parties who are interested in this measure do not seem to care to engage the scrutiny of that court, and they now come in and seek to do with reference to this claim, which is of the character of which I have spoken, if I am not entirely mistaken, not only to put it on the appropriation bill but to repeal the act of Congress submitting the matter to the jurisdiction of that court.

It seems to me that once having had this privilege they now ought to be required to exercise it, and that especially we ought not to put upon this bill in the closing hours of the session, under circumstances which preclude its investigation, any measure in regard to which there is not the most absolute and conclusive proof of its genuineness as to every single authority involved and also as to the liability of the Government for its payment. I admit that under the treaty the United States was to respond to the Pottawatomie Indians in whatever sum might legitimately be determined to have been their loss by reason of depredations committed upon them by white persons; but that did not bind us to accept of everything that might be suggested in that direction. We are not required to take anything that is not conclusively

proven. Here we are obliged to submit to *ex parte* statements, and it is not proper that we should.

I have observed with great regret that on this bill there have been brought forward claims forty and fifty years old which, if they were correct, ought either to be embraced upon appropriation bills current to the time when they accrued, or to have been made the subject of separate and individual bills which were to be submitted to the ordinary legislative processes and pressed upon their merits. There have been brought in here claims arising under the provisions of the Cherokee treaty of 1825, and claims arising under the treaty with the Creeks, going back as far as 1839. While it is true that the Government does often fail to respond to its obligations as it ought, yet that is no reason why we should take up and dispose of in this hasty way claims in regard to which there is not only substantial doubt, but in regard to which there is a belief on the part of some, at least of those who have heretofore examined them, as to a state of facts which entirely discredits them.

As to the first claim I do not speak, because I do not recall definitely enough facts which were developed before the committee, but as to the last claim I can say with entire sincerity and full belief that it is not a claim which ought to be put upon this bill.

Mr. DANIEL. The remarks of the Senator to-day contain the first intimation to my mind, after an investigation of this matter which has been going on for over a year, that there was any doubt whatsoever as to the validity or propriety of the second item embraced in the clause which the committee has recommended to be stricken out. In view of the fact that the Senator from Kansas has expressed a doubt upon that subject, I am perfectly willing to withdraw any objection to that item being stricken out in order that it may come up upon its merits in a separate bill. But as to this other item about which no doubt has been suggested at any time and which rests upon recommendations continuing through so many years and upon testimony which nobody has disputed, it seems to me that here and now is the time to make an end of that continuous claim.

The Senator referred to the fact that by an act of Congress of some years ago the latter one of these claims was authorized to be referred to the Court of Claims. Perceiving that fact I addressed a note to the Commissioner of Indian Affairs to know whether that claim had ever been referred to the Court of Claims, and if so, what was the result of the reference. I have before me now his letter in reply of date April 5, 1888, in which he states:

That the claim of said nation for back annuities has never been before the Court of Claims, for the reason that no law has ever been passed giving jurisdiction to said court, and although not officially informed, I am of the opinion that the claim for depredations has not been presented to the said court owing to the ambiguity of the law of March 3, 1885, giving said court jurisdiction of said claim.

I acknowledge the force of what the Senator from Kansas has said as to the scrutiny which the Committee on Appropriations must of necessity give to every claim of this character. If it has to be rigid, it is a fault that leans to virtue's side, and is one which I would not severely criticise. But in view of the fact that it is the practice of the Senate, whatever may be its rule, to put upon appropriation bills claims of this kind which are thoroughly established, in view of the fact that within twelve hours claims less meritorious for the Senator's own State have been put upon an appropriation bill——

Mr. PLUMB. No.

Mr. DANIEL. Yes, sir, last night.

Mr. PLUMB. Will the Senator state upon whose motion it was?

Mr. DANIEL. It was the claim of Nebraska, Kansas, and Colorado.

Mr. PLUMB. On whose motion?

Mr. DANIEL. I do not remember on whose motion. I was paying more attention to the matter than to the mover.

Mr. PLUMB. As the Senator is mentioning it as a matter of reproach to me——

Mr. DANIEL. Not of reproach.

Mr. PLUMB. As involving the exercise of some preference on the part of——

Mr. DANIEL. Indeed, I do not, sir. Indeed, I do not. I make no reproach. I am referring to the practice of the Senate.

Mr. PLUMB. But there must be some significance in the fact that it was an amendment relating to my State, or the Senator would not have mentioned it.

Mr. DANIEL. Not at all.

Mr. PLUMB. Is the Senator prepared to say that that was a claim in the sense that this is a claim, burdened with the doubt which obtains in regard to this matter, originating entirely *ex parte* some forty years ago?

Mr. DANIEL. It was an old claim of the State of Kansas.

Mr. PLUMB. I beg the Senator's pardon, it was not an old claim of the State of Kansas.

Mr. DANIEL. How old was it?

Mr. PLUMB. Probably six or eight months.

Mr. DANIEL. Then it was a new claim of the State of Kansas; and the State of Kansas can get its claims put upon appropriation bills that are but six months old, while the poor Indian in Kansas can not get his put on if it is twenty years old. So if the Senator thinks that he has bettered his argument by insisting on the recency of the Kansas claim I confess that I can not see it that way.

I did not mention the matter as any reproach to the Senator from Kansas. It is no reproach to him, and there is no element of suggestion in it that could be fairly interpreted into a reproach. I am only referring to the fact that the proposition now before the Senate is consistent with the habitual practice of the Senate and the practice which has been freshly and within a few hours carried on before this body.

Now, sir, did this provision originate here as did the Kansas, Colorado, and Nebraska claim? It is in an appropriation bill which comes from the House of Representatives. I ask the Senator from Kansas, without reflecting upon anybody, if it is consistent with the fair transaction of business by the Senate to put claims of its own motion upon appropriation bills of the like character, and at the same time to be occupied in striking out equally meritorious claims that have come to us from the other branch of Congress?

Mr. PLUMB. The Senator is talking of something that he does not know anything about. He is talking about the relative merits of these claims. He does not know anything about the Kansas claim at all, and consequently there is no foundation for any comparison or any reflection. When the Senator spoke of it as being an old claim I only corrected him as to the matter of fact. He can attach any importance to it as being an old or a new claim as he pleases. That is not of my making; it is of his making.

In the next place, the Committee on Appropriations did not put the Kansas claim on the bill; it was done by the Senate. This claim the Committee on Appropriations do propose to the Senate to strike out. For that they are responsible. They have done, in my judgment, exactly what as honest public servants they ought to do, and what if they had not done with the knowledge they have upon that subject they would be properly characterized as unfaithful servants.

Now, if the Senate proposes to put that on and thereby to do that which the committee thinks is wrong, the committee will be discharged of responsibility; but as the Senator has made his fight on the committee in this case, apparently designing to be offensive to me, I think it is proper to say that the committee propose to strike this out and the committee did not put the Kansas claim on; the Senate put it on. If the Senator wants to institute a comparison between the claims and the Senator is willing to listen I will endeavor to instruct him upon that question.

Mr. DAWES. I hope we may now have a vote on striking out the first paragraph.

Mr. DANIEL. The offensiveness of the Senator from Virginia to the Senator from Kansas and to the Appropriations Committee is a matter that dwells entirely in the imagination of the Senator from Kansas. I have not attacked the committee; I have not attacked him. When he assumed that he was attacked without justification I have disclaimed it. So far as I am concerned, sir, there the matter can rest. The gentleman is better prepared to confess his own ignorance than he is to confess mine. It is true I was not thoroughly advised as to the age of the Kansas claim, because I do not keep any register of births or deaths of things of that sort, and the substance of the matter is much more important to be remembered than any little incidental thing about it as to when it originated.

But I think I may justly refer to the practice of the Senate. Not caring sufficiently either to criticise the committee or to praise it, as to the parliamentary practice I think I may properly observe, when I am criticised for urging the Senate to accept the bill as it came from the House, that it would not seem to my mind the proper thing for the Senate to be putting any claims of that sort upon appropriation bills and at the same time to be striking them out when of equal merit when they have already been approved by the other House.

Mr. DAWES. I hope we may have a vote on striking out the first paragraph.

The PRESIDING OFFICER. The question has been divided. The question is on striking out the first paragraph of the proposed amendment; that is to say, from line 19 on page 25 to line 16 on page 26, inclusive.

Mr. STOCKBRIDGE. I hope that if either of these paragraphs is to be stricken out, the first one will be retained. It covers a very much smaller amount than the other and pertains to Indians in Michigan and Indiana. I have given some attention to an examination of the matter, and I think it is proper and right that the first paragraph should be restored to the bill. As to the second paragraph I have not anything to say. I hope the first paragraph will be retained in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee to strike out the paragraph.

The amendment was rejected.

Mr. DAWES. There should be a few words changed in the paragraph that is retained. In the tenth line, I move to strike out the words—

And which have been, or may be approved, by the Secretary in whose Department the same is filed.

And to insert in place thereof:

And approved in conformity with law.

So as to read:

And the balance of said sum, less whatever sums may be legally and equitable due the delegate of said Indians by virtue of recognized powers of attorney and contracts on file in the Department of the Treasury or Interior, and approved in conformity with law, shall be distributed per capita, as follows: Fourteen hundred twenty-one hundred and eightieths to the Citizens' band, and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band of Pottawatomies of Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out the second paragraph from line 17 on page 26 to line 12 on page 27, inclusive.

Mr. DAWES. I understand the Senator from Virginia does not object to striking out the second paragraph.

The amendment 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 they were thereupon signed by the President *pro tempore:*

A bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; and

A bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

INDIAN WAR CLAIMS.

Mr. HEARST. I submit a resolution for consideration.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The resolution will be read for information.

The Secretary proceeded to read the resolution, and was interrupted by—

Mr. DAWES. I must object to the consuming of the time of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts objects to the present consideration of the resolution.

Mr. HARRIS. As the resolution has been partly read, let it be printed in the RECORD, so that it may appear in its entirety.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made. What action, then, will be taken?

Mr. HARRIS. Let it lie on the table.

The PRESIDING OFFICER. If there be no objection, the resolution will be printed in the RECORD, and lie over.

The resolution is as follows:

Resolved, That the Secretary of War, through the Board of War Claims Examiners, appointed under section 2 of the act entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territory of Washington, and Nevada when a Territory," approved August 4, 1886, be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been or which hereafter may be submitted to him in support of the Indian war claims and Indian war obligations of the State of California, and to ascertain the amount of money actually expended and obligations incurred by said State, growing out of Indian hostilities therein and upon the borders thereof, and which have not heretofore been reimbursed by the United States.

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes hereinbefore enumerated, and which has not heretofore been reimbursed by the United States.

The Secretary of War shall report to the Senate the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matters above enumerated, including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

And the Secretary of War shall 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.

Mr. BLAIR. To lay the resolution over is to defeat any action, for to-day is the last legislative day, and the Senator from California desires to move the resolution as an amendment to the Indian appropriation bill, I understand.

Mr. DAWES. I hope the reading of the bill will proceed. I must object to everything else.

The PRESIDING OFFICER. The Chair reminds the Senator from California that the regular order is the reading of the bill for the purpose of considering the amendments of the Committee on Appropriations. Then further amendments will be in order.

Mr. BLAIR. If the Chair will permit me——

Mr. DAWES. I object.

Mr. BLAIR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his question of order.

Mr. BLAIR. The resolution which has just been read will be tabled and destroyed. The Senator from California desires to be in a position to move it as an amendment to the bill, and the disposition just made of it inadvertently is wrong, and it should be rectified now.

The PRESIDING OFFICER. The Chair will then change the words he used, and have the resolution temporarily laid aside. The Senator from California will be quite at liberty to offer it after the amendments of the Committee on Appropriations have been acted on.

Mr. BLAIR. That will save his rights.

YELLOWSTONE NATIONAL PARK.

Mr. VEST. I ask the Senator from Massachusetts to allow me to call up from the table Senate bill 283, which was returned by the House of Representatives for immaterial amendments that will create no debate, in order that it may go back to the other House at once.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives; which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 1, 1889.

Ordered, That the Clerk be directed to return to the Senate, in compliance with its request, the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headquarters of the Yellowstone River as a public park.

Mr. VEST. I move that the Senate reconsider its action in passing the bill in order that I may offer certain amendments.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the votes by which the bill was passed and ordered to a third reading may be reconsidered. It will be so ordered if there be no objection. The bill is open to amendment in the Senate.

Mr. VEST. In section 1, line 3, after the word "Park," I move to strike out the words "as now fixed by section 2474 of the Revised Statutes;" so as to read:

That the boundaries of the Yellowstone National Park shall hereafter be as follows.

The amendment was agreed to.

Mr. VEST. In section 7, line 33, I move to strike out the words "the police" and insert "any policemen."

So as to read:

Or to any policemen therein.

The amendment was agreed to.

Mr. VEST. In line 4 of section 8, after the word "and," I move to strike out the comma.

The amendment was agreed to.

Mr. VEST. In the same section, in line 7, after the word "the," I move to insert the word "willful;" so as to read:

The willful violation.

The amendment was agreed to.

Mr. VEST. In the same section, in line 10, after the word "the," I move to insert the words "preservation of the," and after the word "property," to insert the words "and objects of interest;" so as to read:

And the preservation of the property and objects of interest therein is hereby declared to be, etc.

The amendment was agreed to.

Mr. VEST. In line 12, in the same section, after the word "each," I move to insert the word "such."

The amendment was agreed to.

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

OTTER CREEK LIGHT.

Mr. PALMER 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. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, 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 amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3.

S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON,
Managers on the part of the House.

The report was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed 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.

The reading of the bill was continued to line 17 on page 30.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Will the Senator from Massachusetts inform the Chair whether in line 17 on page 30 the word "dollars" should not be inserted, so as to read "$6,000?"

Mr. DAWES. The word "dollars" should be inserted there.

The PRESIDING OFFICER. It will be done if there be no objection. The reading will proceed.

The Secretary continued the reading of the bill to line 1 on page 32.

The PRESIDING OFFICER. In line 1 on page 32 the word "dollars" apparently should be inserted, so as to read "$530."

Mr. DAWES. The word "dollars" has again been left out there.

The PRESIDING OFFICER. The correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, in the appropriations for

"Sioux of different tribes, including Santee Sioux of Nebraska," in line 22, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

For twentieth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at $20 per head, for persons engaged in agriculture, as per tenth article of same treaty, $100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 35, line 1, after the word "self-support," to strike out:

And after such census has been taken only those Indians that are found to be unable to support themselves by reasonable exercise shall receive rations from the Government of the United States.

So as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $900,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steam-boat transportation; and in this service Indians shall be employed wherever practicable: *And provided further*, That the Secretary of the Interior shall cause a census of the Sioux tribe of Indians to be carefully taken by a special agent, to be appointed for such purpose, with a view of ascertaining how many of them are able to support themselves, and, in ascertaining this fact, their physical capacity to work the land owned or occupied by them, either individually or collectively, the value of the land, its nearness to market, and general productiveness shall be considered, and such other facts and circumstances as will aid Congress in determining how many of such Indians are capable of self-support: *And provided*, That the expenses incident to the taking of such census shall be paid from the money hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 35, line 12, before the word "thousand," to strike out "ninety-three" and insert "sixty-eight;" so as to make the clause read:

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, $1,600; in all, $1,168,500.

The amendment was agreed to.

The reading of the bill was continued to line 2 on page 36.

Mr. DAWES. In the second line on page 36 I move to strike out the words "anno Domini" before "1886."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for "Sioux, Medawakanton band," on page 37, line 4, after the word "receive," to insert "as nearly as practicable;" and in line 8, before the word "lands," to strike out "possible" and insert practicable;" so as to read:

And provided also, That the Secretary of the Interior may appoint a suitable person to make the above-mentioned expenditure under his direction; and all of said money which is to be expended for lands, cattle, horses, implements, seeds, food, or clothing shall be so expended that each of the Indians in this paragraph mentioned shall receive, as nearly as practicable, an equal amount in value of this appropriation and that made by said act of June 28, 1888: *And provided further*, That as far as practicable lands for said Indians shall be purchased in such locality as each Indian desires, and none of said Indians shall be required to remove from where he now resides and to any locality or land against his will.

The amendment was agreed to.

The next amendment was, in the appropriations for "Utes," to strike out the clauses from line 11 on page 39 to line 12 on page 40, inclusive, as follows:

Second of ten installments of $150,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Blackfeet agency, Montana, as per act approved May 1, 1888, $150,000.

Second of ten installments of $115,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Belknap agency, Montana, as per act approved May 1, 1888, $115,000.

Interest on $69,120, at 5 per cent. per annum, being value of 54 sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1838, $3,456.

The Secretary of the Interior is hereby authorized to enter into contracts with such tribes, bands, nations, or individual Indians as in his judgment have sufficiently advanced in civilization to be competent to transact their own business affairs for the purpose of making final settlement and payment of such sums as may be due them from the United States either as permanent or limited annuities, or otherwise, and that said contracts be by him reported to Congress for its consideration and action.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert:

Peoria, Wea, Piankeshaw, and Kaskaskia and Western Miami Indians of the Indian Territory:

That the sums of money heretofore appropriated for the use and benefit of the Peoria, Wea, Piankeshaw, and Kaskaskia and the Western Miami Indians of the Indian Territory by the act of October 2, 1888, volume 25, United States Statutes at Large, page 528, is hereby made payable per capita to said Indians in manner as follows: To adults in person; to parents for their minor children, when such parent or parents are competent, competency to be determined by the chief of the respective tribes and the Indian agent; to guardians for their orphan wards, if any; and in case no guardians have been legally appointed, the money due such orphan children shall be deposited in the Treasury of the United States to their credit, and shall be payable thereafter to properly appointed guardians, or the individual Indian upon his or her becoming of lawful age, and in case of death, then to his or her legal heirs; guardians to be appointed by the probate court in and for Cherokee County, Kansas, in manner and form as provided by the act of March 3, 1881, volume 21, United States Statutes at Large, page 433, providing for the appointment of guardians for minor children of the Western Miami Indians of Indiana, then residing in the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to insert:

Cherokee freedmen:

To enable the Secretary of the Interior to ascertain who are entitled to share in the per capita distribution of the sum of $75,000 appropriated by the act approved October 19, 1888, entitled "An act to secure to the Cherokee freedmen and others their proportion of certain proceeds of land under the act of March 3, 1883," and to make payment thereof, and to compensate in such sum as he may deem reasonable any duly authorized agent or agents acting for said freedmen in the matter of the distribution of said $75,000, who, in his judgment, are entitled thereto, the sum of $12,000, or so much thereof as may be necessary; and the amount so expended shall be charged against the Cherokee Nation on account of its lands west of the Arkansas River, and shall be a lien on said lands, and shall be deducted from any payment hereafter made on account of said lands. And said Secretary is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 44, line 21, before the word "thousand," to strike out the word "fifty" and insert "seventy;" so as to make the clause read:

For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, $170,000.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 22 on page 45 to line 2 on page 46, inclusive, as follows:

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, including pay of employés, $15,000, $7,500 of which shall be taken from the funds of said Indians, now in the Treasury belonging to said Indians.

And insert in lieu thereof:

For support and civilization of the Navajo Indians, including pay of employés, $7,500.

The amendment was agreed to.

The reading of the bill was continued to line 6 on page 47.

Mr. DAWES. The next amendment of the committee, to strike out from line 7 on page 47 to line 25 on page 50, should be considered in connection with an amendment at the end of the bill, which is designed to be a substitute for it, and therefore I ask that it be informally passed over.

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

The Chief Clerk resumed the reading of the bill.

The next amendment was, under the head of "general incidental expenses of the Indian service," on page 51, line 21, before the word "thousand," to strike out "on" and insert "one;" so as to make the clause read:

Incidental expenses of Indian service in Colorado: For general incidental expenses of the Indian service, including traveling expenses of agents, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," on page 54, line 12, before the word "thousand," to insert "and fourteen;" so as to make the clause read:

Pay of Indian police: For the service of not exceeding seven hundred privates, at $10 per month each, and not exceeding seventy officers, at $12 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen of non-ration agencies, $114,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to insert:

Surveying and allotting Indian reservations (reimbursable):

To enable the President to complete the work already undertaken and commenced under the third section of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," including the necessary clerical work incident thereto in the field and in the office of Indian Affairs and the delivery to the Indians entitled thereunder of the trust patents authorized under said act, $10,000, to be immediately available.

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $30,000; and no allotments shall be ordered or commenced upon any reservation unless the allotments upon such reservation so selected and the delivery of trust patents therein can be completed under this appropriation.

For this amount, to be expended under the direction of the Secretary of the Interior in aiding Indians who have taken land in severalty, under the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," to establish themselves in homes thereon, to procure seeds, farming implements, and other things necessary, in addition to means already provided by law or treaty, for the commencement of farming, $30,000. The amounts provided for in the three preceding paragraphs shall be repaid to the Treasury proportionately out of the proceeds of the sales of such lands, if any, as may be acquired from the Indians under the provisions of the aforesaid act. And a report in detail of the expenditures made to December 1 next, under the appropriations provided by said paragraphs, shall be made to Congress at the commencement of the next session.

The amendment was agreed to.

The amendment was, on page 58, line 20, before the word "six," to strike out "at;" and in the same line, after the words "per annum," to strike out "in all, $660;" so as to make the clause read:

For one female laborer, to be employed in Indian Office, $660 per annum.

The amendment was agreed to.

The next amendment was, under the head of "for support of

schools," on page 59, line 10, after the word "building," to insert "exclusive of outbuildings;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes, not hereinafter provided for, $685,000; for the construction on Indian reservations of school buildings 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, exclusive of outbuildings 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.

The amendment was agreed to.

The next amendment was, on page 60, line 21, after the word "pupils," to strike out "at $175 per annum each;" so as to read:

For support of Indian pupils, and for necessary repairs to buildings and fencing, and for pay of superintendent, at $1,500, at the Indian school at Grand Junction, Colo., $10,000; and Indian pupils, other than children of Ute Indians, may be allowed in said school, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, at the end of the same clause on page 16, after the word "Interior," to insert:

But nothing herein shall be construed to prevent the President from appropriating funds belonging to the Ute Indians for educational purposes, as provided in section 1 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians of Colorado, for the sale of their reservation in said State, and for other purposes, and to make necessary appropriation for carrying out the same."

The amendment was agreed to.

The next amendment was, on page 63, line 5, before the word "Indian," to strike out "Chippewa," and after "Indian" to strike out "boys and girls" and insert "pupils;" so as to make the clause read:

For the education and support of one hundred Chippewa Indian boys and girls at St. John's University and at St. Benedict's Academy, in Stearns County, State of Minnesota, at $150 each per annum, $15,000; and for the education and support of one hundred Indian pupils at St. Paul's Industrial School, at Clontarf, in the State of Minnesota, at $150 each per annum, $15,000.

The amendment was agreed to.

The next amendment was, on page 63, line 13, after the word "pupil," to strike out "fifty thousand six" and insert "sixty-three thousand one;" so as to make the clause read:

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $167 for each pupil, $63,180.

The amendment was agreed to.

The next amendment was, on page 64, after line 8, to insert:

That in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits thereof.

The amendment was agreed to.

The next amendment was, on page 64, after line 13, to insert:

To enable the Secretary of the Interior, in his discretion, to purchase for Indian industrial school purposes the buildings and other improvements in what is known as Keam's Cañon within the reservation in the Territory of Arizona, established for the use and occupancy of the Moquis and other Indians by Executive order dated December 16, 1882, and to pay therefor such sum as he shall deem just and reasonable, not exceeding $10,000: *Provided*, That upon payment therefor the owner of said buildings and other improvements shall execute and deliver to the Secretary of the Interior a full relinquishment of all his right, title, and interest in and to any and all buildings and other improvements of whatsoever character owned by him within the limits of said reservation.

The amendment was agreed to.

Mr. DAWES. I desire to offer an amendment from the committee, which was left out by mistake, to come in immediately after the amendment just agreed to. On page 65, after line 3, I move to insert:

For the purpose of erecting and furnishing shops, outhouses, and fencing the school-grounds, and for furnishing the building and organizing the Indian school in Ormsby County, Nevada, authorized by the Indian appropriation act approved June 28, 1888, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Interest on trust-fund stocks," in section 3, to strike out the clause from line 4 on page 66 to line 25 on page 68, inclusive.

Mr. DAWES. I ask that that amendment be passed over until we reach the end of the bill.

The PRESIDENT *pro tempore*. The amendment, by unanimous consent, will be passed over informally, if there be no objection.

The amendment was, on page 69, to insert as follows:

Prairie Band of Pottawatomies and Kickapoo Indians of Kansas:

The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated to enable the President to negotiate with the Prairie Band of Pottawatomies and Kickapoo Indians in Kansas for the sale of all or a portion of their lands in Kansas, and the allotment of the remainder in severalty; such agreements as may be made to be submitted by the President to Congress at the next session, said sum to be immediately available.

Mr. BUTLER. I reserve the right on that amendment to ask the Senate to disagree to it at the proper time. I ask the Senator from Massachusetts to allow it to be passed over for the present.

Mr. DAWES. I do not object.

The PRESIDENT *pro tempore*. The amendment will be passed over informally.

The next amendment was, on page 69, line 11, to insert the subhead "Sioux Reservation."

The amendment was agreed to.

The next amendment was, on page 69, line 22, after the words "to carry out," to strike out "the provisions of this act and the duties of said commission" and insert "this provision;" so as to read:

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 this provision 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.

The amendment was agreed to.

The next amendment was, under the head of "Sioux reservation," on page 70, to strike out section 4, in the following words:

SEC. 4. That the President may, at such times 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. VEST. I ask that that amendment of the committee be passed over.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection.

The next amendment was, on page 70, to insert as section 4 the following:

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Cœur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural and valuable chiefly for minerals and timber as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and for the purpose of such negotiation the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

The PRESIDENT *pro tempore*. The spelling of the word "agricultural" in line 14 will be corrected.

Mr. BUTLER. I ask that that amendment be passed over informally.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection.

Mr. DAWES. That does not have any connection with the other matter. It is a different proposition.

Mr. BUTLER. It seems to me to be of the same character with the other legislation. I ask that it be passed over.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection.

The reading of the bill was continued. The next amendment was, under the head of "Sioux reservation," on page 72, line 14, after the word "farmers," to insert "and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments;" so as to make the proviso read:

And provided further, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments, and shall report to Congress, at its next session thereafter, an account of his action under this provision.

The amendment was agreed to.

Mr. RIDDLEBERGER. I should like to ask the Chair whether it would be in order, pending the reading of the bill, to move to proceed to the consideration of executive business?

The PRESIDENT *pro tempore*. The Senator from Virginia has a right to make the motion.

Mr. RIDDLEBERGER. I make the motion.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business. The question is on agreeing to the motion of the Senator from Virginia.

The motion was not agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "Sioux reservation," on page 74, in line 15 of section 10, after the word "schools," to strike out "who shall from time to time" and insert "whose duty it shall be to;" and in line 23, after the word "exist," to insert "and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior;" so as to read:

SEC. 10. That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be superintendent of Indian schools, whose duty it shall be to 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, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior.

The amendment 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 they were thereupon signed by the President *pro tempore:*

A bill (H. R. 382) granting a pension to Catharine G. Bodfish;

A bill (S. 3653) to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Fort Leavenworth Water Company;

A bill (S. 3696) to authorize the Omaha, Dodge City, and Southern Railway Company to build its road across the Fort Hays military reservation;

A bill (S. 3137) granting a pension to Ruth Ames;

A bill (S. 3047) granting increase of pension to William Bittinger;

A bill (S. 2677) granting a pension to Jane Reilly;

A bill (S. 2683) granting a pension to Andrew J. Foust;

A bill (S. 3183) granting a pension to James Parker;

A bill (S. 3429) granting a pension to Maria N. Abbey;

A bill (S. 1144) granting a pension to Frances H. L. Prescott; and

A bill (S. 433) granting an increase of pension to General S. W. Price.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I desire to present at this time a report of the committee of conference on the District of Columbia appropriation bill.

The PRESIDENT *pro tempore.* The report will be received, if there be no objection.

The report was read, 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 26, 28, 29, 39, 43, 47, 48, 51, 52, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 42, and 65, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, 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: "Including Fifteenth street between Pennsylvania and New York avenues, $762,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, 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: "Including Fifteenth street, between Pennsylvania and New York avenues, $185,165;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,350;" and the Senate agree to the same.

Amendment numbered 22: 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 sum proposed insert "$224,210;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,475;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, 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:

"*Provided*, That these conditions as to price and depth of base shall not apply to the pavement authorized by this act on Fifteenth street, between Pennsylvania and New York avenues."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, 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 any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or under-ground cable moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat groved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds, and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations, or either of them, shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of this District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

"*Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street-railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street-railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

Provided further, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street-railroads outside the city of Georgetown and the boundary limits of the city of Washington; and

Provided, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To widen, grade, and regulate Brightwood avenue, $10,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$135,525;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 64: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 64, and agree to the same.

Amendment numbered 100: That the House recede from its amendment to the amendment of the Senate numbered 100, and agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the report? If there be none, the question is, Will the Senate concur in the same?

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore.* Does the Senator from Missouri rise to debate this question?

Mr. VEST. I rise to make an inquiry of the Senator in charge of the conference report. There was so much confusion in the Chamber that I could not understand that portion of the conference report in regard to the tracks of the street-railroads in the District of Columbia. As far as I could understand it, it seems to provide that the railroad companies shall have two years before they are required to do anything, and then that ninety days' notice shall be served upon them, and if at the end of that time they do not comply with the law, then the District commissioners shall issue certificates and make sale of the property, etc. Is that substantially it?

Mr. PLUMB. That is substantially it. Under the constraint which occurs often, of course, in the adjustment of these matters, the Senate conferees agreed to incorporate into the bill the substance of the provision which was incorporated by the Senate on the motion of the Senator from Ohio [Mr. SHERMAN] in the sundry civil appropriation bill, which gave to the street-railroad companies the right, added to what they now have, of using new motive power in lieu of horse-power, and requiring them if they did use these new appliances to put down a flat rail. Then it was provided that if they did not exercise this privilege within two years the District commissioners should require them to proceed to put down the flat rail, giving them ninety days' notice, and requiring them to complete the putting down of the rail within one year after the expiration of the ninety days.

But it is further to be observed in regard to this provision that we prescribe that there shall be no putting down of rails upon any track of any street-railroad in this District within the limits of Washington and Georgetown unless it is the flat rail. They can not put down any repairs, they can not do anything, they can not replace one rail with another, and so on, except by substituting the improved rail for the present form of rail.

While I want to say that this is not what I should like to have had, while it was not what the Senate designed, the compromise which has been agreed upon was inevitable—that is to say, it was necessary to do that or to do nothing in order that the bill might go through. If we had not conceded so much as we have conceded to the House conferees, I am warranted in saying that we should have been obliged either to have lost the bill or to have given up the entire provision.

Mr. SHERMAN. I should like to have the clause to which the Senator has just alluded read.

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

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 37 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 any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric

power by storage or independent electrical batteries or under-ground wire, or under-ground cables moved by steam-power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose, and any such street-railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

"*Provided*, That in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat-grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds, and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads; and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations, or either of them, shall not, within ninety days thereafter, begin the work required, and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of this District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

"*Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

"*Provided further*, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board."

And the Senate agree to the same.

Mr. EDMUNDS. I think that is probably in the main as good a provision as could be made on an appropriation bill. There is one thing lacking, which I hope may not turn out in point of law to be essential, and that is a reservation of the power of Congress to change the nature of this grant or to withdraw it altogether.

But I take it that this is a mere police regulation such as it would be competent for a State granting a similar right to change at its pleasure, and believing that to be probably the true legal interpretation I shall not urge anybody to disagree to this report on that ground. If it were a grant of a right that could not be recalled or regulated in the future then we ought not to do it, but as it strikes me at the moment, it is really and in fact a police regulation that without any reservation of power Congress or a State Legislature might exercise.

Mr. PLUMB. So far as it is a grant the Senator will bear in mind that it is only a grant for the next two years, and we do not affect, as I think, in any way our right to amend the charters further by saying that we amend them now in accordance with this provision.

Mr. EDMUNDS. I do not think we do, but as to its being a grant to be exercised within two years, if they do what is suggested there, and Congress ten years hence should think it right to require that they should do something else and have a different and improved rail from the one we are now speaking of, they might raise the question that they had got a positive grant to do that thing which we could not recall. But I think myself at this moment, speaking hastily, that it is merely a police regulation which would not stand in the nature of a contract.

Mr. VEST. I should like to ask the Senator from Kansas his construction (for I did not catch clearly his statement about it) in regard to the provision as to rails hereafter laid by the companies that now operate roads in the District. For instance, if the Pennsylvania avenue road should conclude to repair their track by taking up a mile of their present track of the old T-rails which they use now, could they under this provision be compelled to use new rails or could they put down the same sort of rails by way of repair which they have down now?

Mr. PLUMB. I believe under this provision they could put down the same rails, but not a new rail of another kind, because the provision is specific that no rail except the kind named in the bill shall hereafter be laid by any of these companies. While I doubt if we would exclude them from relaying the old rails which they may take up, I regard it as absolutely certain that they can not bring in and lay down a new rail of another kind on any portion of their track. Whenever the present rails are exhausted they have got to replace them with new rails of the kind named in the provision.

Mr. SHERMAN. And within two years?

Mr. PLUMB. And within two years.

Mr. EDMUNDS. Or if they do not do the thing, as my friend from Missouri suggested, within two years, at the end of two years the change must be made.

Mr. PLUMB. But in the mean time we have contemplated that under the operation of repairs the railroad companies themselves, accepting the inevitable, as we said we must, would put down from time to time this new construction provided for in such a way as not to have it all done at once, but allow it to be done by a gradual process which would be in accordance with their own financial resources and the general proprieties.

Mr. EDMUNDS. Would the same kind of car-wheels, for instance, operate upon the two different kinds of rails?

Mr. PLUMB. Yes, it would. It is true there is a grooved rail which requires the use of what is called a central flange, but a rail can be so laid, a flat rail like the Eckington rail, for instance, in such a way as to accommodate itself to the outside flange which is now used by the cars. So it is practicable for these companies to put down a flat grooved rail which shall be susceptible of use in connection with the existing service. They would have to change it when they finally come to adapt their entire line to the new condition of things; they would probably have to set the rails in some inches, and so on, but they could now put them down in such a way that the groove would accommodate itself to the flange which now works inside the existing rail.

Mr. EDMUNDS. So the two kinds of rails may be used on the same line?

Mr. PLUMB. Undoubtedly, continuously, and interchangeably on the same line of road.

Mr. EDMUNDS. And the new kind of flat rail that can be adapted to that circumstance is one that will be convenient for the passage of vehicles? That is clear?

Mr. PLUMB. It will be flush with the streets; but in the mean time it must be observed that the obligation which is provided in this amendment is to be exercised under the specific authority of the commissioners of the District of Columbia, and the authority which they exercise about it is to be exercised by resolution of the board as such, and will be carried upon their record in such a way that whatever is done is to be done probably, after due consideration by the board, in such a way that I have no doubt there will be an adjustment between the railroad companies and the public so as to bring about the object which the Senator from Vermont has in mind.

I want to say that while the provision was not as stringent as was the one adopted by the Senate, at the same time the conferees on the par- of the Senate believed that it would accomplish, within a somewhat longer period of time, but a period not very much protracted, substantially what the Senate designed by the adoption of the amendment proposed by the Senator from Missouri.

Mr. RIDDLEBERGER. The suggestion occurs to me whether that is the way to compel the commissioners of the District of Columbia. We know who run the Washington and Georgetown Railway, but we do not know to-day who are the commissioners. I know perfectly well that the Senator from Kansas has never run a street-railroad, or he would have known better than to have said that the Washington and Georgetown Railway would make its track level with the surface of the avenue. I have served upon the Committee on the District of Columbia until I hardly know the difference between the Eckington Railroad and the Washington and Georgetown road. I think we had just as well settle first the question as to who are to be the commissioners and then let the other question be settled afterwards.

The PRESIDENT *pro tempore*. Will the Senate concur in the report of the committee of conference?

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 752) granting a pension to Richard D. McKinney;
A bill (H. R. 6411) granting a pension to Sarah Jackson;
A bill (H. R. 6880) granting a pension to Thomas Blazer;
A bill (H. R. 12421) granting a pension to Miss Frances Thatcher;
A bill (H. R. 12513) for the relief of John J. Freeland;
A bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls;
A bill (H. R. 9264) for the relief of Mary Dockham;
A bill (H. R. 10806) granting a pension to Eugenia A. Halston;
A bill (H. R. 10943) granting a pension to Betsy Cole;
A bill (H. R. 11295) granting a pension to Margaret Durand, hospital nurse;
A bill (H. R. 1168) for the relief of William Crudgenton;
A bill (H. R. 5793) granting a pension to Eliza Campbell;
A bill (H. R. 9394) for the relief of Catharine Quigley; and
A bill (H. R. 9455) granting a pension to Benjamin F. Clayton.

OLD ORCHARD SHOAL LIGHT, ETC.

Mr. CULLOM. I ask the Senator from Massachusetts [Mr. DAWES] to allow me to report from the committee of conference the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, Princess Bay, New York, and for other purposes, with a view to ask that the amendments made to the bill by the House of Representatives be concurred in.

Mr. EDMUNDS. Let the amendments be stated.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. In line 1 strike out all after the word "that" down to and including "establishing" in line 2, and insert "there be established;" in line 3, strike out the word "for;" at the end of line 4 add "at a cost not to exceed $60,000;" so as to make the bill read:

That there be established a light-house and fog-signal at or near Old Orchard Shore, Princess Bay, New York, and a new tower at Waacaach light-station, New Jersey, at a cost not to exceed $60,000.

Mr. MCPHERSON. May I inquire of the Senator from Illinois——

Mr. DAWES. I am obliged to object to the further consideration of this matter.

The PRESIDENT *pro tempore*. The report of a committee of conference is privileged, and if objection is made to its consideration the question of proceeding must be determined by the Senate without debate.

Mr. MCPHERSON. I wish to make a simple inquiry.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects.

Mr. DAWES. I withdraw the objection.

Mr. CULLOM. I simply desire to say that it is impossible to get the bill through without agreeing to it as the other House has amended it. It establishes the light-house, but does not make a specific appropriation. Unless we take it that way we shall not get it at all.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

JOSEPH B. SELLERS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2886) granting an increase of pension to Joseph B. Sellers.

The amendment of the House of Representatives was, in line 5, before the word "dollars," to strike out "fifty" and insert "forty-five."

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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.

The next amendment of the Committee on Appropriations was, in section 10, on page 74, in line 25, after the word "Interior," to strike out:

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; and shall, subject to the approval of the Secretary of the Interior, employ and discharge superintendents, teachers, and such other persons as are permanently employed in carrying on Indian schools under the management of the Government, and, with his approval, make such rules and regulations for the conduct of such schools as in his judgment their good may require. The Secretary of the Interior shall cause to be detailed from the employés of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools, one of which said assistants shall be designated by the superintendent of Indian schools as a chief clerk.

The amendment was agreed to.

The next amendment was, to add to the bill:

Seminole lands:

SEC. 12. 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 Seminole Nation 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 of the treaty between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which lands 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: One million five hundred thousand dollars 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 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, specially 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 Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release, conveyance, and extinguishment shall not inure to the benefit of or cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands, and all laws and parts of laws so far as they conflict with the foregoing, are hereby repealed and all grants or pretended grants to said lands or any interest or right therein now existing in or on behalf of any railroad company, except rights of way and depot grounds, are hereby declared to be forever forfeited for breach of condition.

SEC. 13. 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, to be established in the Indian Territory under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply), each entry to be in square form and no person to be permitted to enter more than one quarter section thereof, but until said lands are opened for settlement by proclamation of the President in conformity to law no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may permit entry of said lands for town-sites in his discretion, under sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, A. D. 1889.

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session for ratification; and for this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available.

Mr. DAWES. On page 77, line 5, after the word "nation," I move to insert "to be immediately available."

The amendment to the amendment was agreed to.

Mr. DAWES. On page 77, line 20, after the word "grants" where it occurs the second time, I move to strike out "to" and insert "of;" so as to read:

And all grants or pretended grants of said lands, etc.

The amendment to the amendment was agreed to.

Mr. DAWES. On page 78, line 1, after the word "domain," I move to insert "to be disposed of only as herein provided."

The amendment to the amendment was agreed to.

Mr. DAWES. On page 78, line 19, after the word "may," I move to insert "after said proclamation, and not before;" so as to read:

The Secretary of the Interior may after said proclamation, and not before, permit entry of said lands for town sites, in his discretion, etc.

The amendment to the amendment was agreed to.

Mr. BUTLER. On page 79, line 15, after the word "session," I move to insert the following words:

And to the council or councils of the nation or nations, tribe or tribes, agreeing to the same.

So as to read:

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same for ratification.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

Mr. PLUMB. During my absence the amendment on page 69 was passed over, and I should be glad to have the Senator from Massachusetts in charge of this bill state the reasons for the delay in the adoption of that amendment.

Mr. DAWES. When we reached the first of these amendments, on page 66, at my request that was passed over until we should consider the amendment which has just been read. When we came to the amendment now inquired of by the Senator the same request was made by the Senator from South Carolina [Mr. BUTLER]. I suggested that it did not have any connection with this matter, but the Senator thought he desired to have it considered in the same connection.

Mr. PLUMB. By a mistake made in the House at the time these amendments were under consideration there was a merging of two amendments in a very heterogeneous and a very unsatisfactory way, whereby, if anything at all could be made out of it, it appeared to be designed that the commissioners should negotiate with the Cherokee Indians and also negotiate with the Pottawatomie Indians. That would be a physical impossibility.

The Pottawatomie Indians are located in Kansas and the commissioners to negotiate with the Indians in the Indian Territory will have all they can possibly do; and in view of the fact that there is a strong desire on the part of the people living in Kansas in the neighborhood of the Pottawatomie Indians that they should go to the Indian Territory, if they are willing to do so, it was deemed desirable to provide for a commission to go to them; and I hope the Senator from South Carolina will not make the adoption of a proposition of that kind hinge upon something else about which there is more or less controversy perhaps.

Mr. BUTLER. I have no objection to the amendment, but it occurred to me that it was in the line of some other amendments which were perhaps liable to criticism, and I therefore asked that it be passed over without prejudice. I have no objection to the amendment.

Mr. DAWES. I hope that may be considered as agreed to.

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

The SECRETARY. On page 69 it is proposed to insert:

Prairie band of Pottawatomies and Kickapoo Indians of Kansas:

The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated to enable the President to negotiate with the Prairie band of Pottawat-

omies and Kickapoo Indians in Kansas for the sale of all or a portion of their lands in Kansas, and the allotment of the remainder in severalty; such agreements as may be made to be submitted by the President to Congress at the next session, said sum to be immediately available.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina withdraw his request that this be passed over?

Mr. BUTLER. Yes, sir.

The PRESIDENT *pro tempore*. It will be agreed to, if there be no objection.

Mr. DAWES. Before taking this up for consideration I desire the unanimous consent to insert a single word on page 62, line 9. Before the word "including" I move to insert "not;" so as to read:

For support of sixty Indian pupils at White's Manual Labor Institute of Wabash, Ind., not including transportation, $10,020.

The amendment was agreed to.

Mr. DAWES. I desire to say that this amendment is designed by the committee to take the place of the two amendments which have been passed over on the sixty-sixth page and on the forty-seventh page, and they should be considered together.

Mr. PLUMB. Before that comes up—as it will probably attract some debate—let me call the Senator's attention to the proviso of the amendment adopted by the Senate on page 11 of the bill. It was a mere formal matter. The amendment of the committee is a little careless, and instead of providing there for incurring the payment to the assignee of William M. Gwin, it should be the allowance of the claim of Gwin, so that the merits of the entire controversy might be inquired into by the Secretary of the Interior. As it is now it is only the question of the payment to the attorney or to the assignee of the attorney of these Indians that is to be considered.

Mr. DAWES. I have no objection to that amendment.

Mr. PLUMB. It should read: "*Provided*, That the allowance of the claim of the assignee of William M. Gwin."

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

The SECRETARY. On page 11, line 8, after the word "that," it is proposed to strike out "said payment to" and insert "allowance of the claim of;" so as to read:

Provided, That the allowance of the claim of the assignee of William M. Gwin be referred to the Secretary of the Interior for reconsideration.

The amendment was agreed to.

Mr. VEST. On page 79, I move to strike out the clause from line 6 to line 18, inclusive, and insert what I send to the desk as a substitute.

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

The SECRETARY. In the amendment of the Committee on Appropriations, on page 79, it is proposed to strike out from line 6 to line 18, inclusive, as follows:

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session for ratification, and for this purpose the sum of $25,000, or as much thereof as may be necessary, is hereby appropriated, to be immediately available.

And in lieu thereof to insert:

The President of the United States is hereby authorized and directed to appoint three commissioners, not more than two of whom shall be of the same political party, whose duty it shall be to enter into negotiations and agreement with the Cherokee Nation or tribe of Indians in the Indian Territory for their full and complete cession and relinquishment to the United States of all their title, claim, or interest in and to the land or country known as the Cherokee Outlet, such agreement, when made, to be submitted to Congress and the national council of said Cherokee Nation for ratification. Said commission is also authorized and empowered to negotiate with any or all of the nations or tribes of Indians in said Indian Territory for a full and complete cession and relinquishment of any title they may have in and to any lands west of the ninety-sixth meridian of longitude in the Indian Territory embraced in the bill now pending in Congress known as the Oklahoma bill; such agreements as may be made to be submitted to Congress and to the council of the nation, tribe, or band of Indians so making the same for ratification. And for the purpose of carrying out the object of this act the sum of $25,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available.

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 upon the same terms as were contained in the agreement recently 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 such cession shall become a part of the public domain and be opened to settlement under the homestead and town-site laws of the United States and for no other purpose, in the same manner and under the same condition as is 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: *Provided*, That no part of said sum shall be expended in buying refreshments for Indians attending meetings with commissioners or in any wise entertaining or presenting gifts to said Indians or their representatives.

Mr. BUTLER. Where is it proposed that that provision shall come in?

The SECRETARY. On page 79, to strike out lines 6 to 18, inclusive.

The PRESIDENT *pro tempore*. And insert what has been read by the Secretary.

Mr. BUTLER. That is a substitute, as I understand, for the provision reported by the Committee on Appropriations. Upon that I make the point of order that it is general legislation and has not been reported by a standing or select committee and referred, one day before it is brought up for consideration, to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Will the Senator from Missouri inform the Chair if the amendment has been reported from any standing or select committee of the Senate?

Mr. VEST. It has not.

The PRESIDENT *pro tempore*. The Chair will be compelled to sustain the point of order.

Mr. VEST. Mr. President, I was aware that the amendment was subject to the point of order, but I supposed that under the circumstances surrounding this Oklahoma question it was desirable that some just solution of it should be arrived at if possible, and I assumed that the matter would be met by the opponents of the Oklahoma bill without availing themselves of any technicality with regard to the amendment having been reported by a committee or coming from the head of a Department.

It is known to every one that some solution in the interest of peace and justice and civilization must be arrived at in regard to this vexed question. It may be delayed, Mr. President, but it will come just so certainly as the decree of fate has been entered that every human being upon this continent shall assist in working out the problem of free government which is now pending in this Western world.

To-day we have the remarkable spectacle of 6,200,000 acres of the public domain held by a few cattle barons for their own purposes under a pretended contract with the Cherokee Indians.

Whilst I offered that amendment, which is fair and just in every line, which proposes to send commissioners to treat with these Indians and to pay them whatever may be just and proper as the price of their lands, I do not concede—and I wish now to enter the statement upon record—that the Cherokee Indians in letter or in spirit own anything in this Cherokee Outlet at all.

I have here before me the patent which was issued to them by the Government of the United States and which has been stated to give them a fee-simple title from the center of the earth to the heavens above, and that patent gives them no such title, and no lawyer worthy of the name would pretend that any such title was conveyed to them by that patent.

Here is the granting portion of it, and I make the statement as briefly as possibly, because I recognize the value of time at this portion of the session. It is not my fault that this question comes up on an appropriation bill. I have been anxious to bring it up in what is known as the Oklahoma bill in order that a fair, free, open, unlimited discussion might be had of this whole question in the interest of the Indians as well as of the people of the United States.

Mr. CULLOM. Will the Senator yield to me for a word?

Mr. VEST. Certainly.

Mr. CULLOM. I desire to say that some time ago—I believe on the 18th of February—I reported the Oklahoma bill from the Committee on Territories as it passed the House of Representatives and had it placed upon the Calendar for consideration, and it has been my desire almost every day since, when there were not other measures actually before the Senate for consideration, to call up that bill.

There have been efforts, I know, to reconcile differences of opinion as to the provisions of it, going to the extent of eliminating many of the provisions of the bill, and I hoped by that means that eventually we should be able before this session ended to pass a bill creating a Territorial government over that country and especially over the outlet that the Senator refers to. It seems that it has been almost impossible to get the bill before the Senate, and I desire now to state that I agree with the Senator from Missouri, after a pretty thorough investigation of the subject, that the Indians have no sort of claim to that 6,000,000 acres of outlet as it is called, so as to prevent the Government substantially doing as it pleases with it in throwing a Territorial government around it.

I still hope if the honorable Senator's amendment is not agreed to, or whether it is agreed to or not, that we may yet have an opportunity of presenting that bill before the Senate in the hope that we may pass it, because I believe that if some such bill is not passed we shall have trouble in that section of the country, and we shall have very great difficulty in protecting the rights of the Indians as well as of the common people who go there in their going into that Territory. In my opinion there is nothing but such a measure that will save us from trouble.

Mr. HARRIS. I rise to a question of order.

Mr. CULLOM. Let me finish the sentence and you may.

Mr. HARRIS. I will.

Mr. CULLOM. There is nothing that will save us from trouble but some local civil government there which will be on the ground to protect the rights of all classes of people, whether they be Indians or white men, who desire to go there for settlement.

Mr. HARRIS. My point of order is this: The Senator from South Carolina [Mr. BUTLER] raised the question of order upon the amendment and the Chair sustained it. The amendment being out of order is not a debatable question, and while I always hear the Senators from Missouri and Illinois with pleasure and profit, in these brief expiring hours of the session I think we had better——

Mr. HOAR. Is it in order for the Senator to state his own purposes in that regard?

The PRESIDENT *pro tempore*. The Chair will hear the Senator.

Mr. VEST. I do not care whether the Senator from Tennessee supposes I am speaking on the amendment that I offered or that of the committee. I have the floor on this bill, and I do not think any point of order will take me from it until I state what I think about it.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Missouri to be debating the point of order.

Mr. VEST. No, sir; I am debating the amendment of the Committee on Appropriations. The point of order was decided, and I took no appeal. Although I am not much of a parliamentarian, I suppose that disposes of the point of order.

Mr. HARRIS. May I inquire of the Senator if he is debating the amendment on which the point of order was made?

Mr. VEST. I am debating the amendment proposed by the Committee on Appropriations.

Mr. HARRIS. And that is the amendment the point of order was made upon?

Mr. VEST. It is not.

Mr. HARRIS. If it is not, then I beg pardon of the Senator.

Mr. CULLOM. That is the amendment of the Committee on Appropriations. I understand that the Senator from Missouri, his amendment having been ruled out of order, desired to give his opinion on that subject, and I wanted to make a suggestion or two on my own part, having reported the Oklahoma bill from the Committee on Territories, which I think we ought to pass.

Mr. VEST. That is right.

Mr. BUTLER. If the Senator will permit me to interpose one word in reply to what has fallen from the Senator from Illinois, I wish to say that while it is true that the bill known as the Oklahoma bill was reported from the Committee on Territories, it is due to the minority of that committee to say that it was not a unanimous report.

Mr. CULLOM. It is true that there was not a unanimous report, but a very considerable majority of the committee were in favor of the bill as it passed the House of Representatives.

Mr. VEST. Mr. President, I appreciate the necessity for economizing time, and I would, as I said before, have said nothing upon this subject but I realize that the Oklahoma bill can not be considered or passed at this session of Congress. It is within the power of any one Senator to prevent the passage of any bill in the present condition of business.

But this matter is so important and so dangerous even, and the crisis is so imminent, that I should consider myself false to every consideration of duty to my constituency and to the country at large if I did not say something in regard to it, brought as it is here now before us.

I did not intend to allude to the fact that there is imminent danger of collision and trouble upon the border unless some legislation is adopted by Congress, but since the Senator from Illinois alludes to it it is an open secret well known that 30,000 people are now awaiting the action of Congress, many of them with mistaken and false views as to the condition of this question, men who can not understand why it is that a few speculators and cattle barons can hold 6,200,000 acres of land without an Indian upon it except those that were placed there by the Government of the United States, other than the Cherokees, whilst the white people of the United States, the men who sustain this Government, and upon whose energy and brain our civilization at last depends, are excluded by the action of the Federal Government from entering into that domain.

Sir, there have been wiser men puzzled by such questions, and if the plain, simple people of the frontier, if the immigrants to that country can not understand it, it is not their fault, but ours.

Now, Mr. President, returning to this matter—and I will dispose of it as rapidly as possible—I have no disposition to do these Indians any harm, and I think I can appeal to my record, I can appeal to my friend, the chairman of the Committee on Indian Affairs [Mr. DAWES], the peculiar friend of the red man in this body, and to all my brother Senators to attest the fact that I have never failed to stand between what I thought an injustice and wrong to the Indians, no matter who might be the aggressor; but I recognize the fact that the large body of these Indians to-day are not correctly represented in regard to this question.

They are but children—children in the ways of civilization—and a few men are putting them forward and in their names claiming what the laws of the United States and the demands of the age absolutely forbid, and amongst other things they claim what to a lawyer and a law-abiding man, if true, would be absolutely conclusive of the whole question. They claim that these Indians have a fee-simple title without reserve or limitation which gives them these 6,200,000 acres of this Cherokee Outlet, and that the United States has no right to control the disposition of these lands at all.

Now, what is that patent? Here is the granting part of it:

To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever, subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the Western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject, also, to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress the 28th of May, 1830, referred to in the above recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

In the treaty of 1828 and every subsequent treaty and in this patent these lands are spoken of as the outlet, not so many acres of land marked out and governed by metes and bounds, but an outlet, a right of way. An outlet to what? Why, sir, all the contemporary facts and circumstances show what was meant by this grant. It was to give these Indians what they considered the chief end of man, the right of way to the vast hunting-grounds of the West, then covered with innumerable herds of buffalo; and they stipulated with the Government that they would not give up one inch of their domain east of the Mississippi River unless the right to go to these immense hunting-grounds, which in their imagination seemed equal to the hunting-grounds of the blessed, was open to them; and they wanted that more than anything else.

To show the nature of this grant, as early as October 8, 1821, John C. Calhoun, then Secretary of War, wrote the following letter to the chiefs of the Arkansas Cherokees:

SECRETARY CALHOUN'S LETTER.

DEPARTMENT OF WAR, *October* 8, 1821.

BROTHERS: I have received your communication of the 24th of July last, complaining that the promises of the Government in relation to intruders upon your lands and to an outlet to the west have not been performed. It has always been its intention to carry into effect fully every promise made to you, and which I was under the impression had been done, particularly upon the points complained of, as orders were issued some time since for the removal of the whites from your lands and from the tract of country to the west of your reservation commonly called "Lovely's Purchase," by which you would obtain the outlet promised. Copies of these orders are herewith inclosed for your information.

Governor Miles, who is now here, on his return to the Arkansas Territory, informs me that he knows of but one person who has settled upon your lands, and he believes that person resides there with the permission of the nation.

He is, however, authorized to call the attention of Major Bradford to the orders above referred to, and if they should not have been previously carried into effect, to request him to do so, without further delay. It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the west you acquire thereby no right to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country. * * *

J. C. CALHOUN.

TEKE-E-TOKE, JOHN JOLLY, BLACK FOX, W. WEBBER, THOS. GRAVES,
Chiefs of the Arkansas Cherokees.

Now, to show that the Indians understood that this was an outlet and that at that time they could not possibly have thought they had this fee-simple title or anything like it, I read from the treaty of 1828, which is the substratum of all their right, upon which all subsequent treaties have been based and upon which they must stand to-day in regard to their claims, in that patent.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in 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. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and that the House receded from its disagreement to the one hundred and forty-first and one hundred and forty-second amendments of the Senate to the bill and agreed to the same; and that it further insisted upon its disagreement to the amendments of the Senate numbered 60, 61, 62, 182, and 197, and agreed to the further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN the managers of the further conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (S. 2363) for the relief of John W. Combs; and

A bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York.

FARAN & M'LEAN.

Mr. PAYNE. I move that the bill (H. R. 308) for the relief of Faran & McLean, which was passed and afterward recalled from the House of Representatives, be returned to that body.

The motion was agreed to.

REPRINTING OF BILLS.

Mr. BLAIR. I ask the Senator from Missouri to yield to me while I request an order for the reprinting of certain bills.

Mr. VEST. Certainly.

Mr. BLAIR. I submit an order for the reprinting of certain bills and joint resolutions, the files being exhausted or very nearly so.

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

The Chief Clerk read as follows:

Ordered, That the following be reprinted: Bill S. 371, as it passed the Senate, the education bill; S. R. 86, free school joint resolution; S. 2983, Sunday-rest bill; S. R. 101, union with Canada; S. 3356, naturalization bill.

Mr. HOAR. May I inquire if all those bills have passed the Senate?

Mr. BLAIR. No; but the country has absorbed all the printed copies and want some more, and I submit an order for reprinting them.

The order was agreed to.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor on the Indian appropriation bill.

LINE-CARRYING PROJECTILES.

Mr. CHANDLER. I ask leave to call up Senate bill 2182 with the House amendment.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers; which was to add to the bill:

SEC. 2. This act shall take effect February 1, 1890.

Mr. CHANDLER. I move that the Senate concur in the amendment.

The amendment was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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. VEST. Mr. President, I have read the preliminary letter of John C. Calhoun to these Indians preceding the execution of the treaty of 1828. Neither time or my strength permit me to read all the other treaties, but they were based upon that treaty of 1828 and repeated almost in the same language the same statement and amounted to substantially the same thing.

Mr. DAWES. If it will not interrupt the Senator I wish to make an inquiry. The Senator proposed an amendment a few moments since contemplating a commission, which was ruled out of order. If that amendment contains the views of the Senator as to what should be done in the exigency, I should like to have him point out what the amendment in the bill fails to accomplish which his amendment does. I do it in the interest of saving time.

Mr. VEST. I want nothing else but a fair statement of the question and an honest debate about it, without excitement and without any misstatement, and I am not trying to make any.

Mr. DAWES. If the Senator will allow me, I want to say in this connection that the committee in preparing that amendment have considered and appreciated all the difficulties which the Senator has alluded to, and they are of the conviction that the best possible way to meet them is by the measure suggested there, and I wish the Senator, if he could, would point out why that does not meet the exigency of the case in the best possible way.

Mr. VEST. The amendment proposed by the committee is simply the act of 1885, now upon the statute-book, and the same law which I had the honor to propose myself which was adopted by Congress and under which we have lately purchased the Creek and Seminole lands.

Mr. DAWES. I do not wish to interrupt the Senator, but he will observe that is substantially true, except that it is not under that that we have obtained the Creek lands. But no matter as to that. The question with the committee was between the statute of 1885 and this proposed statute. The difficulty of the present situation, if the Senator will allow me, appears to the committee to be the omission up to this time on the part of the Executive to avail himself of the statute of 1885.

I am not censuring anybody, but the omission to proceed in 1885 to do just what is contemplated there has brought upon us this complication. I am not censuring anybody by that remark, and if we had all addressed ourselves with an appropriation under the statute of 1885 to the question which confronts us now and which was foreshadowed in the debate of 1885, we should have been relieved of all this trouble, in my opinion.

Now, the condition is as the Senator represents it. Whether the Senator's construction of the title be true or not, what better, I ask him in the interest of brevity, can possibly be proposed than that suggested by the committee?

Mr. VEST. If the committee had put in that amendment a portion of the provision that came from the House of Representatives, that portion which provided that if the Cherokee Indians agreed with these commissioners to take the same price paid to the Creeks and that then the President by proclamation would open these lands to settlement, I would accept it with pleasure. But as it is the friends of Oklahoma get nothing under this amendment.

It is simply a naked repetition of the provisions of law already upon the statute-book, and we run the same risk of the same result that has come upon us in the present administration, and that is the same interminable disturbance upon the borders of our States with this Indian Territory not open to settlement, and like a Upas tree casting its baleful shadow upon the contiguous territory in the States of Texas, Arkansas, Kansas, and Missouri, a refuge for criminals, a Botany Bay, with no law, a blank, unoccupied piece of territory, so far as civilization is concerned, upon the map of the United States, and no redress to be given from one session of Congress to another.

If, I repeat, that committee had conceded to us that if these Indians accepted the same terms that the Creeks did, and upon which they have lately sold their lands to the United States, and that then the President could act, I for one would have been gratified and would have accepted it with pleasure. But I am simply now outlining why I do not approve of this amendment of the committee.

In the treaty of 1828, as I was proceeding to say, they accepted the construction of Mr. Calhoun upon this grant of the Cherokee Outlet.

And whereas the present location of the Cherokees in Arkansas being unfavorable to their present repose, and tending, as the past demonstrates, to their future degradation and misery; and the Cherokees being anxious to avoid such consequences, and yet not questioning their right to their lands in Arkansas, as secured to them by treaty, and resting also upon the pledges given them by the President of the United States and the Secretary of War, of March, 1818, and 8th October, 1821, in regard to the outlet to the west.

That is the letter incorporated in their treaty, which I have read, from Mr. Calhoun to the Cherokee chiefs and in which he tells them that they do not own the soil and tells them that it is only an outlet to the hunting grounds in the west, and yet they succeeded afterwards in the turmoil and confusion and uncertainty that followed the war in obtaining this treaty of 1866, in which there was a quasi recognition of what is called now a fee-simple title to the Cherokee Outlet.

Mr. President, if time permitted I should like to read the opinion of the Attorney-General of the United States, Mr. Garland. Here is his opinion, delivered to the Secretary of the Interior on July 21, 1885. It is a résumé of all these treaties, and I will ask that it be incorporated in my remarks, and I will not detain the Senate by reading it. In that he explicitly declares, as explicitly as is possible, that a fee-simple title does not exist in these Indians and they have no right to lease these lands, and that the statute of the United States forbids any such lease, and yet to-day they have leased, for $200,000, 6,200,000 acres, with not one of their tribe upon it, and they stand before the Congress and people of the United States and say to our civilization and our institutions thus far shall you go and no farther, and here you are stayed.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE, *Washington, July* 21, 1885.

SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:

"Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapaho reservation in the Indian Territory.
3. The Kiowa and Comanche reservation in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *vs.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus, in 1783 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement."

By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States."

A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the provision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such a title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States.

A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease, or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *vs.* Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers.

The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned. No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government, to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases."

The act just cited is, moreover, significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

The SECRETARY OF THE INTERIOR.

Mr. VEST. Not only that, Mr. President, but afterwards Mr. Vilas, the Secretary of the Interior, when he heard that this lease was about to be made, on September 21, 1888, served formal and official notice upon these Cherokees that they could not make this lease and have it recognized by the Government of the United States; that it was illegal; that they had no right to make it; and yet with that notice they defied the authority of the Government and went on and made it—made it under such circumstances as, to say the least, were not creditable to the parties engaged in it.

We have before us here a letter from the Secretary of the Interior, transmitted in response to a resolution of my friend from Illinois [Mr. FARWELL], and I will ask the Secretary to read it. I will take that much time without giving it to my argument. I want to show how that lease was made that is now paraded before the Congress of the United States as a sacred obligation that is to preserve that Cherokee Outlet there, as far as we know, for all time to come against the civilization of this country.

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

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, February* 26, 1889.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, adopted February 25, 1889, in the following words:

"*Resolved*, That the Secretary of the Interior be directed to furnish the Senate, without delay, any information in his Department touching the bribery of the Cherokee council by cattle-men and their agents for the purpose of obtaining leases and renewal of leases of lands of the Cherokee Nation; and especially to transmit to the Senate a copy of the report of Special Agent Owen touching such alleged bribery."

In response thereto I transmit a copy of a communication of this date from the Commissioner of Indian Affairs and accompanying papers.

These papers, the Commissioner reports, contain all the information on file in his office upon the subject of the resolution.

Very respectfully,

WM. F. VILAS, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 26, 1889.

SIR: I have the honor to acknowledge the receipt, by the Department reference of this date, for immediate report, of a Senate resolution calling upon the Secretary of the Interior to furnish that body "without delay, any information in his Department touching the bribery of the Cherokee Council, by cattlemen or their agents, for the purpose of obtaining leases and renewal of leases of lands of the Cherokee Nation; and especially to transmit to the Senate a copy of the report of Special Agent Owens touching such alleged bribery."

In reply, I have the honor to transmit herewith copies of the following documents:

"1. The official report of Agent R. L Owen upon the matter, dated April 29, 1887, with the inclosures belonging thereto.

"2. The letter of this office to the Department inclosing the report of Agent Owen above referred to, with suggestions as to the proper action to be taken thereon.

"3. The communication of the Secretary of the Interior submitting the matter to the Attorney-General.

"4. The letter of the Department to this office authorizing the removal of certain persons from the Indian Territory."

The foregoing documents embrace all the information on file in this office upon the subject of the resolution above mentioned.

Very respectfully, your obedient servant,

JNO. H. OBERLY, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 11, 1887.

SIR: I have the honor to inclose herewith a letter from Agent Owen, Union Agency, Ind. T., dated the 29th day of April last, in relation to the manner in which the representatives of the Cherokee Strip Live-Stock Association acted in attempting to negotiate for a renewal of the lease of the Cherokee Outlet lands last fall.

It appears that on November 1, 1886, the Cherokee council met and organized for their annual session, and on the same day the representatives of the Cherokee Strip Live-Stock Association established their headquarters in the National Hotel at Tahlequah, Ind. T.

The association was represented by Thomas Hutton, Charles Eldred, and John F. Lyons, esqs., all United States citizens, the last named being also an adopted citizen of the Cherokee Nation by intermarriage; his wife, however, being now dead.

They came to the council for the avowed purpose of re-leasing the Cherokee Strip (or Outlet lands), although their existing lease does not expire until the spring of 1888.

Their methods are illustrated by the affidavits of John Holland, Stephen Techee, and John Miller (therewith inclosed), showing that they were introducing large quantities of whisky into their room for the purpose of corrupting the Indians and effecting the lease at a fraction of its real value.

November 26, 1886, they were defeated by a decisive vote.

According to Agent Owen's statement there appears to be no doubt of the fact that a lavish use was made both of liquor and money, for the purpose of securing the franchise.

It is suggested that upon the case presented the persons named have made themselves liable to exclusion from the Indian Territory, and to a criminal prosecution in the United States courts for violation of section 2139, Revised Statutes, relating to the liquor traffic with Indians.

Instructions in the matter are respectfully requested.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. VEST. I ask now that that whole document be printed in the RECORD as a portion of my remarks.

The PRESIDENT *pro tempore.* The Chair hears no objection.

The remainder of the document is as follows:

[Strictly confidential.]

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., April 29, 1887.

SIR: In accordance with your direction I have the honor to reduce to writing the manner in which the representatives of the Cherokee Strip Live-Stock Association acted in attempting to negotiate a release of the Cherokee strip during the last council.

On November 1, 1886, the Cherokee Council met and organized for their annual session, and on this day the representatives of the Cherokee Strip Live-Stock Association established their headquarters in the best room of the National Hotel. The association was represented by Thomas Hutton, esq., Charles Eldred, esq., and John F. Lyons, esq., all United States citizens, the latter also an adopted citizen of the Cherokee Nation by intermarriage, his wife, however, being now dead.

They came to the council for the avowed purpose of re-leasing the Cherokee Strip, although their lease does not expire until the spring of 1888. Their methods are illustrated by the affidavits of John Holland, Stephen Techee, and John Miller, which show very plainly that they were introducing large quantities of whisky into their room for the purpose of corrupting the Indians and effecting the lease at a fraction of its real value. On November 26, 1886, they were defeated by a decisive vote, and hearing at Muscogee how they had been using whisky I went over and got there late that night and made the inquiries whose results are submitted.

Mrs. Eliza Alberty, hostess of the National Hotel, told me that these men were trying in every way to induce the council to re-lease them the Cherokee Strip, and that they were evidently introducing large quantities of whisky for the purpose of affecting and influencing the members. She told me that she had seen a 2-gallon demijohn, three 2-gallon jugs, and one 1-gallon jug, and forty quart bottles in their room or brought out of it; that she knew of George Saunders, Soghee, Richard Wolf, Albion Spears, and John Gritts being drunk in their room; that the Indians had been working like bees in their room; that it had been notorious; that John F. Lyons told Blue Alberty, esq., that Charles Starr, esq., high sheriff, had obligated himself not to search this room.

Mrs. Alberty further told me that on account of the disgraceful tramping into this room all night long, and the bad odor it was bringing upon the house, that she told them it would have to stop or they would have to leave her house. Mrs. Alberty I know well. She is a truthful and a good woman, and is a sister of Dennis Bushyhead, principal chief of the Cherokee Nation. She is corroborated by numbers of other people.

The affidavit of John Harland shows that he personally knew of 13 gallons of whisky going into his room, and he mentioned seventeen Indians to whom he saw these men give whisky, besides others not named. Charley Fry, a young Cherokee of some prominence, told me, and I made at the time, November 17, 1886, a memorandum, that he saw them give whisky to Jake Lipe, Bullett Foreman, Dick Dennenberg, Dick Wolf, John Schrimscher, Soghee, Bill Young, Mage Lipe, Billy Howell, George Downing, George Lewis, Robert Hanks, Dick Glenn, and Jim Keys; that Dick Wolf had three 2-gallon kegs of whisky in his room when he was there; that he heard Dick say that he had spent $125 for whisky.

I do not think there is any doubt about the fact that these men and their workers made a lavish use of money and whisky for the purpose of securing this franchise. Gus Ivey told me that they paid him $500 for an old claim he had against some individual out there for a private lease. This was not an obligation of the association, and they were under no obligation to pay it. They paid it to Ivey really to silence his opposition; and Ivey told me that when they had made this payment apparently on an old claim they at once solicited his good offices in securing them the renewal of the lease. This he declined to do. Ivey informed me that they paid various other men of influence, and one of them, a senator, a similar claim.

These claims, if paid at all by this association, should have been paid three and one-half years ago, when this association had a surplus in their treasury; and I believe the real purpose in paying this money at this time and in this manner was to buy the friendship and influence of these men, who would thus

with more or less unconsciousness be receiving a bribe. It might be proper to say, in explanation of these claims, they arise in the following manner:

Certain citizens of the Cherokee Nation went out on the strip and made contract with certain stockmen by which the United States citizen was to put up a wire fence, covering such pasturage as he saw fit, and call it the pasture of the Cherokee citizen, and pay him a certain royalty for this use of his name and rights.

When this lease was made these private agreements were set aside and ignored by the Cherokee counsel, the individual stockmen, and the Cherokee Strip Live-Stock Association.

These so-called claims are the ones now referred to as being paid by the association in a sudden spirit of generous virtue. In view of the conduct of these men, I would recommend that neither they nor their representatives be allowed to lobby the council in their behalf, but that they be required, if they wish to make any proposition, to make the same in writing, subject to the supervision of your office, or some similar method pursued, by which the Cherokees can consider it without being subject to any undue and improper pressure.

The land is very valuable for grazing purposes, being probably worth $300,000 a year. The Cherokees need this money, or such revenues as they may derive from it, for the advancement of their schools and the perfection of their government, and growth of internal improvements. You know of the destruction of their splendid female seminary by fire.

I am of the opinion that it would be best that these lands should be re-leased in whole or in part to the men who now occupy it, provided they are willing to give its fair market value, and I would be pleased to assist the Cherokee Nation in securing the market value by negotiating with Texas cattle-men for the occupation of such portion of this range as the present occupants are unwilling to pay the market value for.

I beg you to give this your immediate consideration and advise me in the premises, because on the 9th of May the Cherokee national council meets in relation to the burning of their seminary, and these men in all human likelihood will be on hand to utilize the occasion.

Please regard this communication, in so far as it is proper to do so, as strictly confidential, and do not for the present place the evidence submitted to you in the files of the Indian Office, but return it to my office for preservation and possible use before the Federal court.

I have the honor to be, your obedient servant,

ROBT. L. OWEN,
United States Indian Agent.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington D. C.

TAHLEQUAH, IND. T., *November* 27, 1889.

John Harland, duly sworn, deposes and says:

I am an adopted citizen of the Cherokee Nation, and am nineteen years old November 18, 1886. I work at National House. On the first Monday of council John F. Lyons, Thomas Hutton, and William Eldred came to the National House and occupied the lower front room on the west together. On Sunday morning I got a 2-gallon jug of whisky for Mr. John F. Lyons, under his direction; he gave me a dram of it. The next Sunday, November 14, he got a hack, with Mr. Hutton and Mr. Eldred and another man, and went off; they came back that night, and Mr. Lyons sent me over in the square to get three 2-gallon jugs of whisky.

Mr. Lyon said: "John Henry, go and get them things by the fence inside the square. There are three; go get them." They contained whisky, for I got a drink of it. The next Saturday I heard Mr. Lyons tell Bill Ross (colored), out by the National House gate, that I would get it. They called me, and told me to go and tell a fellow by Catcher Teehee's that he should bring "that stuff." I went off and saw him. He had a 5-gallon keg; and I told him. He said he was afraid, and I then went back and told Bill Ross, and me and Bill went back together, and Bill and the fellow, whose name I don't know, came up this way with the keg, and we parted, and about an hour and a half Bill came in my room behind the hotel and told me he had made it. I asked him, "Bill, did you make it?" and he said "Yes."

To-day a week a 5-gallon keg left here and a demijohn (2-gallon) in Mr. Alberty's wagon, bound for Mr. Quarles's house. I saw two other jugs and one other demijohn. I guess I got about 7-quart and 2-pint bottles out of the room named, and when Loghi George Landers was drunk I got five bottles out of the parlor where he and Mr. Lyons had been together with other men. I saw these men, Mr. Lyons, Hutton, and Eldred, give numbers of the Indians whisky; for instance, Jake Lipe, Major Lipe, George Landers, Joel Bryant, Mr. George Lewis, Mr. Robert Hanks, Mr. Dick Wolf, Mr. Houston Benge, Pomo Brown [n], Bill Ross [n], Dick Glenn, Frank Adair, Caleb Starr; and lots of others, *i. e.*, Dick Halfbreed, Hooly Bell, Jim Keys, John Schrimsher.

JOHN HOWLAND.

Duly sworn and subscribed to before me November 29, 1886.

ROBT. L. OWEN,
United States Commissioner.

TAHLEQUAH, IND. T., *November* 27, 1886.

This day personally appeared before me Stephen Teehee, who being duly sworn, says:

I have held many offices in the Cherokee Nation; since the war, except two years, I have been an officer; lastly, circuit judge over Going Shake, Flint, Illinois, and Sequoyah districts. I am now a senator in the Cherokee National Council. On Tuesday or Wednesday morning before Thanksgiving day, Richard Wolf came to me at Lacy Hawkin's house, and John Teehee was with me. Richard Wolf called me off to one side and told me he was attorney for the cattlemen.

He said the Cherokee Nation could not get more than $500,000 for the land, but at the same time individuals ought to make something off of it; that I ought to make something off of it. He said he was authorized to get that bill through council and was authorized to use money in getting it passed; that he had a big pile of money in his charge; that he would give me $500 in case it became a law; that if that was insufficient and I called for even more he might do so.

I told him that was against my will; that he knew me what kind of a man I was. (I did not name it, but I alluded to his having offered me $100 last year for my vote to him as Delegate, and my having declined to accept it.) He then gave me a long explanation in regard to that land west of 96°; that the value of it had gone down by the grass and timber having been used off of it; that if we did not release it the new council to be elected next council might not agree to lease it, but might sell it, and he was opposed to selling the land; I told him I was no land seller either, but I did not come here to make money for myself.

I got tired of it, talking to him, and I said, "I'll see about it;" he said to name the time I'd answer. I said, "Next Monday." He said that was too long; he wanted to know by 12 o'clock that day. I said that was too short a time. He asked me if I'd be ready by sundown. I said, "I will."

Then I went and told my best friends of this offer; I told Gus Ivey, and not to tell; I've got plan to find out what all they were doing. And I told William Holt and John Teehee and others. Since then Richard Wolf don't see me, and don't say a word to me. Somebody must have told him. When having the conversation above-named Richard Wolf told me he had Hooly Bee and John Gritts all right, but I did not believe that.

I thought he was trying to mislead me into accepting the offer. He said he just wanted one or two more votes in the senate. He said he had the lower house all right, that he had a majority there. He talked a heap, but these are the main points.

STEPHEN TEHEE.

Sworn and subscribed to by and before me on this the 27th November, 1886.

ROBT. L. OWEN,
United States Commissioner.

TAHLEQUAH, IND. T., *November* 27, 1886.

John M. Miller, duly sworn, says:

I am a member of the council branch of Cherokee National Council, and from Delaware district. On Friday morning Mr. Wolf Coon introduced a bill to release to the Cherokee Strip Live Stock Association the Cherokee Strip for same rate as before, to wit, $100,000.

It was immediately referred to the committee of which Dick Drunenberg, chairman, Dickin Waters, George Downing (Tah), Bill Howell, and myself were members. The chairman proposed we should vote upon it at once, but by insisting it was too important to act on hastily I got the vote put off till 2 p. m. Then it was voted on.

George Downing proposed to amend it to $120,000 a year. I proposed $300,000 a year, but they overruled me and put it at $120,000 a year. I then proposed to make a minority report. Dick Drunenberg said I had no right to do so, as it was not customary to do so. I insisted on it; and my report was accepted by a vote of 23 to 13, I believe, when presented to the house. It was then Wolf Coon tried to withdraw it. That was not permitted, and then he proposed to suspend the rules and put the bill on its passage without the amendment adopted. It was tabled till this morning, and this morning it was tabled till next fall by simple motion without vote.

JOHN MILLER.

Sworn and subscribed to by and before me on this the 27th day of November, 1886.

ROBT. L. OWEN,
United States Commissioner.

DEPARTMENT OF THE INTERIOR, *Washington, June* 13, 1887.

SIR: Inclosed herewith is a copy of Department letter of 13th instant addressed to the honorable Attorney-General upon the subject of reported violation of section 2139 of the Revised Statutes of the United States by Thomas Hutton, Charles Eldred, and John F. Lyons, at Tahlequah, Indian Territory, last fall, as representatives of the Cherokee Strip Live-Stock Association, in furnishing liquor to Indians who visited their rooms at the National Hotel in Tahlequah, to influence their action in the national council in favor of the re-leasing of the Cherokee Outlet lands to said association, which was the subject of your report of the 11th instant, the inclosures of which are herewith returned.

Agent Owen should be instructed that if he is satisfied the statements as to violations of the law referred to by the parties named are true and well founded to remove them from that portion of the Indian Territory within the jurisdiction of his agency whenever they may be found there without permit from proper authority.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, June 13, 1887.

SIR: It has been brought to the attention of this Department that Thomas Hutton, Charles Eldred, and John F. Lyons, citizens of the United States—the last named being also an adopted citizen of the Cherokee Nation by intermarriage, his wife however being dead—representing the Cherokee Strip Live-Stock Association, in attempting to negotiate for a renewal of the lease of the Cherokee Outlet lands last fall, were guilty of a violation of section 2139 of the Revised Statutes of the United States, by introducing large quantities of liquors into their rooms at the National Hotel at Tahlequah, Ind. T., and giving it to the Indians for the purpose of influencing their action in the Cherokee National Council in favor of the said association.

The Commissioner of Indian Affairs recommends that the proper United States attorney be instructed to investigate this subject with the view to such action as may be found to be right and proper in the matter.

I concur in the Commissioner's recommendation.

I have the honor to be, very respectfully,

L. Q. C. LAMAR, *Secretary.*

The ATTORNEY-GENERAL.

NOTE.—The Attorney-General, by letter of June 17, 1887, informed this Department that he has referred the matter of the introduction of liquor into the Indian Territory by the Cherokee Live-Stock Association to the United States attorney, western district of Arkansas.

Mr. VEST. These affidavits, made by reputable citizens, show that this lease was obtained by bribery and corruption, and the men that secured that lease in that way are to-day held for trial in the United States court. The lady who kept that hotel, who was the principal witness, is the sister of Chief Bushyhead, the principal chief of the Cherokees, and she says the bribery and corruption was so gross and notorious that she informed these cattle kings that they must find other quarters in order to preserve the honest character of her hotel, and her affidavit is there to that effect.

I wish I had time to discuss this question more at length, but I want to say this: It has been charged in the public prints that railroad corporations and town-site companies and speculators want to open Oklahoma. I do not know one single human being that within my knowledge is interested in any railroad, in any town-site company, or any speculation in connection with that Territory; but I do know that the people of my State bordering on this Territory for years have been holding up their hands to the Congress of the United States and asking that upon just and equitable terms this portion of the national capital, of the resources of the country for advancement and civilization shall be utilized, and against us to-day, asking as we do only what is right and just and proper, and in the interest of religion, in the interest of government, in the interest of civilization, stand these cattle kings and their dupes with 6,200,000 acres of the public domain closed against the advance of the spirit of progress that to-day is throbbing in every portion of our common country and proclaiming that they rep-

resent the Indians, when the only interest they represent is their own greed and avarice.

Sir, we have proposed everything to these Indians in the way of legislation and they have refused it; and now I make no threat, but I say deliberately that it is just as impossible to close up that Territory to honest immigration and to the institutions of the United States as it would be for an infant to hold motionless in its hand the wheels of the car of Juggernaut itself. They can profit by the statement.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in 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. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The message also announced that the House had concurred in the resolution of the Senate tendering the thanks of Congress to the governor and through him to the people of the State of Michigan for the statue of Lewis Cass.

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 28th ultimo approved and signed the joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889.

The message also announced that the President had on the 1st instant approved and signed the following acts and joint resolution:

An act (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia;

An act (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory;

An act (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes;

An act (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon;

An act (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.;

An act (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across Red River," approved May 21, 1888;

An act (S. 24) to extend the limits of the port of Portland as a port of entry;

An act (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, Louisiana;

An act (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries;

An act (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Daniel's Ferry, Louisiana;

An act (S. 1721) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

An act (S. 1319) granting a pension to Anna Slater;

An act (S. 2334) granting a pension to Mary J. Byrd;

An act (S. 2758) granting a pension to Susan P. Murdock;

An act (S. 2759) granting a pension to James M. Frost;

An act (S. 3091) granting a pension to John Corr;

An act (S. 3269) granting a pension to Theresia Fichter;

An act (S. 3387) granting a pension to Charles S. Hamilton;

An act (S. 3421) granting a pension to Mary B. McVean;

An act (S. 3588) granting a pension to Ellen B. Farr;

An act (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;

An act (S. 3864) to increase the pension of Mrs. Sue B. Johnson;

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

An act (S. 3751) for the relief of certain settlers in Hettinger County, Dakota;

An act (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.;

An act (S. 3737) for the relief of Sterling H. Tucker and others;

An act (S. 3778) to establish the Lincoln land district, in the Territory of New Mexico; and

Joint resolution (S. R. 140) authorizing the printing of 50,000 copies of the fourth and fifth annual reports of the Bureau of Animal Industry for the years 1887 and 1888.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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. BUTLER. Mr. President, I wish very much that the time of the Senate permitted a full and complete discussion of the question which the Senator from Missouri has touched upon, but I am admonished that the hours are passing rapidly, and that it would be improper for me to occupy the attention of the Senate for any length of time.

The Senator from Missouri declares that no lawyer will say that the Cherokee Indians have a title to what is known as the Cherokee Outlet. Of course I do not propose to set myself up as a lawyer in comparison with the distinguished Senator from Missouri; but fortunately for those of us who differ with him and unfortunately for him, I announce that there has never been an officer of the United States Government, of any department of it, legislative, executive, or judicial, with the single exception of the opinion of the present Attorney-General, which the Senator has had printed in the RECORD, who has not recognized the absolute title of these Indians to this land. I have at my desk four decisions, two in the United States district courts and two in the Supreme Court of the United States, in which the title to this identical land is passed upon, and without qualification or exception they have sustained it as good and perfect and valid in every particular.

The Senator says that Mr. Calhoun as Secretary of War in 1821 settled the character of the title by which these people held this property. Mr. Calhoun never referred to the Cherokee Outlet. He could have had no reference to it, for the treaty by which the Cherokees received that land was not made until 1828. It was supplemented in 1833, in 1835, in 1846, and in 1866 by the Executive of the United States, and the Congress of the United States has recognized it on at least a half dozen occasions by making appropriations to carry into effect the treaties made by the Executive.

More than that, the United States Government has stood by and has seen the Cherokee Indians make five different fee-simple titles out of this very identical land to friendly Indians whom the Government settled on it in pursuance of the treaty stipulations of 1866. The very bill which the Senator himself says he is so anxious to get through this body, the Oklahoma bill, recognizes that title in terms, because it proposes to pay the Indians $1.25 an acre for the land. And are we to be told that we are to be guilty of such stultification as paying to the Indians a dollar and twenty-five cents an acre for something to which they have no title?

The Senator, I will not say intentionally, but with a curious convenience at least, omitted to read from the granting clause of that patent a very important part. I will supply what he has omitted.

That patent was issued by Mr. Van Buren in 1838 in pursuance of the treaties of 1828, 1835, and 1836, and in pursuance of the third section of the act of Congress of 1830. Gentlemen say that the act of President Van Buren was *ultra vires*, that he had no authority under the law or under the treaties to do it, and therefore it is of no effect, of no avail. The patent recites the articles of the treaties of 1828, 1835, and 1836 in substance, and then says:

Therefore—

And this is the part of the granting clause which the Senator from Missouri omitted:

Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant—

What? To whom?

unto the said Cherokee Nation, the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,135 acres and fourteen one-hundredths of an acre.

There are but 6,000,000 acres in the Cherokee Outlet. Where does the Senator get the rest of the land conveyed in that granting clause, if it does not include the 7,000,000 acres which is spoken of as the home of the Cherokees. I will insert the entire patent in my remarks;

The United States of America to all to whom these presents shall come, greeting:

Whereas by certain treaties made by the United States of America with the Cherokee Nation of Indians of the 6th of May, 1828, the 14th of February, 1833, and the 29th of December, 1835, it was stipulated and agreed on the part of the United States that in consideration of the premises mentioned in the said treaties, respectively, the United States should guaranty, secure, and convey, by patent, to the said Cherokee Nation, certain tracts of land; the description of which tracts and the terms and conditions on which they were to be conveyed are set forth in the second and third articles of the treaty of the 29th of December, 1835, in the words following, that is to say:

"ART. 2. Whereas by the treaty of May 6, 1828, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured, to be conveyed by patent to the Cherokee Nation of Indians, the following tract of country: Beginning at a point on the old western territorial line of Arkansas Territory, being 25 miles north from the point where the territorial line crosses Arkansas River; thence running from said nurth point, south on the said territorial line, where the said territorial lines crosses Verdigris River; thence down said Verdigris River to the Arkansas; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand River, at its junction with the Arkansas; thence running south 44 degrees west 1 mile; thence in a straight line to a point 4 miles northerly from the mouth of the north fork of the Canadian; thence along the said 4-mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the Eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the Western Missouri line to the line assigned t e Senecas; thence on the south line of the Senecas to Grand River; thence up said Grand River as far as the South line of the Osage reservation extended, if necessary; thence up and between said South Osage line extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line

running north and south from said Osage line to said due west line will make 7,000,000 acres within the whole described boundaries.

"In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres, as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees. And letters patent shall be issued by the United States, as soon as practicable, for the land hereby guaranteed. And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States in consideration of the sum of $500,000, therefore, hereby covenant and agree to convey to the said Indians and their descendants by patent, in fee-simple, the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same, and runs north along the east line of the Osage lands 50 miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south 50 miles; thence west to the place of beginning; estimated to contain 800,000 acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

"ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such post and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds, for the construction and support of the same, as may be necessary: *Provided*, That if the private rights of individuals are interfered with, a just compensation therefor shall be made."

And whereas the United States have caused the said tract of 7,000,000 acres, together with the said perpetual outlet, to be surveyed in one tract, the boundaries whereof are as follows:

Beginning at a mound of rocks 4 feet square at base and 4½ feet high, from which another mound of rocks bears south 1 chain, and another mound of rocks bears west 1 chain, on what has been denominated the old western territorial line of Arkansas Territory, 25 miles north of Arkansas River; thence south 21 miles and 28 chains to a post on the northeast bank of the Verdigris River, from which a hackberry, 15 inches diameter, bears south 61 degrees 31 minutes east 43 links, marked C. H. L., and a cottonwood, 42 inches diameter, bears south 21 degrees 15 minutes east 50 links, marked C. R. K. L.; thence down the Verdigris River on the northeast bank, with its meanders, to the junction of Verdigris and Arkansas Rivers; thence from the lower bank of Verdigris River, on the north bank of Arkansas River, south 44 degrees 13 minutes east 57 chains to a post on the south bank of Arkansas opposite the eastern bank of Neosho River at its junction with Arkansas, from which a red oak, 36 inches diameter, bears south 76 degrees 45 minutes west 24 links, and a hickory, 24 inches diameter, bears south 89 degrees east 4 links; thence south 53 degrees west 1 mile to a post, from which a rock bears north 53 degrees east 50 links, and a rock bears south 18 degrees 18 minutes west 50 links; thence south 18 degrees 18 minutes west 33 miles 28 chains and 80 links to a rock, from which another rock bears north 18 degrees 18 minutes east 50 links, and another rock bears south 50 links; thence south 4 miles to a post on the lower bank of the north fork of the Canadian River at its junction with Canadian River, from which a cottonwood, 24 inches diameter, bears north 18 degrees east 40 links, and a cottonwood, 15 inches diameter, bears south 9 degrees east 14 links; thence down the Canadian River on its north bank to its junction with Arkansas River; thence down the main channel of Arkansas River to the western boundary of the State of Arkansas, at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south branch of the Arkansas River, 4 chains and 54 links east of Fort Smith; thence north 7 degrees 25 minutes west, with the western boundary of the State of Arkansas, 76 miles 64 chains and 50 links to the southwest corner of the State of Missouri; thence north on the western boundary of the State of Missouri, 8 miles 49 chains and 50 links to the north bank of Cowskin or Seneca River, at a mound 6 feet square at base and 5 feet high, in which is a post marked on the south side, cor. n. ch. L. d; thence west on the southern boundary of the lands of the Senecas, 11 miles and 48 chains, to a post on the east bank of the Neosho River, from which a maple, 18 inches in diameter, bears south 31 degrees east 72 links; thence up Neosho River, with its meanders, on the east bank, to the southern boundary of Osage lands, 36 chains and 50 links west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho River; thence west on the southern boundary of the Osage lands to the line dividing the territory of the United States from that of Mexico, 288 miles 13 chains and 66 links to a mound of earth 6 feet square at base, and 5½ feet high, in which is deposited a cylinder of charcoal 12 inches long and 4 inches diameter; thence south along the line of the territory of the United States and of Mexico, 60 miles and 12 chains to a mound of earth 6 feet square at base and 5½ feet high, in which is deposited cylinder of charcoal 18 inches long and 3 inches diameter; thence east along the northern boundary of Creek lands 273 miles 55 chains and 66 links to the beginning; containing within the survey 13,574,135 acres and .14 of an acre.

And whereas the United States have also caused the said tract of 800,000 acres to be surveyed, and have ascertained the boundaries thereof to be as follows: Beginning at southeast corner of Osage lands described by a rock from which a red oak 20 inches diameter bears south 27 degrees east 76 links, and a burr oak 30 inches diameter bears south 59 degrees west 1 chain and another burr oak 30 inches diameter bears north 8 degrees west 1 chain and 37 links; and another burr oak 40 inches diamater bears north 30 degrees west 1 chain and 81 links, and running east 25 miles to a rock on the western line of the State of Missouri, from which a post oak 10 inches diameter bears north 48 degrees 30 minutes east 4 chains; and a post oak 12 inches diamater bears south 62 degrees east 5 chains; thence north with the western boundary of the State of Missouri 50 miles to a mound of earth 5 feet square at base and 4½ feet high; thence west 25 miles to the northeast corner of the lands of the Osages described by a mound of earth 6 feet square at the base and 5 feet high; thence south along the eastern boundary of Osage lands 59 miles to the beginning, containing 800,000 acres.

Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,135.14 acres: To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the Western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject also to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

In testimony whereof, I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of December, in the year of our Lord 1838, and of the Independence of the United States the sixty-third.

[L. S.] M. VAN BUREN.

By the President:
H. M. GARLAND,
Recorder of the General Land Office.

Mr. President, as I said awhile ago, that deed from the Government of the United States to the Cherokee Indians has been passed upon by the United States courts, repeatedly passed upon, and in every single instance has been sustained as a good, bona fide, valid title; and yet now we are confronted with the proposition that because there are 30,000 would-be settlers hovering upon the borders of this land who want to get it from the Indians, the Congress of the United States and the President of the United States must violate and trample under foot the solemn obligations and pledges and guaranties of the Government, and we in this body, controlled, as I hope, by that decorum and composure upon questions of this kind which should govern a court of justice, are asked to yield to that clamor, and in defiance of right and justice say to these people "yes, go into the Indian Territory, destroy the property of the Indians, run them out, because they are weak and feeble and not able to protect themselves." That is the argument.

Mr. President, I shall not occupy the attention of the Senate by reading from authorities which I have before me to sustain the proposition I have stated.

I will not reply to the observations of the Senator from Missouri in regard to the demand and the power of cattle barons. I will say in that connection that the executive department of this Government has recognized the right of the Cherokee Indians to lease that land for grazing purposes, and the honorable and distinguished Senator from Colorado [Mr. TELLER], whilst a Cabinet minister in the Cabinet of President Arthur, wrote a letter, which I wish I had time to read, but which I will ask to have included in my remarks and printed in the RECORD, in which he took the ground that the Government of the United States had nothing to do with the question of the Cherokee Indians leasing or licensing, or whatever you choose to call it, this land to anybody for grazing purposes; that it was theirs and they had a right to do as they pleased with it, except that they could not sell it to a foreign government, and that when they did sell it it must be to the United States Government. That is the only qualification upon that patent.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, January* 3, 1885.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate on the 3d ultimo, of which the following is a copy:

"*Resolved*, That the Committee on Indian Affairs be instructed to inquire what leases of lands in the Indian Territory or Indian reservations for grazing or other purposes have been made by the tribes therein, the number of acres embraced by each of said leases, the terms thereof, and the persons, corporations, or associations named therein as lessees. Also, that the committee inquire as to the circumstances under which said leases were made, and the means used for obtaining the same, and whether said leases are authorized by existing legislation or are conducive to the welfare of the Indians in said Territory or Indian reservations.

"That the committee have power to send for persons and papers and employ a stenographer, and report by bill or otherwise; and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of said committee, out of the contingent fund of the Senate."

This resolution does not call for any report from me, but as the chairman of the Committee on Indian Affairs has sent a copy to me and requested me to make suggestions, I transmit herewith copy of the report of the Commissioner of Indian Affairs of the 3d instant, inclosing copies of correspondence on the subject, and beg leave to submit the following:

For many years the people living in the vicinity of an Indian reservation have been accustomed to look upon the reservation as public property, and to pasture their cattle thereon, cut hay and timber therefrom, with little or no compensation to the Indians. This has been true of the Indian lands within the Indian Territory as well as the reservation outside of that Territory.

The Indian Territory produces valuable black-walnut and other timber. This timber has been cut off in large quantities and carried out of the Territory without payment to the Indians, who are the legitimate owners thereof. Thousands of cattle have been pastured on the Indian lands of that Territory by cattle-men who have paid in some few instances a small sum per head for the cattle so grazed, or more frequently nothing at all. Even where the cattle-men have pretended to pay, they have rarely paid on the true number of cattle pastured, but on a small proportion, giving to some Indian chiefs a few dollars to keep them quiet. Just how the old system worked can be seen from the following extract from Agent Dyer's letter of March 16, 1883, concerning the Quapaw agency. He says:

"In 1879 Maj. J. M. Haworth was sent here to take charge of this agency. He found large herds of Texas cattle on the range, and the stock-men dealing directly with the Indians. At that time the stock-men pretended to pay 10 cents per head per year, but as the Indians collected the tax themselves they were paid in beef cattle or a few groceries (hardly ever getting cost) at the stock-man's own price; so they virtually did not get over 5 cents per head per year. After Major Haworth made report of the case your Department established a rate of 10 cents per head per month, which rate has been carefully collected from that time from all parties who have herded stock on any of the reserves of the agency, but large droves of cattle, sheep, horses, and hogs belonging to farmers or stock-dealers who live on the Kansas and Missouri lines run in here, free from any tax; as they are not herded we can not get at their owners, and I know of no law to compel a payment of the tax. This special matter was presented to you last season. Under the old system, where the Indians collected the tax, as a rule what little

stuff they received the larger part went to the chiefs, who have in a manner been opposed to the Government collecting the tax, as I have stated to you in former letters on this subject."

The right to pasture cattle on the Indian lands with the consent of the Indians has never been doubted until very recently. It can not be seriously contended by any one that section 2103 of the Revised Statutes is an interdiction of the granting of such grazing privileges. That provision of the statute has no relation to the use or occupation of the lands of the Indians, but refers to contracts made for services to be rendered to the Indians by whites. That the section refers to service and service alone can be readily seen by an examination of section 2104, which must be taken in consideration with section 2103.

Section 2116 of the United States Revised Statutes reads as follows:

"No purchase, grant, or lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution." * * *

This section applies to purchase, grant, lease, or other conveyance of lands, but it makes no reference to the products thereof. No prohibition is imposed upon the Indians as to the disposition of the products of the soil. They are not prohibited from disposing of the grass growing upon their lands any more than they are prohibited from disposing of the wheat, corn, or vegetables raised thereon as the fruits of their labor.

United States circuit court, St. Louis, Boudinot *vs.* Hunter, Evans *et al.* Suit brought under section 2116, Revised Statutes. Judge Brewer held that section 2116 did not prohibit Indians from granting grazing privileges.

Section 2117 of the Revised Statutes provides as follows:

"Every person who drives or otherwise conveys any stock of horses, mules, or cattle to range and feed on any land belonging to any Indian or any Indian tribe, without the consent of such tribe, is liable to a penalty of $1 for each animal of such stock."

This section recognizes the rights of the Indians to dispose of the grass growing upon their lands; for if their consent be given to graze stock thereon, the statute is not violated, and the owner of the stock is not liable to the penalty imposed. If this conclusion be correct, by parity of reasoning it would seem that they would have the power to enter into agreement, fixing the price to be paid, and for the protection of their interests.

Now, if any doubt exists as to the right of the Indians generally to dispose of the grass growing on their lands for grazing or other purposes, I think the doubt will be removed by applying the principles enunciated by the Supreme Court in the case of the United States *vs.* George Cook (19 Wall., 591).

In this case the court held—

"The fee was in the United States subject only to the right of occupancy. This is the title by which other Indians hold their lands. * * * The right of use and occupancy by the Indians is unlimited. They may exercise all their discretion. * * * These are familiar principles in this country, and well settled, as applicable to tenants for life and remainderman. But a tenant for life has all the rights of occupancy in the lands of a remainderman. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainderman, the Indians may do upon their reservations, but no more.

It is a well-settled principle of law that a tenant for life may rent or lease the freehold. There is no restriction as to his disposition of the products of the soil, except in certain cases denominated waste, such as the cutting of timber, etc., and he is not liable to the remainderman except for waste. If we are to be governed by the principles laid down by the Supreme Court, we must conclude that an Indian has the same rights; and it must be remembered, too, that this decision was rendered with the knowledge that the ninth section of the act of 1834 was upon the statute-book. The ninth section of the act of 1834 is section 2117 of the Revised Statutes. In this case the Government had not conveyed the land to the Indians. Right of occupancy alone was recognized, and while this applies to the most of the Indian tribes and properly described the tenure by which they hold, it does not apply to the tribes holding a patent from the Government. The privilege to graze cattle is but a license and not a lease. It conveys no interest in the lands occupied. It is true that the Indians did attempt to make leases with a fixed period during which the parties would, if the power existed, have all the rights of lessees, but doubting the power to make, as well as the policy of such leasing, I declined to approve the same as a lease, but did treat them as amounting to a license to be revoked by the Indians at will.

All application to the Department to lease lands have been uniformly denied for want of authority in the Department, but such refusal did in no wise interfere with the rights of the Indians to make such use of the lands as was consistent with the character of their title. The permits now complained of as having been given by the Cherokees were given without even notice to the Department, and neither the Cherokee Nation nor the parties holding such permits have ever asked the Department to approve the same. The Cherokees have a fee-simple title to their lands and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto. Patent was issued to this nation of Indians December 31, 1838, for their lands in the Indian Territory, under the provisions of articles 2 and 3 of the treaty of 1835 (7 Stat., 428), and in accordance with the terms of the act of May 28, 1830 (*id.*, 412).

The United States Supreme Court, December term, 1872, in the case of Holden *vs.* Joy (17 Pet., 250), in referring to the clause in the patent issued to the Cherokees which provides that the lands covered thereby shall revert to the United States if the Indians become extinct or abandon the same, said:

"Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title, and it may well be held that if that condition reduces the estate to less than a fee it is void."

In the case of the United States *vs.* Ben Reese, at the May term, 1879, of the United States district court for the western district of Arkansas, after reviewing the various treaties and laws and decisions of the courts with reference to the Cherokee lands in the Indian Territory, the court held that there is no limitation on the title conveyed by the United States to the Cherokees by the treaty of 1833, and that if said treaty was inconsistent with the act of 1830 it repealed so much of it as was inconsistent; that the language of the second article of the treaty of 1835 was a recognition of the cession of these lands, and that if they had already been ceded to the Cherokees by the treaty of 1833, the agreement by the United States, by the third article of the treaty of 1835, to give them a patent for these lands according to the provisions of the act of Congress of May 28, 1830, was a mere *nudum pactum*. It was an attempt to place a restriction upon the title which had already passed, and which, according to the first article of the treaty of 1833, was to be evidenced by a patent. The court, after discussing the question upon the supposition that the condition in the patent is valid, says:

"This Indian title being a base, qualified, or determinable fee, with only the possibility of reversion, and not the right of reversion in the United States, all the estate is in the Cherokee Nation of Indians."

Attorney-General Devens, in his opinion of January 21, 1880, in the Kansas school land-grant indemnity case (16 Opinions, 430), speaking of the 800,000 acres purchased by the Cherokees under the last clause of the second article of the treaty of 1835, and which are included in the patent issued to the Cherokees as provided by article 3 of that treaty, says:

"The effect of the conveyance by the United States to the Cherokee Nation of this tract of land upon the purchase made by them under the treaty of 1835 was to vest in the tribe a fee-simple to said tract (Holden *vs.* Joy, 17 Wall., 211). This tribe did not hold this tract of land by the ordinary Indian title, which is one of occupancy only, which may be continued indefinitely. In such case the fee-simple to the land is in the United States. The effect of this sale (to the Cherokees) was to separate distinctly the tract from the public lands of the United States and vest it in private ownership."

The sixteenth article of the treaty of 1866 (14 Stat., 804) provides that—

"The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees, to be taken in a compact form, in quantity not exceeding 160 acres for each member of said tribes thus to be selected, the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide, * * * the Cherokee Nation to retain the right of possession and jurisdiction over all of said country west of 96 degrees of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied."

The article does not change or modify the title of the Cherokees or vest any title in the United States to the lands west of 96 degrees. It simply gives the United States the right, with certain conditions to follow, to settle friendly Indians in that country. This is the country which is supposed to have been leased. Judge Parker, of the United States district court for the western district of Arkansas, in a letter of July 17, 1883, in answer to one addressed to him by one C. W. Rogers, says that "if persons take cattle into their (the Indians') country to graze them, they (the Indians) have the right to collect a grazer's tax."

The Senate Committee on Indian Affairs, in a report made June 22, 1874, having had under consideration the petition of sundry citizens of Kansas remonstrating against the imposition by the Cherokee Nation of a tax upon cattle driven through their territory from Texas to northern markets, say, after quoting the ninth section of the act of June 30, 1834, regulating trade and intercourse with the Indians, now section 2117 of the Revised Statutes:

"Now, this is conclusive in regard to that portion of the tax exacted for the privilege of grazing stock within the limits of the Cherokee reserve. The tax is within the amount of the penalty fixed by law for grazing stock without the consent of the nations, even though the stock should be kept upon their grazing land full three months. It only remains, then, to inquire into the legality of the tax imposed for the right of way through the country." * * * (Senate Executive Document 74, Forty-fifth Congress, second session, page 2.)

Under the decisions of the courts as to the title to which they hold their lands, and the guaranty pledged them by the United States in the sixteenth article of the treaty of 1866, can any one question or doubt their right to make such a disposition of the grass growing on their lands as they have made, whether it is called a lease, license, or permit? The land is theirs and they have an undoubted right to use it in any way that a white man would use it with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Interior Department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of article 16 of the treaty of 1866, which at most is only a contract to sell certain portions of the land; but until the Government settles friendly Indians thereon and pays for the land the right of possession and occupancy is especially reserved.

It has been said that the permits or leases from the Cherokee Indians were obtained by fraud and corruption. On this subject the Interior Department has no information not possessed by the public at large. The fifth article of the treaty of 1835 with the Cherokees provides as follows:

"The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and Army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the government of the same."

Under provisions of the treaty of 1835 the Cherokees adopted a constitution and organized a government, not on the plan of the former Indian government, but on a plan very nearly resembling that of the several State governments. This constitution provides for an elective chief and the election of members of the council and house of representatives. By the provisions of the treaty of 1846 the Cherokees were recognized as a nation, and the Government stipulated with them that—

"Laws shall be passed for equal protection, and for the security of life, liberty, and property; and full authority shall be given by law to all or any portion of the Cherokee people peaceably to assemble and petition their own government, or the Government of the United States, for the redress of grievances, and to discuss their rights. All armed police, light horse, and other military organizations shall be abolished, and the laws enforced by the civil authority alone.

"No one shall be panished for any crime or misdemeanor except on conviction by a jury of his country and the sentence of a court duly authorized by law to take cognizance of the offense. And it is further agreed all fugitives from justice, except those included in the general amnesty herein stipulated, seeking refuge in the territory of the United States, shall be delivered up by the authorities of the United States to the Cherokee Nation for trial and punishment."

This was in consequence of some disorders that had arisen among the different bands of this tribe. The right of the Cherokee Nation to control its property is especially guarantied by the provisions of article 5 of the treaty of 1835 and the subsequent treaties. This is especially the case in the treaty of 1866, as may be seen by reference to article 16 of that treaty, wherein it is stipulated that the lands to be taken by the United States to settle friendly Indians on should be paid for at such price as the Cherokees and such friendly Indians might agree on, subject to the approval of the President of the United States. The rights reserved to the United States are clearly expressed in the several treaties, and the right of the United States to control the Cherokee property and prevent the nation from having the full and absolute control of the products of these lands is not even suggested. On the contrary, the Government guaranties, in article 26, as follows:

"The United States guaranty to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory. In case of hostilities among the Indian tribes, the United States agree that the party or parties commencing the same shall, so far as practicable, make reparation for the damages done."

The Department has not considered it the duty of the Commissioner of Indian Affairs or the Secretary of the Interior to interfere with the affairs of the Cherokee Nation, except in the case especially provided for by treaty with that nation.

It has been asserted that the military power of the Government has been used to keep the parties claiming leases in possession of the premises claimed by them, and to keep those not having such permits from the Indians from interfering with them. This is an error. The Department has not been called on to take any measures to protect the parties in possession, nor to keep off parties who are intruding on such possession, nor in any manner to interfere, except in one instance, when it was claimed that the Kiowas and Comanches had interfered with the stock on the Cheyenne and Arapaho reservation; but in that instance the Department did not consider it a matter for interference and nothing was done. There has been no conflict, so far as I am aware, between the parties holding permits and those not holding permits, and the Indians have not asked to have removals made either of parties holding permits or occupying the country with stock without such permits.

The title to the lands occupied by the Osages, Kaws, Pawnees, Poncas, Nez Perces, Otoes, and Missourias, in the Indian Territory, is held by the United States in trust for such Indians, by deed from the Cherokee Nation. The Government is the trustee without interest, and the Indians are the *cestuis que trust*, being the real owners of such land. But these Indians are not the tenants of the trustees and can not be dispossessed, because their right of occupation and use of the lands was fixed in the statute creating the trust; the United States is the naked trustee and whatever the Indians might do with the fee in them they may do with the fee in the United States in trust for them, except to sell the lands.

Some of the Indians named have bought and paid for their lands, and are entitled under the treaty with the Cherokees to a fee-simple title in themselves. Their right to occupy and control the possession of such lands and to receive the products thereof can not be questioned; and Congress can not interfere to prevent the *cestuis que trust* from having the usual and natural use of the lands so occupied by them. Any attempt to do so would be a confiscation of the lands. The laws excluding white men from Indian reservations were enacted for the benefit of the Indians. In all cases where the Department has felt that the presence of white men on the reservation was injurious to the Indians, they have been removed. In all cases where the Indians have asked their removal the Department has acceded to the wishes of the Indians and caused their removal without reference to the question whether their presence was injurious or not. On the other hand, if the Indians favored their remaining, they have rarely been disturbed, and never, unless as before stated, their presence was clearly injurious to the Indians. This applies to the uncivilized tribes.

But it is manifestly unfair to the Indians to exclude white men from their midst whose presence they desire and declare to be beneficial to them, and it should not be done unless their presence is clearly injurious to the Indians. It can not be demonstrated that the permission given by the Indians to the owner of cattle to graze them on the Indian lands is injurious to the Indians. Isolation of the Indian from the white man was once thought necessary to protect him from the vices of civilization, but such isolation, even if desirable, has now become impossible. But such isolation is not desirable, and the Indian will become civilized much more readily when he comes in daily contact with white men, and certainly so, if such contact is of his own choice and seeking. If the lands so occupied by cattle-men are not required for the grazing of the herds of the Indians or for agricultural purposes, the Indians are not only benefited by contact with the whites, but by the compensation received for such grazing privileges. Prior to 1883 the Indians received but a small amount for the privileges of grazing on the lands to what they have received during the years 1883 and 1884. I have no data by which I can arrive at the amount received by the Cherokees or other civilized tribes prior to 1884, but the Cheyennes and Arapahoes, Osages, Kiowas, Sac and Fox, Pottawatomies, Absentee Shawnees, and Quapaws, for the year 1881–1882, only received the sum of $1,922.38, while the whole number of persons who had cut grass and grazed cattle on said Indian reservation was one hundred and twenty individuals and firms.

During the year 1881–1882 the Cheyennes and Arapahoes received nothing except a few dollars paid to their chiefs, notwithstanding a large number of cattle were grazed on the reservation during the greater part of both years. It is this class of persons who grazed the cattle on Indian lands without pay to the Indians who are now complaining of favoritism in allowing the Indians to exact a suitable compensation for the privileges granted, and notwithstanding the fact that the Indians are now receiving $50 for every dollar received under the old system, they insist that there must be a return to the old system, because the statute is being violated. Free pasturage was not complained of. Lawless persons might, and did for years, invade the Indian lands, stealing their timber and feeding their cattle on the grass, without any warning cry being raised, but when the Indians are compensated partially at least for these privileges, the cry goes up from their former despoilers that the statute is being violated.

During the year 1884 there has been paid to the Cheyennes and Arapahoes, $77,351.60; to the Poncas, $1,700; to the Otoes, $2,100; Pawnees, $4,500; Sac and Fox, $4,000; Osages, $13,160; Quapaws, $3,000; Kiowas $2,080; making a total of $107,891.60. In addition to this, the Cherokees have received $100,000 for grazing on the lands known as the Cherokee Strip, or Outlet.

It will be seen by the foregoing that the Interior Department has for years recognized the right of the Indians to receive compensation for the pasturage of stock on the reservation; that such right has been recognized by the courts and by a Senate Committee. In my report of November 1, 1883, I called attention to these proposed leases, and recommended that Congress should legislate on the subject both in the interest of the Government and the Indians. Again, in my report of November 1, 1884, I called attention to this subject, and said:

"In my last report I called attention to the occupation of certain Indian reservations by stock-men with their herds, under an arrangement made with the Indians. I declined to treat these arrangements as leases made on the part of the Indians, but did treat them as licenses on the part of the Indians recognized by section 2117 of the Revised Statutes. I do not understand that the parties so occupying these lands with the consent of the Indians are there in violation of law, but their condition is not a satisfactory one either to themselves or the Department. The Department, in allowing them to remain, reserved the right to put them off of such reservation, notwithstanding such permit or license, if the Department considered it necessary to do so in the interest of the Indians. How far the Government may disregard the license so given by the Indians is a question that need not be discussed until it is presented, but should the Department attempt such exclusion against the wishes of the Indians, it would certainly lead to trouble. The amount paid for such privileges is understood to be about 2 cents per acre for the lands so occupied. This amount is not a fair compensation at this time for the use of such lands, or for at least a considerable portion thereof.

"Much of the land so occupied could be leased at from 4 to 6 cents per acre. The Cheyenne and Arapaho Indians attempted to lease 3,867,880 acres of their reservation, leaving unoccupied by stock-men about 430,000 acres. From the land so occupied by stock-men the Arapahoes and Cheyennes received last year 2 cents per acre, amounting to $77,357.60, or an average of $12.33 per capita. As it is believed that this reservation might be leased at from 4 to 6 cents per acre, the amount may be increased to $24.66, or $36.99 per capita. It is believed that the cattle-men will very readily consent to double or treble the price now paid if they can have some assurance that they will not be disturbed at the whim or caprice of the Indians.

"The amount now received, $12.33 per capita, is a sum quite sufficient, if the Department could control its payment to the Indians, to aid very materially in their support and civilization. A family of five persons would receive $61.65 per annum at 2 cents per acre. At 6 cents per acre the amount realized would go far toward their support without further aid from the Government. Other tribes also have good grazing lands that might be leased at profitable rates, leaving the Indians a sufficient quantity of land for their own use, either for agriculture or grazing. Some legislation should be had on the subject to enable the Government to demand and receive for the Indians the full value for the occupation of their lands, and to prevent conflicts between rival claimants holding such licenses or privileges. Such occupants are not on the reservation in violation of law if they have the consent of the Indians; yet, should their conduct be such as to convince the Department that their presence is injurious to the Indians, it is quite difficult to say what would be the result of an attempt on the part of the Department to remove them if the Indians continue to consent to their remaining.

"While there can be no objection to allowing the Indians of the Indian Territory to lease their lands for grazing purposes, there is a serious objection to allowing the Indians on reservations outside of the Indian Territory to lease lands valuable for agricultural purposes for the purpose of grazing only. If the reservation is larger than is required for the use of the Indians occupying it, there should be a reduction thereof, and all that is not needed for the use of the Indians should be opened to settlement. The time has passed when large and valuable tracts of land fit for agriculture can be held by Indians for either hunting or grazing lands to the exclusion of actual settlers."

I desire to emphasize what I then said about allowing Indians to control large and valuable tracts suitable for agricultural purposes, of which they make but little or no use, and thus prevent the settlement and development of the country. I do not propose that the Government shall confiscate these lands, or open them to settlement without proper compensation to the Indians, and while the title is held either by the Indians, or the Government for them, they should be prohibited from intrusion by unauthorized persons, and allowed to receive all the advantages that can be had from the ownership or occupation of such lands. But the interest of the Indians and people of the United States demands that they should not be allowed to own large and valuable tracts to the exclusion of the settlers, when such lands are not needed by the Indians. It is a misfortune to any country to have its lands held in large tracts by few owners, and it is the more so if held by owners who neither make use of it themselves nor allow others to do so.

Very respectfully,

H. M. TELLER, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

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

Mr. BUTLER. Certainly.

Mr. BLAIR. I should like to inquire of the Senator what relevancy the validity of the lease he has spoken of has to the real issue here. It does not occur to me that if the Indians have made even an invalid lease it has any bearing upon the question as to whether the United States Government can seize their land.

Mr. BUTLER. I think not myself, but that has been the chief argument of those who have been in favor of what is called the Oklahoma bill, that the Indians had no title, that they had no right to say we should not extend territorial limits over that Territory in the face of the treaty stipulations that the United States Government would not extend the jurisdiction of a State or Territory over that land, except with the consent of the Indians. But I will not consume time by replying to observations of the Senator from Missouri on that point.

Mr. RIDDLEBERGER. May I ask the Senator whether he will yield to me for a motion that the Senate proceed to the consideration of executive business?

Mr. BUTLER. I shall be through in a few minutes, and if the Senator will just pardon me, I prefer not to yield because I am not going to speak long.

I was going to say that if I felt inclined to indulge in recrimination with anybody, I should say to the Senate and to the country that during my term of service in the United States Senate I have never known so disgraceful, so flagrant, so shameless a lobby around this Capitol as has been here in the interest of the passage of this Oklahoma bill. So unblushing and so bold and so reckless has been that lobby that, I am creditably informed, they have been peddling in the city of Washington town-site certificates in the very land which they want to take from the Indians, and have placed those town-site certificates on this very identical land in the city of New York at 40 cents on the dollar. If I had the time and the occasion required it, I could convince the Senate that the so-called cattle barons, not one of whom have I ever known or heard from, are put up as a pretended foil for the reckless and disgraceful attempts that have been made to thrust this legislation down the throat of Congress in defiance of right and justice and of the obligations of this Government.

But, sir, I am making no charges. I simply state what I have heard and what I believe.

The substitute which I had the honor to offer, representing the views of the minority of the Committee on Territories, is substantially the last clause coming from the Committee on Appropriations in this Indian appropriation bill. It is, in substance, that the President of the United States be authorized to do what I believe he has a right to do now, appoint a commission of fair-minded, honorable men who shall go to these Indians, who are standing upon their treaty rights, and say to them what they realize and what I realize, that the time has come when the demands and progress of civilization, so eloquently referred to by my friend from Missouri, require that this land shall be sold to the Government of the United States, and we ask you as people having rights to meet us upon terms of fairness and justice and equity and amity and treat with us. Sir, my word for it, if that line of policy is pursued by this Congress, twelve months will not have passed before all the questions in controversy, cattle leases, railroad rights, Indian rights, the rights of the Government, of the settlers, of the cattle barons, will be adjusted; and then we shall have in that way the solution of the difficulty which, in my judgment, will be only aggravated by the passage of a bill like that known as the Oklahoma bill.

I want to say one word more, Mr. President. It may be egotistic,

it may be presumptuous, but I want to take upon my shoulders, if I can, the entire responsibility for the defeat, if it shall be defeated, of what is known as the Oklahoma bill. In the first place, it was unjust to the Indians, it was unjust to the settlers, it was unjust to the Government, and was crude, imperfect, improper, and unwise, and upon that ground, and that alone, I planted myself in opposition to it. I announced to its friends from the beginning that I would defeat it if I could. If I have done so I am glad, sir; and there is no act of my official life that I shall look back to with more satisfaction than the defeat of that legislation as it came before this body.

Mr. CULLOM. Mr. President, I do not suppose that it is entirely proper on this occasion that we should enter into a general discussion of the merits of the Oklahoma bill or the treaties that are referred to in it, and I rise now to say that, so far as the influences are concerned which have surrounded this Capitol, the remarks of the Senator from South Carolina, so far as I know, are entirely inapplicable to the Committee on Territories, of which the honorable Senator is a member.

Mr. BUTLER. Why, Mr. President, anybody who knows the Senator from Illinois knows that he is absolutely free from any such influences.

Mr. CULLOM. I take it for granted that the Senator was not reflecting upon me or any member of the committee.

Mr. BUTLER. No; nor on the committee either—far from it.

Mr. CULLOM. But I desire to say that so far as the Committee on Territories have been concerned, I believe that outside of two or three members of the other House, we have heard nobody, except the friends of the view that the Senator from South Carolina takes upon this question. In other words, we have heard the Indians, we have heard their attorneys, we have heard every man whom they desired that we should hear before the committee, against the Oklahoma bill, while we have heard nobody on the other side except one or two honorable members of the other branch of Congress, I believe.

Mr. BUTLER. There were four.

Mr. CULLOM. Perhaps there were four. I do not remember the exact number.

Mr. BUTLER. There were four who made arguments.

Mr. CULLOM. And those four men occupied but a very few moments of the committee's attention, while the friends of the honorable Senator occupied more than two or three days, and we heard him and heard that side of the question as fully as anybody desired to be heard so far as I know.

Mr. VEST. My friend speaks of attorneys.

Mr. CULLOM. Yes, sir.

Mr. VEST. Were they attorneys for the Cherokee Indians?

Mr. CULLOM. I do not know for whom they were attorneys. Some said they were attorneys for the Cherokee Indians, and some said they were for the cattle-men on that outlet. I do not know whom they particularly represented.

Mr. BUTLER. I can inform the Senator who the attorneys were. They were Hon. Joseph E. McDonald and his partner, Mr. Fay, who represented the Cherokee Indians.

Mr. PLATT. And said they did.

Mr. BUTLER. And said they did.

Mr. VEST. I want simply to remark that I do not know anything about it; I do not know anybody connected personally with this matter. All the eloquence and vituperation of the Senator from South Carolina do not affect me or my interest in this matter, because I know nobody in it except my constituents and the people at large.

But the statutes of the United States prohibit those Indians from making contracts with white men unless by the approval of the Interior Department, and there is no record in that Department showing their authority to hire lawyers for this or any other purpose.

Mr. CULLOM. Technically there was no record for that purpose, nor was there any authority to make the leases between the Indians upon that outlet of the Cherokee country and the cattle-men who have the control of that whole outlet there, with their wire fences around the land.

Mr. DAWES. Mr. President, I do not question the right of Senators—I do not speak in reference to any particular Senator—to debate the subject of Oklahoma or the title to the Cherokee Outlet or to debate any other subject as long as they please. I do not question that right, but I want to appeal to Senators to try if they can cut short this debate, for I say to them that its continuance imperils the bill and may force upon us an extra session of Congress.

Mr. CULLOM. I would not have talked as long as the Senator has been admonishing me to be short.

I simply rose because the honorable Senator from South Carolina [Mr. BUTLER] seemed to attempt to create the impression that whatever has been sought to be done by this Congress with relation to the organization of Oklahoma Territory has been done under the stress and influence of persons who had some sinister personal interest in property down there in the way of town sites or something else. I know nothing about the persons who have been attempting to put such town sites on the market. I have only investigated this subject so far as I have been able to do in the light of the treaties and in the light of the history that pertains to the subject, and I have come to the conclusion under Judge Brewer's decision and that of other judges that we had the right to extend a Territorial government around that outlet, taking that in connection with No Man's Land and the land we have recently bought from the other Indians in that region.

I say again, Mr. President, that so far as the Committee on Territories or the majority of the committee has been concerned, we have been governed in our judgment by what we understand to be our rights in the premises as legislators, and by what we understand to be the best interests of the people of the country, taking into consideration the peace and quiet of the lives of the people down there, both Indians and whites, who are crowding upon that Territory.

I say to the Senator from South Carolina that unless something is done by this Congress the administration of this Government will find itself, I fear, having great trouble to protect the rights of the people there, whether they be red men or white men. I believe it is in the interests of everybody, Indians as well as whites, that a Territorial government should be placed over that outlet and over the other undisputed territory, including No Man's Land.

As the honorable Senator from Missouri [Mr. VEST] has said, there we have that No Man's Land filled up with twenty thousand or thirty thousand people, a perfect Botany Bay, with murder and every other crime continually perpetrated there and no single item of law that affords protection to the people within that territory, and yet we are unable to get anything done to spread over those people any sort of lawful authority so that the honest people can be protected.

Mr. President, I shall not take up the time of the Senate longer, but I do say that in my honest judgment a bill creating a Territorial government there ought to be passed to surround those people, so that there may be civil government, armed, if you please, with the power of the bayonet if necessary to protect the rights of the Indians as well as those of white men.

Mr. FARWELL. I desire to offer an amendment to this bill which will give a government over the land which the United States now owns and as to which there is no dispute. It does not touch the Cherokee Outlet at all. If this amendment can pass a government will be thrown over at least twenty thousand American citizens who now have no government at all.

I offer the amendment as an additional section to be added to the bill.

Mr. PLATT. Let it be read for information.

The PRESIDENT *pro tempore*. The proposed amendment will be read for information.

The CHIEF CLERK. It is proposed to add to the bill:

SEC. —. That all that part of the Indian Territory which is embraced in the lands recently ceded to the United States by the Creek Nation of Indians, by the agreement ratified at this session of Congress, and the lands embraced in the proposed cession of the Seminole Indians to the United States, which is authorized by this act, and also that part of the area of the United States, bounded on the south by the State of Texas, on the west by the Territory of New Mexico, on the north by the States of Colorado and Kansas, and on the east by the Indian Territory, and known as the Public Land Strip, are hereby created into a temporary government by the name of the Territory of Oklahoma, and the Constitution and laws of the United States, which are not locally inapplicable, shall have the same force and effect in said Territory as elsewhere in the United States. The provisions of Title XXIII, chapter 1, of the Revised Statutes of the United States, relating to the government of all the Territories, shall apply to said Territory, and be in full force and effect therein, and the President is hereby authorized to appoint all officers for said Territory as required in said title and chapter. That the lands in the Public Land Strip and all other lands in said Territory are hereby declared to be a part of the public domain of the United States, except as otherwise provided in this act, and shall be opened to settlement under the homestead and town-site laws as herein provided, but the sixteenth and thirty-sixth sections shall be reserved for school purposes. All lands in the Indian Territory west of the lands owned and occupied by the five civilized tribes, which may be relinquished as an Indian reservation, shall, by proclamation of the President, become a part of said Territory of Oklahoma, and shall be opened to settlement under the provisions of this act: *Provided*, That the provisions of this act shall not be applicable to lands lying within the limits of what is known as Greer County, nor shall the government of said Territory exercise any jurisdiction over said county until the question of title thereto between the United States and the State of Texas shall have been finally determined in favor of the United States.

Mr. EDMUNDS. I reserve all points of order on that.

Mr. TELLER. Mr. President, I do not intend at this late hour of the session to be led into a general discussion of the Indian title to the land, or what should be our course of dealing with the Indian tribes either in the Indian Territory or anywhere else.

The Senator from Illinois who has just addressed the Senate [Mr. CULLOM] appealed in the interest of the honest people of the country for legislation on this subject. If there is any man inside of that Territory without the consent of the Indians, he is there in violation of the laws of the United States. I am speaking now not of No Man's Land, but of the Indian Territory. We guarantied to the civilized tribes, as they are known, in the early days of their advent west of the Mississippi River, the absolute control of their property, the absolute political control of the Territory which we had given to them by the most solemn engagements that it was possible for a government to make, and for fifty years no man has risen anywhere who was worthy of attention, who was worthy of respect, until within the last few months, to deny their right to the soil which we had given them by patent, which we had guarantied to them the exclusive enjoyment and unobstructed possession of.

Mr. President, if the Senator from Illinois thinks it is necessary that

there should be a government put over this region of country to protect men who want to go there in violation of law, he does not appeal with any force to my judgment or to my conscience, and I say that is the class of men who ought to be excluded and forever kept out.

I admit the right of this Government to put a political government over the territory known as the Indian Territory, and I admit the right to put it there in opposition to the contract made in 1817 and reiterated with these Indians on various occasions since. Why? Because after all a treaty is but a law subject to be revoked by the legislative power of the Government. Whenever we think it is necessary in the interest of the Indians to put over this country a civil government of our own, we have the unquestioned power so to do. I have never hesitated upon that proposition. I am supported by not only the law of nations but by our own law, by the decisions of our courts. It is for us to say whether the emergency has come, it is for us to say whether the time has now come for us to disregard our solemn obligations, and whether we should put a government over this country, and when we do it, I trust it will be not at the demand of men who profess and declare their intention to become violators of the law, not in the interest of men who say that they will not be restrained either by law or by property rights.

Mr. President, I had anticipated if the Oklahoma bill came before the Senate, presenting this case upon its legal aspects, and I do not think I shall be charged with egotism if I say that for any man within the sound of my voice who has spent a quarter of an hour on this subject I have spent an hour. Other men may be better able to grasp the difficulties and the intricacies of this question, but no man here has given it the attention that I have given it, because it has been my duty to do so when it was not the duty of Senators here on this floor. If I had the time I should like to take treaty for treaty, go over its provisions, and show that in the very inception we began with the distinct declaration that this was to be their property, not to be held as common Indian property, but it was to be theirs in fee, it was to be theirs by the highest title by which man can hold mother earth.

I was astonished to hear the Senator from Missouri rise here and say that no lawyer would say that they had a title. The Supreme Court of the United States have declared that they have a title in fee; more than one judge who is entitled to as much respect as any judge in this country has declared that they have a title in fee. I know it is said there is a qualification; I know it is said it is a base or qualified fee. A base fee gives to the holder of that fee absolute control over his property as much as an absolute fee-simple title. I need not attempt to amplify or argue a proposition that the merest novice in our profession understands. I say here that no man who is fit to be a justice of the peace in this country can take up this question and deliberately study it as a lawyer ought to do who will not come to the conclusion that the Supreme Court was right when it said these Indians had a fee—the same conclusion that Judge Parker did when he declared they had a fee; and Judge Brewer has declared that they had a fee. The opinion the Senator cites does not settle that question at all.

Mr. VEST. In what case did the Supreme Court so decide?

Mr. STEWART. I should like to know what that case was.

Mr. TELLER. I will answer the question when I get to it; I do not care about being interrupted by gentlemen who have not, in my judgment, even read the patent upon which the title is based. If certain Senators had read it they would never have made the statements which have been made here when they say there is no title. The words "give and grant" are words of conveyance, and conveyance of a fee, as every lawyer knows. And yet gentlemen say there is no fee and no title. The Supreme Court must be set aside, Judge Parker must be set aside, Judge Brewer must be set aside, and the whole thing must turn upon the question whether cattle barons and cattle kings have or have not bribed the legislative council of the Cherokees in the matter of the Cherokee Strip.

Mr. VEST. Will the Senator from Colorado point me to any decision of the Supreme Court of the United States which said that these Indians had a title?

Mr. TELLER. Yes, I can.

Mr. VEST. Of course you can, but you leave off the words "a qualified fee." You say "a fee," and every lawyer supposes that means a fee-simple unless it is qualified. The Senator leaves out the very words that determine what was the title.

Mr. TELLER. Must I, in a Senate of American lawyers, stop to discuss the question of the difference between a qualified or base fee and an absolute fee?

Mr. VEST. The Senator ought not to use the word "fee."

Mr. TELLER. I have spent a lifetime in legal litigation——

Mr. VEST. So have I.

Mr. TELLER. And I supposed every lawyer knew the distinction between a base fee, a qualified fee, and an absolute fee, and that any one of them gives a title to property.

Mr. HARRIS. Will the Senator from Colorado allow me to ask the unanimous consent of the Senate that at 6 o'clock the Senate take a recess until half past 8?

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

Mr. TELLER. Certainly, for that purpose.

Mr. HARRIS. I make that request.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock and 30 minutes p. m.

Mr. DAWES. Unless the Senate continue in session until this bill goes into conference they might as well face now as at any time the fact that the bill will fail.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts object?

Mr. DAWES. I must object.

Mr. TELLER. Mr. President, I will not, after what has been said by the Senator from Massachusetts, continue my remarks at length. I will simply say that I shall be most happy to meet this question in this arena or in any other. If the Senator from Missouri does not know the difference between a qualified fee and no fee at all, I shall, I hope, have an opportunity to present to him some of the elementary principles of our profession from which he may learn it.

Mr. President, I have before me the decision of Judge Parker on this very question, where he decided that there was a fee, a qualified fee, and he said it gave to the Indians the same rights exactly that it would have given them if they had an absolute fee, and the difference was simply in the possibility of reversion.

Mr. BUTLER. That is all.

Mr. TELLER. That is all there is in it. It is possible there may be a reversion some time, but it is not probable that there ever will be.

Mr. RIDDLEBERGER. I will ask the Senator if he will yield to me to make a suggestion that when we come back here I shall have the floor to move to go into executive session.

Mr. TELLER. I will not yield for anything now. I shall be through in a few minutes.

Mr. President, I want to state in a few words more some of the reasons why I have said these Indians hold this land by a title in fee. I want to repeat what the Senator from South Carolina said, that every department of the Government—legislative, judicial, and executive—has declared the same thing.

In 1826 a law was passed giving to the President the power to exchange with Indians lands east of the Mississippi River for lands west, and giving him the power then to issue a patent. Need I say that everybody here understands that a patent conveys a fee—not always a fee absolute, but a fee of some kind, qualified, base, or absolute? In 1828 we made a treaty with the Indians by which we agreed to guaranty to them the possession and the unmolested use of this region. In 1833 we made a treaty with them which Judge Parker declares to have been a grant, a conveyance of the land, a vested title in these Indians without any need of a patent at all. In 1835 we repeated it with the declaration that it should be a fee title. We gave them a patent under it, and we described this outlet accurately in every patent. In all these treaties we guarantied the natural and unobstructed use of all this land, including the Outlet. In 1835 the land was surveyed, and in 1838 it was patented to these Indians in accordance with that survey.

Not only did the act of 1828 and the act of 1833 and the act of 1835 recognize the fee to be in these Indians by the declaration that they should have a patent in one case and by the declaration that they should hold it in fee in another, but at the same time practically while we were making those conveyances in fee we made a conveyance to the Creek Indians in which we declared that they should also hold their title in fee. So it was no mistake; it was no accident; it was no inadvertence.

In 1846 we concluded another treaty with these Indians, in which we again recognized their title to this property. In 1866 we again recognized their title to this property by legislative action of the most solemn kind, and four times since that period. I shall not take the time to go over all these acts in detail, but four times since that has there been a legislative declaration by the Congress of the United States that these Indians were the owners of this property, and that if we had any title at all it was a title which we had bought of them for the use of certain other Indians.

Mr. GRAY. Will the Senator yield to me for a question?

Mr. TELLER. Certainly.

Mr. GRAY. Is there any proposition anywhere in the so-called Oklahoma bill or in the present provision to take any Indian lands without the consent of the Indians, buying them and treating with the Indians for them?

Mr. TELLER. I was just coming to that. It is said that they do not have an absolute fee. The Senator from Missouri admits that they have a fee, but he says it is a qualified or a base fee.

Mr. VEST. I beg pardon; I did not admit any such thing. I said that practically they had no title at all, in my judgment.

Mr. TELLER. Very well; the Senator then comes in conflict with the Supreme Court of the United States, with Judge Parker and Judge Brewer, and with at least two Attorneys-General of the United States who passed upon this subject.

Mr. VEST. It was denied by the Supreme Court.

Mr. TELLER. No Attorney-General has ever denied that they had a title, and we are again to recognize their title. Why does not the Senator from Missouri have the courage of his convictions and pro-

pose to take this land by the strong hand of the General Government? Because he knows as a lawyer that it can not be done; because as a lawyer he is seeking an end; he is seeking to put settlers on this land, and he knows that unless he can treat with the Indians there are courts in this country which will protect such an Indian in his title. Therefore he proposes to buy from these Indians what he says they have not got. He proposes to buy it as a matter of gratuity and charity, I suppose!

It has been said that the only restriction upon Parliament was that it could not legislate property out of the possession of one man into the possession of another. With a patent from the United States it would be folly to suppose that we could legislate this title out of the Indians. Therefore it is proposed to buy, and to buy under compulsion, to compel them to sell whether they want to sell or not. We have the strength, and it is proposed so to do because it is supposed we can terrorize these people—not to repeal a law, not to set aside a treaty, not to abrogate a contract made with them, but to destroy a deed. That is the purpose; and if you can not destroy it by legislation it is proposed to destroy it by saying that the property shall not be used according to the legitimate use that a party would have who holds a fee, whether he holds any other title.

These Indians have a right to use this property as they use any other. When this matter was before the Committee on Territories I noticed that a letter a former Secretary of the Treasury had sent here was read, and when it was said that they had the same right to use it that a white man with the same title a Senator said that could not be correct because they could not sell it. He who can not distinguish between use and alienation can not have given much attention to this question, and is not, in my judgment, qualified to speak for those who have.

Mr. President, I propose to leave this question. I know this is not a good time to discuss it, but I promise that when this question comes up hereafter it will be found to be a live question, not only as to the right to maintain the Indians on this land for all time, but their right to lease it. I shall show by decisions of the Supreme Court that they have a right to lease it, and I shall show by their history that for thirty years, unquestioned and untrammeled, they have leased this land. I shall show that it has been the policy of the Department charged with their protection, for more than ten years, not to interfere. It so declared more than once, and more than ten years ago. These Indians can not be frightened into disposing of their land for less than it is worth, because the Senator from Missouri and the Senator from Illinois throw their great weight of position and national prominence and eminence against their title.

With the courtesy of the Senate I should like to put into the report of my remarks, which I do not desire to take the time to read, some extracts from Judge Parker's opinion, as well as an extract from the decision of the Supreme Court, and one or two provisions of the statutes which I will designate to the Reporter.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The matter referred to is as follows:

In the case of the United States *vs.* Reese (Dillon's Circuit Court Reports, pages 406–414) Judge Parker delivered the following opinion:

The first ground of the demurrer is the only one I propose to notice; because, if this act charged against the defendant is one which is declared an offense by the section referred to in the statement of the case, I have no doubt the court has jurisdiction. Of course, if it is no offense, then it has no jurisdiction to try and punish, because there is nothing to which jurisdiction can attach. It is conceded in this case that the timber charged to have been cut by defendant was cut on lands formerly ceded by the United States to the Cherokee tribe of Indians.

There are certain things which make up this offense. These are the elements which enter into it and go to constitute it. They consist of the positive acts of the party charged as well as the existence of other facts, all of which must exist before it can be held that the defendant is subject to the penalty prescribed by the law.

In this case there must be a cutting of the timber by the defendant. It must be unlawfully done—that is, done wrongfully, without authority of the United States or her agents. These are the positive acts of the defendant. In addition thereto the cutting must be done on lands of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes.

The pertinent question in this case is, was this done "upon lands of the United States?" It is conceded that it was done upon lands which have been heretofore granted by the United States to the Cherokee Indians. Does the United States still have such a title to these lands as that they can be called lands of the United States in the sense of the law upon which this prosecution is based? If she has such a title thereto this act of the defendant is a penal offense and he is amenable to the punishment prescribed by the section above referred to. If she does not have such a title this prosecution must fail as being an act, although a gross outrage and a grievous wrong, not prohibited by law.

To determine the question whether these are lands of the United States requires a consideration of the title by which they are held by the Cherokee Nation. To any one who has given any attention to this subject it presents a question not free from doubt or intrinsic difficulty. The Cherokee Nation of Indians derived their title to their lands from the United States by grant. This grant is by virtue of different treaties made between them and the United States. By the second article of the treaty of May 6, 1828 (Rev. Ind. Treat., 54), "the United States agrees to possess and guaranty to the Cherokees, forever, 7,000,000 of acres of land, and this guaranty is hereby solemnly pledged." This land is a part of the country now occupied by them. On the 28th of May, 1830, Congress passed a law the first section of which provided that "it shall and may be lawful for the President of the United States to cause so much of any Territory belonging to the United States west of the river Mississippi, not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside and remove, and to cause each of said districts to be so described by natural or artificial marks as to be easily distinguished from every other." Section 3 of said act provides "that in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them and their heirs or successors the country so exchanged with them, and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same." (Vol. 8, Laws of the United States, 342.)

By section 1 of the treaty of the 14th of February, 1833, concluded between the Cherokees and the United States (Rev. Ind. Treat., 63), the United States agrees to possess the Cherokees, and to guaranty to them forever, and that guaranty is hereby pledged, of 7,000,000 acres of land, to be bounded as set out in said article. By the third article of the treaty of the 29th of July, 1835, it is provided "that the lands ceded by the treaty of the 14th of February, 1833, including the Outlet and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830." In pursuance of the terms of this treaty, the President of the United States, on the 31st day of December, 1838, executed to the Cherokee Nation a patent for the 7,000,000 of acres of land for the outlet west, as well as the 800,000 acres of land granted to them by the treaty of the 29th of July, 1835.

The granting clause of this patent is as follows: "Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation the two tracts of lands so surveyed and hereinbefore described, containing in the whole 13,374,135.14 acres; to have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging to the said Cherokee Nation forever, * * * subject also to all the rights reserved to the United States in and by the articles heretofore recited, to the extent and in the manner in which the said rights are so reserved, and subject also to the condition provided by the act of Congress of the 28th of May, 1830, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same."

Now, the question arises, what kind of a title do these several treaties and this law of 1830 give the Cherokees to their lands? If it were not for the treaty of 1835 the treaty of 1833 is broad enough in its terms to convey a fee-simple title. This treaty is subsequent in date to the act of 1830, which contained the clause that the lands should revert to the United States if the Indians "become extinct or abandon the same." There is no limitation to the title conveyed by the United States under the treaty of 1833. If such treaty is inconsistent with the law of 1830, it repealed so much of it as was inconsistent. Besides, the act did not make any grant; it only provided that it might be done.

The treaty-making power was not limited by its terms, as the authority to make a treaty with the Indian tribes was one which the treaty-making power derived from a source higher than an act of Congress, to wit, the Constitution; and by this power the President and Senate of the United States could make a treaty with any Indian tribe, extending to all objects which, in the intercourse of nations, had usually been regarded as the proper subject of negotiation and treaty, if not inconsistent with the nature of our Government and the relation between the States and the United States. This treaty-making power could make a sale or grant of land without an act of Congress. It could lawfully provide that a patent should issue to convey lands which belong to the United States without the consent of Congress, and in such case the grantee would have a good title. (Holden *vs.* Joy, 17 Wall., 247; *United States vs. Brooks, 10 How.*, 442; Meigs *vs.* McClung, 9 Cranch, 11.)

Congress has no constitutional right to interfere with rights under treaties, except in cases purely political. (Holden *vs.* Joy, 17 Wall., 247; Wilson *vs.* Wall, 6 Wall., 89; Insurance Company *vs.* Carter, 1 Pet., 542; Doe *vs.* Wilson, 23 How., 461; Mitchell *vs.* United States, 9 Pet., 749; The Kansas Indians, 5 Wall., 737; 2 Story on Constitution, sec. 1508; Foster *vs.* Neilson, 2 Pet., 254; Crews *vs.* Burcham, 1 Black, 356; Worcester *vs.* Georgia, 6 Pet., 562; Blair *vs.* Pathkiller, 2 Yerg., 407; Harris *vs.* Burnett, 4 Blackf., 369.) If title passed by the treaty of 1833 there were no restrictions upon it.

But it may be asked how could this title be held to be a title in fee when the word heirs was not used in the grant. At the common law, by a rule which in this country is purely technical, the word heirs is necessary. But this rule did not apply to grants to a corporation aggregate. The fee passed without the words heirs or successors, because in judgment of law a corporation never dies and is immortal by means of perpetual succession. (4 Kent's Commentaries, 7.) This tribe of Indians may be regarded under the law as a corporation aggregate. It has been claimed by some that this title, obtained under the treaty of 1833, could not be a fee-simple title because it was taken under the general law prohibiting the alienation of Indian lands, and that this was such a restriction upon the title as to take away its fee-simple character. But this act was not in existence until the 30th day of June, 1834. But it is said the treaty of 1833 did not operate to convey the lands described therein. This point is not entirely free from doubt. But it does seem to me that the words used in the first section of the treaty are sufficient to operate as a cession of the land mentioned in the treaty. "The United States agrees to possess the Cherokees and to guaranty to them forever, and that guaranty is hereby pledged of 7,000,000 acres of land." The United States agrees to possess what? Why, the land described. And to guaranty what, and for how long? Why, not the possession, but the land, and forever. It does seem to me that this was a cession of the land described. This opinion is confirmed by the language of the second article of the treaty of 1835. (Rev. Ind. Treat., 68.) It is: "The United States also agrees that the lands above, ceded by the treaty of February 14, 1833." This language is a recognition of the cession of the lands. If they had already been ceded to the Cherokees forever by the treaty of 1833, then the agreement by the United States, by the third article of the treaty of 1835, to give them a patent for these lands, according to the provisions of the act of Congress of May 28, 1830, was a mere *nudum pactum*. It was an attempt to place a restriction upon a title which had already passed, and which, according to the first section of the treaty of 1833, was to be evidenced by patent.

I am unable to see what consideration passed to the Indians to induce them to take a title of less grade, under the third article of the treaty of 1835, when they by the terms of the first article of the treaty of 1833 had one of higher grade. Now unless the treaty was afterwards modified by some other treaty or law, and my construction of it is the correct one, it can not be held that these lands of the Cherokees are "lands of the United States," in the sense of the language of section 5388 of the general statutes. Although the construction may be at fault, still it throws some light on what must have been intended by the treaty of 1835.

But suppose the condition contained in the patent is valid—let us see what effect that has upon the title. The condition is that the lands revert to the United States if the said Cherokees become extinct or abandon the same. Now, the first of these conditions is one which would be silently engrafted on the grant independent of any express words. When there is a grant, and the grantee and his heirs become extinct, the land escheats to the State, whether the grantee be an individual or a body of individuals. In an ordinary patent, absolute from government, the implied right of escheat to the sovereign lies behind the patent. In this case it is expressed.

Therefore that expressed condition does not take away the character of a fee-simple title; but the other one, against abandonment, does. This leaves the title less than a fee. But what character does it have? Blackstone (book

2, chapter 7, page 109) says: "A base or qualified fee is such a one as hath a qualification subjoined thereto, and which must be determined whenever the qualification annexed to it is at an end, as in the case of a grant to A and his heirs, tenants of the manor of Dale. In this instance whenever the heirs of A cease to be tenants of the manor the grant is entirely defeated. * * * This estate is a fee, because by possibility it may endure forever in a man and his heirs. Yet, as that duration depends upon the concurrence of collateral circumstances which qualify and debase the purity of the donation, it is, therefore, a qualified or base fee." Chancellor Kent (volume 4, page 10, of his Commentaries) says: "A qualified, base, or determinable fee is an interest which may continue forever; but the estate is liable to be determined without the aid of a conveyance, by some act or event, circumscribing its continuance or extent. It is the uncertainty of the event and the possibility that the fee may last forever that renders the estate a fee and not merely a freehold." If the condition attached to the fee is one which is certain to happen, then there is a reversion. If such condition is one which may never happen there is not a reversion, but only a possibility of reversion. (4 Kent's Commentaries, 9; 1 Washburn on Real Property, p. 90; pl. 86, 87, 88.) Mr. Washburn (in pl. 88, vol. 1, p. 90) says: "If the estate be to A and his heirs till B comes back from Rome the right to have it when he comes back is not a reversion, but a mere possibility. He may not come back, and if he were to die before he came back the estate would become absolute in the grantee."

Here is a grant made to the Cherokees, having conditions which may never happen, and, in view of the facts that the Cherokee Indians are not likely to become extinct, and that they are now occupying the lands, with no intention of abandoning the same, there is only a remote possibility of either event happening. In such case there is not an absolute right of reversion in the United States, but only a possibility of reversion. There is a broad distinction between the rights of the grantee in case of a reversion and a mere possibility of reversion. When there is only a possibility of reversion, all the estate is in the feoffee, notwithstanding the qualification. (4 Kent's Commentaries, 11; 2 Bouvier's Institutes, sec. 1699, p. 220; 1 Washburn on Real Property, pl. 89, p. 90.)

This Indian title being a base, qualified, or determinable fee, with only the possibility of a reversion, and not the right of reversion in the United States, all the estate is in the Cherokee Nation of Indians. I can not, therefore, see how these lands, which have been depredated upon, can be held to be "lands of the United States" in the sense of the language used in section 5388.

It must be remembered that this is a penal statute, and it must, therefore, be construed strictly. In the office of the interpretation of statutes, courts, particularly in statutes that create crimes, must closely regard and ever cling to the language which the Legislature has selected to express its purpose. And when the words are not technical or words of art, the presumption is a reasonable and strong one that they were used by the Legislature in their ordinary, popular, and general signification. Statutes enjoin obedience to their requirements, and, unless the contrary appears, it is to be taken that the Legislature did not use the words in which its commands are expressed in any unusual sense. Therefore, the law is settled that in construing statutes the language used is never to be lost sight of, and the presumption is that the language used is used in no extraordinary sense, but in its common, every-day meaning. The legitimate function of courts is to interpret the legislative will, not to supplement it or to supply it. The judiciary must limit themselves to explaining the law; they can not make it. It belongs only to the legislative department to create crimes and enjoin punishments. Accordingly, courts, in the construction of statutable offenses, have always regarded it as their plain duty cautiously to keep clearly within the expressed will of the Legislature, as otherwise they may hold an act or an omission to be a crime, and punish it, when in fact the Legislature had never so intended. (United States *vs.* Clayton, 2 Dillon, 219).

Statutes creating crimes will not be extended by judicial interpretation to cases not plainly and unmistakably within their terms. If there is a fair doubt whether the act charged in the indictment is embraced in the criminal prohibition, that doubt is to be resolved in favor of the accused. (United States *vs.* Whittier, 7 Cent. Law Jour., 51, S. C. ante. p., 35; United States *vs.* Morris, 14 Pet., 694; United States *vs.* Wiltberger, 5 Wheat., 76; United States *vs.* Sheldon, 2 Wheat., 119; United States *vs.* Clayton, *supra*). Therefore, in the face of these principles of the law so well sustained by authorities, if it does not clearly appear to the judicial mind that these lands granted to the Cherokee Indians are "lands of the United States," in the sense intended by its makers to be attached to the statute, then the act of the defendent is not one covered by the terms of the law, and he is not subject to its penalty. It is to be regretted that it can not be held to be an offense, as the complaints of depredations upon the timber of the Indian lands are constantly being made to officers of this court. There is a class of men on the borders of the Indian country who revel in the idea that they have an inherent, natural right to steal from the Indians. This right is not to be questioned. They think it a tyrannical use of authority if they are interfered with.

There should be a law enacted, the penalty of which would teach persons that Indians have rights which should be respected as well as the rights of citizens. This is with the lawmaking power, and not with this court. That it is the right of Congress to pass a law protecting the timber on the lands of these people is clear; the duty of Congress to do so, in the face of the pledges of the Government of the United States made by her treaties and her laws to protect these Indians from unlawful intrusions from without, and from violations of their rights by any and all persons, is manifest.

If the lawmaking power will give us a law, we will lay its mailed hand upon its violators in such a way that the timber in that Indian Territory will be protected from the rapacity of those who are not stealing it. It remains with us to execute the law, not to make it. And it is with regret that we must hold in this case that the offense, for the reasons already given, is not within the terms of section 5388.

The demurrer is therefore sustained.

Judgment accordingly.

And in the case of Holden *vs.* Joy, 17 Wallace, Mr. Justice Clifford, in delivering the opinion of the court, used this language, on page 245:

Possessed as the United States were of the fee-simple title to the neutral lands, discharged of the right of occupancy by the Osage Indians, it was clearly competent for the proper authorities of the United States to convey the same to the Cherokee Nation. Subsequent acts of the United States show that the stipulations, covenants, and agreements of the treaty in question were regarded by all the Departments of the Government as creating binding obligations, as fully appears from the fact that they all concurred in carrying the provisions into full effect. Appropriations were made for surveys, and surveys were ordered, and plats were made, and on the 1st of December, 1838, a patent for the land promised was issued by the President in full execution of the second and third articles of the treaty. Among other things it is recited in the patent that it is issued in execution of the agreements and stipulations contained in the said several treaties, and that the United States do give and grant unto the Cherokee Nation the two described tracts of land as surveyed, containing the whole quantity therein mentioned, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation forever, subject to certain conditions therein specified, of which the last one is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the premises.

Objection is made by the appellant that the treaty was inoperative to convey the neutral lands to the Cherokee Nation, which may well be admitted, as none of its provisions purport *proprio vigore* to make any such conveyance. Nothing of the kind is pretended, but the stipulation of the second article of the treaty is that the United States covenant and agree to convey to the said Indians and their descendants, by patent in fee-simple, the described additional tract, meaning the tract known as the neutral lands; and the third article of the treaty stipulates that the lands ceded by the treaty, as well as those ceded by a prior treaty, shall all be included in one treaty, to be executed to the Cherokee Nation of Indians by the President, according to the provisions of the before-mentioned act of Congress.

Suppose that it is so, still it is insisted that the President and Senate, in concluding such a treaty, could not lawfully covenant that a patent should issue to convey lands which belonged to the United States without the consent of Congress, which can not be admitted. On the contrary, there are many authorities where it is held that a treaty may convey to a grantee a good title to such lands without an act of Congress conferring it, and that Congress has no constitutional power to settle or interfere with rights under treaties, except in cases purely political. Much reason exists in view of those authorities and others which might be referred to for holding that the objection of the appellant is not well founded, but it is not necessary to decide the question in this case, as the treaty in question has been fully carried into effect, and its provisions have been repeatedly recognized by Congress as valid. Congress, on the 2d of July, 1836, appropriated $4,500,000 for the amount stipulated to be paid for the lands ceded by the Cherokees in the first article of the treaty, deducting the cost of the land to be conveyed to them west of the Mississippi under the second article of the same treaty, which is the precise amount stipulated to be paid for the concession, deducting the consideration which the Indians agreed to allow for the neutral lands. Appropriations were also made by that act to fulfill and execute the stipulations, covenants, and agreements contained in the fourth, eleventh, seventeenth, and eighteenth articles of the treaty, and for the removal of the Cherokees, and for surveying the lands set apart by treaty stipulations for the Cherokee Indians west of the Mississippi River.

And on page 250 the court say further:

Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title, and it may well be held that if that condition reduces the estate conveyed to less than a fee it is void; but it is not necessary to decide that point, as it is clear that if it is valid it is a condition subsequent which no one but the grantor in this case can set up under any circumstances.

Even if the rule was otherwise, still the point could not avail the appellant, as the parties manifestly waived it in this case; nor is it true that the sale in trust by the Cherokee Nation to their former grantor constitutes such an abandonment of the premises as that contemplated by the condition inserted in the patent.

Unsupported in that proposition, the appellant in the next place contends that the provisions of the seventeenth article of the treaty are a mere agreement, that the article did not operate to convey the lands to the United States; but the court is entirely of a different opinion, as the proposition is contradicted by the practice of the Government from its origin to the present time.

EXTRACTS FROM TREATIES.

The treaty of 1828 provides:

ART. 2. The United States agrees to possess the Cherokees and to guaranty it to them forever, and that guaranty is hereby solemnly pledged, of 7,000,000 of acres of land, to be bounded as follows, namely: * * * In addition to the 7,000,000 of acres thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States and their right of soil extend.

By the treaty of 1833, article 1, it is provided:

The United States agree to possess the Cherokees, and to guaranty it to them forever, and that guaranty is hereby pledged of 7,000,000 acres of land, to be bounded as follows, namely.

* * * * * * *

In addition to the 7,000,000 of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 of acres as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the great western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; and letters patent shall be issued by the United States as soon as practicable for the land hereby guarantied.

The treaty of 1835 provides:

ART. 2. Whereas by the treaty of May 6, 1828, and the supplementary treaty of February 14, 1833, with the Cherokees west of the Mississippi the United States guarantied and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country. * * *

In addition to the 7,000,000 acres of land thus provided for and bounded the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country west of the western boundary of said 7,000,000 of acres, as far west as the sovereignty of the United States and their right of soil extend.

And then by—

ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830.

Mr. RIDDLEBERGER. Mr. President, at the conclusion of what I shall have to say I shall make a motion to go into executive session. I suppose that motion is not debatable and therefore I shall have to speak to the Oklahoma bill in order to make any suggestions at all.

Mr. DAWES. The Senator from Virginia allows me to ask that the amendment on the seventieth page may be acted upon. It does not have any connection with this discussion.

The PRESIDENT *pro tempore*. The amendment proposing to strike out section 4 was passed over informally. The amendment proposing to insert a new section as section 4 was also passed over informally.

Mr. DAWES. The Senator from South Carolina [Mr. BUTLER] asked that the amendment inserting a new section as section 4 be passed over informally. He now withdraws his request. The section

4 which is proposed to be stricken out will go out if the other matter is striken out, but the new item as section 4 I want to get in the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee inserting section 4.

Mr. STEWART. I want to make some remarks before this matter is disposed of. I have been trying to get the floor.

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. RIDDLEBERGER] is entitled to the floor.

Mr. DAWES. The Senator from Nevada has discovered that he does not want to debate that section, so that I should like to have the Senate pass upon that provision which the committee proposed to insert in the bill as section 4, it having no reference to the other provision.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee proposing to insert a new section as section 4.

The amendment was agreed to.

Mr. DAWES. Now, there is nothing left in the bill undisposed of but the question of the land title in the Indian Territory. It is all one subject.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. RIDDLEBERGER. The Senator from Nevada has asked me to give way to him for a few minutes. Shall I be recognized on the reassembling of the Senate at 8 o'clock if I give way?

The PRESIDENT *pro tempore*. The Chair can not make any contract with Senators as to the floor. The first Senator addressing the Chair will be recognized.

Mr. HOAR. Has the Senate made any order for a recess?

Mr. RIDDLEBERGER. I so understand.

The PRESIDENT *pro tempore*. There has been no order yet made for a recess.

Mr. RIDDLEBERGER. Then the Senator from Nevada will have plenty of time. He will have ample opportunity to speak to the amendment. It is only because I can not move to go into executive business and debate the motion that I do not make the motion now, but I think the Indian question pending is broad enough to accommodate me so that I can discuss the matter on that. I must say that I think the Republican party is falling very far short of its duty when it stands——

The PRESIDENT *pro tempore*. Will the Senator pause until the Senate is in order?

Mr. RIDDLEBERGER. I have never seen it in order.

Mr. FRYE. Will the Senator from Virginia yield to me for a moment for a suggestion?

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from Maine?

Mr. RIDDLEBERGER. If I do not lose my right to the floor tonight.

Mr. FRYE. It is impossible for the Senator to lose his right to the floor. Every Senator has that right.

Mr. RIDDLEBERGER. I have lost nearly every right I ever had. Very well; I will yield the floor for the present.

Mr. FRYE. It is now nearly half past 5. I move that the Senate take a recess until 8 o'clock.

Mr. GORMAN. From now?

Mr. FRYE. From now.

Mr. DAWES. I wish to appeal to the Senate to let this bill go into conference and then take the recess. Otherwise there is no need of it; you may take your recess until next December. I appeal to the Senate to let the bill go without further debate into conference.

Mr. FRYE. I understood that the Senator from Massachusetts assented to the proposition for a recess.

Mr. DAWES. I am appealing to the Senate to let the bill go into conference without further debate.

Mr. FRYE. I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. STEWART. I think the Senator from Virginia is willing to yield to me for a few minutes.

Mr. DAWES. I wish to appeal to the Senators——

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor. Does he yield?

Mr. RIDDLEBERGER. I yield on the condition that I shall be entitled to the floor when the Senate reassembles at 8 o'clock.

Mr. DAWES. I want to appeal to the Senator from Nevada [Mr. STEWART]. Nobody listens with more interest than I do to anything he says, but I want to ask him if he prefers to lose this bill for the sake of expressing the views he has upon the general question of Oklahoma, which is not involved in the bill and can not be put into the bill.

Mr. STEWART. I think I have some rights. I have been trying for a couple of hours to get the floor for five minutes.

Mr. DAWES. I am not trenching on the Senator's rights. I am presenting the case to him.

Mr. STEWART. I will promise not to occupy more than five or ten minutes.

Mr. GORMAN. I ask the Senator from Nevada to yield to me for a moment.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. GORMAN. I ask the Senator from Virginia to yield to me.

Mr. RIDDLEBERGER. I see that there is trouble ahead, and we had just as well keep this warfare up now.

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from Maryland, who appeals to him?

Mr. RIDDLEBERGER. That depends upon what the Senator from Maryland wants to bring up.

Mr. GORMAN. I only want to make a suggestion, that by unanimous agreement we shall take the vote on the bill at 6 o'clock and then take a recess. The Senator from Massachusetts has said that unless the bill can be acted upon before the recess and got into conference there is not a possibility of its being passed at this session.

Mr. RIDDLEBERGER. I should like to say to the Senator from Massachusetts that I do not want to defeat his bill. I do not want to go into the merits of it, as far as that is concerned, but I have another object in view. I can not see why we should not proceed to the consideration of executive business, but I am not going to make the motion now. I have learned better than that.

Mr. STEWART. Will not the Senator from Virginia yield to me for ten minutes?

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890; and it was thereupon signed by the President *pro tempore*.

FINAL VOTE, AND HOUR OF RECESS.

Mr. GORMAN. I ask unanimous consent that the final vote on the Indian appropriation bill may be taken at 6 o'clock and that immediately thereafter the Senate take a recess until 8 o'clock; and that then the Senator from Virginia shall be entitled to the floor.

Mr. RIDDLEBERGER. That just knocks me out of the time I intended to devote to the discussion of this matter. It is only thirty-five minutes until 6 o'clock, and I wanted to get in some work ahead of 6 o'clock.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the final vote on the pending bill be taken at 6 o'clock, and that the Senate then take a recess until 8 o'clock. Is there objection?

Mr. RIDDLEBERGER. I shall not object unless it cuts me off from the floor, and in that case I shall object.

Mr. GORMAN. My request included the proposition that the Senator from Virginia should be recognized as entitled to the floor on the Senate's reassembling after the recess.

The PRESIDENT *pro tempore*. With the further understanding that the Senator from Virginia shall be recognized at the expiration of the recess. Is there objection?

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to object?

Mr. CALL. I only wish it to be understood, as there are some amendments yet to be offered to the bill, that that right will be preserved, but that there shall be no further debate after 6 o'clock.

The PRESIDENT *pro tempore*. Does the Senator from Florida object?

Mr. CALL. I do not object.

The PRESIDENT *pro tempore*. It is so ordered, then. The final vote on the pending bill will be taken at 6 o'clock, at which hour the Senate will take a recess until 8 o'clock, the Senator from Virginia to be recognized as entitled to the floor.

Mr. HOAR. I understood that the order was that the final vote should be taken at 6 o'clock, and immediately thereafter the recess to take place.

Mr. HARRIS. That was the agreement.

The PRESIDENT *pro tempore*. That was the statement of the Chair.

Mr. BUTLER. That was the agreement precisely.

Mr. HOAR. On the contrary, the Chair stated that at that hour the recess would take place, which would postpone the final vote on the bill until 8 o'clock.

The PRESIDENT *pro tempore*. That hour being 6 o'clock.

NAVAL APPROPRIATION BILL.

Mr. HALE 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. 12329) making appropriations for the naval service 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 2, 3, 4, 5, 6, 11, 12, 13, 18, 19, 21, 22, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 28, and 29, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an

amendment as follows: In lieu of the sum named in the matter proposed to be inserted by said amendment insert "$954,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Insert after the word "thereon," in line 1 of said amendment the following: "And inclosing and grading the same;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment, insert the following:

"And according to the plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, 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:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons displacement, to cost in the aggregate, exclusive of armament, not more than $700,000; and one ram for harbor defense of the general type approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7, 1881, of the highest practicable speed."

And the Senate agree to the same.

Amendment numbered 36: 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: Strike out in line 4 of said amendment the following words: "The 2,000-ton cruiser;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Add to the end of said amendment the following: "*Provided*, That no part of this money shall be expended until the owners of the patents for such guns and cartridges shall contract at such a price as shall be satisfactory to the Secretary of the Navy for the exclusive right on the part of the Government to manufacture by contract or otherwise such guns and cartridges without the payment of any royalty upon the same; the option of the Government to make such contract to be exercised within a period to be fixed by said contract;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$3,055,000;" and add at the end of the amended paragraph the following: "Of which sum $55,000 is hereby authorized to be expended by the Secretary of the Navy upon the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius, in addition to the amounts heretofore authorized to be expended on the said vessels;" 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 an amendment as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

EUGENE HALE,
C. B. FARWELL,
Managers on the part of the Senate.
H. A. HERBERT,
WM. McADOO (by HERBERT),
A. C. HARMER,
Managers on the part of the House.

The report was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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. STEWART. Mr. President, I do not intend to discuss the origin or history of the Indian title. It is not very material. One thing is certain about the Indian title, that it is only a title of possession which terminates with the extinction of the tribes or their abandonment of the lands. These Indians have been treated with exceeding liberality. They are enormously rich. They were granted by various treaties as a home-place 7,000,000 acres of land, probably the best land in the United States. They thought that would not be sufficient, and they were subsequently granted 800,000 acres more in Kansas. They were also granted a right of way to go to their hunting-grounds in the far West, and were given an easement for that purpose.

But the condition of the whole grant and of all Indian titles rests upon possession. They have no power to sell the land to anybody or to dispose of it except to the Government of the United States. It never was intended that they should be dealers in lands or that they should colonize settlements in their territory. That was in plain violation of the treaties.

There has been paid to these Indians in cash, according to the letter of the Secretary of the Treasury, as I will read, dated February 21, 1889:

The payments from the Treasury to the Cherokee Indians show an aggregate, as near as can be hastily stated, of about $15,750,000.

HUGH S. THOMPSON,
Assistant Secretary.

This is a large amount of money. Nobody proposes to take from them any of their lands or any of the land they claim. It is simply proposed by the provision of the House to negotiate with them for this outlet, which was never granted to them as a home but simply as an outlet, which they have ceased to use for any such purpose, which they have made it impossible to use for any such purpose by leasing it to cattle-men.

I have a map [exhibiting] which shows the different ranches upon the Cherokee Strip in different colors here with the name of the ranchmen who occupy it. It would be impossible for the Indians to use it for the purpose for which it was granted. They have colonized upon it cattle-men; they have subverted it to another purpose, and if the United States was disposed to deal with them according to strict law, I do not care what has occurred previously, as they have abandoned the land it belongs to the United States. But in order that there may be a speedy settlement I am willing that they shall be bought out. However, I give due notice that if this is to go on and the people are to be deprived of this land, and if it is to be a rendezvous for thieves, and blacklegs, and murderers, and cut-throats outside of civilization, if it is to remain in that condition I shall insist, to be plain, that the United States shall resume title, exercise its power, and treat it as abandoned land, land that is not used as an outlet, and that never will be used again as an outlet to any other country. The only thing for which it was granted was for that purpose. When it is abandoned for that purpose, by the terms of the treaty and of the law it becomes the property of the United States.

The proposition which comes from the other House is to pay to these rich Indians over seven and a half million dollars. They are talking about four, five, and six dollars an acre for this land that the Indians have abandoned, after having received fifteen and three-fourths million dollars from the United States and after the land has been made valuable by the labor of the white people and not of the Indians. This value has been added to it after the Indians have abandoned the use of this outlet and abandoned all right to it by colonizing it with cattle-men. I am not speaking of cattle-men more than any other men, but the land has been colonized with white men contrary to the provisions of the treaties and contrary to the spirit of the whole transaction.

If it can be settled, and settled speedily, I am willing to pay to these rich Indians, the richest people in the United States, according to their number, seven and a half millions more, making about $23,000,000 or $24,000,000, for how many Indians? The greatest number that is claimed of all the Cherokees is 23,000, and it is admitted that about half of those are white men who have gone in there and married squaws and become a part of the population. They are very able men, and I would protect them in all their rights. They are as able to defend themselves as anybody. They give their attention to the business of negotiating treaties; they understand all about it. They have got the best of every trade they have ever made with the United States. They are ably represented, and they were ably represented before our committee.

After having received this land as an outlet, having received a right of way and having abandoned that right of way, the Indians are opposed to the United States exercising any jurisdiction over it. We can not tolerate such a state of things as exists there. We can not have a country in the heart of the United States, surrounded by States, surrounded by settlers, surrounded by white people, industrious people—we can not have, I say, in the heart of the nation a country dedicated to barbarism, a country dedicated to crime, a country dedicated to monopoly. I say it is intolerable, and to get rid of this intolerable condition of things, although they have abandoned their title on every principle of justice, equity, and law, by introducing into it a population which they had no right to do, if the House provision can pass at this session I shall not object, but I do object to the Senate amendment. I do not want any commission that shall commit us to $30,000,000, or $40,000,000 as some of the Indians claim they would be entitled to receive.

Let the House provision be passed, and if these Indians are entitled to this land, abandoned by them as it is, let the proposition be made to pay them $1.25 an acre, and if they accept it, let the Government carry it out; but am opposed to making an unlimited proposition. I am opposed to leaving the commission unlimited, as I understand the amendment of the Senate Committee on Appropriations does, because we do not owe any such money. There are not really over ten or twelve thousand Indians there. They have already received $16,000,000, and if they get $7,500,000 more it will be quite enough; but to leave this matter open and negotiate with them to pay a sum beyond that I am opposed to. The substantial difference between the two provisions is that one proposes to appoint a commission with a limitation that they shall not pay over $1.25 an acre, and the other, as I understand it, has no limitation.

Mr. PLATT. The House provision has no such limitation on it.

Mr. STEWART. It limits the price to be paid.

Mr. PLATT. Not at all. There is no limitation of that sort in either of the provisions.

Mr. STEWART. It refers to the terms of a treaty which had a limitation.

Mr. PLATT. Not at all.

Mr. STEWART. We shall see.

Mr. PLATT. I think I can explain it to the Senator. The House proposition provides that if they agree with the commission on the terms which have been made with the Creeks and the Seminoles, then the land shall be open to settlement, but if they do not agree it does

not limit the power of negotiation for another price; they can go right on and endeavor to make another bargain. The bill provides that if they do agree to that then the lands shall be open to settlement.

Mr. BLAIR. Can the commission make a final agreement at any price they please?

Mr. PLATT. If they make an agreement at $1.25 an acre, the same agreement which has been made with the Creeks and Seminoles, that ends it, provided it is ratified by the Cherokee council; but if they make an agreement to pay a higher price, it has to come back to Congress for ratification. I think that statement is correct. I appeal to the Senator in charge of the bill to know if it is not.

Mr. STEWART. But there is some limitation fixing the price that will probably guide the commission and make them very reluctant to agree to a higher price. That is better than the Senate amendment, which is without any restriction upon the commission.

I hope that there will be action, and action now, because this is a contest between barbarism and civilization, and a contest between cattle barons and the people. As to what is said of railroads and town-lot men, I know none of them have approached me, but I have got my information from the documents, from the speeches in the other House, from what was represented to us before our Committee on Territories, from what the counsel for the Cherokees stated there, and from the Cherokees themselves.

It is perfectly manifest that this is a contest between the cattle-men on the one side, who occupy this country and have it now to the exclusion of settlers, and the settlers on the other hand. There is no proposition to give this land to town-site men. It is to be disposed of under the pre-emption laws, and there has been no proposition to do otherwise. I hope Congress will never do otherwise than to give land to actual bona fide settlers. Here is a place for a home for 700,000 people. It can be made speedily. It is the best opening there is now in the United States where people can go at once.

The time is short and I shall not occupy the floor any longer.

Mr. PLUMB withholds his remarks for revision. [See Appendix.]

Mr. GORMAN. Mr. President, as a member of the Committee on Appropriations which reported this bill, I desire simply to enter my protest against each and every clause in it providing for general legislation. I think the debate has demonstrated that it is utterly impossible in this appropriation bill to properly guard the interests of the United States or of the Indians. I do not think either has been accomplished by the bill as it comes here.

The PRESIDENT *pro tempore* (at 6 o'clock p. m.). It was agreed that at this hour the Senate should vote upon the bill. The question recurs upon the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. DAWES. Was there not a question of order made on that amendment?

Mr. BUTLER. I raise a point of order on the amendment of the Senator from Illinois.

Mr. EDMUNDS. It is pure legislation. I reserved all points of order on it.

The PRESIDENT *pro tempore*. The Chair sustains the point of order upon the ground that the amendment proposes general legislation. The question recurs upon the amendment proposed by the Committee on Appropriations.

Mr. STEWART. Will the Chair state what that amendment is?

The PRESIDENT *pro tempore*. The statement of the Senator from Massachusetts was that all the reserved amendments related to a single subject, both those proposing to strike out and to insert. If it suits the convenience of the Senate, the Chair will submit the various amendments as one question.

Mr. PADDOCK and others. That is right.

Mr. STEWART. I understand the portion to be inserted comprises sections 12 and 13.

Mr. EDMUNDS. Section 4 has been already agreed to?

The PRESIDENT *pro tempore*. Section 4 has been agreed to.

Mr. BUTLER. May I inquire of the Chair what will be the vote in order to sustain the committee? The vote will be "ay," as I understand.

Mr. DAWES. If the Chair will allow me I will state what the committee think will be the effect of the vote.

The PRESIDENT *pro tempore*. The Chair thinks debate is not in order except by unanimous consent.

Mr. GORMAN. Let the Chair state it.

The PRESIDENT *pro tempore*. It was agreed that debate should cease at 6 o'clock.

Mr. BUTLER. I ask the Chair to state the question.

Mr. DAWES. I was going to give the reasons. Let the Chair state it.

The PRESIDENT *pro tempore*. The first amendment reserved was the amendment of the Committee on Appropriations, striking out the clauses beginning on page 47, line 7, and extending to the bottom of page 50.

Mr. EDMUNDS. Let us take the question on that.

Mr. DAWES. The next is on page 66.

The PRESIDENT *pro tempore*. The next reserved amendment is on page 66, beginning with line 4 and closing with line 25 on page 68.

Mr. DAWES. Then on page 70.

The PRESIDENT *pro tempore*. The amendment on page 70, proposing to strike out section 4, has not been agreed to.

Mr. DAWES. That is what will go out if the amendment is agreed to.

The PRESIDENT *pro tempore*. The remainder will be found beginning on page 76, line 3, section 12, and continuing to the close of the bill.

Mr. PLUMB. Let me suggest that there is not any necessary connection between those amendments, as the Chair seems to think.

Mr. EDMUNDS. I wish to ask the Chair whether the amendment to strike out on pages 74 and 75 has been agreed to?

The PRESIDENT *pro tempore*. In section 10?

Mr. EDMUNDS. The amendment to strike out the part at the end of section 10.

The PRESIDENT *pro tempore*. That has all been agreed to.

Mr. ALLISON. I ask unanimous consent that the recess agreed upon to terminate at 8 o'clock may continue until half past 8.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that at the close of the voting on this bill the Senate take a recess until 8.30 o'clock p. m. Is there objection? The Chair hears none, and it is so ordered. The question recurs on agreeing to the amendment proposed by the Committee on Appropriations.

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

The yeas and nays were ordered.

Mr. EDMUNDS. That is on agreeing to the amendment proposed by the committee.

The PRESIDENT *pro tempore*. To which the Chair has called the attention of the Senate.

Mr. PLUMB. Will the Chair please state the question?

The PRESIDENT *pro tempore*. The first amendment passed over begins on page 47, at line 7, proposing to strike out from that point, inclusive, to the bottom of page 50. The next is on page 66, proposing to strike out from line 4 to the bottom of page 68, line 25, inclusive.

Mr. PLUMB. Will the Chair permit me to state that there is no necessary connection between these two amendments? The subjects-matter are entirely different, and that with which it is proposed to replace them is entirely different, and in fact, as I understand it, there is no controversy about striking out on page 47 and inserting what the Senate committee has proposed on pages 76, 77, and 78, down to line 5 on page 29. The amendment which the Senator from Missouri proposed was to that part of the bill.

Mr. VEST. The Senator from Kansas made an unfair and violent speech here, and he is now debating——

Mr. PLUMB. I am only explaining.

Mr. VEST. I object.

The PRESIDENT *pro tempore*. The Chair has no power to enforce a unanimous agreement of the Senate. It rests solely upon the consent of Senators.

The Senator from Kansas asks for further information. The next amendment is on page 70, section 4, which the Committee on Appropriations propose to strike out, the section 4 proposed to be inserted having been agreed to.

Mr. EDMUNDS. We may as well take them one by one. We shall get through quicker in that way if there is any question.

The PRESIDENT *pro tempore*. The first question then will be on the amendment on page 47, proposing to strike out, beginning at line 7, down to and including line 25 on page 50.

Mr. DAWES. And inserting anything in place of it?

Mr. EDMUNDS. No; we can insert afterwards.

The PRESIDENT *pro tempore*. It is to strike out the clauses. Does the Senator from Nevada ask for the yeas and nays on this amendment?

Mr. STEWART. No, sir.

Mr. VEST. That is the very amendment we want the yeas and nays on. That strikes out the House provision, and is the direct issue between the friends of the Oklahoma bill and those who are opposed to it. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll on the question of striking out the following clauses of the bill:

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 Seminole Nation 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 of the treaty 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: One million five hundred thousand dollars 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 re-lease 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 re-lease and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Na-

tion of Indians in and to the tract of country to which said re-lease and conveyance shall apply.

SEC. 2. 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 by 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) of the Revised Statutes of the United States, which is hereby repealed, but all rights initiated under the same shall remain unimpaired 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; the entry man 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 all prior proceedings before had in such case to be null and void; and all persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a 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 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 commuted provision of the homestead law, 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 Muscogee or Creek Nation of Indians heretofore ratified by the present Congress, and 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: *Provided*, That all rights of any friendly Indians who may have been settled on 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. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FRYE (when his name was called). On this bill I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. STEWART (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. I should vote "nay" if I were not paired.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who is detained by sickness from the Chamber. If he were here, I should vote "yea."

Mr. HARRIS (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. MORRILL], who is absent. I recorded my vote "yea." If the colleague of the Senator from Vermont states that he thinks it is proper for me to observe the pair, I will do so.

Mr. HOAR. I engaged to pair with the Senator from Tennessee [Mr. BATE], the colleague of the Senator. If the Senator has no objection, I will transfer that pair to the Senator from Vermont [Mr. MORRILL], and he and I can both vote.

Mr. HARRIS. I cheerfully agree to that suggestion.

Mr. HOAR. Then I vote "yea."

Mr. EDMUNDS. Which way would the Senator's colleague vote?

Mr. HARRIS. I have already voted, and I was going to withdraw my vote.

Mr. EDMUNDS. I am sure my colleague [Mr. MORRILL], if present, would vote "yea" on this proposition.

Mr. HARRIS. I voted "yea" myself.

Mr. HOAR. I withdraw my vote, and announce my pair with the Senator from Tennessee [Mr. BATE].

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

Mr. HARRIS. Did I understand the Senator from Massachusetts to withdraw his vote?

Mr. HOAR. I was requested to pair with the Senator's colleague [Mr. BATE] by the Senator from West Virginia [Mr. FAULKNER] who sits next to him. I voted inadvertently, forgetting that pair. I now withdraw my vote.

Mr. HARRIS. I thought the Senator from Massachusetts and I had agreed that we would transfer our pairs.

Mr. HOAR. But after that was stated the Senator from Vermont [Mr. EDMUNDS] rose and said that his colleague, he was sure, would vote the same way with the Senator from Tennessee and myself. Therefore it would destroy two votes. I thought the Senator from Tennessee understood what had been said.

Mr. HARRIS. I did not quite understand.

Mr. SAWYER. I am paired with the Senator from Delaware [Mr. SAULSBURY] upon this question.

Mr. MCPHERSON. I m paired with the Senator from Colorado [Mr. BOWEN].

The result was announced—yeas 27, nays 13; as follows:

YEAS—27.

Allison,	Dawes,	Harris,	Ransom,
Blair,	Dolph,	Hawley,	Sabin,
Brown,	Edmunds,	Mitchell,	Spooner,
Butler,	Evarts,	Palmer,	Stockbridge,
Chace,	Gorman,	Platt,	Teller,
Chandler,	Gray,	Plumb,	Voorhees.
Colquitt,	Hale,	Quay,	

NAYS—13.

Cockrell,	George,	Pasco,	Walthall.
Coke,	Jones of Nevada,	Pugh,	
Cullom,	Kenna,	Reagan,	
Faulkner,	Morgan,	Vest,	

ABSENT—36.

Aldrich,	Daniel,	Hoar,	Saulsbury,
Bate,	Davis,	Ingalls,	Sawyer,
Beck,	Eustis,	Jones of Arkansas,	Sherman,
Berry,	Farwell,	McPherson,	Stanford,
Blackburn,	Frye,	Manderson,	Stewart,
Blodgett,	Gibson,	Morrill,	Turpie,
Bowen,	Hampton,	Paddock,	Vance,
Call,	Hearst,	Payne,	Wilson of Iowa,
Cameron,	Hiscock,	Riddleberger,	Wilson of Md.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next reserved amendment is on page 66, beginning with line 4 and ending on line 25 on page 68.

Mr. EDMUNDS. I think there is no objection, now that the main question is settled, to taking the vote on the remainder all together.

The PRESIDENT *pro tempore*. Is there objection to the remainder of these amendments being treated as one question?

Mr. PLUMB. I object. I want them acted upon separately.

The PRESIDENT *pro tempore*. Then the pending question is on the amendment of the Committee on Appropriations to strike out the clause beginning with line 4, page 66, and ending with line 25, page 68.

The amendment was agreed to, striking out the following clauses:

The President of the United States is hereby authorized and directed to appoint five commissioners, whose duty it shall be to enter into negotiations and agreements with the Cherokee Nation or tribe of Indians in Indian Territory for their full and complete cession and relinquishment to the United States of all their title, claim, or interest in and to the land or country known as the Cherokee Outlet, such agreements, when made, to be submitted to Congress and the national council of said Cherokee Nation for ratification. Said commission is also authorized and empowered to negotiate with any or all of the nations or tribes of Indians in said Indian Territory for a full and complete cession and relinquishment of any title they may have in and to any lands embraced in the bill now pending in Congress known as the Oklahoma bill; such agreements as may be made to be submitted to Congress and to the council of the nation, tribe, or band of Indians so making the same for ratification. Said commission is further empowered to enter into negotiations and stipulations with the five civilized tribes known as the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws, or with either of them, either with their separate national councils, or their international council, or with any committee, delegation, or commission that they or either of them may appoint for that purpose, or with any other tribe or band of Indians located in said Indian Territory not embraced in the provisions of the bill now pending known as the Oklahoma bill, looking to the admission of their Territory or country, or any part thereof, into the United States as a State or Territory thereof, on equal footing with the other States or Territories of the United States, and to the admission of their people to full and complete citizenship of the United States; such agreements as may be made under this act to be submitted to Congress and to the council or councils of the nation, or nations, tribe or tribes agreeing to the same for ratification. And for the purpose of carrying out the object of this act the sum of $25,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available: *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 upon the same terms as were contained in the agreement recently 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 such 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 condition as is 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: *Provided*, That no part of said sum shall be expended in buying refreshments for Indians attending meetings with commissioners or in any wise entertaining or presenting gifts to said Indians or their representatives and said 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 reservations and the allotment of the remainder, and 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.

The PRESIDENT *pro tempore*. The next reserved amendment is on page 70, to strike out section 4.

The amendment was agreed to, striking out the following clause:

SEC. 4. That the President may, at such times 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. PLATT. The new section 4, as reported by the committee, has been inserted?

The PRESIDENT *pro tempore*. The section 4 which is printed in

italics has been agreed to. The next reserved amendment is on page 76, inserting from line 3 on page 76 to line 5 on page 79.

The amendment was agreed to, inserting the following words:

Seminole lands:

SEC. 12. 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 Seminole Nation 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 of the treaty 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 surveys, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: One million five hundred thousand dollars 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 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, to be immediately available; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, specially 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 Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release, conveyance, and extinguishment shall not inure to the benefit of or cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands; and all laws and parts of laws, so far as they conflict with the foregoing, are hereby repealed, and all grants or pretended grants of said lands or any interest or right therein now existing in or on behalf of any railroad company, except rights of way and depot grounds, are hereby declared to be forever forfeited for breach of condition.

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established in the Indian Territory under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply) each entry to be in square form and no person to be permitted to enter more than one-quarter section thereof, but until said lands are opened for settlement by proclamation of the President in conformity to law no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town-sites in his discretion, under sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, in the year of our Lord 1889.

The PRESIDENT *pro tempore*. The next reserved amendment is to insert the words beginning with line 4 on page 75 and ending with line 5 on page 79, as already amended.

The amendment was agreed to, adding the following words:

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes agreeing to the same, for ratification, and for this purpose the sum of $25,000, or as much thereof as may be necessary, is hereby appropriated, to be immediately available,

Mr. DAWES. There is an amendment at the desk that I propose now for the Senator from Florida [Mr. CALL].

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

The SECRETARY. On page 47, after line 6, it is proposed to insert:

For the support and education of the Seminole and Creek Indians in Florida, for the erection and furnishing of a school-house, for the employment of teachers, and for the purchase of seeds and agricultural implements and other necessary articles, $6,000. This money or any part thereof may be used in the discretion of the Secretary of the Interior for the purchase of land for homes of said Seminole Indians.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

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

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent that a message be sent to the House of Representatives recalling the conference report on the naval appropriation bill.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection. The Senate now, in pursuance of the order heretofore made, takes a recess until 8 o'clock and 30 minutes p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 30 minutes p. m.

RETURN OF DIRECT TAXES—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I herewith return without approval Senate bill No. 139, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The object of this bill is quite clearly indicated in its title. Its provisions have been much discussed in both branches of Congress and have received emphatic legislative sanction. I fully appreciate the interest which it has excited, and have by no means failed to recognize the persuasive presentation made in its favor. I know, too, that the interposition of Executive disapproval in this case is likely to arouse irritation and cause complaint and earnest criticism. Since, however, my judgment will not permit me to assent to the legislation proposed, I can find no way of turning aside from what appears to be the plain course of official duty.

On the 5th day of August, 1861, a Federal statute was passed entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes."

This law was passed at a time when immense sums of money were needed by the Government for the prosecution of a war for the Union, and the purpose of the law was to increase in almost every possible way the Federal revenues. The first seven sections of the statute were devoted to advancing very largely the rates of duties on imports; and to supplement this the eighth section provided that a direct tax of $20,000,000 should be annually laid, and that certain amounts therein specified should be apportioned to the respective States. The remainder of the law, consisting of fifty sections, contained the most particular and detailed provisions for the collection of the tax through Federal machinery.

It was declared, among other things, that the tax should be assessed and laid on all lands and lots of ground with their improvements and dwelling houses; that the annual amount of said taxes should be a lien upon all lands and real estate of the individuals assessed for the same, and that in default of payment the said taxes might be collected by distraint and sale of the goods, chattels, and effects of the delinquent persons.

This tax was laid in execution of the power conferred upon the General Government for that purpose by the Constitution. It was an exercise of the right of the Government to tax its citizens. It dealt with individuals, and the strong arm of Federal power was stretched out to exact from those who owed it support and allegiance their just share of the sum it had decreed should be raised by direct taxation for the general good. The lien created by this tax was upon the land and real estate of the "individuals" assessed for the same, and for its collection the distraint and sale of personal property of the "persons delinquent" were permitted.

But while the direct relationship and responsibility between the individuals taxed and the Federal Government were thus created by the exercise of the highest attribute of sovereignty, it was provided in the statute that any State or Territory and the District of Columbia might lawfully "assume, assess, collect, and pay into the Treasury of the United States" its quota of said tax in its own way and manner, and by and through its own officers, assessors, and collectors; and it was further provided that such States or Territories as should give notice of their intention to thus assume and pay, or to assess, collect, and pay into the Treasury of the United States such direct tax, should be entitled in lieu of the compensation, pay per diem, and percentage in said act prescribed and allowed to assessors, assistant assessors, and collectors of the United States, to a deduction of 15 per cent. of the quota of direct tax apportioned to such States or Territories and levied and collected through their officers.

It was also provided by this law and another passed the next year that certain claims of the States and Territories against the United States might be applied in payment of such quotas. Whatever may be said as to the effect of these provisions of the law, it can hardly be claimed that by virtue thereof or under any proceedings under them the apportioned quotas of this tax became debts against the several States and Territories, or that they were liable to the General Government therefor in every event and as principal debtors bound by an enforceable obligation.

In the forty-sixth section of the law it is provided that in case any State, Territory, or the District of Columbia, after notice given of its intention to assume and pay, or to levy, collect, and pay said direct tax apportioned to it, should fail to pay the amount of said direct tax, or any part thereof, it should be lawful for the Secretary of the Treasury to appoint United States officers as in the act provided, whose duty it should be to proceed forthwith to collect all or any part of said direct tax, "the same as though said State, Territory, or District had not given notice nor assumed to levy, collect, and pay said taxes or any part thereof."

A majority of the States undertook the collection of their quotas, and accounted for the amount thereof to the General Government by the payment of money or by setting off claims in their favor against the tax. Fifteen per cent. of the amount of their respective quotas was retained as the allowance for collection and payment. In the Northern, or such as were then called the loyal, States nearly the entire quotas were collected and paid through State agencies. The money necessary for this purpose was generally collected from the citizens of the States with their other taxes, and in whatever manner their quotas may have been canceled, whether by the payment of money or setting off claims against the Government, it is safe to say, as a general proposition, that the people of these States have individually been obliged to pay the assessments made upon them on account of this direct tax, and have intrusted it to their several States to be transmitted to the Federal Treasury.

In the Southern States, then in insurrection, whatever was actually realized in money upon this tax was collected directly by Federal officers without the interposition of State machinery; and a part of its quota has been credited to each of these States.

The entire amount applied upon this tax, including the 15 per cent. for collection, was credited to the several States and Territories upon the books of the Treasury, whether collected through their instrumentalities or by Federal officers.

The sum credited to all the States was $17,359,685.51, which includes more than $2,000,000 on account of the 15 per cent. allowed for collecting. Of the amount credited only about $2,300,000 is credited to the insurrectionary States. The amount uncollected of the twenty millions directed to be raised by this tax was $2,646,314.49, and nearly this entire sum remained due upon the quotas apportioned to these States.

In this condition of affairs the bill under consideration directs the Secretary of the Treasury "to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections, by set-off or otherwise, made from said States and Territories and the District of Columbia or from any of the citizens or inhabitants thereof or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto." An appropriation is also made of such a sum as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to it under the provisions of the bill, and it is provided that all money still due to the United States on said direct tax shall be remitted and relinquished.

The conceded effect of this bill is to take from the money now in the Treasury the sum of more than $17,000,000, or if the percentage allowed is not included, more than $15,000,000, and pay back to the respective States and Territories the sums they or their citizens paid more than twenty-five years ago upon a direct tax levied by the Government of the United States for its defense and safety.

It is my belief that this appropriation of the public funds is not within the constitutional power of the Congress. Under the limited and delegated authority conferred by the Constitution upon the General Government the statement of the purpose for which money may be lawfully raised by taxation in any form declares also the limit of objects for which it may be expended.

All must agree that the direct tax was lawfully and constitutionally laid, and that it was rightfully and correctly collected. It can not be claimed, therefore, nor is it pretended, that any debt arose against the Government and in favor of any State or individual by the exaction of this tax. Surely, then, the appropriation directed by this bill can not be justified as a payment of a debt of the United States.

The disbursement of this money clearly has no relation to the common defense. On the contrary, it is the repayment of money raised and long ago expended by the Government to provide for the common defense.

The expenditure can not properly be advocated on the ground that the general welfare of the United States is thereby provided for or promoted. This "general welfare of the United States," as used in the Constitution, can only justify appropriations for national objects and for purposes which have to do with the prosperity, the growth, the honor, or the peace and dignity of the nation.

A sheer, bald gratuity bestowed either upon States or individuals, based upon no better reason than supports the gift proposed in this bill, has never been claimed to be a provision for the general welfare. More than fifty years ago a surplus of public money in the Treasury was distributed among the States; but the unconstitutionality of such distribution, considered as a gift of money, appears to have been conceded, for it was put into the State treasuries under the guise of a deposit or loan, subject to the demand of the Government.

If it was proposed to raise by assessment upon the people the sum necessary to refund the money collected upon this direct tax I am sure many who are now silent would insist upon the limitations of the Constitution in opposition to such a scheme. A large surplus in the Treasury is the parent of many ills, and among them is found a tendency to an extremely liberal if not loose construction of the Constitution. It also attracts the gaze of States and individuals with a kind of fascination, and gives rise to plans and pretensions that an uncongested Treasury never could excite.

But if the constitutional question involved in the consideration of this bill should be determined in its favor, there are other objections remaining which prevent my assent to its provisions.

There should be a certainty and stability about the enforcement of taxation which should teach the citizen that the Government will only use the power to tax in cases where its necessity and justice are not doubtful, and which should also discourage the disturbing idea that the exercise of this power may be revoked by reimbursement of taxes once collected. Any other theory cheapens and in a measure discredits a process which more than any other is a manifestation of sovereign authority.

A government is not only kind but performs its highest duty when it restores to the citizen taxes unlawfully collected, or which have been erroneously or oppressively extorted by its agents or officers; but, aside from these incidents, the people should not be familiarized with the spectacle of their Government repenting the collection of taxes and restoring them.

The direct tax levied in 1861 is not even suspected of invalidity; there never was a tax levied which was more needed, and its justice can not be questioned. Why, then, should it be returned?

The fact that the entire tax was not paid furnishes no reason that would not apply to every case where taxes are laid. There are always delinquents, and while the more thorough and complete collection of taxes is a troublesome problem of government, the failure to solve the problem has never been held to call for the return of taxes actually collected.

The deficiency in the collection of this tax is found almost entirely in the insurrectionary States, while the quotas apportioned to the other States were, as a general rule, fully paid, and three-fourths or four-fifths of the money which it is proposed in this bill to return would be paid into the treasuries of the loyal States. But no valid reason for such payment is found in the fact that the Government at first could not, and afterward, for reasons probably perfectly valid, did not enforce collection in the other States.

There were many Federal taxes which were not paid by the people in the rebellious States; and if the non-payment by them of this direct tax entitles the other States to a donation of the share of said taxes paid by their citizens, why should not the income tax and many other internal taxes paid entirely by the citizens of loyal States be also paid into the treasuries of these States? Considerations which recognize sectional divisions or the loyalty of the different States at the time this tax was laid should not enter into the discussion of the merits of this measure.

The loyal States should not be paid the large sums of money promised them by this bill, because they were loyal and other States were not, nor should the States which rebelled against the Government be paid the smaller sum promised them, because they were in rebellion and thus prevented the collection of their entire quotas, nor because this concession to them is necessary to justify the proposed larger gifts to the other States.

The people of the loyal States paid this direct tax as they bore other burdens in support of the Government, and I believe the tax-payers themselves are content. In the light of these considerations, I am opposed to the payment of money from the Federal Treasury to enrich the treasuries of the States. Their funds should be furnished by their own citizens, and thus should be fostered the tax-payers' watchfulness of State expenditures and the tax-payers' jealous insistence upon the strict accountability of State officials. These elements of purity and strength in a State are not safely exchanged for the threatened demoralization and carelessness attending the custody and management of large gifts from the Federal Treasury.

The baneful effect of a surplus in the Treasury of the General Government is daily seen and felt. I do not think, however, that this surplus should be reduced or its contagion spread throughout the States by methods such as are provided in this bill.

There is still another objection to the bill, arising from what seems to me its unfairness and unjust discrimination.

In the case of proposed legislation of at least doubtful constitutionality, and based upon no legal right, the equities which recommend it should always be definite and clear.

The money appropriated by this bill is to be paid to the governors of the respective States and Territories in which it was collected, whether the same was derived through said States and Territories or directly "from any of the citizens or inhabitants thereof or other persons;" and it is further provided that such sums as were collected in payment of this Federal tax through the instrumentality of the State or Territorial officials, and accounted for to the General Government by such States and Territories, are to be paid unconditionally to their governors, while the same collected in payment of said tax by the United States, or, in other words, by the Federal machinery created for that purpose, are to be held in trust by said States or Territories for the benefit of those paying the same.

I am unable to understand how this discrimination in favor of those who have made payment of this tax directly to the officers of the Federal Government, and against those who made such payments through State or Territorial agencies, can be defended upon fair and equitable principles. It was the General Government in every case which exacted this tax from its citizens and people in the different States and Territories, and to provide for reimbursement to a part of its citizens by the creation of a trust for their benefit, while the money exacted in payment of this tax from a far greater number is paid unconditionally into the State and Territorial treasuries, is an unjust and unfair proceeding in which the Government should not be implicated.

It will hardly do to say that the States and Territories who are the recipients of these large gifts may be trusted to do justice to its citizens who originally paid the money. This can not be relied upon, nor should the Government lose sight of the equality of which it boasts, and having entered upon the plan of reimbursement, abandon to other agencies the duty of just distribution, and thus incur the risk of becoming accessory to actual inequality and injustice.

If in defense of the plan proposed it is claimed that exact equality can not be reached in the premises this may be readily conceded. The money raised by this direct tax was collected and expended twenty-seven years ago. Nearly a generation has passed away since that time. Even if distribution should be attempted by the States and Territories, as well as by the Government, the tax-payers in many cases are neither alive nor represented, and in many other cases, if alive, they can not be found. Fraudulent claims would often outrun honest applications, and innumerable and bitter contests would arise between claimants.

Another difficulty in the way of doing perfect justice in the operation of this plan of reimbursement is found in the fact that the money to be appropriated therefor was contributed to the Federal Treasury for entirely different purposes by a generation many of whom were not born when the direct tax was levied and paid, who have no relation to said tax, and can not share in its distribution. While they stand by and see the money they have been obliged to pay into the public Treasury, professedly to meet present necessities, expended to reimburse taxation long ago fairly, legally, and justly collected from others, they can not fail to see the unfairness of the transaction.

The existence of a surplus in the Treasury is no answer to these objections. It is still the people's money, and better use can be found for it than the distribution of it upon the plea of the reimbursement of ancient taxation. A more desirable plan to reduce and prevent the recurrence of a large surplus can easily be adopted—one that, instead of creating injustice and inequality, promotes justice and equality by leaving in the hands of the people and for their use the money not needed by the Government "to pay the debts and provide for the common defense and general welfare of the United States."

The difficulties in the way of making a just reimbursement of this direct tax, instead of excusing the imperfections of the bill under consideration, furnish reasons why the scheme it proposes should not be entered upon.

I am constrained, upon the considerations herein presented, to withhold my assent from the bill herewith returned, because I believe it to be without constitutional warrant; because I am of the opinion that there exists no adequate reasons, either in right or equity, for the return of the tax in said bill mentioned, and because I believe its execution would cause actual injustice and unfairness.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

MESSAGE FROM THE HOUSE.

During the reading of the President's veto message a message was received from the House of Representatives, by Mr. CLARK, its Clerk, announcing that the House had concurred in the report of 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.

Also, that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

The PRESIDENT *pro tempore*. The reading of the veto message will proceed.

Mr. SHERMAN. In order to expedite business I ask that the report of the committee of conference on the Alaska bill be submitted to the Senate.

Mr. EDMUNDS. I think the message of the President ought to be read as a matter of decorum. It will only take a short time.

RETURN OF DIRECT TAXES—VETO MESSAGE.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed and concluded the reading of the veto message.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SHERMAN. Mr. President——

INTERSTATE COMMERCE.

Mr. CULLOM. I ask leave to present a conference report which requires no action by the Senate.

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

The Secretary 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. 2851) to amend an act entitled "An act to regulate commerce," approved February 24, 1887, 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 amendments numbered 3 and 7.

S. M. CULLOM,
O. H. PLATT,
ISHAM G. HARRIS,
Managers on the part of the Senate.

CHARLES F. CRISP,
CHARLES O'NEILL,
Managers on the part of the House.

Mr. CULLOM. The bill is on the table and the House has receded from its amendments; so I suppose the report requires no action by the Senate.

The PRESIDENT *pro tempore*. No action by the Senate is required.

Mr. EDMUNDS. I should like to make an inquiry. This conference report states that the House recedes from amendments of certain numbers, which plainly implies that there are others. I should be glad to know what has become of those and what is the state of the bill.

Mr. CULLOM. There were no amendments in dispute between the two Houses at this conference except amendments numbered 3 and 7.

Mr. EDMUNDS. The others have been agreed to?

Mr. CULLOM. The others have been agreed upon before, and no action is necessary on the part of the Senate upon this report.

Mr. EDMUNDS. Very well.

NAVAL APPROPRIATION BILL.

Mr. SHERMAN. I have no objection, if Senators so desire, to allowing the veto message to lie on the table for a time, but I wish to make some remarks upon it.

Mr. HALE. Will the Senator yield to me that I may make a request about a conference report.

Mr. SHERMAN. Certainly.

Mr. HALE. I move to reconsider the vote by which the conference report on the naval apppropriation bill was adopted. There is a mistake in the report which, I am bound to say, is not the fault of the clerks but of the conferees, and it can be easily corrected when the conference meets again.

The PRESIDENT *pro tempore*. If there be no objection the reconsideration will be ordered.

Mr. HALE. Will it be necessary to ask unanimous consent that the report be committed to the same conferees? If so, I make that request.

The PRESIDENT *pro tempore*. The Chair thinks it will be necessary.

Mr. HALE. I make that request.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. HALE. I move that the Senate further insist on its amendments and ask a further conference thereon.

The motion was agreed to.

RETURN OF DIRECT TAXES—VETO MESSAGE.

The Senate resumed the consideration of the message of the President of the United States returning with his objections the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

Mr. SHERMAN. Mr. President, I do not think it is necessary or proper for me to discuss this message of the President of the United States at any length, or perhaps at all. The President in his message has the right to state his objections if he feels that it is his duty to do so, but there is not a single point made in that message which has not been fully debated and considered in both Houses of Congress. The proposition contained in the bill has been recommended by every Secretary of the Treasury under four or five different administrations. It grows out of the absolute impossibility of doing justice among the several States in executing the direct-tax law, a constitutional law for the apportionment among the States of a tax according to their population. The attempt failed utterly on account of the condition of civil war; and the inequalities which existed in the assessment and in the levying of the tax still continued and will continue an annoyance and trouble.

I consider, with due respect to the President of the United States, that his objection to this measure as unconstitutional is scarcely worthy of much reply. He says that Congress has no constitutional power to refund this money. If it had the power to levy the tax it has the power to refund the tax. If it had power to levy a tax which could not be enforced fairly and evenly among the States so as to do justice between them, for reasons beyond the control of the Government at the time, it ought to be refunded to those States that paid their share of the tax, and the States that did not pay their share ought to be relieved from the charge of the amount on the Treasury books. It is simply a measure to dispose of the public money so as to create equality among the States and justice among the people of the States.

The point that the States in the South can not be trusted, as I understand he says they ought not to be trusted, with the return of the tax to the persons who paid it, I do not think is worthy of consideration. We all agreed that in certain States where the citizens of the States paid the tax, the better way was to refund it to the States, leaving it to the States to do justice to their citizens, and I have no doubt every State will do so.

Probably there has never been a bill upon our Calendar which was more thoroughly considered. It was fully considered by the Committee on Finance, and I think I do not mistake when I say—the Senator from Tennessee [Mr. HARRIS] will remember how the fact was—that it was agreed to unanimously. When so reported to this body it was passed by an overwhelming vote. It was considered by the proper committee of the House of Representatives, reported favorably with general unanimity, and carried by a very large vote, after full discussion.

It is a question upon which the opinion of every Senator is just as good as that of the President; and it can not be said that his judgment exceeds that of all the rest of us. It is a question upon which every Senator can pass judgment as well as anybody else.

It seems to me, with due respect to the President of the United States, that this is not the occasion for a veto. It scarcely raises a constitutional question. It is simply the disposition of the public money; to restore money to some of the States that paid the tax, and relieve the other States that did not bear their share of the burden. Therefore I do not think it necessary to go over the message and to reply to the various arguments made in it. I simply ask for the vote required by the Constitution of the United States.

Mr. VEST. Mr. President, if the position taken by the Senator from Ohio be correct, it absolutely obliterates from the Constitution the power and the duty of the President of the United States as to legislation which comes to him from either branch of Congress. If it be an argument against the exercise of the veto power that the bill sent to the Chief Executive comes with unanimity from either or both branches of Congress, then as a matter of course it is simply a question of the enumeration of votes as to the action of the President of the United States, and not the exercise of that power and discretion which is vested in him for wise purposes by the Constitution.

The President of the United States is called upon to approve every bill sent to him or to return it to the House in which it originated with his objections, and unless he discharges that duty without regard to the number of votes for or against a measure he is false to his oath of office, and he does not discharge the functions which the Constitution has imposed upon him.

It may be that this bill has received the consideration of both branches of Congress, but if the President, honestly believing that it is unconstitutional, should sign it in deference to the opinions of Congress he would commit an act of perjury as absolutely as if he put upon record a false oath knowing it to be false.

Sir, the Senator from Ohio said, as I understood him, that the further collection of this tax in the Southern States would be attended with hardship and with difficulty. Why, sir, I thought it was established with lawyers, and I think it can be demonstrated beyond any sort of question, that this direct tax can not now be collected from individuals in the Southern States. It was a personal tax. It died with the people from whom it was due at that time. It was abandoned and there never was but one single assessment for one year ever collected or attempted to be collected.

If it be a hardship that some of the States paid it and some did not, and therefore it ought to be refunded, why is it that to-day there are $28,000,000 due from the States to the Federal Government under the deposit of 1836 and no attempt and no suggestion is made to pay back that amount to the Federal Government which belongs to the entire people of the United States? There are to-day States in this Union that received not one dollar of that money. It was distributed amongst States that owe it to-day and who have not paid it back, and I take it for granted that no demand will ever be made upon them.

As to the constitutionality of this measure, I do not propose to go into that thrice-fought field as to the power of Congress in regard to general appropriations, or unlimited appropriations, or into the question of the specific grants to and the implied powers of the Federal Constitution. It has come to this point in our country, that the man who attempts to question anything under a constitutional grant of power is looked upon as an effete and worn-out fossil who lives in ancient history and is unfit for the active life of to-day.

But I want simply to remark that in 1836 when this same question of the distribution of a surplus came up before the Congress of the United States, which had in it the men we are accustomed now to regard as giants in statesmanship and finance, not one of them risked his reputation upon the assertion that Congress had the power under the very same Constitution we have to-day to take money lawfully assessed and properly collected and give it back to the States as a gratuity—not one. They made that distribution under the guise of a loan—a loan which exists to-day, and the money of which loan is now due from the States that received it to the Treasury of the United States.

I honor the President for this veto, and if there be no other Senators to record his vote in favor of it, I take pleasure in saying that I am one.

Mr. STEWART. Mr. President, this is the only veto that has come in during the present Congress for which the President of the United States has assigned any constitutional reason. It is as clear as anything from the debates when the Constitution was formed that the veto power was only to be exercised to veto unconstitutional legislation. The power was for that reason incorporated in the Constitution, and Mr. Hamilton, as we all know, said it would only be used on such occasions, and from the fact that it had not been used from the time of the revolution of 1688 in England, it would be very rarely used in this country.

We have had several hundred vetoes for which there has been no pretense of assigning any constitutional reason, but in this case the President has assigned one. As to what he says of the unconstitutionality of the measure, I very much differ with him and shall take pleasure in voting to pass the bill over his veto.

I rose, however, to call attention to the fact that this is the first time that the President has assigned for any veto of his a reason that was contemplated when the Constitution was formed. Whether that reason be sound or not—I think it is not, and I think he errs in his views of the Constitution—he has placed it upon that ground, which is the only legitimate ground for a veto.

I wish to say further that this country will some day be very sorry that the Executive has become a part of the ordinary legislative department of the country in the sense that he votes on all bills without regard to whether they are constitutional or not. Every person who discussed the veto power in the constitutional convention said vetoes for other than constitutional reasons would not apply. Franklin thought they might and the veto might be traded on as it had been in Pennsylvania, but the others said it would be impossible that an American President should exercise this function except for constitutional reasons.

Now, the President has assigned a constitutional reason; that is, he believes the bill to be unconstitutional. That is a legitimate exercise of the function. As I have said, I differ with him as to the ground of the veto, but if he believed the bill to be unconstitutional there is no doubt, according to the theory of our Government, he should have vetoed it.

Mr. MORGAN. Mr. President, my view of the Constitution of the United States is that the President of the United States finds no limitation in the exercise of his discretion upon the veto power. He has the same discretion in exercising that power that Senators have in voting for or against a bill. That view of the case is necessary in order to prevent hasty and unwise legislation, and I think the President of the United States has a perfect right whenever he considers that a bill has been unwisely passed through the Congress of the United States to return it with his objections in order that it may be reconsidered. He does not defeat or destroy a bill by stating his objections to it. He merely produces the constitutional requirement for a reconsideration, and thereupon each Senator in reconsidering the bill after having heard the President's objections to it does precisely what the President did in vetoing it, acts according to his own conscience and his own enlightened judgment. It is not necessary, in my opinion, that the President of the United States, in order to justify himself in vetoing a bill, should state reasons that affect its constitutionality at all. He has just as broad a discretion in voting against a bill as any Senator upon the floor of the Senate.

I shall vote for this bill, the veto of the President to the contrary notwithstanding, because I differ with him in respect of the constitutional question. The situation in the United States upon this bill is peculiar. God grant that it will never occur again, and I think that in the estimation of all the men who now live it can never possibly occur again. This situation grew out of a civil war where it was impracticable for the Government of the United States to execute its laws within ten or eleven of these States. In some of the States it could partially execute its laws, and in those parts where the Army of the United States had military control the laws of the United States were executed to the extent of the collection of this tax as far as possible.

After that event passed away and we come to consider what was right to be done as between the States, some of whom had paid the tax and others had not, the suggestion was made—and I dare say it is a correct suggestion—that even leaving this law unrepealed upon the statute-book, its subsequent enforcement was absolutely impossible. It was not possible in the enforcement of that law, in the spirit in which it was enacted, or according to the methods provided in the enactment for its own execution and completion, to collect the tax equally out of the different States of the American Union, and in some of the States it was not possible to collect out of the remaining part of the people that portion of the tax which they had not paid.

We have recognized from the foundation of this Government the duty of the Government of the United States to assume the expenses which the States have been compelled to pay towards the maintenance of great public wars. I do not remember an instance in which a debt of this kind or an obligation of this kind has been left unattended to or unextinguished. Old Revolutionary claims have been passed since I have had a seat upon this floor refunding to the States of the South and other States of the American Union expenditures which they made in the Revolutionary war. Why did we assume the debts of the Revolutionary war if it was not competent for the Government of the United States to recognize the high moral obligation couched in such a debt as that as a debt against the Government of the United States to be paid by it?

Precedent after precedent has been spread upon the statute-books for a century or nearly so, under which and in pursuance of which we have left not one single moral obligation resting upon the Government of the United States undischarged in respect to different States who were compelled by force of circumstances or who were enabled by their resources in time of general need to contribute largely to the support of the armies of the United States. We remunerate individuals and we remunerate States and communities for expenditures in Indian wars. The fact is that there is nothing attending a general public war of the United States that the Government of the United States has ever refused to assume as an obligation resting upon it.

It may not be a debt in strictness of law. It may not be such an obligation as if it rested between individuals it could be enforced and collected through the powers of a court; but who can deny that in a Government constituted like ours, and where the power to declare war and to conduct war of a public character is expressly confided to the Federal Government and where that power is equally denied to the States except in self-defense, who can deny when expenditures have been made necessary by the different States in the maintenance of the war that there is a high moral duty resting upon the Government of the United States which we have a perfect right to resolve into the character of an admitted debt and pay it?

We admit debts continually and pay them in behalf of individuals where there is no actual legal obligation. Scarcely a week passes over us here that we are not found recognizing obligations of this kind and putting them into the statute-books with appropriations for their discharge.

Sir, I regard this as a duty resting upon the Government of the United States in the nature of a high moral obligation, accompanied also with the support and sustenance of a high public policy, supported also by another view which strikes me with great force—the necessity of our cleaning off from our records all of the débris of the war in order that we may hereafter progress breast to breast, no man or no State in front of any other State, in the maintenance and support of whatever concerns this great commonwealth of ours.

I, therefore, sir, in my vote recognize this moral obligation, this high political obligation, an obligation resting in public policy and firmly resting there if it had no other foundation. I give my vote, sir, to recognize that as an obligation of debt and duty, and I resolve it into the form of a debt and agree to pay it.

This is no loan like the loan of 1836 out of the surplus money in the Treasury of the United States. There was a surplus fund which we had no need for, it appears, at that time, and we resolved, in order to get rid of it, to loan it out. I believe that that was an unwise act, I believe that it was a dangerous act, because when the Government of the United States creates a debt by its own act between it and a State, it gets too much power over the State if it gets any at all. In that instance it appears not to have gotten any power over the State, because we now by taxing our ingenuity to the uttermost would find ourselves still unable to devise any means by which to secure that loan of 1836 from these different States.

The cases are not parallel. They are not in the slightest degree akin to each other. Here there was a duty resting upon the States of this Union to preserve it and restore it to its integrity if it were possible to do so, and here were States standing out that declared their independence and formed a Confederacy and made public war against the United States, and that war was recognized as being public. It results from the very nature of things that if the States thus in rebellion, as it is said, were so powerful at the time as that this tax could not be collected in those States, it becomes the duty of the Government of the United States in some way or other to balance up the account after peace has been restored to the country so that hereafter there shall be neither heart-burnings nor any other cause of complaint against any of these States.

Under these circumstances, Mr. President, I can not close my eyes to the high moral obligation, to the great equity of the case, and I resolve it, so far as I am concerned by my vote, that this was a debt which we had the right to assume and that it is our duty to pay it.

Mr. RIDDLEBERGER. Mr. President, I believe it was agreed that I should have the precedence in the contest for the floor at 8 o'clock.

Mr. SHERMAN. Let us take the vote on the pending matter.

Mr. RIDDLEBERGER. I have yielded now for hours to requests of that kind. If Senators are ready to vote, then I am ready to vote, but with a distinct understanding that I shall have the floor for the purpose of moving that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I shall not occupy the time of the Senate further than to say that as I voted against the bill on its passage in the form in which it stood (but not at all upon the broad grounds on which the President puts his objection), I am compelled to vote against its passage now. I only make this explanation that my position on the main subject may not be misunderstood.

The PRESIDENT *pro tempore*. The Constitution requiring the vote to be determined by yeas and nays, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who, by illness, is detained from the Chamber, and I withhold my vote.

Mr. DAVIS (when his name was called). The Senator from Arkansas [Mr. BERRY] is unable to be in the Senate owing to illness. The pair which I had with the Senator from Indiana [Mr. TURPIE] has been

transferred to him. I therefore refrain from voting. Otherwise I should vote "yea."

Mr. FRYE (when his name was called). I desire to ask the Senator from Maryland [Mr. GORMAN] whether he understands how his colleague [Mr. WILSON] votes upon this question. I am paired with the Senator from Maryland [Mr. WILSON].

Mr. KENNA. The Senator from Maryland [Mr. WILSON] would vote for the passage of the bill.

Mr. HOAR. He voted for it before. I have the Journal in my hand.

Mr. WILSON, of Maryland, entered the Chamber.

Mr. KENNA. The Senator from Maryland is here now and can answer for himself.

Mr. FRYE. I vote "yea." The Senator from Maryland is present.

Mr. MCPHERSON (when his name was called). I am paired with the junior Senator from Colorado [Mr. BOWEN]. I do not know how he would vote upon this question. If he were present, I should vote "nay."

Mr. HOAR. The Senator from Colorado [Mr. BOWEN] voted "yea" before. I have the Journal before me.

Mr. MCPHERSON. Then I shall let my pair with the Senator from Colorado stand.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. I do not know how he would vote on this question.

Mr. COCKRELL. He would vote "yea."

Mr. MORGAN. Does his colleague, the Senator from New York [Mr. HISCOCK], think I am at liberty to vote?

Mr. HISCOCK. My colleague would vote "yea." I think he voted "yea" on the passage of the bill originally.

Mr. MORGAN. I vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote, and I withhold my vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH], who, if present, would vote "yea." I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I have the authority of the Senator from Nebraska [Mr. PADDOCK] to release me from my pair with his colleague [Mr. MANDERSON], and I ask that my name be recorded. I vote "yea."

Mr. HARRIS. I desire to say that my colleague [Mr. BATE] is detained from the Senate to-night by reason of indisposition. If he were present, he would vote "yea."

The result was announced—yeas 45, nays 9; as follows:

YEAS—45.

Allison,	Faulkner,	Ingalls,	Sabin,
Blackburn,	Frye,	Jones of Nevada,	Sawyer,
Blodgett,	George,	Kenna,	Sherman,
Butler,	Gorman,	Morgan,	Spooner,
Cameron,	Gray,	Morrill,	Stewart,
Chace,	Hale,	Palmer,	Stockbridge,
Chandler,	Hampton,	Payne,	Teller,
Cockrell,	Harris,	Platt,	Walthall,
Cullom,	Hawley,	Plumb,	Wilson of Iowa,
Daniel,	Hearst,	Quay,	
Dawes,	Hiscock,	Ransom,	
Farwell,	Hoar,	Riddleberger,	

NAYS—9.

Blair,	Edmunds,	Pasco,	Saulsbury,
Call,	Jones of Arkansas,	Reagan,	Vest.
Coke,			

ABSENT—22.

Aldrich,	Colquitt,	McPherson,	Turpie,
Bate,	Davis,	Manderson,	Vance,
Beck,	Dolph,	Mitchell,	Voorhees,
Berry,	Eustis,	Paddock,	Wilson of Md.
Bowen,	Evarts,	Pugh,	
Brown,	Gibson,	Stanford,	

The PRESIDENT *pro tempore*. Two-thirds of the Senators present having voted in the affirmative, the bill is passed notwithstanding the objections of the Executive.

SALMON FISHERIES OF ALASKA.

Mr. SHERMAN. I ask that the action of the House of Representatives on Senate bill 3993 be laid before the Senate.

The resolution of the House of Representatives was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

Mr. SHERMAN 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 (S. 3993) to provide for the protection of the salmon fisheries of Alaska, 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 disagreement to the amendment of the House, and agree to the same with an amendment to read as follows:

"SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea, and it shall be the duty of the President, at a timely season in each year, to issue his proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published in each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section, and he shall cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

And the House agree to the same.

JOHN SHERMAN,
JOHN T. MORGAN,
GEORGE F. EDMUNDS,
Managers on the part of the Senate.

POINDEXTER DUNN,
BENTON MCMILLIN,
C. N. FELTON,
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 upon concurring in the same.

The report was concurred in.

NAVAL APPROPRIATION BILL.

Mr. HALE 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. 12329) making appropriations for the naval service 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 2, 3, 4, 5, 6, 11, 12, 13, 18, 19, 21, 22, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 28, and 29, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in the matter proposed to be inserted by said amendment insert "$954,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Insert, after the word "thereon," in line 1 of said amendment, the following: "and inclosing and grading the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

"And according to the plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives dated January 9, 1889."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, 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:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons displacement, to cost in the aggregate exclusive of armament not more than $700,000; and one ram for harbor defense, of the general type, approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7, 1881, of the highest practicable speed."

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: Strike out, in line 4 of said amendment, the following words: "The 2,000-ton cruiser;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Add, at the end of said amendment, the following:

"*Provided*, That no part of this money shall be expended until the owners of the patents for such guns and cartridges shall contract, at such a price as shall be satisfactory to the Secretary of the Navy, for the exclusive right on the part of the Government to manufacture, by contract or otherwise, such guns and cartridges without the payment of any royalty upon the same, the option of the Government to make such contract to be exercised within a period to be fixed by said contract."

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 amendments as follows: In lieu of the sum proposed insert "$4,055,000;" and add at the end of the amended paragraph the following: "Of which sum $55,000 is hereby authorized to be expended by the Secretary of the Navy upon the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius, in addition to the amounts heretofore authorized to be expended on the said vessels;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

EUGENE HALE,
C. B. FARWELL,
A. P. GORMAN,
Managers on the part of the Senate.

H. A. HERBERT,
WM. MCADOO (by HERBERT),
A. C. HARMER,
Managers on the part of the House.

The report was concurred in.

STEAMER I. N. BUNTON.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

Mr. BUTLER. I of course am not going to object to the consideration of that bill, but I give notice that after it is disposed of I shall ask unanimous consent to proceed to the consideration of the unobjected House bills on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania

asks unanimous consent that the unfinished business may be informally laid aside for the consideration of the bill named by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and is hereby, directed to pay to Joseph Walton and Isaac N. Bunton, partners doing business under the firm name and style of Joseph Walton & Co., of Pittsburgh, in the State of Pennsylvania, the sum of $32,185, for the loss sustained by them by the collision of the steamer I. N. Bunton, belonging to them, with the pier of Davis Island Dam, in the early morning of the 2d day of January, 1884, by reason of the negligence of the officers, employés, and agents of the United States in failing to place proper lights on said pier, as fully found and set forth by the Court of Claims in their findings of fact dated February 8, 1885.

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

Mr. EDMUNDS. I should like to hear the report read.

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

The Secretary read the report submitted by Mr. HOAR February 28, 1889, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims, have considered the same and respectfully report:

It appears that in the year 1883-'84 the United States was constructing a dam and locks at Davis Island, on the Ohio River, about 5 miles below Pittsburgh. The works included a lock 700 feet in length, near the north bank of the river, and a dam beginning 559 feet south of the lock-wall and extending about 828 feet south to Davis Island. At the north end of the dam was a pier, which was a part of said works, rising some 3 feet above the water.

The channel passed between the pier and the lock-wall. There are three other piers between the land and Davis Island. Orders were given by the officer in charge of the work to place a light on the north pier, as well as lights on the east end of the lock-wall. This arrangement was necessary for the safety of navigation. The workman whose duty it had been to place a light on the said pier was discharged on the 31st of December, 1883. No light was placed on said pier during the two succeeding nights. This light was necessary for the safety of navigation, and the failure to place it properly was gross negligence.

On the evening of January 1, 1884, the steamer I. N. Bunton, having on board a full and sufficient complement of officers, a sufficient crew and a duly licensed and competent pilot, started down the river from Pittsburgh. The night was dark. She had in tow three coal barges. The steamer and the barges were the property of the claimants. Solely by reason of the failure to place said light at the north pier of the dam and without any fault or negligence on the part of the claimants, their officers, or employés, the boat struck the piling just above the pier, swung to the left, collided with the pier next south, crushing a hole and causing a total wreck of the steamer, which caught fire and burned to the water's edge and sunk, causing the loss of two of the coal barges with their cargoes and sinking the third, which was subsequently raised and the cargo saved. Four lives were lost. There was no insurance of the property.

We annex the findings of the Court of Claims from which these facts appear.

The committee think that the Government of the United States is not liable for loss or damage occasioned to private citizens by reason of any imperfection in the performance of the ordinary functions of Government, or by reason of the acts, omissions, or negligence of its officers or agents in the discharge of such functions. This principle we suppose to be applicable not only to the General Government but to the governments of the States and to municipal and other similar corporations to whom certain public functions are assigned, even though such corporations may be made parties, defendant or plaintiff, to suits in law or equity. In some cases such corporations are stimulated to due care in the exercise of public duties imposed upon them by rendering them liable for damage occasioned by their negligence. But this liability is created only by express statute. Such has been the well-settled rule in regard to actions against towns and cities for defects in highways or injuries suffered by individuals for want of repair of public buildings erected or maintained by the municipality for municipal purposes only.

We are not in favor of extending the liability of the United States to such cases. But we are of opinion that there are two classes of cases where sound public policy requires the United States and all other sovereign governments to hold themselves responsible for injuries occasioned by the negligence of their agents. One is where the Government, through its agents, manages or controls property from which it receives a benefit or profit, in the same way as private owners receive such benefit or profit, as by receiving rents or other advantage for what might be termed its private emolument, although the profits so received are ultimately thereafter disposed of for public purposes. This obligation is recognized by the courts in many of the States, and by the House of Lords in England. Many of the leading cases on this subject are collected in Oliver *vs.* Worcester, decided by the supreme court of Massachusetts in 1869 and reported in 102 Mass., 489.

Another class of cases where this responsibility is recognized is where the Government is using or managing property through its agents under circumstances where these agents mingle on terms of equality with the general mass of citizens and where the security of the citizens requires that the same obligation shall rest upon them and that it shall be enforced by similar responsibility as in the case of private persons. Congress has always recognized the obligation of the Government for injuries occasioned by the fault of the officers of its naval and other vessels in maritime collisions. We have no doubt that an injury occasioned to a private person by the carelessness of the driver of a mail-wagon or other vehicle passing through the streets and engaged in business of the Government ought in like manner to be the subject of responsibility. We think that a similar rule ought to be applied to the case of the private citizen who is injured by the negligence of the agents of the Government in the erection or construction of works built under Government authority upon or adjacent to public highways, whether these highways be navigable streams or the ordinary ways on land.

If, in the construction of a post-office or a custom-house, a deep cellar be excavated up to the line of the highway, without being protected by sufficient railing or other guard, and a person traveling on the highway in the night time, and himself using due care, fall in and be injured, solely by reason of the negligence of the agents of the Government, or if, as in the present case, in the progress of a public work a dangerous obstruction is placed in a navigable river and the agent of the Government entirely omits to give warning against said danger by proper lights or otherwise, we can see no reason why the Government should not hold itself responsible to the citizen, as it would in the case of a collision with one of its vessels moving at sea, or a collision with one of its wagons passing through a highway on land.

We therefore report the bill favorably. But we are of opinion that as the facts have all been found by the Court of Claims on a hearing at which the Government was a party and present, it is unnecessary to send the case there again. We therefore report an amendment providing directly for the payment of the loss, and recommend that so amended the bill pass.

[Court of Claims. Congressional Case No. 68. Joseph Walton and Isaac N. Bunton *vs.* The United States.]

FINDINGS OF FACT.

This case, referred to the court by the Committee on Claims of the House of Representatives March 14, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court, upon the evidence, finds the facts to be as follows:

I.

In the year 1884 and previously the United States were constructing a dam and locks at Davis Island, on the Ohio River, about 5 miles below Pittsburgh, Pa. The lock was 700 feet in length, near the north bank of the river. The dam commenced 559 feet south of the lock-wall, and extended about 828 feet south to Davis Island. There was a pier at the north end of the dam, rising some 3 feet above the water. Between that pier and the lock-wall was the channel. There were three other piers in the dam between the first pier and Davis Island.

II.

The orders of the Government officers in charge of the work were that a light should be placed every night on the north pier, as well as lights at the east end of the lock-wall. This was done uniformly up to January 1, 1884, when, on the night of that day, the light on the pier was omitted by oversight or neglect of some officer or employé of the defendants.

The workman whose duty it had been to place the light there had been discharged on the 31st of December, 1883, and that duty was neglected for the next two nights without any sufficient cause.

Such lights were necessary for the safety of navigation on the river at that point.

III.

On the evening of January 1, 1884, the steamer I. N. Bunton, belonging to the claimants, having on board a full complement of officers, a double crew, and a duly-licensed experienced pilot, about 10 o'clock started down the river from near Pittsburgh. The night was dark and somewhat foggy. The water was high and there was considerable flow of ice. She had in tow three coal barges loaded with coal, all of which belonged to the claimants.

IV.

Soon after midnight, approaching the works at Davis Island, a sharp lookout was kept for lights which were supposed to be there as they had been before. When within about 200 feet of the east end of the lock-wall, as was supposed, the lights on that wall were first seen. But owing to the darkness and fogginess of the night it was not possible for the officers of the boat to determine the real distance of the wall.

They kept the boat to the south to avoid the lock-wall, and not seeing nor knowing where the north pier was situated, by reason of there being no light upon it, the boat struck the piling just above that pier, swung to the left, and collided with the pier next south, crushing a hole in her hull and causing a total wreck of the steamer, which caught fire and burned to the water and sunk. Two of the coal-boats, with their cargoes, were lost, and the third coal-boat drifted down the river and sunk, but was subsequently raised and saved.

Four lives were lost—the chief engineer, cook, and two deck-hands. The property was insured.

V.

The loss was not caused by any fault, negligence, or want of skill on the part of the claimants, their officers, or employés, but was attributable to the gross negligence of the officers or employés of the defendants in omitting to place a light on the north pier of the dam at Davis Island.

VI.

The following are the losses to the claimant:

Value of the steamer I. N. Bunton	$26,000
Value of 50,000 bushels of coal, at 9 cents, and two coal-boats lost	4,500
Expenses of raising the third coal-boat	1,110
Detension of steamer Coal City, belonging to the claimants	300
Lighting and clothes for men who lost their clothes by the accident	200
Funeral expenses of the men lost	75

Ordered by the court that a copy of the foregoing findings of fact, duly certified, be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

FEBRUARY 8, 1885.

COURT OF CLAIMS, WASHINGTON, D. C.

I certify that the foregoing is a true copy of the findings of fact filed by the court in said cause.

Test, this 11th day of December, A. D. 1885.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. EDMUNDS. I have read those findings of fact before. I am not quite so clear as the committee is that this is a claim which falls within the principle the committee lays down, but there is no time to go into any extended consideration of it, and I shall not take up any time in doing so. I only let it go now under a *caveat* that I do not wish myself to be considered as agreeing entirely to the application of the principle the committee has stated, although the statement I think is extremely plausible and very likely may turn out to be correct.

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

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph Walton & Co."

Mr. QUAY. I move that the Senate insist on its amendments and request a conference with the House of Representatives on the bill and amendments.

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

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle—to the Committee on the Judiciary.

The bill (H. R. 11660) for the relief of Martha E. Flesschert—to the Committee on Military Affairs.

The bill (H. R. 3737) for the relief of the holders of District of Columbia special-assessment lien certificates, and for other purposes—to the Committee on the District of Columbia.

The bill (H. R. 8028) to authorize the States of Illinois, Indiana, and Ohio to prosecute suits against the United States in the Supreme Court of the United States—to the Committee on the Judiciary.

LIQUOR TRAFFIC.

Mr. BLAIR. I ask the unanimous consent of the Senate that the joint resolution (S. R. 12) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors be now considered.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HARRIS. I object.

Mr. BLAIR. Before the question is put as to their being objection, I ask unanimous consent to say that this proposition has been pending in Congress for fourteen years. It has been twice favorably reported by committees of the Senate in different Congresses. I do not now ask the Senate to proceed to consider the joint resolution by debating it, but I should like the report to be read, which is brief, and that there be a vote. I desire a record upon the subject, and I think it is none too much to ask that this great subject may have at least ten minutes' consideration out of fourteen years' time. I hope no Senator will object.

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

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. The Senate resumes consideration of the unfinished business.

Mr. BUTLER. Pending that——

Mr. BLAIR. I ask leave—I have the right perhaps—to move to proceed to the consideration of the joint resolution.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of joint resolution (S. R. 12) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

The question being put, there were, on a division—ayes 8, noes 28.

The PRESIDENT *pro tempore*. No quorum has voted. The Secretary will call the roll of the Senate.

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

Blackburn,	Dawes,	Ingalls,	Reagan,
Blair,	Dolph,	Jones of Arkansas,	Riddleberger,
Blodgett,	Edmunds,	Jones of Nevada,	Sabin,
Bowen,	Farwell,	McPherson,	Saulsbury,
Brown,	Faulkner,	Mitchell,	Sherman,
Butler,	Frye,	Morgan,	Stewart,
Call,	George,	Morrill,	Teller,
Cameron,	Gorman,	Paddock,	Turpie,
Chace,	Gray,	Palmer,	Vance,
Chandler,	Hampton,	Pasco,	Vest,
Coke,	Harris,	Payne,	Walthall,
Cullom,	Hawley,	Platt,	Wilson of Iowa,
Daniel,	Hearst,	Quay,	Wilson of Md.
Davis,	Hiscock,	Ransom,	

The PRESIDENT *pro tempore*. Fifty-five Senators have answered to their names.

Mr. BLAIR. I ask for the yeas and nays on the pending proposition.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the yeas and nays may be entered on the Journal upon the motion to proceed to the consideration of the joint resolution.

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

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

Mr. DAVIS (when his name was called). I am paired for this evening with the Senator from Arkansas [Mr. BERRY].

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent on the business of the Senate and is paired with the Senator from Kentucky [Mr. BECK].

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is paired with the junior Senator from Tennessee [Mr. BATE].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote, and I withhold my vote.

Mr. SPOONER (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES], who is absent from the Chamber because of illness.

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

Mr. TURPIE (when the name of Mr. VOORHEES was called). My colleague [Mr. VOORHEES] is paired with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were here, he would vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. EDMUNDS (after having voted in the affirmative). I am reminded, correctly, that I am paired with the Senator from Alabama [Mr. PUGH], who is absent. I must therefore withdraw my vote. If he were present, I should vote "yea."

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

Mr. CHACE (after having voted in the affirmative). I wish to withdraw my vote. I am paired with the Senator from Georgia [Mr. COLQUITT].

The PRESIDENT *pro tempore*. The Senator from Rhode Island withdraws his vote.

Mr. HARRIS. I wish to announce that my colleague [Mr. BATE] is detained at home by sickness. If he were present, he would vote "nay." He is paired with the Senator from Massachusetts [Mr. HOAR]. I make the announcement for the day. I shall not make it again.

The result was announced—yeas 13, nays 33; as follows:

YEAS—13.

Blair,	Frye,	Palmer,	Stockbridge.
Bowen,	Hawley,	Platt,	
Dawes,	Jones of Nevada,	Quay,	
Dolph,	Mitchell,	Sawyer,	

NAYS—33.

Blodgett,	Faulkner,	Kenna,	Sabin,
Brown,	George,	McPherson,	Saulsbury,
Butler,	Gorman,	Morgan,	Stewart,
Call,	Gray,	Morrill,	Turpie,
Cameron,	Hampton,	Pasco,	Vest,
Coke,	Harris,	Payne,	Walthall.
Cullom,	Hiscock,	Ransom,	
Daniel,	Ingalls,	Reagan,	
Evarts,	Jones of Arkansas,	Riddleberger,	

ABSENT—30.

Aldrich,	Cockrell,	Hearst,	Stanford,
Allison,	Colquitt,	Hoar,	Teller,
Bate,	Davis,	Manderson,	Vance,
Beck,	Edmunds,	Paddock,	Voorhees,
Berry,	Eustis,	Plumb,	Wilson of Iowa,
Blackburn,	Farwell,	Pugh,	Wilson of Md.
Chace,	Gibson,	Sherman,	
Chandler,	Hale,	Spooner,	

So the motion was not agreed to.

Mr. BLAIR. I ask unanimous consent in connection with the vote just taken that there may be printed in the RECORD the report of the Committee on Education and Labor on the subject, which consists of three sheets, as a part of my remarks.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The report referred to is as follows:

Mr. BLAIR, from the Committee on Education and Labor, submitted the following report, to accompany S. R. 12:

By direction of the Committee on Education and Labor Mr. BLAIR submits the following report on Senate resolution No. 12, entitled "Joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors," recommending its submission to the States to become valid as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States as provided in the Constitution.

The joint resolution is in the following words:

"[Fiftieth Congress, first session. S. R. 12.]

"Joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States as provided in the Constitution.

"ARTICLE —.

"SECTION 1. The manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage shall be, and hereby is, forever prohibited in the United States and in every place subject to their jurisdiction.

"SEC. 2. Congress shall enforce this article by all needful legislation."

In submitting this favorable report upon the aforesaid joint resolution it is proper to say that there are members of the committee who concur in the report recommending the submission of the proposed amendment to the States who do not, by such action, indicate their approval of the adoption of the amendment as a part of the Constitution, nor that they would themselves advocate its ratification by the Legislatures of the States; but in deference to the immense mass of petitions for this amendment of the organic law, coming from the people in all parts of the country, and believing that an opportunity should be given to them to be heard upon the merits of their cause in the forum of the States, where alone it can be heard and decided, the majority of the committee would deem a refusal to submit the proposed amendment to the States for consideration analogous to the denial of the right of a party to be heard in court upon a question of private right.

The method provided in the Constitution for its own peaceful amendment

would be destroyed by failure to submit the proposition for amendment in cases of grave moment involving the approval and prayers of multitudes of the people, for where the remedy sought is admitted to be without the jurisdiction of the fundamental law, the petition is really addressed to the only tribunal which can enlarge that jurisdiction, that is to say, to the States themselves. Should, then, Congress in such case refuse to submit the proposal to the States, such refusal would constitute a substantial denial of the right of petition itself.

The changes in the national Constitution made indispensable by the development of the nation can only be peacefully accomplished by a judicious and liberal exercise of the power of Congress to propose amendments to the States upon the petition of those who desire to be heard in the great court of the people exercising their sovereignty through the States as in the formation of the Constitution.

It is well known that, but for the belief in the conventions of the States that the opportunity to amend the Constitution would be most liberally afforded by Congress in accordance with the forms provided in that instrument, the original ratification never would have been obtained. Some of the States ratified only because it was firmly believed that, whatever might be the opinions of Congress upon the modifications desired by those who considered the instrument proposed for ratification as fatally defective without them, the suggested amendments would be submitted to the subsequent action of the States almost as a matter of course.

While the committee would by no means justify the submission of trifling or uncalled-for propositions for the consideration of the States, yet they firmly believe that the perpetuity and peace of the country under the forms of constitutional government demand that there be no captious or arbitrary denial of the right of petition for the amendment of the fundamental law through the forms of Congressional submission to the tribunal of the people in the States.

The agitation for national legislation for the extirpation of the traffic in alcoholic poison made and sold to be used as a beverage will never cease to disturb and finally destroy great political parties until they submit the question of the enlargement of national constitutional jurisdiction so as to include control of the subject.

When this proposed amendment is submitted to the action of the States the subject will pass in its important features from the national arena to that of the several States, until the fate of the proposed amendment is decided. When decided, if adversely to the ratification, the subject will be eliminated from national politics, at least for many years.

If, on the other hand, the proposed amendment should be ratified and become a part of the national law, the chief curse of the world would be summoned to the block of national justice and die by the hand of the only power which can wield an ax big and sharp enough to cut off its hydra head.

Then we should have peace.

But the agitation for the destruction of the liquor traffic can not cease until the evils which it inflicts upon mankind are removed or the human race is destroyed.

It is useless to cry peace, peace, when there is no peace. It is time to face the subject. Evasion has become almost impossible, and the effort requires an activity which is too exhaustive for its long continuance.

Judging from the petitions which have been presented to Congress during the last few years, many of which are representative of great bodies and of communities whose individual signatures have not been obtained, it can hardly be doubted that at least ten millions of the American people are desirous of national legislation for the destruction of poisonous, that is to say, of alcoholic, drinks.

These people represent a power of thought and a moral force far greater than their mere numbers. Whoever expects to withstand the shock of their charge will yet regret that its irresistible power was not seasonably realized.

These petitions for the opportunity to amend the national Constitution must be heard and will be heard. Those who will oppose them in the States will yet demand that they shall be heard in the States upon the proposition of a prohibitory amendment of the national Constitution.

To deny this is to subvert the republican form of government, and the honorable opponents of the measure will not always refuse to its friends that hearing in court which is the sacred right of every American, and especially in a matter of so great national concern.

It is claimed by the advocates of this amendment that the liquor traffic is a unit of evil which submerges the whole nation, and that there can be no complete and certainly no permanent elevation of any part above this "sea of trouble," which is not the result of a lifting force exerted continuously by the nation in its organic capacity everywhere throughout the whole country, co-operating with and supplementing, and, when necessary to accomplish the end, overruling and subordinating the action of the States.

At the present time the police power in the States is fettered and thwarted in its efforts to suppress this evil within the limits of the States, respectively, by the national guaranties of protection to transportation and the rights of manufacture and sale existing in all the States and localities which decline to impose the necessary restriction.

This evil runs with the blood throughout the whole system of national life, and nothing but national constitutional treatment will cure it.

It is not a local disease. To be sure there are local ulcerations, but they extend all over the body. It has become a confluent eruption which must be medicined from within as well as from without. It can not be cured by the external application of patches of plaster upon the States, whose combined surfaces, with that of the Territories, cover that of the entire national body.

The police power in government, the power of the people to preserve order, health, and good morals, is said to be vested in the States. The liquor traffic is believed by the advocates of this resolution for the amendment of the Constitution to be directly destructive of society and consequently of all the ends for which the police power exists. From the very nature of the liquor evil, and the fact that we are a nation and but one nation, this omnipresent national evil can not be controlled by the feeble efforts of States. From their juxtaposition they could hardly protect themselves against each other, even if they were absolutely independent nations. But now the nation controls both interstate and foreign commerce, protects the manufacture, wherever local law permits it, and the distribution and sale to such extent everywhere that without national action the evil must be perpetual so far as its removal depends upon law.

National constitutional legislation, therefore, becomes necessary to preserve the police power itself, which, under existing national laws and the relations between the States themselves, as well as between the General Government and the States, is nullified, and the health, morals, and good order of society destroyed.

Such are a few of the arguments by which the advocates of this measure press its consideration upon us.

The proposal to amend the Constitution in this regard has been pending in Congress since the first session of the Forty-fourth Congress.

The form of the proposition as now submitted has been modified so as to harmonize the conflicting views of its own friends and to secure, so far as the committee is aware, the universal support of all who desire the national prohibition of the traffic in alcoholic poisons made to be used as beverages.

The report of the committee of the last Congress in favor of a like amendment is herewith submitted as a part of this, together with the able and exhaustive address before the committee by A. M. Powell, esq., who represented the National Temperance Society, and the lucid and comprehensive argument of Mrs. Ada M. Bittenbender, the accomplished attorney of the Woman's National Christian Temperance Union, both of which are incorporated as a part of this report and will render further discussion by the committee unnecessary.

This form of amendment was proposed and advocated by the chairman of the committee in the House of Representatives of the Forty-fourth Congress, and in every Congress since until the present, the Fiftieth, Congress. The form in which the amendment was introduced at this session by the chairman of the committee, and in which it is now reported without alteration, has been agreed upon by the leading temperance organizations of the country, by all of whom it is indorsed and supported.

[Senate Report No. 1563. Forty-ninth Congress, first session.]

Submitted by Senator BLAIR:

The Committee on Education and Labor, to whom was referred joint resolution of the Senate No. 6, "proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages," have considered the same, and by a majority of their number report the joint resolution back favorably, and recommend its passage, and that the proposed amendment be submitted to the Legislatures of the States for their action, with a view to the ratification thereof, as provided in the Constitution.

The committee does not deem it necessary to discuss the evils wrought by the use of alcohol, in its various forms and degrees of purity and of adulteration, as a beverage, upon the life, health, industry, property, morals, character, and destiny of the American people and of the world.

Whatever remedy, whether by the enactment and enforcement of laws, by the forces of education, and motives addressed to the moral nature and will of the individual, or by a combination of all restrictive agencies, the whole people, with very few exceptions, admit the existence of the curse itself, and cry out, "Who and what shall deliver us from this body of death?" Your committee believe the public sentiment is ripe for the consideration and adoption of the best means, and of all the means, and the exertion of all the forces, both in the nation and the States, to effect the extirpation of the alcoholic evil.

Thus far the people have struggled to accomplish this end with no help from national law. On the contrary, the recognition and protection given to alcoholic drink as property, as a legitimate article of manufacture everywhere and for all uses, and of commerce, both interstate and international, by the Constitution and laws of the United States, have always constituted one of the chief obstacles to the success of that great movement known as the temperance reform, and until there be a change in the fundamental law of the nation giving complete jurisdiction over the subject to assist, and, if necessary, to reverse the action of the States by the power of the whole body politic throughout the whole national domain, the efforts of the people through State and local agencies will always be greatly hindered and generally in the end will fail.

But, however that may be, the question considered by the committee is not one primarily touching the merits of the proposed amendment itself, but whether there is a sufficient public sentiment in favor of the submission of the amendment to the action of the people to require the passage of the joint resolution.

The majority of the committee believe that the minds of the most careful and conservative students of the liquor problem are rapidly coming to the conclusion that this evil must and only can be removed by national legislation enforced by the national will in co-operation with the efforts of the State.

In nearly every voting precinct of this country there are American citizens who desire the proposed amendment to the national Constitution. They are determined upon political action. They will have it through existing political organizations, or they will destroy one or both the great parties of to-day and form one which will consent to take the sense of the people upon the question of amending the Constitution so as to give national jurisdiction over the traffic in strong drink. Why should they be denied the opportunity to be heard in the only forum which can pass upon the question? When any considerable and respectable portion of the American people desire to plead their cause in the great tribunal of sovereigns who, in a free country, decide every fundamental issue in the last resort, it is the duty of Congress to enact such preliminary legislation as is here proposed, so that under the forms of the Constitution they can be heard on the question of its own amendment. To deny this is of the very essence of despotism, and for Congress unreasonably to refuse the hearing is just cause of revolution. The people will demand a hearing for every large and respectable minority, and to grant this opportunity is the purpose of this resolution. Whatever may be the result all must abide by it. But there can be no justification of a denial of the right to be heard.

Until that right is granted there will be, there can be, no peace to political parties in this country. If there could be, it would prove that the nature of our Government was already changed, and that under the forms of a progressive free republic we are become a hide-bound despotism, having a name to live, but really already dead.

Your committee are unable at this late period of the session properly to present the great cause the promotion of which is the purpose of this resolution. Fortunately it is not necessary. We appeal to the universal sentiment which is the very basis of our political institutions, the right of every voting citizen to be heard at the polls upon every great question which concerns the public weal. Than this there can be none more important, and we earnestly hope the resolution may be adopted in the furtherance of the exercise of the primal rights of American sovereignty, which is that of each citizen to be heard by all, and of any considerable portion of the people to demand a verdict of the whole upon great issues which concern the general weal.

The following is the joint resolution as reported by the committee of the Forty-ninth Congress:

[Forty-ninth Congress, first session. S. R. 6.]

Joint resolution proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States, as provided in the Constitution:

"ARTICLE —. SECTION 1. From and after the year of our Lord 1900 the manufacture and sale of distilled alcoholic intoxicating liquors, or alcoholic liquors any part of which is obtained by distillation or process equivalent thereto, or any intoxicating liquors mixed or adulterated with ardent spirits or with any poison whatever, except for medicinal, mechanical, chemical, and scientific purposes, and for use in the arts, anywhere within the United States and the Territories thereof, shall cease; and the importation of such liquors from foreign states and countries to the United States and Territories, and the exportation of such liquors from and the transportation thereof within and through any part of this country, except for the use and purposes aforesaid, shall be, and hereby are, forever thereafter prohibited.

"SEC. 2. Nothing in this article shall be construed to waive or abridge any existing power of Congress, nor the right, which is hereby recognized, of the people of any State or Territory to enact laws to prevent the increase and for the suppression or regulation of the manufacture, sale, and use of liquors, and the ingredients thereof, any part of which is alcoholic, intoxicating, or poisonous, within its own limits, and for the exclusion of such liquors and ingredients therefrom at any time, as well before as after the close of the year of our Lord 1900; but until then, and until ten years after the ratification hereof as provided in the next section, no State or Territory shall interfere with the transportation

of said liquor or ingredients, in packages safely secured, over the usual lines of traffic, to other States and Territories wherein the manufacture, sale, and use thereof for other purposes and use than those excepted in the first section shall be lawful: *Provided*, That the true destination of such packages be plainly marked thereon.

"SEC. 3. Should this article not be ratified by three-fourths of the States on or before the last day of December, 1890, then the first section hereof shall take effect and be in force at the expiration of ten years from such ratification; and the assent of any State to this article shall not be rescinded nor reversed.

"SEC. 4. Congress shall enforce this article by all needful legislation."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding; 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 (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia;

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

A bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;

A bill (S. 2886) granting increase of pension to Joseph B. Sellers;

A bill (S. 3818) for the establishment of a light-house and fog signal at Old Orchard Shoal in Princess Bay, New York, and for other purposes; and

A bill (S. 3951) to establish a railway bridge across the Illinois River, between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, was read twice by its title, and referred to the Committee on Military Affairs.

FOURTH OF JULY CLAIMS.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. RIDDLEBERGER. I should like to ask the Senator from Wisconsin whether he is one of the general objectors at this late day of the session who will not allow nominations to come up.

Mr. SPOONER. Mr. President, I am not a general objector.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. RIDDLEBERGER. I object, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

The first amendment was, in line 4, after the word "pay," to strike out the words, "upon the requisition of the Secretary of War," and insert "in such manner as he shall direct, and without the requisition of the Secretary of War;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, in such manner as he shall direct, and without the requisition of the Secretary of War, etc.

Mr. SPOONER. I ask that the amendment reported by the committee be not agreed to.

The amendment was rejected.

Mr. RIDDLEBERGER. Pending the consideration of this bill I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. I appeal to the Senator from Virginia to withhold that motion for a few moments. This is the last of the 4th of July bills. The items are small appropriations for Union men in the South, and the accounting officers of the Treasury and the Quartermaster-General report that they are entitled to these claims. It will only take a few moments to pass the bill.

Mr. RIDDLEBERGER. I am willing to respect that motive, but I care very little about the Union men in the South just now.

The PRESIDENT *pro tempore*. Does the Senator from Virginia withdraw his motion?

Mr. RIDDLEBERGER. I withdraw it only to await the action of the Senate on this matter in order to take care of the poor Union men of the South.

The PRESIDENT *pro tempore*. The next amendment reported from the Committee on Claims will be stated.

The next amendment was, after line 297, to insert:

To T. M. Lambert, administrator of Caroline Pool, deceased, Union County, Kentucky, $150.

To A. R. Scott, Shelby County, Kentucky, $460.

To Jacob Tener and Dynes Tener, executors of Jonathan Tener, deceased, Adams County, Ohio, $30.

Mr. SPOONER. I ask that these three items reported by the committee be disagreed to.

The amendment was rejected.

Mr. SPOONER. I ought to say that my request was not based upon any objection to the amendments, but simply for the purpose of not endangering the passage of the bill by requiring its return to the other House for action upon the amendments.

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

STATUES OF CASS, MUHLENBERG, AND FULTON.

Mr. HAWLEY. I ask the Senate to consider a joint resolution for printing the proceedings relating to the reception of the statue of the late General Cass, a House resolution that needs only our concurrence, and it ought to be given.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan, and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania.

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

Mr. McPHERSON. I desire to ask the Senator from Connecticut if this is a House joint resolution?

Mr. HAWLEY. It is a House joint resolution, and only needs our concurrence.

Mr. McPHERSON. No amendments have been made in the Senate to it?

Mr. HAWLEY. No amendments have been made in the Senate.

The PRESIDENT *pro tempore*. Shall the joint resolution pass?

The joint resolution was passed.

LIEUTENANT-COLONEL EYRE.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release Lieut. Col. Edward E. Eyre, late lieutenant-colonel of the First California Cavalry, from all further liability on account of his receipts and disbursements of funds as acting quartermaster.

Mr. EDMUNDS. Let us hear the report.

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

The Chief Clerk read the following report submitted by Mr. STEWART February 16, 1889:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre, submit the following report:

Your committee find the facts in the case set forth fully in the accompanying report of the House Committee on Military Affairs, which is adopted as part of this report, as follows:

"[House Report No. 1792, first session Fiftieth Congress.]

"The Committee on Military Affairs, to whom was referred the bill (H. R. 3106) for the relief of E. E. Eyre, formerly lieutenant-colonel of the First Regiment of California Cavalry, have had the same under careful consideration, and submit the following report:

"From an examination of the records of the War Department and from other reliable information we find the facts to be:

"That Lieutenant-Colonel Eyre, while performing duty with his regiment at Las Cruces, N. Mex., on August 14, 1862, was ordered by his commanding officer, General James H. Carleton, to relieve Capt. T. Moore, assistant quartermaster, United States Army, from duty, and to assume and perform the duties of said office, which, though under protest, he immediately did (with the understanding that on his arrival at Santa Fé, N. Mex., he should be relieved from duty as quartermaster), and received from said Capt. T. Moore, August 14, 1862, the sum of $16,705, and on August 16, 1862, the sum of $721.37, making a total of receipts of $17,426.37.

"That on the march of General Carleton's command, consisting of the greater portions of the First and Second California Cavalry, from Las Cruces, N. Mex., to and into Texas, thence returning to Santa Fé, N. Mex., consuming forty-seven days' time, from August 14, 1862, to September 30, 1862, he had disbursed and expended in payment of employés and in purchase of forage and quartermasters' stores the sum of $3,668.91.

"That on September 1, 1862, he turned over to Lieut. A. H. French, of the First California Volunteers, the sum of $200; on the 5th of September, 1862, to Col. J. R. West, of the First California Volunteers, the sum of $3,000; and in Santa Fé, on the 30th of September, 1862, to Lieut. B. C. Cutler, of the First California Volunteers, assistant quartermaster, the further sum of $10,557.48, together with his accounts and vouchers for the disbursement of the sum of $3,668.91, to the said quartermaster's clerk, one J. S. Barbey, which amount, together with his return of moneys, equaled the amount he had received while acting as quartermaster, or $17,426.37, and was then and there relieved from duty as quartermaster and resumed his duty as lieutenant-colonel First California Cavalry; that from that day, the 30th of September, 1862, until December, 1875, thirteen years afterwards, when he was notified by the Department, he was unaware that his accounts and vouchers had not been forwarded to the Department, and hence his account as

quartermaster stood debited with the exact sum of his expenditures, to wit, $3,668.91.

"That had he been notified within any reasonable time he could have availed of the law of June 23, 1870, made and provided for the settlement of such cases as his (whose existence was limited to two years), and have settled the said balance now standing to his debit.

"We find that the character of Colonel Eyre for truth and veracity is not nor never has been questioned; that he has been and is a man of means and high social standing, well known and universally respected; and believing that the deficiency, as represented in his accounts, was expended for the uses and benefits of the United States, we therefore recommend the passage of the bill as an act of justice."

Your committee report back the bill favorably and recommend its passage.

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

PETITIONS AND MEMORIALS.

Mr. BLAIR. I ask unanimous consent to present certain petitions of citizens of Michigan, in favor of the joint resolution proposing an amendment to the Constitution prohibiting the liquor traffic in all forms, which has been reported favorably. I move that the petitions lie on the table.

The motion was agreed to.

Mr. DAWES presented two memorials of citizens of Massachusetts, remonstrating against the passage of any law as to Sunday observance or for religious instruction in public schools; which were referred to the Committee on Education and Labor.

Mr. BLAIR presented a petition of 25 citizens of New Hampshire, and two petitions of citizens of the United States, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. RANSOM. I move that the Senate proceed to the consideration of the bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.

Mr. BUTLER. I am not going to object to the consideration of that bill, but I give notice that after it is disposed of I shall object to taking up any other bill unless we go to the Calendar of unobjected House bills.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from North Carolina to proceed to the consideration of the bill he has indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with an amendment in line 13, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and in line 23, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $75,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys.

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.

ORDER OF BUSINESS.

Mr. SAWYER. From the Committee on Pensions I report favorably the bill (H. R. 6411) granting a pension to Sarah Jackson. I ask unanimous consent that the bill be put on its passage. It will take but a moment.

Mr. BUTLER. I gave notice awhile ago that after the bill moved by the Senator from Wisconsin [Mr. SPOONER] had been disposed of I should ask unanimous consent to proceed to the consideration of the unobjected House bills on the Calendar, and I now make that request.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the Senate now proceed, under Rule VIII, to the consideration of House bills on the Calendar favorably reported to which there is no objection. Is there objection to the request?

Mr. RIDDLEBERGER. I object, sir.

The PRESIDENT *pro tempore*. The unfinished business will be stated.

The CHIEF CLERK. A resolution, by Mr. HOAR, authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

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

Mr. SAWYER. I ask that the unfinished business be laid aside in order to pass the pension bill which I have just reported. It is a House bill, and the person is in great distress for it.

Mr. BUTLER. I have made a request for the consideration of House bills.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the Senate proceed to the consideration of House bills, favorably reported, on the Calendar, under Rule VIII, to which there is no objection. Is there objection to the request?

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. The Senator from Vermont objects. Is the Senate ready for the question on agreeing to the resolution of the Senator from Massachusetts [Mr. HOAR]?

Mr. GORMAN. I move to postpone the consideration of the resolution until to-morrow for the purpose of moving that the Senate proceed to the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the consideration of the resolution be postponed until to-morrow.

Mr. SPOONER. The Senator who introduced the resolution is not here. I dislike to see it displaced.

Mr. FRYE. It is a motion to indefinitely postpone it.

Mr. SPOONER. I ask that the resolution be informally laid aside. I hope the Senator will agree to that.

Mr. HARRIS. To postpone it until to-morrow does not displace it.

Mr. SPOONER. That is an indefinite postponement.

Mr. HARRIS. It may work out that result, but it does not displace it.

Mr. SPOONER. I ask that the resolution be informally laid aside.

The PRESIDENT *pro tempore*. The Chair recognizes the Senator from South Carolina [Mr. BUTLER] to make a request that the Senate proceed to the consideration of House bills on the Calendar favorably reported.

Mr. EDMUNDS. That has been objected to already.

Mr. RIDDLEBERGER. I ask the Senator from South Carolina whether this proposition of his contemplates more than the consideration of one bill?

Mr. BUTLER. I could not hear the Senator. I beg him to repeat his question.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont to object to the request of the Senator from South Carolina.

Mr. EDMUNDS. I do not think we ought to do that at this stage to-night.

Mr. SAWYER. I move that the pending Order of Business be laid aside so as to call up the pension bill which I reported.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion.

Mr. BUTLER. I will make a motion, if I have the right to do so, notwithstanding the objection of the Senator from Vermont, that the Senate proceed to the consideration of unobjected House bills on the Calendar.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion.

Mr. GORMAN. I rise to a parliamentary inquiry. The resolution which is the unfinished business was laid before the Senate. The Chair recognized me and I made a motion to postpone the resolution until to-morrow. I submit to the Chair that until that motion is disposed of no other business can intervene.

The PRESIDENT *pro tempore*. So the Chair thinks.

Mr. GORMAN. I ask permission to make a statement.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Maryland will proceed.

Mr. GORMAN. I made the motion to take up the House bill which determines the question whether we shall continue the use of steam-presses in the Bureau of Engraving and Printing. That question must come before the Senate within the next hour on the sundry civil bill and the discussion can be had upon this bill. The Senate will remember that in the sundry civil appropriation bill there is practically the same proposition to abolish the steam-presses. The question must come before the Senate and it would save time if the whole matter could be discussed upon this bill. Hence I made the motion to postpone the unfinished business with the view of proceeding to consider this measure, which is a matter of public concern, and which the Senate must decide, or at all events ought to decide, for if not it may lead to the failure of one of the great appropriation bills when the session terminates.

Mr. SPOONER. I ask the Senator from Maryland not to move to displace the resolution in the absence of the Senator who has it in charge. He will accomplish his purpose just as well by asking that it be informally laid aside, to which there is no objection.

Mr. GORMAN. I move to postpone the resolution for five hours.

Mr. SPOONER. Let it be informally laid aside.

Mr. GORMAN. Very well: I have no objection to that course.

The PRESIDENT *pro tempore*. Is there objection to the unfinished business being informally laid aside? The Chair hears none.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

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

Mr. HAWLEY. I hope the Senator will withdraw that for a moment to allow me to make a request.

Mr. HARRIS. Certainly I will do so.

MANAGERS OF SOLDIERS' HOMES.

Mr. HAWLEY. There is a vacancy in the Board of Managers of the Soldiers' Homes through the death of the member on the Pacific coast. The House of Representatives has sent here a resolution appointing a man, and I wish the Senate to concur, because I do not wish it to go over until next winter without a member from that coast. I ask the Senate to take it up. It will take but a second to pass it.

Mr. EDMUNDS. Does the Senator report it?

Mr. HAWLEY. I report the joint resolution from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Connecticut, from the Committee on Military Affairs, reports favorably the joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, and asks the Senate to consider the same.

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

Mr. HAWLEY. I perhaps ought to explain that the Senate Military Committee has already reported a joint resolution in favor of the appointment of Mr. Waymire, but as both these gentlemen are excellent men and capable, the Committee on Military Affairs instructs me to move, after this shall have been passed, the indefinite postponement of the other joint resolution.

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

Mr. HAWLEY. I move that the joint resolution (S. R. 128) appointing James A. Waymire, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, be indefinitely postponed. This action is made necessary by the joint resolution which has just been passed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; that the House still further insisted upon its disagreement to the amendments of the Senate numbered 60, 61, 62, and 182, asked for a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN the managers at the further conference on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. EDMUNDS. I move that the Senate take a recess for one hour. We are just killing our clerks.

Mr. RIDDLEBERGER. I believe the last motion was that made by the Senator from Tennessee [Mr. HARRIS] to proceed to the consideration of executive business.

Mr. EDMUNDS. I withdraw the motion for the moment.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved, That the House still further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, numbered 60, 61, 62, and 182, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. FORNEY, and Mr. RYAN be the managers at the further conference on the part of the House.

Mr. GORMAN. I ask that that matter be temporarily laid aside. The Senator from Iowa [Mr. ALLISON] will be here in a few moments.

The PRESIDENT *pro tempore*. It will be withheld for the present.

PIPESTONE INDIAN RESERVATION.

Mr. SABIN. I ask the Senator from Tennessee to yield to me for a moment.

Mr. HARRIS. Certainly; if I have the right to yield I yield to the Senator from Minnesota.

Mr. SABIN. I move that the Senate proceed to the consideration of the bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, line 8, after the word "same," to strike out "was" and insert "shall be;" so as to read:

That any person who has heretofore resided on and made improvements on any of said lands, but who was compelled by the military authorities of the United States to abandon the same, shall be entitled to the prior right for the period of six months after the filing of the said report, to enter and purchase the land (not exceeding 160 acres) so occupied and improved by such person at the price at which the same shall be appraised by said commissioners, exclusive of improvements.

Mr. SABIN. I ask the Senate to disagree to the amendments which were reported from the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee which has been read.

The amendment was rejected.

The next amendment of the Committee on Indian Affairs was, in section 2, line 13, after the word "bidder," to insert "under sealed bids or at public auction, as he shall determine," and in line 17, after the word "located," to insert "and after such notice thereof as he may prescribe;" so as to read:

But if the person entitled to make such purchase shall fail to avail himself of his prior right within the time stated, then the Secretary of the Interior shall cause said lands, or such thereof as remain unentered, to be sold to the highest bidder, under sealed bids or at public auction, as he shall determine, and at a price not less than the appraised valuation of such lands and improvements; such sale to be held at the local land office for the district in which they are located, and after such notice thereof as he may prescribe.

The amendment was rejected.

The next amendment was, in section 3, line 5, after the words "consent to," to strike out the words "the entry and sale of such right of way, or of said appraised lands, or of any part of the same," and to insert "the provisions of this act, which consent shall be obtained in a manner prescribed by the President of the United States;" so as to read:

This act shall take effect and be in force and authorize the entry and sale of the said right of way, or of any tract or parcel of land so appraised, as soon as, and not until, a majority of the adult male Indians of the Yankton tribe of Sioux Indians consent to the provisions of this act, which consent shall be obtained in a manner prescribed by the President of the United States.

The amendment was rejected.

The next amendment was, in section 3, line 23, after the word "act," to insert "and in addition thereto such actual and necessary expenses as shall be approved by the Secretary of the Interior;" so as to read:

That the commissioners hereunder shall be paid the sum of $5 per day for the time actually occupied in performing the duties conferred upon them by this act; and in addition thereto such actual and necessary expenses as shall be approved by the Secretary of the Interior.

The amendment was rejected.

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

ST. JOSEPH COMMERCIAL COLLEGE.

Mr. COCKRELL. I ask unanimous consent for the consideration of House bill 5426, Order of Business No. 2761. I have been trying to get it considered, and it will only take a moment. It is for the relief of a college.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

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

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged occupation by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of St. Joseph Commercial College, of St. Joseph, Mo., and the actual value of the use and occupation of the same, and to find and award, and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said college from the United States as the reasonable value of such use and occupation; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said trustees, or their successors, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for said occupation, or in any manner arising or growing out of the same.

Mr. EDMUNDS. Let us hear the report, Mr. President.

Mr. COCKRELL. The report will only take a minute. It is only half a page.

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

The Secretary read the following report submitted by Mr. SPOONER February 20, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., having had the same under consideration, respectfully report:

The evidence submitted shows that the college buildings and grounds were taken possession of during the year 1861, and used and occupied until the close of the war, at various times, by different commands of the United States troops. In accordance with precedent it seems to be the policy of Congress to pay rent for the use and occupation of institutions of this character so situated, but the committee is not willing that the value of such use and occupation shall be fixed by *ex parte* affidavits, and without investigation by the proper department of the Government. The committee therefore recommend the adoption of the following amendment, and that the bill, when so amended, do pass:

Strike out after the enacting clause, and insert the following:

"That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged occupation by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of St. Joseph Commercial College, of St. Joseph, Mo., and the actual value of the use and occupation of the same, and to find and award, and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said college from the United States as the reasonable value of such use and occupation; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said trustees, or their successors, out of any money in the Treasury not otherwise appropri-

ated, the amount, if any, so found to be due from the United States; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for said occupation, or in any manner arising or growing out of the same."

Mr. EDMUNDS. Mr. President, I think this is a very unfortunate time in the session to consider these war claims and to leave an unbounded and unlimited discretion in the Secretary of War to determine whether the United States is liable or is not liable; but I have discovered that it is rather useless at this stage of the session to have the Senate consider very carefully what ought to be done, and expressing my opposition to passing this bill to-night my duty will be done, as far as I am concerned, and I so express it. If the Senate want to pass it they can do so.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. FAULKNER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, 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 Senate to the following bills:

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 9674) to regulate the course at the Naval Academy.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I present the conference report on the sundry civil bill.

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

The Secretary read 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. 12008) making appropriations for sundry civil expenses of the Government 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 amendment numbered 197.

On amendments numbered 60, 61, 62, and 182 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. ALLISON. At the last conference the disagreements were all disposed of except as to the Congressional Library, the three amendments respecting the Bureau of Engraving and Printing, the amendment for the enlargement of the Public Printing Office, and the special appropriation for Mrs. Waite. The House has receded from its disagreement to the Library amendments and agreed to the Senate amendments in that regard.

In the second conference the conferees on the part of the Senate agreed to recede from the provision for an additional building for the Public Printing Office; so that but two questions only are left open in this bill, the one being that relating to Bureau of Engraving and Printing, and the other the special appropriation for the widow of the late Chief-Justice. The conferees were unable to agree on these matters.

I merely state the situation of the bill to the Senate, and without any debate upon the question will allow it to take such action as it chooses upon these two amendments. The Senate can either recede from these amendments or further insist and make another effort to secure an agreement.

Mr. PLUMB. I move that the Senate recede.

The PRESIDENT *pro tempore*. If there be no objection to the conference report, it will be regarded as agreed to. The first amendment left undisposed of will be stated by the Secretary.

Mr. GORMAN. I want to say a word in connection with this report.

Mr. PLUMB. I withdraw the motion which I made.

The PRESIDENT *pro tempore*. There is no question then before the Senate concerning the conference report.

Mr. GORMAN. Mr. President, I only desire to say that, as the Senator from Iowa, the chairman of the committee, has stated, under the circumstances the conferees on the part of the Senate recommend that the Senate recede from the amendments for the public buildings, that is to say, the city post-office and the improvement of the Government Printing Office. I consented to that very reluctantly, but the House insisted that we should not originate propositions of that sort on an appropriation bill.

When this matter was heretofore under discussion in the Senate I made certain statements in regard to it, and afterwards the Senator from New Hampshire [Mr. BLAIR] offered a resolution directing the Committee on Public Printing to inquire into the condition of that building. The clerk of the Committee on Public Printing by direction of the committee addressed a communication to the Public Printer and I hold his answer in my hand, and his present statement as to the needs of that building is stronger than that which I made upon the floor of the Senate. But the other branch of Congress, as it had a perfect right to do, declined to accede after many conferences to permit this amendment to be made. So there is nothing left for me to do except to ask permission of the Senate to have this letter of the Public Printer printed in the RECORD as part of my remarks.

The letter is as follows:

GOVERNMENT PRINTING OFFICE,
Washington, D. C., February 25, 1888.

SIR: I beg to acknowledge the receipt of your communication referring to the resolution introduced in the Senate on the 20th instant by Senator BLAIR, directing the Committee on Printing of the Senate to ascertain what alterations, repairs, and additions are required at this time to render the Government Printing Office more convenient and adequate to meet the demands upon it for the execution of the public printing, and make it safer and more comfortable and healthful to the employés.

In the absence of any copy of the resolution referred to by you and of knowledge of any specific inquiry that may be contained therein I can only follow the general matters of inquiry indicated in your letter and suggested in the debate in the Senate in connection with the consideration of the sundry civil bill, as published in the RECORD of the 21st instant.

In this connection I desire to express the personal satisfaction I feel that the urgent recommendations I have repeatedly made to Congress as to the lack of working space and bad sanitary condition of this office, and the danger of life and property on account of the weakness of the H-street wing of the building and the location of the steam-boilers within the walls inclosing the various working divisions, have at last received the attention that the dictates of humanity and the best interests of the public service demand.

Every statement made in the Senate on the 20th instant as to the lack of working space, the pressing need of additional room, the insufficient ventilation and light, either natural or artificial, and the dangerous condition of the H-street wing was strictly true and can not be made the basis of legislative action with a view of securing proper remedy too quickly.

The statements made by Senator GORMAN are in direct accord with facts that were presented to Congress by me in communications dating back as early as three months following the date upon which I assumed the duties of Public Printer, and which I made the basis of a request that certain extraordinary expenditures should be at once undertaken in the interests of safety. I expressly stated to Congress that the steam-boilers were not of sufficient capacity, and that it was in the highest degree unwise and dangerous to continue their use, as they had reached the extreme limit of age that was compatible with safety and a proper regard for the lives of the employés of the office. I endeavored to impress on Congress the imperative necessity of making provision for new boilers and having them placed in a separate building adjoining the main office, and I asked that funds be appropriated for such purpose.

Congress failing to provide such funds by special appropriation, as requested, I felt so impressed with the dangerous condition of the boilers that I had an examination made by the United States inspector of steam-boilers, who officially reported them to be unsafe, and upon the basis of this inspection I ordered a new steel boiler of 133 horse-power and discarded one of the old boilers of 60 horse-power which had been in use for upwards of twenty years. The new boiler was completed and put in use during November, 1887, being paid for out of the general printing appropriation.

Last year, at my request, Congress made an appropriation for an additional engine and boiler, and, in accordance therewith, I have had another new steel boiler, a duplicate of the first mentioned, put in place beside it, and these two new steel boilers are now in use, and are sufficient to furnish ample heating and motive power, and all danger and inconvenience from the use of old and insufficient boilers is at an end. I regret that Congress did not provide for erecting these boilers in a separate building, outside the limits of the main office. Any danger that might exist from this cause I had no power to obviate, as, under the appropriation act, no provision was made for the purchase of land or the erection of a building especially to contain the steam-plant, as requested by me on December 4, 1886. The present steam-plant, however, is a great advance in utility and safety over the old, inadequate, and dangerous plant I found in use.

The new engine is now in process of erection, and in a few days the office will not have to depend as heretofore on the single shaft of an engine that has been in continual service day and night for nearly seventeen years.

The use of the new steam-plant has demonstrated the necessity for the immediate renewal of the present system of steam-pipes for heating the office. This system has been of gradual growth from a crude beginning, and has been extended during a series of years to meet immediate exigencies without regard to independent connections and cut-offs such as should have been provided. The pipes generally are now old, and the additional pressure furnished by the new boilers has caused additional leakages, requiring daily attention. The whole system should be renewed during the coming summer, and independent connections with the boilers established for each division of the office, so that the proper degree of heat can be carried to each without discomfort to other divisions, and I recommend the appropriation of a sufficient sum to meet this want.

There is also urgent demand for the extension of the electric-light plant to all parts of the working divisions of the office. This improvement, which I have heretofore urged, I trust will be carried out under the appropriations in the House deficiency bill, now under consideration, which provides for a new 650-lamp power dynamo and for its connection with the present electric-light system. Its adoption will obviate much of the inconvenience and detriment to the employés arising from the use of gas in crowded and illy-ventilated working divisions, and will also prove of economic advantage in the reduction of the large annual gas bills.

The plans are completed and material mostly under contract for the erection of the additional story for the new electrotype and stereotype foundry in connection with the south center wing of the office, and the work will be completed during the coming spring. This improvement will not only free the working divisions contiguous to the present foundry from deleterious fumes and heated atmosphere, but will afford the employés of the foundry every possible advantage of health and convenience consistent with the carrying on of their work. The vacant quarters of the present foundry will afford means of relief to other divisions now overcrowded with employés and material, and a reform that I have persistently sought to carry out will be accomplished.

The expenditure of the special fire appropriation, as made jointly by the Archi-

tect of the Capitol and myself, during the summer of 1887, not only provided needed and ample means of protection from fire, but added greatly to the facilities for the escape of employés in case of the outbreak of a fire. I consider the present facilities and system for the prevention and extinguishment of fire in the office to be all that are needed, if properly kept in order and employed in case of need.

Much has been accomplished in the two years past in improving the sanitary condition of the office, and it is, as far as possible, cleaned daily with the utmost care. The water-closets which were located in the press-room have been placed on the outside, and all the water-closets have been thoroughly ventilated and shut off from the office as far as possible, and they are carefully cleaned and looked after at all hours of the day by persons so assigned. Alterations and additions have been made in nearly every working division of the office, providing hundreds of square feet of working space, and increased light and conveniences. These improvements, and those now in progress and near completion, will provide for all changes that can be economically made within the present buildings; more radical changes would call for larger expenditures and for an interruption of the work of the office.

The improvements generally for the better comfort, convenience, and health of the employés, already in progress, are all that I would recommend for immediate adoption, with the exception of means to correct the unsafe H-street wing of the building, and the provision of a new heating plant, as suggested. The condition of the H-street wing is a source of constant anxiety to me. While the building does not show external signs of weakness, it is the oldest part of the office structure, and was never designed to carry the heavy weight of employés, machinery, and material which it is forced to bear daily. The demands upon the office for work daily override any general limitations I may suggest to my foremen in the matter of overloading the floors, and I frequently find, in my daily inspections, that I am compelled to order the clearing of the floors without regard to the urgency of the work in hand. I see no immediate remedy aside from exercise of the greatest vigilance in the matter of overloading the floors.

A thorough expert examination of the walls of the wing and of the condition of the floor timbers should be made, so as to determine the fullest extent to which the building can continue to be used with safety and with the least possible interruption of the public printing, and this should be pending the application of the true remedy, which is the erection of a new building as has been again and again urged by me. I trust, now that the first steps are taken to meet this serious emergency, they will not fail as they did last year. If they do fail, and any accident happens in this office by reason of the location of the steam-plant within its walls or the collapse of the H-street wing through weakness of structure, I can only say the responsibility will have to lie where it belongs, for I have urged upon Congress the absolute necessity of the improvements here suggested and which require special legislation for their accomplishment.

I am content to leave larger improvements to the future, but the suggestions herein made relate to the immediate safety and comfort of the employés of the office and the urgent necessities of the public service. Their early accomplishment is dictated by convenience, economy, and good business policy, not less than by considerations of humanity affecting the health and lives of so many hundreds of worthy employés of the Government.

Respectfully yours,

TH. E. BENEDICT, *Public Printer.*

Mr. W. H. MICHAEL,
Clerk of Printing Records, United States Senate.

Mr. ALLISON. It is well that the Senate should understand what is involved in the first amendment relating to the Bureau of Engraving and Printing. The effect of the House provision respecting the Engraving and Printing Bureau is to force out by indirection the nineteen steam-presses which are now at work there. This is done by providing 1 cent per thousand sheets for the use of these steam-presses, which is a notoriously inadequate sum. The Senate Committee on Appropriations provided for 50 cents per thousand sheets, being one-half of the amount now paid and one-third of that which has hitherto been paid for the use of these steam-presses.

It does not seem to the Committee on Appropriations or to the conferees on the part of the Senate that this is a proper way to adjust this question, especially when there is a bill pending upon the subject which may be acted upon at any time; and as it is a new proposition of legislation upon this bill on the part of the House of Representatives, the Senate conferees thought the House should surrender this provision; and the same rule may apply to the Senate as respects the item regarding the appropriation to the widow of the late Chief-Justice.

That is all there is in this question. Every Senator understands it.

Mr. HISCOCK. I should like to inquire of the Senator from Iowa by what sum it will be necessary to increase the appropriations that will be required to do the work in the Bureau of Engraving and Printing if we turn out the steam-presses?

Mr. ALLISON. The estimate of the superintendent of the Bureau of Engraving and Printing is that it will cost $102,000 annually in addition to the cost under the existing condition of things. Others, experts who claim to know, state that the cost will probably be about $47,000 additional.

Mr. MCPHERSON. May I inquire of the Senator from Iowa, the chairman of the committee, what the real dispute between the conferees of the respective Houses is? Does it relate entirely to the compensation to be paid to the owners of these machines?

Mr. ALLISON. Nominally that is the question, but really the question is whether, by force of legislation, we shall compel the disuse of these steam-presses and add from fifty to one hundred thousand dollars a year to the appropriations for the work of this bureau.

Mr. MCPHERSON. The question is whether 50 cents royalty per thousand sheets shall be charged or 1 cent, as I understand it.

Mr. ALLISON. No, sir; that is not the question. The real question involved is whether or not these steam-presses shall be used, and if they are not used, whether we shall add from $50,000 to $100,000 to our annual appropriations for the Bureau of Engraving and Printing.

Mr. MCPHERSON. If the amount fixed in the House bill as the royalty for the use of these machines is accepted by the owners of the patent, there will be no removal of the machines. If they do not, then probably the machines may be removed. So the real question at issue at this time is whether we shall agree to the House provision or to the Senate amendment.

Mr. BLAIR. The Senator will permit me to remind him that these machines belong to the Government now, and it is only a question whether the Government shall cease to pay a royalty when ceasing the use of its own machines, upon the theory that the hand-press does better work and gives us better currency.

Mr. MCPHERSON. They are used upon the condition of the payment of a certain amount of royalty each year by the Government.

Mr. BLAIR. The Government has the privilege to make a machine which it owns by paying annually a certain royalty to whoever has the patent. The Government buys the privilege of making the machine, and makes the machine, is at the expense of its construction, and owns it. It can stop using it whenever it sees fit. It is under no obligation to pay any royalty if it does not use the machine. There is nobody especially interested in perpetuating the machines excepting the inventors or those who claim to own the patents, and it is alleged that they got their patents through the inventive genius of men who were at the time in the employ of the Government. However that may be, the machine is a Government machine. The hand-press makes better currency, avoids the counterfeiting of the currency, protects the people, it may be, to the extent of $500,000 or $5,000,000 annually by reason of giving them a currency which can not be so easily counterfeited, and at the worst the only question is whether the Government shall be at the expense of $47,000 to $110,000 annually in order to get better currency, and disuse these machines of its own and cease to pay the royalty, which it is under no obligation to pay at all.

In the argument the other day proof was introduced on the floor of the Senate that the existing building had been used to accommodate a larger number of workmen than it will be necessary to employ in case the hand-press is substituted entirely for these steam-presses. There is no truth in the allegation that there will be any necessity for constructing a single particle of addition to any building of the Government on this account. There is sufficient accommodation in that regard.

There is no expense excepting the additional expense, which many say does not extend even to the use of the hand-press over the steam-press, the steam-press still belonging to the Government, and nobody having any right to enforce its further use, because nobody has any right to the royalty, and the Government is entirely at liberty to cease using these machines, which it owns itself, whenever it pleases; and I take it that it is well demonstrated by the admissions of those in favor of the continued use of these steam-machines by the Government because they make money out of them; it is demonstrated by their admissions and by the sworn statements of all the experts upon all sides, even by the statement of the superintendent of the Bureau of Engraving and Printing himself, that the quality of the work done is better when done by the hand-press, the danger of counterfeiting is less, the security to the people much greater, and if there be a saving to the Treasury of from $47,000 to $110,000 a year by continuing to use these steam-presses, which corrupt and debase the currency, in effect making us *participes criminis*, as I stated the other day, in the crime of counterfeiting the currency of our country to the cheating of our own people—if, I say, there is this saving nominally, nevertheless the people who pay these taxes are obliged to endure the loss resulting from the increased counterfeiting, to say nothing about the questionable effect upon the morals of the people of the Government setting the example of conniving at the use of a machine which debases the currency of the realm.

Mr. HALE. The whole question lies in a nut-shell. The House of Representatives has sought to force out of use the steam-press, and it has taken a well-devised method to do it. It has provided that the royalty to be paid by the Government for the use of the steam-presses shall be but 1 cent per thousand sheets. That is so small that it in effect says that if the measure passes, being assented to by the Senate, the steam-presses go out.

The Committee on Appropriations, following largely the investigation that has been set afoot in this body in the Committee on Finance, which has determined upon the report made by the Senator from New York [Mr. HISCOCK] and the Senator from Tennessee [Mr. HARRIS], that the work performed by the steam-press is as good, if not better, than that by the hand-press, has determined that this effort on the part of the House of Representatives to drive out the steam-press shall not succeed, and has reported in favor of what is believed to be a fair royalty to the owners of the steam-press, to wit, 50 cents per thousand sheets. That is the whole question.

If the recommendation of the committee is sustained by the Senate now upon the disagreeing votes, then the two Houses will again go into conference upon this subject. If, on the other hand, the Senate recedes from the position that it took when the question was last considered by the body, then the House of Representatives will have its way, and that will end the matter.

The committee recommend that the Senate insist upon its amendments, and that the report made by its Committee on Finance on this

subject be sustained; that the work is as well or better done by the steam-presses and cheaper to the Government by from fifty to one hundred thousand dollars. That is all there is of it.

Mr. EDMUNDS. Mr. President, there is one thing more that ought to be added in respect of preserving the respective rights of the two Houses, and the safety of legislation by having two Houses.

Apart from the intrinsic merit or want of merit of this proposition, the House of Representatives is proposing to say to the Senate that it will not appropriate money to carry on the Government unless the Senate will agree to a change of the law as it now stands in regard to carrying on the business of the Government, and make a new law regulating the transaction of the business of the Government about a mechanical piece of work. The Senate, by a very large majority and on a full discussion, declared that it was not willing to assent to that legislation.

Now, if the House of Representatives chooses to occupy the attitude of saying that it will not appropriate any money to carry on this branch of the business of the Government, and all the branches embraced in this bill, unless the Senate will assent to affirmative legislation on it that the Senate does not like, I should be glad to have it tested by a called session on the 5th day of March.

Mr. GORMAN. I desire to make a short statement.

When the sundry civil bill was under discussion I stated fully my view of the merits of this case, that I had rather come to the conclusion that better work could be done by the hand than by the steam-presses. I was opposed to the proposed legislation on an appropriation bill, and at that time I insisted that the bill from the House of Representatives, No. 9623, providing for printing the Government securities in the highest style of the art, in which the whole question was to be determined, should be considered by the Senate, and I supposed from the general concurrence at that time that the bill would have been taken up ere this. I have made quite a number of efforts to have the bill considered, but at every stage it has been defeated. Therefore I signed this conference report representing the views of the Senate. Personally I do not concur with the view that these presses are equal to the hand-presses.

Mr. BLAIR. In reply to the suggestion of the Senator from Vermont, it ought to be stated that it hardly seems to be precisely a fair one. He says the question is whether the House of Representatives shall coerce the Senate by refusing appropriations to sustain the Government unless the Senate will submit to legislation on this appropriation bill. That is not the question, for the Senate proposes affirmative legislation in regard to these same steam-presses, and while it does not go to the length that the House thinks it right to go by reducing the royalty to 1 cent per thousand sheets, the Senate does propose to reduce that royalty down to 50 cents, which is one-half, and that is affirmative legislation just exactly as much as the legislation proposed by the House of Representatives. So that the Senator's point is not a point at all. It is only a division of nothing.

Mr. EDMUNDS. Mr. President, I think the Senator to-morrow—meaning Monday of course—if he will look at this bill in print will see that he is mistaken. The House of Representatives sent this bill here with the affirmative legislation upon it. The Committee on Appropriations, instead of doing what I think they ought to have done, and proposing to strike the whole thing out and stop there, having nothing said on the subject excepting the appropriation of money necessary to carry on the work, said undoubtedly and agreed to report to the Senate that perhaps the House would be better contented to have their amendment modified and limited to make it somewhere near reasonable in respect of the amount of royalty to be paid than to have it struck out altogether and leave it to the discretion of the Department as to the price it should agree to pay, which would be the true legislation as respects the purchase of any material for the use of the Government. It is very rare indeed that you will find in any of the appropriation bills or legislation of Congress provisions fixing the prices of things that the executive officers must purchase for the use of the Government. That is what the committee did, and the Senate said, "Very well." Now the House will not either allow the whole thing to be stricken out nor agree to the Senate amendment, but they say it must stand as the House had it; and if that is not insisting on affirmative legislation at the expense of not carrying appropriations, I can not understand what is.

Mr. BLAIR. This is the first revelation of obtuseness I have ever witnessed on the part of the Senator from Vermont, but I think the obtuseness must be very manifest. Like the tail of a comet, the Senator's addendum to his explanation does not reach the pith of the proposition. He started out with the question whether the Senate or the House is right as to the exact amount of royalty that should be paid. The Senator's proposition was that the House of Representatives was insisting upon affirmative legislation upon this appropriation bill or it would stop the wheels of Government, but on examination of the bill he will find that the Senate proposes not what he says the Senate ought to propose, but affirmative legislation in the same direction, but not quite so far as that of the House; that is to say, the royalty having been originally, if I remember, $1.25 or $1.50 a thousand——

Mr. ALLISON. One dollar.

Mr. BLAIR. Very well; one dollar then. The Senate makes affirmative legislation and puts into this bill a provision that the royalty shall be 50 cents. That is the position of the Senate and it is affirmative legislation just exactly as much as the provision of the House that it shall be 1 cent per thousand, and that is just as much a change of the existing law and affirmative legislation. There is no escape from that point.

Now, the Senator from Vermont in order to make good his original proposition, being obliged to admit this, says that the Senate is nearer right than the House. That is a question for the House to decide upon or for the Senate to decide upon. If the Senator from Vermont will say that the Senate should recede from its proposed amendment and should adopt another amendment, that is to say, strike out the House proposition *in toto*, his position then would have logic in it, but not till then.

Mr. HARRIS. Mr. President, from a somewhat careful investigation of this question of plate-printing, I became thoroughly satisfied that the work which is being done upon the steam-presses is done quite as well and I think upon the average better than the same class of work being done by the hand-presses, and is being done certainly at one-half or less than one-half of the cost to turn out the same work by hand.

The Government owns nineteen of these presses now in use, and if they are abandoned the testimony of the superintendent shows that it would be a year or more before the bureau could procure and put in operation the hand-presses and secure the hand-pressmen necessary to do the current work, and the bureau would fall far behind the necessities of the present time.

Believing as I do that this is simply the effort of a class to put down a labor-saving machine for the benefit of a very small class of artisans, and believing that every consideration of economy and sound policy on the part of the Government demands that these machines shall be continued in use, so far as my vote or my utterances can control it, I would lose the sundry civil bill before I would recede from the Senate amendment on that question, and just so far as my vote can go it will go in the direction of losing the bill, if the bill must be lost, sooner than I would consent to the demand of the House of Representatives in respect of that matter.

Mr. BLAIR. Mr. President, the stalwart devotion which the Senator from Tennessee exhibits to the cause he espouses I can not but admire, and having expressed himself to that extent and in that direction, I will call attention to one or two errors in the conclusions, based upon the evidence, into which he has fallen.

All the evidence that we have heard anything of, or that I have heard of at least, in the report and from other directions, was to the effect that it would only be necessary to employ some forty-seven men more, as some intimated, and the highest estimate was some ninety or ninety-four more employés with the hand-presses already existing, and these persons are at hand anxious for the work, in order to transact the business in as large volume and of far better quality than is now furnished the Government by the employment of the steam-presses. Every time the Senator speaks upon it the evidence coming from his own lips seems to grow stronger and stronger and stronger as his conviction increases, and his heat grows warmer and more intense, his deductions from the facts, and his allegations of the effect of the testimony seem to become more and more forcible and intense, and thus his convictions grow and his facts grow with equal step every time he repeats himself upon this proposition.

The simple, naked truth, as claimed by those in favor of the steam-presses, up to the close of the investigation, up to the printing of the report, and up to the original speeches that were made on this subject by the members of the committee themselves, was only to the effect that on the whole the work of the steam-press in certain departments of this printing was perhaps good enough; not as good on the whole as the best quality of the hand-press work, but they claimed that we were justified in using the steam-press for this particular portion of the work, because it was on the whole good enough; though it was not the best, it would do, and was a little cheaper.

That is all there is in the report, all there is in the testimony of those who favor the steam-press machines, as it stands before the Senate; but this reiteration of argument and of statement coming from those who favor the steam-press machines is every time I listen to it a stronger statement of fact, but it is not in the evidence whether it comes from the committee or from the letter of Mr. Bell or from the statement of other parties who appear to be experts and who know.

Mr. President, on the question of sitting here until the day of judgment and losing everything and calling an extra session rather than to yield this point, we ought to recollect that here is the House of Representatives, the co-ordinate branch of the legislative power, and that it has investigated far longer and more thoroughly than has the Senate this very question, and that it has come to the conclusion that the quality of the work done by the steam-press is very inferior.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to 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, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. PERKINS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled 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; and it was thereupon signed by the President *pro tempore*.

SARAH JACKSON.

Mr. SAWYER. I ask the Senator from New Hampshire, who I believe holds the floor, to yield to me to call up House bill 6411. It is the last pension bill on the Calendar.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Wisconsin asks unanimous consent for the consideration of a bill named by him.

There being no objection, the bill (H. R. 6411) granting a pension to Sarah Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Jackson, imbecile daughter of James Jackson, late of the Thirtieth Regiment Ohio Volunteers, at the rate of $18 a month, payable to her legally appointed guardian.

Mr. HOAR. I should like to hear from the Senator from Wisconsin the facts in regard to that case.

Mr. SAWYER. I do not wish to take up the time of the Senate. I can state them if the Senator desires.

Mr. HOAR. I should like to hear the Senator.

Mr. SAWYER. I do not want to take up the time of the Senate.

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

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 this day approved and signed the following acts:

An act (S. 314) for the relief of Henry M. Rector;

An act (S. 751) for the relief of the estate of J. J. Pulliam, deceased;

An act (S. 1974) for the erection of a public building at Fort Worth, Tex.; and

An act (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I object to any further yielding until the matter under consideration is disposed of.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The amendments not disposed of in the conference report on the sundry civil appropriation bill are now before the Senate.

Mr. BUTLER. I ask my friend from Iowa to yield to me.

Mr. ALLISON. As soon as this matter is disposed of there will be ample time for all the work that Senators have to do. This is the sundry civil bill, and surely the Senator from South Carolina does not want to delay this great bill.

Mr. BUTLER. I will not insist upon my report.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. BLAIR] has the floor. The Senator from Iowa [Mr. ALLISON] gives notice of his objection to any further unanimous consent during the consideration of the pending bill.

Mr. BLAIR. I am under the necessity of proceeding. I feel obliged to decline to yield on account of the statement of the chairman of the committee and the great public necessity for prompt action on the bill.

It has not been claimed by anybody on the part of the Senate, until this last address of the Senator from Tennessee, that anything was involved but the question of an additional expenditure of from $47,000 to $110,000 in deterioration of the quality of the currency. Now the question is, whether, in deference to the wishes and judgment of the House of Representatives (who have investigated it much more thoroughly than we, and we have their report), we shall yield just for one year to their judgment on this subject? That is all there is in it. That, of course, will cost us somewhere from $47,000 to $110,000; but we shall have the machines. They will be here next year and you can set them to work again if it be found necessary. That is all that there is involved.

Mr. HISCOCK. I do not care to have the statements made by the Senator from New Hampshire in reference to this matter go unchallenged. When this subject was under discussion before the Senate heretofore the evidence and the report upon it both asserted unqualifiedly that the printing which is done by the steam-presses on an average is superior, if there is any difference, to that done on the hand-presses; that is, that the printing which is done by the steam-presses is equal if not superior to the other. The facts were stated then and were not controverted then, and were supported by testimony. It was also shown that the additional expense to the Government would be from $250,000 to $350,000. The evidence which was furnished then, and which has not been controverted, was that there has been no increase in counterfeiting by reason of the use of steam-presses; that on the contrary it has decreased rather than otherwise with the use of the steam-presses. There have been but two counterfeits of currency or of silver certificates since steam-presses came into use.

I simply desire to state these facts that there may be no misapprehension when the Senate votes on this question.

Mr. ALLISON. I move that the Senate still further insist on its amendments numbered 60 and 61.

Mr. BLAIR. I simply desire to say that I do not understand the statement of the Senator from New York to be correct——

Mr. ALLISON. And on the motion I have made I ask for the yeas and nays.

Mr. BLAIR. Well, Mr. President, under the circumstances here presented, when in order to carry a point the Senator from Tennessee thinks it worth while to be burned up bodily, to have an extra session, and all that, I do not know any way by which I can be prevented from answering the allegations of the Senator from New York or any other Senator on this floor on this question, even by the chairman of the Committee on Appropriations.

Mr. ALLISON. I did not propose to interfere with the Senator from New Hampshire.

Mr. BLAIR. The Senator from Iowa did not propose to do it, but he actually did it.

Mr. ALLISON. The Chair recognized me to make a motion. There was no motion pending before the Senate. I made that motion and sat down. Certainly the Senator from New Hampshire does not suppose that I intended in any way to interfere with his opportunity to discuss this question. He can discuss it all night if he chooses to do so, and I shall not dispute his right to do it.

Mr. BLAIR. I shall not be likely to discuss it all night.

Mr. President, I do not understand that the Senator from New York states fully the effect of the evidence before the Committee on Finance as it appears in print, so far as I have known of the report of the committee, and therefore he does not state it correctly. I do not understand the force of that evidence or that report to be that the work of the steam-press is as good as that of the hand-press. It only shows—and no one claimed the other day that it showed more than this, as I recollect—that the bad work that was being done by both, comparing the bad work with the ordinary work that was being done by the hand-press and the steam-press, the work of the steam-press averaged as good as the bad work of the hand-press; and the testimony all showed that the quality of the currency was deteriorating, that the work by the hand-press was not up to its proper quality, that the work by the steam-press up to its best quality was not any better than it ought to have been nor so good as it ought to have been for the real substantial and necessary and proper excellence of the currency itself.

It was conceded all around in the former debate that the currency can not be too well executed, and that it was not being well enough executed at the present time, and it was shown by the testimony of the Treasury detective, Mr. Bell, that counterfeits were increasing, that the debasement of the currency was increasing, and he testified in the letter which he sent here that that deterioration was in his judgment owing to the increased use of the steam-press, and that the quality of the currency could be improved and ought to be improved by giving to it the highest and best work of the hand-press, because only with the use of the hand-press could the highest degree of excellence be attained, and the currency required that highest degree of excellence for the safety of the people. That I understand to be the conceded effect and force of the testimony from every source whatever.

In regard to the expense, on the other hand, the Senator from New York did claim that this would involve over $300,000 additional expenditure, but the Committee on Appropriations have told us to-night that it was only a question of whether we should expend from $47,000 to $110,000 more; and some experts, those favoring the use of the steam-press, say it will cost $110,000 more if we discard the use of the steam-press. The friends of the hand-press say it will cost only $47,000 more.

Those are the facts before us coming from the chairman of the Committee on Appropriations here to-night, and those statements I suppose we should act upon so far as the question of expense is concerned.

Now, sir, getting back to the main proposition, whether we are to die here on the floor of the Senate rather than yield to the convictions of the other House, at the uttermost we simply discard for one year the use of machines which we own, and I think it was stated that there are only four other of these machines in existence on the face of the earth.

So it seems that the men who do the private work which does not require to be of the high excellence of the currency of the country, that immense amount of private plate-printing that is done throughout this country, throughout Great Britain and everywhere where this patent can be used, only these four additional presses are used, showing that all this immense mass of work private men will not permit to be done by the steam-press at all; and yet here we are using nineteen of these steam-presses in doing the little printing of the Government of the

United States, and the men who own this patent which we invented and which they never got hold of properly depend on us to the extent of nineteen twenty-thirds of their income from this patent which we invented for them; and they come here and insist that our currency shall be perpetually debased and that we shall continue to pay them for this very year for nineteen out of the twenty-three of all the machines that are in existence in order to give them some income from this Government which they expect to get out of us in some way.

If we hesitate, if we yield to the convictions and the more thorough investigation and report of the House of Representatives, we lose from $47,000 to $110,000, as the committee themselves tell us.

Mr. President, I submit that it is absurd to talk about the friends of the hand-press coming here and insisting upon turning back the wheels of progress and returning to chaos and old night, back to the time when our ancestors lived in the trees, and so on; that it is a question between labor-saving machinery and old forms and old styles of utensils, when we have shown that they do, and it is conceded that the steam-presses do not do equally good work, and generally it is claimed by disinterested parties, and it may be by some interested parties, but it is conceded by those interested against the hand-presses, that we do better work when we do the best work that can be done by the hand-press.

If there is any fault to be found with the work of the hand-press, it is simply because those who have supervision of the workmen fail to exact from them the highest quality of work. That is all.

I think it absurd to say that rather than lose this fifty or one hundred thousand dollars we should lose this great bill in a controversy with the other House, as the Senator from Tennessee proposes to do. Why not yield for just one year and get along the best way we can? It will be just exactly the same as the way that we have pursued the last few years in the employment of the steam-press.

Mr. McPHERSON. Did I understand the Senator to say that outside of the nineteen machines used by the Government of the United States there were only four other machines used in all the rest of the world?

Mr. BLAIR. Of this kind, as I understand. I will ask the Senator from Maryland [Mr. GORMAN] if that is not true?

Mr. GORMAN. I believe it is true.

Mr. McPHERSON. Only four other machines for all the bank-note printing done outside of our Government establishment?

Mr. BLAIR. The printing of bank notes, mining and stock certificates, railroad certificates, and the immense amount of plate-printing of that description outside of the Government work is all done by the hand-press, with the exception of that done by those four machines.

Mr. McPHERSON. Would not the fact that only four of these machines are used outside be evidence that they were not as good as the hand-presses?

Mr. BLAIR. It would be evidence that business men had discarded and condemned them, and that these men had palmed upon the Treasury Department of the United States Government a worthless patent, and that we had made it profitable to them; and the Committee on Appropriations and the Committee on Finance having investigated this great subject come in here and insist that this patent shall be kept good as far as income is concerned to these men over in New York, while business men in New York right under their own noses will not touch this machine or the work of this machine, and, as I understand, they do not use it. Why is it not used in Europe? The patents are available to them there if they are good for anything. Apart from the steam-presses used by the Government in Washington there are but four others in the United States, and the nineteen used by the Government are used to the corruption of our currency and the robbery of our people, and to the stimulation of counterfeiting, to which crime, as I have stated several times, we have made ourselves *particeps criminis* under the dictation of the men in New York who own these worthless patents.

Mr. HISCOCK. I am not sure about it, but my recollection is that the robbers who own these patents are the widow and children of the patentee, who left to them as their fortune this patented machine which he invented. With respect to one of these presses—and I think it is the one which is principally used—I am sure that is true.

Mr. BLAIR. Will the Senator state which one that is?

Mr. HISCOCK. The Milliken press.

Mr. BLAIR. Did those widows and children appear before the committee?

Mr. HISCOCK. They did not; but that statement has been made and they are the robbers referred to.

Mr. McPHERSON. Will the Senator answer a single question?

Mr. HISCOCK. I will if I can.

Mr. McPHERSON. I wish to know if there is a contract existing between the Government and the patentees or the owners of the patents, as I understood the chairman of the committee to say, at $1 per thousand sheets, by what authority the Committee on Appropriations reduce that 50 per cent.? I understand the royalty now proposed to be paid by the committee is 50 cents a thousand sheets instead of $1 by the existing contract.

Mr. HISCOCK. I do not know anything about it; but I imagine that the contract is made from year to year, and practically depends upon the appropriation bill as passed from year to year.

Mr. McPHERSON. Then I suppose this is simply a contract existing for a year.

Mr. HISCOCK. I do not know; but I do not imagine that there is any contract existing for a term of years. I believe there is a general statute which prohibits contracts from being made in excess of the sum which is appropriated for the purpose of carrying out the contract, and the contract is doubtless made from year to year.

Mr. McPHERSON. If it is simply a question of how much Congress shall appropriate, it would seem to me that 1 cent per thousand sheets would be just as legitimate and proper as 50 cents.

Mr. HISCOCK. It would be as legitimate and proper but for the fact that 1 cent a thousand is merely nominal and would amount to nothing, would be no compensation whatever, and I suppose the committee came to the conclusion that perhaps 50 cents a thousand was a fair compensation.

So far as the number of presses that are used in the country is concerned, I do not remember now how many there are. This is true in respect to these steam-presses, that in their case, as in the case of other steam printing-presses, they are very expensive indeed, and the volume of business done by those who are using them must be large to justify them in the expenditure of the money necessary for the purchase. That is the reason, I suppose, why there are but few of them in the hands of private printing houses. One of them does an immense amount of work, and one of these presses is practically sufficient in any one establishment to print the bonds or stock certificates or certificates of indebtedness and other papers of that kind, and one is enough to do the work which a company has to do. There is no doubt that a few of them are sufficient for all the uses to which they are applied in this country.

I simply say, then, what I said before, that I can not consent that this reiterated challenge of the facts in this case, as made by the Senator from New Hampshire, shall pass unheeded. He reiterates what he said about counterfeiting, when the truth is that since these steam printing-presses have been in use there have been but three counterfeits, and the evidence was conflicting as to whether one of them was not of a bill or of a certificate which was printed before the steam-presses went into use, and all the counterfeits that stand unchallenged and undisputed as having been counterfeits of certificates printed by steam-presses are two.

It is unnecessary for me to call attention again to the evidence of bankers and business men who were heard upon this subject, all of them bearing testimony to the satisfactory character of this work and speaking of it in the highest terms, and expressly stating that the currency printed by the steam-press was not more easily counterfeited than the currency printed by the hand-press.

The PRESIDING OFFICER (Mr. DOLPH). The Senator from Iowa moves that the Senate still further insist upon its amendments numbered 60, 61, 62, and 182, disagreed to by the House of Representatives, and agree to the further conference asked by the House.

Mr. ALLISON. I will state to the Chair that the House does not ask for a further conference, and I merely moved that the Senate insist. I wanted to test the sense of the Senate on these amendments.

The PRESIDING OFFICER. The Senator will please state his motion again.

Mr. ALLISON. I move that the Senate still further insist upon the amendments named by the Chair; and that is the only motion I make at this moment.

The motion was agreed to.

Mr. ALLISON. Now I will move that the Senate ask for a further conference on these four amendments.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the House of Representatives has asked for a further conference. The motion, then, will be that the Senate agree to the further conference asked for by the House. If there be no objection, that order will be made. The Chair hears none, and it is so ordered.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

LOUISA H. HASELL.

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

Mr. BUTLER. I ask the Senator from Virginia to yield to me for one moment.

Mr. RIDDLEBERGER. I have yielded until I hardly know whether I am living or dead now. I have been yielding ever since 3 o'clock.

Mr. BUTLER. I ask the Senator to yield to me for just one moment.

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

Mr. BUTLER. Why, of course he will.

Mr. RIDDLEBERGER. Yes, sir; I will yield to the Senator.

Mr. BUTLER. I ask the Senate to proceed to the consideration of the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell.

Mr. EDMUNDS. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated from the Treasury of the United States the sum of $350, in full compensation for the use by the United States Army of the house and other buildings in Summerville, S. C., belonging to Mrs. Louisa H. Hasell, during the years 1865 and 1866, and in full satisfaction for any damage to said property arising from or incident to the occupation of the same by the said Army; and the Secretary of the Treasury is hereby directed to pay that sum to Mrs. Louisa H. Hasell or her legal representatives.

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

Mr. EDMUNDS. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SPOONER February 20, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell, have considered the same, and adopt the report made by the House Committee on Claims at the last session of Congress.

The report is as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell, have had the same under consideration, and report that a similar bill and for the same amount was introduced into the Forty-ninth Congress, and on April 6 a favorable report was made thereon, and your committee, being satisfied with the same, adopt it as their own, which report is as follows:

"The bill proposes to pay Mrs. Hasell $350 in full compensation for the use, by the United States Army, of her house and other buildings in Summerville, S. C., in the years 1865–'66, and for all damages to said property incident to said occupancy.

"From the papers accompanying it appears that the property consisted of a dwelling of six rooms, a wooden building for servants, and stable. These buildings were in good order and habitable when they were taken possession of by Colonel Beecher, United States Volunteers, and used as a small-pox hospital, from the 6th day of July, 1865, to May 6, 1866. Petitioner was paid $50, or at the rate of $5 per month, for this use, there being no contract at the time possession was taken. The kitchen and stable were almost, if not quite, destroyed, and the property otherwise very much injured. Those dying of small-pox were buried in and upon the lot, and since the surrender petitioner has been unable to rent or use the premises. The testimony is abundant that, for the use of the premises and the damages sustained, petitioner would be entitled to as much and probably more than she claims.

"These facts are shown by several affidavits of parties cognizant of the circumstances, and all of the correspondence of the Army officers to whom the claim was referred, and they are fully corroborated in the report of a board of Army officers especially detailed to examine this claim, said report concluding as follows:

"'First. That the property was occupied by the Government as a small-pox hospital from July 6, 1865, to May 6, 1866, a period of ten months, and that $50 in currency was paid, at the rate of $5 per month, as rent for the same.

"'Second. That the amount of damages sustained is all and probably more than set forth in the accompanying affidavits (which was $350, as now claimed).

"'Therefore the board do recommend that the sum claimed ($350) be awarded and paid to the said Louisa H. Hasell.'

"This report was returned by the acting assistant adjutant-general (Louis V. Caziarc) to the chief quartermaster, approved, and payment was suspended until Congress should remove restrictions on the payment of claims which arose in States lately in rebellion.

"It also appears that the rent of this property was the only income of the petitioner, who has herself and two daughters to support.

"And it may be added that the matter was at one time referred to Surgeon W. H. Eldridge, United States Army, who reported that the house, after its use as a hospital, was not habitable, and ought to be burned to prevent small-pox contagion; and also that the chief-quartermaster of the department found the recommendation of the board to be reasonable and approved the same.

"We have in these facts a strong case of actual and uncompensated injury. A stronger one could hardly be made. When we consider the unquestioned and undeniable hardship of the case, that it was occupied for awhile and injured somewhat after the proclamation declaring the insurrection at an end in South Carolina, as also the strong indorsement of the justice of the claim by the Army officers, and, after looking at the facts, we conclude to report the bill back, and recommend its passage."

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

COURSE AT NAVAL ACADEMY.

Mr. CHANDLER. I call up the conference report upon the bill in relation to the cadets at the Naval Academy.

Mr. RIDDLEBERGER. I have held this floor now for four hours, and I think I am entitled to recognition by the Chair.

Mr. CHANDLER. It will take but a moment to have this disposed of, and it is a privileged matter.

Mr. RIDDLEBERGER. There have been many moments taken before.

The PRESIDING OFFICER. The Chair is informed that the report has not been sent up.

Mr. CHANDLER. The chairman of the committee has the report. I supposed it was at the desk.

BENJAMIN F. CLAYTON.

Mr. SAWYER. I ask the Senator from Virginia to yield a moment until I report a pension bill. I report——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. RIDDLEBERGER. If anybody is in a good humor to-night, I think I am that man. If gentlemen will just make their reports without making any speeches, because I am going to stay here until my time is out, I shall be satisfied.

Mr. SAWYER. I report, from the Committee on Pensions, the bill (H. R. 9455) granting a pension to Benjamin F. Clayton without amendment. I ask unanimous consent to put the bill on its passage now.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to place on the pension-roll at $45 a month Benjamin F. Clayton, late of Company F, One hundred and second Regiment New York Volunteers, in lieu of the pension he is now receiving.

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

ESTATE OF JOHN W. WHITFIELD.

Mr. REAGAN. I ask the Senate to take up House bill 4624, Calendar No. 2839.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4624) for the relief of the estate of John W. Whitfield.

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

That it is hereby made the duty of the Attorney-General of the United States to dismiss the suit now pending in the circuit court of the United States for the western district of Texas, brought by the United States against Sarah B. Whitfield and John A. Whitfield, heirs at law of John W. Whitfield, deceased, as a surety on the official bond of William W. Dennison, dated March 10, 1857, as Indian agent; and the said John W. Whitfield, deceased, and his heirs at law, be, and they are hereby, released from any and all obligations under said bond; and that Sarah B. Whitfield, administratrix of the estate of the said John W. Whitfield, deceased, late register of the land office of the Delaware land district of Kansas, and special register or agent for the sale of the Delaware and Iowa Indian trust lands under the treaties of 1854, be, and she is hereby, authorized to bring suit in the Court of Claims. That on the trial of said suit the said Sarah B. Whitfield, as administratrix of the estate of John W. Whitfield, deceased, may present for the determination of the court the following matters:

First. What amount of money is due the estate of said John W. Whitfield, deceased, on account of the moneys expended by said Whitfield for rent, fuel, and lights while he was register of the land office of the Delaware land district of Kansas.

Second. What amount of money, if any, the said John W. Whitfield, deceased, paid to the United States on account of fees collected by him for locating military bounty land-warrants as register of said land office, which fees he by law was entitled to retain for his own use, and the court shall determine under what law, if any, the said fees were made accountable to and payable into the Treasury.

Third. What amount of money, if any, is due the estate of said John W. Whitfield, deceased, on account of salary, per diem, and commissions while he was register of said land office and special register or agent for the sale of the Delaware and Iowa Indian trust lands.

And said court shall hear and determine all of said claims according to law, and said claims shall not be barred by any statute of limitations; and said court shall file a written opinion in said cause and render judgment therein; and any amount that said court may find to be due to the said John W. Whitfield, deceased, late register and special agent as aforesaid, shall be certified to the Secretary of the Treasury, who shall report the same to Congress.

It is hereby made the duty of any head of any Department or any bureau to furnish said administratrix, free of charge, with certified copies of any official letters, papers, documents, or accounts appertaining to a proper trial of said cause, which she or her duly appointed agent or attorney may apply for in writing.

Mr. REAGAN. This is a House bill which has been favorably reported by the Senate Committee on Claims. I will not ask for a reading of the report, but I ask for a vote on the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee to strike out the preamble.

The amendment was agreed to.

Mr. SPOONER. I move that the Senate insist on the amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. PASCO were appointed.

COURSE AT NAVAL ACADEMY.

Mr. CAMERON. I rise to present the report of a conference committee.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9674) to regulate the course at the Naval Academy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 13, and 14, and agree to the same.

That the Senate recede from its amendments numbered 6, 7, 8, 9, 10, 11, and 12, with an amendment as follows:

Strike out in line 9, page 2, from and including the word "but" down to and including the word "years," in line 19, page 2, and in lieu insert the following:

"But nothing contained herein or in the naval appropriation act of August 5, 1882, shall reduce the number of appointments of final graduates at the end of their six years' course below twelve in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available. And it is provided that in addition to the appointments to the Engineer Corps of the Navy hereby authorized, there may also be appointed five assistant engineers from the graduates in the order of merit of the Naval Academy of the class which finished its six years' course in June, 1886, to take rank and receive

pay only from the date of their appointment; and said Engineer Corps is hereby enlarged for the purpose of the additional appointments hereby authorized.

"SEC. 2. That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be fifteen years and the maximum age twenty years."

And the House agree to the same.

J. D. CAMERON,
W. E. CHANDLER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

GEORGE D. WISE,
WILLIAM ELLIOTT,
A. C. HARMER,
Managers on the part of the House.

The report was concurred in.

J. W. PARISH & CO.

Mr. MITCHELL. There is on the table a bill (H. R. 9718) for the relief of J. W. Parish & Co., which I ask may be now taken up.

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

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from Oregon?

Mr. RIDDLEBERGER. I desire to state to the Senator that the pending motion now is to proceed to the consideration of executive business, and I just yield for a moment.

Mr. MITCHELL. This will only take a moment.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Joseph W. Parish, George C. Hadley, and William L. Huse, composing the firm of J. W. Parish & Co., $18,500 for losses sustained by the firm by reason of the refusal of the officers of the United States to receive and pay for 5,000 tons of ice which Parish & Co. had been directed to furnish under a contract dated December 30, 1863, and signed by the medical purveyor of the United States Army stationed at Louisville, Ky., and by Parish & Co., and approved by the Acting Surgeon-General of the United States.

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

SELECT COMMITTEE ON PACIFIC RAILROADS.

Mr. JONES, of Nevada. I ask the indulgence of the Senate to take up a resolution introduced by my colleague [Mr. STEWART], which lies on the table.

The Senate proceeded to consider the resolution, which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, to strike out all after the word "*Resolved*" and insert:

That the select committee appointed under the resolution of the Senate of January 24, 1888, to which was referred the President's message transmitting the report of the Pacific Railway Commission, be, and it is hereby, continued, with all the power and authority on it conferred by Senate resolution of February 23, 1888, until the indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies shall be adjusted by Congress. And said committee is hereby instructed to personally examine, during any recess of Congress preceding the meeting thereof in December next, the roads of said companies and the country through which they pass or which is immediately contributory to their income, for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass, and afford to the inhabitants thereof reasonable rates of transportation for passengers and freight. Said committee may hold its sessions at any place in the United States, and the expenses attending its investigation shall be paid out of the contingent fund of the Senate.

Any subcommittee appointed by said committee shall have all the powers of the full committee.

The amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. DANIEL. I ask the Senate to consider the bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. RIDDLEBERGER. I object.

Mr. DANIEL. I ask my colleague not to object to this bill.

Mr. RIDDLEBERGER. I do not know what the Senator's bill is. I have wanted to move an executive session, and let my colleague vote for or against it.

The PRESIDING OFFICER. The bill will be read for information.

Mr. RIDDLEBERGER. I insist on my motion to go into executive session, and do not intend to yield another minute to any Senator.

The PRESIDING OFFICER. The Senator from Virginia objects to the consideration of the bill, and moves that the Senate proceed to the consideration of executive business. The question is on that motion. [Putting the question.] The noes have it.

Mr. RIDDLEBERGER and Mr. HARRIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is detained by illness from the Chamber. If he were here, I should vote "yea."

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

Mr. HEARST (when his name was called). I am paired with my colleague from California [Mr. STANFORD]. If he were present, I should vote "yea."

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

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH], whom I do not see in the Chamber this evening, and I therefore withhold my vote.

Mr. CULLOM (after having voted in the negative). I desire to inquire if the junior Senator from Delaware [Mr. GRAY] has voted?

The PRESIDING OFFICER. He has not.

Mr. CULLOM. I therefore withdraw my vote. I am paired with him.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. HARRIS (after having voted in the affirmative). I have voted, but I have a pair with the Senator from Vermont [Mr. MORRILL], who is absent, and I therefore think it best for me to withdraw my vote.

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

YEAS—15.

Butler,	Daniel,	McPherson,	Stewart,
Chandler,	George,	Quay,	Turpie,
Cockrell,	Hampton,	Ransom,	Vest,
Coke,	Kenna,	Riddleberger,	

NAYS—15.

Allison,	Gorman,	Palmer,	Walthall,
Blair,	Hale,	Platt,	Wilson of Iowa,
Evarts,	Mitchell,	Spooner,	Wilson of Md.
Frye,	Morgan,	Stockbridge,	

ABSENT—46.

Aldrich,	Cullom,	Hearst,	Pugh,
Bate,	Davis,	Hiscock,	Reagan,
Beck,	Dawes,	Hoar,	Sabin,
Berry,	Dolph,	Ingalls,	Saulsbury,
Blackburn,	Edmunds,	Jones of Arkansas,	Sawyer,
Blodgett,	Eustis,	Jones of Nevada,	Sherman,
Bowen,	Farwell,	Manderson,	Stanford,
Brown,	Faulkner,	Morrill,	Teller,
Call,	Gibson,	Paddock,	Vance,
Cameron,	Gray,	Pasco,	Voorhees.
Chace,	Harris,	Payne,	
Colquitt,	Hawley,	Plumb.	

The PRESIDING OFFICER. There is not a quorum voting. The Secretary will call the roll of the Senate.

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

Blackburn,	Frye,	Mitchell,	Stewart,
Butler,	George,	Morgan,	Stockbridge,
Chace,	Gorman,	Paddock,	Teller,
Chandler,	Gray,	Palmer,	Turpie,
Cockrell,	Hale,	Pasco,	Vest,
Cullom,	Hampton,	Platt,	Walthall,
Daniel,	Harris,	Quay,	Wilson of Iowa,
Davis,	Hearst,	Ransom,	Wilson of Md.
Dolph,	Hiscock,	Riddleberger,	
Evarts,	Kenna,	Sabin,	
Faulkner,	McPherson,	Spooner,	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is present.

Mr. RIDDLEBERGER. Mr. President——

Mr. HALE. I rise to present a conference report.

The PRESIDING OFFICER. The report will be read if the Senator from Virginia yields for that purpose.

Mr. RIDDLEBERGER. I do not. My motion is pending now because there was no quorum voting, but now that a quorum has been ascertained to be present that motion is the pending question.

The PRESIDING OFFICER. The Chair is of opinion that the conference report can only be considered by unanimous consent until this motion is disposed of.

Mr. HALE. If the Senator from Virginia will yield we can take up his motion as soon as this report is disposed of.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. RIDDLEBERGER. No, sir; I will not yield. I have yielded enough.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Virginia.

Mr. RIDDLEBERGER. I want to have a roll-call and let us know whether the Senate is going into executive session or not.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Virginia that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. I withhold my vote. I should vote "yea" if he were here.

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

Mr. DAVIS (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. EDMUNDS (when his name was called). I again announce my pair with the Senator from Alabama [Mr PUGH]. If he were present, I should vote "nay" and he would vote "yea."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MCPHERSON (when his name was called). I am paired with the junior Senator from Colorado [Mr. BOWEN].

The roll-call was concluded.

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL], reserving to myself the right to vote if necessary to make a quorum. I vote "nay."

Mr. HARRIS (after having voted in the affirmative). Being paired with the Senator from Vermont [Mr. MORRILL], I voted thoughtlessly, and I withdraw my vote.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his vote.

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON], but I transfer that pair to the Senator from Vermont [Mr. MORRILL], and both the Senator from Tennessee [Mr. HARRIS] and myself can vote. I vote "nay."

Mr. HARRIS. I vote "yea."

Mr. HEARST. I am paired with my colleague [Mr. STANFORD], but I believe if he were here he would vote "nay," and therefore I vote "nay."

The result was announced—yeas 11, nays 21; as follows:

YEAS—11.

Chandler,	Daniel,	Harris,	Stewart,
Cockrell,	Gray,	Quay,	Turpie.
Coke,	Hampton,	Ransom,	

NAYS—21.

Allison,	Frye,	Mitchell,	Walthall,
Blair,	George,	Morgan,	Wilson of Iowa,
Cameron,	Gorman,	Pasco,	Wilson of Md.
Cullom,	Hale,	Sabin,	
Evarts,	Hearst,	Spooner,	
Faulkner,	Kenna,	Teller,	

ABSENT—44.

Aldrich,	Colquitt,	Ingalls,	Pugh,
Bate,	Davis,	Jones of Arkansas,	Reagan,
Beck,	Dawes,	Jones of Nevada,	Riddleberger,
Berry,	Dolph,	McPherson,	Saulsbury,
Blackburn,	Edmunds,	Manderson,	Sawyer,
Blodgett,	Eustis,	Morrill,	Sherman,
Bowen,	Farwell,	Paddock,	Stanford,
Brown,	Gibson,	Palmer,	Stockbridge,
Butler,	Hawley,	Payne,	Vance,
Call,	Hiscock,	Platt,	Vest,
Chace,	Hoar,	Plumb,	Voorhees.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

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

Allison,	Evarts,	Ingalls,	Sabin,
Blackburn,	Faulkner,	Kenna,	Spooner,
Blair,	Frye,	McPherson,	Stewart,
Cameron,	George,	Mitchell,	Stockbridge,
Chandler,	Gorman,	Morgan,	Teller,
Cockrell,	Gray,	Morrill,	Turpie,
Coke,	Hale,	Paddock,	Vest,
Cullom,	Hampton,	Palmer,	Walthall,
Daniel,	Harris,	Pasco,	Wilson of Iowa,
Davis,	Hawley,	Ransom,	Wilson of Md.
Dolph,	Hearst,	Reagan,	
Edmunds,	Hiscock,	Riddleberger,	

Mr. PADDOCK. My colleague [Mr. MANDERSON] is detained at his home by illness.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is present.

Mr. RIDDLEBERGER. I believe the motion before the Senate is to proceed to the consideration of executive business, a quorum having been ascertained to be present.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Virginia that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. EDMUNDS (when his name was called). I am paired, as I have stated before, with the Senator from Alabama [Mr. PUGH], and can not vote.

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], and the pair having been transferred to the Senator from Louisiana [Mr. GIBSON], I vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

The roll-call was concluded.

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

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

YEAS—15.

Butler,	Daniel,	Kenna,	Stewart,
Chandler,	Gray,	Quay,	Turpie,
Cockrell,	Hampton,	Reagan,	Vest.
Coke,	Harris,	Riddleberger,	

NAYS—15.

Allison,	Frye,	Mitchell,	Walthall,
Cameron,	George,	Morgan,	Wilson of Iowa,
Cullom,	Gorman,	Pasco,	Wilson of Md.
Faulkner,	Hearst,	Spooner,	

ABSENT—46.

Aldrich,	Davis,	Ingalls,	Ransom,
Bate,	Dawes,	Jones of Arkansas,	Sabin,
Beck,	Dolph,	Jones of Nevada,	Saulsbury,
Berry,	Edmunds,	Manderson,	Sawyer,
Blackburn,	Eustis,	McPherson,	Sherman,
Blair,	Evarts,	Morrill,	Stanford,
Blodgett,	Farwell,	Paddock,	Stockbridge,
Bowen,	Gibson,	Palmer,	Teller,
Brown,	Hale,	Payne,	Vance,
Call,	Hawley,	Platt,	Voorhees.
Chace,	Hiscock,	Plumb,	
Colquitt,	Hoar,	Pugh,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

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

Allison,	Evarts,	Hiscock,	Sabin,
Blackburn,	Farwell,	Ingalls,	Spooner,
Blair,	Faulkner,	Jones of Nevada,	Stewart,
Cameron,	Frye,	McPherson,	Teller,
Chandler,	George,	Mitchell,	Turpie,
Cockrell,	Gorman,	Morgan,	Vest,
Coke,	Gray,	Paddock,	Walthall,
Cullom,	Hale,	Pasco,	Wilson of Iowa,
Daniel,	Hampton,	Platt,	Wilson of Md.
Davis,	Harris,	Quay,	
Dolph,	Hawley,	Reagan,	
Edmunds,	Hearst,	Riddleberger,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names.

Mr. HALE. I present the conference report on the deficiency appropriation bill and ask the Senate to proceed to its consideration. As soon as that is completed and sent to the other House, for one I am willing to go into executive session, but it is very important that this appropriation bill should be sent to the other House with the action of the Senate on the conference report.

Mr. COCKRELL. I hope the Senator from Virginia will yield. It will only take a few moments to dispose of the conference report.

Mr. HALE. It will take only a few moments, and then for one I shall be willing to have an executive session.

Mr. RIDDLEBERGER. I have been censured for yielding too much. There was no reason why the Senator from Maine should not have voted to go into executive session and then have presented his conference report by asking that the doors be considered open for that purpose, and he would have saved a half hour. If he can not vote for an executive session, then I shall ask the Chair whether one objection will not obtain against action on the amendments to the appropriation bill.

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maine for the consideration of the conference report?

Mr. RIDDLEBERGER. I ask if one objection will carry that report over?

The PRESIDING OFFICER. The Chair has already announced that the motion of the Senator from Virginia, in the opinion of the Chair, is in order, and the conference report, while that motion is undisposed of, can only be received and considered by unanimous consent.

Mr. RIDDLEBERGER. Then I object.

Mr. HALE. All I ask is that the Senator from Virginia will yield until we can get the conference report through, so as to send it to the other House. It will not take three minutes, and then we can, I fancy, by unanimous consent, go into executive session.

Mr. HARRIS. I appeal to the Senator from Virginia, in view of what the Senator from Maine has just said, that he and all the rest of us consent to allow the conference report to be considered. It will not take exceeding three or five minutes, and the Senator from Maine has suggested that an executive session can be had afterwards. I am satisfied that it can.

Mr. HALE. After that is disposed of an executive session will come as a matter of course.

Mr. RIDDLEBERGER. That is a very seductive suggestion, but I

am not in the habit of making that kind of contracts. It was promised yesterday, last night, and to-day that we should have an executive session; and the conference report of the Senator from Maine does not amount to anything if we have no quorum here.

Mr. HALE. There is a general consent that there shall be an executive session after the conference report is disposed of.

Mr. RIDDLEBERGER. Will you give your bond and security for that? I should like to have it now.

Mr. HALE. There is a general feeling, evidently, that after the conference report is disposed of we shall go into executive session, and the Senator from Virginia must see that he will accomplish that much sooner by allowing the conference report to be considered and sent over to the other House. It will not take three minutes to do that, and after that we shall go into executive session.

Mr. EDMUNDS. I hope the Senator from Virginia will agree to that.

Mr. RIDDLEBERGER. If a Senator makes a fool of me the first time, it is his fault; the next time it is mine. I do not see where the votes are to come from to secure an executive session.

Mr. HALE. Everybody will vote for it after the conference report is disposed of.

Mr. GORMAN. Yes, everybody will vote for it.

Mr. RIDDLEBERGER. Will the Senator from Vermont vote to go into executive session?

Mr. EDMUNDS. He will.

Mr. RIDDLEBERGER. This is the first time I have ever been on first-class relations with the Senator from Vermont. I believe I will let it go now, if he will keep up that relation. I withdraw the motion for the present, and consent to the report being received.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. DOCKERY, Mr. BOOHER, and Mr. KERR the managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan, and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania; and it was thereupon signed by the President *pro tempore*.

DAMS OR WING-FACINGS IN THE RIO GRANDE.

The PRESIDING OFFICER (Mr. DOLPH) laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I herewith transmit for the information of Congress a report from the Secretary of State, with its accompanying correspondence, in regard to the construction of certain dams or wing-facings in the Rio Grande at Paso del Norte (Ciudad Juarez), opposite the city of El Paso, Tex.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1889.

DEFICIENCY APPROPRIATION BILL.

The PRESIDING OFFICER. There being no objection to the consideration of the conference report submitted by the Senator from Maine [Mr. HALE] it will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, 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 4, 6, 11, 12, 17, 18, 20, 22, 30, 34, 39, 40, 43, 49, 53, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 82, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 10, 13, 14, 15, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 35, 38, 41, 44, 45, 50, 51, 52, 54, 55, 56, 57, 59, 60, 67, 77, 78, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 104, 105, 106, 107, and 108, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" 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 named in said amendment insert "$50,000;" 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 "$40,000;" 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 named in said amendment insert "$1,000;" 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: Strike out the amended paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "ex-Secretaries of the Navy Borie and Woodbury" and insert in lieu thereof the following: "Adolph E. Borie and Levy Woodbury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out all after the word "eighty-nine" in line 11 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And for preparing suitable rooms and other necessary accommodations for the United States court at Muscogee, in the Indian Territory, and the expenses (including fees of jurors) of said court for the current year, $5,300; in all, $10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay Henry Talbott, clerk of the Committee on Ways and Means, House of Representatives, for extra services rendered during the Fiftieth Congress, $1,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, 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:

"SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of the State of Florida reported in the letter of the Secretary of War, dated May 22, 1882, and under previous acts of Congress, and to make a report upon the same to the next regular session of Congress, and in connection therewith to report the amount of all claims in favor of the General Government against the State of Florida, and in said report to state the account between the General Government and the State of Florida."

And the Senate agree to the same.

On amendments numbered 36, 37, 103, 109, and 110 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

JOSEPH D. SAYERS,
SAMUEL J. RANDALL,
LOUIS E. MCCOMAS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. FAULKNER. I ask the Senator from Maine whether the report strikes out the item giving one month's extra pay to the employés of the two bodies.

Mr. HALE. No, it does not. The Senate made an amendment to that proposition involving the pay of the Library employés and the Reporters. The House conferees refused to agree to that, and so the whole matter was left open in the conference.

Mr. EDMUNDS. This is not a complete report?

Mr. HALE. It leaves three items unsettled.

Mr. FAULKNER. What I wanted to know was, whether there was any action of the conference between the two Houses which involved the effect of the action of the House of Representatives in this respect, regardless of the amendment put upon the provision by the Senate.

Mr. HALE. The House conferees refused to agree to the amendment of the Senate to put in the Reporters and the employés of the Library, and that question is to be left to a vote of the House and the Senate.

Mr. FAULKNER. Then it does not affect the other employés of the House and the Senate?

Mr. HALE. Not in the least.

Mr. PASCO. I should like the Senator from Maine to state whether the understanding is that the account of the State of Florida is to be made up upon the principle involved in the present amendment to the bill.

Mr. HALE. Yes; the Secretary of the Treasury is directed by the amendment agreed to by the conference committee to report the sums due to the State of Florida and any offset that the United States has against the claim to the next Congress.

Mr. PASCO. Recognizing the right to charge and receive interest on each side?

Mr. HALE. Yes, sir.

Mr. EDMUNDS. But still subject to the future consideration of Congress?

Mr. HALE. Subject to the action of the next Congress.

Mr. PASCO. Undoubtedly; but I wished to understand whether it was made up on the principle established in the amendment to the present bill.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. HALE. Is it necessary for me to ask for a further conference?

Mr. EDMUNDS. Does the other House request one?

Mr. HALE. I move that the Senate insist on its amendments not disposed of by the report just acted on.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate further insist on its amendments remaining disagreed to, and ask for a further conference thereon.

Mr. HALE. No; I do not ask for a further conference until the House acts.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate insist upon the amendments which have not been disposed of by the conference report.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. EDMUNDS. The question now recurs on the motion of the Senator from Virginia, which was laid aside by unanimous consent.

Mr. HALE. I hope that an executive session will be agreed to by unanimous consent.

Mr. GORMAN. I ask the Senator from Tennessee to withdraw the demand for the yeas and nays on the motion of the Senator from Virginia.

Mr. HARRIS. I withdraw the demand for the yeas and nays if the Senate will allow me to do so.

The PRESIDING OFFICER. Is there unanimous consent to the request of the Senator from Tennessee? If there be no objection, the demand for the yeas and nays is withdrawn. The question now recurs on the motion of the Senator from Virginia [Mr. RIDDLEBERGER] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

CLASSIFIED SERVICE OF NATIONAL MUSEUM.

The PRESIDENT *pro tempore* laid before the Senate a communication from S. P. Langley, secretary of the Smithsonian Institution, transmitting, in response to a resolution of the Senate, a schedule of the classified service of the officers and employés of the National Museum; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

REPORT OF CIVIL SERVICE COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was ordered to lie on the table and be printed:

To the Congress:

I herewith transmit the fifth report of the Civil Service Commission, covering the year which ended June 30, 1888.

The cause of civil-service reform, which in a great degree is intrusted to the commission, I regard as so firmly established and its value so fully demonstrated that I should deem it more gratifying than useful if at this late day in the session of Congress I was permitted to enlarge upon its importance and present condition.

A perusal of the report herewith submitted will furnish information of the progress which has been made during the year to which it relates, in the extension of the operations of this reform and in the improvement of its methods and rules.

It is cause for congratulation that watchfulness and care and fidelity to its purposes are all that are necessary to insure to the Government and our people all the benefits which its inauguration promised.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

BRUSSELS EXHIBITION OF 1888.

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

To the Senate of the United States:

I have the honor to transmit herewith a communication from the Secretary of State covering the report of the commissioner of the United States to the Brussels exhibition of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

ALASKAN BOUNDARY.

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

To the Senate and House of Representatives:

I herewith transmit a report of the Secretary of State and accompanying documents relative to the undetermined boundary line between Alaska and British Columbia.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

ENROLLED BILLS SIGNED.

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

A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

A bill (H. R. 6411) granting a pension to Sarah Jackson; and

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

ST. JOSEPH COMMERCIAL COLLEGE.

Mr. SPOONER 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. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., 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.

JOHN C. SPOONER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

ALEX. M. DOCKERY,
CHAS. F. BOOHER,
DANIEL KERR,
Managers on the part of the House.

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

JOHN R. WOOD AND SURETIES.

Mr. DANIEL. I move that the Senate proceed to the consideration of the bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve John R. Wood, as principal, and John T. Ballard and John T. Belew, as sureties, of the payment of the tax on 154 gallons of brandy, amounting to $138.60, the brandy having been destroyed by fire on the 3d of August, 1887, near the village of White Hall (Moorman's River post-office), in the county of Albemarle, State of Virginia, and relieves them of all penalties incident to the non-payment of the tax.

Mr. EDMUNDS. I ask the Senator from Virginia, as there is no written report, to explain the bill if he will be kind enough to do so.

Mr. DANIEL. John R. Wood was a distiller of fruit brandy in the county of Albemarle, State of Virginia, for seven or eight years. After this brandy had been assessed for the tax, but before he paid the tax, it was burned. It is reported that he was a very correct man and a very poor man. The building and the brandy were destroyed by fire.

Mr. EDMUNDS. It was in a building, and the building was destroyed?

Mr. DANIEL. Yes, sir; the buildings were destroyed by fire. There was a total loss and no insurance, and it is recommended that he be relieved from the payment of the tax, the property having been destroyed.

Mr. EDMUNDS. All right; I am satisfied.

Mr. DANIEL. I know the parties, and the bill is all right.

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

WIDOW OF ARNO VOSS.

Mr. FARWELL. I move that the Senate proceed to the consideration of the bill (H. R. 2070) for the relief of the widow of Arno Voss.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to audit the account of Col. Arno Voss for $607 and pay the same.

Mr. EDMUNDS. Let us hear the report.

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

The Secretary read the report submitted by Mr. SPOONER March 1, 1889, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2070) for the relief of the widow of Arno Voss, have had the same under consideration, and report as follows:

This bill has passed the House of Representatives at the present session of Congress. The report of the House committee is as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 2070) for the relief of the widow of Arno Voss, report 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 night all of said day crossed the Potomac River over the pontoon bridge into Maryland, cut his way through the Confederate lines, and joined 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 did receipt 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 said 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 pair regulation pants, $20	60.00
Two vests, at $10	20.00
One regulation overcoat	95.00
Three pair 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 of 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.] PHILIP A. HAYNE,
United States Commissioner, Northern District Illinois.

Mr. EDMUNDS. When the matter began to be read, as the bill was vague, I thought it opened the question about the date of muster to regiments that were not full according to the law. I see it is to pay a claim for lost property under the circumstances stated, and I have not the least objection to the bill.

Mr. DANIEL. I beg leave to make an inquiry as to who the man was. We understand that he was a Federal officer.

Mr. FARWELL. The bill and report show that he was a Federal officer.

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

WILLIAM WHITEHOUSE.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 2598) for the relief of William Whitehouse. It is a bill reported from the Committee on Claims to pay the beneficiary about $250 for some property lost during the war.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay William Whitehouse, of Jackson County, Missouri, $247.50, in full payment for two sets of blacksmith's tools taken in 1863 by the United States Army from the shop of Whitehouse, in the county of Jackson, Missouri.

Mr. EDMUNDS. Let us hear the report.

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

The Chief Clerk read the report submitted by Mr. WILSON, of Maryland, February 27, 1889, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2598) for the relief of William Whitehouse, have considered the same and beg leave to report as follows:

The claimant, who is a blacksmith by trade, has lived in Jackson County, Missouri, from and during the year 1863 down to the present time. During the year 1863 a regiment of United States troops, under the command of Col. Walter King, was camped near the residence of claimant, and being in need of blacksmith's tools and iron and coal for the uses of the command, the troops, under the orders of their officers, visited the claimant's blacksmith-shop and took from him his tools and the lot of iron and coal he had on hand, worth $247.50.

The coal and iron they used, and the tools they carried away with them upon their departure from that locality for their future use, so that he never recovered them, nor has he received any compensation therefor. In 1886 he placed his claim in the hands of an attorney, who filed the same in the War Department, but nothing was ever done with it.

The claimant is a poor and ignorant man, and had supposed his claim was being duly prosecuted. He finally enlisted the attention of his member of Congress in the claim, and it has been passed by the House of Representatives.

The proof clearly shows him to be a loyal man, and your committee think the bill for his relief should become a law, and therefore recommend its passage.

Mr. EDMUNDS. I have no objection to the bill. It is stated that he was a loyal man, and it is a small sum.

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

LUCY M. SWINNEA AND MARY E. HANSERD.

Mr. WALTHALL. I move that the Senate proceed to the consideration of the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Lucy M. Swinnea and Mary E. Hanserd each $640, being their respective shares of the value, as found by the Southern Claims Commission, of certain property taken for the use of the Army of the United States known as the Army of East Tennessee.

Mr. EDMUNDS. I should like to hear the report read.

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

The Secretary read the report submitted by Mr. JONES, of Arkansas, February 26, 1889, as follows:

The House of Representatives during the first session, present Congress, made the following report in this case:

"[House Report No. 2427, Fiftieth Congress, first session.]

"The Committee on War Claims, to whom was referred the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd, respectfully report:

"John B. Bridgforth, of De Soto County, Mississippi, died in 1852 the owner of about 2,000 acres of land situate in said county. He left surviving him four minor children, two sons, William D. and Thomas H. Bridgforth, and two daughters, Lucy M. and Mary E. Bridgforth.

"About May, 1863, the Federal forces encamped in the neighborhood and took property belonging to these minors of the value as hereinafter more particularly stated of $2,560.

"The two sons resided with their guardian, Thomas P. Bridgforth; the daughters with their guardian.

"A claim was made on behalf of the sons before the Southern Claims Commission for their one-half of the property taken, but the guardian of the daughters made no claim for their interest.

"The commission found that the property taken, consisting of 15 mules, 8 oxen, 14 cows, 2,000 pounds of bacon, 100 bushels of corn, 4 stacks of fodder, was of the value of $2,560, and the one-half of this was allowed and paid to the two sons; but no action having been taken on behalf of the two daughters, nothing was allowed and paid to them, all of which fully appears by reference to the records and files of the commission in the case now on file in the Treasury Department. These two daughters have since intermarried, Lucy M. with Mr. Swinnea and Mary M. with Mr. Hanserd.

"It is doubtless due to the fact that no attention was given to the matter that the interests of these parties were not presented to the commission and they were not paid their shares respectively.

"Your committee see no reason why they should not be paid the same sum that was paid to their brothers, namely, $1,280, or $640 to each. The claim is obviously a just one, and we therefore recommend the passage of the said bill."

This committee believe that this report fairly sets forth the facts in this case, and respectfully recommend the passage of the bill.

Mr. EDMUNDS. I think from the report that this is a fair claim upon the equity of Congress. These two children did not have their judgment in the court that we provided for such claims and which decided in favor of the claim, and it is stated that their brothers received only one-half of it.

But I wish to say to my friend from Mississippi and to all other Senators who do me the honor to listen, that passing bills of this kind, no matter how meritorious, as late in the night as this is on the last day of the session, is throwing upon the President of the United States probably from fifty to one hundred bills, taking the last twenty-four hours of the two Houses, that it will be impossible for him to examine, and it is a mere waste of time. I shall not object to the passage of the bill on that account, but when this one is disposed of I shall move to take a recess to some suitable time. If my friend from Mississippi thinks there is any hope of getting the bill signed, I am perfectly willing to let it go.

Mr. WALTHALL. I want to get the bill passed if I can. I think probably it can reach the President in time to be approved.

Mr. RIDDLEBERGER. A motion to take a recess is equivalent to a motion to adjourn, and it is not debatable, and a Senator can not make the motion after he has made a speech. I therefore ask the Chair to understand that to-morrow evening at 8 o'clock I shall have the floor on a motion to pursue the Calendar without reference to the motion to lay over a resolution to discharge the Committee on the Judiciary. I beg pardon of the Chair for asking if I am to be recognized to-morrow as to my right to the floor without regard to the resolution to discharge the Committee on the Judiciary?

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Virginia if he desires.

Mr. RIDDLEBERGER. To-morrow evening at 8 o'clock?

The PRESIDENT *pro tempore*. Now.

Mr. HAWLEY. If the floor is open, I should be glad to be heard.

The PRESIDENT *pro tempore*. There is a bill before the Senate. The Senator from Virginia rose to address the Chair.

Mr. RIDDLEBERGER. Yes, sir; and I yielded yesterday evening, or I believe it was this morning, for a motion to take a recess until 8 o'clock to-night.

Mr. WALTHALL. Will the Senator yield to me for one instant?

Mr. RIDDLEBERGER. No, sir.

Mr. WALTHALL. I ask that this bill be disposed of, unless the Senator proposes to speak to the bill. I have the floor, sir. I had the floor when the Senator rose.

Mr. RIDDLEBERGER. The Senator has not got the floor yet.

Mr. WALTHALL. I had the floor when the Senator from Virginia rose, and I ask that the pending bill be disposed of.

The PRESIDENT *pro tempore*. The pending question is upon the bill now before the Senate as in Committee of the Whole. Does the Senator from Virginia desire to speak to the bill?

Mr. RIDDLEBERGER. I do, sir; and I do not intend to allow the Senator from Mississippi to interrupt me either.

Mr. WALTHALL. The Senator seems to have forgotten what has transpired. He interrupted me, and I was about to say that he did so in a rather impertinent manner in speaking of a matter that did not bear upon the question before the Senate. I did not interrupt him, and I trust that he will allow the vote to be taken on the bill.

Mr. RIDDLEBERGER. I wish the Senator would withdraw the word "impertinent." He should make himself much more careful in the use of language.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Mississippi did not intend to express what his words would seem to imply.

Mr. WALTHALL. I meant to say that the remarks of the Senator from Virginia were not pertinent to the question before the Senate.

The PRESIDENT *pro tempore*. So the Chair understood. If there is no amendment to the bill as in Committee of the Whole, it will be reported to the Senate.

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

GEORGETOWN AND TENNALLYTOWN RAILWAY.

Mr. FAULKNER. I ask the consent of the Senate to call up House bill 11811, which was passed by the House as a substitute for the bill (S. 3674) to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval. It is the bill which the Senator from Vermont [Mr. EDMUNDS] desired time to examine when it was laid before the Senate this morning.

Mr. EDMUNDS. I wish to say to my friend from West Virginia that I do not think the bill ought to be passed, and I think he will be satisfied that it ought to be certainly further considered when I explain it to him.

The effect of it is to authorize this railway from Georgetown to Tennallytown (instead of being required as it was by the law that authorized it to keep out of the street between Georgetown and Tennallytown) to go on one side of the street. If it is allowed to go on one side of the street, no property-holder on that side of the street will be able to even have a sidewalk, as the House has passed the bill, and it will injure the value of property to the extent of a great many thousands of dollars. That part of the District is building up, and if you authorize this railroad company to lay its track right along the side of the street line, by the very side of the private property, it will almost destroy it. A bill of that kind ought not to pass without consideration.

Mr. FAULKNER. The Senator is entirely mistaken as to the substance of the bill. It simply provides that the company shall not take the improved part of the street. That is a suggestion of the other House which the Senate District Committee thought was a proper one. This being a road out in the country and this line of road being for the purpose of developing that suburban part of the District, the House bill authorizes the railroad company to lay its track on a part of the proper road of the District outside of the improved part.

The object of that provision is simply this: The center of the road being macadamized, the purpose was to throw the track on the side so that it would not affect the driving on that macadamized road.

The Senator will see that the provision requiring the railroad to go through the land outside of the road was unfair and unjust. It is the same width of road as F street, and there is no difficulty in running two tracks along there and having plenty of room to drive.

It is an exceedingly important bill for the interests of those persons who are living along the Tennallytown road, and unless there is some serious objection to it, I sincerely hope that the Senator will not make any objection to its being brought before the Senate this evening.

Mr. ALLISON. Mr. President——

Mr. EDMUNDS. I hope my friend from Iowa will allow me one minute to reply to my friend from West Virginia.

I did not make the objection on the ground that the driving-track is going to be interrupted, but I made it on the very ground that he states the facts to be, that the railroad company is required not to lay its track in the driving part of the road, but is authorized to lay it just as close to one side as it pleases, and it may therefore run its cars so that they will not be six inches away from the front of any poor man up there who builds his house or has it already built.

I do not propose, without further consideration, to be a party to doing a wrong of that kind to every man who owns land on the side of the street where the company chooses to lay its track. That is the way it looks to me, and therefore I must object, as the bill is subject to objection.

Mr. FAULKNER. Do I understand that one objection carries my motion over?

Mr. EDMUNDS. Yes, the bill came over to-day.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from West Virginia.

HOUR OF RECESS.

Mr. ALLISON (at 2 o'clock a. m. Sunday, March 3). I ask unanimous consent that when we take a recess it shall be until 3 o'clock this afternoon, for the purpose only of signing enrolled bills, and that at 8 o'clock this evening legislative business shall be resumed.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that when the Senate take a recess it be until 3 o'clock in the afternoon, for the purpose of signing enrolled bills only, and that business be resumed at 8 o'clock in the evening. Is there objection?

Mr. RIDDLEBERGER. That is, legislative business at 8 o'clock?

Mr. ALLISON. I propose that we shall resume business at 8 o'clock, whatever business may be on hand at that time.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request, and it is so ordered.

DISTRICT PAWNBROKERS.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 5, after the word "persons," to insert "citizens of the United States;" so as to read:

That the commissioners of the District of Columbia may from time to time grant licenses, under their hands and seal, to such persons citizens of the United States as shall produce to them satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a pawnbroker without being duly licensed by the commissioners of the District of Columbia, nor in any other building than the one designated in said license, except by the consent in writing of the said commissioners, under the penalty of $50 for each day he or she shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the commissioners as aforesaid.

The amendment was agreed to.

The next amendment was, in section 5, line 6, after the word "section," to insert "excepting as to the description of the person;" so as to make the section read:

SEC. 5. That every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article, or thing a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section, excepting as to the description of the person.

The amendment was agreed to.

The next amendment was, in section 7, line 2, after the word "than," to strike out "24 per cent. per annum" and insert "3 per cent. per month;" in line 5, before the word "per cent.," to strike out "12" and insert "2," and in the same line, after "per," to strike out "annum" and insert "month;" so as to make the section read:

SEC. 7. That no pawnbroker shall ask, demand, or receive any greater rate of interest than 3 per cent. per month upon any loan not exceeding the sum of $25, or more than 2 per cent. per month upon any loan exceeding the sum of $25, under the penalty of $100 for every such offense.

The amendment was agreed to.

The next amendment was to add to section 10 the following proviso:

Provided, That said person shall call for said surplus within one year from date of said sale.

The amendment was agreed to.

The PRESIDENT *pro tempore*. In section 13, line 4, the word "convention" should be "conviction," so as to read "upon conviction before a court of competent jurisdiction."

Mr. SPOONER. Let that amendment be made.

The PRESIDENT *pro tempore*. The amendment will be agreed to.

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

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

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

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

ORDER OF BUSINESS.

Mr. ALLISON. I move that the Senate take a recess until 3 o'clock.

Mr. BLACKBURN addressed the Chair.

Mr. HAWLEY. Will the Senator from Iowa allow me to request concurrence with the House in a printing resolution, which I think is very reasonable and useful?

Mr. EDMUNDS. That can be done this evening.

Mr. HAWLEY. But it will not get signed.

Mr. EDMUNDS. If the Senator from Iowa yields to one he will have to yield to others.

Mr. HAWLEY. This is different from a bill. It is a matter of public business. It is not a bill of private interest to anybody. I ask permission to have it read for information.

Mr. ALLISON. What is it about?

Mr. HAWLEY. It is concerning the question of Western irrigation. It is a report of the chief of engineers and the principal secretary of public works in Egypt. The House asks for a small edition of 3,000 copies in view of the hundred thousand dollars we have appropriated for considering that subject.

Mr. ALLISON. I will yield.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Kentucky [Mr. BLACKBURN] if the Senator from Iowa yields the floor.

Mr. BLACKBURN. I ask the Senate to take up and consider the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, if there be no objection.

Mr. EDMUNDS. I wish to make a parliamentary inquiry. Under the present order of the Senate, would it be competent for the Senate to take the recess that has been agreed upon without a voting quorum?

The PRESIDENT *pro tempore*. If the want of a quorum should be disclosed, the Chair would feel at liberty to announce the recess until 3 o'clock.

Mr. EDMUNDS. I thought that was the law.

Mr. CAMERON. Suppose the want of a quorum is not disclosed?

The PRESIDENT *pro tempore*. The Chair will not take any notice of the want of a quorum unless it is disclosed.

Mr. EDMUNDS. There are only about twelve Senators present, and we have passed more bills now than the President can possibly sign unless he signs them without examination. I therefore feel bound to insist that the Senate shall now take a recess.

Mr. HAWLEY. There is nothing that anybody controverts in the matter I wish to call up. There is absolute unanimity in regard to it.

RECESS.

Mr. ALLISON. I move that the Senate take a recess until 3 o'clock this afternoon.

The motion was agreed to; and (at 2 o'clock and 15 minutes a. m. Sunday, March 3, 1889) the Senate took a recess until 3 o'clock p. m.

SUNDAY'S SESSION.

At 3 o'clock p. m. (Sunday, March 3) the President *pro tempore* resumed the chair.

MESSAGE FROM THE HOUSE.

At 3 o'clock and 10 minutes p. m., Mr. JOHN B. CLARK, the Clerk of the House of Representatives, appeared at the bar.

The PRESIDENT *pro tempore*. The Senate will receive a message from the House of Representatives.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 2875) for the relief of Louisa H. Hasell;

A bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre;

A bill (H. R. 9455) granting a pension to Benjamin F. Clayton;

A bill (H. R. 9674) to regulate the course at the Naval Academy;

A bill (H. R. 9718) for the relief of J. W. Parish & Co.;

A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota;

A bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska; and

Joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

MESSAGE FROM THE HOUSE.

At 3 o'clock and 40 minutes p. m. a message from the House, by Mr. TOWLES, its Chief Clerk, announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

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 (H. R. 2070) for the relief of Arno Voss;

A bill (H. R. 2598) for the relief of William Whitehouse;

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd;

A bill (H. R. 5226) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.;

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield; and

A bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew.

MESSAGE FROM THE HOUSE.

At 6 o'clock p. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in 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. 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.

MESSAGE FROM THE HOUSE.

At 6 o'clock and 10 minutes p. m. a message from the House of Representative, by Mr. CLARK, its Clerk, announced that the House had concurred in 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. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes.

The message also announced that the House had concurred in 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. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

ENROLLED BILLS SIGNED.

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

A bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.;

A bill (S. 308) for the relief of Faran & McLean;

A bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.; and

A bill (S. 3960) granting a pension to Mary B. Hunt.

ALLOTMENT OF LANDS IN SEVERALTY.

Mr. DAWES (at 8 o'clock and 2 minutes p. m.). Is a conference report in order at this time?

The PRESIDENT *pro tempore*. It is.

Mr. DAWES 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. 11634) to provide for the allotment of lands in severalty to the United Peorias and Miamis in Indian Territory, 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 2 and 4.

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

H. L. DAWES,
J. K. JONES,
Managers on the part of the Senate.

B. W. PERKINS,
S. W. PEEL,
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.

INDIAN APPROPRIATION BILL.

Mr. DAWES 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. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, 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 2 and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, and 81, and 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: Strike out the word "two" in said amendment and insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out in the proviso of said amendment the words "the allowance of the claim of" and insert "the question of the obligation of the Government on account of the payment to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out the words proposed to be inserted, and insert in lieu thereof "and which have been duly approved;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 23 of said amendment, strike out "Western;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 8 of said amendment, after the word "thereof," insert "the sum of $5,000, or so much thereof as may be necessary."

Also, in lines 10 and 11, strike out the words "in the matter of the distribution" and insert in lieu thereof the words "and rendering them aid in obtaining the allowance."

Also, in lines 11 and 12, after the word "dollars," strike out "who, in his judgment, are entitled thereto."

Also, in line 12, strike out "twelve" and insert "fifteen."

Also, in line 14, after the word "expended," insert "in ascertaining to whom said money shall be paid."

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: That the words "not including transportation" be stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Add to the words proposed to be inserted by said amendment: "and section 8 of the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes,' approved June 29, 1888, is hereby repealed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 7 of said amendment strike out "in the Indian Territory" and insert in lieu thereof "within the limits of said lands."

Also, in line 15, after "apply," insert as follows:

"*And provided further*, 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 commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That 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: *And provided further*, That."

Also, in line 15, strike out "to" and insert in lieu thereof "shall."

Also, in line 15, insert after "form" the words "as nearly as practicable."

Also, in line 16, after the word "person," strike out the word "to."

Also, in lines 18 and 19, strike out "in conformity to law."

Also, in line 25, strike out "in his discretion."

Also, in line 31, after "Indians," insert "including the provisions pertaining to forfeiture."

Also, at the beginning of line 37, insert "section 14."

Also, add at the end of the amendment the following:

"*Provided*, That said commission is further authorized to submit to the Cherokee Nation the proposition that said nation shall cede to the United States in the manner and with the effect aforesaid all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January 19, 1889, and ratified by the present Congress; and if said Cherokee Nation shall accept, and by act of its legislative authority duly passed ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided; and the President is authorized as soon thereafter as he may deem advisable by proclamation to open said lands to settlement in the same manner and to the same effect as in this act provided concerning the lands acquired from said Creek Indians; but until said lands are opened for settlement by proclamation of the President no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto.

"SEC. 15. That the President may, whenever he deems it necessary, create not to exceed two land districts, embracing the lands which he may open to settlement by proclamation as hereinbefore provided, and he is empowered to locate land offices for the same, appointing thereto in conformity to existing law registers and receivers; and for the purpose of carrying out this provision $5,000, or so much thereof as may be necessary, is hereby appropriated."

And the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
Managers on the part of the Senate.

S. W. PEEL,
JOHN M. ALLEN,
B. W. PERKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate concur in the report of the committee of conference?

Mr. RIDDLEBERGER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Virginia——

Mr. RIDDLEBERGER. I expect that the conference report will have precedence, but I beg that I may have now an opportunity, pending the report, to move an executive session.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from Virginia.

Mr. RIDDLEBERGER. I say that pending the report I move to go into executive session. I have heard so many of those reports that I think it is about time to consider some other business.

Mr. DAWES. The report is before the Senate, and the Senate is ready to vote on concurring in it.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. SPOONER. Will the Senator from Virginia yield to me to enable me to present a report from the Committee on Claims?

I am instructed by the Committee on Claims to report favorably without amendment the bill (S. 409) for the relief of the First National Bank of Newton, Mass., and to submit a report thereon.

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

JAMES A. STEWART.

Mr. SHERMAN. There are two small bills, and very worthy ones, on the Calendar reported from the Committee on Claims. On account of my absence from the Senate at different times recently, I have not had an opportunity to move their consideration. I ask the consent of the Senate to move to proceed to the consideration of those bills. The first one is House bill 9271.

Mr. RIDDLEBERGER. Do I understand the President of the Senate to say that I shall have the floor to move an executive session immediately after those claims are passed or rejected?

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 9271) for the relief of James A. Stewart.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments, in line 6, before the word "hundred," to strike out "four thousand seven" and insert "twenty-five;" and in line 7, after the word "payment," to strike out "and discharge of the amount due the said James A. Stewart;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James A. Stewart, of Cincinnati, Ohio, out of any money in the Treasury not otherwise appropriated, $2,500, said sum to be in full payment for services rendered as pilot of Government transports and gunboats from October 6, 1863, to April 30, A. D. 1865.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist on its amendments, and request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. PASCO were appointed.

D. M. SPRAGUE AND WILLIAM TILTON.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay the claim of D. M. Sprague and William Tilton for $943 for damages accruing to them in 1865 by reason of the failure of the Quartermaster's Department to comply with its contract.

Mr. RIDDLEBERGER. I ask whether I have not the right to the floor, not having yielded it.

Mr. SHERMAN. The Senator yielded the floor to me for the consideration of these two bills. I think it will take but a moment to pass the pending bill. If there is any objection to it, it will go over.

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

PROPOSED EXECUTIVE SESSION.

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

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business. The question is on agreeing to the motion of the Senator from Virginia. [Putting the question.] By the sound the noes have it. The noes have it, and the motion is not agreed to.

Mr. JONES, of Arkansas. Mr. President——

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

The PRESIDENT *pro tempore*. The Senator from Arkansas is recognized.

ESTATE OF BENJAMIN F. RICHARDSON.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

The first amendment was, in line 9, after the word "rebellion," to strike out the words:

And he may consider the evidence heretofore taken on said claim, so far as applicable, and such other legal evidence as may be adduced before him in behalf of the claimant or in behalf of the United States.

So as to read:

That the Quartermaster-General of the United States is hereby authorized and directed to examine the claim of the estate of Benjamin F. Richardson, deceased, late of Jefferson County, Arkansas, for stores and supplies belonging to said Richardson alleged to have been taken by the United States or the armies thereof, in Jefferson County, in the State of Arkansas, during the war of the rebellion, and shall report the facts to Congress, etc.

Mr. JONES, of Arkansas. I hope the Senate will not agree to the committee amendment. It is not material, as I think, in any particular respect. This is a House bill, and if it is amended of course it is bound to fail. It is a bill which should pass, and the amendment as made by the committee I do not think is of any material consequence. I wish to call the attention of other members of the Committee on Claims to the fact that I ask the Senate not to concur in the amendment proposed by the committee.

Mr. SPOONER. I ask that the committee amendments may be again read.

The amendment of the Committee on Claims was read.

Mr. JONES, of Arkansas. The amendment which the committee reported I hope the Senate will not agree to, and that the bill will be passed without amendment. Both the Senator from Wisconsin [Mr. SPOONER] and the Senator from Massachusetts [Mr. HOAR], who are on the committee from which the bill came, have had their attention called to the amendment, and if either of them objects I shall withdraw my proposition.

Mr. RIDDLEBERGER. I object.

Mr. JONES, of Arkansas. There is no chance for the bill to become a law if it be amended.

Mr. SPOONER. If the matter were to go to the Court of Claims I should insist upon the amendment, but as it is an instruction to the

Quartermaster-General I regard the amendment as not material. If its adoption will endanger the passage of the bill, I am quite willing that it shall be disagreed to.

Mr. HOAR. I am inclined to think on looking at the bill that its legal effect is absolutely the same with the amendment as without.

Mr. JONES, of Arkansas. That is the way it occurred to me.

Mr. HOAR. The Quartermaster-General is not bound to be governed by the ordinary rules of evidence, and if there be a document necessary for the protection of either party he would have the right to consider it whether expressly authorized to do so or not.

Mr. JONES, of Arkansas. I hope the Senate will not agree to the amendment, and that the bill will be passed as it came from the House.

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

Mr. RIDDLEBERGER. I ask the Senator from Massachusetts whether he knows anything about this bill.

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

Mr. RIDDLEBERGER. I do not ask him for his confidence.

The amendment was rejected.

The next amendment was, in line 3, after the word "Congress," to strike out the words "to be considered with other claims reported by the Quartermaster-General."

The amendment was rejected.

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

TARIFF STATISTICS AND TESTIMONY.

Mr. MORRILL. I ask for the adoption of the following order:

Ordered, That the Committee on Finance have authority to complete the compilation and index of tariff statistics and testimony in connection with House bill 9951, the expense therefor to be paid from the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The order will be agreed to, if there be no objection. The Chair hears none, and it is agreed to.

Mr. RIDDLEBERGER. Will an objection carry it over for a day?

The PRESIDENT *pro tempore*. It will not now. The order has been agreed to.

PATRICK C. M'QUEENY.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 9949) for the relief of Patrick C. McQueeny.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Patrick C. McQueeny, late sergeant Company B, Seventeenth Regiment United States Infantry, $50, for additional bounty due him.

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

JOHN T. HIGGINS.

Mr. PASCO. I ask the consent of the Senate for the consideration at the present time of the bill (H. R. 8307) for the relief of John T. Higgins.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of the bill (H. R. 8307) for the relief of John T. Higgins.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay John T. Higgins, of Lincoln County, Kentucky, $130, necessary expenses as general store-keeper and gauger for two months and six days in the revenue service of the eighth district of Kentucky.

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

The first amendment was, in line 7, after the word "dollars," to strike out "or so much thereof as may be necessary."

Mr. PASCO. The amendments are not essential, and by the consent and with the authority of the Committee on Claims I ask that they be disagreed to.

The amendment was rejected.

The next amendment was, in line 7, after the word "for," to insert the words "actual and."

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment?

Mr. RIDDLEBERGER. I object.

The amendment was rejected.

The next amendment was, in line 8, before the word "expenses," to insert "traveling."

The amendment was rejected.

The next amendment was, in line 8, after the word "expenses," to insert "while acting temporarily."

The amendment was rejected.

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

JAMES DEVINE.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (H. R. 3765) for the relief of James Devine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to James Devine, of the county of Brown, Minnesota, $700, for damages done to his land by the United States troops in cutting timber for the building of Fort Hanska, and for fuel and other purposes, while in possession of troops during the outbreak of the Sioux Indians in Minnesota.

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

SAMUEL HOWARD.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $100 to James S. Flake, guardian of Samuel Howard (a lunatic), of Henderson County, Tennessee, for quartermaster's stores, consisting of one horse, taken from Howard and appropriated by the military forces of the United States.

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

The bill was read the third time, and passed.

FLORA A. DARLING.

Mr. STEWART. Owing to a mistake in the statement of facts found by the Court of Claims, upon which the report is based, I move that the bill (S. 3833) for the relief of Flora A. Darling be recommitted to the Committee on Military Affairs.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. STEWART it was

Ordered, That leave be granted to General Joseph Dickinson to withdraw the papers in his case from the files of the Senate, there having been no adverse report.

INDIAN WAR CLAIMS.

Mr. HEARST. I offer a resolution which I ask may be read, and I hope the Senate will take action upon it.

The PRESIDENT *pro tempore*. The resolution will be read if there be no objection.

The resolution was read, as follows:

Resolved, That the Secretary of War, through the Board of War Claim Examiners, appointed under section 2 of the act entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territory of Washington, and Nevada when a Territory," approved August 4, 1886, be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been or which hereafter may be submitted to him in support of the Indian war claims and Indian war obligations of the State of California, and to ascertain the amount of money actually expended and obligations incurred by said State, growing out of Indian hostilities therein and upon the borders thereof, and which have not heretofore been reimbursed by the United States.

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes hereinbefore enumerated, and which has not heretofore been reimbursed by the United States.

The Secretary of War shall report to the Senate the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matter above enumerated, including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

And the Secretary of War shall 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.

Mr. EDMUNDS. That resolution goes beyond what I think such resolutions ought to cover, and I must therefore object to it. The matter of undertaking to pay interest or inquiring into the payment of interest on money that States——

Mr. STEWART. I can not hear the Senator from Vermont.

The PRESIDENT *pro tempore*. Will the Senator from Vermont pause until order is restored in the Chamber? The Chair admonishes the occupants of the galleries that it is impossible to transact the public business while so much disorder and confusion prevail. The Chair is confident that this suggestion will be sufficient to prevent audible conversation.

Mr. EDMUNDS. I of course am not entitled to debate the resolution on an objection, but I think it right to my friends from California and Nevada to say that it implies an inquiry into the matter of interest paid by States in raising money to do the things in aid of the peace of the Union that a great many of the States, one that I know of, had to do to a very large amount, and the interest was never repaid, and I never thought it ought to be. At this late stage in the session I do not think that we ought to adopt a resolution of this kind in warm haste, and I object to it.

Mr. STEWART. I think the resolution might be amended by striking out what relates to interest. I suggest that amendment, and I have no doubt the Senator from California will accept it.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to amend the resolution——

Mr. EDMUNDS. I understand this to be a resolution which is now presented.

The PRESIDENT *pro tempore*. It is now presented.

Mr. EDMUNDS. I make the point of order that it must lie over one day.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the further consideration of the resolution, and it lies over under the rule.

INDEBTEDNESS OF PACIFIC RAILROADS.

On motion of Mr. FRYE, it was

Ordered, That the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned be recommitted to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

MARGARET T. HIGGINS.

Mr. VOORHEES. I desire to call up the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to John De Bree, executor of Margaret T. Higgins, $3,236.66 in full for and final discharge of the claim examined, investigated, and reported favorably by the Court of Claims, under the provisions of the act of Congress approved March 3, 1883, commonly called the Bowman act.

Mr. VOORHEES. I will say that the bill has been reported from the Committee on Claims unanimously by the Senator from Arkansas [Mr. JONES] without amendment.

Mr. EDMUNDS. Let us hear the report, Mr. President.

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

The Secretary read the following report, submitted by Mr. JONES, of Arkansas, February 23, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, beg leave to report as follows:

The bill provides for the payment of the sum of $3,236.66 for the use of a certain warehouse and wharf belonging to Mrs. Higgins, in the city of Norfolk, Va. The claim was transmitted to the Court of Claims by the House Committee on War Claims of the Forty-eighth Congress under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The said claim was returned by the Court of Claims to the House Committee on War Claims of the Forty-ninth Congress with findings of fact by the court as follows:

"[Court of Claims. Congressional Case No. 70. John De Bree, executor of Margaret Higgins, *vs.* The United States.]

"FINDINGS OF FACT.

"At a Court of Claims held in the city of Washington on the 14th day of December, A. D. 1885, the court filed the following findings of fact, to wit:

"This case, referred by the Committee on War Claims of the House of Representatives, under the provisions of the act of March 3, 1883, chapter 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General by his assistants appearing for the defense and protection of the interests of the United States, the court upon the evidence finds the facts to be as follows:

"I.

"From October 15, 1862, to the date of his death, February 2, 1864, John A. Higgins was the owner of a warehouse and wharf attached thereto upon Wide Water street, in the city of Norfolk, Va.

"After February 2, 1864, said warehouse and wharf were owned by Margaret T. Higgins, who was the widow of said John A. Higgins and executrix of and sole devisee and legatee under his last will and testament.

"The said Margaret T. Higgins died, and by her last will and testament the petitioner was constituted her sole executor.

"II.

"October 15, 1862, said warehouse and wharf were seized by Capt. Edwin Ludlow, assistant quartermaster, United States Army, as a military necessity, and were used by the Quartermaster's Department from said date to June 26, 1885, when they were restored to the said Margaret T. Higgins.

"At the time of said seizure it was represented by said Ludlow that compensation would be made to the owner on proof of loyalty.

"Such promise was not approved by the Quartermaster-General, and no rent was ever paid for said property.

"No evidence was ever adduced of the disloyalty of said John A. or Margaret T. Higgins, and both of them, so far as appears, were loyal to the Government of the United States.

"III.

"The said warehouse and wharf were in good condition when they were seized by the said Ludlow, but by reason of its occupation by the United States as aforesaid said property was so damaged that it became necessary to repair the same, and the sum of $1,640 was paid for such repairs by the said Margaret T. Higgins on the 12th of August, 1865, which sum has never been paid to her or her representative by the United States.

"March 20, 1866, Col. William L. James, chief quartermaster in the Department of Virginia, reported that the rental value of the premises was $1,200 a year. This report was approved by the Quartermaster-General.

"The court finds that $1,200 a year was a fair compensation for the use of the premises.

"The premises were occupied by the United States, as appears in Finding II, for two years eight months and eleven days. At $1,200 a year the rent amounts to $3,236.66. Add to this the cost of repairs, $1,640, gives the sum total $4,876.66.

"February 14, 1885, a motion by the counsel for the defendant was made to dismiss the case for want of jurisdiction under the third section of the Bowman act, which provides that 'the jurisdiction of said court shall not extend to or include any claim against the United States * * * for the use and occupation of real estate by any part of the military or naval forces during the said war, at the seat of war.'

"May 11, 1885, motion overruled by the court.

"By the court.

"Filed December 14, 1885."

The committee, concurring with the Court of Claims that the city of Norfolk, in Virginia, was not the "seat of war" during the time of the occupation of the said warehouse and wharf by the military authorities, deem it not inappropriate to call attention to the following well-known historical facts:

1. The President, by his proclamation issued August 16, 1861, declared that the inhabitants of the State of Virginia, except the inhabitants of that part of the State lying west of the Alleghany Mountains, and of such other parts of that State as may maintain a loyal adhesion to the Union and the Constitution, or may be from time to time occupied and controlled by forces of the United States, are in a state of insurrection, etc.

2. The President, by his proclamation issued September 22, 1862, declared that he would, on the 1st day of January, 1863, designate the States and parts of States in which the people thereof should be in rebellion against the United States.

3. The President, in his proclamation of Janury 1, 1863, designated as the States and parts of States wherein the people thereof were on that day in rebellion against the United States the following, to wit: Arkansas, Texas, Louisiana (except certain parishes named, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth.

4. At the first election occurring after the Federal occupation in May, 1862, the county and city of Norfolk were reorganized as a part of the loyal State of Virginia, and have ever since been represented in her restored government.

5 The said county and city sent representatives to the Virginia convention which assembled at Alexandria, and which abolished slavery in Virginia. They also sent representatives to the Legislature at Alexandria, which ratified the anti-slavery amendment to the Federal Constitution and gave the assent of Virginia to the creation of West Virginia as a State.

6. From the time of the Federal occupation in May, 1862, until the close of the war, the said county and city were in constant and uninterrupted commercial intercourse with New York, Philadelphia, Baltimore, Washington, and other places within the Federal lines.

It appears from the findings of the court that the claimant was loyal, that her warehouse and wharf, after the occupation of the city of Norfolk by the Federal forces in 1862, were seized by Capt. Edwin Ludlow, assistant quartermaster, United States Army, were occupied for two years eight months and eleven days, and that $1,200 a year would be a fair compensation for the premises, amounting in the aggregate to $3,236.66.

Your committee therefore report back the bill which has been referred to them, and recommend its passage.

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

STEAMER I. N. BUNTON.

Mr. QUAY. I ask unanimous consent of the Senate to offer a resolution to recall a bill from the House of Representatives.

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

The SECRETARY:

Resolved, That the House of Representatives be requested to return to the Senate House bill 6050.

Mr. EDMUNDS and Mr. SPOONER. What is the title of the bill?

The PRESIDENT *pro tempore*. It will be reported.

The SECRETARY. A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the House of Representatives be requested to return this bill to the Senate.

The resolution was agreed to.

IRRIGATION IN EGYPT.

Mr. HAWLEY. I ask for the consideration of a House concurrent resolution to print 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt, to which I referred at the last sitting. It is reported from the Committee on Printing favorably.

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

The SECRETARY:

IN THE HOUSE OF REPRESENTATIVES, *February* 19, 1889.

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House.

The resolution was considered by unanimous consent, and concurred in.

AGRICULTURAL REPORT FOR 1889.

Mr. HAWLEY. Owing to the illness of the chairman of the Committee on Printing, I report and ask for its present consideration a joint resolution to print the agricultural report of 1889.

The joint resolution (S. R. 145) to print the agricultural report for 1889 was read the first time, and the second time at length, as follows:

Resolved, etc., That there be printed 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1889, 70,000 copies for the use of the members of the Senate, 300,000 copies for the use of the members of the House, and 30,000 copies for the use of the Department of Agriculture, illustrations for the same to be executed under the supervision of the Public Printer in accordance with directions of the Joint Committee on Public Printing, said illustrations to be subject to the approval of the Commissioner of Agriculture, and the copy for the illustrations of said report shall be placed in the hands of the Public Printer not later than the 20th day of December, 1889, and the copy of the text not later than the 1st day of February, 1890.

SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the cost of the printing of the said report.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PADDOCK. I should like to inquire of the Senator having the resolution in charge if this number provided for the next year is the same as the number heretofore printed?

Mr. HAWLEY. I understand it to be the same.

Mr. PADDOCK. No reduction?

Mr. HAWLEY. No reduction. The Committee on Printing tried that several years, but gave it up.

Mr. RIDDLEBERGER. Mr. President——

Mr. HAWLEY. I hope the Senator will allow the Agricultural Report resolution to pass.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart, agreed to the conference asked by the Senate on the disagreeing vote of the two Houses thereon, and had appointed Mr. STONE, Mr. LANHAM, and Mr. BUTTERWORTH managers at the conference on the part of the House.

WITHDRAWAL OF PAPERS.

Mr. SHERMAN. I submit the following order that I ask to have adopted:

Ordered, That Mrs. Rachel Dyer have leave to withdraw from the files of the Senate the papers in her case.

Mr. EDMUNDS. Under the rules?

The PRESIDENT *pro tempore*. Subject to the rules. It is so ordered.

HEIRS OF JOHN R. TREUTLEN.

Mr. BUTLER. I ask that the Senate proceed to the consideration of the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen.

The PRESIDENT *pro tempore*. If there be no objection, the bill is before the Senate as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill moved by the Senator from South Carolina will be read.

The bill was read; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the heirs of John R. Treutlen, late an employé in the House of Representatives, $333.33, being the difference in the salary paid to laborers and that paid to messengers, which latter office he filled from the 7th of April, 1881, to the 17th of December, 1881, performing all the duties of messenger and receiving only the pay of laborer.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, February 16, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen, respectfully report:

The object of this bill is to pay to the heirs of John R. Treutlen $333.33, being the difference between his pay as a laborer in the employment of the House of Representatives and the salary of a messenger of said House, the duties of which latter office the said John R. Treutlen whilst being a laborer satisfactorily performed from the 7th day of April to the 17th day of December, in the year 1881, during which period he only received the pay of a laborer.

Whilst not intending to indorse the proposition that as a rule a man who fills a subordinate position in the Government service and in the line of service is made to temporarily discharge the duties of a higher position should receive the salary attached to such higher place during such temporary service, we recognize the fact (to quote the language of a report from this committee in a former case similar to this) that—

"It has been the custom of the Senate to recognize it as fairly within the province of the House to decide for itself as to the number of its employés, as to their duties, and as to the compensation which they shall receive."

In conformity with various precedents, your committee report back this bill with a recommendation that it pass.

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

UNITED STATES PROPERTY IN PITTSBURGH.

Mr. CAMERON. I move to proceed to the consideration of the bill (S. 3905) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. Is there a report in that case, Mr. President?

Mr. CAMERON. I will say to the Senator from Vermont that there is no report on the part of the Senate. There was a report made in the House of Representatives which our committee adopts. The report accompanies the bill which I send to the desk.

The Secretary read the following report submitted by Mr. CAMERON February 15, 1889:

The Committee on Military Affairs have considered Senate bill No. 3905 "authorizing and directing the sale of certain property belonging to the United States situate in Pittsburgh, Pa."

The property in question constitutes a portion of what was originally Fort Fayette, situate on the banks of the Allegheny River. By an act of Congress approved August 2, 1813, all of the property originally owned at this place by the United States was authorized to be disposed of by public sale, and subsequently all was so disposed of excepting the portion now embraced in this bill. This has been for some years under the control of the Quartermaster's Department. It has on it a two-story brick house and some other buildings of no importance.

Owing to the growth of the business portion of the city of Pittsburgh the property has now become very valuable, and would command a high price in the market if exposed to sale. As long ago as 1874 this property was the subject of special examination and report by the Quartermaster's Department. In a communication dated June 2, 1874, addressed to the Adjutant-General, C. G. Sawtelle, quartermaster and brevet brigadier-general of the United States Army, who had made a special examination of this property, reported as follows:

"The whole property is centrally located, is admirably adapted for business purposes, and is very valuable. There seems to be no probability of it ever being needed for military purposes. I am therefore of opinion, and I recommend, that the whole property be sold at public auction, after due public notice, as soon as requisite authority therefor can be obtained."

Following this report Quartermaster-General M. C. Meigs, in June, 1874, in his report to the Secretary of War, made the following statement:

"As this real estate of the United States is said to be worth $100,000, and is not now needed for use of the Quartermaster's Department, it is believed to be advisable that the question of its sale at public auction should be submitted to Congress. Six per cent. of the estimated value of $100,000 is $6,000 per annum, which is probably greatly in excess of what the rent of any quarters and storehouses needed in the future at Pittsburgh will cost."

This report to the Secretary of War was sent to Congress with the favorable indorsement of the then Secretary of War, Hon. William W. Belknap. For some reason or other no action was taken by Congress in the premises.

Since the proceedings recited were had the value of this property has very greatly increased, and its retention by the Government is now, in the judgment of the committee, very unwise. It does not seem to be needed for Government purposes, and the amount that it would bring at a fair sale would yield in interest a rent which the Government is not justified in paying for property that is practically useless to it. A communication to the committee signed "S. V. Benét, brigadier-general, Chief of Ordnance, and Acting Secretary of War," under date of March 7, 1888, says:

"This land is not needed for the use of this Department, but the United States should sell what it owns—all its right, title, and interest—for cash, at public auction, the proceeds of the sale to be covered in the Treasury."

For these reasons your committee have no hesitation in recommending the passage of the bill.

Mr. EDMUNDS. Will the Secretary read that part of the bill again which provides for the notice of the sale?

Mr. CAMERON. The last section.

The Secretary read as follows:

SEC. 2. That said sale shall be by public auction, after due advertisement daily for three weeks in three newspapers of the city of Pittsburgh, and after publication of notice by printed hand-bills posted for that length of time on said property and in ten of the most conspicuous places in the said city, and shall be of the property as a whole or in parts, for cash, as in the judgment of the Secretary of War may best subserve the interest of the United States and secure the best price for said entire property.

Mr. EDMUNDS. That is enough.

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

SILK CULTURE IN THE UNITED STATES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported favorably thereon, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed by the Committee on Agriculture and Foresty to report the hearing before it upon the bill (S. 3128) for the development and encouragement of silk culture in the United States under the supervision of the Commissioner of Agriculture be paid out of the contingent fund of the Senate, and that the notes of said hearing be printed for the use of the committee.

RELIGION AND SCHOOLS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported favorably thereon, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed by the Committee on Education and Labor to report the hearings before it upon the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools be paid out of the contingent fund of the Senate and that said committee may have the notes of said hearings printed for its use.

PUBLIC BUILDING AT KANSAS CITY.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report an original bill, and I ask that it may be considered at this time.

The bill (S. 4000) for the erection of a public building at Kansas City, Mo., was read the first time by title.

The PRESIDENT *pro tempore*. The bill will be read the second time at length for information.

Mr. SPOONER. I ask that the reading of the bill may be dispensed with. It has already passed the Senate upon a favorable report of the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. It is an original bill, as the Chair understands.

Mr. SPOONER. A bill precisely like it I meant to say had passed.

The PRESIDENT *pro tempore*. The bill has been read the first time by title. The Senator desires that the bill may be now considered as read the second time and considered as in Committee of the Whole. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon,

and had appointed Mr. HEMPHILL, Mr. COMPTON, and Mr. GROUT managers at the conference on the part of the House.

The message also announced that the House had passed the following resolutions; in which it requested the concurrence of the Senate:

A resolution to print the report of the Director of the Mint on production of the precious metals in the United States for the calendar year 1888;

A resolution for the printing (in addition to the usual number) of 15,000 copies of the eleventh number of the Statistical Abstract of the United States for the year 1888; and

A resolution directing the Clerk of the House as to the enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The message further announced that the House had concurred in the resolution of the Senate for the printing of the report of the Commissioner of Fish and Fisheries for the year 1887.

The message also announced that the House returned to the Senate in compliance with its request the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson; and

A bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton.

COMMITTEE ON PRINTING.

Mr. HAWLEY. I offer the resolution which it is usual to pass at the close of a Congress to continue the work of the Printing Committee, which I ask may be now considered.

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

Resolved, That the Committee on Printing as at present constituted be, and is hereby, authorized to sit during the coming recess.

LIGHTS AT OTTER CREEK, ETC.

Mr. CULLOM. I present a conference report for consideration by the Senate.

The PRESIDENT *pro tempore*. The report will be received and read if their be no objection.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, 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 amendment numbered 1; that the House recede from its disagreement to the amendments of the Senate numbered 2 and 3.

S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON,
Managers on the part of the House.

The report was concurred in.

WASHINGTON AND GREAT FALLS RAILROAD.

Mr. VANCE. I ask unanimous consent to take up Senate bill 3321, Order of Business 2542.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3321) to incorporate the Washington and Great Falls Narrow-Gauge Railroad Company.

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

The PRESIDENT *pro tempore*. Having been read three times, shall the bill pass?

Mr. EDMUNDS. If there were the slighest possibility of this bill passing and being sent to the President, I should think it not only worth while but a duty to call the attention of the Senate to the very extraordinary powers that appear in one section, to say nothing of some others conferred upon this company, not merely to condemn land for right of way, but to go anywhere and take anything of any sort required for the purposes of the company, and apparently not only in the District of Columbia, but in the State of Maryland. But, as of course it is perfectly obvious that this bill is not to become a law, I only wish to express my opposition to it as it now stands.

The bill was passed.

STEAMER I. N. BUNTON.

Mr. QUAY. I move that the Senate proceed to the consideration of House bill 6050, which has just been returned from the House of Representatives in pursuance of a resolution passed by the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims, returned to the Senate in accordance with its request.

Mr. QUAY. I move to reconsider the vote on the final passage of the bill.

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

The motion was agreed to.

Mr. QUAY. I now move to reconsider the vote by which the title was amended.

The motion was agreed to.

Mr. QUAY. I move to strike out the amendment inserted by the Senate on the report of the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator should first move to reconsider the vote by which the bill was ordered to a third reading in the Senate.

Mr. QUAY. I make that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator now moves to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

Mr. QUAY. I understand the bill is now before the Senate in its original form.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment heretofore made to this bill in the Senate.

Mr. QUAY. I hope the amendment will be voted down.

The amendment was rejected.

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

Mr. MITCHELL. I offer the following resolution, and ask for its present consideration.

COMMITTEE ON MINES AND MINING.

Mr. MITCHELL submitted the following resolution:

Resolved, That the Committee on Mines and Mining be authorized to continue the investigation into the cause of delay in the consideration of uncontested cases in the mineral division of the General Land Office, with leave to report at the next session of the Senate.

Mr. SHERMAN. Is this reported from the committee?

Mr. MITCHELL. I will say to the Senator from Ohio that the Senate adopted a resolution directing the Committee on Mines and Mining to inquire into the causes of delay in considering uncontested cases in the mineral division of the General Land Office. A subcommittee of that committee was designated in pursuance of that instruction and certain questions were propounded to the Secretary of the Interior, quite a number of them. It was very late in the session when this was done, and of course it necessarily took considerable time to answer the questions, and the answer only came in a couple of days since, a very full answer to the question.

Mr. SHERMAN. I inquire whether the Committee on Mines and Mining authorized the Senator to offer the resolution?

Mr. MITCHELL. It is done with the consent of the chairman of the committee, and I do not think there can be any possible objection to it.

Mr. SHERMAN. If the Senator says it is done with the concurrence of the Committee on Mines and Mining, I make no objection.

Mr. MITCHELL. There was no formal meeting to consider it, but the committee would like to finish the investigation.

Mr. SHERMAN. My impression is that the rules require such resolutions to be sent to the Committee on Contingent Expenses.

Mr. MITCHELL. There is no expense whatever connected with it.

Mr. GORMAN. I wish to hear the resolution.

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk read the resolution.

Mr. MITCHELL. I will state for the information of the Senator from Maryland that my impression is, so far as I have looked into the matter, that the cause of delay is occasioned by lack of force, and we wish to get the facts and present them to the Senate so that proper steps may be taken in order to increase the force if it is found necessary.

Mr. GORMAN. I shall be compelled to object to the consideration of that resolution.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over under the rule.

ENROLLMENT OF DEFICIENCY BILL.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House is hereby directed in the enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, to omit the following provision in lines 18, 19, and 20, page 23, of the engrossed copy of said bill:

"Bureau of Construction and Repair: To supply deficiency in the appropriation for construction and repair of vessels, $150,000."

And to omit the following provision in lines 3, 4, and 5, page 5, of the Senate amendment numbered 108, and agreed to by both Houses:

"For pay of the Navy, $201,443.71."

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Maine to the message just read from the House of Representatives.

Mr. HALE. Will the Chair have the communication again read?

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk read the House resolution.

Mr. HALE. That is right. I hope the resolution will be passed.

Mr. MCPHERSON. Is not that an unprecedented way of legislating with a bill not in the possession of the Senate?

Mr. HALE. I will say to the Senator that it has been done once before this session to correct a mistake in the making up of a bill in conference after it had passed through the two bodies, as this bill has. It is only to correct a mistake.

Mr. MCPHERSON. This is not an additional appropriation, then, as I understand, but it is to omit something from a bill.

Mr. HALE. It is to omit where there are duplicate appropriations.

Mr. SHERMAN. Do I understand there is an error in the enrollment of the bill?

Mr. HALE. This is to correct an error in the making up of the bill by the conferees and before enrollment, and where there will be duplicate appropriations for the same subject unless the resolution passes. I ask that it may be put on its passage.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate concur in the resolution.

The resolution was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a copy of Senate Executive Document No. 131, and inviting attention to the fact that certain paragraphs on page 2 of that document do not occur in the copy of the letter of the 19th ultimo from Col. John M. Wilson, which was transmitted to the Senate with a letter of the 25th ultimo, and recommending the correction of the error; which was read.

The PRESIDENT *pro tempore*. What disposition shall be made of this communication?

Mr. COCKRELL. I suggest that it be printed and lie on the table.

Mr. GORMAN. I suggest that the document referred to be printed and corrected as suggested by the Secretary of War, and printed with the letter of the Secretary.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. The Chair hears none.

DISTRICT CHARITABLE INSTITUTIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of the 5th ultimo, reports received from charitable and reformatory institutions, concerning the exclusion from such institutions of persons on account of race, color, or previous condition of servitude; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of citizens of Plainville, Kans., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SABIN presented petitions of citizens of St. Paul, Moorhead, and Madelia, in the State of Minnesota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. PADDOCK presented memorials of citizens of Omaha, Chester, and Mission Creek, in the State of Nebraska, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented petitions of citizens of Inman, Nebr., and petitions of citizens of Yankton, Fargo, Centennial Park, and De Voe, in the Territory of Dakota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. CAMERON presented the petition of Stuart Mitchell and other citizens of Mount Carmel, Northumberland County, Pennsylvania, earnestly praying Congress to pass the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of citizens of Bingham, Centre County, Pennsylvania, earnestly praying Congress not to pass the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. BLAIR. I present the petition of Thomas Graham, Eben C. Jayne, William T. Cunningham, and about 75 other leading citizens of the city of Philadelphia, praying for an amendment of the national Constitution prohibiting the grant of any school-fund or school-tax, or any part thereof, either by legislative, municipal, or other authority, for the benefit or aid, directly or indirectly, of any religious sect or denomination, which I move be referred to the Committee on Education and Labor.

The motion was agreed to.

JOHN R. HARRINGTON.

Mr. GRAY. I ask that the Senate take up for consideration Senate bill 3904, Calendar No. 2796.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (S. 3904) for the relief of John R. Harrington.

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

Mr. COCKRELL. I do not think that bill ought to be passed tonight. When a man has had an exclusive right and monopoly of anything for seventeen years he can not get a bill for an extension through at this time of the session of Congress.

Mr. GRAY. Does the Senator object to the present consideration of the bill?

Mr. COCKRELL. I do. I hope it will not be passed. I am compelled to object to any bill extending a patent-right which has existed for seventeen years as a monopoly.

Mr. GRAY. Does the bill go over under objection?

The PRESIDENT *pro tempore*. It does not. The Senator has a right to move its consideration.

Mr. GRAY. I move the consideration of the bill, notwithstanding the objection.

Mr. HOAR. The Senator from Delaware will see that, under the rule which requires the successive reading a bill on separate days, even if he were able to take up his bill by a majority vote, he could not get it passed through the Senate without the delay of one day.

The PRESIDENT *pro tempore*. The bill is on the Calendar.

Mr. GRAY. If the Senator from Missouri insists upon his objection——

Mr. COCKRELL. I am compelled to insist on my objection. I say frankly to the Senator that we have not time to investigate such questions now. We have not passed any bill extending patent-rights during this session. Every patentee has had an exclusive monopoly for seventeen years, and I do not think we are justified, without a very full investigation, in passing any bill extending such a monopoly.

Mr. GRAY. The bill was reported favorably from the Committee on Patents after a very thorough investigation and was before the committee a long while. A printed report accompanies the bill, which I think explains the exceptional character of the claim. The report is not very long.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate do now proceed to the consideration of a bill the title of which has been stated by the Secretary.

Mr. COCKRELL. I say very frankly that I hope the Senator——

The PRESIDENT *pro tempore*. The question of consideration is not open to debate.

Mr. COCKRELL. I ask unanimous consent to be allowed to say to the Senator that I hope he will not press this bill at present. It is now within a short time of the final adjournment, and this is a bill to extend a patent-right which was granted in 1856, over thirty years ago, and I shall be compelled to resort to every means known to parliamentary usage to prevent the passage of this bill.

Mr. GRAY. That is sufficient, Mr. President. I merely wish to say that the bill proposed for consideration is one that rests upon exceptional circumstances, but, inasmuch as the Senator from Missouri will resort to the means that are plainly within his power to prevent its consideration, at this late hour in the session of the Senate I shall not press the matter.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart.

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 (H. R. 3765) for the relief of James Devine;

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

A bill (H. R. 8307) for the relief of John T. Higgins;

A bill (H. R. 9949) for the relief of Patrick C. McQueeny; and

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard.

JAMES ALBERT BONSACK.

Mr. DANIEL. I ask the Senate to consider Calendar No. 1998, being the bill (H. R. 593) for the relief of James Albert Bonsack.

Mr. TELLER. That bill can not pass without a good deal of discussion, and I hope the Senator will not try to call it up.

Mr. DANIEL. I shall not press it if the Senator thinks it will lead to any lengthy debate.

Mr. TELLER. I know it will. I know there are several Senators here who do not think that that bill ought to pass, and I do not think it should pass.

Mr. DANIEL. If the bill is taken up the Senator can give his vote after stating his objections. I should be very glad to have a vote of the Senate on the bill.

Mr. TELLER. I shall object to it if one objection will prevent its passage.

The PRESIDENT *pro tempore*. One objection will not suffice. The Senator from Virginia has the right to make the motion.

Mr. COCKRELL. I join the Senator from Colorado.

Mr. DANIEL. I shall not press it.

Mr. COCKRELL. I join the Senator from Colorado in his objection to the bill, and I will state that the bill can not pass under six or eight hours of discussion. I have records here that will take two hours to read on that important question, which I have kept in my table for a year in order to meet the bill.

The PRESIDENT *pro tempore*. The Senator from Virginia withdraws the motion.

G. M. WOODRUFF.

Mr. VANCE. I ask unanimous consent to call up Senate bill 1712, a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1712) for the relief of G. M. Woodruff. It proposes to pay to G. M. Woodruff, of North Carolina, $150, for a horse taken from him by the United States in 1865.

Mr. EDMUNDS. I ask for the reading of the report.

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

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, October 10, 1888:

The Committee on Claims, to whom was referred the bill (S. 1712) for the relief of G. M. Woodruff, have considered the same, and respectfully report:

This is a claim for a horse alleged to have been taken by the United States, put into the military service in the year 1865, and before the end of the war of the rebellion, and thereby lost to the claimant. The claimant has presented a certificate given by a competent United States officer of the taking of such horse for the public service and of the value thereof, to wit, $150. The loyalty of the claimant is clearly proven and a satisfactory reason given why the claim for payment was not presented to the Quartermaster-General for allowance under the act of March 3, 1879. The claimant is a man of very little education, has always lived in a wild and unsettled part of Western North Carolina, far away from railroads, and reads and writes but little. He never heard of the provisions of the said act of 1879 and would have gladly availed himself of its provisions if he had known of them. Your committee therefore recommend the passage of the bill.

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

SUNDAY REST.

Mr. DOLPH. As there is nothing before the Senate at this time I move that the Committee on Education and Labor be discharged from the further consideration of Senate bill 2983, and that the Senate proceed to the consideration of the same, it being the bill commonly known as the Sunday-rest bill.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Committee on Education and Labor be discharged from the further consideration of a bill, the title of which will be stated.

Mr. BLAIR. I should like to hear what there is to be said in support of the motion.

Mr. HARRIS. Let the bill be stated.

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

The CHIEF CLERK. A bill (S. 2983) to secure to the people the enjoyment of the first day of the week, commonly known as the Lord's day, as a day of rest, and to promote its observance as a day of religious worship.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to discharge the Committee on Education and Labor from the further consideration of the bill.

Mr. HOAR. I rise to a parliamentary inquiry. I desire to inquire of the Chair whether that is not a motion which under the rules must go over one day?

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. HOAR. Then I make that objection, as clearly it is not proper to work upon that subject on Sunday.

The PRESIDENT *pro tempore*. All motions to discharge a committee and all subjects from which a committee are discharged must lie over for consideration one day, unless by unanimous consent otherwise ordered. So the motion goes over.

JAMES A. STEWART.

Mr. HOAR 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. 9271) for the relief of James A. Stewart, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

JOHN C. SPOONER,
GEO. F. HOAR,
S. PASCO,
Managers on the part of the Senate.

W. J. STONE,
S. W. T. LANHAM,
BENJ. BUTTERWORTH,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action on the part of the Senate.

WAR CLAIMS—JEFFERSON COUNTY, KENTUCKY.

Mr. PASCO. I move that the Senate proceed to the consideration of the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky. It is a matter in which the Senator from Kentucky [Mr. BLACKBURN] is interested.

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate as in Committee of the Whole, and will be read at length.

Mr. SHERMAN. Subject to objection.

The PRESIDENT *pro tempore*. Subject to objection.

The Chief Clerk read the bill.

Mr. PASCO. There is an amendment reported from the Committee on Claims.

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

The CHIEF CLERK. It is proposed to add to section 1 the following proviso:

Provided, That before any of the said amounts are paid the claims of the parties herein named shall be referred to the Secretary of War to find and determine whether or not the United States received the benefit of the articles and supplies for which compensation was allowed by said board, whether the prices fixed were fair and just, and whether the several claimants were loyal to the United States during the late civil war, and he is authorized to ascertain and determine what sum, if any, is justly due to each of said parties on account of the claims examined and allowed by the said board, and herein included.

Mr. SHERMAN. I do not think that the Senate should consider that bill at this time. I therefore object to its consideration. It would require the reading of the report, and if the amendment were adopted it would certainly prevent the passage of the bill even if the merits were ever so strong. It would be impossible to have the bill become a law, and it ought not to pass at this stage.

Mr. PASCO. I hope the Senator from Ohio will examine the amendment to the bill before making that objection. The bill was very thoroughly considered for some months by the Committee on Claims, and this is a unanimous report.

Mr. SHERMAN. It ought to have been brought up at an earlier stage. I must object to it unless the report is read and we go into a full consideration of it.

Mr. PASCO. The bill was reported to the Senate in the last few days. I should be glad if the Senator from Ohio would examine the report and see if he can not withdraw his objections. It fell to my duty as a subcommittee to examine into this claim, and for that reason I feel desirous that it should be disposed of at the present session, if possible. I will furnish the Senator from Ohio with a copy of the report, and perhaps he may then withdraw his objection.

Mr. SHERMAN. I do not think we ought to consider such a bill at this period.

The PRESIDENT *pro tempore*. Does the Senator from Florida insist on his motion to proceed to the consideration of the bill notwithstanding the objection?

Mr. PASCO. Yes, sir; I move that the bill be considered notwithstanding the objection.

Mr. SHERMAN. I must call for the reading of the report.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Florida to proceed to the consideration of the bill.

The motion was not agreed to—ayes 8, noes not counted.

REPORT OF DIRECTOR OF MINT.

Mr. HAWLEY. I am instructed by the Committee on Printing to move to take from the table a House concurrent resolution, which is a matter of printing, and to ask for its immediate consideration.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution from the House of Representatives.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on "Production of the precious metals in the United States" for the calendar year 1888 be printed, and that 9,000 extra copies be printed, 4,000 copies for use of the House of Representatives, 2,000 copies for use of the Senate, and 3,000 copies for use of the Director of the Mint.

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

ELEVENTH STATISTICAL ABSTRACT.

Mr. HAWLEY. I am likewise instructed by the Committee on Printing to ask the Senate to take from the table and pass a concurrent resolution of the House of Representatives which is similar to one the House has already passed, but it is easier for the Senate to concur with the House at this stage of the session than for the House to concur with the Senate; and I ask concurrence in the House resolution.

The PRESIDENT *pro tempore* laid before the Senate the concurrent resolution of the House of Representatives; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed in addition to the usual number 15,000 copies of the eleventh number of Statistical Abstract of the United States for the year 1888, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

JAMES CALER.

Mr. DANIEL. I ask the Senate to consider the bill (H. R. 2661) for the relief of James Caler.

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

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officer of the Treasury of the United States be, and he hereby is, authorized and directed to pay to James

Caler, of Stamford, Conn., the sum of $8,445, for work done by him under a contract with the United States in the dredging and excavation of the bar at Rutherford Park, in the Passaic River, New Jersey.

Mr. EDMUNDS. Let us hear the report.

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

The Chief Clerk read the report, submitted by Mr. FAULKNER February 20, 1889, as follows:

The Committee on Claims, to whom was referred House bill 2661, have had the same under consideration, and respectfully report:

That the facts set forth in House Report 481 are fully sustained by the record and is adopted as the report of this committee, with amendments, as follows: In line 6, after the word "of," strike out "eight" and insert "seven;" in same line strike out "four" and insert "two;" so that it will read: "seven thousand two hundred and forty-five."

The House report is as follows:

"That on the 25th day of June, 1873, the petitioner entered into a contract with the United States of America for dredging and excavating the bar at Rutherford Park, in the Passaic River, New Jersey. For this work he was to receive, when it was completed, the sum of $14,500. The work has been completed according to the requirements of the contract. In the specifications, which were made part of the contract, the material was represented as consisting "of loose stone, bowlders, sand, and gravel." After quite a large part of the work had been done it was discovered that the remaining portion of the material to be removed consisted in part of a hard blue clay and hardpan, the removal of which was attended with an expense much greater than would have attended the removal of such material as the contract specified. For this extra expense Mr. Caler claims compensation.

"Lieut. Col. John Newton, who was engineer in charge of the work, and who represented the United States in making said contract, and executed it for them, admits that there was a mistake made in the description in the contract of the character of the material to be removed, and that the claimant is entitled to some relief; and your committee are of that opinion. The question as to the amount that should be allowed him in full compensation is one of some difficulty. In a communication addressed to your committee, dated May 1, 1878, he says: 'In arriving at a conclusion as to the extent of Mr. Caler's claim against the Government there must be some uncertainty in spite of all the care that can be taken. As to the fact that he has some claim there can be no dispute, because the materials—sand, gravel, broken stone, and bowlders—which he contracted to remove were underlaid in some parts by a hard clay very difficult to dredge, and which was not specified in the contract.'

"Colonel Newton has made, at the request of your committee, two computations of the amount to be paid to the claimant in full satisfaction. The first is upon a basis of a payment for the use of his dredge and scows used, and of the wages of the men required to handle them, with the other expenses incident to their use. Upon this basis he finds the amount to be paid to the claimant to be $11,769. Subsequently, Colonel Newton submitted another estimate, based upon payment to the claimant, for the ordinary wear and repair of machinery, wages of the men employed, with interest upon the value of the dredge, scows, and other material used in the prosecution of the work, to which he adds $1,000 for the services of the claimant. Upon this basis he makes the amount to be paid $7,245."

House bill 2661, as amended, is reported favorably with a recommendation that the bill do pass.

Mr. BUTLER. I object to the passage of that bill.

Mr. EDMUNDS. I hope my friend from Virginia will withdraw this bill. It ought to be considered when we have all the papers here, for I can not understand why the claimant could not go to the Court of Claims, and, in the next place, why we should pay for dredges for dredging harder soil than soft soil. The dredges are needed in both cases.

Mr. DANIEL. It is not proposed to pay for the dredges, but for the wear and tear and the harder work.

Mr. BUTLER. I object to it.

Mr. DANIEL. I did not hear the remark of the Senator from South Carolina.

Mr. BUTLER. I said I should object to the consideration of the bill, or rather to its passage, if I have the right to do so.

Mr. DANIEL. I shall not at this hour urge any matter which would elicit any lengthy debate. It would be useless to do so, although I think that the merit of the claim is very fairly established.

The PRESIDENT *pro tempore*. Does the Senator from Virginia withdraw the motion?

Mr. DANIEL. I withdraw the motion, sir.

RECESS.

Mr. ALLISON (at 10 o'clock and 45 minutes p. m.). I move that the Senate take a recess until 12 o'clock p. m.

The motion was agreed to; and the Senate took a recess accordingly.

The Senate reassembled at 12 o'clock midnight.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the foregoing bill numbered 36; further insisted upon its disagreement to the amendments of the Senate numbered 37 and 103; asked a further conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, and 110, and had appointed Mr. SAYERS, Mr. RANDALL, and Mr. MCCOMAS managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, and for other purposes;

A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims;

A bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory;

A bill (H. R. 2896) for the relief of the heirs of John R. Treutlen; and

A bill (H. R. 9271) for the relief of James A. Stewart.

ELIZABETH MULVEHILL.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL], being detained from the Chamber by business of the Senate, has asked the Chair to present a request for the reconsideration of the vote by which the bill (H. R. 8002) for the relief of Elizabeth Mulvehill was indefinitely postponed, and that the same may be placed on the Calendar with the adverse report of the Committee on Claims. It will be so ordered, if there be no objection.

BUSINESS IN EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] also asks the adoption of an order, which will be read.

The order was read, and agreed to, as follows:

Ordered, That the Senate Select Committee to Inquire into and Investigate the Methods of Business in the Executive Departments and the causes of delay in its transaction be continued during the coming called session of the Senate, with leave to report at any time during such session.

DEFICIENCY 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. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

Mr. PLUMB. I move that the Senate further insist on its remaining amendments and accede to the request of the House of Representatives for a further 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. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

DISTRICT PAWNBROKERS.

Mr. SPOONER 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. 12154) to regulate and license pawnbrokers in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the Senate recede from its amendments numbered 3, 4, 5, and 6.

JOHN C. SPOONER,
C. B. FARWELL,
Conferees on the part of the Senate.

JNO. J. HEMPHILL,
BARNES COMPTON,
WM. W. GROUT,
Conferees on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. CHACE. I should like to have the Senator from Wisconsin explain what are the amendments the Senate conferees recede from.

Mr. SPOONER. The Senate conferees receded from the amendment relating to the rate of interest. We agreed to the provision of the House fixing the rate of interest on sums over $25 at 12 per cent. We also agreed to recede from the amendment requiring that where there was a surplus in the hands of the pawnbroker the owner of the surplus could apply within a year for it.

Mr. CHACE. What is the rate of interest fixed by the bill for sums under $25?

Mr. SPOONER. Twenty-four per cent.

The report was concurred in.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, and 110 to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and prior years, 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 37, 109, and 110.

That the House recede from its disagreement to the amendment of the Senate numbered 103, 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: "And the Senate and House Reporters, and all persons paid out of

the contingent fund of the Senate for folding speeches and pamphlets who were continuously employed and paid out of said fund from the 15th day of August to the 20th day of October, 1888."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
SAM. J. RANDALL,
LOUIS E. McCOMAS,
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.

Mr. HALE. In explanation of this report, which, if accepted, settles the controversies between the two Houses on this bill, I may say that of the items in dispute between the two Houses were the two amendments touching the water supply for Washington, which were reported from the select committee which has for the last three months or more been investigating that subject. Upon those two amendments the House receded from its disagreement to the one numbered 36, which was the large item of a half million dollars for supplying temporarily Washington with additional water by means of a large pipe 4 feet in diameter, which will bring the water to every altitude in the city. The second amendment of the Senate upon that subject, numbered 37, was the amendment providing for a resurvey, having in view a more permanent disposition of this question for the long future. On that the Senate conferees have receded and it goes out of the bill, mainly upon the consideration that the larger amendment, upon which the House gave way, will provide water for from ten to fifteen years and perhaps more, and in the mean time other proceedings can be taken looking to the far future.

The next matter in disagreement was the provision which the Senate had added to the House clause giving a month's extra pay for the last session of Congress, the long session, to the employés of the House and Senate. That has been left, with the addition to the House clause of the official reporting force of the two Houses and certain employés of the Senate who were not included in the original provision, but were permanently engaged in the work of folding in October last; and that settles that matter.

The other two amendments in dispute, covering one subject, were numbered 109 and 110, embracing what are known as the French spoliation claims. The conferees on the part of the Senate felt that the body which they represented had committed itself distinctively in favor of these propositions, of the justice of the claims, and of the appropriation of money which the Senate had made to cover them; but it was evident to the friends of these spoliation claims that the condition in the other House was such (and the friends of the measure there recognized it as well as those here) that it was impossible for the deficiency appropriation bill to pass the House of Representatives this session with those provisions contained upon it.

A long contest took place in that body, running through the day and the night. At last it was felt by those in that body who were in charge of the measure that if it was continued longer the bill itself would be in peril. It also from its position in the business of the House lay across other important matters which could not be considered while the dead lock into which the House had been forced continued.

Therefore, that the bill might not fail, and that other legislation, including the sundry civil appropriation bill, which lay behind it, should not be stayed and destroyed, the Senate conferees yielded, most reluctantly, in no way admitting or agreeing to any suggestion that these claims do not stand before the Senate as a just debt which the Government is in duty bound to pay, with the hope and expectation that early in the next Congress, at a period when no obstructive tactics can turn the current away, these most just and righteous claims will be embodied either upon the first appropriation bill that comes to the Senate or in some distinctive measure covering them and nothing else, and passed and sent to the President, as it is the belief that both Houses are in favor of them. I hope and expect to see that done at an early day in the next Congress.

In view of these difficulties, which I have imperfectly stated, the Senate conferees felt constrained by the situation to yield and to recede, and thus the report has been brought in. It settles everything in this way, and so far as can be seen the bill itself in the course of the next hour will be ready to be sent to the President of the United States.

That is all I have to say, Mr. President.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled 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; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE SESSION.

Mr. EDMUNDS (at 1 o'clock a. m. Monday, March 4). I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After thirty-five minutes spent in executive session, the Senate proceeded to the consideration of legislative business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government 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 60 and 182.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$456,000;" 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 matter proposed to be inserted by said amendment insert the following:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or retired: *Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam plate-printing presses: *Provided further*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau: *And provided further*, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, and silver certificates of the United States shall be inscribed below such portrait: *Provided*, That unless the patentees of said steam-presses shall accept the $500 already paid as royalty on each press and the rate per thousand sheets herein provided the said presses shall not be used by the Government after the close of the present fiscal year."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

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

Mr. HARRIS. I do not object to its present consideration, but I want to ask the Senator from Iowa what the effect of the agreement is in respect to the steam-presses now used in the Bureau of Engraving and Printing.

Mr. ALLISON. It is impossible to say what the effect will be until we know whether those owning the patent for the use of the steam-presses are willing for the coming fiscal year to take the amount fixed in the bill as compensation for the use of the presses.

Mr. HARRIS. What is the amount fixed according to the agreement of the conferees?

Mr. ALLISON. One cent per thousand sheets.

Mr. EDMUNDS. The phrase "the present fiscal year" means beginning next July?

Mr. ALLISON. It means for the fiscal year beginning next July and ending the 30th of June following. If the owners of the patent shall refuse to take the amount fixed the effect of course will be that the presses will not be used during that fiscal year.

Mr. EDMUNDS. There are nineteen of those presses now in use, are there not, in the Bureau of Engraving and Printing?

Mr. ALLISON. There are nineteen of them in use. The conferees have provided, or propose to provide, in the bill $80,000 to meet the contingency of a refusal on the part of the owners of the patent to allow the use of the presses for the substitution of hand-presses.

I will say to the Senate that every provision in the bill relates to the appropriations made in the bill itself, and there is no legislation contained in the bill. Of course the whole question will depend upon what those who own the right to the patent on these presses shall see proper to do.

Mr. HARRIS. I desire to ask the Senator from Iowa if the effect of the agreement of the conferees is not to abandon the use of the steam-presses and yield to the demands of the hand-plate pressmen?

Mr. ALLISON. That will be the effect if those who own these presses or the right to use them shall refuse to accept the conditions imposed in the provision.

Mr. HARRIS. Mr. President, having spent some months in a careful consideration and investigation of this question, having arrived at the conclusion that the use of the steam-presses is eminently proper in the Bureau of Engraving and Printing, and that they do the work they are doing quite as well as or better than any other presses, and do it at one-half or less than one-half of the cost, I am compelled to ask that a majority of the Senate shall agree to this report by a yea-and-nay vote before it becomes a law.

Mr. EDMUNDS. I must express my extreme regret that the conferees on the part of the Senate have yielded in this matter, because it was not a proposition of ours, but one of the House of Representatives, upon which the House conferees made to depend all the appropriations in the bill that both Houses were entirely agreed about to

carry on the Government. I do not think it ought to have been done, at whatever hazard a refusal to do it might have incurred; but it has been done, and I am not disposed myself to ask for a division upon the question. If the Senate were full and it were day before yesterday, I certainly should.

However, I wish to ask the Senator in charge whether the words "after the close of the present fiscal year," taken in connection with the bill and its title, and the period of which it speaks, namely, the fiscal year beginning on the 1st of July next, mean from now until the 30th of June, or whether they mean from the 30th of June on in the fiscal year in which the bill operates?

Mr. ALLISON. That language is the language of the House of Representatives. It, I think, must have been the intention of the House of Representatives to make it begin on the 1st of July. It seems to me that is the natural construction of the provision; and the same view was taken by, I think, a very large majority of the Senate. But that is a matter which need not be decided now. If it so happens that the provision means that the steam-presses shall not be used until after the end of the next fiscal year, there would be ample time to correct any error or injury that we may have done to the persons interested on the other side of this question.

Mr. EDMUNDS. Is there a contract for the payment of this royalty?

Mr. ALLISON. There is a contract with the owners of the patent.

Mr. EDMUNDS. How long does the contract run?

Mr. ALLISON. I think it is an indefinite contract. It runs for the length of time that the presses are in use, or words to that effect.

Mr. HALE. It is a contract which it is understood may be terminated at any time by either party.

Mr. ALLISON. We had a copy of the contract before the committee. The language of the contract, as I remember it, was that $1 per thousand sheets should be paid during the time the Government used the presses. I do not think there will be any difficulty about it. If we had had more time to consider this question the conferees on the part of the Senate would not have yielded; but it certainly is important that this bill, which is one of the great appropriation bills necessary to be passed at this session, shall be on its way to a final conclusion at the earliest possible moment, and unless within an hour or two we shall have the bill signed by the Presiding Officer of this body it is probable that it will fail to become a law.

Mr. HARRIS. The testimony taken before a subcommittee of the Committee on Finance, of which I unfortunately chanced to be a member, and I regret that I was, has satisfied me beyond all controversy or doubt that the work done by the steam-presses has been even better done than the same character of work done on the hand-presses, and done at one-half or less than one-half of the cost of the hand-press work; and that there was a demand upon the part of six, eight, or ten hundred hand-press plate-printers that the steam-presses should be abolished. That is really the question and the only question involved in this amendment.

I am not, for one, ready to yield to that demand. I think it is the duty of the Government to adopt that method, which is equally safe and equally secure, does the work as well and does it at one-half of the expense, rather than to abolish the nineteen steam-presses that do it. So believing, I intend that a majority of the Senate, upon the yeas and nays, shall determine whether the steam-presses shall be abolished.

That is all I have to say, sir. I do not want to consume time.

Mr. HAWLEY. Mr. President, just a word. Of course I controvert what the Senator from Tennessee says as to the steam-presses doing the work better or even as well. They never have ventured to put them upon nice work at all. They do not print the face of any bill with them, for they know the steam-presses can not do the work as well. They never have been used on the better kind of printing; they are never used in printing the face of the bill.

But that is not the question here now. We have argued that before. I would not myself for the good of the currency have those steam-presses. I do not say it is fatal that they should be used in printing the back, which is rather uniform in color and lights, but simply that I would not use them in general on the fine part of the work. But that is not the question now.

If I were going to quit the use of the steam-presses I would not do it in the way the House provision does it. I confess it is vexatious to see this great Government, instead of stopping this work, if that is the intention, saying, "We will give you a cent a thousand hereafter and make you keep your own presses in order," because that means simply to drive them out. It is a back-handed, left-handed, disagreeable way of doing the thing sought to be done. I do not like it at all. I am sorry that the conferees feel compelled, for the sake of saving all the bill, to yield.

Mr. COCKRELL. I should like to ask the Senator from Iowa if the amendment agreed upon by the conferees prohibits the use of the steam-presses?

Mr. ALLISON. It does not. On the contrary, it provides for their use.

Mr. COCKRELL. Then I understand the amendment provides for the continued use of the steam-presses, and only regulates the price the owners shall receive.

Mr. ALLISON. That is all.

Mr. COCKRELL. It is manifest that under that condition the steam-presses will be used. This amendment does not prohibit the use of them. It only reduces the price to 1 cent per thousand instead of $1 as now.

I do think that the Senator from Tennessee is not justified at this late day, and in this condition of the business, in insisting upon a vote by yeas and nays. I voted with him upon the proposition when it came before the Senate. This is not settled against the Government. This is not settled against the report made by the Senator from Tennessee. The conferees simply agreed to cut down the price, and the Government will go on and use those steam-presses. They have a perfect right to do it, and they will do it.

I believe that when the matter comes up in the next Congress, the Congress itself will do justice, and if the work of the steam-presses is worth 50 cents a thousand, it will make the appropriation to pay that amount, and no harm can be done.

We can not each one of us have our individual way in all these matters. Legislation is compromise, and it must be so. However earnest and zealous we may be in our views on a particular question, we ought not to prevent legislation; we ought not to insist on our own notions to the inconvenience of everybody else.

While I am willing to stand by the Senator from Tennessee whenever it will not interfere with this bill and its final passage at this time, and in the present condition of the Senate, and will hereafter stand by him in securing justice to the owners of these presses and a reasonable compensation, I hope that he will not insist upon what seems to me to be unreasonable and unjust.

Mr. HARRIS. Mr. President, I do not want to use words that are grating upon the sensibilities of the Senate, but this is a pandering to a small faction and a class who make unjust demands in the light of the facts that I have learned from a six months' investigation. I am not, for one, inclined to yield to it. Of course I yield when a majority of the Senate shall say that this yielding on the part of the Senate conferees is proper; but believing as I do that it is improper and wrong, I do not intend to yield. I follow my own convictions with regard to it. If I am in error, a majority will correct me, and then I shall yield as gracefully as any other man can.

Mr. COCKRELL. I would submit to my friend from Tennessee that if upon a division here there is held to be clearly a decided majority of the Senate in favor of receding from the amendment he ought not to insist further.

Mr. HARRIS. I will say to my friend from Missouri that I do not know a human being who is interested in this question except as affects the interests of the Government. I have no earthly concern about it except that upon a five or six months' investigation I arrived at conclusions. I do not pander to classes; I do not pander to a special interest; and it is only special interests which are demanding that we should yield to the House proposition in respect to this matter.

Of course I do not desire to put any one of my brother Senators to any inconvenience, but so profound are my convictions that I do not intend to yield in respect to this question until a majority of the Senate has said that we ought to yield.

Mr. BUTLER Will the Senator from Tennessee be content with the vote of a majority of those present?

Mr. HARRIS. I had rather lose the sundry civil appropriation bill than to allow this yielding on the part of the Senate upon this question.

Mr. BUTLER. The Senator has not quite answered my question?

Mr. HARRIS. I answer no, I will not.

Mr. ALLISON. I wish to say to the Senator from Tennessee that the question is not decided in this bill. The provisions of the bill relate wholly and only to the appropriations made in it, and this whole question can and will be argued undoubtedly again in this Chamber and in the other. It will necessarily be argued when the next appropriation bill appears here embracing items for the support of the Bureau of Engraving and Printing.

Mr. HARRIS. Will the Senator allow me to ask him if the main point in this question has not been yielded in this bill by the Senate conferees?

Mr. COCKRELL. Not a bit.

Mr. HARRIS. I do not quite understand it as the Senator from Missouri does.

Mr. ALLISON. In a sense the Senate conferees have yielded a very important point in this contest between the patentees of the steam-presses and the people who use hand-presses, or the plate-printers, so called; but it is not a yielding which puts anything in the form of law. Therefore, when another appropriation shall come to be made for the conduct of this bureau next year this whole question will be absolutely open for reargument and consideration upon that bill, and I hope then we shall not be, as we are now, compelled to count time by minutes and moments or else lose a bill the failure of which would inevitably require an immediate extra session of Congress.

Mr. HARRIS. It is the duty of Senators to be here when the Senate is in session so that the Senate may be able to decide whatever questions are submitted to it. It was by no seeking of mine, and I regretted it

at the moment, that the duty of investigating this matter was assigned to me in the Finance Committee of the Senate. It was, however, so assigned, and the Senator from New York [Mr. HISCOCK] and myself sat for five or six months hearing all that was to be said upon this question. I arrived at convictions that were absolutely clear in respect to the question, and I am not willing to yield them upon the demand of a class of people in the United States who aggregate from eight to ten hundred in the maximum.

I regret beyond measure that the Senate conferees have yielded the question. So far as I am concerned, I shall not yield it. If we have not a quorum now, bring a quorum here and let them decide it. Then I will, of course, yield, because I have no alternative; but I have very profound convictions with regard to it, and I shall stand on them.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is, Will the Senate concur in the report of the committee of conference?

Mr. HARRIS. Upon that question I demand the yeas and nays.

The yeas and nays were not ordered, one-fifth of the Senators not sustaining the call.

Mr. HARRIS. It is the first instance, Mr. President, that I have known in twelve years' service here when a Senator could not get the yeas and nays upon any question he desired.

Mr. HAWLEY. It has many times occurred.

The PRESIDING OFFICER. The question is on concurring in the report. [Putting the question.] The ayes appear to have it. [A pause.] The ayes have it, and the report is concurred in.

Mr. HARRIS. I move to reconsider the vote by which the report was adopted.

The PRESIDING OFFICER. The Senator from Tennessee moves to reconsider the vote by which the report was concurred in. The question is on agreeing to the motion of the Senator from Tennessee to reconsider.

The motion to reconsider was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the 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. 12154) to regulate and license pawnbrokers in the District of Columbia.

ORDER OF BUSINESS.

Mr. EDMUNDS (at 2 o'clock a. m.). I ask unanimous consent that during the remainder of this session, which goes until 12 o'clock, no other business be done than that pending between the two Houses.

Mr. HARRIS. Mr. President, we shall have nothing done by unanimous consent from this time on.

Mr. EDMUNDS. Then I can not get it agreed to. I ask everybody not to bring anything forward or agree upon anything to be brought forward. I will put it that way.

Mr. HARRIS. I have never known before any instance where the yeas and nays were not granted to a Senator who asked that they be called.

Mr. BUTLER. I am not advised as to the state of public business, but if it will permit, it would seem to me to be a sensible thing to take a recess until some hour to-morrow morning.

Mr. ALLISON. I will say to the Senator from South Carolina that there are two appropriation bills not yet signed by the presiding officers of the Senate and House, and unless they are signed before a recess be taken, they can not reach the President in time. We might take an informal recess until half past 2, or something of that kind.

Mr. SPOONER. I desire to state that the Senator from Kansas [Mr. PLUMB] on leaving the Chamber a few moments ago requested me to say, if the proposition were made to take a recess, that in a short time he expected to present to the Senate a conference report on a land-grant forfeiture bill.

Mr. BUTLER. Then I withhold my motion.

The PRESIDING OFFICER. The Chair is informed that the two appropriation bills will be ready for the signature of the Presiding Officer in a few minutes, so that that obstacle in the way of a recess will be removed.

MESSAGE FROM THE HOUSE.

At 2 o'clock and 30 minutes a. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the following bills:

A bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

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 (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

RECESS.

Mr. PLUMB (at 2 o'clock and 43 minutes a. m., Monday, March 4). I move that the Senate take a recess until half after 9 o'clock.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate take a recess until 9.30 o'clock.

The motion was agreed to; and the Senate took a recess accordingly.

MONDAY'S SESSION.

The Senate reassembled at 9 o'clock and 30 minutes a. m. (Monday, March 4, 1889), when the President *pro tempore* took the chair and called the Senate to order.

FORFEITURE OF MICHIGAN RAILROAD GRANT.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, 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 disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 6, and agree to the same with an amendment as follows: Strike out all after the enacting clause and insert in lieu thereof as follows:

"That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to the State of Michigan by virtue of an act entitled 'An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes,' which took effect June 3, 1856, which are opposite to and coterminous with the uncompleted portion of any railroad to aid in the construction of which said lands were granted or applied, and all such lands are hereby declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

"SEC. 2. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of any railroad hereinbefore mentioned under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns, under the laws of the United States.

"SEC. 3. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 4. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 5. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

And the House agree to the same.

P. B. PLUMB,
H. W. BLAIR,
Managers on the part of the Senate.

WM. S. HOLMAN,
J. L. MACDONALD,
L. E. PAYSON,
Managers on the part of the House.

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

Mr. EDMUNDS. Not at all—no objection, but I would like my friend to explain it.

Mr. PLUMB. This is the bill as it passed the Senate which has heretofore been under consideration, except that it refers only to lands in the State of Michigan, as to which it forfeits what are known technically and actually as the unearned lands only. It then proceeds to settle also the controversy which existed in the State with reference to the conflicting claims of persons claiming under the State in the shape of holders of the rights of the Portage Lake Canal Company grant, and the persons who have made what are known as cash entries, and those who claim under the homestead or pre-emption laws, and it adopts as to all these classes of claims the compromise or adjustment which has heretofore been adopted by the Senate. It disposes of all the land grants in the State of Michigan.

Mr. EDMUNDS. I ask the Senator, with his permission, what arrangement has been made as to the rights of the railroad companies as between themselves and the United States in regard to not completing their roads within the time specified in the granting acts?

Mr. PLUMB. It gives them all the lands to which they would have been entitled if they had completed the roads within the time named in the granting acts.

Mr. EDMUNDS. As to construction already made?

Mr. PLUMB. Yes, as to the construction they have already made.

Mr. EDMUNDS. Does it protect the rights of the settlers?

Mr. PLUMB. It protects the rights of the settlers and all other claimants under the United States or under the State of Michigan or under the railroad companies.

I move the adoption of the report.

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

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 6753) for the relief of P. Gough Edelin.

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 (H. R. 6753) for the relief of P. Gough Edelin; and

A bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES MCMILLAN, chosen by the Legislature of Michigan a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. HARRIS. I offer the resolution which I send to the Chair, and ask for its present consideration.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to Hon. JOHN J. INGALLS, President *pro tempore* of the Senate, for the uniformly able, courteous, and impartial manner in which he has presided over its deliberations.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Tennessee.

The resolution was unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following resolutions:

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to members and officers of the House free access to the corridors of the Capitol.

Resolved, That this resolution be communicated to the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State; and it was thereupon signed by the President *pro tempore*.

ACCESS TO CORRIDORS OF CAPITOL.

Mr. EDMUNDS. I ask the Chair to lay before the Senate the resolutions of the House of Representatives that just now came over.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message of the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE, *March* 2, 1889.

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to members and officers of the House free access to the corridors of the Capitol.

Resolved, That this resolution be communicated to the Senate.

Mr. EDMUNDS. Mr. President, I move that the Senate accede to the request of the House of Representatives under such regulations as to identity, etc., as the Chair may prescribe.

The PRESIDENT *pro tempore*. The Senate has heard the motion of the Senator from Vermont. The question is on the motion.

The motion was agreed to.

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 this day approved and signed the following acts:

An act (S. 2511) to withdraw certain public lands from private entry, and for other purposes;

An act (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon;

An act (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River;

An act (S. 3762) granting a pension to Nancy Polock;

An act (S. 3429) granting a pension to Maria N. Abbey;

An act (S. 433) granting an increase of pension to General S. W. Price;

An act (S. 3047) granting an increase of pension to William Bittinger;

An act (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

An act (S. 3951) to establish a railway bridge across the Illinois River between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kempsville, in Calhoun County, in the State of Illinois;

An act (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.;

An act (S. 2027) granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation;

An act (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887;

An act (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes;

An act (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia;

An act (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad Company;

An act (S. 3960) granting a pension to Mary B. Hunt;

An act (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.;

An act (S. 2442) to increase the appropriation for the public building at Detroit, Mich.;

An act (S. 308) for the relief of Faran & McLean;

An act (S. 3653) to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Fort Leavenworth Water Company;

An act (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation;

An act (S. 2677) granting a pension to Jane Reilly;

An act (S. 1144) granting a pension to Frances H. L. Prescott;

An act (S. 2977) granting a pension to Henrietta Brown;

An act (S. 1384) granting a pension to Margaret J. Cash;

An act (S. 2363) for the relief of John W. Combs;

An act (S. 2549) for the relief of Mary Isabella R. Clements;

An act (S. 3713) granting an increase of pension to Maria A. Rousseau;

An act (S. 3453) granting an increase of pension to Alfred T. McKinsey;

An act (S. 2886) granting an increase of pension to Joseph B. Sellers;

An act (S. 3183) granting a pension to James Parker;

An act (S. 2182) to amend section 4489 of the Revised Statutes, requiring life-saving appliances on steamers;

An act (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company;

An act (S. 3918) granting to the Duluth and Winnipeg Railway Com-

pany the right of way through the Leech Lake and White Earth Indian reservations in the State of Minnesota;

An act (S. 3993) to provide for the protection of the salmon fisheries of Alaska; and

An act (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution for the appointment of a committee of three members on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that Congress having finished its business, unless he may have some further communication to make, the two Houses are now ready to close the session by an adjournment *sine die*.

NOTIFICATION TO THE PRESIDENT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that Congress, having finished its business, unless he may have some further communication to make the two Houses of Congress are now ready to close its session by an adjournment *sine die*.

Mr. SHERMAN. I offer for adoption the resolution which I send to the desk.

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

The Chief Clerk read as follows:

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some further communication to make to them.

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

The PRESIDENT *pro tempore*. The Chair appoints the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. SAULSBURY] as the committee on the part of the Senate.

A message from the House of Representatives, by Mr. TOWLES, Chief Clerk, announced that the Speaker of that body had appointed Mr. MCMILLIN, Mr. KELLEY, and Mr. BRECKINRIDGE of Arkansas to be the committee on the part of the House to wait upon the President of the United States and inform him that Congress is ready to adjourn *sine die*.

Mr. SHERMAN and Mr. SAULSBURY, of the joint committee who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate at 11 o'clock and 50 minutes a. m.; and

Mr. SHERMAN said: Mr. President, the committee appointed on behalf of the two Houses to wait upon the President of the United States and inform him that the two Houses had completed their business and to inquire of him whether he had any further communication to make have performed that duty, and the President replied that he had no further communication to make.

At 11 o'clock and 58 minutes a. m. the Vice-President-elect of the United States, escorted by Mr. CULLOM, of the committee of arrangements, entered the Senate Chamber.

The PRESIDENT *pro tempore*. The Vice-President-elect of the United States will come forward and receive the oath of office.

Hon. LEVI P. MORTON, of the State of New York, the Vice-President-elect, advanced to the desk of the President *pro tempore*, and the oath of office was administered to him.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*. Senators, conscious of a serious desire to deserve your approval and aware that it could be secured only by constant devotion to your service, the Chair assumed with diffidence the great trust conferred by your suffrages, which to-day he relinquishes with the profoundest gratitude for the honor of your resolution of commendation, and declares that the Senate now stands adjourned without day.

NOMINATION.

Executive nomination received by the Senate the 2d day of March, 1889.

PROMOTION IN THE ARMY.

Medical Department.

Capt. Julius H. Patzki, assistant surgeon, to be surgeon with the rank of major, February 28, 1889, *vice* Webster, retired.

CONFIRMATION.

Executive nomination confirmed by the Senate March 2, 1889.

RECEIVER OF PUBLIC MONEYS.

Thomas M. Vance, of North Carolina, to be receiver of public moneys at North Yakima, Wash.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 2, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of Indian title to the remainder, and for other purposes; when the Speaker signed the same.

Mr. ENLOE, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 12403) granting a pension to Bennett Cooper;

A bill (H. R. 12404) granting a pension to George W. Andrews; and

A bill (H. R. 12619) granting a pension to Littleberry W. Baker.

SUITS BY ILLINOIS AGAINST THE UNITED STATES.

The SPEAKER. The first business in order is the request of the gentleman from Illinois [Mr. ANDERSON], left pending at 11 o'clock yesterday morning, for the consideration by unanimous consent of the bill (H. R. 8028) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States.

The bill was read, as follows:

Be it enacted, etc., That the authority of the United States is hereby given to the State of Illinois to commence and prosecute, subject to the rules of law existing in respect to claims against the United States, excepting statutes of limitations or in the nature thereof, in the Supreme Court of the United States, an action for the recovery of any moneys which may be lawfully due and owing, if any there be, by the United States to said States under the laws of the United States, on account of the sales for money of public lands in said State.

SEC. 2. That in prosecuting said cause or causes in said court, under said State shall be authorized and required, under rules to be prescribed by said court, to set forth by petition the facts and grounds upon which such State relies for the recovery of said money; and the United States, by the Attorney-General, shall plead, answer, or demur to the merits of such petition. And the respective parties to such case or cases shall be entitled to have produced in court, and to introduce, under such rules as the Supreme Court shall prescribe, all competent testimony. And said court shall in the exercise of its original jurisdiction proceed to hear and determine and render judgment in said case or cases.

SEC. 3. That nothing in this act shall be deemed or construed to in any manner recognize the existence of any debt or duty of the United States in respect to the matters in this act mentioned or referred to.

The amendments reported by the Committee on the Judiciary were as follows:

In line 4, section 1, strike out the word "State" and insert "States."

In the same line insert, after the word "Illinois," the words "Indiana and Ohio, respectively."

In line 10 and line 12 strike out "State" and insert "States."

In line 8 strike out "an action" and insert "actions."

In line 2 of section 2 strike out "under said State" and insert "said States."

In line 4 of the same section, after the word "petition," insert "or petitions."

In line 5 of the same section strike out "State relies" and insert "States respectively rely."

After the word "petition," in line 7, insert "or petitions."

Amend the title so as to read: "A bill to authorize the States of Illinois, Indiana, and Ohio to prosecute suits against the United States in the Supreme Court of the United States."

Mr. BLAND. I would like to have the report in this case read.

Mr. ANDERSON, of Illinois. The report is long. I can explain the matter, I think, to the gentleman's satisfaction.

Mr. BLAND. I think we had better have the report read.

The Clerk proceeded to read the report.

Before concluding the reading,

Mr. BLAND said: I withdraw the demand for the reading of the report, unless some other gentleman desires to have it read.

Mr. KILGORE. I would like either to have the report read or hear some statement in reference to this bill.

Mr. ANDERSON, of Illinois. I can state in a few moments what are the purposes of the bill. The enabling act of each of the States mentioned in the bill, when admitted into the Union, contained the same clause as was contained in that of every other State admitted into the Union, that is to say, a clause allowing 5 per cent. of the sales of the public lands under the act of Congress for public-school purposes and 3 per cent. for the building of roads.

Shortly after the admission of the States the Government commenced the building of what is known as the "Cumberland road," which was to extend out through these States to Jefferson, Mo. Long before this road reached the borders of the State of Illinois, and when but little work was done in the State of Indiana on account of the building of railroads through that region, work upon this Cumberland road was abandoned; but the Commissioner of the Land Office, instead of paying over the 3 per cent. of the proceeds of the public lands to the States named, charged against them the expense of building this Cumberland road——

Mr. KILGORE. Which was never built.

Mr. ANDERSON, of Illinois. It was only partially built.

Mr. KILGORE. But, as I understand it, not in the States affected by this bill.

Mr. ANDERSON, of Illinois. No, sir; and the Comptroller of the Treasury called for a settlement, holding that it was erroneous to charge against the States this expense, but on account of the conflicting views of the Treasury and the Interior Department the matter has never been adjusted.

Mr. KILGORE. And this bill, as I understand it, is simply to allow that adjustment to be made?

Mr. ANDERSON, of Illinois. That is all, sir.

Mr. BREWER. I would suggest that the gentlemen try to have a private conference in the cloak-room, and settle the matter, because we can not hear a word of what they are saying here.

Mr. KILGORE. I have no objection to the bill.

The SPEAKER *pro tempore*. The first question is on agreeing to the amendments recommended by the committee.

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Without objection the title of the bill will be amended to conform to the amendments adopted in the bill.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage with amendments, in which the concurrence of the House of Representatives was requested, of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I ask, by unanimous consent, that the House non-concur in the Senate amendments.

Mr. ANDERSON, of Kansas. I make the point of order——

Mr. BLAND. I reserve the point of order, unless consent is given to non-concur, that this must go to the Committee of the Whole House on the state of the Union.

Mr. ANDERSON, of Kansas. I was going to make the point——

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Texas. The gentleman asks, by unanimous consent, that the deficiency appropriation bill be now considered, and that the Senate amendments may be non-concurred in, and, as the Chair understands it, that a committee of conference be requested on the disagreeing votes thereon.

Mr. SAYERS. That is my request.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. RANDALL. I move to reconsider——

Mr. CANNON. Before that consent is given, I suppose it is understood that there are some items in the bill which will be submitted to the House later. But I think it is important that there should be a formal non-concurrence, and let it go to conference.

Mr. SAYERS. I move to reconsider the vote by which the House agreed to non-concur——

Mr. PAYSON. One moment before this consent is given. I object for the present.

Mr. JACKSON. It is too late.

Mr. PAYSON. No, it is not too late; but after the statement of the gentleman from Pennsylvania, which he has just made, I withdraw the objection.

So (no further objection being made) the request of Mr. SAYERS was agreed to.

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

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. SAYRES, Mr. RANDALL, and Mr. MCCOMAS as conferees on the part of the House.

CHICAGO, KANSAS AND WESTERN RAILWAY COMPANY.

Mr. ANDERSON, of Kansas (when his name was called). I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1903) granting the right of way through the Fort Riley military reservation, Kansas, to the Chicago, Kansas and Western Railway Company and put it on its passage.

The bill was read at length.

Mr. BLAND. Let us have either the report read in this case or some explanation of what it proposes to do.

Mr. ANDERSON, of Kansas. The report is very brief, and I ask that it be read..

The report was read at length.

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

Mr. LYNCH. I object to its consideration.

PUBLIC BUILDING PAWTUCKET, R. I.

Mr. ARNOLD (when his name was called). I ask, by unanimous consent, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 164) for the erection of a public building in the city of Pawtucket, R. I.

The bill was read at length.

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

Mr. LYNCH and Mr. KILGORE rose.

The SPEAKER *pro tempore*. The gentleman from Texas and the gentleman from Pennsylvania object.

Mr. KILGORE. I did not rise to object, but I rose for the purpose of asking a question in regard to the bill, which I believe contains a provision making an appropriation which has not been the practice in such bills heretofore.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Texas to rise to object.

Mr. LYNCH. I rose to object.

The SPEAKER *pro tempore*. Objection is made.

JOHN R. HARRINGTON.

Mr. ATKINSON called up for consideration the bill (H. R. 2660) for the relief of John R. Harrington.

The bill was read, as follows:

Be it enacted, etc., That John R. Harrington have leave to apply to the Commissioner of Patents for an extension for the term of seven years of the reissued letters-patent Nos. 2415 and 2416, each dated December 11, 1866, for improvements in carpet lining, and means for producing the same, from and after his decision thereon; such application to the Commissioner of Patents to be made within three months from and after the date of the passage of this act; and the Commissioner of Patents is hereby authorized and empowered to renew and extend to said John R. Harrington each of said patents for the term of seven years from and after his decision thereon, with the same force and effect as if each of said patents had been originally granted for the term of seven years from the date of his decision thereon, if, in his judgment, the same should be renewed and extended.

SEC. 2. That no right of action to recover damage shall accrue to the patentee, or his assignee, from the time of the expiration of said patents until the extension as contemplated by the first section of this act.

Mr. ATKINSON. I ask that the report be read.

Mr. BLAND. Let the report be read, subject to objection.

Mr. MACDONALD. I see the gentleman from Pennsylvania [Mr. LYNCH] has left his seat; and as he is not present to object, therefore I object.

Mr. WEAVER (to Mr. MACDONALD). This is a poor blind man.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. ATKINSON] asks that the report be read.

Mr. MACDONALD. I do not object to that; but I will object to the consideration of the bill.

Mr. ATKINSON. I appeal to the gentleman not to object to the bill until the report shall have been read. I think it is not fair to object.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent that the report in this case be read before objection is asked for on the consideration of the bill. Is there objection to the reading of the report?

Mr. MACDONALD. I do not object to the reading of the report, but I shall to the bill.

Mr. ATKINSON. I ask that the report be read. I hope the gentleman is open to conviction; and if the report is read he may recognize that it is a meritorious bill.

Mr. MACDONALD. The gentleman must appeal to his colleague [Mr. LYNCH]. I objected to be in harmony with him.

Mr. DUNN. I shall object to the reading of the report. I do not object to the consideration of the bill, but other gentlemen do, and we may as well dispose of it at once.

PUBLIC BUILDING AT NEWBURGH, N. Y.

Mr. BACON called up for consideration the bill (H. R. 7312) for the erection of a public building at Newburgh, N. Y.

Mr. ATKINSON. I shall object to that bill.

Mr. WEAVER. I now ask, before consideration of this bill is entered upon, that the bill called up by the gentleman from Pennsylvania [Mr. ATKINSON] shall be considered. I want to say that it is a bill for the relief of a poor blind man who is lying on his back.

Mr. ATKINSON. I object to the bill or to the reading of the bill.

Mr. MACDONALD. I appreciate the position, and I say that there are just as many meritorious measures as that of this man that the gentleman from Pennsylvania [Mr. LYNCH] has objected to.

Mr. LYNCH. I object.

The SPEAKER *pro tempore*. The Chair will state that a gentleman who calls up a bill is entitled to have the bill read before objections are asked for.

The Clerk proceeded to read the bill.

Mr. DOCKERY. I do not understand that the gentleman presenting the bill desires to have the bill read.

Mr. BACON. I do not know of any objection having been made to this bill.

Mr. BLAND. Let us have the bill and report read, subject to objection.

The SPEAKER *pro tempore*. The Chair is of the opinion that the gentleman submitting the bill is entitled to have the bill read before objection is asked for by the Chair.

Mr. BLAND. I will have the report read or I will object.

The SPEAKER *pro tempore*. The report is in the nature of debate, and can not be read except in the gentleman's own time.

Mr. LYNCH. I object.

Mr. BACON. I think there is a misapprehension here. I understood there was objection to the reading of the report, but not to the bill.

Mr. LYNCH. No; I did not say so. I object to the whole thing.

CENTENNIAL DEMONSTRATION AT NEW YORK.

Mr. BAKER, of New York. I desire to call up a resolution which I understand has been reported from the Committee on the Judiciary, providing for a committee of thirteen members-elect of the Fifty-first Congress, to be appointed as a committee to attend the centennial demonstration at New York on the 30th of April. My colleague [Mr. COX] has got the resolution and report, but is not here at this time.

The SPEAKER *pro tempore*. The Chair will state that the resolution is not at the desk, and it must be before the House can take action on it. The Chair has sent to the file-room to see if a copy of it is there.

Mr. KILGORE. Does it provide any appropriation for the payment of expenses?

Mr. BAKER, of New York. It does not. Mr. Speaker, I desire to have the resolution read as soon as my colleague comes in. I hope that it may now be passed without prejudice, and that I may be able to call it up when my colleague arrives.

Mr. SCOTT. If this resolution were called up would it be in order to move to amend it and make an appropriation to enable this committee to discharge these duties? I see by the proceedings of the Senate that there are about half a dozen roving committees appointed there with funds for the purpose of summer excursions—to visit the Pacific coast in palace cars, for the purpose of examining railroads, or pretending to examine railroads; and I can not understand, sir, why a committee that might be appointed by this House should not be entitled to the same privileges and prerogatives; or why junketing expeditions to be fitted out for the summer vacation for the members of this House should not be provided with champagne, cigars, and all the accessories calculated to make such trips pleasant and agreeable——

Mr. BIGGS. I rise to a point of order.

Mr. SCOTT. And so beneficial to the public interest.

The SPEAKER *pro tempore*. The Chair is informed that the resolution has not been introduced nor printed, and that the original copy is in the possession of the gentleman's colleague.

Mr. BAKER, of New York. I ask that it may be temporarily laid aside.

The SPEAKER *pro tempore*. If there be no objection, this matter will be passed for the present, and the gentleman from New York may call it up in this hour.

MARTHA E. FLESSCHERT.

Mr. BAKER, of Illinois (when his name was called). I call up the bill (H. R. 11660) for the relief of Martha E. Flesschert.

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 pay to Martha Elizabeth Flesschert, *née* Stevenson, of St. Louis, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $212.50, for services rendered by her as hospital matron in and for the One hundred and thirtieth and One hundred and seventeenth Regiments of Illinois Volunteers for seventeen months, from October, 1862, to March, 1864.

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

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 11660) for the relief of Martha E. Flesschert, report as follows:

The claim is for services rendered by Martha E. Flesschert as hospital matron for the One hundred and seventeenth Regiment of Illinois Volunteers from October 18, 1862, to March, 1864. Claim stated at $212.50.

The proof filed in support of the bill shows that the claimant served continuously as hospital matron to the above-mentioned regiment for seventeen months, and that she has not been paid for said services.

Your committee are of opinion that the claimant should be paid for her services and report back the bill and recommend its passage.

Mr. O'NEALL, of Indiana. Mr. Speaker, I trust that I shall be pardoned for intruding at this time upon the House. I feel, however, that this is perhaps the last opportunity I shall have to talk about this California election case. [Laughter.] Gentlemen upon the other side of the House charge that the evidence contained in the record in that case is hearsay testimony, and that the committee who made the report based their report upon hearsay testimony. I wish to call the attention of the House to the character of that "hearsay" testimony. If it be hearsay testimony, then I have read the law-books in vain. What is the character of some of that "hearsay" testimony? Let me call the attention of honorable gentlemen who talk about hearsay testimony to that testimony, or some little portion of it, but for a moment or two. I wish first to take up the second precinct of the forty-eighth assembly district in the city of San Francisco and inquire into the character of the testimony tending to show the perpetration of frauds in that precinct. The first evidence we have is the statement of the man who was appointed and who acted as inspector in that precinct. I presume that gentlemen on the other side of the House will say that his statement is hearsay testimony——

Mr. BAKER, of Illinois. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER, of Illinois. I wish to inquire whether this is in order under the rule under which we are now proceeding?

The SPEAKER *pro tempore*. The Chair is of the opinion that this debate is not strictly in order under the rule.

Mr. O'NEALL, of Indiana. Mr. Speaker, this is a good way to defeat this bill, and I have a right to defeat it in any way that is within my power.

Mr. MCKENNA. Mr. Speaker, I claim that the gentleman is not in order, nor has he the right to defeat a bill in any way in his power by talking out of order.

Mr. O'NEALL, of Indiana. This is a parliamentary way.

Mr. CUTCHEON. The gentleman is not speaking to the question.

Mr. O'NEALL, of Indiana. Oh, yes; I understand. There is a good deal of difference——

Mr. BLAND. I submit that the gentleman from Indiana [Mr. O'NEALL] has a right to proceed.

The SPEAKER *pro tempore*. The Chair desires to remind the gentleman from Indiana [Mr. O'NEALL] that the House is now in session and that we are not in Committee of the Whole on the state of the Union, where a larger latitude of debate is given. We are now in the House, and this bill is called up for consideration under the special rule permitting a member to call up a bill when his name is reached in regular alphabetical order. This bill being now the sole subject under consideration, the Chair is of opinion that the gentleman from Indiana can not discuss an election case or any other matter than that which is directly before the House.

Mr. BLAND. The Speaker ruled yesterday that where a gentleman rises and states that he does not think the bill under consideration, or any other measure, ought to be taken up or passed until the House first considers the contested-election case, he has the right to state reasons why the pending bill, or any other bill, should not pass until that election case is considered, and, under that ruling of the Speaker, the gentleman from Indiana would have the right to tell the House why he opposes proceeding with the pending bill or any other measure until the contested-election case is decided.

The SPEAKER *pro tempore*. The Chair is of the opinion that the gentleman can not enter properly into the merits of any other bill than the one under consideration.

Mr. O'NEALL, of Indiana. It does occur to me, Mr. Speaker, that it is always in order to insist on taking up questions which are of higher privilege than the one before the House.

Mr. BUCHANAN. Mr. Speaker, I make the additional point that the special order runs until 11 o'clock, and that no election case would be in order until that time.

Mr. O'NEALL, of Indiana. This being a question of higher privilege——

Mr. MCKENNA. Regular order.

The SPEAKER *pro tempore*. The House will be in order. The Chair having decided that the contested-election case is not before the House, the gentleman from Indiana [Mr. O'NEALL] can not now discuss it in order, and the Chair requests that he will either conform to the ruling of the Chair or appeal from it and let the question be decided by the House.

Mr. O'NEALL, of Indiana. Mr. Speaker, am I not in order when I am endeavoring to show the reasons why neither this bill nor any other should pass this House until these questions which are questions of higher privilege are disposed of? I am urging that under the circumstances this House ought to feel a demand made upon it to try these questions of higher privilege.

Mr. CUTCHEON. If the gentleman is dissatisfied with the decision of the Chair, why does he not take an appeal?

Mr. O'NEALL, of Indiana. Well, if necessary, I appeal from the decision of the Chair.

Several MEMBERS. Oh, no; do not do that.

Mr. HERMANN. I rise to a parliamentary inquiry.

Mr. O'NEALL, of Indiana. I withdraw the appeal, and make this parliamentary inquiry——

Mr. HERMANN. I rise to a parliamentary inquiry—whether these interruptions are to come out of the hour set apart for the consideration of matters called up by members in the alphabetical order of their names.

The SPEAKER *pro tempore*. This hour will expire at 11 o'clock. This is not a question of considering the pending bill for one hour; this order of business expires by limitation at 11 o'clock each day.

Mr. O'NEALL, of Indiana. Mr. Speaker, can the gentleman from Oregon [Mr. HERMANN] take me from the floor by a parliamentary inquiry?

The SPEAKER *pro tempore*. The gentleman from Oregon has not

taken the gentleman from Indiana from the floor. The gentleman from Oregon rose to a parliamentary inquiry, which the Chair has answered. The Chair will state the question before the House. The gentleman from Illinois [Mr. BAKER] having raised the question that the gentleman from Indiana was discussing the election case and not the bill under consideration by the House, the Chair sustained that point of order——

Mr. DOCKERY. The appeal has been withdrawn.

Mr. BLAND. The gentleman from Indiana has already stated that under the rulings made yesterday by the Speaker he proposes to proceed by showing that this bill ought not to pass; that no other measure ought to be passed or taken up until the election case shall be disposed of. He is giving his reasons for that position, which was ruled to be in order yesterday by Mr. Speaker CARLISLE, as it has been ruled on several occasions.

The SPEAKER *pro tempore*. On the point of order raised by the gentleman from Illinois [Mr. BAKER] the Chair held and now holds that it is not in order to discuss the merits of an election case upon this bill. From that decision, as the Chair understands, the gentleman from Indiana appeals.

Several MEMBERS. He withdrew the appeal.

Mr. O'NEALL, of Indiana. I have withdrawn the appeal.

Mr. BAKER, of New York. I ask the gentleman to yield a moment.

Mr. O'NEALL, of Indiana. I have withdrawn the appeal; and I want to ask by way of parliamentary inquiry——

Mr. MCKENNA. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair thinks that the gentleman from California [Mr. MCKENNA] does not understand the situation.

Mr. BAKER, of New York. I asked unanimous consent to present a resolution——

Mr. BLAND. The gentleman from New York [Mr. BAKER] can not take the gentleman from Indiana from the floor without his consent.

Mr. COX. I rise to make an inquiry, if the Speaker please. I will not take anybody off the floor. The resolution which my colleague [Mr. BAKER] desires to present has reference to the appointment of a committee of the Fifty-first Congress to attend the celebration in New York on the 30th of April next.

Mr. BAKER, of New York. It was laid aside informally.

Mr. COX. It was laid aside informally when the name of my colleague was called in alphabetical order.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman from New York, being now ready to call up his resolution, is entitled to the floor.

Mr. BLAND. Can that be done pending the consideration of another matter?

The SPEAKER *pro tempore*. The Chair will be much obliged to gentlemen if they will permit the Chair to state questions as they come up. The gentleman from New York [Mr. BAKER] now rises and asks to resume the floor with the request to pass a resolution which could not be found at the time when he was recognized.

Mr. BAKER, of New York. It will take but a moment.

The SPEAKER *pro tempore*. The Chair stated at the time that unanimous consent was asked to withdraw the resolution with leave to call it up within the hour.

Mr. BAKER, of New York, and others. That is so.

The SPEAKER *pro tempore*. That leave was given, and unless the gentleman should now be recognized he could not be recognized within the hour, as it now lacks only ten minutes of being 11 o'clock. The Chair holds that the gentleman from New York is now entitled to present his proposition under the leave given.

Mr. BLAND. I raise the point of order against——

Mr. BAKER, of Illinois. I demand the regular order.

Mr. BLAND. I make the point of order that pending the consideration of a measure which the House has already proceeded to consider by consent the gentleman from New York has no right to interpose another matter which he claims is introduced by a previous consent of the House, and which does away with the business on which the House is now engaged by consent. The House gave leave to the gentleman from Illinois to have considered a bill which is now before the House, and until that is disposed of the previous consent is abrogated.

The SPEAKER *pro tempore*. Unanimous consent was given to the gentleman from New York to call up and resume consideration of a resolution at some time during this hour; and unless that order is now executed it will have been vacated by the House itself, although the consent was given.

Mr. BAKER, of Illinois. I do not yield the floor, and demand the regular order.

Mr. COX. If the gentleman will hear the resolution he will not object, I am sure.

The SPEAKER *pro tempore*. The resolution called up by the gentleman from New York [Mr. BAKER] is entitled to consideration by the consent heretofore given, and the Clerk will now read it.

The Clerk read as follows:

"*Resolved*, That the Speaker of the House of Representatives designate nine members-elect to the Fifty-first Congress to attend the centennial celebration of the inauguration of the first President of the United States, to be held in the city of New York on the 30th day of April, 1889, and to represent the House of Representatives of the United States at such celebration."

The Committee on the Judiciary, to whom was referred the memorial of the committee on the centennial celebration of Washington's inauguration as first President of the United States, at New York, on April 30, 1889, having had the same under consideration, most heartily indorse and applaud the patriotic purpose of the promoters of this celebration on the spot where one hundred years ago occurred the most notable event in the history of our country, the inauguration of the first President of the United States, and therefore recommend the adoption of the resolution.

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

Mr. BAKER, of Illinois. I object.

Mr. SCOTT. Mr. Speaker, I want to move an amendment. I do not rise to object.

The SPEAKER *pro tempore*. The resolution is not before the House! The gentleman from Illinois objects.

Mr. BUCHANAN. Well, the celebration will be held whether he objects or not.

The SPEAKER *pro tempore*. The House resumes consideration of the bill called up by the gentleman from Illinois.

Mr. BAKER, of New York. I think I ought to object to his bill now. [Laughter.]

Mr. SOWDEN. I rise to a point of order. It is absolutely impossible to hear anything whatever that is going on in the House amidst this confusion.

The SPEAKER *pro tempore*. The point of order is well taken, and public business will be suspended until order is restored on the floor of the House.

Mr. O'NEALL, of Indiana. If I may be permitted to extend my remarks in the RECORD, I will subside.

Mr. MCKENNA. I object.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Indiana. Is there objection to permitting the gentleman to extend his remarks in the RECORD?

Mr. MCKENNA. I object.

Mr. BLAND. Gentlemen on that side of the House are afraid to have the facts made known. Why do they exhibit so much apprehension?

Mr. MCKENNA. When the facts come from the right source we will not have any objection.

Mr. BLAND. Oh! you are a beautiful set; afraid to let the facts in regard to your own political action be made known; a set of political cowards. [Cries of "Regular order!"]

Mr. MCKINNEY. Afraid of a fair trial before a just jury.

Mr. MCKENNA. We know something about the jury.

[The Speaker here resumed the chair.]

Mr. O'NEALL, of Indiana. I believe I have the floor.

The SPEAKER. The gentleman is entitled to the floor if he was occupying it during the consideration of the bill called up by the gentleman from Illinois; but the present occupant of the chair was not presiding at the time, and does not know the rights of the gentleman in that respect.

Mr. BAKER, of New York. I understand my friend from Illinois has withdrawn his objection to the resolution I called up.

Mr. BAKER, of Illinois. The bill that I called up was under consideration, and an effort was made to displace it by another proposition, to which I objected. The consideration was interrupted by a resolution in charge of the gentleman from New York. Assuredly I have the floor on my own bill.

Mr. BAKER, of New York. But I understood my friend to withdraw his objection to the resolution. Nobody has any objection to it I am sure.

Mr. BAKER, of Illinois. And nobody has any objection to the little bill that I called up, and if that can be disposed of, which can be done in half a minute, then the gentleman may have a clear road and right of way for any measure he chooses to bring up.

The SPEAKER. As the Chair understands the gentleman from Illinois, he does not object to the resolution of the gentleman from New York, but to its consideration until his own matter is disposed of.

Mr. BAKER, of New York. That is the exact point.

The SPEAKER. Is there objection to the consideration of the bill called up by the gentleman from Iliinois?

There was no objection.

Mr. O'NEALL, of Indiana. I believe I have the floor.

The SPEAKER. The gentleman from Indiana will proceed to discuss the bill before the House.

Mr. BAKER, of New York. Will the gentleman from Illinois yield for one moment? I think it important to get this resolution through.

Mr. COX. It wants but two minutes of 11 o'clock, and this matter ought to be disposed of. It is a matter of grace, and will take but an instant.

The SPEAKER. It is not before the House. The only matter before the House now is the bill called up by the gentleman from Illinois [Mr. BAKER]. [Cries of "Regular order!"] The question is on ordering the bill to be engrossed and read a third time.

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

CENTENNIAL CELEBRATION OF FIRST INAUGURATION.

Mr. BAKER, of New York. I now call up the resolution reported from the Judiciary Committee which was read a few moments ago.

The SPEAKER. Is the reading of the resolution again demanded?

Mr. PAYSON. Let it be read.

The resolution was again reported. [Cries of "Vote!" "Vote!"]

Mr. BAKER, of New York. I believe there is no possible objection to this.

Mr. COX. I ask the previous question——

Mr. SCOTT. Mr. Speaker, will this go over, when the hour of 11 o'clock comes, as unfinished business?

The SPEAKER. The hour of 11 o'clock has now arrived.

Mr. SPRINGER. Then it will go over until after the 4th of March.

Mr. COX (to Mr. SCOTT). You have killed it. Now make your mortuary address.

INTERNATIONAL EXCHANGE OF PUBLIC DOCUMENTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying papers, a draught of and recommending the passage of a bill or resolution to provide for an international exchange of public documents; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

WILLIAM A. SMITHERS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting findings of fact in the case of William A. Smithers against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

FINDINGS OF FACT IN CERTAIN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting the findings of that court in certain claims referred to that court by the Committee on War Claims under the provisions of the act approved March 3, 1883; which was referred to the Committee on War Claims, and ordered to be printed.

EXPENDITURES FOR REPAIRS, ETC., OF PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury to the chairman of the Committee on Appropriations, with accompanying statement of expenditures from appropriations for the repairs and preservation of public buildings, together with the employés engaged in them for 1880; which was ordered to be printed.

LIGHT-HOUSE AND FOG-SIGNAL AT OLD ORCHARD SHOAL, NEW YORK.

The SPEAKER also laid before the House the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, with House amendments disagreed to by the Senate, and a conference asked.

The SPEAKER. This bill has now reached a privileged stage. If there be no objection, the House will insist upon its amendments and agree to the conference. The Chair hears none, and it is so ordered. The Chair will appoint the gentleman from Missouri [Mr. CLARDY], the gentleman from Louisiana [Mr. LAGAN], and the gentleman from Virginia [Mr. T. H. B. BROWNE] conferees on the part of the House.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The SPEAKER also laid before the House the joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

Mr. WHITE, of New York. I ask, by unanimous consent, that the resolution be reported, which will take but a moment, and that I may be permitted to state the object of it, which will take still less time.

Mr. KILGORE. I object.

The SPEAKER. The resolution will be referred to the Committee on Foreign Affairs.

ADDITIONAL LAND DISTRICTS IN NEBRASKA.

The SPEAKER also laid before the House the bill (S. 3810) to establish two additional land districts in the State of Nebraska.

Mr. DORSEY. I ask, by unanimous consent, that this bill be considered.

Mr. LYNCH. I object.

The SPEAKER. The bill will be referred to the Committee on Public Lands.

Mr. BLAND. I move that the bill be referred to the committee to which it belongs.

Mr. WHEELER. The House committee have reported the same bill.

Mr. DORSEY. I ask, then, that the bill be permitted to remain on the Speaker's table.

Mr. BLAND. I did not understand that there was unanimous consent asked for it to remain on the Speaker's table, or I would have objected.

The SPEAKER. Does the gentleman insist that it shall go to the committee?

Mr. BLAND. That is what I am insisting on.

The question was put as to whether it should be referred to the committee; and the Speaker announced that the noes seemed to have it.

Mr. BLAND. I wish to state simply this: I supposed that it required unanimous consent for it to remain on the Speaker's table.

The SPEAKER. The Chair states that it does require unanimous consent. The Chair will state to gentlemen on the floor that this perhaps is the last time that any of these communications will be laid before the House, because in all probability there will be no further adjournment; and the Chair is simply doing what the rules require, to lay these matters before the House after the reading of the Journal and the hour for unanimous consent.

BRIDGE OVER WHITE RIVER AT ABERDEEN, ARK.

The SPEAKER also laid before the House the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.

Mr. BRECKINRIDGE, of Arkansas. I ask that this bill be put upon its passage at this time.

Mr. LYNCH. I object.

The SPEAKER. The bill will be referred to the Committee on Commerce.

ADDITIONAL JUSTICE FOR SUPREME COURT OF IDAHO.

The SPEAKER also laid before the House the bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes.

Mr. DUBOIS. I desire to state that a similar bill to this has been reported unanimously from the House committee, and the Attorney-General of the United States has written a letter recommending its passage.

Mr. BLAND. This is a bill to which I have objected.

The SPEAKER. The bill to which the gentleman objected was a bill to create two additional land districts in the State of Nebraska.

Mr. BLAND. But this bill was up about two weeks ago.

The SPEAKER. This bill has been up several times. [Laughter.]

Mr. SPRINGER. I hope the gentleman from Missouri will not object. The Committee on the Territories have reported in favor of this bill.

Mr. BLAND. I demand the regular order.

The SPEAKER. The gentleman insists upon his objection, and the bill will be referred to the Committee on the Territories.

ABSENTEE SHAWNEE INDIAN LANDS IN KANSAS.

The SPEAKER also laid before the House the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas.

Mr. RYAN. I ask for the present consideration of that bill. It is for the relief of only four settlers. Patents were issued fraudulently in regard to this land, to four Indians, and the Secretary of the Interior desires authority to cancel these patents and authorize these settlers to get these lands under existing law.

Mr. LYNCH. I object.

WYOMING MIDLAND RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation, with an amendment of the Senate thereto.

Mr. CAREY. Mr. Speaker, I ask unanimous consent that the Senate amendment to that bill be concurred in.

Mr. LYNCH. I object.

The bill was referred to the Committee on Indian Affairs.

DULUTH, RED WING AND SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3923) to authorize the Duluth, Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road; which was referred to the Committee on Commerce.

BRIDGE ACROSS THE ILLINOIS.

The SPEAKER also laid before the House the bill (S. 3951) to establish a railroad bridge across the Illinois River between a point within 5 miles of Columbiana in Greene County to a point within 5 miles of Kampsville in Calhoun County, in the State of Illinois.

Mr. SPRINGER. I ask unanimous consent for the present consideration of that bill. It is a bridge bill, and the railroad is built to the river and can not cross without this bridge. The Committee on Commerce have examined the bill and it is in the usual form.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER] that this bill be now considered?

There was no objection.

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

Mr. SPRINGER 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.

OMAHA, DODGE CITY AND SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railroad Company to build its road across the Fort Hays military reservation.

Mr. CANNON. I ask unanimous consent to consider that bill at this time.

The bill was read, as follows:

Be it enacted, etc., That the Omaha, Dodge City and Southern Railway Company, a corporation in the State of Kansas, be, and is hereby, granted a right of way, not to exceed 100 feet in width, across the Fort Hays military reservation, upon such line as may be approved by the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. CANNON] that this bill be now considered?

There was no objection.

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

Mr. CANNON 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.

EXPENDITURES OF CALIFORNIA ON ACCOUNT OF INDIAN HOSTILITIES.

The SPEAKER also laid before the House the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States.

Mr. BIGGS. I ask unanimous consent for the present consideration of that bill.

Mr. KILGORE. I object.

Mr. BIGGS. It does not take a dollar out of the Treasury.

Mr. KILGORE. I do not care.

GEORGE F. ROBERTS.

The SPEAKER also laid before the House the bill (S. 2001) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others; which was referred to the Committee on Claims.

WARREN HALL.

The SPEAKER also laid before the House the bill (S. 90) for the relief of Warren Hall; which was referred to the Committee on Claims.

PUBLIC BUILDING, ALLENTOWN, PA.

The SPEAKER also laid before the House the bill (S. 3381) for the erection of a public building at Allentown, Pa.

Mr. BLANCHARD. I move that that bill be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. That will be the proper reference unless some other action is——

Mr. RANDALL. I do not see my colleague from Pennsylvania [Mr. SOWDEN], who is interested in this bill, in his seat, and I ask that the bill be retained for the present on the Speaker's table.

MARY ELLEN FITZGERALD.

The SPEAKER also laid before the House the bill (S. 3860) granting a pension to Mary Ellen Fitzgerald; which was referred to the Committee on Invalid Pensions.

CHEROKEE CENTRAL RAILWAY.

The SPEAKER also laid before the House the bill (S. 3721) to grant the right of way to the Cherokee Central Railway through the Indian Territory, and for other purposes.

Mr. PERKINS. I ask that that bill be retained on the Speaker's table for the present.

The SPEAKER. The bill will be retained.

MRS. MARY C. BARNES.

The SPEAKER also laid before the House the bill (S. 3942) granting a pension to Mrs. Mary C. Barnes; which was referred to the Committee on Invalid Pensions.

DANIEL H. KENT.

The SPEAKER also laid before the House the bill (S. 3192) granting an increase of pension to Daniel H. Kent; which was referred to the Committee on Invalid Pensions.

MARY B. HUNT.

The SPEAKER also laid before the House the bill (S. 3960) granting a pension to Mary B. Hunt; which was referred to the Committee on Invalid Pensions.

REPORT ON ALASKA FISHING GROUNDS, ETC.

The SPEAKER also laid before the House joint resolution (S. R. 144) authorizing the printing of 11,000 copies of the special report of the Commissioner of Fish and Fisheries on the exploration of the fishing grounds of Alaska, Washington Territory, and Oregon by the United States Fish Commission steamer Albatross during the summer of 1888.

Mr. DUNN. I ask unanimous consent that that joint resolution be now considered.

Mr. LYNCH. I object.

The joint resolution was referred to the Committee on Printing.

INVITATIONS TO CANADIAN OFFICIALS.

Mr. RANDALL, from the Committee on Appropriations, reported back the joint resolution (H. Res. 265) authorizing the President to invite the several members of Parliament of the Dominion of Canada and the premiers and cabinets of the several Provinces to visit the United States as guests of the nation, and making appropriation therefor; which, with the accompanying report, was ordered to be printed and recommitted.

Mr. MCMILLIN. I reserve points of order on that.

The SPEAKER. The resolution has been printed and recommitted.

LIFE-SAVING APPLIANCES ON STEAMERS.

The SPEAKER also laid before the House the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers.

Mr. DAVIS. I would like to have that bill considered at the present time.

Mr. RANDALL. I ask to have the bill and report read.

Mr. BLAND. Let them be read subject to objection.

The SPEAKER. Of course that is understood.

The bill was read, as follows:

Be it enacted, etc., That sections 4488 and 4489 of the Revised Statutes shall be amended by inserting, after the words "life-preservers" wherever they occur, the words "line-carrying projectiles."

Mr. BUCHANAN. I desire to say that the only effect of this bill is to provide that vessels shall carry upon them something which will enable them in case of wreck to project a line to the shore. That is all there is in it.

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

Mr. RANDALL. Let it be considered. Its purpose is the saving of human life.

Mr. MCMILLIN. I ask that the bill be reported.

The SPEAKER. It has been reported. It is a very brief bill, simply requiring vessels to carry some additional apparatus for the protection of human life.

Mr. DAVIS. It simply provides that they shall carry apparatus for projecting a life-line to the shore.

Mr. MCMILLIN. Reserving the right to object, I would like to hear a statement from the gentleman from Massachusetts.

Mr. DAVIS. I desire to offer the following amendment:

Add as section 2: "This act to take effect February 1, 1890."

The object is to give the Supervising Inspector——

Mr. MCMILLIN. We can not hear a word that the gentleman is saying.

Mr. DAVIS. There is a very short report that perhaps had better be read.

Mr. COX. I think I can obviate the reading of the report by one word of explanation. The present law in reference to the Life-Saving Service provides only for saving persons and property by appliances projected from the land. This bill proposes to require appliances of that description on shipboard so as to assist persons in getting to shore in case of wreck.

There being no objection, the House proceeded to the consideration of the bill.

Mr. FARQUHAR. While personally I would have no objection to this bill, I wish to say that it has been protested against by the Lake marine; and the reason for this protest is that this board has never named the projectile to be required, which may cost from fifty to three hundred dollars; and under this bill vessels may be obliged to adopt any kind of projectile that may be named by this board. I think it premature to pass a bill of this kind until the whole marine of the nation understand what this projectile is to be.

Mr. BUCHANAN. The purpose is to leave this whole matter of the kind of projectile open to competition and to exempt the board from the necessity of adopting any particular patent. The bill has been put in this form at the request, as I know, of the Supervising Inspector-General.

The question being taken on the amendment submitted by Mr. DAVIS, it was agreed to.

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

Mr. DAVIS 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.

IRON BRIDGE NEAR FORTRESS MONROE.

The SPEAKER also laid before the House the bill (S. 2299) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia.

The SPEAKER. The Chair is advised that this matter has already been provided for in the sundry civil bill.

Mr. RANDALL. That is the fact.

The SPEAKER. If there be no objection, the bill will be indefinitely postponed.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING AT DETROIT, MICH.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *March* 1, 1889.

Resolved, That the Secretary be directed to request the House to return to the Senate the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

The SPEAKER. If there be no objection, the request of the Senate for the return of this bill will be complied with.

There was no objection, and it was ordered accordingly.

FARAN & M'LEAN.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *March* 1, 1889.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 308) for the relief of Faran & McLean.

The SPEAKER. If there be no objection, this bill will be returned to the Senate, as requested.

There was no objection, and it was ordered accordingly.

COPYRIGHT BILL.

Mr. BLOUNT, by unanimous consent, was granted leave to print remarks in the RECORD on the copyright bill.

LEAVE OF ABSENCE.

Mr. TOWNSHEND, by unanimous consent, was granted leave of absence for to-day, on account of sickness.

LIFE-SAVING APPLIANCES ON STEAMERS.

On motion of Mr. DAVIS, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers, and the same was laid on the table for the present.

MARY SHANK.

On motion of Mr. SMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House, without leaving copies, of the petition of Mary Shank.

WILLIAM H. DOUGLAS.

On motion of Mr. CRAIN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers submitted by Mr. Douglas, relative to deep-water channel over the bar at Galveston, Tex., in order to return them to the said Douglas.

REBELLION RECORDS.

At the request of the Committee on Military Affairs, by unanimous consent, the testimony taken and reported to the House March 1, 1889, in pursuance of resolution directing said committee to ascertain whether unofficial matter was ordered to be printed in volume 20, part 2, Official Records of the Rebellion, was ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNN. I rise to a question of privilege.

The SPEAKER. There is a question of privilege before the House already.

Mr. DUNN. I ask, by unanimous consent, that my privileged matter, as it will take but a little while, be considered at once, and the pending privileged matter can be resumed afterward.

Mr. HERBERT. I rise to a question of privilege.

The SPEAKER. There are two privileged matters pending already.

Mr. HERBERT. I ask unanimous consent——

The SPEAKER. The Chair will recognize the gentleman as soon as the pending matters are disposed of.

FUR-SEAL AND SALMON FISHERIES.

Mr. DUNN, from the Committee on the Merchant Marine and Fisheries, reported back with the amendments ordered by the House the bill (H. R. 12432) to amend section 1963 of the Revised Statutes and to provide for the better protection of the fur-seal and salmon fisheries of Alaska, and for other purposes; which was laid on the table for the present, and the bill and amendments and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, insisted on its amendments, agreed to the conference asked, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as conferees on its part.

REGULATION OF COURSE AT NAVAL ACADEMY.

Mr. HERBERT. I ask, by unanimous consent, to take up House bill 9674, to regulate the course at the Naval Academy, and non-concur in the Senate amendments.

The Senate amendments were non-concurred in.

Mr. HERBERT. I move to ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as conferees Mr. WISE, Mr. ELLIOTT, and Mr. HARMER.

FRAUDULENT USE OF THE MAILS.

Mr. WHEELER. There was a privileged matter pending when the House took a recess yesterday afternoon, and tellers were on the floor.

The SPEAKER. The House resumes the consideration of the conference report on the amendments of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails. The conference report and the accompanying statement have been already read and printed in the RECORD.

The conference report was adopted.

Mr. ENLOE 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.

WASHINGTON AND WESTERN MARYLAND RAILWAY COMPANY.

Mr. HEARD submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 9418, to incorporate the Washington and Western Railroad Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendment:

"Page 6, line 24, strike out all after the word 'full' where it occurs in line 3 in amendment of section 10, and insert instead: '*Provided further*, The construction of said road shall be commenced in one year and completed within three years from the passage of this act.'"

JOHN T. HEARD,
J. H. ROWELL,
B. COMPTON,
Managers on the part of the House.

JOHN C. SPOONER,
C. B. FARWELL,
C. J. FAULKNER,
Managers on the part of the Senate.

Mr. RANDALL. I ask for the reading of the statement which should accompany the report under the rule.

The Clerk read as follows:

STATEMENT.

For explanation of the effect of the Senate amendments which have been agreed to in conference, the conferees on the part of the House respectfully submit the following:

The first amendment is designed to raise from 10 cents to 25 cents the sum which the company may charge for any package of freight received and transported by it.

This change we think is reasonable and right, since it is as much trouble to receive, bill, and deliver a small package, as one of greater weight and value, excepting only the difference in handling; and the sum of 10 cents will not pay for the usual trouble of receiving, handling, and delivering any single package by a railroad company.

The second amendment is designed to require the company to secure the approval of the commissioners of the District of Columbia to the laying of double tracks at any point in the said District, in case it should be desired to lay such tracks; and we think the restriction is a wise one.

The third and fourth amendments are directed to the authority of the company to issue bonds to aid in the construction of said road, and provide that while the company may still issue bonds to the extent of $20,000 per mile to aid in such construction, etc., as is provided in the original bill, they change the section so as to authorize such issue after one-half the capital stock be paid in, instead of the whole, but provide further that the stockholders shall be held individually liable for the full amount of their stock until it be paid for in full, and also provide that said company shall begin the construction of its road within one year from the date of the passage of this act and complete the same within three years from the same date.

These amendments do not, in the judgment of your conferees, impair the rights or security of the public, and may be of some assistance to the company in the construction of the road; and at the same time they fix a reasonable and proper time in which the road shall be constructed, an important thing omitted in the original bill.

JOHN T. HEARD,
J. H. ROWELL,
B. COMPTON,
Managers on the part of the House.

The conference report was adopted.

Mr. HEARD 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement 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. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

HOUSE GALLERIES.

Mr. BURROWS. Mr. Speaker, I ask that an order be made opening the Executive and Diplomatic galleries to the public for the remainder of this calendar day, as they will probably be not otherwise occupied.

Mr. MCMILLIN. I would suggest to the gentleman the propriety of reserving one seat in each in case it should be desired to use them for the persons for whom they were set apart.

Mr. BURROWS. I think that is proper.

Mr. RANDALL. Let all the galleries be opened.

The SPEAKER. If there be no objection, all the galleries, with the

exception of the Press gallery and the Members' gallery, which of course is under the control of the members themselves, will be opened to the public for the remainder of the calendar day, with the exception, as suggested by the gentleman from Tennessee, of one front seat in each, which the Chair will direct the Doorkeeper to reserve.

There was no objection, and it was so ordered.

INTERSTATE COMMERCE.

Mr. CRISP. Mr. Speaker, I submit a privileged report.

Mr. ANDERSON, of Iowa. It is on this report, Mr. Speaker, that I raise the question of consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce between the States," approved February 24, 1887, 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 amendments numbered 3 and 7.

CHARLES F. CRISP,
CHARLES O'NEILL,
Managers on the part of the House.

S. M. CULLOM,
O. H. PLATT,
ISHAM G. HARRIS,
Managers on the part of the Senate.

STATEMENT OF CONFEREES.

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," submit the following in explanation of the report herewith submitted:

The effect of the present report is to leave out of the bill House amendment No. 3, which relates to the transportation of oil in barrels and tank-cars, and also to leave out of the bill amendment No. 7, which confers upon State courts concurrent jurisdiction with United States courts to hear and determine all cases arising under the interstate-commerce act.

CHARLES F. CRISP,
CHAS. O'NEILL,
Managers on the part of the House.

Mr. ANDERSON, of Iowa. Against that I raise the question of consideration.

The SPEAKER. The question is, Will the House now proceed to consider the conference report?

Mr. ANDERSON, of Iowa. I only wish to say——

The SPEAKER. This is not debatable.

Mr. ANDERSON, of Iowa. Only for the information of the House, with reference to the reason for raising the question of consideration, that I desire to call up the privileged question, the California contested-election case, that my colleague, Mr. CRISP, has been so anxious to have brought before the House for consideration. [Cries of "Regular order!"]

Mr. CRISP. I might be permitted to state in response that gentlemen on that side of the House do not control that case except by refraining from voting.

The question was taken on considering the conference report; and on a division there were—ayes 76, noes 12.

Mr. ANDERSON, of Iowa. No quorum.

Mr. CRISP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 215, nays 4, not voting 104; as follows:

YEAS—215.

Abbott,	Carlton,	Gaines,	Ketcham,
Adams,	Caruth,	Gallinger,	Kilgore,
Allen, Mich.	Caswell,	Gear,	La Follette,
Anderson, Miss.	Catchings,	Gest,	Lagan,
Anderson, Ill.	Cheadle,	Glass,	Landes,
Arnold,	Clark,	Greenman,	Lanham,
Atkinson,	Cobb,	Grimes,	Latham,
Baker, N. Y.	Conger,	Grout,	Lawler,
Baker, Ill.	Cooper,	Guenther,	Lehlbach,
Bankhead,	Cothran,	Hare,	Lind,
Barnes,	Cowles,	Harmer,	Long,
Bayne,	Crain,	Hatch,	Macdonald,
Biggs,	Crisp,	Haugen,	Maish,
Bingham,	Crouse,	Hayden,	Mansur,
Blanchard,	Culberson,	Hayes,	Martin,
Bland,	Cummings,	Heard,	Matson,
Bliss,	Cutcheon,	Hemphill,	McClammy,
Blount,	Dalzell,	Henderson, N. C.	McComas,
Booher,	Darlington,	Henderson, Ill.	McCormick,
Boothman,	Davidson, Ala.	Herbert,	McCreary,
Bound,	Davidson, Fla.	Hiestand,	McKenna,
Boutelle,	De Lano,	Hitt,	McKinley,
Bowen,	Dibble,	Holman,	McKinney,
Breckinridge, Ark.	Dockery,	Holmes,	McMillin,
Breckinridge, Ky.	Dorsey,	Hooker,	McRae,
Brewer,	Dunn,	Hopkins, Ill.	Mills,
Browne, T. H. B., Va.	Elliott,	Hopkins, N. Y.	Moffitt,
Browne, Ind.	Enloe,	Howard,	Montgomery,
Brown, Ohio	Farquhar,	Hudd,	Moore,
Bryce,	Felton,	Hunter,	Morgan,
Bunnell,	Finley,	Hutton,	Morrill,
Burrows,	Fisher,	Jackson,	Morrow,
Butler,	Fitch,	Johnston, Ind.	Newton,
Butterworth,	Foran,	Johnston, N. C.	Oates,
Bynum,	Forney,	Kean,	O'Donnell,
Campbell, F., N. Y.	French,	Kelley,	O'Ferrall,
Candler,	Fuller,	Kennedy,	O'Neill, Pa.
Cannon,	Funston,	Kerr,	O'Neill, Mo.
Osborne,	Romeis,	Stephenson,	Walker,
Outhwaite,	Rowell,	Stockdale,	Warner,
Owen,	Rowland,	Stone, Ky.	Washington,
Patton,	Russell, Conn.	Stone, Mo.	Weber,
Payson,	Ryan,	Struble,	Wheeler,
Penington,	Sayers,	Tarsney,	White, N. Y.
Perry,	Scott,	Taulbee,	Whiting, Mass.
Peters,	Scull,	Thomas, Ky.	Wickham,
Pidcock,	Seymour,	Thomas, Ill.	Wilkinson,
Plumb,	Sherman,	Thomas, Wis.	Wilson, W. Va.
Posey,	Shively,	Thompson, Cal.	Wise,
Post,	Simmons,	Tillman,	Woodburn,
Rice,	Smith,	Tracey,	Yardley,
Richardson,	Snyder,	Turner, Ga.	Yoder,
Robertson,	Sowden,	Vandever,	Yost.
Rogers,	Spooner,	Wade,	

NAYS—4.

Anderson, Iowa	Hall,	Lynch,	O'Neall, Ind.

NOT VOTING—104.

Allen, Mass.	Dingley,	Maffett,	Sawyer,
Allen, Miss.	Dougherty,	Mahoney,	Seney,
Anderson, Kans.	Dunham,	Mason,	Shaw,
Bacon,	Ermentrout,	McAdoo,	Spinola,
Barry,	Flood,	McCullogh,	Springer,
Belden,	Ford,	McShane,	Stahlnecker,
Bowden,	Gay,	Merriman,	Steele,
Brower,	Gibson,	Milliken,	Stewart, Tex.
Brown, J. R., Va.	Glover,	Morse,	Stewart, Ga.
Brumm,	Goff,	Neal,	Stewart, Vt.
Buchanan,	Granger,	Nelson,	Symes,
Buckalew,	Grosvenor,	Nichols,	Taylor, E. B., Ohio
Burnett,	Henderson, Iowa	Norwood,	Taylor, J. D., Ohio
Campbell, Ohio	Hermann,	Nutting,	Thompson, Ohio
Campbell, T. J., N. Y.	Hires,	Parker,	Townshend,
Chipman,	Hogg,	Peel,	Turner, Kans.
Clardy,	Hopkins, Va.	Perkins,	Vance,
Clements,	Houk,	Phelan,	Weaver,
Cockran,	Jones,	Phelps,	West,
Cogswell,	Laffoon,	Pugsley,	White, Ind.
Collins,	Laidlaw,	Randall,	Whiting, Mich.
Compton,	Laird,	Rayner,	Whitthorne,
Cox,	Lane,	Reed,	Wilber,
Dargan,	Lee,	Rockwell,	Wilkins,
Davenport,	Lodge,	Russell, Mass.	Williams,
Davis,	Lyman,	Rusk,	Wilson, Minn.

So the House determined to consider the conference report.

Mr. CRISP. I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON, of Iowa. I object.

The Clerk then read the names of those voting.

The following pairs were announced on all political questions until further notice:

Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.

Mr. DARGAN with Mr. THOMPSON, of Ohio.

Mr. GRANGER with Mr. DINGLEY.

Mr. COCKRAN with Mr. NUTTING.

Mr. HOGG with Mr. SYMES.

Mr. BURNETT with Mr. GOFF.

Mr. NEAL with Mr. HOUK.

Mr. MCSHANE with Mr. LAIRD.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

For this day:

Mr. CLEMENTS with Mr. HENDERSON, of Iowa.

Mr. RAYNER with Mr. COGSWELL.

On this vote:

Mr. CAMPBELL, of Ohio, with Mr. WILLIAMS.

Mr. WILKINS with Mr. JOSEPH D. TAYLOR.

Mr. SENEY with Mr. STEELE.

Mr. MAISH. Mr. TOWNSHEND, of Illinois, is detained from the House by sickness.

Mr. ANDERSON, of Kansas. I was absent on a conference committee when my name was called. If present, I should have voted for consideration.

The vote was then announced as above recorded.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Will the gentleman from Georgia yield to me for a moment, to ask the House to consider the conference report on the sundry civil appropriation bill at this time?

Mr. CRISP. I yield for that purpose.

Mr. RANDALL. I submit a report from the conference committee on the sundry civil appropriation bill.

Mr. CRISP. I am perfectly willing to yield for that.

Mr. TRACEY. Is that subject to an objection from any other member?

The SPEAKER. The Chair thinks the gentleman from Georgia has control of it.

Mr. TRACEY. Because if it is subject to objection, I object.

Mr. RANDALL. I must push on.

The SPEAKER. The Chair would state to the gentleman from New York that it does not displace this matter except temporarily.

Mr. RANDALL. It only displaces it temporarily.

Mr. TRACEY. I object, if I have the privilege.

The SPEAKER. The Chair thinks the gentleman from Georgia controls the matter.

The Clerk proceeded to read the report of the committee of conference.

Mr. RANDALL. I must ask the favor of order, both on the floor and elsewhere. My voice is weak and the report is very elaborate. To save my voice the clerk has made it so; and if gentlemen will but listen to the report as it is read they will know in every case whether matters they are interested in have been favorably or unfavorably acted upon by the conferees.

The SPEAKER. The Chair appeals to gentlemen on the floor and to the occupants of the galleries to preserve order during the proceedings upon this report. The clerks have been required to read so much that it is very laborious for them to make themselves heard, and especially so if order is not preserved on the floor and in the galleries.

Mr. RANDALL. I ask that the Clerk read the statement accompanying the report.

The SPEAKER. Does the gentleman ask that the formal reading of the report be dispensed with?

Mr. RANDALL. I ask that the statement be read, which gives both the numbers and effect of the amendments.

The SPEAKER. The Clerk will read the statement, and omit the reading of the report unless it is demanded hereafter.

The 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. 12008) making appropriations for sundry civil expenses of the Government 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 8, 9, 10, 21, 23, 24, 28, 33, 34, 37, 38, 40, 46, 48, 50, 53, 54, 55, 58, 59, 63, 69, 71, 72, 73, 74, 75, 76, 77, 81, 84, 85, 86, 87, 88, 92, 96, 97, 105, 116, 120, 121, 131, 133, 136, 143, 162, 165, 175, 178, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 18, 19, 20, 22, 25, 26, 27, 29, 30, 31, 32, 35, 39, 41, 42, 43, 44, 45, 47, 49, 51, 52, 89, 90, 91, 98, 99, 102, 103, 109, 112, 115, 118, 119, 122, 126, 127, 128, 129, 130, 134, 137, 139, 140, 145, 146, 147, 149, 150, 152, 156, 159, 160, 161, 174, 177, 179, 180, 183, and 198, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$5,000," and strike out from said amendment the word "grading" and insert in lieu thereof the following: "And grading within the limits of the site;" 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 matter stricken out by said amendment insert the following:

"That hereafter commissions shall not be paid for disbursements on account of sites for public buildings, nor on account of construction of public buildings, except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be paid by the Treasury Department at Washington, D. C., by draft or check, payable to the grantors of such sites or their legal representatives."

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 amendments as follows: In lieu of the sum proposed in said amendment insert "$200,000;" and after the word "let" in line 5 of said amendment, insert the following: "For the entire structure at a total cost of not exceeding $500,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagseement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$100,000;" 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 matter proposed to be inserted by said amendment insert the following: "*Provided*, That hereafter all expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000;" 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 101, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: After the word "and" in said amendment insert the words "for ascertaining;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, 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 of the above sum no more shall be expended for salaries and wages in this institution during the fiscal year 1890 than shall with the payments from other sources make a total for such salaries and wages for said year of $28,000 in all;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 16, page 42 of the bill, strike out the words "except when absolutely indigent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, 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 135, and agree to the same with an amendment as follows: Strike out from said amendment the word "gas" and insert in lieu thereof the word "light;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That no part of this appropriation shall be expended until a contract is made for finishing said building complete, including heating apparatus and approaches, within the limit of this appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, 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: "Fort Monroe, Virginia: For construction complete of a sewerage system, $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$25,000," and add at the end of the amended paragraph the following:

"And in addition to said amount $25,000 to be expended in constructing a road upon such route as may be surveyed and selected by the engineer officer detailed for duty in the park from the Upper Geyser Basin to the Shoshone Geyser Basin, thence around the southern shore of Shoshone Lake and across the continental divide to the west arm of the Yellowstone Lake, thence along the western shore of Yellowstone Lake to lake outlet and along the Yellowstone River to the Falls and Grand Cañon, thence from the Falls down the Yellowstone River to a junction with the present road to Cook City; in all $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with amendments as follows: After the word "committee," in line 6 of said amendment, insert the following: "Who shall have power to settle and approve vouchers notwithstanding the dissolution of the committee," and add at the end of said amendment the following: "*Provided*, That one-half of said sum shall be paid out of the revenues of the District of Columbia and one-half out of the Treasury of the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, 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 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$255,000;" and the Senate agree to the same.

On amendments numbered 60, 61, 62, 141, 142, 182, and 197 the committee of conference have been unable to agree.

SAM. J. RANDALL,
WM. H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill H. R. 12008, making appropriations for the sundry civil expenses of the Government, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report, being in comparison with the bill as it passed the House unless otherwise indicated, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, relating to public buildings: Appropriates $8,000 for the court-house and post-office at Fort Scott, Kans.; $3,000 for protecting the site of the public building at Key West, Fla.; $5,000 for paving and curbing and grading within the limits of the site of the public building at Lincoln, Nebr.; $1,600 to substitute oak finish for white-pine finish in Oshkosh, Wis.; $50,000 for purchase of site and completion of public building at Sedalia, Mo.; $3,000 for an elevator in a public building at Syracuse, N. Y.; $1,250 for purchase of additional land for marine hospital at Vineyard Haven, Mass.; strikes out proposed appropriation for an out-building, repairs, etc., for Bureau of Engraving and Printing; and strikes out proposed increase of $25,000 in the general fund for the repairs of public buildings, and a provision authorizing use of this fund for marine-hospital buildings.

On amendment 14: Inserts the following provision:

"That hereafter commissions shall not be paid for disbursements on account of sites for public buildings, nor on account of construction of public buildings, except for moneys actually handled and paid out by disbursing agents; and payments for sites of public buildings under the control of the Treasury Department shall be made by the Treasury Department at Washington, D. C., by drafts or checks payable to the grantors of such sites or their legal representatives."

On amendments 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55, relating to light-houses, beacons, and fog-signals: Leaves in the bill all the provisions proposed by the Senate except the following: Steam-tender for the first light-house district; Dumpling Rock light-house station, Massachusetts; Bird Island light-station, Massachusetts; Staten Island depot, New York; Chincoteague buoy depot, Virginia; Portsmouth depot, Virginia; North River bar beacons, North Carolina; steamer for Light-House Service in the sounds of North Carolina; Hilton Head range beacons, South Carolina; Point Betsey light-station, Michigan; depot for the ninth light-house district; light-house near the mouth of Umpqua River, Oregon; San Pedro light-station, California; Point Sur light-station, California; and for submarine cable to connect Cape Flattery with Tatoosh Island; and modifies the provision for Diamond Shoal light-station, North Carolina, so as to appropriate $200,000 for the work, and authorizing a contract to be made for the entire structure at a total cost not exceeding $500,000.

On amendments 58, 59, and 63: Strikes out proposed increase from $363,000 to

$370,000 for salaries of clerks and employés other than plate-printers in the Bureau of Engraving and Printing, and the proposed increase from $174,000 to $189,000 for miscellaneous expenses of the bureau.

On amendments 71, 72, 73, 74, 75, 76, 77, 78, and 79, relating to the Coast and Geodetic Survey: Strikes out proposed increase in the salary of an accountant from $1,800 to $2,000, and otherwise leaves the provision for the Survey exactly as proposed by the House, except that an increase from $10,000 to $12,000 is made in the appropriation for copper plates, printers' material, etc.

On amendment 81: Strikes out proposed appropriation of $17,500 for repairs to Smithsonian building.

On amendment 82: Increases appropriation for preservation of collections of the National Museum from $135,000 to $140,000.

On amendment 84: Strikes out proposed appropriation of $10,000 for purchase of Capron collection of Japanese works of art.

On amendments 85, 86, 87, and 88: Leaves the appropriation and provisions touching the Fish Commission exactly as proposed by the House.

On amendments 89, 90, and 91: Provides for the establishment of three additional fish-hatching stations.

On amendment 92: Strikes out proposed increase in the appropriation for quarantine service from $50,000 to $86,000.

On amendment 94: Appropriates $100,000, in addition to unexpended balance, for the prevention of epidemics.

On amendment 95: Inserts a provision that hereafter all expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury.

On amendment 96: Strikes out proposed increase from $50,000 to $60,000 for paper and stamps for the internal-revenue service.

On amendment 97: Strikes out proposed increase from $25,000 to $50,000 for punishment for violations of the internal-revenue laws.

On amendment 98: Appropriates $5,000 for the prevention of manufacture and sale of adulterated food and drugs in the District of Columbia.

On amendment 99: Appropriates $3,500 for additional clerical force in the office of the assistant treasurer in New York.

On amendment 100: Increases appropriation for assistant custodians and janitors from $490,000 to $500,000.

On amendment 101: Inserts provision requiring that the appropriation for furniture and repairs of furniture shall be expended by the Secretary of the Treasury on contract, to be let to the lowest bidder after advertising four consecutive weeks for proposals.

On amendment 102: Strikes out authority to use appropriation for suppressing counterfeiting and other crimes, for detecting and punishing pretended dealers in fraudulent devices for using the United States mails other than those named in the paragraph.

On amendment 103: Privides for the payment of the expenses for the enforcement of alien contract labor laws from the immigrant fund.

On amendment 105: Strikes out provision proposed by the Senate appropriating $1,000 for the removal of the remains of Joel Barlow.

On amendment 106: Appropriates $3,000 for binding certain manuscript papers in the State Department.

On amendment 108: Appropriates $50,000 for the expenses of the international conference of American nations in addition to the sum of $75,000 appropriated by the act of May 24, 1888.

On amendment 109: Increases the appropriation from $35,000 to $39,000 for general repairs of the Capitol.

On amendment 112: Appropriates $10,000 for repair and rebuilding of the north roadway in the Capitol grounds.

On amendment 115: Increases the amount for salaries and commissions of registers and receivers from $524,000 to $550,000.

On amendment 116: Places the appropriation for engraving the geological maps of the United States under the control of the office of the Geological Survey.

On amendment 117: Provides for ascertaining the cost of sites and reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation.

On amendment 118: Makes $50,000 of the appropriation for irrigation surveys immediately available and requires the Director of the Geological Survey to report to Congress on the first Monday in December of each year the expenditures on account of irrigation surveys.

On amendment 119: Appropriates $2,000 for the repair of the ruins of Casa Grande, in Arizona.

On amendment 120: Strikes out proposed appropriation of $6,000 to enable the United States to be represented at the convention of the international union for the protection of industrial property.

On amendments 121 and 122, relating to the Government Hospital for the Insane: Strikes out the proposed appropriation of $1,200 for a lodge at entrance to grounds and appropriates $1,300 for alterations at stable and poultry house.

On amendments 123, 124, and 125, relating to the Columbia Institution for the Deaf and Dumb: Increases the appropriation for maintenance from $52,500 to $55,000; limits the expenditures for salaries and wages in the institution to not exceeding $28,000 per annum; increases the number of students that may be admitted from the States and Territories from forty to sixty, and strikes out the authority to pay for the support of those who are absolutely indigent.

On amendments 126, 127, 128, 129, and 130, relating to Freedmen's Hospital and Asylum: Increases the aggregate appropriation for the institution from $51,875 to $54,025 in manner as proposed by the Senate, and strikes out the provision requiring one-half of this sum to be paid from the revenues of the District of Columbia.

On amendments 131, 132, 133, and 134, relating to the Rock Island arsenal: Strikes out proposed increase from $30,000 to $45,000 for completing store-house K; increases the amount for general care, etc., from $10,000 to $15,000; strikes out proposed increase for care and preservation and expenses of operating the drawbridge from $11,550 to $12,000; appropriates $35,000 for the construction of a viaduct between Rock Island and the city of Rock Island, over the railroad tracks, and requires that one-half of said expenditure shall be paid by the city of Rock Island.

On amendment 135: Appropriates $1,200 for water and light supply for the Kennebec arsenal, Maine.

On amendment 136: Strikes out proposed appropriation of $7,000 for officers' quarters at Governor's Island, New York.

On amendment 137: Strikes from the bill appropriation of $32,769 for paving Broadway in front of Watervliet arsenal.

On amendment 138: Appropriates $10,000 for the hospital building at the Augusta arsenal, Georgia.

On amendment 139: Increases the amount for the repair of greenhouses at the Executive Mansion from $4,000 to $5,000.

On amendment 140: Appropriates $1,550 for an asphalt pavement between the center building and wings of the Army Medical Museum building.

On amendment 143: Strikes out proposed provision giving to the disbursing officer for the building for the Library of Congress commissions on his disbursements.

On amendments 144, 145, 146, 147, 148, 149, and 150, relating to military posts: Increases the appropriation from $332,000 to $400,000 for the construction of buildings at and the enlargement of military posts in the discretion of the Secretary of War; appropriates $1,500 for infantry and cavalry school at Fort Leavenworth, Kans.; provides that the existing appropriations of $30,000 each to the military posts at Fort Robinson and Fort Niobrara, Nebr., may be expended for continuing the work of constructing necessary buildings at said posts; appropriates $25,000 for the complete construction of a sewerage system at Fort Monroe, Va.; appropriates $10,000 for a road through the military reservation at Plattsburgh, N. Y.; and $38,000 for the construction and repair of roads and walks leading to the national cemetery and reservation of the Presidio, at San Francisco, Cal.

On amendment 151: Appropriates $25,000 for general improvements of roads, etc., in the Yellowstone Park, and $25,000 for the special improvement of roads therein.

On amendment 152: Strikes from the bill $1,000 for expenses of equipping and maintaining Signal Service stations in the West Indies.

On amendments 154 and 155: Appropriates $5,000 for reprinting war maps, and $5,000 for surveys, additions to and correcting engraved plates of the survey of northern and northwestern lakes.

On amendments 156, 158, and 159: Increases the amount for Garfield Hospital from $10,000 to $12,500, and strikes out the provision that one-half of that sum, together with one-half of the amount for Providence Hospital, shall be paid from the revenues of the District of Columbia.

On amendments 160 and 161: Increases the appropriation from $36,000 to $100,000 for the publication of the Official Records of the War of the Rebellion, and provides that the preparation of the records shall be completed within five years, and that the publication shall be conducted by a board consisting of one Army officer and two civilian experts.

On amendment 162: Strikes out proposed increase from $20,000 to $25,000 for an iron bridge over Mill Creek, near Fortress Monroe, Va.

On amendment 164: Appropriates $20,000 for the expenses of the joint select committee investigating the subject of the Washington Aqueduct tunnel, one-half of said sum to be paid from the revenues of the District of Columbia.

On amendment 165: Strikes out proposed appropriation of $10,000 for rent of buildings for the District of Columbia militia.

On amendments 173 and 174: Increases the amount from $200,000 to $300,000 for continuing aid to State and Territorial homes for the support of disabled volunteer soldiers, and provides that hereafter no State under this appropriation shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State.

On amendment 175: Strikes out proposed appropriation of $1,700 for improving the sanitary condition of the Washington court-house building.

On amendment 176: Increases the amount from $12,400 to $15,000 for defending suits in claims against the United States.

On amendments 177 and 178: Increases the amount for support of convicts of the District of Columbia from $15,000 to $18,000, and requires that one-half of said amount shall be paid from the revenues of the District of Columbia.

On amendment 179: Appropriates $500 to edit and prepare for publication the nineteenth volume of the Opinions of the Attorneys-General.

On amendment 180: Strikes from the bill the provision requiring the accounting officers of the Treasury to audit and settle the account of marshals within sixty days next after the same are presented for allowance.

On amendment 181: Increases the amount for payment of United States district attorneys from $250,000 to $255,000.

On amendment 183: Appropriates $3,000 for expenses incurred by order of the Senate for inaugural ceremonies.

On amendment 184: Strikes out proposed appropriation of $10,000 for purchase of works of art by the Joint Committee on the Library.

On amendments 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, and 195, relating to public printing and binding: Leaves the appropriations therefor just as proposed by the House.

On amendment 196: Strikes out proposed indefinite appropriation to provide additional accommodations for the Post-Office Department and other Departments of the Government in Washington City.

On amendment 198: Appropriates $3,000 for the commemoration of the centennial anniversary of the inauguration of the first President of the United States.

On amendment 199: Strikes out proposed provision authorizing street-cars in the District of Columbia to substitute for horses electric power.

The committee of conference have been unable to agree on the following amendments, namely:

On amendments numbered 60, 61, and 62: Relating to the use of steam plate-printing machines in the Bureau of Engraving and Printing and the payment of royalty therefor.

On amendments 141 and 142: Increasing the limit on the cost of the Library of Congress building to $5,500,000, exclusive of appropriations heretofore made.

On amendment 182: Appropriating to the widow of the late Chief-Justice Waite the balance of one year's salary of the Chief-Justice.

On amendment 197: Making an indefinite appropriation to provide additional accommodations for the Government Printing Office.

The bill, so far as it has been agreed upon, appropriates $25,220,086.65, being $1,703,895 less than as it passed the Senate, $1,749,256 more than as it passed the House, $1,100,718.19 less than the appropriations for the current year for similar objects, and $3,354,361.81 less than the estimates submitted for the fiscal year 1890.

The amendments upon which the committee of conference have been unable to agree involve only the sum of $32,745.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. RANDALL. I move the adoption of the report; and on that I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate.

Mr. OATES. Mr. Speaker, I did not understand from the reading of the statement what the provision is with reference to the adjustment of marshals' accounts within sixty days.

Mr. RANDALL. That goes out. The Senate refused to agree to that limitation, and we understood that they did so at the instance of the auditing department of the Treasury; but the gentleman from Alabama will remember that we have increased the amount of the appropriation from three hundred to four hundred thousand dollars; so no embarrassment is likely to come to the Attorney-General's office in that matter.

Mr. OATES. I am sorry the provision was stricken out.

Mr. RANDALL. So am I. I think it ought to have been retained.

Mr. TRACEY. Mr. Speaker, I wish to inquire of the gentleman from Pennsylvania, the chairman of the committee [Mr. RANDALL], whether he can give some explanation of the reasons why the amendment which the House had adopted appropriating a sum of money for the completion of the work at the Watervliet arsenal was not insisted

upon. In hearing the statement read I observed that the Senate had placed upon the bill amendments which were almost identical in character with the amendment offered by myself and adopted by the House some time ago, and it appears to me very extraordinary that the House conferees should be willing to strike out the very important provision for the completion of the large gun factory at the Watervliet arsenal in the district which I have the honor to represent. If I may be permitted to say so, I understood that I had assurances upon this subject from the gentlemen having charge of the bill at the other end of the Capitol, and I had every reason to expect that a concession would be made which would provide for retaining at least a portion of the appropriation in the bill. Therefore, if the gentleman from Pennsylvania [Mr. RANDALL] will kindly give some explanation of the action of the conference committee, it will be a satisfaction to those who are interested in the completion of the work at the Watervliet arsenal, which was ordered at the first session of this Congress.

Mr. RANDALL. In the first place, Mr. Speaker, there is nothing in this bill which is identical with the proposition to which the gentleman alludes. In the second place, the conferees on the part of the House did adhere to the action of the House. The conferees on the part of the Senate were unwilling to accede even to that—I state what I know—and the House conferees were not willing to prolong beyond midnight a controversy with the Senate as to whether a horse-railroad company should pay half the cost of the improvement of a street or not.

Mr. TRACEY. In regard to that I will say that that part had been eliminated in the amendment which I was led to suppose would be agreed to. The question of the horse-railway did not enter into that at all.

Mr. RANDALL. There was a long time devoted to that item in the conference, perhaps as much time as to any other one subject.

The report of the committee of conference was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. Mr. Speaker, as appears by the report, there are four differences yet unsettled between the two Houses, upon which the conferees were unable to reach harmony. The first is on amendments 60, 61, and 62. The conferees of the House with unanimity insisted upon the House provisions as to those amendments which relate to the Engraving and Printing Bureau and the further use of the steam-presses there.

As to the appropriation necessary for that bureau, however, they have agreed except as to the royalty to be paid and the use of steam printing-presses. I now have to say that the Senate conferees were as firm in support of the Senate proposition as the House conferees were in favor of the position of the House. It will be remembered that the House proposed the payment of a royalty of 1 cent per thousand impressions, while the Senate provided for a payment of 50 cents per thousand impressions, a reduction from the present price of $1, which would make an aggregate reduction of about $9,000 a year.

I now move that the House insist on its disagreement to the amendments of the Senate numbered 60, 61, and 62, and on that motion I ask the previous question, which, if ordered, will permit fifteen minutes' debate on each side.

The previous question was ordered.

The SPEAKER. Thirty minutes are now allowed for debate on this question—fifteen minutes in support of the motion and fifteen minutes against it.

Mr. LONG. I desire to ask a parliamentary question—whether a motion to recede is now in order?

The SPEAKER. It is.

Mr. LONG. Then I move that the House recede; and on that motion I demand the previous question.

The SPEAKER. The gentleman from Massachusetts [Mr. LONG] asks that the House recede from its disagreement to these amendments of the Senate, and on that motion demands the previous question.

The previous question was ordered.

The SPEAKER. Thirty minutes are now allowed for debate.

Mr. RANDALL. I presume the gentleman from Massachusetts, who makes the motion to recede, should have the control of fifteen minutes.

The SPEAKER. Fifteen minutes in support of his motion.

Mr. RANDALL. I ask the favor that he now proceed.

Mr. LONG. Mr. Speaker, I have but a word to say. This matter has already been very fully debated in the House, but it has been much more thoroughly examined and discussed in the Senate. Hitherto we have been paying for the use of these steam-presses at the rate of $1 for every 1,000 impressions. When this bill was reported to the House it embraced a provision that this compensation should be reduced from $1 a thousand to 1 cent a thousand, which would practically pay the owners of these steam-presses absolutely nothing for the use of their presses. Believing that we ought to pay for the use of these press, believing that they do good work and save the Government something like two or three thousand dollars a year, directly or indirectly, yet at the same time believing that there might be some reduction in the price paid for the use of them, I moved to amend the bill so as to pay 50 cents per thousand impressions instead of 1 cent, as recommended by the committee. That proposition was argued in this House, a vote was taken, and the result was 85 in favor of the committee's report against 82 in favor of the proposition which I had made.

The bill went to the Senate, where it was referred to a committee of that body. That committee have examined this matter with the utmost thoroughness; their report has been printed, distributed, and largely read. After a very thorough examination on both sides of the question it appeared clear to the Senate committee that the work done by the steam-presses is just as good as that done by the hand-presses, and that the result of the use of the steam-presses is a saving of hundreds of thousands of dollars a year. Thereupon the Senate committee recommended to the Senate an amendment to the House bill raising the price to be paid for the use of these steam-presses from 1 cent per thousand impressions (which is practically nothing) to 50 cents per thousand—the same proposition that I made. The committee regarded this as a fair and reasonable proposition——

Mr. HEARD. Paying just one-half of the price paid at present?

Mr. LONG. Yes, sir.

Now that proposition, having been adopted by the Senate, comes to us; and the question is whether we will agree with the Senate or not. I believe that the good sense of this House will agree with the Senate.

Looking at the merits of the case I believe it is proved beyond question that as a matter of economy, as a matter of good work, as a matter of sound business, we should concur: first, because the work is well done; second, because it is economically done so as to save us hundreds of thousands of dollars a year; third, because to abandon these steam-presses is to go from civilization to barbarism; it is to discard the use of a labor-saving machine which not only saves labor but saves money.

Another practical reason for concurring is, I believe, that the Senate, having given this matter the most thorough consideration—more full consideration than we or our committee have been able to give—have arrived at a conclusion from which there is no reason to expect they will depart or ought to depart.

Mr. ROGERS. The gentleman will permit me to ask whether the vote in the Senate was not practically unanimous, there being only one or two votes in the negative?

Mr. LONG. The vote was practically unanimous.

Mr. GALLINGER. What knowledge has the gentleman that the Senate committee gave this matter more consideration than the House committee? I am a member of the House committee, and I know that we gave the subject very careful consideration, and we made a unanimous report.

Mr. LONG. The gentleman misapprehends me. I refer to the action of the Appropriations Committee of the Senate, by whom this bill was considered, in comparison with the Appropriations Committee of the House, by whom it was also considered.

Mr. GALLINGER. But the Committee on Expenditures in the Treasury Department had jurisdiction over a bill touching this matter exclusively. We gave it very careful consideration and made a unanimous report.

Mr. LONG. Your committee considered the question of the use of the steam-presses; our committee considered the question of the price to be paid. That is the only thing pending here. It is not a question now in regard to dispensing with these machines.

Mr. PETERS. Is there any other compensation to the inventors or proprietors of these machines than this payment per thousand impressions?

Mr. LONG. I think there is a royalty.

Mr. FARQUHAR. Yes; $500 on every press.

Mr. HEARD. I wish to ask the gentleman from Massachusetts whether an adherence to the position of the House would not amount practically to the exclusion of these machines and an abolition of their use in the Department?

Mr. LONG. It would, unless the owners of the machines were willing to let them at the rate of 1 cent per thousand impressions, which would be about $180 a year.

Mr. HEARD. I simply wanted to elicit from the gentleman from Massachusetts a statement whether or not in his view an adherence to our position would be practically ruling these machines out.

Mr. LONG. I think it would practically amount to that.

Mr. Speaker, I will reserve the remainder of my time. How much time have I?

The SPEAKER. Eight minutes.

Mr. RANDALL. I yield three minutes to the gentleman from Ohio [Mr. FORAN], a member of the Committee on Appropriations.

Mr. FORAN. Mr. Speaker, I did not, owing to the confusion, have the opportunity to hear all the distinguished gentleman from Massachusetts [Mr. LONG] said. I want to most emphatically reiterate, however, that some of the gentleman's statements are entirely misleading. He endeavors to impress upon the House, if I understand him correctly, that the only question here involved is opposition to the use of labor-saving appliances. That is not in any sense the question. That matter has been debated here often before. This is a question as to the relative merits of the two kinds of work.

Now, Mr. Speaker, I submit that the testimony taken by the committee of the House, the Committee on Banking and Currency, and

taken by the committee of the Senate, clearly demonstrates that the currency made by the use of these steam-presses is not equal in character to the currency made on the hand-presses, and that is the only question involved in this controversy.

I want to say further, and I say it to the House now with a full knowledge of all that my words imply, that there is a syndicate or a ring of persons connected with this Milliken steam-press, and that Mrs. Milliken, the widow of the inventor of this machine, is not the recipient of any of this royalty, or at least of very little of it.

It has passed into other hands, and Mrs. Milliken does not receive it; but the attorneys and lobbyists and other persons who do receive this royalty have been besieging this Congress and have been around its doors for the last thirty or sixty days, annoying members and making false statements as to the real facts in this controversy.

I want to say further that the testimony of Mr. Bell, the present chief of detectives, and the testimony of Mr. Brooks, the ex-chief, and the testimony of all the experts has been to the effect that the use of machinery was not, so far as the making of currency is concerned, as desirable as hand-presses.

That is all which can be said about this subject, and the sooner these presses are thrown out of the bureau the better it will be for the people of the country as well as the Government.

There is no money saved by the use of these steam-presses when you take into consideration the $500 paid for the right to build each press, $400 for the use of the patterns, and the one-dollar royalty paid for each one thousand impressions, as well as the amount which is annually paid for repairs. The life of a steam-press is but eight years, while a hand-press lasts for a hundred years. Besides it must be remembered that the currency made by these steam-presses is so inferior that it has to be replaced at least every six months.

One other word, Mr. Speaker. The conduct of Mr. Graves all through this controversy has been anything but fair or honorable. It does seem that he is very deeply interested in the retention of these presses—in fact, personally so.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the adoption by that body of the conference report on the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

It further announced concurrence in the amendments of the House to the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I yield now to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. Mr. Speaker, the House has now in its hands the opportunity of settling at least for twelve months to come this vexed question as to whether the notes and securities of this Government shall be put in process whereby they may be properly printed. I was a member of the House committee which made a searching and careful investigation into this whole question. Their report was submitted to the House, and after a long debate the sense of the House was almost unanimously that these steam-presses ought to go.

So far as the right of the Government is concerned in reference to the use of these steam-presses, it seems to be in the clutches of a patent octopus. Five hundred dollars for a press, $400 for the use of the patterns and the machinery to assemble each press, and $1 for every thousand fair impressions are the terms nominated in the octopus bond.

Now, sir, whatever the differences of opinion might be in this case, it is due to the people of this country that the note or bill, the currency bill that is placed in the hands of the poor man, shall be the very best kind and quality that can be produced. We have in the Bureau of Engraving and Printing the most expert engravers in this country, and any practical printer, whether he be a plate or letter-press printer, will say this, that unless good press-work is done your fine engraving goes for nothing. To make the judgment of the House fair and intelligent on this question, I want to say that the test of the inferiority of the steam-press is found in the fact that in no case has the face of one bill been ever printed on the steam-press. They can print the backs of the bills on them. They have not run the steam-presses on the finer work, but they keep them going on the inferior work; and I repeat the assertion that no steam-press, since they went into that office, has printed the face of one of your bills; because they can not do it. The simple question, then, is to get rid of this patented machinery, which can not do your work properly, and which is a premium on counterfeiting.

Mr. RANDALL. I now yield three minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, I want, in the limited time accorded to me, to call the attention of the House first to the fact that this is no question of the sanctity of a contract. The contract made with these parties calls for a royalty of $1 on each one thousand impressions. The House bill calls for a royalty of but 1 cent, while the Senate amendment fixes the royalty at 50 cents. If the House, then, is is to be adjudged guilty of murder for its action in regard to the contract, the Senate should be adjudged guilty of assault with intent to kill, because their amendment is in the same line. Neither proposition is in accordance with the terms of the contract, but both of them are in direct violation of its terms if it is to be held a continuing contract. If it is not a continuing contract, then we are at liberty to consider whether from the testimony which has been taken in this case it would be better for the people of this country to have it discontinued or not.

Mr. Speaker, when this matter was up before I stated that I had read very carefully every line of testimony taken upon the subject by the committee which investigated it, and that I would be compelled from that testimony, as a juror sitting to try the question of fact under the solemn obligations of my oath, to say that that testimony proves that the steam-press printing is not as good as that done by the hand-presses. It is true that a different verdict has been found by certain editors sitting in their sanctums, who possibly never saw a specimen of the work as a specimen, and who probably never saw or read a line of the testimony of the witnesses who were examined in connection with the matter by the House committee; but a careful study of that testimony must convince any unprejudiced mind that its weight is with the hand-presses.

I have also read, so far as in the limited time allowed by other duties I was able to read, the testimony taken before the Senate committee; and so far as that reading has gone, especially in regard to the testimony of Chief Bell and Mr. Brooks, of the detective service, I am satisfied that the action of the House was correct. I am satisfied, if we rest the case upon the testimony of these experts, and they seem to be unprejudiced and very well-informed men, we must conclude that this steam-printing is not equal to the hand-printing and that steam-printed bills are more easily counterfeited than are hand-printed ones. Of course I have not time to refer except very briefly to the testimony, but can not refrain from reading a line of the testimony of Mr. Brooks, it bears so strongly upon the question. He says in regard to the quality of these bills:

* * * I could be deceived in them from the fact that there is no depth. I could not be deceived by them if they were put into my hands while new and crisp; but after being subjected to wear for a month and its handling, why, then I might be deceived.

And Mr. Bell gives equally strong testimony when he says in speaking of these bills:

When a bill has been used some time I could not positively say that a five-dollar silver certificate of the 1886 issue is genuine if printed by steam. I can tell them when they are new; but we have a miserable-looking lot of genuine bills, I will tell you that.

Irrespective of the question of cost it seems to me it is the duty of Congress in the interest of the people of this country to see to it that their currency shall be printed in such a way that it can not be counterfeited, if such a result can be attained, and if impossible of perfect attainment, that still every possible precaution be preserved.

Mr. RANDALL. I now yield two minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, the gentleman from Massachusetts [Mr. LONG] is in error when he contends that this is a question against the introduction of labor-saving machinery. They have been going upon the theory for some time that the reason we wish to have these bills printed by hand is because it would give more work, and that it is going back into the age of barbarism to oppose the introduction of machinery. That is an error in every respect. There is no question that was more thoroughly demonstrated than the fact that you can not print a fine vignette by machinery. This is proven by the statement of my friend from New York [Mr. FARQUHAR] when he told you a few moments ago that the face of every one of your bills is printed by hand, although the back may be printed by machinery. And why? Because the face has on it the vignette, the fine hand engraving which the machine's printing can not reproduce properly, and therefore they are compelled to use the hand-presses for that purpose.

But, sir, there is another reason. You allow a royalty for this work, and it is a premium on fraud and stinting the work. If the men are not paid sufficient, increase the royalty on the amount, but do not pay according to the number of impressions made, for that is, as I have said, a premium on stinting the work.

[Here the hammer fell.]

Mr. RANDALL. I reserve the remainder of my time.

Mr. LONG. I yield a portion of the time remaining to me to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I deem myself happy in not being annoyed by either lobbyists or the attorneys of parties here, and I have very little respect for a cause that can not stand upon its own merits. If this cause can stand upon its own merits, then why are "lobbyists" and Mrs. Milliken and her attorneys dragged into the debate? I know none of them, pro or con, and I care nothing for either of them, pro or con, when we are asked to consider a business proposition. This is a war upon science, upon progress, upon labor-saving machinery. This is established by the fact that, coupled with the House provision, there was, either in the House or in the Senate, I forget which, a proposition to deny any money for the repair of these machines as they should get out of order. That develops the animus with which the attack is made

upon this labor-saving machine. I deny the proposition as stated by the gentleman from Ohio [Mr. FORAN] that the whole evidence is in favor of hand-printing. I assert, on the contrary, that after a most careful and the most deliberate investigation by two distinguished Senators at the other end of the Capitol, the United States Senate, both sides of it, as a body, with one or two votes excepted, decided in favor of retaining these machines; and will it be said that they are to be retained in the face of all the evidence showing, as stated by the gentleman from Ohio, that their work is inferior to hand-work? If the assertion made by the gentleman from Ohio is true, why do not these complaints originate with the bankers of our country who are responsible for the handling of the enormous sums of currency that are in circulation all over this continent?

Mr. FORAN. The bankers have complained, and that appears in their testimony.

Mr. WHEELER. Yes, the bankers have protested.

Mr. ROGERS. I have heard statements to the contrary, Mr. Speaker. I have not examined the evidence, but I read the other day a long article in the Evening Post, of New York, in which it was stated that these complaints have never originated with the bankers, but have originated in another quarter, which I need not now name. So, Mr. Speaker, I conclude as I began, by saying that this is simply an attack upon science, upon progress, and upon labor-saving machinery at a cost of hundreds of thousands of dollars to the tax-payers of the United States.

Mr. RANDALL (to Mr. LONG). Do you want any more time?

Mr. LONG. I do, if you are going to take any more.

Mr. RANDALL. I yield now two minutes to the gentleman from New Hampshire [Mr. GALLINGER].

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has four minutes of his time remaining.

Mr. RANDALL. I desire to divide that between the gentleman from New Hampshire [Mr. GALLINGER] and the gentleman from Alabama [Mr. WHEELER].

Mr. GALLINGER. Mr. Speaker, I had the honor to be a member of the committee to whose care was intrusted the duty of investigating this matter of the relative merits of engraving done by hand and by these steam-presses. The committee gave the matter very careful and conscientious consideration and made a unanimous report to this House in favor of the hand-work, and the House indorsed the report of the committee.

It is perhaps proper that I should say that I have some personal practical knowledge of the art of printing, and I give as my deliberate judgment, after a careful investigation of this question and a careful examination of the notes that were printed by hand and those that were printed by steam, that the hand-work is very much superior to the work done by the steam-presses. The gentleman from Massachusetts [Mr. LONG] says that we ought to stand by the Senate in this matter. I say that we ought to stand by the unanimous report of the House committee and by the previous action of this House in adopting the ideas that that report contained. I trust that we shall stand by the House committee and by the action of the House as previously recorded.

Mr. RANDALL. I now yield two minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, the Committee on Expenditures in the Treasury Department spent about two months in examining this matter. They went in a body to the bureau. They examined the machines and the work performed by them, and found that the work turned out by the steam-presses was very inferior in quality as compared with that turned out by the hand-roller presses.

One fact should be emphasized. No one contends that the face of a note or certificate could by any possibility be satisfactorily printed on a steam-press; and when the most earnest advocates of machine printing are asked why it is not attempted they reply that the work is too fine to be executed by machinery, which, they say, is entirely adequate for the coarser work on the backs of notes and certificates.

And yet these same ardent advocates, in the heat of argument do not hesitate to assert that machine printing is superior to the printing done by the hand-roller presses. If that be true, why not use the steam-presses to print the faces of notes and certificates, and all other engraved plates of the Government?

After a thorough and most exhaustive examination the committee determined that the duty of the Government to the people demanded that this work should be executed in the highest style of the printer's art.

I am informed that the committee of the Senate have never prosecuted their investigation of the question in this manner; that they have not taken the trouble to go to the bureau and see for themselves the practical results of the two methods of printing, and have gained no information, except what those who certainly appear to be interested in the steam-presses have chosen to lay before them.

The gentleman from Arkansas [Mr. ROGERS] says that this is a war upon science. I say that his side of the question is a war upon art and skill, and a war upon the people. The Constitution of the United States provides, section 8, "The Congress shall have power * * * to provide for the punishment of counterfeiting the securities * * * of the United States," and I say they have no right, with that clause of the Constitution in force, to make bills that are an invitation to counterfeiters, and are as easily counterfeited as the print you see on a piece of calico or a bolt of domestics.

Mr. OUTHWAITE. Was there a single member of the committee who could distinguish the notes printed by hand from those printed by machine-presses?

Mr. WHEELER. Every one of the committee could do so.

Mr. RANDALL. The Senators could not.

Mr. WHEELER. We went there and made an examination; and the difference was marked, so that we could not be deceived as to the work by either process. But the champions of machine-printing brought special bills before the Senate committee which, I believe, did deceive experts. I am informed these bills were prepared to attain that very end.

I presume it is entirely possible, by running the steam-presses at the very lowest rate of speed and with the utmost care, to print on them much better specimens of work than can be turned off of the hand-roller presses when run at the highest speed and with the least pains by the plate-printer.

But it is only by rapid work of the steam-presses that the boasted economy is secured, and it is not unlikely that it was by the reversal of the two processes I have just indicated that the notes and certificates were produced which were laid before the Senate committee and deceived some experts.

A controlling influence with the committee in the conclusions they reached was the fact that the Government had deliberately and voluntarily assumed the functions of a bank of issue—of the only lawful bank of issue in all this broad country.

Section 3412 of the Revised Statutes reads:

Every national banking association, State bank, or State banking association shall pay a tax of 10 per cent. on the amount of notes of any person, or of any State bank, or State banking association, used for circulation and paid out by them.

Section 3413 reads:

Every national banking association, State bank, or banker, or association, shall pay a tax of 10 per cent. on the amount of any town, city, or municipal corporation currency paid out by them.

Sections 3414, 3415, and 3416 provide regulations and penalties for the violation of the national-bank law, and 3417 exempts national-bank currency from this tax of 10 per cent., but as the national-bank currency is issued by the Government, the excessive tax imposed practically makes the Government the sole lawful bank of issue in the country.

Having, under severe pains and penalties, assumed the exclusive power to issue the paper money with which 65,000,000 of the most enterprising commercial people on earth must conduct their exchanges it is certainly incumbent upon the Government to adopt all possible precautions to guard the currency thus forced upon the people against the nefarious ingenuity and skill of the counterfeiter.

Every citizen of the United States is a stockholder in this governmental bank of issue, and therefore every successful counterfeit must entail loss on a stockholder in the bank whose issues have been counterfeited. The most obvious duty of every bank of issue is to protect the integrity of its issues, and to this end private banks have always sought to so engrave and print their issues and securities as to present the greatest difficulties possible to the counterfeiter.

That this can not be done by using the steam-presses for any part of our notes or certificates is abundantly shown by the evidence secured by the committee that made the practical investigation to which I have referred, and which will be found in full in House Report No. 3220, which I wish gentlemen would read.

It is urged by the gentleman from Arkansas [Mr. ROGERS] that the bankers of the country all unite in the opinion that the work of the bureau, as now conducted, is entirely satisfactory to the bankers and to the people. It is easy to show that this is a mistaken assumption.

The chief of the secret-service division of the Treasury Department, Mr. John I. Bell, and his predecessor, Mr. James J. Brooks, both testified before our committee that the steam-press work was greatly inferior to the work done by hand-presses, and that that inferiority invited counterfeiting. This testimony being criticised in a New York paper, a prominent banker of New York addressed a letter to Mr. Bell, from which I will read some extracts:

* * * I have been for twenty-five or thirty years in banking life, and much of that time engaged in handling bills as a teller, and it struck me that your testimony and that of Mr. Brooks was pertinent and correct and in accord with the general opinion among banks as to the inferior value of the present issue of silver certificates in the matter of engraving and paper. These notes are issued to circulate among the general public, who are not experts, and should be so designed as to make an imitation of them obvious to even the uninitiated, and their true value as a medium, is in proportion to the difficulty of successfully passing their counterfeits upon the public. * * * Both the paper and engraving of this issue were condemned by many banking experts when they were first issued as not suited to the purpose, and I think your opinions and those of Mr. Brooks, as expressed to the committee, will be generally indorsed by banks and those who understand what is necessary to protect the public and whose years of experience have shown them the best means of doing so.

This shows that all bankers do not think well of the work now turned out by steam-presses from the Bureau of Engraving and Printing.

In maintaining and defending the report of my committees upon this subject I made some remarks August 28, last year, in which I quoted an article from the American Banker and Financial Examiner of the 25th of that month. The article was quite a lengthy appeal to the Government to take effectual measures to secure the superior skill manifested by the engraver who had successfully counterfeited a $5 silver certificate, and closed with these words:

The currency is endangered because the administration imagines it saves 11 per cent. on the cost of the work as now produced. If this is economy, pray let us have a period of extravagance, by all means.

Again, I ask gentlemen if they think the Government should be less careful than the New York Stock Exchange in requiring the very highest style of the printing art. To reduce to the minimum the losses of its members by the forgery or counterfeiting of any securities dealt in on the exchange, that organization insists that before any security or obligation can be placed upon its list the security or obligation shall meet the requirements which I will read:

It is required that a sample of each issue of stock or bonds shall be shown to the committee (to be left with the committee, if possible), so that it may be ascertained whether proper precautions have been taken against forgery; and no form of stock certificate or bond will be accepted unless it has been carefully engraved by some responsible bank-note engraving company whose work is admitted by the exchange.

The face of every bond, coupon, or certificate of stock must be printed from steel plates which have been engraved in the best manner, with such varieties of work as will afford the greatest security against counterfeiting by hand.

For each document or instrument there must be at least two steel plates, namely, a tint plate, from which will be printed an anti-photographic color, so arranged as to underlie important portions of the face printing, and a face plate containing the vignettes and lettering of the descriptive or promissory portion of the document, to be printed in black, or in black mixed with a color.

These two printings must be so made upon the paper that the combined effect of the whole, if photographed, would be a confused mass of lines and forms, to effectually secure against counterfeiting by scientific processes. All signatures upon securities must be written. Stamped signatures will not be accepted by the committee.

Note the requirement, that the printing must be done by hand from steel plates which have been engraved in the best manner. We have the best possible engraving and the most inferior method of printing; that is, by steam-presses.

New York is the great commercial and financial center of the Union, and when the attention of the Legislature of that State was called to this subject they adopted the resolution which I will read:

Whereas to prevent counterfeiting, error, and fraud, it is necessary that all issue of bonds, notes, stamps, and securities of the Government should be executed in the highest mode of excellence:

Resolved, That all Government securities, such as bonds, notes, stamps, checks, etc., should be executed in the highest attainable grade and perfection of the arts of engraving and printing, for the security of the Government and the people against error, fraud, and counterfeiting, and that the Senators and Representatives of this State in Congress be, and they hereby are, requested to use their utmost endeavors to secure legislation to that end.

The extract and citations I have read I think go far to show that our friends who insist upon the continued use of steam-presses in printing the Government notes and securities have not given to this matter the thorough and careful investigation which its importance demands.

I hope the House will sustain its own conferees in their efforts to give the people a pure currency.

[Here the hammer fell.]

Mr. LONG. I yield three minutes to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH withholds his remarks for revision. [See Appendix.]

Mr. LONG. I yield one minute to the gentleman from Wisconsin [Mr. SMITH].

Mr. SMITH, of Wisconsin. I have not belonged for thirty years to any organization, but I have the experience of over a third of a century in labor-saving machinery; and I am proud to say to-day that I can in the legislative hall of the United States cast my vote in favor of labor-saving machinery. [Applause.] I can not go back on one-third of a century of practical experience of the progress of my country, and I hope that there is manhood enough here to-day to stand up and retain those machines, the work of which I have seen, and which I know do that work as well as it can be done by any hand-labor in this country. I am going to cast my vote that way to-day. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Massachusetts [Mr. LONG] has one minute remaining.

Mr. LONG. Mr. Speaker, it is late in the session for us to do anything else than to concur with the Senate amendment rather than to enter into an argument over a matter which would involve great investigation and much time if we should go into it thoroughly. Practically we had better concur. In the second place, let us concur, because if we do not concur, if we throw out these machines, we add to the expenses of the Government one or two hundred thousand dollars annually. In the third place, it has been well established that this work is done as well by the steam printing-presses as by hand. When the test was applied the experts appointed by the hand-pressmen themselves selected three times out of four the notes printed on the steam plate-printing press as the best. Therefore, as a matter of economy, as a matter of good work, and as a matter of practical common sense, at this stage of the session let us concur. I hope the House will adopt my motion to recede.

Mr. RANDALL. If the House stands firm upon its own proposition it is likely to carry it. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. I hope the Chair will state the effect of adopting the motion to recede.

The SPEAKER *pro tempore*. It will be to concur in the Senate amendment.

Mr. RANDALL. A vote in the affirmative is to continue the steam-presses, and a vote in the negative is to continue hand-presses.

The question was taken; and it was decided in the negative—yeas 102, nays 119, not voting 102; as follows:

YEAS—102.

Abbott,	Conger,	Hopkins, Va.	Rogers,
Adams,	Cothran,	Hunter,	Romeis,
Allen, Miss.	Crisp,	Hutton,	Rowell,
Anderson, Miss.	Crouse,	Kean,	Rusk,
Anderson, Ill.	Dalzell,	Kennedy,	Scott,
Arnold,	Darlington,	Kerr,	Sherman,
Atkinson,	Davenport,	Kilgore,	Smith,
Bacon,	Davidson, Ala.	Landes,	Snyder,
Bayne,	Davidson, Fla.	Lodge,	Spooner,
Biggs,	Davis,	Long,	Stephenson,
Bland,	Dibble,	Martin,	Stewart, Vt.
Boutelle,	Dorsey,	Milliken,	Stone, Ky.
Breckinridge, Ark.	Enloe,	Mills,	Struble,
Breckinridge, Ky.	Finley,	Moore,	Taylor, J. D., Ohio
Brewer,	Flood,	Morgan,	Thomas, Ky.
Browne, Ind.	Fuller,	Morrill,	Tillman,
Brown, Ohio	Gaines,	Morse,	Turner, Ga.
Buckalew,	Gibson,	Oates,	Walker,
Bunnell,	Glass,	O'Ferrall,	Washington,
Butterworth,	Grimes,	O'Neall, Ind.	West,
Cannon,	Grout,	Outhwaite,	White, N. Y.
Caswell,	Hayden,	Parker,	Wickham,
Catchings,	Heard,	Payson,	Wilson, Minn.
Clark,	Herbert,	Peel,	Wilson, W. Va.
Cobb,	Hitt,	Perry,	
Cogswell,	Hopkins, Ill.	Reed,	

NAYS—119.

Allen, Mich.	Dockery,	Lind,	Robertson,
Anderson, Iowa	Dunham,	Lynch,	Rowland,
Anderson, Kans.	Elliott,	Macdonald,	Ryan,
Baker, Ill.	Farquhar,	Mahoney,	Sayers,
Bankhead,	Fitch,	Matson,	Scull,
Barnes,	Foran,	McClammy,	Seney,
Bliss,	Ford,	McComas,	Seymour,
Blount,	Forney,	McCormick,	Shaw,
Booher,	French,	McCreary,	Shively,
Boothman,	Gallinger,	McCullogh,	Sowden,
Bound,	Gear,	McKinley,	Steele,
Bowden,	Gest,	McKinney,	Stewart, Tex.
Browne, T. H. B., Va.	Greenman,	Moffitt,	Stone, Mo.
Brown, J. R., Va.	Hall,	Montgomery,	Taulbee,
Brumm,	Hare,	Morrow,	Thomas, Ill.
Buchanan,	Hatch,	Newton,	Thomas, Wis.
Burrows,	Henderson, N. C.	Nichols,	Tracey,
Campbell, F., N. Y.	Henderson, Ill.	O'Donnell,	Vance,
Campbell, Ohio	Hiestand,	O'Neill, Pa.	Vandever,
Candler,	Holman,	O'Neill, Mo.	Wade,
Caruth,	Holmes,	Osborne,	Warner,
Cheadle,	Hopkins, N. Y.	Patton,	Weaver,
Chipman,	Jackson,	Penington,	Wheeler,
Clements,	Johnston, N. C.	Perkins,	White, Ind.
Compton,	Ketcham,	Peters,	Williams,
Cooper,	Laffoon,	Posey,	Wise,
Cowles,	Lagan,	Post,	Woodburn,
Culberson,	Lanham,	Randall,	Yardley,
Cummings,	Lawler,	Rice,	Yost.
De Lano,	Lehlbach,	Richardson,	

NOT VOTING—102.

Allen, Mass.	Fisher,	Lane,	Russell, Conn.
Baker, N. Y.	Funston,	Latham,	Russell, Mass.
Barry,	Gay,	Lee,	Sawyer,
Belden,	Glover,	Lyman,	Simmons,
Bingham,	Goff,	Maffett,	Spinola,
Blanchard,	Granger,	Maish,	Springer,
Bowen,	Grosvenor,	Mansur,	Stahlnecker,
Brower,	Guenther,	Mason,	Stewart, Ga.
Bryce,	Harmer,	McAdoo,	Stockdale,
Burnett,	Haugen,	McKenna,	Symes,
Butler,	Hayes,	McMillin,	Tarsney,
Bynum,	Hemphill,	McRae,	Taylor, E. B., Ohio
Campbell, T. J., N. Y.	Henderson, Iowa	McShane,	Thompson, Ohio
Carlton,	Hermann,	Merriman,	Thompson, Cal.
Clardy,	Hires,	Neal,	Townshend,
Cockran,	Hogg,	Nelson,	Turner, Kans.
Collins,	Hooker,	Norwood,	Weber,
Cox,	Houk,	Nutting,	Whiting, Mich.
Crain,	Howard,	Owen,	Whiting, Mass.
Cutcheon,	Hudd,	Phelan,	Whitthorne,
Dargan,	Johnston, Ind.	Phelps,	Wilber,
Dingley,	Jones,	Pidcock,	Wilkins,
Dougherty,	Kelley,	Plumb,	Wilkinson,
Dunn,	La Follette,	Pugsley,	Yoder.
Ermentrout,	Laidlaw,	Rayner,	
Felton,	Laird,	Rockwell,	

So the House refused to recede.

During the roll-call,

On motion of Mr. BUTTERWORTH, by unanimous consent, the reading of the names was dispensed with.

Mr. BYNUM. I was not in when my name was called; if I had been I would have voted in the negative.

The following additional pairs were announced:

On this vote:

Mr. SPINOLA with Mr. BAKER, of New York.

Mr. STOCKDALE with Mr. ROCKWELL.

Mr. MCMILLIN with Mr. BUTLER.

Mr. THOMPSON, of California, with Mr. MCKENNA.

Mr. TOWNSHEND with Mr. KELLEY, for the rest of the day.

Mr. WILKINS with Mr. RUSSELL, of Connecticut, for the rest of the day.

Mr. LEE with Mr. PUGSLEY, for this day.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the House refused to recede from its disagreement to the Senate amendment; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now move that the House insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now wish to direct the attention of the House to the disagreement of the House to amendments 141 and 142. I ask for the reading of the paragraph of the report of the committee of conference in reference to these two amendments.

The Clerk read as follows:

The committee of conference have been unable to agree to the amendments 141 and 142, increasing the limit of the cost for the Library of Congress building to $5,500,000 exclusive of appropriations heretofore made.

Mr. RANDALL. I move that the House insist on its disagreement to those amendments.

Mr. REED. I move that the House recede and concur in the amendments of the Senate.

Mr. RANDALL. Does the gentleman demand the previous question?

Mr. REED. I do.

Mr. RANDALL. I ask for the reading of Senate amendments 141 and 142.

The Clerk read as follows:

Amendment 141: Insert, in line 6, after the words "eighty-eight," "except as herein modified:" so it will read:

"For the building for the Library of Congress, as authorized by the sundry civil appropriation act approved October 2, 1888, except as herein modified, and for each and every purpose connected therewith, $500,000."

Amendment 142: Insert, in line 8, after the words "five hundred thousand dollars," the following:

"And said building shall be constructed in accordance with the plans marked 'D,' submitted by the Chief of Engineers with his annual report to Congress, being Miscellaneous Document No. 42, Fiftieth Congress, second session, and at a total cost therefor not exceeding $5,500,000 exclusive of appropriations heretofore made, and no changes or modifications shall be made that will increase the cost above the limitations herein prescribed."

Mr. SCOTT. Is the object of the Senate amendment to increase the limit of appropriation to $5,500,000?

The SPEAKER *pro tempore*. This is not a parliamentary question.

Mr. SCOTT. I desire some explanation on that point.

The SPEAKER *pro tempore*. The question is on ordering the previous question. The House has not yet reached the stage when thirty minutes' debate is allowed under the rules.

The previous question was ordered.

Mr. RANDALL. Mr. Speaker, I ask that the gentleman from Maine control the fifteen minutes in support of his proposition.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Maine for fifteen minutes in support of his motion, and the gentleman from Pennsylvania in opposition.

Mr. REED. Mr. Speaker, the importance of this question to my mind is not bounded by the expenditure which is demanded by the adoption of the Senate amendment, although that amounts to the large sum of $2,000,000——

Mr. RYAN. One and a half millions of dollars.

Mr. REED. I am informed that the real addition to the expense already provided by the House is only one and a half millions of dollars instead of two millions, as was the original statement of the Chief of Engineers in his report. It is a question whether the United States Government purposes enabling the construction of a Library building for the nation which shall be commensurate with its present and its future wants, or whether it will, by the expenditure of a smaller sum, erect one which in the course of a few years at most will be entirely unsuitable. It is not merely a question of an additional expenditure of one and a half millions of dollars, but this other question underlies it, whether the Congress of the United States will vote an appropriation for a building commensurate with the wants and the growth of this great nation.

Last year the Congress proposed an appropriation for a building which would cost $4,000,000, and directed the Chief of Engineers to prepare a plan carrying out that design. He has prepared that plan; but, controlled as I believe by an overmastering sense of public duty, he has also prepared another plan, more elaborate, but at the same time more nearly adequate to the present wants and the future growth of the nation. The new plan demands an increase of one and a half millions of dollars expenditure, but its advantages are so marked and so manifest over the old plan that I have no doubt of the adhesion to my views of every member of this House before whom I can fully present the facts. The four-million-dollar building, as the Chief of Engineers himself declares, will last but fifty-four years at the present rate of increase of the Library, and is in its very nature incapable of being economically increased in size to meet future wants; while, on the contrary, the new building, which he proposes at this additional cost of one and a half millions of dollars, will last with some small modifications for a period of one hundred and thirty-four years.

The increase of the expenditure is but 40 per cent.; the increase in utility is 150 per cent. Which will you choose? Surely no man who is economically inclined can for an instant hesitate in voting for the second appropriation rather than the first; and I beg to say in this connection to gentlemen upon the other side, that there is no injury done to them from a party point of view, because the actual appropriation that is asked is no greater under the Senate amendment than it is in the original House bill, and whatever responsibility there is in the increased expenditure for the next two years will have to be taken by our party; and I may be permitted to say in passing that I hope we may have to incur that responsibility for a great many years to follow.

Mr. TAULBEE. Will it disturb the gentleman to ask him a question?

Mr. REED. The gentleman from Kentucky would not disturb me if the session was a great deal longer than it is.

The real fact about this matter is that with five and a half millions of dollars we shall be able to obtain not only what is needed for the Library at present, but an abundance of room which can be used for other governmental purposes. If you construct the five-million-dollar building we shall then have 43,000 square feet of surface which can be utilized for the purpose of housing the Supreme Court, or for other governmental purposes; and every man who has been here in Washington long enough to notice the condition of our public business can not be ignorant of the fact that we are to-day without suitable or even satisfactory accommodations. We can, therefore, not only build a Library, a building which will be suitable for all reasonable future time, but we can also in the same way and at the same time procure a great amount of extra space, which, for the present, we can utilize for Government work.

Upon the ground then, Mr. Speaker, of what is due to our people in the way of a great Library, upon the economical ground of furnishing housing for Government work at a reasonable basis, and for a slightly increased expenditure now to procure a building suitable in style and size so as to avoid a heavy expenditure hereafter, this amendment of the Senate must commend itself to the opinion of the members of the House who have taken the trouble to examine it. It is impossible for me to say more, in addition to that which I desire to be said by other gentlemen who have also given the subject somewhat of consideration, and I desire to yield a few minutes of my time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

The SPEAKER *pro tempore*. The gentleman from Maine has used six minutes of his time.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the utmost extravagance in our public buildings has turned out to be parsimonious economy. There is no public building in the city of Washington that is not now known to be too small for the uses to which it will have to be put in the near future. This Capitol itself is a demonstration of how rapidly our public business grows, and how much more space we need than was anticipated either at the time the building was commenced or when the splendid wings were added. We have, therefore, had experience to guide us for our future action. Now, the only question between the Senate and House of Representatives is, shall we erect a Library building that will answer the purposes for two generations, or shall we build one, on a mutilated plan, which will not last for the purpose contemplated beyond thirty years? For while it is estimated that it may be possible this mutilated plan will do for the mere accommodation of books for fifty years, that estimate is based upon the hypothesis that we are not to have any larger population or print on the average a single book more each year than we do now.

It will take six years to build the building; its available, proper space will be occupied in thirteen years, and all possible space occupied in fifty-four years, and that plan is incapable of enlargement; so that in comparatively few years our successors will be confronted with a more troublesome problem than we are. We will have a large, expensive Library building, incapable of enlargement or of being made available for the uses for which it will be required. The building under the new and larger plan has been approved, substantially, by the Chief of Engineers, who, I say respectfully, is an inflexible as well as an able and honest man—the three qualities which will make the construction of the work under him absolutely honest. We want this done not only for the dignity of the nation, but on the real economy that is involved in it.

That the committee may be informed as to the relative merits of the two plans, I beg leave to have read extracts from the report of General Casey.

As to the cheaper plan, which is a mutilated plan, and, like all attempts to alter plans to reduce expenditure, is unsatisfactory, he says:

Book alcoves, stacks, and shelving are provided for 1,168,000 volumes of books, estimating eight volumes per running foot of shelf, occupying the reading-room, three magazines adjoining, and the second story of the east front. At the present rate of growth of the Library, say 30,000 volumes per year, this shelving would be filled in about nineteen years from this time, or about thirteen years after the completion of the building, the construction of which will occupy some six years. The remaining space not absolutely required for administration and for the display of engravings, maps, current periodicals, etc., will accommodate 1,047,000 volumes more, making an ultimate total capacity in the building of 2,215,000 volumes. This space would be filled at the rate of growth assumed in about fifty-four years from the present time. Meantime the surplus space, amounting to probably 26,000 square feet of floor, might be occupied for other offices of the Government.

As required by the law these plans have been made for a building complete and entire in design and arrangement, and therefore incapable of economical enlargement.

I now ask the committee to hear his description of the unmutilated plan:

The extent of the modifications in the body of the plan will be made apparent by comparing the first-story plan, marked D IV, with the original first-story plan, also herewith, marked E. These changes do away with the extremely crowded arrangement of book magazines in the courts—darkening each other and converting the courts into wells—and give, instead of ten small courts or wells, four large court-yards, open, light, and airy, and which may at any future time, if necessary, be occupied by low pyramidal book magazines, connected with the reading-room, and constructed so as not to obstruct to any serious extent the light and air to the main walls. Such magazines may be located as indicated in dotted lines in the plan of the basement story, marked D.

As represented in this set of plans, the books would at first occupy only the alcoves in the reading-room and the stacks in the magazines adjoining it north, south, and east. The full capacity of these spaces alone is 1,608,000 volumes, and they would accommodate the growing library for a period of thirty-four years from this time. Occupying in future the first and second stories of the north, east, and south curtains with alcoves and stacks, the capacity would be increased to 3,537,000 volumes, lasting ninety-eight years. Adding the court-yard magazines above described, the capacity would be again increased to 4,632,000 volumes, which would not be reached until the lapse of one hundred and thirty-four years.

Until required by the Library proper the available floor-space for use of the Government other than the Library would be about 43,000 square feet.

The building, constructed by this plan, would occupy and utilize the excavation, concrete foundation, and drainage system already provided, and would be completed in about eight years.

Between these plans, who can hesitate on the simple ground of economy?

There is scarcely any extravagance so inexcusable as the expensive construction of public buildings, unfitted for the uses for which they are designed, nor any economy more profitable than the proper appropriation at the outset of the sum necessary to construct such a building as the public necessities require.

We are growing with unexampled rapidity; and our Library will increase proportionally with greater speed. The additions will become both more valuable and bulky. As they increase those who will use it will also increase. There must be not only space for books, "objects of graphic art and arts of design," but room for the scholars whose researches must be made in that building and the readers who will gather there.

There can be no hesitation in the choice between these plans.

Mr. RANDALL. The real point at issue is, first, whether we shall adhere to the law as passed at the last session of Congress or whether we shall change the law for a structure which will ultimately cost, I think, about $6,000,000 of money. This question has been fully discussed by the members of this House. I do not believe that there is any member here who needs the least enlightenment on the subject. They have, I believe, mostly made up their minds whether to continue the structure of a $4,000,000 building, as provided for by law, or whether they shall go into the expenditure of two additional millions dollars.

The conferees on the part of the House do not believe that they should accede to the suggestion of the Senate, for the reason that it changes existing law; and in addition to that the manner of doing it upon an appropriation bill, to their minds, is objectionable. It was, in other words, even if it should be a right measure, an improper way of legislating. It ought to come into this House and be considered as a separate and distinct matter. I reserve the rest of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, requested the return of the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

It further announced agreement to conference reports on the following bills:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12430) providing for the establishment of a light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

A bill (H. R. 10832) for the establishment of a light-house for a fog-bell on Oyster-Beds Shoals, in Hudson River, New York, and

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, in the State of Georgia.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. REED. I yield two minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. In the brief space accorded to me by the gentleman, who is in favor of the proposition to adhere to the Senate amendment, I can say but a word, and I will proceed directly to the subject-matter to which that motion refers. As I understand it, Mr. Speaker, General Casey, the present architect, under whose charge, under the bill of the last session, Congress then agreed the building was to be constructed, was to observe, as far as practicable, consistent with the demands of economy, the present foundation of the original plan for the Library building. That foundation cost half a million dollars, and if we are not to construct the building in accordance with the original plans we will necessarily lose much of the expenditure which has been made for the foundation, which, of course, is laid with a view to the superstructure to be reared upon it.

As I understand, General Casey in his report proposes an increase of a million and a half dollars over the appropriation made by the bill of last session, which was $4,000,000, and which will make the building cost in the aggregate $6,000,000. If this additional expenditure is made it will enable the architect to preserve the original plan as drawn by Smithmeyer & Pelz marked "D." In the report of General Casey, if members of the House will look at this plan as thus drawn and upon which General Casey says he can now construct with an additional million and a half dollars this building, and then turn to plat "A" and look on that plat, they will see what the difference is. It is indescribable as far as the architecture of the outside is concerned, and equally indescribable so far as accommodation is concerned.

The truth is that the true genius of the architect ought not to be prevented from being exercised in the construction of this building, and a few thousands or a few million dollars is insignificant in comparison, when we have such a structure which is to be useful for hundreds of years, and for the ornamentation of the country generally as well as the capital of the country. [Applause.]

Mr. McCOMAS. From the very start, years ago, of this improvement the endeavor was made to be governed by economy. We have continued it until it ended in absurdity. If the members of this House will take the report of Colonel Casey and look at the four-million-dollar building as it is given there, they will see it is like an intensified brewery or pension building. When you finish it it will be a monstrosity, unfitted for a library. You will have wasted $4,000,000. If you finish it in six years it will be completed about the time when the books will fill all the space. The result will be that you will have a Library building unfitted for a library, and all done in the name of "economy."

Now, the other building, the six-million-dollar building, if the members of this House will look at it, is a broad, stately building, like the original building here. It will have room for all the books for a number of years, and there is more economy in spending the $6,000,000 than the $4,000,000. If you adopt the four-million-dollar plan you will have wasted money in the name of economy. If you build the six-million-dollar building you have at least provided for one generation. By building the four-million-dollar building you will have pursued a very short-sighted policy, very far from being wise, and you build an unsightly edifice, that will not supply the public need, instead of a more sightly building, which will supply us for a whole generation.

The SPEAKER *pro tempore*. The gentleman from Maine has two minutes left.

Mr. REED. I reserve them.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] desire to occupy any further time?

Mr. RANDALL. I do not. I want to economize all the time I can.

Mr. REED. I yield the two minutes to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. Mr. Speaker, there seems to be a desire all around me to vote, and therefore I shall not occupy even the two minutes assigned to me by the kindness of the gentleman from Maine, but shall simply ask unanimous consent that all members desiring to make remarks upon the propositions embraced in the disagreement between the two Houses upon the amendments to this bill may have leave to print them in the RECORD.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maine [Mr. REED] that the House recede from its disagreement to the amendment of the Senate and concur in the same.

The question was taken; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. RANDALL. I ask for a division.

Mr. HOLMAN. I call for the yeas and nays.

Several MEMBERS (to Mr. HOLMAN). Withdraw that demand.

Mr. HOLMAN. I withdraw the demand for the present.

The House divided; and there were—ayes 132, noes 21.

Mr. HOLMAN. No quorum. I call for the yeas and nays.

The yeas and nays were ordered, 45 members voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 178, nays 56, not voting 89; as follows:

YEAS—178.

Adams,	Crouse,	Hudd,	Rockwell,
Anderson, Iowa	Culberson,	Hunter,	Romeis,
Anderson, Miss.	Cummings,	Jackson,	Rowell,
Anderson, Kans.	Cutcheon,	Johnston, Ind.	Russell, Mass.
Arnold,	Dalzell,	Kean,	Ryan,
Atkinson,	Darlington,	Kennedy,	Sawyer,
Baker, N. Y.	Davenport,	Ketcham,	Scott,
Bayne,	Davidson, Fla.	Lanham,	Scull,
Belden,	De Lano,	Lawler,	Seymour,
Bingham,	Dibble,	Lehlbach,	Shaw,
Blanchard,	Dockery,	Lind,	Sherman,
Bliss,	Dorsey,	Lodge,	Sowden,
Boothman,	Dougherty,	Long,	Spooner,
Bound,	Dunham,	Maish,	Steele,
Boutelle,	Enloe,	Mansur,	Stephenson,
Bowden,	Farquhar,	Mason,	Stewart, Tex.
Bowen,	Fisher,	Matson,	Stewart, Vt.
Breckinridge, Ark.	Flood,	McComas,	Stone, Mo.
Breckinridge, Ky.	Foran,	McCormick,	Struble,
Brewer,	Ford,	McKenna,	Tarsney,
Browne, T. H. B., Va.	Fuller,	McKinley,	Taulbee,
Browne, Ind.	Funston,	McKinney,	Thomas, Ky.
Brown, J. R., Va.	Gaines,	Milliken,	Thomas, Ill.
Brumm,	Gallinger,	Moffitt,	Thomas, Wis.
Buchanan,	Gear,	Morrill,	Thompson, Cal.
Buckalew,	Gest,	Morrow,	Tillman,
Bunnell,	Gibson,	Morse,	Tracey,
Burrows,	Greenman,	Norwood,	Turner, Kans.
Butler,	Grosvenor,	Oates,	Vandever,
Butterworth,	Grout,	O'Donnell,	Wade,
Campbell, Ohio	Guenther,	O'Neall, Ind.	Walker,
Candler,	Haugen,	O'Neill, Pa.	Warner,
Cannon,	Hayden,	O'Neill, Mo.	West,
Caruth,	Heard,	Osborne,	Wheeler.
Catchings,	Hemphill,	Outhwaite,	White, Ind.
Cheadle,	Henderson, Iowa	Patton,	White, N. Y.
Chipman,	Herbert,	Payson,	Wickham,
Clardy,	Hermann,	Perkins,	Wilkinson,
Clark,	Hiestand,	Peters,	Williams,
Cobb,	Hires,	Plumb,	Wise,
Cogswell,	Holmes,	Posey,	Woodburn,
Conger,	Hooker,	Post,	Yardley,
Cooper,	Hopkins, Ill.	Pugsley,	Yost.
Cothran,	Hopkins, N. Y.	Reed,	
Cox,	Howard,	Rice,	

NAYS—56.

Allen, Mich.	Crisp,	Macdonald,	Pidcock,
Anderson, Ill.	Davidson, Ala.	Martin,	Randall,
Baker, Ill.	Glass,	McClammy,	Rogers,
Bankhead,	Grimes,	McCreary,	Rowland,
Barnes,	Hall,	McMillin,	Sayers,
Bland,	Hatch,	McRae,	Seney,
Blount,	Henderson, N. C.	Mills,	Simmons,
Booher,	Holman,	Montgomery,	Snyder,
Bynum,	Johnston, N. C.	Morgan,	Springer,
Campbell, F., N. Y.	Kerr,	Newton,	Stone, Ky.
Carlton,	Kilgore,	O'Ferrall,	Turner, Ga.
Clements,	Lagan,	Peel,	Weaver,
Compton,	Landes,	Penington,	Whiting, Mich.
Cowles,	Lynch,	Perry,	Wilson, Minn.

NOT VOTING—89.

Abbott,	Fitch,	Latham,	Shively,
Allen, Mass.	Forney,	Lee,	Smith,
Allen, Miss.	French,	Lyman,	Spinola,
Bacon,	Gay,	Maffett,	Stahlnecker,
Barry,	Glover,	Mahoney,	Stewart, Ga.
Biggs,	Goff,	McAdoo,	Stockdale,
Brower,	Granger,	McCullogh,	Symes,
Brown, Ohio	Hare,	McShane,	Taylor, E. B., Ohio
Bryce,	Harmer,	Merriman,	Taylor, J. D., Ohio
Burnett,	Hayes,	Moore,	Thompson, Ohio
Campbell, T. J., N. Y.	Henderson, Ill.	Neal,	Townshend,
Caswell,	Hitt,	Nelson,	Vance,
Cockran,	Hogg,	Nichols,	Washington,
Collins,	Hopkins, Va.	Nutting,	Weber,
Crain,	Houk,	Owen,	Whiting, Mass.
Dargan,	Hutton,	Parker,	Whitthorne,
Davis,	Jones,	Phelan,	Wilber,
Dingley,	Kelley,	Phelps,	Wilkins,
Dunn,	Laffoon,	Rayner,	Wilson, W. Va.
Elliott,	La Follette,	Richardson,	Yoder.
Ermentrout,	Laidlaw,	Robertson,	
Felton,	Laird,	Russell, Conn.	
Finley,	Lane,	Rusk,	

So the motion to recede was agreed to.

During the roll-call,

Mr. MCADOO said: Mr. Speaker, I rise to a question of privilege. I merely want to say that I was detained from the Hall by committee business when the vote was taken awhile ago upon the amendment in relation to the employment of steam-presses in the Bureau of Engraving and Printing, and that if I had been present I would have voted with the gentleman from Pennsylvania [Mr. RANDALL] against concurring in the Senate amendment.

On motion of Mr. RYAN, the reading of the names of members voting was dispensed with.

The following additional pairs were announced.

Mr. MOORE with Mr. DARLINGTON, for the remainder of this day.

Mr. FORNEY with Mr. HARMER, for the balance of the day.

Mr. CRISP with Mr. HENDERSON, of Illinois, for the remainder of the day.

Mr. RICHARDSON with Mr. LA FOLLETTE, on this vote.

The result of the vote was then announced as above recorded.

Mr. REED moved to reconsider the vote by which the motion to recede was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER ON THE FLOOR.

Mr. RANDALL. Mr. Speaker, I trust the Chair will request gentlemen to desist from smoking. The atmosphere here is very oppressive.

The SPEAKER *pro tempore*. The Chair will have the rule read.

The Clerk read as follows:

Rule XIV, clause 7: While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall; nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and the Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER *pro tempore*. Under this rule it is made the duty of the Sergeant-at-Arms and the Doorkeeper to see that the rule is enforced, and the present occupant of the chair now instructs the Sergeant-at-Arms and the Doorkeeper to see that no further smoking upon the floor is indulged in during the day. The Chair also calls attention to that part of the rule which requires that members shall not remain around the Clerk's desk.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. The next amendment is 182. I ask that it be now read.

The Clerk read as follows:

Page 73, after line 2, insert "for the payment to Mrs. Amelia C. Waite, the widow of the late Chief-Justice of the United States, the balance of one year's salary of the Chief-Justice, $8,745."

Mr. RANDALL. Mr. Speaker, the House conferees were unwilling to agree to this amendment, because they regarded it as entering upon a new line of legislation for the payment of money in the nature of pensions to the widows of Federal judges; and if that policy is to be entered upon, the committee considered that there were other widows, one or two who have recently lost their husbands, whose cases would be equally as meritorious as that of the proposed one. The committee, however, desire the action of the House, and will cheerfully abide by its instruction.

The SPEAKER *pro tempore*. What motion does the gentleman from Pennsylvania submit?

Mr. RANDALL. I move that the House insist on its disagreement; and on that motion I ask the previous question.

The previous question was ordered.

Mr. GROSVENOR. What time is now allowed for debate?

The SPEAKER *pro tempore*. Fifteen minutes on each side.

Mr. CRISP. I submit that as the gentleman from Pennsylvania debated this matter before calling the previous question there is now no further time for debate.

The SPEAKER *pro tempore*. The Chair thinks that was merely a preliminary statement of the gentleman from Pennsylvania——

Mr. CRISP. But the gentleman from Pennsylvania debated the proposition.

The SPEAKER *pro tempore*. The Chair thinks that was not intended to cut off debate.

Mr. CRISP. No matter what may have been the intention, the gentleman from Pennsylvania debated the proposition; and under the rule, the proposition having been debated before the previous question was ordered, there can be no debate afterward.

Mr. GROSVENOR. I move that the House recede from its disagreement to the amendment of the Senate and agree to the same; and on that motion I demand the previous question.

The SPEAKER *pro tempore*. That motion is in order. Pending the motion of the gentleman from Pennsylvania, the gentleman from Ohio moves that the House recede from its disagreement to the amendment of the Senate and agree to the same. Upon this motion the gentleman from Ohio demands the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is now on the motion submitted by the gentleman from Ohio. Does the gentleman desire to take the floor?

Mr. GROSVENOR. I wish to say a few words in support of my motion.

The SPEAKER *pro tempore*. The gentleman is entitled to the floor for fifteen minutes.

Mr. RANDALL. I did not understand that time was claimed.

The SPEAKER *pro tempore*. The gentleman has submitted a motion to recede, and on that the Chair recognizes him for fifteen minutes.

Mr. GROSVENOR. Mr. Speaker, Morrison R. Waite served the country for a period of almost twelve years as Chief-Justice of the United States. When he came to that position he left a practice at the bar that was yielding him an annual income far beyond double the amount of the salary of Chief-Justice. When he died he left an estate concentrated simply in the value of a small house in the city of Washington, and he left his wife and daughter without any income whatever beyond the rent of that property.

Chief-Justice Waite might have retired two years before his death. Had he done so the Treasury of the United States would have paid to him during those two years $20,000, and at the same time $21,000 would have been paid to the gentleman who would have succeeded him on the bench.

I have no time and no disposition to argue such a question as this. The House of Representatives always pays to the family or legal representatives of its deceased members the annual salary for the year during which they have died. It seems to me almost incredible that a committee of this House should have reported deliberately against paying to the family of this distinguished jurist the small sum of money carried in this appropriation.

It may be said that there is no precedent for such a measure as this, because there has been perhaps no case where this same question has been made upon the salary of a judge; but the analogy runs through all the legislation of Congress. During the present Congress we have over and over again paid the whole annual salary of a deceased member to his family or legal representatives. At the death of Chief-Justice Waite the American people stood in mourning. It is due to the honor of the American people, it is due to their national pride, that his wife and his family shall not be thrown upon the charities of the world.

Mr. Speaker, I reserve the residue of my time.

The SPEAKER *pro tempore*. The Chair now recognizes the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I want to be recognized to ask a vote. The time is more valuable now for voting than for speaking.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GROSVENOR] has reserved the remainder of his time; the gentleman from Illinois [Mr. CANNON] desires now to speak in opposition to the motion of the gentleman from Ohio.

Mr. CANNON. Mr. Speaker, this amendment gives to the widow of Morrison R. Waite, who was Chief-Justice of the United States, over $8,000. It is not pleasant for me to stand here to oppose a proposition to give to any persons money of which they may stand in need; much less is it pleasant for me to stand here and oppose voting money to the widow of so good a man and eminent a jurist as was Morrison R. Waite. But, although it is unpleasant, I deem it my duty to vote against and to oppose the motion of the gentleman from Ohio that the House recede from its disagreement to the Senate amendment and agree to the same.

There is no law upon the statute-book authorizing this appropriation. As I understand, there are no precedents that authorize this appropriation, and we come now to consider, not the question as to the loss or saving of $8,000, but whether we shall establish a precedent that will give either a year's salary or a pension to the widows of United States judges. It may be, Mr. Speaker, that the time will come in this country when the majority will believe that it is politic to grant pensions to the survivors of men who held civil positions. I believe that time has not yet come, and if it does come, I believe it should only be done after public sentiment has demanded it, and after it has been deliberately considered and a general law written upon your statute-books authorizing it and fixing the amount in each case.

The gentleman from Pennsylvania [Mr. RANDALL] well said that it was not a question of an appropriation of the balance of a year's salary to the widow of Mr. Waite, but it involves a new departure, and I know from conversations with him in the committee-room and elsewhere, that there are other widows of Federal judges who have died that he has in his mind to place on all fours with the beneficiary of this amendment if the House shall adopt it, and who ought to be placed there under the same circumstances.

Mr. RANDALL. Certainly, if we enter upon that line at all, all the widows of the Federal judges should be placed in the same condition.

Mr. CANNON. Certainly.

Mr. McMILLIN. And the widows of all the officers of the Government.

Mr. CANNON. Precisely.

Mr. GROSVENOR. That is exactly what your committee has been doing—paying to the widows of the members and clerks and officials of the House, and in one case to the father of one of the clerks of the House. You have done exactly in principle what you are condemning now in practice, over and over again.

Mr. CANNON. Not at all.

Mr. GROSVENOR. Oh, yes; you paid Doorkeeper Wintersmith, who happened to be one of our political friends, and your committee reported in his favor, and you paid the old man after the death of his son.

Mr. CANNON. Well, the gentleman from Ohio reserved his time and he can discuss that matter in his own way. I will merely say that it is true that the House of Representatives, which lasts for two years, and then goes back and is sent again, or somebody else by the people, has adopted a practice, and it has long been a practice in the House, so long that the precedent is well established, that where a member dies his representatives shall have his salary for the remainder of his term. It is a custom. It may be right or wrong. But it is firmly fixed. Much can be said in favor of it, and the precedent is established. But we do not mean that you should go to work and establish a new precedent, fixing a civil-list for all the officers of the Government. United States judges are not upon all fours with members of Congress. The tenure of the member is but two years, while the position of a judge is one of great honor and of profit both, far beyond the average throughout the country earned as a rule by the members of the profession, let it be stated. It is an exalted position whose duties are not altogether unpleasant, held by men who retire at the age of seventy, with certain compensation. I again state that if the civil-list for the United States judges and the other civil officers of the Government is established, let it be done by a general law after a full discussion and in pursuance of the demands of the people; and having said this much I will reserve the remainder of my time.

Mr. GROSVENOR. I yield five minutes of the time remaining to me to the gentleman from New York [Mr. WHITE].

Mr. WHITE, of New York. Mr. Speaker, we are the richest and yet the most niggardly people on the face of the globe in reference to the treatment of our public servants. If Chief-Justice Waite, who stood in his lifetime the peer of any presiding justice of any government on this globe, had been the chief-justice of England he would have received £10,000 per annum instead of the $10,500 which we paid him. They talk about "Jeffersonian simplicity" in regard to these matters. I say, sir, the principle should be established beyond any question that when a man is called from his avocations to perform duties of great responsibility, and which require him to meet the talents and the leading men of the country at the capital of the nation or elsewhere, placing upon him obligations in regard to the expenditure of money which far exceed the small pittance provided for such officials as the Chief-Justice of the United States, there ought to be at least such liberality in behalf of his family after his death as we extend to our own fellow-members when they are gone.

The gentleman from Illinois says that this is a "new departure;" but we have an old departure where we take great care of those who die out of a body of three hundred and thirty-three members here, including the Members and Delegates, to say nothing of the doorkeepers and clerks and their assistants, for whom such provision is made.

I say, first, Mr. Speaker, that the judiciary of this country should have its salary increased until the amount would enable them to live, at least, respectably. It is a niggardly allowance at present. Mr. Chief-Justice Waite has passed beyond the reach of this relief; but before he went he gave two years of hard toil to this country, which saved the Government $21,000, for he could have been retired with full pay; and now when we find a man who saved the country this sum by continuous service beyond what the law required to be rendered, I for one am willing to make the new departure of which gentlemen speak, if this is the first case from the Federal judiciary, and I favor the adoption of an act which is not only an act of justice to his memory but of kindness to his widow. If he had been a general of the Army men would have rushed with great acclaim in this Hall, as I have seen done over and over again, to give a pension to his widow. No pension is sought here; but to the widow of a man who saved the country $21,000 by doing the most efficient service when there was no demand for him to do it, we stand and higgle in regard to a paltry $7,000 or $8,000 for her relief.

I say to gentlemen if they think the country wants and approves of that sort of niggardliness towards men filling exalted public positions with meager salaries, that they mistake the good sense and liberal heart of the people of the United States. They do not want that kind of economy; and I repeat if we are to make a new departure which is to embrace the nine Federal judges, we have the old departure which embraces three hundred and thirty-three members of this body as a precedent for it; and I say make the new departure.

The SPEAKER *pro tempore*. The gentleman from Ohio has four minutes remaining.

Mr. GROSVENOR. I yield two minutes to my colleague [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, no man ever sat upon the Supreme Bench of the United States who had a place nearer the hearts of his countrymen than Chief-Justice Waite. He was so clear in his great office that he challenged the confidence and respect of all the people of his country. He was a laborious, painstaking judge. He died with the harness on. His salary was utterly inadequate. The position he occupied devolved upon him social and other duties outside of his judicial office which entailed expense far beyond his ability to meet them with the salary he received. When he died, by reason of overwork, he died with the harness on; and, as my friend from New York [Mr. WHITE] said, he had saved to the Treasury of the United States by performing labor himself which he might have devolved upon others the sum of $21,000. And this devotion to duty cost Chief-Justice Waite his life.

My friends, the judiciary is the rock upon which the waves of factional strife and discord will break eventually. It will be found to be the rock of our salvation if the time of civil strife ever comes; and if there is a branch of the Government that we should cherish it is the judiciary.

Chief-Justice Waite left his family comparatively nothing. It is no mere charity to grant the small sum proposed in the pending amend-

ment to his widow. It is scant justice. It is not a simple tribute to his memory, but is paid as a measure of just compensation for the eminent and distinguished services of her husband.

It is not a dangerous precedent, I will say to my friend from Illinois [Mr. CANNON]. If a case like this arises again we can meet it. Let us hope that a proper sense of justice to eminent public servants for conspicuous usefulness in the office of Chief-Justice of the Supreme Court of the United States will secure such increase of salary as will remove all probability of such a case as we are considering occurring again in a century.

This House can pay no greater tribute to itself than to vote the sum proposed to the widow of Chief-Justice Waite.

Mr. GROSVENOR. The gentleman from Illinois has stated that there is no precedent in this country for this. Let me call his attention to the fact, and of the gentleman from Pennsylvania, that Edwin M. Stanton, who was appointed a justice of the Supreme Court, and who never qualified except upon his death-bed, was paid a year's salary as a judge.

Again, Chief-Justice Waite was authorized by law to have employed a stenographer during the last years of his service. He paid to this Government $20,000 by employing his own private secretary, and never made a charge against the Government for it. And we have this spectacle now of the great American nation turning out of her house, in the first year after his death, the widow of the great Chief-Justice of the United States, so that she can buy bread with the rental of the homestead of the Chief-Justice. Oh, what a pitiful spectacle. There have been five Chief-Justices during the current century. In a hundred years we have had but five Chief-Justices of the United States, and the gentleman from Illinois says that is virtually establishing a civil pension-list in this country. It is not a pension-list.

This is to do what we would do for the wife and children of the gentleman from Illinois if he should die to-day. This does what we do in the case of the death of one of our members. I appeal to the Congress of the United States, are you willing that the wife and child of your Chief-Justice shall live upon public charity or to go to the home of friends for a living?

Mr. CANNON. I yield five minutes to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I do not think we have any evidence that justifies the statement that has been made that the widow of the late Chief-Justice is in the impoverished condition which has been represented by the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I have just recently been informed by the gentleman from New York [Mr. COX] that the widow has left her house in order to get the rental for her support.

Mr. RYAN. Oh, but in my judgment we must legislate here upon a broader and more substantial basis than mere sympathy. We are engaged here in a new departure. There is no precedent for this. Appeals have been made to the fact that a custom has grown up in Congress of paying the families of deceased members a year's salary. That is not a precedent. I do not even say that that is justified. It is a very different thing to make an allowance for the payment of a year's salary extra to the family of a member of Congress who comes here and dies, from what it is to pay a year's salary extra to one who holds a lifetime position. A member of Congress comes here to attend to his public duties, leaving his business behind. He comes here only for a day as it were, and when he comes here and dies away from home, necessarily sustaining considerable expense, there is some reason why his family should have the year's salary extra. But in this case, I wish to ask gentlemen upon what principle, if we adopt this amendment, shall we deny it to the whole of the Federal judiciary?

I revere the memory of the late Chief-Justice, who was a great jurist and a pure man; but so are all the other members of the Supreme Court. I know of no greater jurist in this country or in any other country, I know of no purer man, than Justice Miller. Shall we vote for this and deny it to his widow, should Mrs. Miller survive him? Shall we vote it and deny it to the families of other members of the Supreme Court? Shall we vote this and deny it to the widow of Judge Merrick? Shall we vote this and deny it to the widows of other Federal judges? If you can appeal to the fact that the family of a deceased member of Congress is paid one year's extra salary to justify this, can you not, if you vote this amount, appeal to it as a precedent to vote a year's salary to every official in the land?

Mr. WILSON, of Minnesota. That is what it means.

Mr. RYAN. That is what it means. We have gone far enough in this questionable legislation. There is no more desirable position than a lifetime position and it is our duty, if those who occupy that kind of position, are too poorly paid to properly sustain themselves and leave their widows and children provided for, at once to raise their salaries, and not adopt this questionable means of providing for their widows and children after they are gone. By this means we are tending toward a policy of class legislation which, in my judgment, is alarming, and it is time it was checked.

Mr. CANNON. I yield two minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. GROSVENOR. Will not the gentleman from Illinois let me just make a statement?

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GROSVENOR] is not in order.

Mr. GROSVENOR. I am simply asking the gentleman to let me call the attention of the gentleman from Kansas [Mr. RYAN] to certain facts.

Mr. CANNON. If the House will grant the additional time, I will not object.

The SPEAKER *pro tempore*. The time of the gentleman from Kansas [Mr. RYAN] has expired.

Mr. GROSVENOR. I was on my feet and simply sought to be treated gentlemanly by the gentleman from Illinois.

Mr. CANNON. Not out of the time; I wish to say that the gentleman has been treated gentlemanly, and it does not come with a good grace from him to say to the contrary.

Mr. MCMILLIN. Mr. Speaker, in the one hundred years of our constitutional history that is closing there has been no instance of a payment like this, although Justice Waite was the fifth Chief-Justice of the United States, and the salaries in the beginning were less than they are now. The gentleman from Ohio [Mr. GROSVENOR] has said that Chief-Justice Waite retained office after the time when he might have been retired. That is true; but the same is true of other judges who are now upon the bench, and I wish to know whether it is proposed that when those judges die their widows shall have a year's pay given to them upon the same ground upon which it is proposed to make this appropriation? No man admires Judge Waite's ability more than I do; no one more his integrity; no one would more gladly do anything that would ameliorate the condition of his family; but the rule of this Government has been, and the rule should be to the end, to pay whatever salary is necessary to support the official and then not to enter upon class legislation by way of giving largesses out of the Treasury when they come to Congress and, by family influences or other influences, clamor for more money.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CANNON. I believe I have three minutes remaining.

The SPEAKER *pro tempore*. The gentleman has two minutes.

Mr. CANNON. I intended to yield one minute to the gentleman from New Jersey [Mr. MCADOO], but not seeing that gentleman in his seat, I yield the time to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, I think there is a broad distinction that fairly may be drawn between pensions given for military service and pensions in civil life, and I am not willing that this debate shall take the course it has taken without calling attention to that distinction. The generation around me well remember the time, from 1861 to 1865, when men who hesitated to risk the privations and severe service of the field, and shrunk from facing leaden rain and iron hail, were glad to take civil positions. The distinction as to kind of service was well drawn then, and the distinction, sir, is one that I think should always be drawn when you consider the question of pensions. Our Government is founded upon the principle of equality, so far as rights and privileges are concerned, and it is not proper that we should at this day or at any other undertake to build up a line of civil pensions.

In the ordinary and usual course civil positions, whether legislative, judicial, or executive, are solicited, applied for, and sought for by reason of the distinction and advantages that accompany them. Men desire them on their own account and for the gratification of receiving and holding them. This is the light in which they are held when the affairs of government are taking their common and wonted course. Men are never compelled to accept civil office; it is always a matter of choice. Military service is the very reverse. If not offered voluntarily the Government compels it.

Instead of bringing ease, personal comfort, and advantage as civil positions do, it brings danger, toil, suffering, exposure, disability, and death as its common and usual rewards. Only the bravest and strongest can accept it. In time of war men seek civil positions frequently for the very purpose of avoiding military duty. Examples of this kind in our late war were not uncommon.

I believe the South, where enthusiasm for the war had by long years of nourishment been raised to the highest point, had plenty of people of this kind; that with them civil positions were highly prized by certain classes of their people who wanted to appear true to the Confederacy, and who also had a wholesome dread of bullets.

My recollection is, our Southern friends coined a word for civil positions in those days, and they called them "bomb-proofs."

Far be it from me to throw discredit on distinguished civil services. Men in such positions have served their day and generation with signal ability and been the benefactors of their race. That is true of all positions in life from the highest to the lowest. If the heart is right a man can serve his fellow-men and do good no matter where he is placed. In fact for opportunity to do good there is but little difference in the positions in which our lots are cast. It more depends upon the character of the man himself.

Mr. Speaker, I enter here and now my protest and objection to the

Government of the United States creating a civil pension-list. This appropriation tends in that direction and I am opposed to it. If there are precedents, which I hardly think has been shown, better not follow them. I have, during my time as a member of this House, favored liberal appropriations for public works, public buildings, and the Post-Office and other services of the Government. Many of the men in subordinate and most laborious positions in the Government service are poorly and inadequately paid; but I must say that in my judgment the higher positions in our civil service are well enough paid. The pay and emoluments of civil office ought to be large enough to comfortably support the incumbent and family, but they ought not to be so large that they would be sought after for the money. A man who proposes to devote himself to public life should not expect it to be the means of his becoming rich. I believe that men on as good salaries as we pay our higher officers ought not only to live comfortably, but should save some.

Pensions for military service are only justified on the ground of the extraordinary character of the service. Life is offered and frequently given. The service very usually means a loss of comfort and health. It means the acceptance of wounds, disease, and death. Some unusual reward should be reserved for men who will render such service. To induce men to render it they should hope for some distinction, some recompense that the occupants of places of comfort and ease do not have.

I yield to no man in my admiration for the distinguished Chief-Justice in whose memory and in behalf of whose family this relief is asked. Not only that, but I go further and say that the judiciary of the whole country is entitled to honor for the purity with which it has maintained its position in all the history of our Government. To maintain it in this position is the anchor of our political safety. Pensions and donations to the judges and their families is not necessary to do this. I want the distinction to be broadly drawn and clearly borne in mind that a military pension is given to a man for having risked his life while a civil pension is not.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CANNON. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, we ought to recollect that the judges of the Supreme Court of the United States, after ten years' service, if seventy years old, have the right to retire upon full pay, and when the gentleman from New York [Mr. WHITE] suggests that there has been any niggardliness in that connection, I want to say, in reply, that there are no persons in this country holding official positions who have been so liberally dealt with as the judges of the Supreme Court of the United States. If this proposed policy in connection with the judges is to be entered upon, there are other cases that should be provided for as promptly and as liberally as the widow of Chief-Justice Waite.

Mr. WHITE. Let us do it, then.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The time allowed for debate has expired. The question is on the motion made by the gentleman from Ohio [Mr. GROSVENOR] that the House recede from its disagreement to the Senate amendment and concur in the same; upon which the previous question has been ordered.

The House divided on the motion to recede; and there were—ayes 67, noes 103.

Mr. GROSVENOR. I call for the yeas and nays.

Several MEMBERS. Oh, no.

Mr. GROSVENOR withdrew the call.

So the motion of Mr. GROSVENOR that the House recede from its disagreement to the amendment of the Senate and agree to the same was rejected.

The motion of Mr. RANDALL that the House insist on its disagreement was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now ask that we take up Senate amendment No. 197.

The amendment was read, as follows:

On page 76, after line 16, insert the following:

"SEC. 3. That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate in square No. 624 of the city of Washington, lying east of a 20-foot alley running from G street to H street, and bounded by H street on the north, G street on the south, North Capitol street on the east, and said named 20-foot alley on the west; said parcels being divided east and west by Jackson alley, and intersected in part by a 14-foot alley running from G street to Jackson alley; said real estate now in part being occupied by the Government Printing Office. And for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated. And when said real estate shall be acquired, said board may direct that the 14-foot alley running from G street to Jackson alley, shall be closed and used for the aforesaid purposes.

"That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may institute legal proceedings for the condemnation thereof in the manner provided for in section 2 of this act."

Mr. RANDALL. The committee recommend that the House insist on its disagreement to this amendment. We do not think that this is the proper manner of purchase. I hope that the House will take a vot without further debate.

The question being taken, the House insisted on its non-concurrence in the amendment of the Senate.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House request a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House at the further conference the same gentlemen heretofore appointed.

ORDER OF BUSINESS.

Mr. BLOUNT. I now desire to make a report from a conference committee on the Post-Office appropriation bill.

The SPEAKER. There is already a conference report pending—the report submitted by the gentleman from Georgia [Mr. CRISP] on the interstate-commerce bill.

Mr. BLOUNT. I ask my colleague to yield to me for a moment in order that this matter may be disposed of.

Mr. CRISP. As this is an appropriation bill, I yield.

POST-OFFICE APPROPRIATION BILL.

The following conference report (submitted by Mr. BLOUNT) was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12490) making appropriations for the service of the Post-Office Department 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 1 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, and 9, and 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: Strike out from said amendment the following words: "Payable out of this appropriation;" and the Senate agree to the same.

JAMES H. BLOUNT,
ALEXANDER M. DOCKERY,
HENRY H. BINGHAM,
Managers on the part of the House,
P. B. PLUMB,
W. B. ALLISON,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The conferees on the part of the House respectfully report that they have agreed to the accompanying conference report, and herewith submit their action to the House:

The effect of the action of the conferees on Senate amendment numbered 1 is to strike out of the classification of clerks in first and second class post-offices "superintendents of weighers of second-class matter."

The effect of Senate amendment numbered 2 is to repeal all acts and parts of acts in conflict with the classification provisions of the bill.

The effect of Senate amendments numbered 3, 4, and 5 is to increase the appropriation for rent, light, and fuel, for first and second class post-offices, $10,000. The object of this is to pay for the rent of city post-office at Washington, D. C., and branch post-office on Capitol Hill, in the city of Washington, the latter not to exceed the sum of $900 per annum.

The sixth amendment of the Senate limits the amount for the use of any third-class post-office for rent to a sum not to exceed $400, and for fuel and lights not to exceed $60 in any one year.

The effect of the agreement on Senate amendment numbered 7 is to leave the appropriation for the free-delivery service for the next fiscal year ending June 30, 1890, at the amount fixed by the House, to wit, the sum of $8,000,000.

The effect of the agreement to Senate amendment numbered 8 is to allow the Postmaster-General to make contracts for the necessary supplies for the free-delivery service for a term not exceeding four years, but limiting payments under the same to the amount appropriated for each fiscal year for such supplies.

The ninth amendment of the Senate provides that the Postmaster-General may, in his discretion, withdraw the fund for necessary and special facilities on trunk lines—not only the whole, but any portion thereof—from any railroad company when in his judgment the public interests require it.

All of which is respectfully submitted.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Conferees on the part of the House.

Mr. BLOUNT. I ask the previous question on the adoption of this report.

The previous question was ordered.

The SPEAKER. There are now thirty minutes for debate. The Chair recognizes the gentleman from Georgia.

Mr. BLOUNT. I ask for a vote.

Mr. PETERS. I did not understand the report exactly in regard to the limitation of the allowance for fuel and light in third-class offices. Is that limited?

Mr. BLOUNT. It is limited. The House conferees have agreed to the Senate amendment.

Mr. PETERS. Is there a limit as to the amount that may be expended for clerk-hire in third-class offices?

Mr. BLOUNT. None except the amount of the appropriation; that is always a limit.

Mr. PETERS. Then there is no limitation agreed upon as to the amount that may be expended in any one office so far as clerk-hire is concerned?

Mr. BLOUNT. Not at all.

Mr. HOLMAN. If I understood this report correctly, the only change made in regard to the classification of salaries is a provision for the repeal of any law that may conflict with that classification.

Mr. BLOUNT. That is all.

Mr. COX. I did not understand distinctly from the reading whether there had been any additional appropriation made for letter-carriers in connection with the free-delivery system.

Mr. BLOUNT. The Senate receded from their amendment; and the report leaves the bill in that respect as it left the House.

Mr. COX. Then the report embodies substantially the House bill in that regard?

Mr. BLOUNT. That is so.

The question being taken, the report of the committee of conference was agreed to.

Mr. BLOUNT 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement 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. 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.

It also announced agreement to amendments of the House to bills of the following titles:

A bill (S. 2886) granting increase of pension to Joseph B. Sellers; and

A bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes.

It also announced that the Senate had passed a bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park; in which concurrence was requested.

It also announced the return to the House of the bill (S. 308) for the relief of Faran & McLean.

INTERSTATE COMMERCE COMMISSION.

Mr. CRISP. Mr. Speaker, I want to say a word or two to the House about this report and seek to make the discussion as short as possible. My friend from Iowa [Mr. ANDERSON] may want time. How much time does he want?

Mr. ANDERSON, of Iowa. I should like an hour. I know it is late in the day and late in the session. I want an hour in which to be heard.

Mr. DUNN. I hope gentlemen will allow me to put through a little conference report.

Several MEMBERS. Let the gentleman from Iowa print.

Mr. ANDERSON, of Iowa. I may not take an hour. I am not sure. I have not measured myself in an oratorical way like my friend from Georgia, and do not know exactly how much time I may need. Perhaps I shall not take up more than twenty minutes, if I may have permission to print in the RECORD.

Several MEMBERS. You can have that now.

The SPEAKER. Is there objection to the gentlemen having leave to extend their remarks or to print remarks on this conference report in the RECORD?

There was no objection, and it was ordered accordingly.

Mr. CRISP. I will divide the time with the gentleman from Iowa, and that is fair enough. I will give him the largest half.

Mr. ANDERSON, of Iowa. I move that the House take a recess until 5 o'clock.

Mr. GROSVENOR. What time has been given for debate on this question?

The SPEAKER. There has been no agreement as to debate, and the debate will proceed until the previous question is ordered or some arrangement is made.

Mr. CRISP. I will agree to yield forty minutes to the gentleman.

Mr. ANDERSON, of Iowa. I have no disposition to detain the House. I may not want more than twenty minutes.

Mr. CRISP. How much time does the gentleman from Ohio want?

Mr. GROSVENOR. Fifteen or twenty minutes, if opportunity be allowed to extend my remarks in print.

Mr. CRISP. That has been agreed to already. We can accommodate this matter; and I will occupy as little time as possible in the pending case.

The SPEAKER. The gentleman will proceed.

Mr. CRISP. I should like to have the attention of the House for a few moments so that members may understand the effect of this conference report and why it is made. The House will remember that the Senate passed originally a bill to amend the interstate-commerce act. The House of Representatives amended that bill in several respects. It went to conference. The conferees on the part of the two Houses made a partial agreement, which was reported to the House. The House ratified the agreement and approved the action of the House conferees in refusing to recede from two House amendments. Those two House amendments are, one in relation to the transportation of oil in barrels and tank-cars, and the other in relation to conferring on State courts concurrent jurisdiction with the United States courts to hear and determine all causes arising under the interstate-commerce act.

I was myself earnestly in favor of both of these amendments, and am still in favor of them. The Senate a second time has rejected these two amendments, and we are placed in this position: Shall we accept the Senate bill without these amendments, or shall we insist on the two amendments and thus defeat for this session any amendment to the interstate-commerce law?

Mr. Speaker, while I was in doubt as to what recommendation I should make to the House in that regard the conferees received from the Interstate Commerce Commission a communication which I ask the Clerk to read. I ask the attention of the House to this communication, as it largely influenced our action.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 23, 1889.

To the Interstate Commerce Committee of the Senate and the Committee on Commerce of the House of Representatives, or the joint conference committee upon Senate bill No. 2851:

GENTLEMEN: The Interstate Commerce Commission feels constrained by a sense of public duty to respectfully present for your consideration a brief statement of reasons why the present session of Congress should not be permitted to close without the enactment of the pending amendments to the act to regulate commerce extending the provisions of the sixth section to joint tariffs, providing for notice of proposed reductions of rates, imposing a penalty upon frauds by shippers, etc.

Section 6 of the act is the one which lies at the foundation of the administrative enforcement of the law. It requires the establishment of schedules of rates, fares, and charges, which are to be filed with the commission, and also to be printed and posted for public inspection; and it forbids the charge of a higher or lower rate for the transportation of passengers or property than the rate specified in such published schedules.

This section, however, clearly distinguishes between two kinds of tariffs; one the tariff of individual carriers, the other the joint tariff. The tariff of single roads is first treated in the section. The provisions in respect thereto are clear and apparently adequate, with the exception of failing to provide for public notice of any reduction of rates. Ten days' notice of an advance is required. The pending amendments demand three days' notice before every reduction. The necessity for this very moderate requirement, in order to give any satisfactory stability to the tariffs, is too obvious to call for explanation.

Interstate traffic by rail, however, is principally carried upon joint tariffs agreed upon by one or more lines operating continuous routes. Many single roads and systems are interstate of themselves; but in the case, for example, of the so-called trunk-lines traffic between the Atlantic coast and the Western States is carried upon what are properly termed joint tariffs; and the same is true of most of the long-distance commerce which the act was especially intended to regulate.

The joint tariff, as the law now stands, is treated very briefly; the only direct provision for its regulation is found in the latter clauses of section 6, and they simply require that joint tariffs shall be filed with the commission, which may direct them to be made public in its discretion.

A tariff which is only required to be lodged in the office of the commission affords little information to the public or to competing carriers; and in practice this requirement has tended to afford opportunity for the manipulation of rates and frequent changes in rates rather than to check those evils.

Nor would the requirement of publicity subserve any useful end so long as joint tariffs are subject to be increased or decreased without notice. There is little practical value in publicity when absolute uncertainty is an added factor; it would be trivial to advertise a rate that may be varied from at pleasure.

Such a construction of the law is claimed by many carriers; the argument in its favor is so strong that the regulation of joint rates can not be efficiently enforced until the amendments proposed are enacted.

One or two recent examples may assist in making this matter clear. The westbound transportation of sugar from the Atlantic coast refineries, under the tariffs and classifications of the carriers, requires the payment of freight upon the weight of the barrels as well as upon their contents. One line from one city, two lines from another city, and all the lines from a third city were suddenly found to be carrying sugar at the net or invoice weight, without charging for weight of packages. The result was confusion and loss of confidence among the carriers, coupled with uncertainty and discrimination among shippers by different lines and from different points. Although the margin was a narrow one it was enough to control the traffic, and the jobbing houses of the interior became justly excited and alarmed.

The case was one that would be easily regulated by the provision against charging a greater or less sum than the tariff rate, and the proofs might properly have been placed at once in the hands of the proper United States attorneys but for the fact that the business in question was handled on through routes and by joint rates, and joint tariffs are not now clearly within the protection of the law.

Again, grain rates have been recently the subject of manipulations in many quarters. Arrangements are made by which a through rate from an initial point to an intermediate junction point is combined with a through rate from a point west of such junction point to the ultimate terminal. The result is a reduction of the total rate, to the advantage of some locality and to the detriment of others. This is all joint-tariff business, and is so managed that it may be claimed not to be illegal.

And again, a sudden reduction of long-distance rates, made to meet secret or crafty combinations like those last described, is ordered without public notice in advance and without advice to many shippers most interested. The forms of the law are complied with, while the entire available traffic is absorbed by a few buyers of grain who are on the spot at the lucky moment.

These illustrations suggest to the close observer many other methods in which the law now fails to effect its beneficial purpose of requiring just, equal, and steady transportation charges, beneficial alike to the carrier and the shipper everywhere. In failing distinctly and positively to regulate the construction, notification, and operation of joint tariffs the statute is deprived of a great part of its usefulness.

The amendments particularly designed to reach this difficulty are in the following words:

"Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given. * * * No advance shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made

in the schedule then in force and the time when the increased rates, fares, or charges will go into effect.

"No reduction shall be made in joint rates, fares, and charges except after three days' notice, to be given to the commission as is above provided in the case of an advance in joint rates. The commission may make public such proposed advances or such reductions in such manner as may in its judgment be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any service in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon, than is specified in the schedule filed with the commission in force at the time.

"The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection, shall be prepared and arranged, and may change the form from time to time as shall be found expedient."

The necessity of the immediate passage of these amendments can not be too strongly stated.

Another amendment is designed to provide for the punishment of shippers who fraudulently procure preference in transportation. The commission has frequently urged the importance of this provision, and its suggestions have been re-enforced by petitions from leading commercial organizations and business men in all parts of the country.

Two cases of underbilling have been investigated during the present month. In one of them a shipper at a small country station procured the station agent to bill 44,100 pounds of grain as 30,000 pounds, a fraud which, if not detected, would have saved him $27.67 in freight. In the other a car-load shipper obtained a series of short weights from a weigh-master in charge of the company's scales; the loss to the line upon two car-loads only would have been $45.99. One shipper writes:

"If you can figure any way to get around the 'American Street Yard Scales' I would be glad to work something your way; or have you any country points on the Philadelphia and Reading road that can be worked?"

Another:

"We think it would be a wise precaution on your part to pay the freight yourselves on these cars we are shipping underbilled so that the trade will not get on to it and make a stink as they did on a former occasion; if we can keep the thing mum, and the railroads do not find it out, we can do you some good and ourselves also."

The representative of a leading commercial organization writes as follows:

"There is no doubt in my mind that if Congress adjourns without passing Senate bill No. 2851, underbilling and all frauds will be more rife than ever before. I do hope that you will be able to secure the adoption of this law. If it fails to pass every decent or self-respecting man might as well go out of the business."

Other important modifications are contained in the amendments which have been already concurred in by both Houses of Congress. They are believed to be self-explanatory, and therefore no further comment upon them need be made than to say that they affect constitutional and practical questions relating to the work of the commission in the enforcement of the law.

The efficiency of the administration of the act to regulate commerce is most deeply involved in the pending measure.

THOMAS M. COOLEY.
W. R. MORRISON.
AUGUSTUS SCHOONMAKER.
W. L. BRAGG.
ALDACE F. WALKER.

Mr. CRISP. I want to add to the reasons stated by the commission one other. One House amendment to the Senate bill has been agreed upon in conference which in the judgment of many of the friends of the law to regulate interstate commerce is of great importance to the perfection of the law and its practical working. That amendment requires the Interstate Commerce Commission, wherever it is developed before them that there has been a violation of the law on the part of a common carrier, to notify the district attorney of the proper court having jurisdiction to hear and determine cases against said carrier of such violation of law, and it further requires said district attorney to prosecute the carrier for such violation. Under the law as it now stands no such duty is devolved upon the commission nor upon the United States district attorney.

Mr. ROGERS. Will the gentleman permit me to interrupt him to ask in whose name is the prosecution conducted and for whose benefit?

Mr. CRISP. There is no express provision in this amendment as to that. The original law, as I recollect, permits any person to sue for a violation of the law; that is, to bring a civil action whether they have an interest in it or not. But my friend understands that the purpose of this amendment is to secure an indictment for a violation of the law.

Mr. ROGERS. It is a criminal prosecution, then?

Mr. CRISP. Yes.

Mr. ROGERS. That is proper. Let me ask the gentleman further, does the amendment to the bill consider the question of regulating the express companies, or has the conference considered that question?

Mr. CRISP. The conference report does not take up that question at all.

Now, to sum up the advantage of passing the bill as amended, it may be said that there is at present no law requiring the publication of joint tariff rates. Most of the Southern, Western, and Eastern freights pass over a great many different railroads from the time they leave their point of lading until they are discharged at the termination of their journey. In the original act there is no provision requiring a publication of these joint tariffs. There is no limitation upon the carriers' right to change such rates whenever they see fit to do so.

Under the present bill ten days' notice must be given of an increase and three days' notice of a decrease in such rates.

Another important point is the punishment of the shipper as well as the railroad for underbilling; and in the communication which was read by the Clerk the commission cite two cases which have appeared before them in evidence within the last month, where by collusion between the shipper and the railroad agent the shipper has decidedly the advantage of every other shipper from that point by reason of underbilling of goods.

Now, Mr. Speaker, I have felt as a friend of the law, as a man having confidence in the commission, that it was not right, whatever my own convictions might be as to the propriety and importance of the two House amendments, to stand in the way of amendments which the Interstate Commerce Commission say in their letter are essential to the satisfactory execution of the law.

Mr. ROGERS. Will my friend state on that point to which he has just referred whether the conference report has taken consideration of any measure to reach employés of the railroad companies who enter into such transactions in violation of the law as well as the companies themselves?

Mr. CRISP. We think there is power to reach them. I reserve the remainder of my time.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The gentleman has consumed twelve minutes.

Mr. CRISP. I yield forty minutes to my friend from Iowa [Mr. ANDERSON] and request him if he does not occupy it all to give it back to me.

Mr. ANDERSON, of Iowa. Mr. Speaker, I regret very much as a member of this conference committee that I could not agree to the report the committee has made. My difference in this report with my colleagues is radical, and I desire to state to this House, and as briefly as possible, the reason for my action, and it is simply based upon an entire want of confidence in the commissioner system as it is applied to the management and control of the railroad system of this country.

It is true that there are many, at least that there are several, good things in these amendments as the report now stands; but the very trouble, the very difficulty with the whole question has been and is that there has been no administration of the law as it has existed from the beginning. The railroad management of this country is diseased and has been from its earliest stages, and the great difficulty in the management of the railroad system of the country is to be found in the total absence of common honesty.

I do not make a grave and serious charge like that without understanding fully the import of the language and the necessity there is or supporting it with abundant and sufficient proof. It is not only a matter of common notoriety throughout the country that these railroads have so managed their business as not only to demoralize it, but that they have managed it in such a way as to corrupt and sap the foundations of all honor in commercial enterprises throughout the length and breadth of this country.

I disagreed with my colleagues for the reason chiefly, to state it briefly, that they have receded, as they have done time and again, from a proposition that has passed this House at least five times, to confer on local and home courts under this law jurisdiction to determine the litigated cases that arise. I think that there has been quite enough of the asking for bread and giving a stone policy in this House in reference to this matter, and there has been quite enough dictation with reference to the action of this House concerning all corporate questions from the other end of this Capitol. I think it is time that this House, sir, arises in its dignity and defends its own rights, and especially in reference to these great questions in regard to which it has so long submissively yielded to the dictates of another body.

Now, I want, sir, to submit some authorities in reference to the dishonest and corrupt manner in which the railway system of this country is managed, for two reasons: first, to show you that it is inherent and is from the beginning of the system; and secondly, that it has not only been present from the earliest days of the system, but that it has increased during the last two years to an alarming extent notwithstanding this interstate-commerce law and the great and august tribunal that is supposed to be administering it.

And in this connection, and parenthetically, as it were, I want to call this House's attention and that of the country to the fact that grave charges have been lodged against the Interstate Commerce Commission here in this House in reference to its action in connection with a railroad meeting; that is, the meeting of railroad presidents of the country, which many of the best lawyers of this country think was an unlawful assembly, for the reason that it came together to agree to do an unlawful thing. When grave and serious charges, reflecting on the official integrity of these men, were lodged in this House it went out on a question of no quorum raised by the gentleman from New York in the interest of Wall street and the law-breaking highwaymen of this country, and yet we find this commission swift, without invitation, sending to this House a written letter of instruction to members as to how they should vote.

Yet in this connection this same gentleman undertook to arraign the district that I represent as being a district of communists and anarchists, while the exact truth is that he was speaking for that class of law-breakers in this country which is above all other classes of law-breakers. I want to read you an authority, and it is a great authority. It is no less an authority than Charles Francis Adams, one of the original members of the Massachusetts board of railroad commissioners, afterwards Government director of the Union Pacific Railroad, and now

its president. I want to read you an authority from him delivered twenty years ago with reference to the conduct of these railroad companies. I read from the North American Review, volume 112, 1871, at page 40:

The power of these corporations in the hands of corrupt men as a disturbing and degrading influence in our politics and the crying abuses so notorious in the internal administration of corporate affairs have of late occasioned no inconsiderable degree of public solicitude.

And they are to-day creating no little degree of public solicitude.

Examples of both descriptions of evil referred to are always at hand, and the year just past has been peculiarly prolific of them. Certain instances, however—

Now, I want to invite the attention of the House and the country to what follows, as to how all this country, and especially the ordinary modern statesman, think in reference to the trespasses and sins of these high-handed, law-breaking highwaymen—

pall by force of repetition; certain men succeed in acquiring a pre-eminence in infamy which actually destroys their value for purposes of illustration. The world grows weary of hearing them.

Just as many and many a fellow-member around me has grown weary of hearing these things, and when a man arises and addresses himself to the House on the control of the American public highways, the greatest question that there is in this country, he finds the members here on this floor all around him ready to turn away and sneer that he is treading on forbidden ground, and to use a pugilistic phrase, striking a "blow below the belt."

The frauds and outrages in the Erie management, for instance, have perhaps been dwelt upon *ad nauseam*. Not that justice has been, or, outside of a prison door, well can be done to their perpetrators, but nothing implicating them can longer excite surprise.

That is the point I wish to call the attention of the country to especially. They have gone on from crime to crime until they can no longer excite surprise.

From the leading criminals themselves to the counsel who revel in their dirty work, these men have now wrought all the discredit they can on everything with which they lived in contact from American credit down to the New York bar. It is therefore hardly worth while to go on with the contribution of another year of their long bead-roll of offenses.

That is as it stood, Mr. Speaker and members of this House, in 1871, according to the very highest authority. Now, I want to turn from this authority at that time to the same authority again after many years and abundant experience, and after we have had two years of this Interstate Commerce Commission and the law that is said to be so efficient. But I want to say here that the trouble is not now with the law to such an extent as it is with the administration of the law. Let us refer now again to this distinguished authority upon railway management, when, on the 15th day of December last, at the Commercial Club of Boston, he again spoke with reference to this matter, and, after a few preliminaries, said:

That the general railroad situation of this country is at present unsatisfactory is apparent. Stockholders are complaining, directors are bewildered, bankers are frightened; yet that the interstate-commerce act is in the main responsible for all these acts remains to be proved. In my opinion the difficulty is far more deep-seated and radical.

Now listen to what he says the difficulty is:

In plain words, it does not lie in any act of legislation, State or national, but it does lie in the covetousness, in the want of good faith, and the low moral tone of those in whose hands the management of the railroad system now is; in a word, in the absence—

It will be seen that I have used the identical expression that he uses here—

in the absence among them of any high standard of commercial honor. These are strong words, and yet as the result of a personal experience stretching over nearly twenty years, I make bold to say that they are not so strong as the occasion would justify.

This is no crank who is speaking, gentlemen; this is no member of this House who has broken in here by virtue of the votes of anarchists or communists. This testimony comes from Charles Francis Adams, of illustrious ancestry, from Boston and the Common—one who has heard the old town-clock strike.

He proceeds:

The railroad system of this country, especially of the region west of Chicago, is to-day managed on principles which, unless a change of heart occurs, and that soon, must inevitably lead to financial disaster of a most serious kind. There is among the lines composing that system an utter disregard of the fundamental ideas of truth, fair play, and fair dealing which lie at the foundation not only of Christian faith but of civilization itself. With them there is but one rule, that many years ago put by Wadsworth into the mouth of Rob Roy:

> The simple rule, the good old plan,
> That he shall take who has the power,
> And he shall keep who can.

Mr. Speaker, literally, highwaymen are to-day managing the highways of this country, and they are absolutely, recklessly, wantonly, in defiance of law, even of the organic laws of their existence as well as those enacted for their control, dominating in every industry in this country.

On a railroad plant of about 140,000 miles, that could be replaced to-day for about three billions of money, they have a stock and debt account, which is the basis for their charges for carrying the commerce of the country, of about nine billions of money, thus, upon a false and fraudulent basis, extorting from the commerce of this country more than seven hundred millions of money every year in excess of a just compensation for the service rendered. Last year they took as gross receipts nine hundred millions of money from the commerce of this country for carrying it, and they did that on a cost of plant not to exceed three billions; and, notwithstanding the law against rebates and notwithstanding this august tribunal, the five Interstate Commerce Commissioners, they gave back to their favorites, according to an eminent authority, more than one hundred millions of money in the way of rebate, thus making their gross receipts—for this was in addition to what I have already stated—one thousand millions of money, at least seven hundred million or seven-tenths of which was absolute, unqualified extortion and robbery.

And yet, Mr. Speaker, to allude to this great wrong is very offensive to a class of statesmen who think they have a monopoly of handling all legitimate and proper political questions. But this class of statesmen will learn sooner or later that this agitation will not down at their bidding, but will proceed till the water is distilled from fraudulent stocks and bonds and an honest basis for transportation charges reached.

Now, Mr. Speaker, this brings me to a consideration of what is needed to meet the "difficulty" that Mr. Charles Francis Adams tersely puts before the country. I want to read from this same great railroad authority what the railroads themselves think ought to be done. The whole theory of these railroad people, these highwaymen, is that they are not subject to the law, neither indeed can they be; that they are a law unto themselves; that they are *sui generis;* and that they must, without reference to State or national legislation, work out their own destiny in the fullness of time. Here is the authority for that statement. Mr. Charles Francis Adams in this same address says:

The railroad system must heal itself. No act of Congress or repeal of any act of Congress will greatly help it.

And then turning from that assertion he points a way out of this difficulty that he speaks of that is attributable to the entire absence of common honesty among the roads.

If the anti-pooling provisions of the act may not be wholly repealed let them at least be so modified that contracts made among individuals, subject to the approval of the Interstate Commerce Commission for the division of competitive traffic at reasonable rates may be made binding in law.

Now, in pursuance of the proposition that they are not subject to the law and can not be made subject to it—in pursuance of this other statement as to the remedy to be applied—there met in New York on the 7th of January last at Pierrepont Morgan's, the railroad presidents of the trunk lines in the West. At that meeting, which was attended by bankers and leading capitalists of this country and Europe, they sought some way out of the difficulty that Charles Francis Adams talked about. And what was that way out?

It was the way that he suggested in the matter of the amendment of the interstate-commerce law, except that, in harmony with the lawless audacity which has ever characterized the system, they did not see fit to undertake to come to Congress to get their amendment to the interstate-commerce law, but they resolved themselves into an interstate-commerce association and enacted a statute themselves, taking the precaution before they did so to send for the majority of this eminent Interstate Commerce Commission to examine it; and they did, according to the statement of Mr. Charles Francis Adams, examine it and approve it.

In my humble judgment, and in the judgment of many good lawyers of this country, that combination or agreement is *ultra vires*—beyond the scope of the power of these corporations—and is a direct and flagrant violation of the spirit if not the letter of the interstate-commerce act; and in my judgment that meeting at Pierrepont Morgan's, as also the one that followed it in Chicago, is an indictable conspiracy; and the agreement which they call the "gentlemen's agreement" is an agreement to violate not only the interstate-commerce law but the common law of the country. And when, having made charges to this effect, I asked the action of the House on a resolution to make inquiry as to those charges, that resolution went out of this Congress on the call of "no quorum" by an eminent gentleman of Wall street.

Yet we find this same commission rushing into this House to-day uninvited to give their counsel and advice as to what we ought to do, although at their instance and in their interest, it is fair to presume, a call upon them with reference to whether they had approved this agreement entered into at Pierrepont Morgan's, or at any subsequent time, and as to the purport and meaning of it from a legal standpoint, was refused any answer.

I will send to the desk and have read a press report found in the New York Daily Tribune of January 11 of that meeting in New York.

The Clerk read as follows:

FEATURES OF THE PLAN OF ORGANIZATION.

The report included a plan of organization which had been approved by the Interstate Commissioners. It provides for an association of presidents of railroad companies for the double purpose of enforcing the interstate-commerce act and of securing complete reports of all the competitive traffic subject to that law. The association is to have a board of managers consisting of one accredited representative from each company. This board will meet monthly and whenever required by a written call signed by the chairman or three members. It will appoint rate committees for the freight and passenger departments, whose duty will be to consider proposed changes in rates on traffic.

Whenever there is any difference in either committee the question will be left to arbitration. Division of through rates on traffic is to be arranged through

the association, and bidding for business by means of private concessions stopped. The board of managers will establish rules to limit needless and reckless outlay in striving to obtain business either through separate agencies or the payment of commissions.

To insure the carrying out of established rates an auditor will have authority to examine and check station accounts, receiving and forwarding books and all books, accounts, and vouchers kept in the auditor's office of each company. No vouchers which might tend to reduce established rates or influence the direction of traffic will be allowed.

The auditors of the several companies can not pass way bills, expense bills, or other vouchers which might permit diversions from the authorized tariff, and the agents at all stations must report to the auditor of the association. The correctness of reports must be certified and in case of charges of inaccuracy the officer believed to be familiar with the transactions may be examined under oath.

One officer of each company will be held responsible for the strict maintenance of rates and rules established by the association. The penalty for any violation of the interstate-commerce act or of the rates and rules of the association will be a fine of not less than $250 for each offense and the report of the findings to the interstate commissioners. Employés found to be guilty will be discharged.

The executive board, which will determine all questions that can not be settled by the managers, will consist of three experienced men. They must be elected unanimously, but either may be removed by a two-thirds vote. One will be chairman and the two others will be vice-chairmen, one of the freight and the other of the passenger department. The president will hold stated meetings on the second Tuesdays of January, April, July, and October of each year, and special meetings may be called at the request of two presidents or of the executive board.

APPROVAL OF THE COMMISSIONERS.

The official report of the conference, published by Drexel, Morgan & Co., states that in presenting these papers Mr. Adams, on behalf of the committee, made the following verbal report of what took place at their interview with Messrs. Cooley, Walker, and Morrison, of the Interstate Commerce Commission:

"The report and plan of organization as now to be submitted was read and discussed with the commissioners in detail. The commissioners were invited to criticise it. They expressed a decided opinion that the plan was a vast improvement on anything yet proposed which had come to their knowledge, and they further suggested a few alterations in it relating to matters of form and expression, and in no case affecting substance. All of these changes your committee at once adopted.

"The commissioners were further invited by us to take part in the meeting of to-day, but asked to be excused from so doing on the ground that they had appointments to-day in Washington, and the agreement as corrected expressed all they had said to your committee."

The report of the committee was unanimously accepted, and the committee discharged by the representatives of the Western railroads.

Mr. ANDERSON, of Iowa. Following that, Mr. Speaker, I wish to insert as a portion of my remarks, a press report of the subsequent meeting of the railroad presidents held at Chicago on January 30, this report being found in the New York Daily Tribune of Thursday, January 31:

In the amended document, which is now given to the public, the original agreement of the presidents, known as the agreement of January 1, is taken from the body of the contract and placed at the head, as a prelude or introduction. This is followed by the articles of agreement, the first of which defines the objects of the association and the second the construction of the board of managers.

Article 3 is amended to read as follows: "A rate committee appointed by the board of managers for the freight and passenger departments shall be constituted, whose province it shall be to establish rates, rules, and regulations on the traffic subject to this association, and to consider changes therein, and make rules for meeting competition with outside lines. Their conclusion, when unanimous, shall be made effective when they so order; but if they differ, the question at issue shall be referred to the board of managers; and if they disagree, it shall be arbitrated by the executive board as hereinafter provided. Notwithstanding the decision of the arbitrators, the company claiming the right to make any particular rate may, after such decision, make such rate on ten days' notice."

Article 4, relating to diversions of through rates, is also amended. It provides that the divisions of through rates shall be arranged through the association, the intention being that the bidding for business by means of private concessions shall cease, and that the divisions on corresponding traffic shall be open to and alike by all lines; "provided, however, that when one road has a proprietary interest in another, the divisions between such roads shall be what they may elect, and shall not be the property of the association; provided, further, that as regards traffic contracts at this date actually existing between lines not having common proprietary interests, the same shall be reported, so far as the divisions are concerned, to the association, to the end that the divisions with competing lines may, if thought advisable by them, be made on equally favorable terms."

The penalty clause is so changed as to provide that $100 instead of $250 shall be the minimum fine for each violation of the agreement, but in addition it provides that the company so convicted shall forfeit the revenue secured by such violation. In cases of violations in which proceedings have been taken under the rules of auxiliary associations, and penalties collected, proceedings may be had under this article in order finally to determine responsibility, but penalties previously collected shall not be assessed a second time.

Article 12 is amended by striking out the clause providing that an employé after once being discharged for intentional violation of the rules of the agreement shall not be re-employed by any road in the association.

Article 13 defines territory to be covered by the association as follows: "The business to be covered by this agreement shall be all the State and interstate traffic, both freight and passenger, which is competitive between the parties hereto, or any two or more of them, which business has origin or destination in the States of Illinois, Iowa, Missouri, Kansas, Nebraska, Colorado, Wisconsin, and Minnesota, and the Territories of Utah, Wyoming, Dakota, New Mexico, Montana, and the Indian Territory; except Pacific coast business now covered under the present agreement of the Trans-continental Association lines; Texas business, now covered under the present agreement of the International Association lines, and business between points north of the Ohio River and points south of the Ohio River, both of which are east of the Mississippi River. By unanimous action of the managers of the interested lines, any traffic may be included in this agreement or exempted from it."

The amendment to the arbitration article provides that questions on which the board of managers fail to agree shall be referred to the executive board, composed of the chairman and two others chosen from the chairmen of auxiliary associations. The duration of the agreement is to be absolutely ninety days from January 1, 1889, subject to thirty days' notice thereafter of the desire of any party to withdraw from or amend the same, and in case any such notice shall be given the chairman of the executive board shall forthwith call the presidents together to consider the matter. A special article provides that the Wabash becomes a party to this agreement only for that portion of its road from Chicago to East St. Louis and Hannibal, via Tolona, Ill.

My judgment is that these gentlemen in dabbling in that matter were as quick to put themselves on untenable ground as they have been prompt to come and instruct this House as to what its duty ought to be, and to amend this interstate-commerce law so as to make it a dead letter on the statute-book. I, for one, am not anxious to add anything further therefore to this law until some means is perfected somewhere by which it can be enforced. There are no legal tribunals which can enforce it as it now stands, and it really matters not whether we have a law or not so far as any good is accomplished.

I undertake to say these railroad corporations are an empire too strong for any one tribunal in this country to cope with. What do we see? After these railroad presidents have made an agreement and a combine and met together, and created a general agency to take charge of all the roads of the country, they created an office and attached a salary to it of $25,000, and they invade this honest tribunal as they have invaded others with this glittering bauble, and it will perhaps prove irresistible.

That has been the rule of these railroad corporations throughout the country, and they have lured eminent jurists from the bench because they were able to offer them larger salaries than the Government could afford to pay. God knows these railroad men with more than thirteen hundred thousand employés, and with stocks and bonds running up to nearly ten billions, these railroad corporations with their influences ramifying in every direction throughout the country, are in the matter of patronage and power more than a match for the Government or for the people.

For these reasons, Mr. Speaker, that there is no tribunal to enforce the law as it now stands upon the statute-book or to regulate the law as it is now written, I am opposed to adding another single line to it. I believe it would be a farce to attempt to do so. I do not believe in putting any more chimneys to that structure until you support it with a better foundation. That is the reason, so far as I am concerned, that I take my stand upon this position, that to strengthen this structure would be to strengthen a house of refuge for the most eminent scoundrels in the country. The railroad commission was created as a dumping-ground of Congressional responsibility, and it has more than met in its short career the expectation of the men who created it.

There are some other things I wish to say, briefly, in conclusion. If there is anything good about it it is not found in the amendment, which makes the shipper *particeps criminis* with the common carrier. A common carrier should in the first instance and solely be held responsible. In order to avoid that is one of the chief reasons, in my judgment, the Interstate Commerce Commission was pushing this amendment, unasked and uninvited, on this floor. They want to involve the shipper. They tell us of some wicked shippers who ship 5,000 pounds and bill it at 3,000. This is in keeping with the charge of the railroad presidents that their clerks and subordinates are the law-breakers, and that they are honest men and not responsible. The absurdity of such a position need not be commented on.

There may be some virtue in requiring them to post their schedule. There may be some virtue in the amendment of my friend from Kansas [Mr. ANDERSON] permitting suits to be prosecuted in the State courts. Understand me, Mr. Speaker, I do not inveigh against this commission personally. I am not acquainted with its members. I believe it is as good as any commission could be in times of such extraordinary temptation. In my judgment it is in violation of the prayer of our Saviour, "Lead us not into temptation, but deliver us from evil."

They have put into the hands of every minister in the country with intent to bribe a special-rate or free ticket, which places them under obligations in a sense to these great corporations and makes them unwittingly deaf to their sins and trespasses. Why, if the interstate-commerce law which provides that nothing therein contained shall be construed to prevent the railroad companies from giving special rights to ministers of the gospel, if it has said that nothing herein contained shall be construed to prevent railroad managers from bribing ministers of the gospel in this country, it would not have changed its meaning in any particular. In fact, such wording would be an improvement in the interest of good morals, as then the beneficiary would see the object of the favor.

Mr. Speaker, until this tremendous power of discrimination which enables railroad companies to absolutely predominate every industry in this country can be taken out of the hands of the highwaymen who control it the country is absolutely in their power. And on the question of the power of Congress to confer jurisdiction under this act on State courts, I wish to submit and have printed as part of my remarks what I said in this House on another occasion:

Mr. Speaker, it is only a few years ago that there was a contention on the part of the railroad interests of the country that they were not subject to legislative control, and those cases, known as the "Granger cases," which came from Iowa and Illinois, proceeded upon the theory that there was no power in the State to regulate them. That question was settled definitely, and settled definitely against the railroad companies' contention. These companies went on in the exercise of the tremendous power they have of discriminating, which enables them to make of the commerce of the country a football, until it was manifest that the power which the Supreme Court said existed must be exercised in the control of these corporations and in the interest of the people at large. In view

of that public demand the act to regulate interstate commerce was enacted and approved on the 4th day of February, 1887.

Yet, notwithstanding the enactment of that law, we find that there is a great deal of difficulty yet throughout the entire country arising out of the matter of the unjust discrimination that these railway companies make in the transportation of persons and property. We are told by the very highest authority in railway circles that the "difficulty" is not so much in the law as it is in the refusal on the part of the railway companies to obey and observe the law.

The Interstate Commerce Commission concede gross violation of the interstate-commerce act, and the railway managers themselves confess that the law is practically a dead letter and assume that the authorities are powerless to enforce it unless they, the law-breakers, will condescend to take the matter of its enforcement into their own hands.

This is insolence without parallel in a country of law and order, and is born of the fact that there is no tribunal provided for the enforcement of this act that is within the reach of the common people whose rights are invaded, and who would seek redress of their grievances and the enforcement of the law in good earnest had they opportunity to do so.

So this brings me to the conclusion that the difficulty which to-day confronts this country with reference to the control and management of these railway companies is an executive one rather than a legislative one. And for that reason, that the fault is not so much one of the law as of the executive in fulfillment of the law, I am emphatically in favor of the adoption of this amendment that sends these corporations, like all other commercial corporations and all other industries and all other citizens of this country, to the common courts of the country. The same parties who said some years ago that railroad companies were not subject to legislative control are here seeking virtually the same end by a contention that it is unconstitutional to give the State courts jurisdiction.

It has been stoutly affirmed on this floor and elsewhere that there was no power under the Constitution to confer jurisdiction on the State courts. But when routed by overwhelming authority from the constitutional position they take refuge behind one of policy. This position will be found as untenable as the others which they have been compelled to abandon; and the suggestion by my learned friend from Massachusetts that State court jurisdiction will lead to difficulties because of the great difference and diversity of the railroad interests is but another means of compassing the original purpose of defeating all real efforts in the direction of practical railway control.

Now, I want to say in this connection, Mr. Speaker, that the diversity here alluded to is, in my judgment, just that kind of diversity which is indispensable in the administration of public justice throughout the country, and is as applicable and as necessary to legislation growing out of the business of railway companies as to any other line of business out of which litigation arises.

When we were contending for the adoption of this proviso for a uniform classification throughout the country we were confronted with an objection that seemed somewhat plausible, that there was such diversity in climate and in product, such varying conditions in the different sections of the country, that the railroad companies could not afford at the present time to make a uniform classification that would be uniform coextensive with the system.

Now, their argument, whatever it is worth, against the uniform classification of property intended to prevent discrimination is a strong argument in favor of this diversity of jurisdiction of the courts that will be adapted to the different and varying conditions through the country. Something has been said with reference to the fact that it has not been the practice of the Congress heretofore to pursue the line of policy indicated in the amendment under consideration.

Mr. Speaker, it has been the uniform policy from the formation of the Government for the Congress of the United States to confer jurisdiction upon State courts and State tribunals in similar cases to the one we are considering, and that it has never been broken nor interrupted nor objection raised until that objection was raised in the interest of the railroad corporations of this country. I desire briefly to allude to some of the cases in which the Congress of the United States has conferred jurisdiction upon State tribunals.

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 prosecution 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 Pahquioque Bank *vs.* The First National Bank of Bethel, Conn., reported at page 383, 14 Wall.

I read from the 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 fiftieth section of the currency act, who immediately entered on the duties of his office.

"The National Pahquioque 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 Pahquioque 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:

"1. 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 impleaded 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."

Mr. Speaker, I might go further and cite still other authorities sustaining Congress in conferring jurisdiction upon the local courts of the States that are within the reach of the people, but it is idle to do so, as no honest lawyer questions seriously this power. As I said before, in my humble judgment the difficulty is not so much in what the law is, or that it requires amendment, as that there should be some tribunal provided, somewhere within the reach of the common, plain people, where they can enforce and defend their rights.

A good deal has been said about providing them with means to prosecute their suits in United States courts that are *beyond their reach*. It seems to me that that is altogether too kind. With reference to these questions give the people the same right to go into their home domestic courts that they now exercise under the interstate-commerce act, under the postal laws, and the national-bank act, and, in my opinion, we will find that we have entered upon a solution of this whole difficulty, and that it will be soon settled, as other questions like it have been settled in the same way heretofore.

This idea that the railroad system of this country is an institution that is not subject to the law, that it is *sui generis*, that it is a law unto itself, seems to me to be a most erroneous idea and one that is dangerous to the rights of the people. It is within the knowledge of almost every member of this House that, as a rule, the United States courts are beyond the reach of the ordinary litigant, and that to compel him under this act to go to those courts or to the United States commission is well nigh to deprive him of his constitutional right to have his day in court. Then, Mr. Speaker, as there is no constitutional objection to this amendment, and as there is no sound reason in policy why this amendment should not prevail, I hope the House will sustain the committee in its action and will not recede.

Why, a gang of defaulters to the extent of $200,000,000 of liabilities to the Government, eminently respectable (?), can in defiance of the true intent and spirit of our laws dictate the nominees of a convention, and then with their ill-gotten gains furnish the money to carry the candidate triumphantly through the election. And in support of this allegation I want to submit proof from high authority, as such allegations ought not to be made if they can not be supported with competent and reliable evidence. Hear what the Chicago Tribune said on the 26th of June, 1888, when the Chicago convention was in session:

The Tribune ceased to feel confidence in Gresham's nomination as soon, as it discovered the power of a few great or crooked corporations in the convention. From the moment that railroad attorneys and lobbyists from California Nebraska, Iowa, Wisconsin, and New York took their places in the convention and made their first display of strength in electing Thurston, the Union Pacific lobbyist, to the temporary chairmanship, Gresham's chances became clouded.

When availability was thrown overboard and the agents of Gouldism infused into the delegates the foolish notion that the ultra high-tariff plank would elect anybody, no matter how unpopular, and pointed to Oregon in support of the stupid assertion, the Tribune saw who was pulling the wires. Yet while the crooked railroad attorneys talked about the tariff plank electing any one, even a wooden Indian, their acts belied their words. Some days ago the Tribune said that the real problem with the representatives of Gouldism in the convention was "how to defeat Gresham and yet secure a candidate who could be elected." So it proved. They sought to perform the work of their employer in accomplishing the political assassination of Gresham and yet wanted to secure themselves against the charge of betraying the Republican party to a crushing defeat.

Some of the most powerful forces in the convention might be enumerated thus:

First. Jay Gould and the Wabash wrecking crew, thirsting for revenge against Gresham for removing from control of the "system" Gould's right-hand man, formerly of Iowa, who was on the ground early and was deep in the secrets of every anti-Gresham caucus. Little seen by the public, no man exercised a more potent influence on the result than Gould's most efficient and capable lieutenant. Gouldism as arrayed against Gresham represented $200,000,000 of capital.

Second. The Central Pacific Stanford-Crocker-Huntington ring, with its able, plausible attorney, Creed Haymond, at the end of the California delegation. This firm has in its possession $150,000,000 of railroad plunder which a President of the Gresham stamp might compel it to disgorge. Naturally it fought hard to prevent the nomination of any such man.

Third. The Union Pacific Crédit Mobilier crowd, represented by Lawyer Thurston, who is shrewd, brainy, and nervy, and a packed delegation grossly misrepresenting the granger State of Nebraska. This ring has $150,000,000 worth of railroad Crédit Mobilier and other boodle to protect. It is deeply in debt to the Government, draws dividends on debts which it never intends to pay during the lifetime of any human being now in existence. It wants Mr. David Littler's free-and-easy eighty-year bill passed, which it knows Cleveland favors, and it feared that Gresham never would, as he is not that sort of a man. Hence it fought him to the death, using the power of the granger State of Nebraska, nine-tenths of whose population indorse him, to defeat Gresham. It now laughs like Mephistopheles over the success of its schemes.

Fourth. Chauncey M. Depew, the railroad attorney and official head of the great Vanderbilt railroad syndicate, with its $300,000,000 of capital and its doctrine of "the public be d——d." With Depew as helpers were Tom Platt and Wood-Pulp Miller.

Fifth. The great Wisconsin railroads were represented by Senator JOHN C. SPOONER, the well-trained railroad attorney, who manipulated the Wisconsin delegation and put the votes where they would "do the most good." And the popular sentiment of the State for Gresham was ignored and disregarded with the utmost *sang froid*.

These were the leading representatives of corporate railroad monopoly, but with two or three exceptions there was hardly a delegation without a sprinkling of railroad attorneys and lobbyists. The land-grant rings were also represented. They argued that a President like Gresham would have discharged Lamar and retained Sparks, and thus cause them to lose millions of acres of public land which they had grabbed in violation of law. Like all the Gouldites who swarmed in from the East and West, they wanted no "d——d nasty particular honest" candidate, as they called Gresham—no man born in a log cabin and afflicted with homespun, granger notions about honesty and integrity. What great schemes of pelf and plunder might not such a man upset if intrusted with the mighty powers of the Presidency! The Wabash decision showed Gresham's spirit, and it was time an example was made of him for the effect it would have on other judges and public men.

And so dead is the spirit of the country on this great question, notwithstanding the conduct and the influence of these railroad magnates, that it is not only willing to let this state of things go on, but we are told, through the press and otherwise, that men implicated in these defalcations are discussed seriously as Cabinet possibilities. Why, Mr. Speaker, if there was the proper feeling in respect to the outrages and wrongs perpetrated upon the people of this country at the hands of these highwaymen, the man who has been implicated in such crimes, and stands as a Government defaulter, or the representative of lawbreakers and extortioners, would no more be considered as competent to hold an exalted position in this country than any other man of any other criminal class.

For these reasons briefly stated, sir, I am opposed to the acceptance of this report and invite the House to vote against it, but I presume it has become so usual to yield to the dictates of that august body at the other end of the Capitol that it will be an appeal made in vain.

The commission, sir, as constituted are utterly helpless in the presence of the condition of affairs that confronts them. I care not how honest they may be. I care not how efficient they may be in the discharge of their duties, it is a burden imposed upon them which they can not discharge, and they are as helpless in its presence, no matter what their integrity, as a Chinese joss.

Mr. CRISP. I would ask how much time the gentleman has consumed?

The SPEAKER *pro tempore*. The gentleman from Iowa has consumed thirty-eight minutes.

Mr. CRISP. I understand the gentleman from Ohio [Mr. GROSVENOR] desires to be heard for fifteen or twenty minutes. I ask unanimous consent that he be recognized for twenty minutes, and that I then have the remainder of my hour, which I shall not probably use.

There was no objection.

ORDER OF BUSINESS.

Mr. MCMILLIN. I ask unanimous consent, Mr. Speaker, that gentlemen having reports to make from committees, as well as members desiring to submit minority views, may be permitted to file them during this calendar day.

There was no objection, and it was so ordered.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

REARRANGEMENT OF GRADES, ARMY SUBSISTENCE DEPARTMENT.

Mr. STEELE, from the Committee on Military Affairs, reported back adversely the bill (S. 1248) to effect a rearrangement of the grades of office in the Subsistence Department of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PURCHASE OF WILLIAM VANS MURRAY'S MANUSCRIPTS.

Mr. DAVIDSON, of Florida, from the Committee on the Library, reported back favorably the bill (S. 1929) to authorize the purchase of five manuscript volumes, being letter-books of William Vans Murray, formerly minister at The Hague and at Paris; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ABSENTEE SHAWNEE INDIAN LANDS IN KANSAS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SURVEY OF THE OHIO RIVER.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported back favorably joint resolution (H. Res. 267) providing for a survey of the Ohio River, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADMISSION OF UTAH.

Mr. SPRINGER, from the Committee on the Territories, submitted a report to accompany the bill (H. R. 4428) for the admission of the State of Utah into the Union on an equal footing with the original States; which was referred to the House Calendar, and ordered to be printed.

Mr. STRUBLE, from the same committee, submitted the views of the minority on the same bill; which were ordered to be printed with the report of the committee.

JOHN R. BROWN.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2724) for the relief of John R. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF MERCHANT MARINE OF UNITED STATES.

Mr. MCMILLIN, from the Committee on the Merchant Marine and Fisheries, reported back adversely the bill (H. R. 4996) for the relief of the merchant marine of the United States engaged in the foreign trade; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGES FROM THE PRESIDENT.

Several messages from the President, by Mr. PRUDEN, one of his secretaries, were received.

He also announced approval of House bills of the following titles, namely:

An act (H. R. 6886) granting a pension to Hannah McKee;

An act (H. R. 8801) granting a pension to William Logan;

An act (H. R. 9179) granting a pension to W. B. Green; and

An act (H. R. 11300) granting a pension to George H. Burgess.

NOTE.—These bills were presented to the President on February 16, 1889, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his signature.

The following House bills and joint resolutions were approved by the President March 1, 1889:

An act (H. R. 11338) to authorize the construction of a bridge across the Coosa River, at Gadsden, in the State of Alabama;

An act (H. R. 6346) to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely thereto, and for other purposes;

An act (H. R. 8557) for the relief of Dr. David Bell;

An act (H. R. 325) for the relief of Mrs. Mary T. Duncan;

An act (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States;

An act (H. R. 11643) providing for the establishment of a life-saving station at the mouth of the Coquille River, Oregon;

An act (H. R. 4961) to provide for the organization of the militia of the District of Columbia;

An act (H. R. 5336) for the relief of George B. Hansell;

An act (H. R. 1874) to establish a United States court in the Indian Territory, and for other purposes;

An act (H. R. 341) for the relief of John Farley;

An act (H. R. 2688) for the relief of Alfred Breuer;

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

An act (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;

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

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

An act (H. R. 7864) to reappropriate to pay for alley condemned in square 493;

An act (H. R. 1082) 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.;"

An act (H. R. 766) for the relief of H. L. Neuman;

An act (H. R. 4489) for the relief J. M. Hogan;

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana;

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor; and

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

INTERSTATE COMMERCE.

Mr. GROSVENOR withholds his remarks for revision. [See Appendix.]

Mr. CRISP. Mr. Speaker, I will detain the House only a moment or two—not so much in reply to what has been said by the gentleman

from Ohio [Mr. GROSVENOR] as to put on record certain facts that ought to go along with the statements made by that gentleman as to the purpose of those persons who originally secured the passage of the interstate-commerce law.

Mr. Speaker, in the House of Representatives for many years there was agitation of the question of the regulation of interstate commerce. There were perhaps as many as three or four bills passed by the House on this subject. There was no commission feature in any bill that passed the House of Representatives, so far as I now recollect. In the Forty-ninth Congress the House passed a bill without the commission feature. The bill went to the Senate; it was there amended by inserting that feature.

This bill went into conference; it was in conference for weeks and weeks. The public fear was that nothing would come of it, because the two Houses seemed to be so far apart. But the conferees on the part of the House—I can speak for them because I was one of them—concluded that, in order to make some response to the popular demand for a law regulating interstate commerce, they would make every concession that they could make so that there might be a start, at least, in this direction. We surrendered our objections to the commission feature, and it went into the bill. It was put there, however, I want to say, at the instance of a Republican Senate, not a Democratic House; so that if there is any responsibility on anybody for the evil suggested by the gentleman from Ohio, it is on this side of the House where I now stand [the Republican side], and not on the side where I belong.

Now, Mr. Speaker, I make no issue with the gentleman from Ohio as to the merits of the amendment that he advocates. I believe in my heart that it is a good amendment and ought to be put on the bill. I have insisted that it was a good amendment. I came into this House, after disagreeing with the Senate conferees, and asked the House to insist that it was a good amendment; and the House again committed itself thoroughly in favor of that amendment. What I have said as to that I say also as to the amendment of my friend from Iowa [Mr. ANDERSON]—the amendment proposing to allow persons injured to go into the courts of their own State; courts in their own vicinity—to have a hearing of the cause presented by them.

We have insisted on these two amendments; but the question now presents itself in this way: If we insist further upon those amendments there will be no legislation on this subject at this session of Congress. The House must determine for itself whether it will stand by those amendments to the exclusion of any other, or whether it will accept such others as may afford some substantial relief, and remit to the future the question of the contest between the two Houses over these amendments.

The Interstate Commerce Commissioners, for whom I have the highest respect, say to this House that unless we do pass these Senate amendments they will be unable to enforce the law as to joint tariff rates. The House understands that the original law provides for the publication of single tariffs to the extent of the line of the railroad. It forbids the raising such rates without ten days' notice, and requires publication of such rates, and other things of that sort. But there was an omission to provide for the publication of joint tariffs and an omission to forbid the raising of joint tariff rates without giving ten days' notice.

The commissioners say that to allow the law to stand as it now is practically takes many questions on joint rates out of their jurisdiction; and these are the rates that are most complained of. By these rates the great wheat, corn, cotton, and meat crops of the country are transported. The commissioners ask that this bill be passed so that they may be permitted to enforce reasonable rates as to joint tariffs, so that they may be able to enforce publicity of joint tariffs, so that the carrier shall not raise the joint rates without giving ten days' notice and shall not lower the joint rates without giving three days' notice. The commissioners say substantially that unless you do this they can not enforce equity and justice.

Gentlemen say that because the amendments which they desire are not adopted we ought not to accept the others. So far as I am concerned, Mr. Speaker, in view of the statements of the commissioners, for whom, as I have said, I have the highest respect, I was unwilling to take the responsibility of standing out and again reporting a disagreement to the House on these amendments. I want to divide with you my responsibility. I want you to understand the situation exactly as it is. Without any regard to the merits or demerits of the amendments upon which the House has insisted, the question now is, will you take that which the commission says is so necessary to enable them to enforce equity and justice under the law, or will you take nothing? I demand the previous question.

Mr. ANDERSON, of Iowa. Before the gentleman takes his seat I would like to ask him whether another disagreement on the part of this House, even though we have reached so late a stage in the session, might not work out the purpose for which this House has contended since the Forty-fifth Congress?

Mr. CRISP. I am afraid it is too late.

Mr. ANDERSON, of Iowa. I trust not.

Mr. CRISP. We will renew this struggle at some future period.

Mr. BUTTERWORTH. I understand my friend to say that the agreement now reached by the conference does not accomplish all that he desires.

Mr. CRISP. No, sir; but "half a loaf is better than no bread." I call for the previous question.

The previous question was ordered, which was upon agreeing to the report of the committee of conference.

Mr. ANDERSON, of Iowa. I demand the yeas and nays.

The yeas and nays were not ordered; only 9 voting in favor thereof.

The conference report was adopted.

Mr. CRISP 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.

FORFEITURE OF LAND GRANT.

Mr. HOLMAN. I rise to call up a conference report on Senate bill 1430 to declare forfeited certain lands; but if it is deemed desirable that appropriation bills shall be disposed of I will yield for that purpose.

The SPEAKER. The conference report will be considered as offered, and the gentleman from Indiana will indicate to whom he yields.

Mr. HOLMAN. I yield to the gentleman from Arkansas [Mr. DUNN], who has a conference report to submit, as I understand it.

ALASKA SALMON FISHERIES.

Mr. DUNN. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill to provide for the protection of the salmon fisheries of Alaska, having met, after full and free conference have agreed to recommend to their respective Houses and do recommend:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment to read as follows:

"SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominions of the United States in the waters of Behring Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

And the House agree to the same.

POINDEXTER DUNN,
BENTON McMILLIN,
CHARLES N. FELTON,
Managers on the part of the House.

JOHN SHERMAN.
J. T. MORGAN,
GEORGE F. EDMUNDS,
Managers on the part of the Senate.

The following is the statement accompanying the report under the rule:

STATEMENT.

The effect of the amendment is to leave out of the House amendment the words that are descriptive of the boundaries of the waters of Alaska.

POINDEXTER DUNN,
BENTON McMILLIN,
C. N. FELTON,
Managers on the part of the House.

The conference report was adopted.

Mr. DUNN 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.

ENROLLED BILLS SIGNED.

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. 2737) granting a pension to Anna Krumpholz;

A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 12607) granting a pension to Ira Wells; and

A bill (H. R. 12608) to pension William J. Martin.

Mr. FISHER, from the same committee, 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. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 8429) granting a pension to W. W. Wilson;

A bill (H. R. 6763) granting a pension to John Mann;

A bill (H. R. 5758) granting a pension to Lovina Wright;

A bill (H. R. 8580) granting a pension to Sarah A. Harrison;

A bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890;

A bill (H. R. 3916) granting a pension to Jacob Wolf;

A bill (H. R. 2862) granting a pension to William Ford;

A bill (H. R. 5398) granting a pension to Catharine Hays; and

A bill (H. R. 4203) granting a pension to the widow of Adam Shrake.

Also, the following Senate bills:

A bill (S. 2549) for the relief of Mary Isabella R. Clements;

A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;

A bill (S. 3918) granting to the Duluth and Winnipeg Railroad Company the right of way through the Leech Lake and White Earth Indian reservations in the State of Minnesota;

A bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company;

A bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

A bill (S. 3713) granting an increase of pension to Maria A. Rousseau;

A bill (S. 1384) granting a pension to Margaret J. Cash;

A bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon;

A bill (S. 2977) granting a pension to Henrietta Brown;

A bill (S. 1719) granting a pension to Levi B. Smith; and

A bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow-Gauge Railroad Company.

Mr. CARLTON, from the same committee, 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. 11707) granting an increase of pension to Gertrude Northrop;

A bill (H. R. 8327) for the relief of Joseph Lawless;

A bill (H. R. 8995) for the relief of Antonia Wiener;

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

A bill (H. R. 9227) for the relief of Mary Newton;

A bill (H. R. 12575) to increase the pension of James M. Barrett;

A bill (H. R. 8100) granting a pension to Anna J. Weaver;

A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico;

A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder;

A bill (H. R. 11663) granting a pension to M. Josie McClain;

A bill (H. R. 11627) granting a pension to Mary Horning;

A bill (H. R. 11184) for the relief of Jessie Isherwood;

A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;

A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;

A bill (H. R. 10644) granting a pension to Elizabeth Peterson;

A bill (H. R. 10167) increasing the pension of Nathaniel Crain;

A bill (H. R. 9159) granting a pension to William A. Taylor;

A bill (H. R. 11884) to grant a pension to William Hawkins;

A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;

A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford;

A bill (H. R. 9113) granting a pension to Frank M. Martin;

A bill (H. R. 12275) to increase the pension of John W. Smith;

A bill (H. R. 12428) for the relief of Martha Rhodes;

A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman;

A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from effects of wounds received therein;

A bill (H. R. 12491) granting a pension to Lucinda Newman;

A bill (H. R. 12482) to increase the pension of Elizabeth Snell;

A bill (H. R. 5390) granting a pension to John Limeric;

A bill (H. R. 2157) granting a pension to Ann E. Mussman;

A bill (H. R. 12540) to increase the pension of Theodore White;

A bill (H. R. 12273) for the relief of Newton C. Ridenour;

A bill (H. R. 12510) granting a pension to George Hunter;

A bill (H. R. 12604) to restore the pension of Ann G. Barker; and

A bill (H. R. 8225) for the relief of William S. Kellington.

Also, the following Senate bill:

A bill (S. 2511) to withdraw certain public lands from private entry, and for other purposes.

Mr. FISHER, 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. 10832) for the establishment of a light-boat with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York; and

A bill (H. R. 382) granting a pension to Catharine G. Bodfish.

Also, the following Senate bills:

A bill (S. 2363) for the relief of John W. Combs;

A bill (S. 3047) granting increase of pension to William Bittinger;

A bill (S. 2677) granting a pension to Jane Reilly;

A bill (S. 2683) granting a pension to Andrew J. Foust;

A bill (S. 3137) granting a pension to Ruth Ames;

A bill (S. 3183) granting a pension to James Parker;

A bill (S. 3429) granting a pension to Maria N. Abbey;

A bill (S. 1144) granting a pension to Frances H. L. Prescott;

A bill (S. 433) granting an increase of pension to General S. W. Price;

A bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railroad Company to build its road across the Fort Hays military reservation; and

A bill (S. 3653) to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Forth Leavenworth Water Company.

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. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails; and

A bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

DISTRICT APPROPRIATION BILL.

Mr. HOLMAN. I now yield to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. I submit the following privileged report.

The Clerk read 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 26, 28, 29, 39, 43, 47, 48, 51, 52, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 42, and 65, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, 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: "Including Fifteenth street between Pennsylvania and New York avenues, $762,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, 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: "Including Fifteenth street between Pennsylvania and New York avenues, $185,165;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,350;" and the Senate agree to the same.

Amendment numbered 22: 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 sum proposed insert "$224,210;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,475;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, 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:

"*Provided*, That these conditions as to price and depth of base shall not apply to the pavement authorized by this act on Fifteenth street between Pennsylvania and New York avenues."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, 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 any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or under-ground cables moved by steam-power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat-grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

"*Provided*, That in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat-grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds; and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations, or either of them, shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

"*Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within

which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

"*Provided further*, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To widen, grade, and regulate Brightwood avenue, $10,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$135,525;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 64: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 64, and agree to the same.

Amendment numbered 100: That the House recede from its amendment to the amendment of the Senate numbered 100, and agree to the same.

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 following is a statement accompanying the report under the rule:

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 submit the following statement in explanation of the effect of the action recommended on said amendments in the accompanying conference report, namely:

On amendments numbered 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, relating to work on sundry streets and avenues in the District: Appropriates for said work $762,000 in all, distributed among the various sections of the city on the basis of the allotments provided in the bill by the House, the whole sum being an increase of $270,000 over the amount proposed by the House. In addition to the foregoing sum, $10,000 is specifically appropriated for paving Twentieth street from R street to S street, and for paving S street from Twentieth street to Connecticut avenue, northwest; and the provisions to grade and regulate Boundary street, C street, northeast, and T street, northwest, are stricken out.

On amendment 30: Provides that the conditions as to price and depth of base prescribed by the bill shall not apply to the pavement of Fifteenth street between Pennsylvania and New York avenues.

On amendment 37: Inserts in the bill a lengthy provision which is set forth fully in the accompanying conference report, empowering street railroads propelled by horses in the city of Washington to adopt electric power or underground cables operated by steam, and also requiring them to lay flat rails level with the surface of the roadways.

On amendments 39, 42, 43, 44, 47, 48, 51, 52, and 54: Increases the amount for constructing county roads from $99,400 to $135,525, specific provision being made for each road intended to be constructed or improved.

On amendment 61: Increases the amount for main and pipe sewers from $75,000 to $90,000.

On amendment 63: Strikes out proposed provision authorizing the commissioners to apply the money appropriated for repair of sewers and replacing of obstructed sewers by contract or otherwise.

On amendment 64: Makes the appropriations contained in the bill for the erection of school buildings and for enlargement of school buildings available at once.

On amendment 65: Appropriates $15,000 and authorizes the President to appoint three sanitary engineers to examine and report upon the system of sewerage existing in the District of Columbia.

On amendment 100: Leaves in the provision, as inserted by the Senate, concerning the placing of electric wires under-ground.

The bill as finally agreed upon appropriates $5,687,406.91, being $744,213.30 more than as it passed the House; $608,733 less than as it passed the Senate, $640,996.59 more than the current law, and $262,128.70 less than the estimates submitted for the fiscal year 1890.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

Mr. CLEMENTS. I ask the previous question on the adoption of the report.

The previous question was ordered, under the operation of which the report was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the report was adopted; 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 duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia; and

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

MANAGER NATIONAL HOMES FOR DISABLED SOLDIERS.

Mr. STEELE. Mr. Speaker, my colleague, Mr. HOLMAN, yields to me to submit a report on the joint resolution (H. Res. 252) appointing a manager for the National Homes for Disabled Soldiers. I am instructed by the Committee on Military Affairs unanimously to report back the joint resolution which I send to the desk, and ask its adoption with the amendment therein specified.

The Clerk read as follows:

Joint resolution (H. Res. 252) appointing James A. Waymire, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, etc., That James A. Waymire, of California, be, and he is hereby, appointed a manager of the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

The committee recommend the following amendment:

Strike out the name of "James A. Waymire" where it occurs in the joint resolution and insert the name of "H. H. Markham."

The amendment was adopted.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I now move that the House take a recess until 8 o'clock this evening, as we have got to be here most of the night.

The question was taken; and on a division there were—ayes 89, noes 10.

Mr. WHEELER. No quorum.

Mr. MILLS. I appeal to my friend from Alabama not to make that point. We will have to be here very late to-night to get through with the business.

Mr. WHEELER. I have been for weeks trying to get a privileged matter before the House, the case of Mrs. Edie, and have always been prevented by something or other.

The SPEAKER. The Chair will state to the gentleman from Alabama that if the House refuses to take the recess there is a conference report submitted by the gentleman from Indiana pending.

Mr. BURROWS. I hope the gentleman from Alabama will withdraw his objection.

Mr. WHEELER. I always like to yield to the wishes of my friends, and will withdraw the point of no quorum.

So, no further count being demanded, the motion of Mr. MILLS was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session.

FORFEITURE OF UNEARNED RAILROAD LAND.

Mr. PAYSON. I demand the regular order.

The SPEAKER. The regular order is the consideration of the report submitted by the gentleman from Indiana.

Mr. STONE, of Missouri. I suppose it is entirely proper to have the report and the accompanying statement read, but I wish to say now that I shall raise the question of consideration against it.

The SPEAKER. The Clerk will read the report.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, 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 all after section 1 in the part proposed to be inserted in its amendment.

That the House recede from its disagreement to all after section 1 in the part proposed to be stricken out by its amendment and agree to the same amended as follows:

"SEC. 2. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed in good faith prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of $2.50 per acre, at any time within two years from the passage of this act, and on making requisite proofs and payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of, and have made improvements upon, any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *And provided further*, That the provisions of this section shall not apply to any lands

situate in the State of Iowa on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement.

"SEC. 3. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act at the rate of $2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the Attorney-General of the United States is hereby directed to cause proper legal proceedings to be instituted and prosecuted to final determination, to determine whether the aforesaid lands are or are not adjacent to constructed road within the meaning of this act, and are or are not hereby restored to the public domain, and such proceedings shall, upon motion of either party, be advanced for hearing in any court in which the same may be pending: *Provided further*, That the rights of way and riparian rights described in the deed executed by the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following-described tracts of land: Section 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east, of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby as to such right of way and riparian rights granted and confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore described strip of land, over and across the above-described sections for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

"SEC. 4. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of a railroad under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns, under the laws of the United States.

"SEC. 5. That in all cases where lands included in a grant of land to the State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to tha Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed. And on condition that the Gulf and Ship Island Railroad Company within sixty days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands as have been sold or entered as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in any wise affect so much and such parts of said grant of lands to the State of Mississippi as lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroad may cross the New Orleans and Northeastern Railroad in said State, until two years after the passage of this act.

"SEC. 6. The price of the even sections of the public lands not reserved within the limits of the portions of the several grants hereby forfeited, and within the limits of all grants or portion of grants heretofore forfeited, and of all lands hereby and heretofore forfeited, is hereby fixed at $1.25 per acre.

"SEC. 7. That section 5 of an act entitled 'An act for a grant of lands to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State,' approved May 12, 1864, and section 7 of an act entitled 'An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes,' approved March 3, 1865, and also section 5 of an act entitled 'An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State,' approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled 'An act to amend an act entitled "An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856,' be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the road mentioned in said act of June 2, 1864, or to the act to which the same is amendatory.

"SEC. 8. That all actual settlers on any of the public lands in the State of Florida affected by the grants, who made actual settlement on any of said lands, after the time limited in the granting act for the construction of the said road, and before May 1, 1888, shall have the right to perfect their entries, respectively, under the homestead and pre-emption laws: *Provided*, That the title to the land described in the act entitled 'An act granting lands to the States of Alabama and Florida to aid in the construction of certain lines of railway in said States,' approved the 17th of May, 1856, which lies adjacent to the part of the lines of railroad built under and in pursuance of the act of the State of Florida entitled 'An act to encourage a liberal system of internal improvements in the State of Florida,' approved January 5, 1855, within the time limited by Congress in the granting act, and which were granted to any of the said companies by the Legislature of the State of Florida in accordance with said act of Congress, and are held by purchase in good faith from said companies, made before the year 1866, are hereby confirmed to such purchasers: *Provided*, That a mortgage or pledge of said lands by any of said companies shall not be considered as a sale for the purpose of this act.

"SEC. 9. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 10. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant; nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 11. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

On so much of the amendment of the House as relates to the first section of the bill the committee are unable to agree.

WM. S. HOLMAN,
L. E. PAYSON,
Managers on the part of the House.

P. B. PLUMB,
J. N. DOLPH,
E. C. WALTHALL,
Managers on the part of the Senate.

Mr. STONE, of Missouri. I raise the question of consideration.

Mr. HOLMAN. There is a statement presented, signed by two of the conferees, the gentleman from Missouri [Mr. STONE] and myself. Accompanying this is another statement, being a statement of the case as submitted by the other member of the conference, the gentleman from Illinois [Mr. PAYSON]; and inasmuch as the two statements very fully present the result of the questions at issue between the two Houses, I call for the reading of the statements, and ask the careful consideration of the members of the House while they are being read.

The statements were read, as follows:

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill 1430, to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, submit the following statement:

The real point in issue between the two Houses is as to the extent to which the railroad land grants shall be forfeited.

The first section of the Senate bill declares the forfeiture only of lands coterminous with portions of railroads not now completed. The House proposition embraced in the first section of its amendment to the Senate bill declares the forfeiture of all lands granted lying coterminous with the portions of railroads not completed within the time prescribed by law.

Both the House and Senate measures provide certain details for the adjustment of the rights of settlers.

The Senate bill also contained certain provisions concerning the lands granted in the States of Michigan, Mississippi, Alabama, and Florida. While from the beginning the prospect of an agreement on the main question in view of past experience was remote, it was still deemed advisable to consider the details, especially in view of the complicated condition of the grants in the States above named.

These matters of detail were fair matters for adjustment. In all of those States at different times the General Land Office, considering these grants as long since forfeited by operation of law, sold lands and issued patents for them within the limits of the grants. This state of things produced serious complications, and was sought to be provided for both by the Senate and House propositions, so that in these details it will be found that special provisions are made touching the forfeitures in the States of Michigan, Mississippi, and Florida.

The state of conflict between the railroad grants and the Portage Canal grant and settlers on granted land in the State of Michigan rendered a complicated adjustment inevitable. The other details relate to securing the rights of actual settlers on these granted lands, the main object in view being to confirm as far as it could be accomplished the rights of actual settlers, as a large portion of the land involved was settled years ago by persons claiming under the homestead and pre-emption laws, and in a large number of instances under patents issued by the Government many years ago.

The matters agreed upon by the conferees are specially referred to in regard to these matters of detail.

The most important of these provisions agreed upon is the following section:

"SEC. 10. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of lands originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them as recited in the first section forfeited for any failure, past or future, to comply with the conditions of the grant; nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture hereby declared, to the benefit of the completed line."

But these matters of detail are of but little importance in comparison with the real question between the two Houses as to the extent that these granted lands shall be forfeited.

The House substitute for the Senate bill was adopted by the House and went to the Senate on the 6th day of July, 1888, and has been in conference between the two Houses some six months.

The difference in result between the two measures is seen by the following statement: The Senate proposition would forfeit 5,627,436 acres. The House proposition would forfeit 54,323,996 acres, as will be seen by the following statement in detail prepared by the Commissioner of the General Land Office.

Name of railroad.	Estimated number of acres which will be forfeited— By Senate bill.	By House bill.	In event of forfeiture of entire grant.
Gulf and Ship Island	652,800	652,800	652,800
Coosa and Tennessee	140,160	140,160	140,160
Coosa and Chattooga	144,000	144,000	144,000
Mobile and Girard	536,064	651,264	858,624
Selma, Rome and Dalton*	89,932	258,624	642,624
Atlantic, Gulf and West India Transit	76,800	676,000	1,171,200
Pensacola and Georgia	None	679,680	1,178,880
Vicksburg, Shreveport and Texas	None	364,800	725,760
Jackson, Lansing and Saginaw	None	176,256	898,560
Marquette, Houghton and Ontonagon	294,400	294,400	627,200
Ontonagon and Brulé River	211,200	288,000	288,000
La Crosse and Milwaukee	None	195,724	235,773
Chicago, St. Paul, Minneapolis and Omaha	None	1,446,400	1,446,400
Wisconsin Central	406,880	464,480	1,800,000
St. Vincent extension St. Paul and Pacific (now St. Paul, Minneapolis and Manitoba)	None	1,113,600	2,009,600
Western Railroad	None	243,712	243,712
Southern Minnesota Railway Extension	None	832,115	1,787,955
Hastings and Dakota	None	819,840	1,293,440
Northern Pacific	2,000,000	36,907,741	46,947,200
California and Oregon	None	1,740,800	3,686,400
Oregon and California	None	2,086,400	4,608,000
Southern Pacific	1,075,200	4,147,200	7,116,800
Total	5,627,436	54,323,996	78,503,088

*Lands certified to State for this road prior to May 23, 1872, amounting to 440,700.16 acres, were confirmed to State by act of that date (17 Stat. L., 159) for sole use and benefit of the Selma, Rome and Dalton Railroad Company. The lands so confirmed may not be subject to forfeiture.

It will thus be seen that there is a difference of 48,696,560 acres—a territory in the aggregate exceeding twice the area of the State of Ohio.

In the report submitted by the Committee on Public Lands to the House on the 17th day of June, 1888, and also by former reports from that committee, it is clearly shown in the judgment of the House conferees that in justice and equity the forfeiture should be declared to the extent of the 54,323,996 acres; that justice to the whole people demands this, as well as the highest public policy.

Many of these grants were made more than thirty years ago, and many years lapsed after the time for the completion of the road had expired before even an effort was made to commence the construction of the railroad, and in no instance would a grant be declared forfeited by the House proposition to the extent that the construction of the road was entered upon and prosecuted in good faith within the time prescribed by law by the railroad corporation, and in no instance would the rights of these parties be impaired.

The equity of declaring these forfeitures, as proposed by the House and to the extent proposed by the House, can not be denied in the opinion of the House conferees. It seems impossible to suggest an equity against the forfeiture in behalf of these delinquent corporations, for although most of these grants were made more than twenty years ago, perhaps all of them, and yet within the past few years and after the lands have been increased in value by the enterprise and labor of the whole people and long after the period had elapsed for their completion, the most of the work has been done.

The doctrine of equitable estoppel can not apply, for the laws creating the grants declare the purpose of Congress, and the neglect of public officers to declare these forfeitures surely can not be set up against the positive provisions of law. If the proposition of the Senate should become law there will be given up without consideration to monopoly a vast portion of the most valuable part of the public domain.

The 5,627,436 acres proposed to be forfeited by the Senate bill are, in the main, of comparatively little value, while the greater portion of the land embraced in the House proposition is in the most favored sections of the country.

The conferees have called attention to the tenth section as agreed upon in the details in which the rights of forfeiture as they now exist of other portions of these grants are declared.

But it is obvious that the adjustment of these land grants will go on, on the basis of whatever legislation Congress shall now enact; and with patents issued and the rights of third parties intervening, little hope could be indulged that further legislation could be secured providing for further forfeitures.

The conferees on the part of the House have submitted to the Senate conferees several propositions. Among others they proposed that the question of the right and power and the extent of the power of Congress to declare the forfeiture of these lands should be referred to the Supreme Court of the United States with original jurisdiction, the cause to be advanced on the Calendar on account of its special importance; also the proposition that the bill should be confined to the minor grants where complications have arisen growing out of the patenting of a portion of the lands within the grants at the time when the grants were treated as forfeited, leaving the great grants, involving the larger portion of the lands, open to a further future consideration.

These propositions were declined by the Senate conferees, who were not willing to modify in any degree the basis on which they proposed to declare the forfeiture; that is to say, as to cases where the railroad corporation were making no claim whatever. So that the issue between the two Houses remains without any modification whatever. The railroad corporations do not resist, as far as the House conferees are informed, the proposition of the Senate—it does not come in conflict with their interest—but they do persistently oppose the proposition of the House. The majority of the conferees of the House earnestly recommend and insist that the House do not recede from the position it has heretofore occupied.

They insist that high public policy and justice to the people demand that these grants of public lands long since forfeited in fact shall be declared forfeited by law, and we indulge the belief that at an early day the force of public opinion will secure that result.

WM. S. HOLMAN.
W. J. STONE.

I do not concur in the reasoning in the foregoing statement. The first section of the Senate bill, if adopted, will declare forfeited all lands that are clearly and confessedly liable to forfeiture and at the same time preserves absolutely to the United States every right that it now has to declare other and further forfeitures if Congress shall desire. Not a single right of the Government is waived; not one. All rights are carefully preserved by section 10. We save from all future claim by the railroads every acre of land as to which there is a clear right of forfeiture, leaving disputed lands to further legislation. Should the bill fail further construction of the railroads would confessedly embarrass if not entirely lose us the title of lands which can now be saved without yielding any principle by the House.

L. E. PAYSON.

The SPEAKER. The question is, Will the House now proceed to consider the report?

Mr. STONE, of Missouri. Mr. Speaker——

The SPEAKER. This question is not debatable.

Mr. STONE, of Missouri. I desire simply a moment.

The SPEAKER. Without objection the gentleman will proceed.

Mr. STONE, of Missouri. This is a very important measure, one of the most important pending before this House or which has been before it. It is manifest that at this late hour, in the midst of the confusion incident to the closing scenes of a Congress, nothing like an intelligent or deliberate consideration of it can be had, and, sir, it is with a view, as far as I can accomplish that result, to prevent the adoption of this report under the circumstances that I now move to take a recess until 11 o'clock and 45 minutes this evening.

The question was taken; and there were, on a division—ayes none, noes 84.

Mr. STONE, of Missouri. No quorum.

The SPEAKER announced the appointment of Mr. STONE, of Missouri, and Mr. PAYSON as tellers.

The House again divided; and the tellers reported—ayes 2, noes 161.

So the motion was not agreed to.

Mr. STONE, of Missouri. I move that the House take a recess until 11.30 this evening.

Mr. WISE. I ask the gentleman to withdraw that motion and allow me to submit a conference report.

Mr. PAYSON. I object.

Mr. ANDERSON, of Illinois. I move to amend the motion by making it 11 o'clock and 35 minutes.

Mr. SMITH, of Wisconsin. And I move an amendment to the amendment, by making it forty minutes after 11.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The first question is on the amendment to the amendment.

The question was taken; and on a division there were—ayes 4, noes 106.

Mr. STONE, of Missouri. No quorum.

The SPEAKER *pro tempore* announced the appointment of Mr. STONE, of Missouri, and Mr. PAYSON as tellers.

CHANGE OF REFERENCE.

The House again divided; and after some time spent in the count,

Mr. PERKINS said: Pending this count, will it be in order to get a reference, which was erroneously made, changed? By mistake this morning the Speaker referred to the Committee on Public Lands a bill that I had theretofore reported and that should have been upon the House Calendar. I ask to have that order changed and let it appear that it was reported and placed on the Calendar.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas.

The SPEAKER *pro tempore*. This appears to have been an error, and if there be no objection the bill will be referred to the House Calendar.

Mr. PERKINS. I reported the bill some days ago, and by mistake it got on the Speaker's table, where it had remained until this morning.

There was no objection, and the bill was referred to the House Calendar.

DISTRICT OF COLUMBIA POLICE.

Mr. HEMPHILL. I have a bill in rather a peculiar condition, somewhat similar to that mentioned by the gentleman from Kansas.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from South Carolina to the fact that that was purely a clerical error.

Mr. HEMPHILL. I would like to ask unanimous consent to call up this matter. It is simply a bill that passed the two Houses, by mistake was sent to the Senate, and has come back under a resolution. It is a matter of the policing of the District.

It was passed under the idea that it related to the temporary policing, when it related to the permanent force. Through an accidental mistake it is here. It ought to have been in the hands of the President, and I ask to discharge the Committee on the District of Columbia from the further consideration of the bill, and put it upon its passage. It is the bill that was objected to by the gentleman from Kentucky, but he withdrew his objection.

Mr. CLEMENTS. Is that for the permanent force?

Mr. HEMPHILL. Yes, sir.

Mr. CLEMENTS. I would state that the number of policemen has

been provided for in the District appropriation bill which has now passed both Houses. It provides for substantially the same number as contained in that bill, and therefore that bill ought not to pass.

Mr. HEMPHILL. Do you remember what the increase was?

Mr. CLEMENTS. The total increase is about fifty-five in our bill, as well as I remember.

Mr. HEMPHILL. If that is a fact I withdraw the request.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I desire to make a conference report. I believe that is privileged.

The SPEAKER *pro tempore*. A conference report has already been made against which the question of consideration has been raised. Pending that, a motion has been submitted to take a recess, motions have been made to amend that in the second degree, and the House is now voting.

Mr. RANDALL. I do not want to be embroiled in that controversy. I ask the gentleman from Illinois [Mr. PAYSON] to yield to me to make a report in relation to the sundry civil appropriation bill.

Mr. MILLS. I hope that will be done that we may get through with the appropriation bills.

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

Mr. STONE, of Missouri. I do not want to obstruct in any way business of that character, if it does not interfere with the status of this bill.

The SPEAKER *pro tempore*. It will not in any way jeopardize the action of the gentleman.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will read the report of the committee of conference.

The Clerk read 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. 12008) making appropriations for sundry civil expenses of the Government 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 amendment numbered 197. On amendments numbered 60, 61, 62, and 182 the committee of conference have been unable to agree.

S. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. RANDALL. I demand the previous question on the report; but I desire to make a statement. The amendment 197, which the Senate recedes from, relates to the purchase of land for the building of an additional structure at the Government Printing Office. The section as adopted by the Senate is very imperfect as the House conferees think, and in this the Senate conferees agree, and they have receded from that disagreement. The other two upon which they have insisted relate to the steam-presses with the royalty attached on their use in the Bureau of Engraving and Printing. The amendment numbered 182, the other subject, is the appropriation to pay to the widow of the late Chief-Justice Waite the balance of one year's salary, $8,745. I ask the previous question, and if there be no debate shall ask the House to reaffirm the conferees in their decision on each of these two points.

The previous question was ordered.

Mr. GROSVENOR. Mr. Speaker, is not the question upon these propositions divisible?

The SPEAKER. It is, but the matter has not reached that point yet.

Mr. GROSVENOR. I want to demand a separate vote on the amendment in relation to the proposed payment to the widow of Chief-Justice Waite.

The SPEAKER. The question will be first on the adoption of the report, and then will follow any motions that may be made in reference to the amendments about which there is disagreement.

The report of the committee of conference was adopted.

Mr. RANDALL 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. RANDALL. I now move that the House further insist on its disagreement to the amendments of the Senate numbered 60, 61, 62, and 182, and ask a further conference.

Mr. GROSVENOR. I ask a separate vote upon the amendment in regard to the payment to the widow of the late Chief-Justice.

The SPEAKER. The Clerk will report that amendment.

The Clerk read as follows:

Amendment 182, page 73, after line 2, insert: "For the payment to Mrs. Amelia C. Waite, widow of the late Chief-Justice of the United States, the balance of one year's salary of the Chief-Justice, $8,745."

Mr. GROSVENOR. I move that the House recede from its disagreement to that amendment.

Mr. RANDALL. Upon that I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rule, thirty minutes are allowed for debate.

Mr. GROSVENOR. I do not desire to debate the question further, but I demand the yeas and nays.

Mr. RANDALL. Why not take a rising vote first?

Several MEMBERS. Let us take a rising vote.

Mr. GROSVENOR. Well, Mr. Speaker, for the time being I withdraw the demand for the yeas and nays and ask for a division.

The House divided; and there were—ayes 63, noes 69.

Mr. GROSVENOR. No quorum.

Mr. RANDALL. If the gentleman makes that point, we had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 77, nays 121, not voting 125; as follows:

YEAS—77.

Adams,	Dalzell,	Ketcham,	Sawyer,
Allen, Mass.	Darlington,	La Follette,	Scull,
Baker, N. Y.	Davis,	Lehlbach,	Seymour,
Bayne,	Dibble,	McKinley,	Steele,
Belden,	Dorsey,	Moffitt,	Taylor, J. D., Ohio
Boothman,	Dunham,	Morrow,	Thomas, Ill.
Bound,	Farquhar,	Morse,	Thomas, Wis.
Boutelle,	Fitch,	O'Donnell,	Turner, Kans.
Bowden,	Gaines,	O'Neill, Pa.	Vandever,
Browne, T. H. B., Va.	Gallinger,	Osborne,	White, N. Y.
Buchanan,	Gear,	Outhwaite,	Whiting, Mich.
Burrows,	Grosvenor,	Owen,	Whiting, Mass.
Butler,	Grout,	Parker,	Wickham.
Butterworth,	Harmer,	Plumb,	Williams,
Caswell,	Henderson, Ill.	Posey,	Yardley,
Clark,	Hermann,	Pugsley,	Yoder,
Cogswell,	Hitt,	Rockwell,	Yost.
Cox,	Holmes,	Romeis,	
Crouse,	Kean,	Rowell.	
Cutcheon,	Kennedy,	Russell, Conn.	

NAYS—121.

Abbott,	Davidson, Ala.	Laffoon,	Randall,
Allen, Mich.	Davidson, Fla.	Landes,	Robertson,
Allen, Miss.	Dockery,	Lane,	Rogers,
Anderson, Iowa	Dougherty,	Lanham,	Rowland,
Anderson, Ill.	Elliott,	Lawler,	Ryan,
Anderson, Kans.	Enloe,	Lind,	Scott,
Bacon,	Fisher,	Lynch,	Shaw,
Baker, Ill.	Flood,	Macdonald,	Shively,
Barnes,	Forney,	Maish,	Simmons,
Blanchard,	French,	Mansur,	Smith,
Bland,	Fuller,	Martin,	Sowden,
Booher,	Funston,	Matson,	Stewart, Tex.
Breckinridge, Ark.	Gest,	McCreary,	Stockdale,
Brewer,	Gibson,	McKenna,	Stone, Ky.
Buckalew,	Greenman,	McKinney,	Stone, Mo.
Bunnell,	Grimes,	McMillin,	Struble,
Bynum,	Guenther,	McRae,	Tarsney,
Campbell, Ohio	Hall,	Merriman,	Thompson, Cal.
Cannon,	Hatch,	Mills,	Turner, Ga.
Caruth,	Haugen,	Montgomery,	Vance,
Cheadle,	Heard,	Morgan,	Wade,
Chipman,	Hemphill,	Morrill,	Walker,
Clardy,	Henderson, N. C.	Newton,	Warner.
Clements,	Herbert,	Norwood,	Washington,
Cobb,	Holman,	Oates,	Wilkinson,
Compton,	Hopkins, Va.	O'Ferrall,	Wilson, Minn.
Conger,	Howard,	O'Neall, Ind.	Wilson, W. Va.
Cowles,	Jackson,	Peel,	Wise.
Crisp,	Johnston, Ind.	Penington,	
Culberson,	Kerr,	Peters,	
Cummings,	Kilgore,	Pidcock,	

NOT VOTING—125.

Anderson, Miss.	Dunn,	Lee,	Rusk,
Arnold,	Ermentrout,	Lodge,	Sayers,
Atkinson,	Felton,	Long,	Seney,
Bankhead,	Finley,	Lyman,	Sherman,
Barry,	Foran,	Maffett,	Snyder,
Biggs,	Ford,	Mahoney,	Spinola,
Bingham,	Gay,	Mason,	Spooner,
Bliss,	Glass,	McAdoo,	Springer,
Blount,	Glover,	McClammy,	Stahlnecker,
Bowen,	Goff,	McComas,	Stephenson,
Breckinridge, Ky.	Granger,	McCormick,	Stewart, Ga.
Brower,	Hare,	McCullogh,	Stewart, Vt.
Browne, Ind.	Hayden,	McShane,	Symes,
Brown, Ohio	Hayes,	Milliken,	Taulbee,
Brown, J. R., Va.	Henderson, Iowa	Moore,	Taylor, E. B., Ohio
Brumm,	Hiestand,	Neal,	Thomas, Ky.
Bryce,	Hires,	Nelson,	Thompson, Ohio
Burnett,	Hogg,	Nichols,	Tillman,
Campbell, F., N. Y.	Hooker,	Nutting,	Tracey,
Campbell, T. J., N. Y.	Hopkins, Ill.	O'Neill, Mo.	Townshend,
Candler,	Hopkins, N. Y.	Patton,	Weaver,
Carlton,	Houk,	Payson,	Weber,
Catchings,	Hudd,	Perkins,	West,
Cockran,	Hunter,	Perry,	Wheeler,
Collins,	Hutton,	Phelan,	White, Ind.
Cooper,	Johnston, N. C.	Phelps,	Whitthorne,
Cothran,	Jones,	Post,	Wilber,
Crain,	Kelley,	Rayner,	Wilkins,
Dargan,	Lagan,	Reed,	Woodburn.
Davenport,	Laidlaw,	Rice,	
De Lano,	Laird,	Richardson,	
Dingley,	Latham,	Russell, Mass.	

So the motion to recede was not agreed to.

During the vote,

On motion of Mr. SOWDEN, by unanimous consent, the reading of the names of members voting was dispensed with.

Mr. LANHAM. Mr. Speaker, I wish to say for my colleague [Mr. SAYERS], who is absent from the House on a committee of conference, that if he were present, he would vote "no" upon the motion to recede.

The following additional pairs were announced:

Mr. TILLMAN with Mr. MCCOMAS, on this vote.

Mr. SENEY with Mr. SHERMAN, on this vote.

Mr. ANDERSON, of Mississippi, with Mr. HENDERSON, of Iowa, on this vote.

Mr. JOHNSTON, of North Carolina, with Mr. HOPKINS, of New York, on this vote.

Mr. BLOUNT with Mr. BINGHAM.

Mr. BANKHEAD with Mr. CUTCHEON.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the motion to reconsider was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now move the House further insist and ask a further conference with the Senate.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the House further insisted on its disagreement; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will appoint the same conferees, the gentleman from Pennsylvania, Mr. RANDALL, the gentleman from Alabama, Mr. FORNEY, and the gentleman from Kansas, Mr. RYAN.

Mr. HERBERT. Mr. Speaker, I rise to present a conference report.

Mr. PAYSON. I call for the regular order.

Mr. HERBERT. I ask the gentleman to withdraw that demand temporarily to permit this report to be presented.

The SPEAKER. The report will be received without prejudice to the pending motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the amendments of the House to the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers.

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 amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HERBERT submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 12329) making appropriations for the naval service 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 2, 3, 4, 5, 6, 11, 12, 13, 18, 19, 21, 22, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 28, and 29, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in the matter proposed to be inserted by said amendment insert "$954,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Insert, after the word "thereon," in line 1 of said amendment, the following: "and inclosing and grading the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

"And according to the plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives dated January 9, 1889."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, 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:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons' displacement, to cost in the aggregate exclusive of armament not more than $700,000; and one ram for harbor defense, of the general type approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7, 1881, of the highest practicable speed."

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: Strike out, in line 4 of said amendment, the following words: "The 2,000-ton cruisers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Add, at the end of said amendment, the following:

"*Provided*, That no part of this money shall be expended until the owners of the patents for such guns and cartridges shall contract, at such a price as shall be satisfactory to the Secretary of the Navy, for the exclusive right on the part of the Government to manufacture, by contract or otherwise, such guns and cartridges without the payment of any royalty upon the same, the option of the Government to make such contract to be exercised within a period to be fixed by said contract,"

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 amendments as follows: In lieu of the sum proposed insert "$4,055,000;" and add at the end of the amended paragraph the following: "Of which sum $55,000 is hereby authorized to be expended by the Secretary of the Navy upon the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius, in addition to the amounts heretofore authorized to be expended on the said vessels;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

H. A. HERBERT,
WILLIAM MCADOO,
A. C. HARMER,
Managers on the part of the House.
EUGENE HALE,
C. B. FARWELL,
A. P. GORMAN,
Managers on the part of the Senate.

The SPEAKER. Does the gentleman desire to have this report read?

Mr. HERBERT. I ask unanimous consent to dispense with reading of the report, and that there be read instead the statement of the managers.

The SPEAKER. If there be no objection, that course will be taken.

The statement, submitted in accordance with the rule, was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on the amendments of the Senate:

Amendments 2, 5, and 6: Appropriate $55,000 for the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius. The House agreed to these amendments, and they are consolidated and transferred to the appropriation for "construction and steam machinery," and become part of amendment 38.

3. Appropriates $2,600 to the electric lighting of the Baltimore; Senate recedes.

4. Appropriates $2,600 to the electric lighting of the Charleston; Senate recedes.

7. Appropriates $6,000 for electric lighting of the Vermont. The House recedes.

9. Provides for construction of a building for naval war college and torpedo station. The House amended by providing that the sum appropriated should be in full for all expenses of designing, building, and furnishing; and the Senate agrees to the same.

11, 12, and 13. Senate agrees to the House amendment changing the name of the Naval Asylum to Naval Home.

15. House agrees to the amendment of the Senate with an amendment reducing the appropriation for provisions, etc., by $11,000.

16. The House recedes from its disagreement to the Senate amendment specifying $11,000 as the amount to be expended for water for drinking purposes.

17. Is a verbal amendment.

18. The Senate recedes with an amendment, adding to the appropriation for labor and expenses in general store-houses, etc., $11,000. The effect of 15, 16, 17, and 18, as agreed on, is to leave the sum total same as in the bill of the House.

19. Senate recedes from its disagreement to the reappropriation of $17,135.29 unexpended balance of contingent fund.

20. Senate recedes from its disagreement to appropriate and make immediately available $150,000 for the Bureau of Construction and Repair.

21. Senate recedes from its amendment raising the appropriation for construction and repair from $850,000 to $900,000.

25. The House recedes from its disagreement to an appropriation of $90,000 for the purchase of lands, etc., at the Naval Academy, with an amendment providing that it shall be also for inclosing and grading the grounds purchased.

28 and 29. House recedes from its disagreement to the Senate amendment which reduced the appropriation for transportation, etc., Marine Corps, by $2,500.

30. Senate recedes from its amendment refusing allowance of pay to enlisted men employed on constant labor for a period exceeding ten days.

31. The House agrees to the amendments of the Senate to the provision for building a ship according to the plans of Hon. JOHN R. THOMAS with amendments which will cause the provision to read as follows:

"Of the type and according to plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairmain of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889," etc.

32, 33. Senate recedes from its amendments requiring the above-mentioned ship to make 19 knots an hour.

34. The House recedes from its disagreement to the amendment of the Senate providing for the construction of two gunboats of from eight to twelve hundred tons each, one of 2,000 tons, and one ram, with an amendment striking out the vessel of 2,000 tons.

35. The Senate consents to strike out an amendment applicable only to the 2,000-ton cruiser, agreed as above to be stricken from the bill.

36. Senate agrees to strike out another reference to the 2,000-ton cruiser.

37. The House recedes from its disagreement to the appropriation for the purchase of certain guns to be fired with the re-enforced cartridge, with an amendment providing that before the expenditure of any of said money the owners of the patents for the guns and cartridges shall contract, at a price to be agreed upon with the Secretary of the Navy, for the transfer to the United States, if the Government shall desire it, of the exclusive right to manufacture under said patents.

38. The House agrees that the appropriation for construction and repair, instead of being five millions, as provided in the Senate amendment, shall be, including the provision for electric lighting, as heretofore mentioned, $4,055,000.

39. In lieu of the sum proposed by the Senate of $3,000,000 towards armament and armor, the sum of $2,500,000 is agreed on.

HILARY A. HERBERT,
A. C. HARMER,
Managers on the part of the House.

Mr. HERBERT. Mr. Speaker, I desire to state that the bill as passed by the House carried $20,008,577.12. As passed by the Senate it carried $23,080,574.98. As agreed upon by the committee of conference it carries $21,644,979.97.

. I desire to state, further, that the conferees on the part of the House felt themselves constrained to agree, very much against their judgment, to the provision for the construction of three small ships. In the opinion of the House conferees—and I think I speak for a majority of the House committee; I know I echo the sentiment of the Secretary of the Navy—the relative proportion of these small and consequently slow ships to the rest of the Navy is already too large. Hence it was with reluctance that we consented to the provision for these three small ships. The cost, however, is relatively small.

Unless some gentleman desires to ask some question, I will call for a vote on agreeing to the report.

Mr. BOUTELLE. For the sake of information, I wish to ask the chairman of the committee whether I have understood correctly from the reading of the report that the House conferees have yielded to the Senate amendment in reference to the so-called cruising monitor?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. And the bill as now reported will carry an appropriation for that vessel upon the plans and designs indicated in the provision introduced originally in the House bill?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. But under a different nomenclature?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. What action have the House conferees taken in regard to the speed of the ship?

Mr. HERBERT. That remains as it was in the original bill—17 knots an hour.

Mr. BOUTELLE. Then the provision of the original bill, which was that this vessel should be required to make a speed of 17 knots an hour, and that there be a bonus or premium of $50,000 for every quarter knot in addition thereto, and a deduction of $50,000 for every quarter knot below that speed—which provision was amended in the Senate by the substitution of 19 knots as a minimum—has been stricken out by the Senate receding from its amendment to that effect.

Mr. HERBERT. It has been reinstated by the Senate receding.

Mr. BOUTELLE. The Senate agrees to place the limit of speed back at 17 knots, and pay a bonus of $50,000 for every quarter of a knot in excess of this speed?

Mr. HERBERT. Yes, sir; and I desire to say again, as I said when this question was before the House, when a monitor carrying armor such as this does, with 3,000 tons displacement, shall succeed in making a speed of 17 knots an hour, she will be the fastest coast-defense vessel afloat in any navy in the world.

Mr. BOUTELLE. We have not time now to enter into a discussion of that question. I merely wished to have the record clear upon that point.

Mr. HERBERT. I demand the previous question on the report.

The previous question was ordered, under the operation of which the report was agreed to.

Mr. HERBERT moved to reconsider the vote by which the report of the conference committee was adopted; 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 the passage with amendments, in which the concurrence of the House was requested, 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, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL as conferees on its part.

It also announced that the Senate had agreed to the joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan; and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania.

It also announced that the President having returned to the Senate the bill (S. 139) to credit and pay to the several States and Territories and to the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861, with his objections thereto, the Senate had proceeded to consider said bill, and that he had been directed to communicate to the House the proceedings thereon.

INDIAN APPROPRIATION BILL.

The SPEAKER. If there be no objection, the Chair will cause the Senate amendments to the Indian appropriation bill to be printed.

The Chair desires to state, however, that the Clerk has already caused the amendments to be printed in advance, and this order is made to cover the action heretofore taken.

There was no objection, and it was so ordered.

Mr. PAYSON. Regular order.

Mr. PEEL. Mr. Speaker, I desire to ask unanimous consent, if the gentleman from Illinois [Mr. PAYSON] withdraws his demand for the regular order, to enable me to ask to non-concur in the Senate amendments to the Indian appropriation bill, and agree to the conference asked by the Senate thereon.

Mr. PAYSON. Without prejudice to the existing status of the pending report from the Committee on the Public Lands, I will agree that the gentleman may make that motion.

Mr. PEEL. Then I ask unanimous consent to non-concur in the Senate amendments and agree to the conference.

There was no objection, and it was so ordered.

The SPEAKER announced the appointment of Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. PERKINS as managers at the conference on the part of the House.

COURSE AT NAVAL ACADEMY.

Mr. WISE. I ask the gentleman from Illinois [Mr. PAYSON] to yield to me to submit a conference report.

Mr. PAYSON. With the same understanding I have no objection to the gentleman presenting the report.

Mr. WISE. I submit a conference report, of which I ask present consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9674) to regulate the course at the Naval Academy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 13, and 14, and agree to the same.

That the Senate recede from its amendments numbered 6, 7, 8, 9, 10, 11, and 12, with an amendment as follows:

Strike out, in line 9, page 2, from and including the word "but" down to and including the word "years," in line 19, of page 2, and insert:

"But nothing contained herein or in the naval appropriation act of August 5, 1882, shall reduce the number of appointments of final graduates at the end of their six years' course below twelve in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid, occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available. And it is provided that in addition to the appointments to the Engineer Corps of the Navy hereby authorized, there may also be appointed five assistant engineers from the graduates in the order of merit of the Naval Academy of the class which finished its six years' course in January, 1886, to take rank and receive pay only from the date of their appointment; and the said Engineer Corps is hereby enlarged for the purpose of the additional appointments hereby authorized.

"SEC. 2. That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be fifteen years and the maximum age twenty years."

GEORGE D. WISE,
WILLIAM ELLIOTT,
A. C. HARMER,
Managers on the part of the House.

J. D. CAMERON,
W. E. CHANDLER,
J. C. S. BLACKBURN,
Managers on the part of the Senate.

Mr. WISE. I demand the previous question on the adoption of the report.

The previous question was ordered.

Mr. PETERS. Mr. Speaker, I wish to ask the gentleman from Virginia a question. Does this change the minimum age from fourteen to fifteen, and the maximum from eighteen to twenty?

Mr. WISE. Yes, sir.

Mr. PETERS. I approve that. I wish to know if there has been any change made in the examination and the degree of attainment necessary to pass the examination?

Mr. WISE. None whatever.

Mr. PETERS. Now, I wish to say that there is an inconsistency between the requirements for admission to Annapolis and the requirements for admission to West Point that has a tendency to shut out many applicants from passing the examination. In the first place, the standard is somewhat higher, and in the next place there is no reason why a cadet for admission to Annapolis should be required to pass an examination in algebra and not be required to do so to obtain admission to West Point.

Mr. WISE. I can——

Mr. PETERS. But the ages are against the requirements for algebra. Thus the institution at Annapolis requires an examination in algebra in order to obtain admission, but at West Point that requirement is not necessary.

Mr. WISE. I would suggest to the gentleman from Kansas that it would be better to let that subject go over to the next session. This bill has nothing to do with that.

Mr. PETERS. I think it ought to.

Mr. BOUTELLE. This bill has nothing to do with the requirements for admission.

Mr. CANNON. Mr. Speaker, has the statement accompanying this report been read?

The SPEAKER. The Chair is advised there is none.

Mr. CANNON. I would like to know what there is accomplished in the way of legislation if this report is adopted.

Mr. WISE. It changes the age at which cadets may be entered at the Academy; and when they arrive at the fourth year of their term of

service the cadets are divided into two divisions—one division that can be promoted to the line and the Marine Corps, and promotions from the other division to be to the Engineer Corps.

Mr. CANNON. What is the change as to age of admission?

Mr. WISE. The age of admission will be fifteen for the minimum and twenty for the maximum.

Mr. HEARD. What are the ages now?

Mr. WISE. Fourteen and eighteen.

Mr. CANNON. What is the term—six years?

Mr. WISE. Six years—the same as now.

Mr. CANNON. How does it change the law as to the admission of cadets upon previous service, if at all?

Mr. WISE. It does not change it at all.

Mr. STEELE. Does it not change the number that may be graduated?

Mr. WISE. Oh, yes. As the law at present stands at least ten from every class must be admitted each year. If this amendment shall be adopted, at least fifteen must be admitted every year.

Mr. STEELE. May not more than that number be admitted?

Mr. WISE. Yes, sir, if a larger number of vacancies occur; but there must be fifteen every year. I will say to the gentleman from Illinois that it is almost absolutely certain that there will not be in the future a less number of vacancies than fifteen each year—the number provided for in this bill.

Mr. STEELE. But does not the bill increase the number of offices?

Mr. WISE. The bill makes provision to correct an error and an injustice which was done by an interpretation of Secretary Chandler upon the act of August 5, 1882. By his decision a certain number of cadet engineers were ousted from the Navy. They carried their cases to the Court of Claims, and from that court an appeal was taken to the Supreme Court of the United States, and the decision is that Secretary Chandler was in error. The object of this amendment is to correct that error and to restore these young men to the rights which they would have had if he had not made an erroneous decision.

Mr. CANNON. That means to put them in the Navy.

Mr. WISE. That means to put them in the Navy.

Mr. CANNON. How many of them?

Mr. WISE. Five.

Mr. CANNON. And they should have gone in at what time?

Mr. WISE. They should have gone in in 1886.

Mr. CANNON. Now, I desire to ask the gentleman how many cadets are there annually graduated from the Naval Academy?

Mr. WISE. Some thirty or forty, I believe.

Mr. CANNON. And this bill makes place for at least fifteen?

Mr. WISE. For at least fifteen.

Mr. CANNON. Now, I wish to ask the gentleman one further question. How many officers are there now in the Navy?

Mr. WISE. I am not able to answer that question.

Mr. PAYSON. Seventeen hundred.

Mr. CANNON. How many at sea?

Mr. WISE. I can not answer these questions. I will repeat to the gentleman from Illinois that the number provided for—fifteen a year—is no greater than will be needed in the future. We have information from the Navy Department that it is almost absolutely certain that there will be more vacancies than fifteen every year to be filled by promotions from the Naval Academy.

Mr. CANNON. Does the gentleman think with one thousand six hundred or one thousand seven hundred officers in the Navy, taking into consideration the size of our Navy, that it is best to change the law from what it now is, as it was made, I believe, in 1882 or 1883, so as to increase that number?

Mr. WISE. In reply to that I will state to the gentleman that the recommendation which we have made to the House is in accordance with the recommendation of the Navy Department, and the report which we make is unanimously concurred in by the committees of both Houses.

Mr. ALLEN, of Mississippi. I wish to ask the gentleman whether it is any part of the purpose of the Department to make up in officers what we lack in ships? [Laughter.]

Mr. WISE. The gentleman can address that inquiry to the next administration.

Mr. SOWDEN. I wish to ask the gentleman from Virginia a question. At West Point all applicants for admission are first examined physically and the mental examination comes second, while the opposite course is pursued at the Naval Academy, the mental examination being first and the physical examination afterwards. I wish to ask the gentleman whether that is a matter of regulation or a matter of law, and, if it is a matter of law, whether any change is proposed by this amendment in that particular?

Mr. WISE. I do not know of any law regulating that matter, but I will say to the gentleman from Pennsylvania [Mr. SOWDEN] that this bill has nothing to do with examinations for admission.

Mr. BLOUNT. As the law now is, ten of these cadets go into the Navy by force of law.

Mr. WISE. Yes, sir.

Mr. BLOUNT. And this proposition puts fifteen in by force of law. Now, without this law, if vacancies exist, will there not be more than ten who will go in any way?

Mr. WISE. Yes, sir.

Mr. BLOUNT. Then this proposition is not intended to meet any emergency of the Navy, but simply to declare that so many shall go in whether they are needed or not.

The conference report was agreed to.

Mr. WISE moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PAYSON. I call for the regular order.

Mr. SOWDEN. I ask the indulgence of the gentleman from Illinois for a moment.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] insists on the regular order. The regular order is the amendment moved by the gentleman from Wisconsin, that the House take a recess until 11.40 instead of 11.30.

The amendment was rejected—aye 1, noes 165.

The question was taken on the motion that the House take a recess until 11.35, and it was rejected—ayes 8, noes 100.

Mr. STONE, of Missouri. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from New York [Mr. PARKER] and the gentleman from Missouri [Mr. STONE].

The House divided; and the tellers reported—ayes 3, noes 96.

The SPEAKER. Does the gentleman still insist upon the point of no quorum?

Mr. STONE, of Missouri. Yes, sir.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent that this order be suspended long enough for me to present a conference report.

Mr. PAYSON. Regular order.

Mr. LAWLER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The regular order is insisted on.

Mr. LAWLER. I desire to ask unanimous consent for the present consideration of Senate bill No. 2626, granting a pension to Catlena Lyman.

Mr. PAYSON. Regular order.

Mr. LAWLER. I ask permission to make a statement in regard to the bill.

The SPEAKER *pro tempore* (Mr. STONE, of Kentucky). The gentleman from Illinois [Mr. LAWLER] asks unanimous consent to make a statement in regard to the bill which he desires to have considered. Is there objection?

Mr. PAYSON. Regular order.

Mr. LAWLER. Who objects?

The SPEAKER *pro tempore*. The gentleman's colleague, the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Regular order.

Mr. SOWDEN. Mr. Speaker, does it appear from the vote recorded by the tellers that a quorum is present?

The SPEAKER *pro tempore*. It does not.

Mr. SOWDEN. Then I move a call of the House.

Mr. DUNHAM. The members are here, and what is the use of a call of the House?

The count was resumed; and the tellers again reported—ayes 3, noes 113.

Mr. SOWDEN. No quorum. Mr. Speaker, I move a call of the House.

Mr. ANDERSON, of Kansas. Pending that I move that the House do now adjourn.

The question was taken on the motion to adjourn; and there were—ayes 45, noes 65.

Mr. SOWDEN called for the yeas and nays, but subsequently withdrew the demand.

The tellers resumed their places.

Mr. CLARDY. Pending this division, I ask unanimous consent to present a conference report.

Mr. PAYSON. I object.

ENROLLED BILLS SIGNED.

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

A 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; and

Joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of Lewis Cass, etc.

IMPEACHMENT OF JUDGE BARNES, OF ARIZONA.

Mr. STEELE (during the count by tellers). Mr. Speaker, I ask unanimous consent to withdraw from the files of the House papers looking to the impeachment of Judge Barnes, of Arizona, no report having been made.

There being no objection, leave was granted.

ORDER OF BUSINESS.

Mr. KEAN. I ask unanimous consent for the consideration of a little bill I have here which has been recommended by the Postmaster-General. I do not think there is any objection to it. There is no money in it.

A MEMBER. That is the trouble. [Laughter.]

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois as objecting.

Mr. FARQUHAR. I object.

Mr. KEAN. No member rose in his place and objected.

The SPEAKER *pro tempore*. As the Chair understands, objection is made.

Mr. HERMANN. Has the result of the count been yet announced?

The SPEAKER *pro tempore*. There has been no final report.

Mr. HERMANN. I ask that the result be announced.

The SPEAKER *pro tempore*. On this question the ayes are 4, the noes 130.

Mr. HERMANN. Then there is no quorum. I move a call of the House.

Mr. ANDERSON, of Kansas. That was the last motion put.

The SPEAKER *pro tempore*. The Chair thinks that is no reason why the motion should not be entertained, as there has been other business intervening.

Mr. HERMANN. In the belief that a quorum will soon appear I withdraw the motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage without amendment of House bills and joint resolution of the following titles:

A bill (H. R. 6411) granting a pension to Sarah Jackson;

A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota;

A bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre; and

Joint resolution (H. Res. 252) appointing H. H. Markham, of California, a manager for the National Home for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

It also announced the passage with amendments of bills of the following titles; asked a conference with the House on said bills and amendments, and had appointed on the part of the Senate conferees as indicated respectively:

A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims—conferees, Mr. HOAR, Mr. QUAY, and Mr. FAULKNER.

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.—conferees, Mr. SPOONER, Mr. HOAR, and Mr. FAULKNER.

It also announced the passage of the bill (S. 3929) to provide for the erection of a public building at New Berne, N. C.; in which concurrence was requested.

ST. JOSEPH COMMERCIAL COLLEGE, ST. JOSEPH, MO.

Mr. DOCKERY. There has just been returned from the Senate, with amendments and a request for a conference, a bill which was introduced by my late colleague, Mr. Burnes. It is for the benefit of a college in the city of St. Joseph, Mo. I ask unanimous consent that the amendments of the Senate be non-concurred in and the conference asked by that body granted.

The SPEAKER *pro tempore* (Mr. MCMILLIN). There is a matter pending before the House; and the request of the gentleman from Missouri [Mr. DOCKERY] can not be entertained except by unanimous consent.

Mr. DOCKERY. My request is for unanimous consent.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

Mr. PAYSON. I call for the regular order.

The tellers resumed the count.

Mr. DOCKERY. The gentleman from Illinois [Mr. PAYSON] withdraws his objection to the proposition I made a few moments ago.

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

Mr. MACDONALD. I think I will demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. DOCKERY (after a pause). The gentleman from Minnesota withdraws his objection.

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from Missouri that the amendments of the Senate to the bill indicated be non-concurred in and that the House agree to the conference asked by the Senate. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I rise to a privileged motion. I believe it is now in order under the rules of the House to make at any time a motion to suspend the rules for the passage of a bill.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that there is——

Mr. HATCH. The Chair has already recognized me. I move to suspend the rules and pass the bill which I have sent to the Clerk's desk.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri that there is now pending a question on which the House is dividing, and it is impossible to entertain his motion.

Mr. HATCH. "The gentleman from Missouri" will state to the Chair that he is satisfied there will be no objection to this proposition. I am assured that the tellers who are now acting will not object.

The SPEAKER *pro tempore*. But the regular order has been demanded, which cuts off all matters of that kind.

Mr. HATCH. I appeal to the gentleman from Illinois [Mr. PAYSON] to allow this bill to be read.

Mr. PAYSON. The appeal is overruled. [Laughter.]

Mr. HATCH. Mr. Speaker, this is simply a proposition——

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri that the regular order having been demanded debate is not in order.

Mr. HATCH. This is a Senate bill now on the table, and I am satisfied no gentleman will object to it when it is understood. [Cries of "Regular order!"]

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. What is the motion on which the House is now dividing?

The SPEAKER *pro tempore*. On the amendment to the motion for a recess, the amendment naming the hour at 11.35.

Mr. DIBBLE. What was the original motion?

The SPEAKER *pro tempore*. Eleven o'clock and thirty minutes.

Mr. DIBBLE. Then I make the point of order that that time has passed.

The SPEAKER *pro tempore*. That is a matter for the House.

Mr. HATCH. The gentleman from Illinois [Mr. PAYSON] withdraws his objection; and both the gentlemen who are acting as tellers tell me they will not object to the consideration of the bill I now desire to bring up.

The SPEAKER *pro tempore*. The regular order has been demanded by other gentlemen. Any member may demand the regular order. The House is now dividing on a motion to take a recess; the point of no quorum has been made; and pending the count by the tellers no other business is in order.

Mr. HATCH. But I rise to a question of unanimous consent, and I state to the Chair that the gentleman who objected has withdrawn his objection.

The SPEAKER *pro tempore*. But the regular order has been demanded, which cuts off all requests for unanimous consent.

Mr. MILLS. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. HATCH. By whom is the regular order demanded?

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The gentleman from Texas [Mr. MILLS] demands the regular order. No quorum has voted.

[The Speaker resumed the chair.]

The House again divided; and the tellers reported—ayes 5, noes 158.

So the amendment was not agreed to.

Mr. OUTHWAITE. I move that the House take a recess until 11 o'clock and 55 minutes to-morrow morning.

Mr. MILLS. I move to make it 1 o'clock.

The SPEAKER. There is a motion pending and an amendment to an amendment.

Mr. OUTHWAITE. I withdraw my amendment.

The SPEAKER. The gentleman from Texas [Mr. MILLS] moves that the House take a recess until 1 o'clock to-morrow. [Cries of "Question!"]

ENROLLED BILLS SIGNED.

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

A bill (S. 3951) to establish a railway bridge across the Illinois River between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois;

A bill (S. 2886) granting increase of pension to Joseph B. Sellers;

A bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;

A bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes; and

A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; when the Speaker signed the same.

JOHN SAYLOR.

The SPEAKER appointed as conferees on the disagreeing votes of the two Houses on the bill (H. R. 5436) granting a pension to John Saylor, Mr. DOCKERY, Mr. BROWER, and Mr. KERR.

ORDER OF BUSINESS.

Mr. HATCH. I ask that the pending motion be withdrawn until I can ask to call up a private bill which has passed the Senate and been favorably reported to the House. [Cries of "Regular order!"]

Mr. HATCH. I move to suspend the rules and pass the bill.

The SPEAKER. The regular order has been demanded, and a motion is also pending for a recess. A motion to suspend the rules therefore is not in order.

The question was put on Mr. MILLS's motion that the House take a recess until 1 o'clock to-morrow; and the Chair announced that the ayes seemed to have it.

Mr. KEAN. Division.

The House divided; and there were—ayes 68, noes 37.

Mr. KEAN. I demand the yeas and nays.

Mr. DIBBLE. No quorum.

Mr. PAYSON. Does the point of no quorum take precedence of the demand for the yeas and nays?

The SPEAKER. That is one of the means of obtaining a quorum. The point remains that no quorum is present.

The yeas and nays were ordered, 31 voting in favor thereof—more than one-fifth of the last vote.

Mr. ALLEN, of Michigan. Will a motion that the House take a recess until 9 o'clock in the morning be in order?

The SPEAKER. It will be in order as an amendment to the pending motion.

Mr. ALLEN, of Michigan. Then I make that motion.

Mr. SPRINGER. Is that in order when the yeas and nays have been ordered?

Mr. CRISP. I move to reconsider the vote ordering the yeas and nays.

The question was put; and the Speaker declared the ayes seemed to have it.

Mr. CHIPMAN. Division.

The House divided; and there were—ayes 76, noes 4.

Mr. DIBBLE. No quorum.

The SPEAKER. It does not require a quorum to dispose of the yeas and nays.

So the motion to reconsider was agreed to.

The question recurred on the demand for the yeas and nays.

The yeas and nays were not ordered.

PERSONAL EXPLANATION.

Mr. HATCH. I rise to a question of personal privilege.

The SPEAKER. There is a question of privilege before the House.

Mr. WHEELER. I rise to a question of higher privilege, affecting the character of a member.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Mr. Speaker, I rise to a question of privilege. I send to the Clerk's desk an extract from the speech of the gentleman from Illinois [Mr. PAYSON], taken from the RECORD of this morning, which I ask to have read.

The Clerk read as follows:

Mr. WHEELER. Who speaks for the grantees of the navigation company?

Mr. PAYSON. I will tell the gentleman, gladly; yes, I will answer him, and promptly. Who speaks for the millionaires and the navigation company's title to these lands, not an acre of which was legally earned? The gentleman wants to know. I will tell the gentleman and the House. The paid attorneys and the lobbyists for the navigation company's title, who have been about the Halls of Congress ever since this legislation has been pending. [Applause.]

They speak for the navigation company. And when the gentleman from Alabama says, as he said in his earnest speech, that he never saw them, I will undertake to correct his recollection, for he knows the fact, and I know the fact, that ex-members of Congress, with the money of the navigation company in their pockets, as their paid attorneys, in defiance of their privileges as ex-members of this House, have come upon this floor in violation of its rules to stifle and defeat this legislation, and these men have conferred with you during this session of Congress.

* * * * * * * *

Mr. PAYSON. I refer to ex-members of Congress coming here as paid attorneys; and the bill which the gentleman from Alabama says ought to have been passed, and which he had the honor of offering, was draughted by an ex-member of Congress and presented by that ex-member, and was taken charge of by him, as I know, and as he knows I know.

* * * * * * * *

Mr. WHEELER. The gentleman states that this bill was sent to me by an ex-member——

Mr. PAYSON. I do.

Mr. WHEELER. The gentleman is mistaken.

Mr. PAYSON. Egbert L. Viele or Benton J. Hall, both ex-members, wrote that bill; and Mr. Viele has all the time been here representing the company title before the committee, and on the floor of the House; and you told me so. [Applause.]

Mr. WHEELER. The bill was handed to me by Mr. OATES; I revised it with the gentleman from Illinois [Mr. PAYSON], and then I introduced it.

Mr. PAYSON. Well, what difference does it make? Mr. Viele counseled with you time and again about this. You have shown me telegram after telegram received from Mr. Viele, a former member of this House, and now attorney for the navigation company's title, asking postponement of the hearing by the committee of the bill. You showed me the telegram, and afterwards Mr. Viele came here.

Mr. WHEELER. I never knew he was the attorney for the company.

Mr. PAYSON. Oh, I have seen him around here often; and he has more frankness than the gentleman from Alabama has; for he openly avows that he is their attorney and here in their interest. There has never been any concealment about his relation to this bill since he went out of Congress; none whatever.

Mr. WHEELER. Now, Mr. Speaker, I send to the Clerk's desk a telegram which I wish to have read.

The Clerk read as follows:

NEW YORK, *March* 2, 1889.

General JOSEPH WHEELER, *Washington:*

PAYSON'S statement is utterly false. Am not and never have been attorney in fact or in name for any legislation of any kind. Have no interest of any name or nature, pecuniary or otherwise, in Des Moines bill, except sympathy for orphaned children of a life-long friend.

Have this read by Clerk.

EGBERT L. VIELE.

Mr. WHEELER. The statements contained in the extract from the speech of the gentleman from Illinois [Mr. PAYSON] which have been read from the desk are made without any qualification and with an apparent confidence which would lead one to believe their author was perfectly satisfied as to their verity.

It is true, Mr. Speaker, that some time last spring I received a telegram, and possibly two, from General Viele, asking that some day should be set apart for the consideration of that bill before the committee. I presented those telegrams to the committee for their consideration.

I will state, Mr. Speaker, that General Viele had been my colleague upon the Committee on Military Affairs of the House. He and I were the only members of the House, who were formerly officers of the Army and graduates of West Point. This fact made a bond between us which seemed to make it proper that I should be the channel through whom he should communicate with a committee of this House of which I am a member. So much for that part of the charge made here by the gentleman from Illinois regarding the telegram.

The bill to which the gentleman referred was bill H. R. 8389, and simply sought to give relief to some who are the apparent beneficiaries of the bill then under consideration. But it was so framed as not to injure the thousands of farmers who during the last twenty-five years had purchased homes from the Des Moines Navigation and Railroad Company. I submitted the bill to the gentleman from Illinois [Mr. PAYSON], and I certainly thought, from his language and manner, that it commanded his full approval. I will state now that he tells me he never approved of the bill.

It was a copy of a bill previously introduced by my distinguished colleague [Mr. OATES]. His bill, or rather the two bills he introduced (bills H. R. 3276 and 8023) which related to this subject, having been referred to the Committee on the Judiciary, I made some slight changes in the more perfect of his two bills, which I submitted to the gentleman from Illinois to get his approval of the changes, and then introduced the bill and had it referred to the Committee on Public Lands. The sole beneficiaries of this bill would have been the settlers of whom the gentleman from Illinois talks with such moving pathos.

There was no lobby interested in the bill, and no one but the settlers could have benefited by it to the extent of one penny.

This bill was framed strictly in accordance with the President's veto message of March 11, 1886. His suggestion was in these words:

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right nor lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

These views were substantially reiterated in the veto message we are now considering.

The bill advocated by the gentleman from Illinois [Mr. PAYSON], I think it is clear, did have a lobby interested in its success, and my examination led me to the conclusion that the lobby would have been its greatest beneficiaries.

Mr. PAYSON. The gentleman from Alabama, I am sure, desires to be accurate, and if it will not interrupt him, as he has prepared his remarks——

Mr. WHEELER. Of course I desire to be entirely correct, and I beg the gentleman to correct me if I fall into error. It will not interrupt me at all to be corrected.

Mr. PAYSON. I am satisfied the gentleman wishes to be set right. I will state to him that I have never seen any one here representing the settlers upon the Des Moines River lands from the time that my connection with it began down to this hour. I never heard of such a thing until I heard it from the gentleman from Alabama in his speech the other day.

I have seen and received letters myself from people there representing themselves as poor people unable to employ attorneys, men I never heard of or saw, and only know of their position by reference of such letters as I have received to the gentleman from Iowa, Mr. WEAVER, the gentleman from Iowa, Mr. HENDERSON, and the gentleman from Iowa, Mr. HOLMES, all of whom corroborated the statements made

to me that they were humble farmers. If there has ever been such a lobby I never heard of it.

Mr. WHEELER. I make no charge whatever against the gentleman from Illinois. I simply state these facts in reply to the attack upon myself. But the gentleman from Illinois said this in his speech:

His judgment as to the right as well as the policy of this bill is met and opposed by the judgment of Legislature after Legislature in the State of Iowa, by the judgment of her executive officers, and the judgment of the leading lawyers in the United States who have for years been attorneys for these settlers and for the Settlers' Union, which has been declaimed against so much here by the gentleman from Alabama [Mr. WHEELER].

The Settlers' Union made a contract, which I read yesterday, which I think established the fact that the farmers have agreed to pay $1 an acre for the lands in case this legislation was provided.

Mr. PAYSON. Let me ask the gentleman if that is what he understands to be the object of the Settlers' Union?

Mr. WHEELER. Yes; that is what the paper itself says; and my information led me to the conclusion that the Settlers' Union would be benefited more than the farmers themselves.

I desire to say in justice to myself that any gentleman who, by direct statement, by insinuation, or by innuendo, endeavors to convey, or does convey, the impression that I have ever been an associate of lobbyists, or have ever lent my aid to secure the passage of any measure which was not avowedly in the interest of good government and honest purposes, is either ignorant of my public career or designedly misrepresents it.

I have had read a statement from General Viele emphatically denying the charge made against him, and I have, but a short time since, seen Hon. Benton J. Hall, who authorized me to state for him that he has never lobbied with any Congressman in opposition to the bill disposed of yesterday, and that he is not an attorney for the Des Moines company. I will state further, that so far as I can remember the gentleman, Mr. Hall, never spoke to me about the measure until my interview with him this evening.

If General Viele was the attorney of the navigation company he would in all probability have been here during the present week, and certainly as such attorney he would have been here when the bill was put upon its passage.

If he was in the city during either of these periods I have no knowledge of the fact. I think this entirely refutes the insinuations which appeared in the gentleman's speech, and this, Mr. Speaker, is all I wish to say upon the subject.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President, by Mr. PRUDEN, one of his secretaries, was received.

Approval of House bills of the following titles was also announced:

An act (H. R. 4581) for the relief of Thomas Mathews and others;

An act (H. R. 6591) for the relief of S. Dillinger & Sons;

An act (H. R. 329) for the relief of Chambers & Brown;

An act (H. R. 10481) for the relief of Rev. William Gregston;

An act (H. R. 834) for the relief of the heirs of John H. Newman, deceased;

An act (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;

An act (H. R. 11901) to authorize the City of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

An act (H. R. 7028) to admit to registry the steamer George H. Parker;

An act (H. R. 285) for the relief of the legal representatives of H. Corths, deceased;

An act (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse;

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

An act (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes;

An act (H. R. 12301) providing for the establishment of certain lights on the coast of Mississippi;

An act (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.;

An act (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Tex.;

An act (H. R. 11527) to establish lights on the western end of Coney Island, New York;

An act (H. R. 7066) providing for the establishment of a light-house at Heceta Head, near the mouth of Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000;

An act (H. R. 5032) to extend the limits of the port of Memphis, Tenn.; and

An act (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

ORDER OF BUSINESS.

Mr. PAYSON. Regular order.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas to take a recess until 1 o'clock p. m. to-morrow.

Mr. ALLEN, of Michigan. I do not think it necessary to be here to-morrow—Sunday. I have made another motion, for a recess until 9 o'clock on Monday morning.

Mr. MILLS. I withdraw my motion.

Mr. ALLEN, of Michigan. Then I withdraw mine.

Mr. OUTHWAITE. I move to amend the motion so as to take a recess until 12.30 this morning.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. OUTHWAITE. Division.

The House divided; and there were—ayes 11, noes 59.

Mr. OUTHWAITE and Mr. VANCE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from New York [Mr. WHITE].

REPORT OF THE DIRECTOR OF THE MINT.

Mr. RICHARDSON. Mr. Speaker, the Committee on Printing have two or three little matters that I think ought to be passed, and I hope gentlemen will not object to the request which I make now to pass a resolution to print the report of the Director of the Mint on the production of precious metals. It is the usual report for last year, 1888. It ought to be printed.

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw his demand for the present to permit the gentleman from Tennessee to make a report from the Committee on Printing?

Mr. OUTHWAITE. I temporarily withdraw the point of no quorum for that purpose.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1888 be printed, and that 9,000 extra copies be printed, 4,000 for the use of the House, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

The question was put upon agreeing to the report; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. JACKSON. Division. [Cries of "Oh!" "Oh!"]

The House divided; and there were—ayes 49, noes 10.

Mr. JACKSON. No quorum.

Mr. RICHARDSON. Then I withdraw the report.

ORDER OF BUSINESS.

Mr. PAYSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded, and the tellers will resume their places.

Mr. KERR. I move that the House take a recess until 6 o'clock on Monday morning. [Cries of "Oh!" "Oh!"]

The SPEAKER *pro tempore*. The House is now dividing on a motion to take a recess until 12.30.

After some time spent in the count,

Mr. WILLIAMS said: I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIAMS. The motion is to take a recess until thirty minutes past 12. That time has now arrived.

The SPEAKER *pro tempore*. The House has not yet decided whether it will take a recess.

Mr. WILLIAMS. The clock has decided it. That time has arrived.

The tellers reported—ayes 2, noes 40.

Mr. OUTHWAITE. No quorum.

NEW YORK CENTENNIAL.

Mr. BAKER, of New York. I ask unanimous consent to consider the resolution in reference to the centennial committee, which was pending on my motion at 11 o'clock this morning, at the close of the hour for unanimous consent.

The SPEAKER *pro tempore*. The House is now dividing.

Mr. BAKER, of New York. I suppose by unanimous consent it could be done.

Mr. MILLS and Mr. JACKSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. SOWDEN. I ask unanimous consent that further proceedings on the division be dispensed with.

The SPEAKER *pro tempore*. The regular order is demanded, which is an objection.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES.

Mr. RICHARDSON. This morning when the Speaker of the House laid before the House a Senate concurrent resolution to print the report of the Commissioner of Fish and Fisheries the gentleman from Pennsylvania [Mr. RANDALL] objected to its consideration. He informs me now that he does not object, and withdraws the objection which he made. He authorizes me to say that to the House, and I want to ask the House to concur in the Senate resolution. [Cries of "All right!"] It is the annual report of the Commissioner of Fish and Fisheries.

Mr. JACKSON. Regular order. I object.

The SPEAKER *pro tempore*. Objection is heard.

Mr. RICHARDSON. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. RICHARDSON. No gentleman arose and objected to the consideration of this bill. I think the rules require that a gentleman shall rise to make the objection.

Mr. SOWDEN. I rise to a point of order. The point of order is this: That the gentleman from Pennsylvania [Mr. JACKSON] remained in his seat and demanded the regular order.

The SPEAKER *pro tempore*. The gentleman did not address the House, but simply objected. That is simply a refusal to give unanimous consent or a unanimous vote; and the gentleman is not required to rise in his seat to vote or to object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska; and

A bill (H. R. 9674) to regulate the course at the Naval Academy.

It also announced that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, requested a further conference, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN conferees on the part of the Senate.

It further announced that the Senate had passed House bills of the following titles:

A bill (H. R. 9718) for the relief of J. W. Parish & Co.;

A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell; and

A bill (H. R. 9455) granting a pension to Benjamin F. Clayton.

Mr. SOWDEN. I move that the House take a recess until 12 o'clock and 1 minute to-morrow. The gentleman from Pennsylvania, my colleague [Mr. JACKSON], has conscientious scruples about the transaction of any business during the interval between 12 o'clock to-night and 12 o'clock to-morrow night, and therefore I move that the House take this recess.

Mr. OUTHWAITE. I make the point of order that there is pending a motion to take a recess, upon which the House is dividing.

The SPEAKER. There is a motion pending to take a recess until 12.30, and the tellers are on the floor taking the votes.

Mr. SOWDEN. I move to lay that motion on the table.

The SPEAKER. That can not be done.

Mr. STEWART, of Vermont. I raise the point of order that it is impossible to move to take a recess until 12.30, that hour having already passed.

The SPEAKER. That is a question for the House to determine by its vote, not for the Chair to decide.

Mr. DORSEY. I ask unanimous consent that the House take up the bill S. 3810, and put it upon its passage.

Mr. JACKSON. I object.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. About a month ago Senate bill No. 3325 was reported favorably by a committee of the House and the previous question was ordered upon it——

The SPEAKER. That is not a question of privilege.

Mr. WHEELER. But the bill is privileged, and I wish to explain why it is so. Last evening the previous question was ordered on the passage of the bill, but the hour of adjournment arrived before the vote could be taken, and as that was the only bill I called up last night, I now move that it be put upon its passage.

The SPEAKER. The Chair thinks that is not a question of privilege, and the House is now engaged in taking a vote upon a motion to take a recess.

Mr. WHEELER. I ask unanimous consent that the bill be put upon its passage.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The tellers will take their places.

Mr. MILLS. Mr. Speaker, I move that the House take a recess until half past 3 p. m.

Mr. OUTHWAITE. I withdraw the point of order.

Mr. MCCOMAS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCOMAS. There has just been a disagreement on the deficiency bill and the committee of conference will be here in five minutes. If we take a recess now, can the conferees be appointed during the interval?

The SPEAKER. The conferees can not be appointed until the House disposes of the report, and there is no quorum present, so the House can not dispose of it at this time.

Mr. DUNHAM. Nobody has demanded a quorum, Mr. Speaker.

The SPEAKER. But there are three or four controverted points upon which serious disagreement exists and upon which votes will have to be taken.

Mr. FITCH. Mr. Speaker, is it in order to move a call of the House?

The SPEAKER. It is.

Mr. DUNHAM. It seems to me that we had better do one of two things, either have a call of the House and bring the members here, or else take a recess.

The SPEAKER. The question is on the motion of the gentleman from Texas, that the House take a recess until half past 3 p. m.

Mr. DIBBLE. I renew the point of order, Mr. Speaker.

The SPEAKER. What point of order?

Mr. DIBBLE. That there is a recess pending.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE], who made that point, afterwards withdrew it.

The House divided on the motion of Mr. MILLS that the House take a recess until half past 3 p. m., and there were—ayes 67, noes 4.

Mr. DIBBLE. No quorum, Mr. Speaker.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers, the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Missouri [Mr. DOCKERY].

Mr. CANNON. Mr. Speaker, I want to make an inquiry. I would be glad to know of the gentleman from Texas [Mr. SAYERS], or of somebody else who has the knowledge, whether it is necessary for the House to remain in session to-night in order to dispose of conference reports. If it is not, then clearly it is better for us to take a recess until some hour to-day, so that we may get a little sleep in the interval.

Mr. SAYERS. I will say in reply to the gentleman from Illinois that from a conversation which I had with the chairman of the Committee on Appropriations [Mr. RANDALL] I understood that he would not call up the sundry civil bill until some later hour to-day; and I do not think that in the present condition of the House it would be worth while to call up the deficiency bill when it comes from the Senate.

The SPEAKER. The Chair will add that he has information from the chairman of the Committee on Indian Affairs that the Indian appropriation bill will not be ready to-night.

Mr. CANNON. Then I want to make a suggestion. It behooves us to act sensibly, and if we can get a little sleep in the meantime and finish up the business of this session by meeting a few hours later, I think it would be well to do so.

Mr. MCMILLIN. The gentleman is right about that.

Mr. CANNON. Therefore I now ask unanimous consent that the House take a recess until whatever hour is agreeable to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Say 3 o'clock p. m.

Mr. JACKSON. Half past 3 was the suggestion of the chairman of the Committee on Ways and Means [Mr. MILLS]. I do not think myself that we ought to sit here to-morrow at all.

Mr. CANNON. Then say half past 3 o'clock. I ask unanimous consent that we take a recess until that time.

Mr. DUNHAM. I object to that.

Several MEMBERS. Do not object.

Mr. DUNHAM. I do object. I will not allow one man to come into this House and undertake to dictate to it and have all the rest of the House yield to him in this way. One man has demanded a quorum here on account of religious scruples, and if he can dictate to the House in that way, then any other man can also dictate to this House.

Mr. MCMILLIN. But the gentleman [Mr. JACKSON] says that the proposition to take a recess until half past 3 is satisfactory to him.

Mr. DUNHAM. Exactly. The arrangement is satisfactory to him, and this House is yielding to the dictation of one man.

Mr. MCMILLIN. But you are about to make it yield to the dictation of one man by raising the point of no quorum.

Mr. DUNHAM. Yes; but I do not do it on any religious ground.

Mr. CANNON. I hope my colleague [Mr. DUNHAM] will allow me a suggestion——

Mr. DUNHAM. I demand the regular order.

Mr. CANNON. I hope my friend will allow me to make a suggestion. Most of us are tired——

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage with amendments of the bill (H. R. 4624) for the relief of the estate of John W. Whitfield, asked a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. HOAR, and Mr. PASCO.

It also announced that the Senate further insisted on its amendments, disagreed to by the House, to the bill (H. R. 12571) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The tellers will resume their places.

Mr. MILLS. I ask unanimous consent that the House take a recess until 1 o'clock.

The SPEAKER. Objection has just been made by the gentleman from Illinois [Mr. DUNHAM].

Mr. PETERS. I understand the gentleman from Illinois will not object to a recess till 1 o'clock.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House now take a recess until 1 o'clock p. m.

Mr. JACKSON. I object to that.

Mr. MILLS. Then, I will say 3 o'clock.
Mr. JACKSON. I will not object to that.
Mr. DUNHAM. That I object to.
Mr. OUTHWAITE. Say 2 o'clock.
Mr. MILLS. As a compromise, I ask unanimous consent for a recess till 2 o'clock.
The SPEAKER (at 1 o'clock and 25 minutes a. m.). Is there objection to the request for unanimous consent that the House now take a recess till 2 o'clock p. m.? The Chair hears none; and it is so ordered.

SUNDAY'S SESSION.

The recess having expired, the House (at 2 o'clock p. m., Sunday, March 3) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. There are in the hands of the Chair a number of Senate bills, executive communications, and other papers which ought to be laid before the House at this time if they are to be presented at all. A few days ago, by unanimous consent, the regular order was suspended and certain veto messages were withheld by the Chair. The Chair will either present those now or at a later hour, as will suit the convenience of the House.
Mr. MILLS. I suggest that those messages be deferred until a later hour.
The SPEAKER. The Chair will then withhold them, and will lay before the House Senate bills, that they may be disposed of in some way.

LAND DISTRICTS IN NEBRASKA.

The SPEAKER laid before the House the bill (S. 3810) to establish two additional land districts in the State of Nebraska; which was read a first and second time, and referred to the Committee on the Public Lands.

FARAN & M'LEAN.

The SPEAKER also laid before the House the bill (S. 308) for the relief of Faran & McLean.
Mr. BUTTERWORTH. I believe this bill has been favorably reported to the House several times. I would be glad if it could be taken up now and passed. It relates to the refund of internal-revenue taxes which were wrongfully and unjustly claimed and collected and were paid under protest. There is no doubt about the money being due. I ask unanimous consent that the bill be now considered.
The SPEAKER. The Chair understands that the bill simply directs the accounting officers of the Treasury to re-examine the account. The bill will be reported, after which there will be opportunity for objection.
The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and reconsider the claim of Faran & McLean for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected, namely, for the amount of $2,260, as claimed by them in the papers now on file in the Treasury Department; and if, upon reopening and reconsidering the claim, said Commissioner shall find said taxes, or any part of the same, to have been illegally or improperly assessed and collected from said claimants, it is hereby made his duty to audit and ascertain the amount of taxes so illegally and improperly collected from said claimants, deducting, however, any legal unpaid taxes which claimants should have paid and did not, if any there shall be, under section 103 of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes;" and the Secretary of the Treasury is hereby authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, the amount of taxes so found by said Commissioner of Internal Revenue as aforesaid to have been illegally and improperly assessed and collected to the said Faran & McLean.

Mr. BLAND. I reserve the right to object until I hear some explanation.
Mr. BUTTERWORTH. I will state to my friend that Messrs. Faran and McLean were illegally and improperly assessed for certain taxes, which they paid under protest. They now make claim for repayment. A bill for their relief has been favorably reported several times. This bill simply refers the matter to the accounting officers of the Treasury to re-examine the account, and if the taxes were illegally assessed and collected——
Mr. BLAND. Were they internal-revenue stamp taxes?
Mr. BUTTERWORTH. Yes, sir.
Mr. BLAND. I make no objection.
The SPEAKER. Is there objection to the present consideration of the bill?
Mr. STONE, of Missouri. I will not object if it does not affect the status of the question already pending.
The SPEAKER. It does not; none of these proceedings affect that.
There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading; and it was accordingly read the third time, and passed.
Mr. BUTTERWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

PUBLIC BUILDING AT DETROIT.

The SPEAKER also laid before the House the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.
Mr. CHIPMAN. I ask by unanimous consent that this bill be now put on its passage.
Mr. BLAND. The bill and report had better be read.
The bill was read, as follows:

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Detroit, Mich., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building, including cost of last site purchased therefor.
SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.
SEC. 3. That the sum of $500,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The report (by Mr. NEWTON) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 2442, increasing the appropriation for the public building at Detroit, Mich., respectfully report as follows:
The increased appropriation called for in the pending Senate bill creates a limit of $1,500,000 as the total expenditure for the purchase of a site and the erection of a building at the important and growing city mentioned in said bill. Under appropriations made in the Forty-eighth and Forty-ninth Congresses the Secretary of the Treasury has purchased a commodious site for the proposed public building at Detroit, and after having designated the limit of money which the Government would expend in the purchase of a site, the people of Detroit cheerfully contributed the excess necessary to secure the splendid location now at the disposal of the Government. There is now left, out of appropriations heretofore made, the sum of about $700,000 for the completion of the proposed building, and the Secretary of the Treasury directed the Architect to proceed with plans for the construction of the building.
Having in a measure compassed the needs of the Government at Detroit and estimated the space to be made available for the proper transaction of the public business, it is found by the Architect, and by him in turn reported to the Secretary of the Treasury, that a building with a stone foundation and with a brick and terra-cotta superstructure is the best that he can do in the composition of the building. The Secretary in turn, but with deeply expressed regrets, is obliged to accept such a plan, and the people of Detroit as well as the Government are now in imminent danger of having this anomalous structure forced upon them.
Not only is the structure itself in its composition objectionable, but it is demonstrated to the satisfaction of your committee that in size it is not adequate to the present needs of the Government at Detroit. It fails to supply space for all of those departments of Government relating to the survey of the lakes, the Light-House and Life-Saving Services, the improvement of rivers and harbors, the Marine-Hospital Service, the inspection of steam and other vessels, and the storage of the Treasury's merchandise in bond. In other words, provision for the immediate present is barely made for the postal, customs, and internal-revenue services, and for the judicial department of the Government.
The bare statement of these facts carries with it a conclusion that need not be argued. That the Government should proceed in its operations of this character with the care, prudence, and wise economy that would characterize a business man in the conduct of his business is the simplest logic. That all of these elements appear to be lacking in the projection and prosecution of this public work appears to be equally plain, and the responsibility clearly rests in the unwise economy that withholds from them (the administrative officers of the Government) the necessary funds to begin, continue, and end this work.
The city of Detroit has a population of at least 225,000 souls. It is the metropolitan city of the State of Michigan. It is a growing city, not lacking in enterprise or beauty. The Government of the United States can poorly afford to refuse a fair measure of emulation of private enterprise in that city. It is situated upon the frontier. It is upon a river which is a link in a chain of great lakes, the tonnage of whose commerce exceeds that under our flag upon the high seas. Every department of governmental work that is conceivable has its governmental agents at Detroit, and it is to provide a workshop for these as well as the convenience to its people that calls for this public improvement at Detroit.
The revenues of the Government, both postal, customs, and internal, are very large and steadily increasing, the amount collected in the fiscal year aggregating about $2,500,000, and yet the total cost of a permanent structure for the accommodation of the Government business at that point, and as called for in the pending bill, is but three-fifths of this amount.
In other words, the revenues of the Government at that point, laid aside for eight months, would complete the entire undertaking. A comparison made by your committee and presented by those who advocated the claims of the city of Detroit shows that the ratio of appropriation for a completed structure at the cost of a million and a half is less than the minimum allowed to thirty-two cities of the Union by nearly $1,000,000, reference being had to population, revenue, and governmental needs at these various points selected, while in the number of cities less than one-half dozen will stand a fair comparison with the present and future of the city.
Your committee would therefore earnestly urge the prompt adoption of the Senate act, herewith reported, without amendment.

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

BRIDGE OVER WHITE RIVER, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.
Mr. CRISP. I have examined this bill; it contains all the usual provisions for the protection of navigation. The gentleman who introduced it is very anxious that it should be passed. I ask unanimous consent that it be considered at this time, and if there be no objection, I will ask that the reading of the bill be dispensed with.
The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent to dispense with the reading of this bill and consider it at the present time.
Mr. LYNCH. I object.
Mr. CRISP. Is objection made?
The SPEAKER. Does the gentleman from Pennsylvania [Mr.

LYNCH] object to the consideration of the bill or only to dispensing with the reading?

Mr. LYNCH. Both.

The bill was referred to the Committee on Commerce.

YELLOWSTONE PARK.

The SPEAKER also laid before the House the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. HOLMAN. Mr. Speaker, all persons who are interested in the preservation of the timber lands, and the scientific men of this country, are exceedingly anxious that this bill shall be considered. I ask unanimous consent that it be taken up now and put upon its passage.

Mr. PAYSON. I can not agree to that.

Mr. CANNON. Let us understand first what this is.

Mr. HOLMAN. I ask that it be read.

Mr. PAYSON. Is that the bill which was returned at the request of the Senate a few days since?

The SPEAKER. This is the bill, and it has been amended by the Senate.

Mr. PAYSON. I object to its consideration.

Mr. HOLMAN. Then I ask that it be allowed to remain on the Speaker's table for the present.

There was no objection, and it was so ordered.

CHEROKEE CENTRAL RAILWAY.

The SPEAKER also laid before the House the bill (S. 3721) to grant a right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes; which was read twice, and referred to the Committee on Indian Affairs.

MRS. MARY B. HUNT.

The SPEAKER also laid before the House the bill (S. 3960) granting a pension to Mary B. Hunt; which was read twice.

The SPEAKER. By an indorsement upon this bill it would seem that it had been referred on yesterday to the Committee on Invalid Pensions; but the Chair thinks that is a mistake, because it was not laid before the House on yesterday.

Mr. REED. I ask unanimous consent for the present consideration of the bill.

Mr. LYNCH. I object.

Mr. REED. Will the gentleman from Pennsylvania allow a brief explanation in regard to this bill?

Mr. LYNCH. Certainly.

Mr. REED. It simply provides a pension of $50 per month to the widow of General Hunt. The amount is very small and the services of General Hunt were very distinguished, as all gentlemen here know. I hope the gentleman from Pennsylvania will not interpose a formal objection to the bill, but that he will allow it to come before the House for consideration.

The SPEAKER. Does the gentleman from Pennsylvania withdraw the objection?

Mr. LYNCH. I withdraw it.

There being no objection, the bill was considered.

It is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary B. Hunt, widow of Bvt. Maj. Gen. Henry J. Hunt, deceased, and pay her a pension at the rate of $50 per month, from and after the passage of this act.

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

Mr. REED 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.

USE OF CERTAIN LANDS, HOT SPRINGS RESERVATION.

The SPEAKER also laid before the House the bill (S. 3938) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association.

Mr. HOLMAN. If this is the bill I think it is I believe there is no objection to it, and I would ask unanimous consent for its present consideration. I think it was before the Committee on the Public Lands.

Mr. BRECKINRIDGE, of Arkansas. I think the gentleman from Indiana is mistaken, and that this is not the bill to which he alludes.

Mr. HOLMAN. Then I ask unanimous consent that it be allowed to remain on the Speaker's table until it can be examined.

There was no objection, and it was so ordered.

PUBLIC BUILDING, NEW BERNE, N. C.

The SPEAKER also laid before the House the bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.

Mr. SIMMONS. Mr. Speaker, a precisely similar bill has been reported by the committee of the House, and I ask unanimous consent that this bill be now taken up and put upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

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 purchase or otherwise provide a suitable site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults extending to each story, for the use and accommodation of the post-office, the United States courts, custom-house, internal-revenue offices, and other Government offices, at the city of New Berne, in the State of North Carolina. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $100,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil processes therein.

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

Mr. BLAND. Let the report be read.

The Clerk proceeded to read the report.

Before the conclusion,

Mr. BLAND. I understand there is a court held there, and I do not ask the reading of the report.

Mr. COWLES. Yes, and a custom-house and post-office.

Mr. HOLMAN. I ask that the bill be again reported.

The bill was read.

Mr. HOLMAN. I believe that this town is the site of a Federal court, and as the amount proposed is small I shall not interpose objection to its present consideration.

The SPEAKER. The question is on the third reading of the bill.

Mr. WARNER. Mr. Speaker, I do not wish to object to the consideration of this bill. It is a bill that I think ought to pass; but this is the second bill this morning upon the opposite side of the Chamber for the erection of a public building, and while I do not object to that, I wish to make a statement which will not detain the House more than two or three minutes. I ask the gentleman from North Carolina also to give me his attention.

I hold in my hand a Senate bill providing for the erection of a public building in the city of Kansas City, Mo., a bill that passed the Senate over a year ago——

The SPEAKER. There is a bill before the House——

Mr. WARNER. I wish to say, Mr. Speaker, but a word in that connection. Of all the post-offices in the United States the post-office at Kansas City ranks ninth in the number of pieces of mail matter handled. In the net revenue received by the Government it ranks thirteenth; and it paid into the Treasury of the United States for the year ending June 30, 1888, $365,664, and in the quarter ending December 30 last it paid in $100,000. This is an increase of over 100 per cent. in ten years.

I do not object now to the consideration of the bill called up by the gentleman from North Carolina, for I am not in the habit of objecting in the House, but I do hope when this bill is through that this matter shall be given consideration, when all of these other large bills have passed.

Mr. MILLS. I hope we will find some way to get up several of these meritorious bills and give them consideration.

Mr. BROWNE, of Indiana. Now, Mr. Speaker, if diplomacy is to be inaugurated here in order to secure the consideration of a bill I want to ask the attention of the House to a little matter of my own. [Laughter.] I have had a bill here for years and years making but a small appropriation for a public building, and I have never been able to get recognition to ask its consideration by unanimous consent, or even to move to suspend the rules and put it upon its passage.

I do not expect now to secure the passage of this bill during this Congress, but I would like to have a vote upon it so as to show to my constituency that even this Congress, Democratic as it is, is disposed to do justice to my Republican constituents.

The SPEAKER. There is a bill pending before the House.

Mr. DOUGHERTY. Like the other gentlemen who have risen here [laughter] I ask unanimous consent to make a brief statement.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage with amendments of the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia; asked a conference, and had appointed as conferees Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS.

It also announced the passage of bills of the following titles:

A bill (H. R. 6862) for the relief of John R. Wood, John F. Ballard, and John F. Belew;

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd;

A bill (H. R. 2070) for the relief of the widow of Arno Voss; and

A bill (H. R. 2598) for the relief of William Whitehouse.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. DOUGHERTY. Now, Mr. Speaker, I concur in every word that the gentlemen who have just taken their seats have said. I, too, have a bill here. It is a Senate bill. It is a matter of economy on the part

of the Government, because labor is cheaper in the State of Florida following the epidemic than it will ever be for several years. Everybody on this floor knows what a terrible time we had in Jacksonville, and I think that it would now be a benefit to the laborers of that country and would also be a matter of economy on the part of the Government to spend public money there at this time. Labor is cheap, and I give notice now that unless I can be recognized to call up that bill and ask unanimous consent I shall object to any unanimous consent being given for any purpose.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Pennsylvania. There is a list of bills for increase of pensions upon which the previous question has been ordered, and I propose to ask the House to take up the bill to increase the pension of Mrs. Buchanan, a lady of eighty-three years of age. It is a Senate bill which passed more than one year ago.

Mr. COX. I rise to a parliamentary inquiry.

The SPEAKER. There is a bill before the House.

Mr. COX. Is the New Berne bill before the House?

The SPEAKER. It is.

Mr. COX. Then I call for the regular order.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that bills with the previous question ordered are not privileged, but are simply part of the regular order, and can not interrupt questions of privilege.

The previous question was ordered on the passage of the New Berne public-building bill; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

Mr. SIMMONS 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.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The SPEAKER also laid before the House the joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

Mr. WHITE, of New York. I ask for the present consideration of that bill.

Mr. LYNCH. I object.

Mr. BLAND. Let us have the bill and report read. [Cries of "Regular order!"]

Mr. BROWNE, of Indiana. Mr. Speaker, is it not in order during the last six days of Congresss to move a suspension of the rule on the passage of a bill?

The SPEAKER. It is whenever matters are not before the House, but not to interrupt matters that are privileged.

Mr. BROWNE, of Indiana. I would ask, then, whether I may not ask recognition?

The SPEAKER. The Chair can not recognize the gentleman to interrupt matters of privilege and in pursuance of the regular order.

PUBLIC BUILDING AT ALLENTOWN, PA.

The SPEAKER also laid before the House the bill (S. 3381) for the erection of a public building at Allentown, Pa. [Laughter.]

Mr. DIBBLE. I ask that that bill be taken up.

Mr. BLANCHARD. I object.

Mr. RANDALL. Then let it remain on the table for the present.

Mr. BLANCHARD. That privilege has been granted already at the request of the gentleman from Pennsylvania [Mr. RANDALL] and I decline to grant it a second time. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The question was taken; and the Speaker announced that the noes seemed to have it.

The SPEAKER. The bill remains, of course, where it was before.

I. N. BUNTON.

The SPEAKER also laid before the House the bill (H. R. 6050) to refer the claim of the owners of the steamer I. N. Bunton to the Court of Claims, with Senate amendments.

Mr. BAYNE. I ask, by unanimous consent, to concur in the Senate amendments to that bill.

Mr. KILGORE. I would like to inquire of the gentleman from Pennsylvania the amount involved in this bill?

Mr. HOLMAN. I hope the amendments will be read.

The SPEAKER. The amendments will be read, after which the Chair will ask for objection.

The amendments were read at length.

Mr. KILGORE. I understand the purpose of the bill——

Mr. SPRINGER. I reserve the right to object.

Mr. KILGORE. I object.

Mr. BAYNE. Then I ask unanimous consent that the House nonconcur in the Senate amendments, and request a conference.

Mr. BRECKINRIDGE, of Kentucky. I will ask the gentleman from Pennsylvania if this is the bill which we had before Congress in which he attempted to have a bill passed allowing action to be brought in the Court of Claims for the loss of a steam-boat on the Ohio River near the city of Pittsburgh, where the claim was made that the contractors in building work had not put out the necessary and proper lights? If so, I would object to anything that would facilitate its passage.

Mr. BAYNE. It is.

Mr. BRECKINRIDGE, of Kentucky. I object, then.

Mr. BAYNE. All right; we will attend to it in the next Congress.

ESTATE OF JOHN W. WHITFIELD.

The SPEAKER also laid before House a bill (H. R. 4624) for the relief of the estate of John W. Whitfield, with an amendment of the Senate thereto.

Mr. SAYERS. I ask, by unanimous consent, that the amendment of the Senate be concurred in.

Mr. HOLMAN. Let the amendment be read.

Mr. McCOMAS. I would like to know what the Senate amendment is.

The SPEAKER. The Chair will cause the amendment to be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1889.

Resolved, That the bill of the House for the relief of the estate of John W. Whitfield do pass with the following amendment: Strike out all after the enacting clause and insert:

"That it is hereby made the duty of the Attorney-General of the United States to dismiss the suit now pending in the circuit court of the United States for the western district of Texas brought by the United States against Sarah B. Whitfield and John A. Whitfield, heirs at law of John W. Whitfield, deceased, as a surety on the official bond of William W. Dennison, dated March 10, 1857, as Indian agent; and the said John W. Whitfield, deceased, and his heirs at law be, and they are hereby, released from any and all obligations under said bond, and that Sarah B. Whitfield, administratrix of the estate of the said John W. Whitfield, deceased, late register of the land office of the Delaware land district of Kansas"——

Mr. McCOMAS. Mr. Speaker, I do not ask for the further reading of the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SAYERS] that the amendment of the Senate be concurred in?

Mr. OATES. Mr. Speaker, I would like to hear some explanation of this bill.

Mr. SAYERS. The explanation of the case is this: John W. Whitfield was surety upon the bond of an Indian agent in 1857. At the same time he was a register of the land office. The Indian agent defaulted, and what was due to Whitfield from the Government as register of the land office was retained to meet his obligation upon the bond. The House passed a bill to enable the estate of Whitfield to plead what was due him from the Government as register of the land office against what he was responsible for as surety on the bond of the Indian agent. That bill went to the Senate, and the Senate amended it by simply providing for the dismissal of both suits. The Government has got the money that was due to this man as register of the land office.

Mr. OATES. Are the amounts nearly equal?

Mr. SAYERS. Yes, sir. There was more due him from the Government than was lost by the defalcation.

The amendment of the Senate was concurred in.

BOUNDARY BETWEEN ALASKA AND BRITISH COLUMBIA.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report of the Secretary of State, and accompanying documents, relative to the undetermined boundary line between Alaska and British Columbia.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

AFFAIRS IN MADAGASCAR.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I herewith transmit a report from the Secretary of State, in further response to the resolution of the House of Representatives of the 22d of December last, touching affairs in Madagascar.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

CIVIL SERVICE REFORM.

The SPEAKER also laid before the House the following message from the President; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Congress:

I herewith transmit the fifth report of the Civil Service Commission, also covering the year which ended June 30, 1888. The cause of civil service reform, which in a great degree is intrusted to the commission, I regard so firmly established and its value so fully demonstrated, that I should deem it more gratifying than useful, if, at this late day in the session of Congress, I was permitted to enlarge upon its importance and present condition. A perusal of the report herewith submitted will furnish information of the progress which has been made during the year to which it relates in the extension of the operations of this reform and in the improvement of its methods and rules. It is cause for congratulation that watchfulness and care and fidelity to its purposes are all that are necessary to insure to the Government and our people the benefits which its inauguration promised.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

LEAVE OF ABSENCE.

By unanimous consent, Mr. TOWNSHEND was granted leave of absence for the remainder of the session, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. SPRINGER, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the claim of Frederick Klor by leaving certified copies thereof as required by the rules of the House.

ORDER OF BUSINESS.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker——

Mr. PAYSON. Regular order.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent——

Mr. PAYSON. I demand the regular order.

Mr. SAYERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas [Mr. SAYERS] rise?

Mr. SAYERS. To present a conference report on the deficiency appropriation bill.

The SPEAKER. There is a matter of privilege pending before the House.

Mr. HOLMAN. The pending order, I believe, is Senate bill No. 1430, to declare the forfeiture of certain lands. I ask permission to withdraw that bill temporarily, so that the appropriation bill may be considered.

The SPEAKER. The Chair thinks the gentleman has the right to withdraw it, because the House has not yet determined even to consider it.

Mr. HOLMAN. I withdraw it then temporarily, until this appropriation bill is disposed of. The bill which I now withdraw will not, I presume, lose any of its rights at all.

The SPEAKER. None whatever; it is a privileged report which the gentleman can make at any time.

Mr. SAYERS. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. HOLMAN. I yielded only for the presentation of conference reports on appropriation bills.

The SPEAKER. The Chair so understood.

Mr. SPRINGER. I rise to a parliamentary inquiry: On the conference report which the gentleman from Texas proposes to submit, will it be in order to raise the question of consideration after that report has been read?

The SPEAKER. Of course; that is the proper time.

Mr. SPRINGER. Let the report be read, then.

Mr. SAYERS. I yield for a moment to the gentleman from Missouri [Mr. DOCKERY].

The SPEAKER. The gentleman from Indiana has yielded only for conference reports on appropriation bills.

Mr. HOLMAN. I will yield for a moment to hear what the bill of the gentleman from Missouri is.

ST. JOSEPH COMMERCIAL COLLEGE, ST. JOSEPH, MO.

The Clerk read as follows:

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

Mr. HOLMAN. I ask that the bill may be read, reserving all rights.

Mr. DOCKERY. This matter will not create any discussion at all; if it does I will withdraw it. It is a conference report that I desire to present.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., 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.

ALEXANDER M. DOCKERY,
CHARLES F. BOOHER,
DANIEL KERR,
Managers on the part of the House.

JOHN C. SPOONER,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 5426 recommend that the House recede from its disagreement to the amendment of the Senate. The amendment of the Senate provides that the Secretary of War shall ascertain the actual value of the use and occupation of St. Joseph Commercial College by United States troops during the war and certify such amount to the Secretary of the Treasury for payment. The bill as it passed the House made an appropriation of $12,000 for said use and occupation during the war.

A. M. DOCKERY,
C. F. BOOHER,
DANIEL KERR,
Managers on the part of the House.

Mr. HOLMAN. I yield for the consideration of this matter.

The report of the committee of conference was adopted.

Mr. DOCKERY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER O BUSINESS.

Mr. McCREARY. Mr. Speaker——

The SPEAKER. The gentleman from Texas [Mr. SAYERS] has the floor. The gentleman from Indiana withdrew his report, stating that he did so only to allow conference reports on appropriation bills to be presented.

Mr. KILGORE. I demand the regular order as fixed by that arrangement.

Mr. McCREARY. I only want to report a resolution to go on the Calendar; it can be done in a second.

The SPEAKER. But the gentleman from Texas [Mr. KILGORE] demands the regular order.

Mr. PAYSON. I call for the regular order.

The SPEAKER. The regular order is demanded on both sides.

Mr. BLAND. The only way we can get the appropriation bills through is to insist on the regular order.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS 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. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, 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 4, 6, 11, 12, 17, 18, 20, 22, 30, 34, 39, 40, 43, 49, 53, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 82, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 10, 13, 14, 15, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 35, 38, 41, 44, 45, 50, 51, 52, 54, 55, 56, 57, 59, 60, 67, 77, 78, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 104, 105, 106, 107, and 108, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" 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 named in said amendment insert "$50,000;" 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 "$40,000;" 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 named in said amendment insert "$1,000;" 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: Strike out the amended paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "ex-Secretaries of the Navy Borie and Woodbury and insert in lieu thereof the following: "Adolph E. Borie and Levi Woodbury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out all after the word "eighty-nine" in line 11 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And for preparing suitable rooms and other necessary accommodations for the United States court at Muscogee, in the Indian Territory, and the expenses (including fees of jurors) of said court for the current year, $5,300; in all, $10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay Henry Talbott, clerk of the Committee on Ways and Means, House of Representatives, for extra services rendered during the Fiftieth Congress, $1,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, 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:

"SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of the State of Florida reported in the letter of the Secretary of War, dated May 22, 1882, and under previous acts of Congress, and to make a report upon the same to the next regular session of Congress, and in connection therewith to report the amount of all claims in favor of the General Government against the State of Florida, and in said report to state the account between the General Government and the State of Florida."

And the Senate agree to the same.

On amendments numbered 36, 37, 103, 109, and 110 the committee of conference have been unable to agree.

JOSEPH D. SAYERS,
SAMUEL J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571)

making appropriations to supply deficiencies in the appropriations for 1889 and prior years, and for other purposes, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

The bill, as it passed the House, appropriated $14,728,954.31; as it passed the Senate it appropriated $18,683,508.19, being an increase of $3,954,653.88, proposed by the Senate amendments.

Of this sum it is recommended that the Senate recede from amendments making a net reduction of $223,909.48. The principal items involved in this amount are the following: Repairs of light-houses, $20,000; fuel, lights, and water, public buildings, $10,000; collecting internal revenue, $25,000; Coast Survey items, $4,500; fees and expenses of United States marshals, $116,000; payment of judgments under act of March 3, 1887, $16,304; printing and binding, $18,000; Signal Service, $5,900; rent, Washington city post-office, $5,000.

The amendments upon which it is recommended that the House recede from its disagreement appropriate $1,494,305.35. The principal items involved in this sum are the following: Expenses collecting internal revenue, $50,000; pay of the Army, $355,888; payment to the States of Kansas, Colorado, and Nebraska, on account of 5-per cent. fund, $95,290; improvement Missouri River, $62,060; expenses of the Senate, $42,289; judgments Court of Claims, $59,292; payment of claims audited after passage of the bill by the House, $611,397.

The committee of conference have been unable to agree upon amendments involving the appropriation of $2,236,439.05, namely:

On amendments 36 and 37, relating to the water supply of the District of Columbia, $585,000.

On amendments 109 and 110, providing for the payment of French spoliation claims in the sum of $1,651,439.05.

The committee have also been unable to agree upon amendment numbered 103, to pay to the employés in the Congressional Library and to the Senate Reporters a sum equal to one month's pay.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. KILGORE. I want to make an inquiry, as I could not hear distinctly the reading of the report. I wish to know whether the conference committee has agreed to the item put on the bill by the Senate authorizing the payment of certain spoliation claims.

The SPEAKER. That is not a parliamentary inquiry.

Mr. SAYERS. That is one of the subjects on which the conferees have been unable to agree.

Mr. CUMMINGS. The point of order I raise is in reference to the employés of the Congressional Library.

Mr. RANDALL. That item was disagreed to.

The SPEAKER. There is so much confusion on the floor the Chair will have to suspend the business and request members to resume their seats, and that conversation shall cease on the floor and in the galleries. The gentleman from Texas is entitled to the floor.

Mr. SPRINGER. For the purpose of reserving the right of special action on the French spoliation claims I raise at this time the question of consideration.

The SPEAKER. There must be separate action on the amendments undisposed of by the report of the conference committee. The Chair understands from the conference report the matter referred to by the gentleman from Illinois has been disagreed to by the House, or that no agreement has been reported in reference to it, and it must be disposed of by separate action.

Mr. SPRINGER. I wish to give notice, Mr. Speaker, that I shall resist the previous question being ordered, and that I shall object to other items being taken up and disposed of outside of the conference report.

Mr. SAYERS. I demand the previous question on the adoption of the report.

Mr. KILGORE. What becomes of the other questions?

The SPEAKER. After the report of the conference committee has been disposed of they will be open to the action of the House.

Mr. SPRINGER. I shall resist in every way agreement to the spoliation claims.

The SPEAKER. The Chair desires to state to the gentleman from Illinois that when the report has been agreed to, if it shall be agreed to by the House, the mattor on which disagreement has been reported will be before the House for consideration on motions to recede or to insist.

The Chair desires further to state that the question of consideration can not be raised against a motion to recede or a motion to insist, because they are questions of privilege and one vote decides them. The question of consideration can not be raised against a demand for the previous question or a motion to lay on the table or a motion to adjourn, which are similar questions of privilege.

Mr. SPRINGER. Then the adoption of the report involves only the matters in reference to which the committee report disagreement.

The SPEAKER. That is all.

Mr. SPRINGER. Can amendments to which I object come up afterwards?

The SPEAKER. They do; and the Chair has made the statement in reference to the matter so that gentlemen may not be misled.

Mr. SPRINGER. I know the question of consideration is not debatable; but I wish to say to the House that while I have no objection to agreeing to the report of the committee where the committee has recommended agreement I do object to any parliamentary condition being reached in the progress of the bill by which it would be in order to move to recede from the disagreement of the House and agree to the amendment of the Senate in favor of the French spoliation claims. In other words, I wish to give notice, Mr. Speaker, that I shall resort to every parliamentary means to defeat that measure before it has been ingrafted upon the bill.

Mr. BLAND. What does the gentleman want?

Mr. SPRINGER. I want the House to insist upon its disagreement to the amendment of the Senate.

Mr. McCOMAS. Is it not in order to move to recede from our disagreement?

The SPEAKER. When the report has been disposed of all matters outside of that report will be before the House for action.

Mr. McCOMAS. Are they not questions of the highest privilege?

The SPEAKER. They will be before the House and must be disposed of.

Mr. SPRINGER. I have opposed the French spoliation claims by every parliamentary means, and having so said I now withdraw the question of consideration against the adoption of the report.

The conference report was adopted.

Mr. SAYERS 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. SPRINGER rose.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] is entitled to the floor.

Mr. SAYERS. I ask that the first amendment in reference to which there has been no agreement by the conferees be read.

The Clerk read as follows:

Insert the following:

"Water supply, District of Columbia: To enable the Secretary of War to cause to be constructed and put in operation a 48-inch cast-iron main from the present distributing reservoir above Georgetown, easterly to Rock Creek at M street; and thence along M street to New Hampshire avenue; thence northeasterly along New Hampshire avenue to R street north; thence along R street, to connect with the present 48-inch main from the new reservoir at R and Fourth streets, and to make the necessary connections and to provide the necessary apparatus for thereby specially supplying the present deficiencies of water at the higher levels of the city, and in general to increase the water supply, $575,000. The said work shall be done under the direction of the Chief of Engineers, in the shortest practicable time. If it shall appear to the Secretary of War, on the report of the Chief of Engineers, that for any cause the work can not be carried on, or material therefor can not be obtained as rapidly as is necessary for the best and most vigorous prosecution of it, he is authorized to provide material by purchase in open market or by special contract for the fabrication thereof, and to carry on the work by days' work or otherwise, as it may seem to him expedient. This appropriation shall be charged against the revenues applicable to the expenses of carrying on the government of the District of Columbia, so that one half will be paid from the Treasury of the United States and the other half from moneys derived from taxation in the District."

Mr. SAYERS. Inasmuch as the proposition involved in that amendment was one quite new, the House conferees were quite unwilling to assume the responsibility of advising the House to appropriate so large a sum of money without taking the wishes of the House on the question. I should be very glad to hear from the gentleman from Georgia [Mr. CLEMENTS] on the subject.

Mr. CLEMENTS. Mr. Speaker, if I can have the attention of gentlemen for a few minutes only, I think we can show the propriety of adopting the amendment which has just been read.

The joint select committee to investigate the condition of the tunnel and the question of the water supply for this city have spent as much time as they possibly could during the session, and even before the session began, in making a very thorough and exhaustive examination of the subject, and for the purpose of aiding them in the investigation employed three of the most eminent civil engineers that could be found in the country to make an examination of the work done and report upon the feasibility of finishing the tunnel so as to make it available for the purposes originally contemplated.

We have the report upon this subject, printed only within the last few days, and I will read but a few lines from the report of the committee merely to show the condition of the tunnel. The pressing business of the House at this time will not allow me to quote at length either from the report or the testimony, but a few lines from the former will show the condition of the tunnel as we find it. I quote the following:

It appears, from the report of the experts and from the testimony taken, to be beyond all question that substantially the whole and every part of the lining of the tunnel is absolutely and enormously defective, and that it is scarcely too much to say that there is hardly any continuous length of 10 feet in the whole lining where the backing, particularly over the arch of the lining, is not either absolutely wanting, or only partly filled in, or, when fully filled in, so badly constructed as to make the whole backing of the lining entirely worthless.

The expert engineers estimate the expense of putting a lining and a solid, sufficient backing into a condition of solid contact with the whole and every part of the solid, rocky surface of the tunnel, as excavated, so as to retain and convey the water from one reservoir to the other, to be $929,720. Then they say:

Even if this work were carried out with the utmost integrity, and the closest inspection to insure proper construction, there would still remain some liability to leakage through defective places which might have escaped discovery, or which, if discovered, might be imperfectly filled where pumping grout into them had to be resorted to. While the loss of water would not be seriously felt, the danger of injury to property would still exist.

The experts also present estimates for other plans of water supply. One is the use of the tunnel as a chamber for a steel pipe 6 feet in di-

ameter at a cost of $852,780. This plan would involve an additional cost, not estimated, for a permanent pumping establishment to keep the tunnel clear of water. Another alternative suggested is a gravity conduit, the construction of which would, exclusive of land damages for right of way, cost not less than $1,247,920, and would take two years for completion. The joint committee recently charged with the investigation and required to report to Congress what in their opinion should be done do not believe that it is practicable at this juncture to secure that consideration necessary to a wise and judicious determination as to which, if any, of these plans should be finally adopted.

The committee therefore concluded that, in view of the whole situation and in consideration of the very urgent and pressing necessity of an immediate increase of the water supply, especially in the higher parts of the city—a necessity which is recognized by all—this committee has with unanimity agreed to recommend another plan to meet the present urgent demand, which, it is estimated, will be sufficient by the means suggested for the next ten or fifteen years—that is, by laying a 48-inch water-main, as suggested by the amendment, such as will bring in a supply of about 20,000,000 gallons per day and which will carry the water to the highest points on Capitol Hill, and according to the opinion of the experts the amount of the flow through such a pipe will be sufficient for the city for the next ten or fifteen years.

Now, Mr. Speaker, the reason why the committee has suggested this, which we admit is not intended as a permanent supply for the city for many years to come, is that the necessity for increasing the supply by some means is very pressing and very urgent. The question, then, that confronted us was how best to meet that demand.

We did not feel justified in asking Congress to continue the experiment of this under-ground tunnel and complete it, which work, according to the estimates of the experts, in a manner sufficient to be at all available for the purposes intended, would involve an expenditure of nearly or quite a million of dollars, especially when so completed it would be more or less dangerous to the surrounding property by reason of leakage. It is true, they say, it may be finished up according to the plans in the engineer's office on the 1st of July at a cost of $190,000; but they say in connection with it that the plans are wholly insufficient because the packing is not good and a large amount of the work done has been what is called "dry packing" behind the brick lining; and it is believed that the immense pressure of water, which is estimated to be about 60 or 70 pounds to the square inch, making an average pressure from the interior of about 8,000 pounds to the square foot, would be beyond the capacity of the tunnel as at present constructed to stand; and in view of this condition, and because this plan, if it were carried out, would be, in the opinion of the expert engineers, in some measure an experiment, we thought that for the present at least something should be done which was not in the line of experiment, but which would meet the demand of the city for this additional supply of water. We thought that it would be better upon the whole that we should adopt a plan which would give a supply for ten or fifteen years, and at the end of that time it will be entirely feasible to lay another pipe of about the size of the first one, at about the same cost; and if Congress saw proper, after a careful survey, to adopt the gravity-conduit plan or to complete the tunnel, this expenditure as at present proposed could be utilized in the distribution of water.

This is, of course, a well-known plan, and has the indorsement of General Casey, the Chief of Engineers, as well as the several engineers employed by the joint committee, as entirely feasible for the amount of increase of supply I have stated.

That is the situation, and I will state again in favor of this plan, that if hereafter a different method is adopted for a greater and more permanent supply, the expenditure for this pipe will not be a waste, for it will be of value in connection with the distribution of water throughout the city.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question? I wish to know if the experts employed hold that the present plan upon which the work has been done would be unsatisfactory if completed?

Mr. CLEMENTS. They express doubt, after it is finished in the best possible manner and at a cost of nearly a million of dollars, as to its safety; because there is a question as to the possibility of its standing the immense pressure, which they fear may force the water out in the surrounding neighborhood and cause damage to adjacent property.

Mr. HENDERSON, of Iowa. Are they convinced that if the work had been done as contracted for it would be insufficient?

Mr. CLEMENTS. They think it would not be. They expressed doubt as to whether it would be sufficient if completed in a manner much better than according to the contract.

Mr. LONG. Then, on the whole, you think we had better recede?

Mr. CLEMENTS. That is my judgment.

Mr. McCOMAS. Is it not true that the reservoir to hold the water has already been constructed at great expense, and our purpose now is to have this pipe to utilize the right of way for the higher levels and supply them with water from the reservoirs pending the settlement of the tunnel question?

Mr. CLEMENTS. That is the purpose of this amendment, to put in a pipe which will supply the city for the next ten or fifteen years.

Mr. McCOMAS. From a reservoir already built?

Mr. CLEMENTS. It is not intended to bring the water from that reservoir.

Mr. HENDERSON, of Iowa. Does this amendment make the amount immediately available?

Mr. CLEMENTS. It does. The amendment was put there on the suggestion of the joint committee as the best solution of this question for the present.

Mr. SAYERS. I now yield to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I will ask the indulgence of the House for a moment to make a statement concerning the abandonment of the extensive and expensive plans carried on by the Government to supply the city of Washington with water, and in explanation of the proposition now before the House looking to the supply by a pipe-line. It is strange that a plan upon which has already been expended about $2,000,000 should have been inaugurated and worked on for more than six years without ever having been adopted by Congress or a board of engineers of the Army; and yet that is the fact.

I may qualify that statement only thus far, that the only adoption of the plan that has ever been made is that acquiescence which continued the appropriations to do the work, and a qualified or conditional approval of the Chief of Engineers, wherein the plan was approved on condition that the rock was found, after test, to be suitable.

Mr. WILSON, of West Virginia. Will the gentleman allow me right there? I think the gentleman will find that the original act authorizing the construction of this extension of water-works provided that it was to be made by the Secretary of War; and I think he will further find that the plan of a subterranean tunnel was first approved by the Chief of Engineers and then by the Secretary of War.

Mr. McMILLIN. It was approved by the Chief of Engineers provisionally and by the Secretary of War; but I stand by my original statement that there was never called into consultation a board of engineers on this important work; no plan was submitted to Congress for the tunnel on its present plan, or for its completion after the present plan, so far as I know; and the only recognition of the work after it was commenced has been by continuing to appropriate for it.

Now, what is the nature of the work, if I may ask the indulgence of the House upon that question? Originally when Congress entered upon it it had been represented that it could be carried out by inserting this tunnel 85 feet below the level of the earth, which would give a much slighter pressure than that to which it will be subjected as now constructed. Major Lydecker, who undertook the work, found that at a depth of 85 feet the rock was not such as to contain the water with certainty and to make the tunnel permanent. Being exposed to the atmosphere, the rock decomposed. Hence it was thought better to go down deeper and get into better rock.

It seems it was never dreamed by the projectors of this plan that it would be necessary to line the greater portion of this tunnel, and to make the lining sufficient to resist the pressure to which it would be subjected, to wit, more than 8,500 pounds to the square foot. The average depth below the reservoirs is now about 150 feet. In other words, beginning at the old reservoir, where the supply comes down from Great Falls—under a plan which was inaugurated in 1859—a shaft has been sunk, and the water was to be poured into the tunnel; then taken through it 20,700 feet to the distributing reservoir near the city.

Now, the pressure, as I have said, would be eight thousand five hundred and some pounds to the square foot, and the committee that was appointed to investigate the question had great doubt whether the work when finished would be sufficient to stand that pressure. In fact, we were satisfied it would not, and hence that the tunnel would be a failure. We went out there, put on water-proof clothing, waded through the water in the tunnel and looked at the openings that our experts had made. We first sent experts there to see whether the backing had been put in according to contract. Soundings and openings were made at intervals for miles, so as to see the extent of defective work, and it was ascertained. We found that there were spaces on the top of these three rounds of brick masonry upon which any member of this House could stand erect.

There are places as long as across this Hall, where, but for the bulkheads which seem to have been put in for the purpose of deceiving the inspectors or those who casually went into the tunnel, a man could walk erect or by bowing slightly. It is a serious question whether, if the water had ever been turned in there, the linings would not have been rent and destroyed. Much of the water would inevitably have found exit elsewhere. Now, that is the condition of the work.

Experts estimate that to complete the work in such a way as to come up to the original design would cost $929,000. They estimate that if the contractors performed their work according to the contract, all through, it would cost $190,000 additional to complete it. But no bonds were taken of them when the contracts and plans were changed. I pass no judgment upon the liability of the bondsmen who undertook for the contractors under the first contract. Here is what the engineers say:

In view of the great cost of reconstructing the tunnel, $925,000, so as to prepare it for carrying water under pressure, and in consideration of the fact that,

even if the work be well done, some elements of danger, loss and damage to property, and possible failure in parts of the tunnel would still remain, the board would hardly be justified in recommending this plan.

We find that after spending two millions of money we can now, for $550,000 only, a little over one-half of what it would require to complete the tunnel, by a plan about which there is no doubt, through a 4-foot cast-iron main, supply the city of Washington amply for ten or fifteen years to come. And even after the ten or fifteen years have elapsed, if the tunnel should be completed or some other plan for supplying the city devised, this 4-foot main can be utilized through most of its length in supplying water from the new aqueduct. It would therefore be no loss in any event.

The engineers make another report, in which they say that the tunnel in its present condition might be patched up and used for the insertion through it of a steel pipe 6 feet in diameter, which would supply the city for thirty-odd years to come, or possibly for fifty years. That, if it is desired, can be done in the future. The steel pipes would unquestionably resist the pressure, and if, after a most careful investigation, I had to make a suggestion to the House as to whether the steel-pipe plan or the original plan should be carried out, I would unquestionably recommend the adoption of the steel pipe, because it would cost about $100,000 less than the other plan and would be unquestionable in its result.

Now, gentlemen will probably want to know how it was possible that the work could be done in this way under the eye of the inspectors who were appointed by the Government of the United States to watch and supervise its progress. The original contractors, Beckwith & Quackenbush, sublet the work to other parties, and the committee discovered the astounding fact that, under assumed names, the inspectors appointed by the Government were paid by these subcontractors in addition to what the Government paid them.

In view of that fact it is not strange that the tunnel is found to be improperly constructed.

Now, Mr. Speaker, three plans are suggested as practicable: First, the completion of the tunnel on the original plan at a cost of $929,000; second, the use of the present tunnel as a receptacle for a steel pipe 6 feet in diameter, at a cost of $825,000, and, third, the plan of supplying the city for ten or fifteen years from the present reservoir by means of a cast-iron main along a line which I could describe in detail if time permitted, and which would be found to go through the high parts of the northwest section of the city, now thickly settled, and to be capable of supplying Capitol Hill, even, with smaller pipes and with sufficient pressure, at a cost of $550,000 or $575,000.

That the House may have full information as to the proposed plan embraced in this bill and recommended by the joint select committee, I submit the following report on the subject by General Casey, Chief of Engineers:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 19, 1889.

DEAR SIR: In reply to your verbal request of the 16th instant that I should locate a 48-inch main from the distributing reservoir to this city, furnish an estimate of its cost, and give its probable effect upon the water supply of the city, I have the honor to state:

1. The route recommended is shown on the accompanying map. From the distributing reservoir it follows the line of the existing mains, to the intersection of M street and Pennsylvania avenue; thence along M street to New Hampshire avenue; thence to R street and along R street, connecting with the 48-inch main from the new reservoir at R and Fourth streets. The reason for selecting this route is that if a conduit is constructed to the new reservoir at any future time, this main will then form a valuable addition to the water system of the city, dividing the small mains which have been laid in the northwest section; while if one is laid on L or M street (the shortest distance to New Jersey avenue) it would merely reinforce the 36-inch main, without cutting down the loss of head which results from long lines of small distributing mains. In this position it will also reduce the area in the northwest in which pumping will be required.

The length of the line recommended is about 23,200 feet. The length of the 48-inch main already laid from Fourth street and R to New Jersey avenue and L street is about 3,300 feet, making a total length of 48-inch main proposed of 26,500 feet.

There are two ravines along the proposed lines; *i. e.*, at Foundry Branch and Rock Creek, for which the plans for crossing will require more extended study than can be given in the limited time at my disposal. The existing mains cross Foundry Branch in a trench cut in the rock. To place a fourth pipe in this trench would make it very difficult to make repairs should any break occur at this point. To enlarge the trench by blasting might endanger the mains already laid. It is possible that the 48-inch main may be laid across the road bridge which crosses the stream. Rock Creek can be crossed either by a siphon under the stream or by an arch of 48-inch pipe similar to those under the Pennsylvania-avenue bridge or possibly upon trussed iron beams.

2. The portions of the city to be supplied by this main.

On the accompanying map the 75-foot contour of the city has been drawn in a broken red line. This forms a natural division between a high and low service. The position of the mains already laid will modify this dividing line to a slight extent, and the full red line marks the division between a high and low service recommended; the 48-inch main to supply the high level, and the existing mains of the city the low. It will be seen that there are two sections of the high service, one on Capitol Hill, and the other in the northwest, separated by a low service which extends across the city. To supply the eastern part of the low service, the part east of New Jersey avenue, connection must be made with the 36 or 30 inch main under the line which supplies Capitol Hill.

3. The effect this arrangement of mains will have upon the city service.

The formula for determining the flow of water in pipes give results very unsatisfactory, due to the difficulty of determining the value of a coefficient dependent upon the roughness of the pipe and the modifications due to bends and connections. I have therefore adopted the following method for determining the flow in the 48-inch main: The pressure on the 36-inch and 30-inch mains measured at the aqueduct office, is 32 and 28.5 pounds, respectively, per square inch. This would correspond to a flow of 37,455,000 gallons, by Fanning's formula for clean straight pipes without bends or valves. By actual measurement of the flow at the reservoir it has been found not to exceed 30,000,000 gallons. A coefficient corresponding to the heading slightly changed in Fanning's tables would very nearly give this result, and it is assumed that a new main would soon be in the same condition as the mains already laid. If a 48-inch main extended to Rock Creek, and the city used but 30,000,000 gallons of water, the supply would be distributed between the 30, 36, and 48 inch mains in the proportion of 1, 1.58, and 3.24, the $\frac{5}{2}$ power of their diameters, and the velocities with which the water would flow under the new conditions would be approximately as $\sqrt{1}:\sqrt{1.58}$, or less than one-half as fast, and as the loss of head is proportional to the square of the velocity the loss of head at this point would be one-quarter that which it is at present; *i. e.*, 5 feet instead of 20.

The following table showing the relative capacities of the different mains under the conditions specified, computed for clean pipes will also indicate the effect of introducing a 48-inch main, the water in the distributing reservoir being at the level of 146:

Size of main.	Length feet.	No. of gallons delivered at elevation 135 per day.	Elevation at which 12,000,000 gallons can be delivered per day.	Elevation at which 15,000,000 gallons can be delivered per day.
30 inches.....	28,000	5,500,000	100.57	76.34
36 inches.....	28,000	9,000,000	127.63	118.43
48 inches.....	28,000	20,000,000	141.25	139.20

With a complete supply to residences the daily expenditure of water will be largely increased, probably to at least 35,000,000 gallons, and a yearly increase of at least 1,000,000 of gallons is to be anticipated. The distribution of that increase can not be determined, but assuming that it will be largely in the higher levels, the 48-inch main will afford ample relief until there will be required from 45,000,000 to 50,000,000 gallons of water per day, say a period of from ten to fifteen years.

4. The cost of the 48-inch main.

Basing the estimate on the cost of the 48-inch main laid in 1884–'5, it being the 48-inch main from the new reservoir, the following will be the cost per running foot:

Cast-iron pipe	$12.67
Labor and calking	2.39
Tools and material	1.63
Hauling pipe	.43
Relaying pavement	2.00
	19.12
23,200 feet at $19.12	443,584.00
Special castings	15,000.00
4 48-inch gates at $1,700	6,800.00
20 6-inch gates at $22.10	440.00
4 20-inch gates at $200	800.00
2 12-inch gates at $59.50	119.00
Crossing Rock Creek and Foundry Branch (estimated)	10,000.00
	476,743.00
10 per cent. contingencies	47,674.30
	524,417.30

5. The necessary connections.

A 36-inch connection should be made with the 36-inch main at Rock Creek, so as to utilize either main in case of a break in the other. The 12 and 20 inch crossing the main at Twenty-second and Seventeenth streets, respectively, should be connected with it, and at Twelfth street 24-inch openings with valves should be placed for 24-inch pipes, though these pipes will not be required for several years. A 30-inch connection with the 36-inch main should be made under the line in New Jersey avenue for the purpose of supplying the eastern section of the low service.

The 30 and 36 inch mains must be shut down at New Jersey avenue and the gate at the intersection of New Jersey avenue and B street north must also be closed. One large connection, say 24-inch, should be made between the 30 and 36 inch mains in Fourteenth street. Under this arrangement the 12, 30, and 36 inch mains will supply the low service (all below 75 feet elevation) while the 48-inch will be devoted to the high service above 75 feet elevation. It is estimated that $575,000 will cover all expenses for the 48-inch main with these connections.

6. The time necessary to put in this main.

It is believed the main could be put in use in twelve months from the signing of the contracts for the pipe, provided the pipe is delivered in that time.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Senator GEORGE F. EDMUNDS,
Chairman Joint Commission, Senate Chamber.

The committee approve the 4-foot cast-iron main because there is no doubt about the efficiency of the plan, the adequacy of the supply it will yield, and because whilst sufficient it is cheaper. Other pipes can be added when desired. I will not further tax the House after the patience with which the members have favored me.

Mr. RYAN. Mr. Speaker, I want to supplement the remarks of the gentleman from Tennessee by adding that this proposed expenditure of $500,000 to secure this temporary supply for ten or fifteen years will not be lost when we come to secure a permanent supply, because we can utilize that pipe for the distribution of water.

Mr. MCMILLIN. I had so stated. I have stated that it could not only be used, but that much of it, in fact most of it, could be used without even taking it up, could be used in the position in which we would now place it. I do not wish to take up further time in this connection.

Mr. SAYERS. I now yield ten minutes to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON, of West Virginia. Mr. Speaker, I did not know that this question was to come before the House at this time; otherwise I should have refreshed my memory as to some of the facts connected with this tunnel. Having had charge of the District of Columbia

appropriation bill in the Forty-ninth Congress in association with the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Maryland [Mr. MCCOMAS], who are also members of this Congress, it fell to our duty to inquire into a deficiency appropriation which was asked for by the engineers in charge of the tunnel construction.

We then found that Congress had passed in July, 1882, an act to increase the water supply of the city of Washington and had made an appropriation of nearly a million and a half of dollars for that purpose. Included in that appropriation was the sum of about $600,000 for the construction of a tunnel or a conduit to convey the water from the present reservoir to some high point for distribution over the city of Washington, the difficulty at present being not only that the water supply is inadequate but that it has not sufficient head to reach houses in the highest elevations of the District.

The act of 1882, making an appropriation, as I have said, of a million and a half of dollars, went 10 per cent. beyond the estimate submitted to Congress from the Engineer Department. It took the highest estimates that were submitted, and then added 10 per cent. to those estimates in order to meet all contingencies in the construction of the work. The estimates, however, were made for a surface conduit, which was to carry the water from the present reservoir to some distributing point, either upon Capitol Hill or at the point where the new reservoir is being constructed.

The engineer in charge of this work reported to the Chief of Engineers in favor of changing the plan upon which the original estimates were made, and instead of having a surface conduit, going under Rock Creek as a siphon, proposed that there should be a tunnel which would begin at the present reservoir and go nearly 4 miles to the reservoir out beyond the Howard University. The report made contemplated that this tunnel was to be driven through solid rock for the entire distance of 4 miles, and that this rock would be a perfect tunnel in itself, strong and water-tight, needing no lining and no extra expenditure of any kind. That proposed change in the plans was submitted to the Chief of Engineers and approved by him. It was then submitted to the Secretary of War, upon whom the duty of constructing this work was imposed by the act of Congress, and approved by him.

Mr. CLEMENTS. The gentleman will find upon close examination that the approval of the Chief of Engineers and the Secretary of War was a provisional one; it was to the effect that that plan should be adopted in the event that, upon the sinking of trial shafts at necessary points and after a thorough examination, sufficient solid rock generally throughout the whole length of the tunnel should be found to answer the purpose without lining. After such examination the plan never was absolutely approved, but the matter just drifted along.

Mr. WILSON, of West Virginia. Well, that may be an attempt on the part of somebody to lessen the responsibility for the approval of this plan; but it was testified before the subcommittee when I had charge of the District of Columbia appropriation bill, by such engineers as Colonel Casey, Colonel Craighill, and General Meigs, whom we called in to consult, that you could not tell what was to be the character of the rock between the two ends of that tunnel unless you should examine it from one end to the other; that no sinking of shafts a mile or half a mile apart could give you any information as to the rock through which the tunnel was to be carried throughout its whole extent.

Mr. CLEMENTS. I do not wish to be understood as saying that anybody should be excused from any responsibility in this matter, because I think it was the duty of the Secretary of War and the Chief of Engineers at that time to have sufficient tests made to ascertain what could be done; and after this provisional approval some step ought to have been taken by the Department or by the Board of Engineers such as is usual in all such matters to ascertain whether or not the conditions required by the conditional approval existed or not. This was never done; and in point of fact the rock turned out to be full of seams and cracks——

Mr. WILSON, of West Virginia. I am coming to that.

Mr. RYAN rose.

Mr. WILSON, of West Virginia. I have only ten minutes and I can not yield.

The original act directed the Secretary of War to extend the Washington Aqueduct from its present eastern terminus to the high ground north of Washington, near Sixth street, extended; and the estimates upon which the original appropriation was made, which were prepared in the office of the engineer commissioner of the District of Columbia, contemplated in general terms the extension of the aqueduct by a 9-foot conduit from the distributing reservoir to an available site east of Seventh street.

Instead of the work being done according to the plan on which the appropriation was made, this more ambitious plan of driving a 4-mile tunnel through what was expected to be solid rock from the distributing reservoir to the reservoir east of Seventh street was adopted, first by the Chief of Engineers and then by the Secretary of War. Captain Hoxie was in charge. He was soon transferred to some other point and Major Lydecker left in charge of its construction.

In the Forty-ninth Congress application was made for a deficiency for this tunnel construction amounting to about $400,000. It was found when they sank these shafts and attempted to drive through the intervening rock that much of it crumbled as it was exposed to the air or moisture, and the tunnel had to be lined. Captain Hoxie contended, in a letter addressed by him to the chairman of the Committee on Appropriations, that if the tunnel had been sunk deeper solid rock would have been found, and also that the proper lining was of concrete for the surface walls of the tunnel, and not the more costly lining of brick with packing behind it.

These were the two points investigated by the Committee on Appropriations having the District of Columbia appropriation bill in charge in the first session of the Forty-ninth Congress. We reluctantly recommended to the full committee the appropriation asked for as a matter of necessity, but using the following language:

> But recognizing the difficulty, the novelty, and the importance of these questions, and the expediency of submitting them to competent experts, the committee have, in recommending the amount called for by the estimates, provided that the Secretary of War shall forthwith take the advice of the highest Engineer Board of the Army upon the plans and methods heretofore pursued.

Accordingly we incorporated into the law making it, the appropriation, the following provision:

> But the Secretary of War is instructed forthwith to submit to the Board of Engineers for Fortifications and for River and Harbor Improvements whether any changes are demanded for reasons of safety or economy in the method of lining said tunnel heretofore adopted and pursued, and whether any changes are required in the method of lining and perfecting the reservoir.

Thus bringing under the critical examination of that board the entire construction of this tunnel from one end of it to the other.

> *Provided*, That said board shall make full report thereon, and pending such examination the work shall proceed upon such parts thereof as the Secretary of War shall direct.

In other words, we suspended the work on the main part of this tunnel until this highest Board of Engineers in the Army should examine it personally and report to the Secretary of War as to the lining of the tunnel and reservoir.

Now, sir, there is abundant responsibility from the beginning of this work to the present time if there had been any error or blunder in its construction.

[Here the hammer fell.]

Mr. SAYERS. I now yield to the gentleman from Pennsylvania [Mr. RANDALL].

The SPEAKER *pro tempore*. For how much time?

Mr. RANDALL. Not at length, for as a rule I am brief.

Mr. Speaker, after the discussion this morning it must be manifest that the House conferees exhibited wisdom in refusing to take the least responsibility in this connection. For myself I was on my guard in this connection, for as chairman of the Committee on Appropriations I had come to know all the facts stated by the gentleman from West Virginia [Mr. WILSON] in reference to this matter, which makes me doubt as to what Congress should do.

The conferees halted in this particular and determined to come back to the House with this proposition, because it had never been discussed or considered in any way except in the joint committee. The report thereon was but recently made. I think it not unwise to say to the House that we had better hesitate before we go too far in the direction that is recommended.

I confess I have not the information or knowledge in this regard to give any advice to the House upon it, but so far as I am concerned, I propose now and here to say, as a conferee, I mean to free myself in every particular from any responsibility in this matter. Two millions of money have already been expended there. Past appropriations are to all intents and purposes of little public benefit. I am not able yet to decide for myself, at least, how this $575,000 is going to benefit the people of Washington, and give the desired water to the sections of the city now not properly supplied.

I am not altogether sure whether it is not better to wait until another session of Congress and we have read the report. I do not believe one in ten of our members has yet read the report from the joint committee appointed to inquire into this matter. I have absolute confidence in the purposes of the gentlemen who have spoken from that committee, and I have almost full confidence in their judgment; but, Mr. Speaker, I would like to have, as one member of this body, a little more knowledge than I now possess or than any of us possess on this question before I could be willing to advise this expenditure.

Mr. COX. Will the gentleman allow me a question?

Mr. RANDALL. Certainly.

Mr. COX. I would like the gentleman from Pennsylvania to tell the House upon whom he fixes the responsibility for this atrocious job.

Mr. RANDALL. I fix it in part upon the contractors.

Mr. COX. That is what I supposed.

Mr. RANDALL. That is where I place a part of the responsibility.

Mr. COX. I want it fixed there.

Mr. RANDALL. I have no doubt that that is primarily the place where it should be fixed.

There has been gross neglect on the part of the officials of the Government in connection with this work, and the very report of the committee which I have hastily glanced over shows a degree of fraud almost unequaled in the past.

The question is, what had we better do? That is the proposition that confronts us at this time. Shall we wait awhile and obtain further in-

formation before going further in that direction, or shall we proceed still deeper?

Mr. BUTTERWORTH. Does not the inadequacy of the water supply, in the opinion of the gentleman, require prompt action?

Mr. RANDALL. I think it does. I think early action should be taken. I know that to be the case, for I am myself a resident of that part of the city which will be, as I understand, benefited in this connection. But we had perhaps better wait.

There is another suggestion I want to make. I am not at all certain that this Government can not pursue these contractors and compel them to return some of the money which they have improperly taken. I do not know whether the bondsmen are responsible.

Mr. LONG. That is another question.

Mr. RANDALL. I admit that it is another question.

Mr. LONG. Another issue entirely.

Mr. RANDALL. I know; but there are so many bad issues about it it should cause us to pause and consider with a great deal of care what steps we take, so as to prevent further injury.

Mr. COX. Will the gentleman from Pennsylvania be kind enough to tell us how, from his information upon this subject, he would advise us to vote on this proposition now pending between the two Houses?

Mr. RANDALL. I would advise delay.

Mr. COX. That would be a vote, then, to insist upon the disagreement to the Senate amendment?

Mr. RANDALL. Yes, sir.

Mr. BUTTERWORTH. And while we are delaying we are without water.

Mr. RANDALL. The House conferees came back here feeling this: that they would not assume the least responsibility on this question. We wanted to free ourselves from the responsibility which action upon this amendment would entail; and I want to say now publicly that the conferees in this connection will feel themselves entirely free from any word of censure or criticism whatever may be the action of the House in regard to the amendment of the Senate.

Mr. SAYERS. I now yield to the gentleman from Maryland [Mr. McCOMAS] ten minutes.

Mr. McCOMAS. Mr. Speaker, it seems to me that if the proposition involved in this amendment, which is a proposition coming from the committee, be taken with proper limitations it is all right. If the committee now undertake to say that after having expended two millions of dollars under-ground, because they have found a contractor who has cheated the people in working at a depth of 160 feet under-ground, the very best place possible for a contractor to cheat anybody, that because in the lining of the tunnel there has been fraud and irregularity that therefore we shall have delay in securing a supply of water for the present; I say if that is the logic I must disagree.

I was a member of the committee who investigated this matter, in connection with my friend from West Virginia [Mr. WILSON], the gentleman from Iowa [Mr. HENDERSON], and others, and the same experts were before us; and while there was some difference of opinion, the general trend of opinion, as expressed before the committee, was, as engineers, that after the Government had digged the great hole for 4 miles under-ground from a reservoir into a big city, at some time or other it would be only a proper thing to turn the water into the hole and see what the result would be, and what the millions of dollars expended amounted to.

Now, pending that, if it be desired to further investigate the question, because they have a tunnel of that sort in Boston and they are now lining one of the same kind in New York—I say if they want to further investigate the question they can wait for it, but the water supply of the city will not wait. Something must be done to meet that pressing demand, and this proposition on which we are now called to act means that the people need not wait. It means that the people who can not get water in the upper stories of their houses, or even, in some parts of the city, an adequate supply on the lower floors, although there is plenty of water at the source of supply, shall not be compelled to wait.

The reservoir is in good condition; the machinery for distributing it is available, and pending the consideration of the whole subject the Senate amendment proposes to expend a half million of dollars to have a 48-inch cast-iron main laid so that we can have water while we are discussing the feasibility of the tunnel. This Congress will adjourn, and if this bill and the sundry civil bill pass it may not meet until December next; but meanwhile the Secretary of War, under the guidance of the Chief of Engineers, can have the pipes laid and give a present supply, and then examine further into the tunnel question.

It will not do to say, because there are rascally contractors and because there may have been careless observers and watchers of the Government work, that this need of the people shall not be supplied. It will not do for this Congress, which has put upon the people of this city and District this enormous expenditure in adopting and carrying out this plan, to wipe out the whole thing after wasting, according to this theory, a million of money belonging to the Government and a million of their money without getting any water.

Mr. BUTTERWORTH. If the gentleman from Maryland will permit me, I want to ask if I understood the gentleman from Pennsylvania to intimate that he doubted the practicability of the means proposed to supply the water?

Mr. RANDALL. I say this, that I have not had time, nor have I the knowledge or the information which enables me to make a recommendation whether this is right or wrong, but I have taken the evidence of the gentlemen who have made this investigation.

Mr. McCOMAS. The amendment is:

To enable the Secretary of War to cause to be constructed and put in operation a 48-inch cast-iron main from the present distributing reservoir above Georgetown, easterly to Rock Creek at M street, and thence along M street to New Hampshire avenue; thence northeasterly along New Hampshire avenue to R street north; thenee along R street, to connect with the present 48-inch main from the new reservoir at R and Fourth streets.

Now, there is already one 48-inch pipe, and you are going to increase the supply by putting in another 48-inch pipe. There is no great problem in that. The question of utilizing the tunnel can afterwards be considered. The general belief of the engineers was that if they dug 60 feet they would find a solid rock; but it was found that the rock was not good, as it decomposed when it was exposed to the air. Now General Meigs says if they had gone below the frost-line and laid a pipe instead of a tunnel 6 miles long it would have been far less expensive to supply the water.

Mr. BUTTERWORTH. Is there any question that if we adopt the pending proposition it will secure to Washington the needed supply?

Mr. McCOMAS. None whatever. There is no question but what the supply will be ample for ten or fifteen years; and if the water will run through one 48-inch main will it not run through another 48-inch main, if you put the other down? This is a temporary expedient. I must dissent from the proposition of the gentlemen here to let that tunnel go. I believe it ought to be inquired into in the future, and an effort should be made to try and line it; and pending that we can get this supply and give this water which the people ought to have. Therefore I shall move directly, and take the responsibility as a member of this House, and also of this conference, to recede from this amendment, but not to amendment 37, and leave the question of completing the tunnel for future action of Congress.

In a few years, if the tunnel is ultimately available, then the large amount of money that has already been expended will not be wasted. Meanwhile the additional 48-inch pipe will supply the country and supply the city. While it supplies a temporary purpose, it is a proper expenditure at all times.

Mr. BAKER, of New York. If this pipe is laid down I understand it will be useful in connection with the tunnel.

Mr. McCOMAS. It will be a supplement to the tunnel.

Mr. BAKER, of New York. And will be worth all it cost.

Mr. SAYERS. I now yield to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, I request this time more for the purpose of asking questions of the gentlemen who have been members of this committee of investigation than for the purpose of making observations. I want to ask the members of the committee who investigated this tunnel whether or not this plan is recommended by them. I wish to ask that of the gentleman from Tennessee [Mr. McMILLIN] or the gentleman from Georgia [Mr. CLEMENTS].

Mr. McMILLIN. I will state to the gentleman from Iowa that it is recommended by the committee. They thought that if any plan for additional water supply for the city of Washington is to be adopted this is the one that should be adopted. Whether any shall be adopted is of course for Congress to determine.

Mr. HENDERSON, of Iowa. Did the committee of investigation, from the information they obtained, consider that this water is now needed for the supply of the city?

Mr. McMILLIN. The committee say it ought to be done to supply the city with water.

Mr. HENDERSON, of Iowa. One question more. I understand that eminent experts from the ranks of civil engineers in the country were employed by your committee.

Mr. McMILLIN. They were.

Mr. HENDERSON, of Iowa. They report in favor of this plan, do they not?

Mr. McMILLIN. They gave two plans outside of the present tunnel, either one of which may be adopted. The first was, as I said in my remarks a few minutes ago, to use the present excavation as a receptacle or conduit for a steel pipe 6 feet in diameter. They say that either of these plans can easily be adopted. They also say that a permanent supply of water for the city of Washington can be obtained by laying many of these pipes instead of laying one, and that this pipe that is now proposed to be laid may be added to by others, and by that means we can get an ample supply of water, and that the cost would be about $1,100,000.

Mr. HENDERSON, of Iowa. Did the Government engineers agree with the civil engineers?

Mr. McMILLIN. We did not consult the engineers in charge of this work a great deal.

Mr. HENDERSON, of Iowa. But your committee had them before you.

Mr. McMILLIN. We had them before us as witnesses. I will state

to my friend from Iowa that General Casey, who is now in charge, recommends this plan above all others.

Mr. HENDERSON, of Iowa. One more thing I want an answer to: First, whether the supply is needed and needed now; and, secondly, the judgment of the committee that have specially investigated this matter. They state here as the result of their investigation that it is recommended by engineers employed at a great expense; and we have got to depend after all upon expert testimony. They unite in recommending it, the Government engineers recommend it, and those who have given it special investigation recommend it.

Water is not a thing that can be lightly disregarded in the service of the needs of a great city. We are the city council for the city of Washington and the District of Columbia. We are loaded down with a duty which we owe to the people here, and we can not afford to adjourn this Congress without making ample provision for the tables and the pots and kettles of the people of this city and this District. Now, after patient investigation, we have light given to us. Bear in mind, too, the further fact that the laying of these pipes in the tunnel will not destroy the tunnel or prevent its future utilization if further investigation, as suggested by the chairman of the committee, shall show that it may be profitably utilized.

Mr. BELDEN. It is not proposed to lay the pipes in the tunnel.

Mr. HENDERSON, of Iowa. Well, wherever they may be laid the same remark applies. I submit, Mr. Speaker, that our duty is clear, as business men, to concur in this amendment in order to supply to the people of this District the water which they need.

Mr. RANDALL. I wish the gentleman from Tennessee [Mr. MCMILLIN] would give us his own judgment, after hearing all these plans discussed, as between the two plans—the 72-inch pipe to go within the tunnel or the 48-inch pipe to go on the surface.

Mr. MCMILLIN. The gentleman asks my individual opinion as to which of those plans would best give an adequate and permanent water supply to this District, and I do not hesitate to say that I should favor the placing of a 6-foot pipe in the present tunnel. I believe it would perform the required work. There is only one objection to it, and that is that it would be subject to the collection of silt or deposits from muddy water, just as the tunnel itself would be without the pipe. But, nevertheless, at the present I think the best thing that can be done is to adopt the proposition to lay the 48-inch main, and I will state to my friend from Pennsylvania [Mr. RANDALL] that I am influenced in coming to that conclusion by the fact, which is generally admitted, that a good portion of the 4-foot main which would be utilized, to wit, from the intersection of M and Fourth streets, running in the direction of the Capitol, some three thousand and odd feet, can be used without any additional cost. In addition to that, the 4-foot main from where it strikes the intersection of Georgetown and M street after leaving the present main could be used for all time to come to supply that part of the city with water.

Mr. WILSON, of West Virginia. I wish to ask the gentleman whether it is proposed to connect the surface conduit with the reservoir out at Howard University.

Mr. MCMILLIN. It is not.

Mr. WILSON, of West Virginia. You propose to abandon that entirely?

Mr. MCMILLIN. Under this plan that would have to be abandoned, because instead of connecting with that reservoir it is proposed to connect with the present 4-foot pipe which leads from that, and it would, of course, be useless to pour the water in there only to draw it out into the same pipes that are to distribute it.

Mr. SAYERS. I now yield the balance of my time to the gentleman from Kansas [Mr. RYAN].

The SPEAKER *pro tempore*. The gentleman has five minutes remaining.

Mr. RYAN. Mr. Speaker, as a member of the joint committee appointed to investigate the subject of fraudulent work in the tunnel and the subject of water supply for this city, I desire to say a word regarding the situation. So far as the tunnel is concerned, all the engineers agree that danger will result to property and to the health of the city from its completion or from its utilization. They differ on this point only: Some of the engineers say that danger is imminent, while others say that it is only possible. In any event there is doubt whether it could be utilized for the purposes for which it was designed.

Some one said—I think it was my friend from Maryland [Mr. MCCOMAS]—that some of the Army engineers were in favor of turning the water in and trying the tunnel, but they tell us that it must first be suitably lined, and that would cost about a million dollars. Then what have we? Simply an experiment. It may be a success or it may not. So much for the tunnel. Now, what is the condition that confronts us? It is this: A great city, dependent on us for all legislation, and of course for water supply, is now absolutely suffering in health because of the want of an adequate supply of water. By reason of the absence of water in this city fevers have raged during the last year, I am informed, as never before, resulting in most extraordinary mortality.

Now, what do the engineers tell us? All of them, without any difference of opinion, say that if we will adopt this 48-inch pipe it will afford an ample supply of water to this city for the next ten or fifteen years at a cost of half a million dollars, or certainly not to exceed $600,000. About that they all agree. That will be no experiment. That will secure the people an adequate supply, absolutely beyond any question whatever. Hence, while the expert engineers recommend other methods of securing a permanent water supply, I need not discuss them now. It is sufficient to say that they involve an expenditure of about $2,000,000, and for obvious reasons can not be considered by this Congress at this late hour of the session.

All the engineers concur, and the joint committee concur, in recommending that this 48-inch pipe method of supply be adopted at once in order that the people of the District may have with as little delay as possible this greatly needed relief. There is another feature of the matter to which I wish to call the attention of gentlemen. That is, that when Congress shall hereafter undertake to furnish some method of permanent water supply for this city, every dollar that we expend here in securing this temporary supply for ten or fifteen years can then be utilized without any loss whatever.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SAYERS. I now move that the House insist upon its disagreement to the amendment of the Senate.

Mr. MCCOMAS. I move that the House recede from its disagreement to the amendment of the Senate numbered 36 and agree to the same, and upon that I move the previous question.

Mr. RANDALL. And on that we ask for the yeas and nays.

The SPEAKER *pro tempore*. The Chair will state the proposition. The gentleman from Texas [Mr. SAYERS] moves that the House insist upon its disagreement to the Senate amendment, and upon that he demands the previous question. Pending that, the gentleman from Maryland [Mr. MCCOMAS] moves that the House recede from its disagreement to the Senate amendment and concur in the same, and upon that motion he demands the previous question. The question is, Will the House order the previous question upon the motion made by the gentleman from Maryland [Mr. MCCOMAS]?

The previous question was ordered.

Mr. CLEMENTS. Now, Mr. Speaker, if it is in order, I wish to be heard for about five minutes on this question.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia that general debate has been running on this question for a few minutes over an hour, and unless by unanimous consent the gentleman can not be heard at this time. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. The gentleman is entitled to debate this motion. The motion just now submitted by the gentleman from Maryland [Mr. MCCOMAS] has not been submitted heretofore, and the previous question is pending upon it, and upon that the gentleman from Georgia is entitled to be heard.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] does not state the situation as it is. The Chair will state that no motion was pending. Both propositions were discussed, by general consent, under the rule of general debate, and the previous question cuts off all debate except by unanimous consent. The gentleman from Georgia [Mr. CLEMENTS] asks unanimous consent that he may be heard for five minutes.

Mr. PAYSON. I object.

Mr. COX. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. I make the point of order that the gentleman from Georgia [Mr. CLEMENTS] does not require unanimous consent to speak at this time.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The Chair hears no objection and the gentleman from Georgia will proceed.

Mr. BAYNE. I shall object unless five minutes be given for reply.

Mr. HOLMAN. Regular order.

Mr. BAYNE. I withdraw my objection.

Mr. CLEMENTS. The gentleman from West Virginia has referred to the approval of this plan by the War Department. I wish to say that I have no dispute with him as to the question of responsibility. The War Department was charged with the responsibility of seeing that the law was carried out in good faith in this whole matter; and the responsibility for entering upon and prosecuting this under-ground plan, under conditions which it has been shown did not warrant it, must lie at the door of the War Department. I do not mean in anything I have said to intimate that there is any apology or excuse for this great neglect of official responsibility.

The gentleman from Pennsylvania [Mr. RANDALL] expresses doubt as to what we should do, and says that he does not know but that we should pursue the sureties. On the contractor's bond I have no doubt that we ought to pursue the sureties; they ought to be held to their responsibility on their bond as far as possible. But that will not bring a water supply to the people of Washington. The gentleman from Pennsylvania testifies, what every member must know from personal experience as well as from information, that there is an urgent necessity for an additional water supply. It is well known here that I am not in the habit of advocating extravagant appropriations for this District, for I believe there are many unnecessary appropriations made in this behalf; but this is not an expenditure of that character. It was seen by Con-

gress so far back as 1883 that there was this necessity; and this project was set on foot to bring about an additional supply; yet with this necessity increasing each year until the present time there is still no increase of supply.

Now it is proposed by the gentleman from Pennsylvania that we halt here and leave this whole question open for further investigation and longer delay. In view of the fact that we are not prepared to adopt any of these other plans, and in view of the fact that there is a pressing necessity for increased supply, and in view of the fact that the engineers, both in the Army and out of it, agree that this plan is perfectly feasible, that it is not an experiment, that it will bring an additional water supply sufficient for the next ten or fifteen years, it seems to me that our duty is perfectly clear.

In coming to this conclusion I have no pride of opinion in regard to our report. It has been a serious matter to make any recommendation on this question as to what should be done; but the necessity is pressing and urgent; and this is the only way out of it that will give the people of this District promptly a sufficient supply of water. And I repeat it is not experiment; it has been tried; there is no difficulty about it. I think the House ought not to hesitate.

Mr. BELDEN. Will the gentleman allow me a single remark? Contracts have been made under authority of act of Congress for this work, the work has proceeded under those contracts, and now after an investigation it is proposed that a new plan be adopted, although the effect of this change of plan must be to let the contractors out entirely.

Mr. CLEMENTS. We do not propose to let them out.

Mr. BELDEN. You can not do otherwise, if you change the plan.

Mr. CLEMENTS. We do not let them out. The contractors have failed in every particular to carry out their contract, and they are liable on their bond so far as the bond is sufficient; it is only for $200,000. There was a supplemental contract for which no bond was taken.

Mr. BELDEN. I have done work of this character a large part of my life; and I assert that this work can be completed more quickly by following and enforcing the existing contracts than it can be by adopting the proposed change of plan.

Mr. CLEMENTS. If the work were continued under the present contracts the whole thing would be a failure, as has been shown by the examination of experts. The specifications under which much of the work has been done were not sufficient, in the opinion of the experts, to make it secure under such great pressure. If the contract were carried out according to the specifications it would still be insecure; but this in no wise relieves the contractors from the consequences of their default. Nor does this amendment in any manner relieve them; it simply provides for a new and different work entirely distinct from the old plan or the existing contract.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Maryland [Mr. MCCOMAS] that the House recede from its disagreement to the amendment of the Senate and agree to the same, on which motion the gentleman from Pennsylvania [Mr. RANDALL] has demanded the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. I hope the Chair will state that an "ay" vote on this question is in favor of adopting the 48-inch surface pipe.

Mr. BAKER, of New York. An "ay" vote gives us water, and a "no" vote no water.

Mr. MCCOMAS. An "ay" vote means a 48-inch main; a "no" vote means no arrangement whatever.

The question was taken; and it was decided in the affirmative—yeas 164, nays 55, not voting 104; as follows:

YEAS—164.

Adams,	Cogswell,	Hemphill,	McMillin,
Allen, Mich.	Compton,	Henderson, Iowa	Merriman,
Anderson, Kans.	Conger,	Henderson, N. C.	Morrill,
Arnold,	Cooper,	Henderson, Ill.	Morrow,
Atkinson,	Cowles,	Hermann,	Morse,
Baker, N. Y.	Crisp,	Hiestand,	Nichols,
Baker, Ill.	Crouse,	Hires,	O'Donnell,
Bayne,	Culberson,	Hitt,	O'Ferrall,
Bingham,	Cutcheon,	Holmes,	O'Neill, Pa.
Blanchard,	Dalzell,	Hooker,	Osborne,
Boothman,	Davenport,	Hopkins, Ill.	Outhwaite,
Bound,	Davidson, Ala.	Hunter,	Perkins,
Boutelle,	Davidson, Fla.	Hutton,	Perry,
Bowen,	Dougherty,	Johnston, Ind.	Peters,
Breckinridge, Ark.	Dunn,	Kean,	Plumb,
Breckinridge, Ky.	Elliott,	Kennedy,	Pugsley,
Brewer,	Enloe,	Kerr,	Reed,
Browne, Ind.	Farquhar,	Ketcham,	Rice,
Brown, J. R., Va.	Felton,	Kilgore,	Robertson,
Buckalew,	Finley,	Laidlaw,	Rockwell,
Bunnell,	Funston,	Landes,	Romeis,
Burrows,	Gaines,	Latham,	Rowell,
Butler,	Gear,	Lawler,	Russell, Conn.
Butterworth,	Gibson,	Lehlbach,	Ryan,
Bynum,	Glass,	Lind,	Sawyer,
Campbell, Ohio	Grimes,	Lodge,	Scott,
Candler,	Grout,	Long,	Scull,
Cannon,	Guenther,	Mansur,	Seymour,
Caruth,	Harmer,	Mason,	Shaw,
Catchings,	Hatch,	McClammy,	Smith,
Chipman,	Haugen,	McComas,	Snyder,
Clardy,	Hayden,	McKenna,	Sowden,
Clark,	Hayes,	McKinley,	Spooner,
Clements,	Heard,	McKinney,	Springer,
Steele,	Thomas, Ill.	Weaver,	Wilkinson,
Stephenson,	Thomas, Wis.	West,	Williams,
Stewart, Tex.	Vance,	Wheeler,	Wise,
Stewart, Vt.	Vandever,	White, Ind.	Woodburn,
Stone, Ky.	Walker,	White, N. Y.	Yardley,
Struble,	Warner,	Whiting, Mass.	Yoder,
Taulbee,	Washington,	Wickham,	Yost.

NAYS—55.

Anderson, Miss.	Fitch,	McCreary,	Russell, Mass.
Anderson, Ill.	Foran,	McRae,	Sayers,
Bacon,	Forney,	Mills,	Seney,
Belden,	French,	Moffitt,	Sherman,
Bland,	Hall,	Montgomery,	Shively,
Blount,	Herbert,	Moore,	Stockdale,
Booher,	Holman,	Oates,	Stone, Mo.
Campbell, F., N. Y.	Howard,	Parker,	Taylor, J. D., Ohio
Caswell,	La Follette,	Peel,	Tracey,
Cobb,	Lanham,	Penington,	Turner, Ga.
Cox,	Lynch,	Pidcock,	Wilber,
Cummings,	Macdonald,	Randall,	Wilson, Minn.
Dockery,	Martin,	Richardson,	Wilson, W. Va.
Dorsey,	McCormick,	Rowland,	

NOT VOTING—104.

Abbott,	Davis,	Jones,	Payson,
Allen, Mass.	De Lano,	Kelley,	Phelan,
Allen, Miss.	Dibble,	Laffoon,	Phelps,
Anderson, Iowa	Dingley,	Lagan,	Posey,
Bankhead,	Dunham,	Laird,	Post,
Barnes,	Ermentrout,	Lane,	Rayner,
Barry,	Fisher,	Lee,	Rogers,
Biggs,	Flood,	Lyman,	Rusk,
Bliss,	Ford,	Maffett,	Simmons,
Bowden,	Fuller,	Mahoney,	Spinola,
Brower,	Gallinger,	Maish,	Stahlnecker,
Browne, T. H. B., Va.	Gay,	Matson,	Stewart, Ga.
Brown, Ohio	Gest,	McAdoo,	Symes,
Brumm,	Glover,	McCullogh,	Tarsney,
Bryce,	Goff,	McShane,	Taylor, E. B., Ohio
Buchanan,	Granger,	Milliken,	Thomas, Ky.
Burnett,	Greenman,	Morgan,	Thompson, Ohio
Campbell, T. J., N. Y.	Grosvenor,	Neal,	Thompson, Cal.
Carlton,	Hare,	Nelson,	Tillman,
Cheadle,	Hogg,	Newton,	Townshend,
Cockran,	Hopkins, Va.	Norwood,	Turner, Kans.
Collins,	Hopkins, N. Y.	Nutting,	Wade,
Cothran,	Houk,	O'Neall, Ind.	Weber,
Crain,	Hudd,	O'Neill, Mo.	Whiting, Mich.
Dargan,	Jackson,	Owen,	Whitthorne,
Darlington,	Johnston, N. C.	Patton,	Wilkins.

So the motion to recede was agreed to.

During the roll-call,

On motion of Mr. MCCOMAS, the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. TOWNSHEND with Mr. KELLEY, on all political questions, for this calendar day.

Mr. TILLMAN with Mr. CHEADLE, on this vote.

Mr. WILKINS with Mr. BROWN, of Ohio, on all political questions, for this day.

Mr. BIGGS with Mr. HOPKINS, of New York, on this vote.

Mr. ROGERS with Mr. MCCULLOGH, on all political questions, for this day.

Mr. THOMPSON, of California, with Mr. BOWDEN, on this vote.

The vote was then announced as above recorded.

Mr. MCCOMAS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I ask that amendment number 37 be now read.

The Clerk read as follows:

For the survey of a line for a substantially surface gravity conduit from the present distributing reservoir above Georgetown to the new reservoir in the city of Washington, to be made by the Chief of Engineers under the direction of the Secretary of War, $10,000, or so much thereof as may be necessary. This survey when made shall be reported to Congress, together with detailed plans and drawings, showing its location, character, and statement of the length of time required for its construction, with a detailed estimate of its cost, including land damages, and all other things pertaining thereto, for the information and consideration of Congress.

This appropriation shall be charged against the revenues applicable to the expenses of carrying on the government of the District of Columbia, so that one half will be paid from the Treasury of the United States and the other half from moneys derived from taxation in the District.

Mr. SAYERS. I move further to insist on the disagreement of the House to this amendment, and on that motion demand the previous question.

The previous question was ordered, and under the operation thereof the motion was agreed to.

Mr. SAYERS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I ask that amendment 103 be read.

The Clerk read as follows:

Page 66, line 14, insert, after the word "police," the words "the employés of the Congressional Library and the Senate reporters."

Mr. SAYERS. I move that the House further insist on its disagreement to that amendment, and on that motion demand the previous question.

Mr. CUMMINGS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUMMINGS. I would like to know if that includes the whole paragraph.

The SPEAKER *pro tempore*. It does not, but is a disagreement to what the Senate proposes to insert.

The previous question was ordered, and under the operation thereof the motion was agreed to.

Mr. SAYERS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I now ask for the reading of the amendments 109 and 110.

The Clerk proceeded to read.

Mr. SPRINGER. I move, by unanimous consent, to dispense with the reading of the amendments, as they refer to the French spoliation claims.

Mr. RANDALL. I object to anything passing this House which has not been read so members may hear it.

Mr. SPRINGER. I made that request by unanimous consent. If the motion that the Senate amendments be further disagreed to be voted down I shall object to proceeding further with this bill.

The Senate amendments are as follows:

FRENCH SPOLIATION CLAIMS.

SEC. 4. To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

On the schooner Industry, Benjamin Hawkes, master, namely:

Thomas Cushing, administrator of Marston Watson, $6,555;

Charles F. Adams, administrator of Peter C. Brooks, $3,000;

William Sohier, administrator of Nathaniel Fellowes, $1,000;

H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000.

On schooner Delight, Stephen Curtis, master, namely:

George Holbrook, administrator of Edward Holbrook, $6,302;

Charles F. Adams, administrator of Peter C. Brooks, $4,000;

Ebenezer Gay, administrator of executor of the assignee in bankruptcy of Thomas English, $500;

Charles F. Hunt, administrator of Joseph Russell, $1,000;

W. H. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000;

On schooner Little Peg, William Auld, master, namely: Francis King Carey, administrator of Samuel Hollingsworth, $5,960.50;

On ship Theresa, James Brown, master, namely: R. Stewart Strobel and Henry L. Bruns, administrators of Thomas Stewart, $6,350:

On the ship Eliza, John Borrowdale, master, namely: The president and directors of the Insurance Company of North America, $4,900;

On the schooner Industry, Joseph J. Knapp, master, namely: William Gray, administrator *de bonis non* of William Gray, jr., $5,882.67;

On the schooner John, John C. Blackler, master, namely: William Gray, administrator of William Gray, deceased, $9,152.90;

William R. Hooper, administrator of William Blackler, deceased, $3,741.70:

On the brig Eliza, Daniel Francis, master, namely:

John K. Myers, administrator *de bonis non* of Nathaniel Eaton, deceased, $7,008.15;

Thomas J. Boardman, administrator *de bonis non* of Daniel Francis, deceased, $325.75;

On the schooner Industry, Benjamin Hawkes, master, namely: The New York Insurance Company, by T. B. Bleecker, jr., and Charles C. Leary, receivers, appointed February 19, 1887, in place of former receivers, deceased, $7,000:

On the brig Anna, Peter Bingham, master, namely: The Insurance Company of the State of Pennsylvania, $14,700;

On the brig Dolley, Arnold Higgins, master, namely: The Insurance Company of the State of Pennsylvania, $6,031.51;

On the ship John, Levi Putnam, master, namely: William Gray, administrator *de bonis non* of William Gray, jr., deceased, $45,318.66;

Fisher Ames, administrator *de bonis non* of Fisher Ames, deceased, $3,500;

Fisher Ames, administrator *de bonis non* of John Worthington, deceased, $1,993;

On the brig Volante, Thomas Barker, master, namely: William Gray, administrator with the will annexed of the estate of William Gray, jr., of Massachusetts, $11,356.65;

On the schooner The Helena Plumsted, Thomas Corry, master, namely: The Insurance Company of the State of Pennsylvania, $9,506;

On the schooner Sallie, Benjamin Russell, master, namely:

William Gray, administrator, etc., $8,597.08;

Benjamin Russell, administrator, etc., $869.95;

On the ship Accepted Mason, Eph. Delano, master, namely:

John P. Delano, administrator of Eph. Delano, $8,017;

Richard H. T. Taylor, administrator of Joshua Hilton, $8,017;

Thomas H. Perkins, administrator of John C. Jones, $640;

William Sohier, administrator of Nathaniel Fellowes, $700;

On the schooner Nancy, Augustus Black, master, namely:

Francis King Carey, administrator *de bonis non* of the estate of Samuel Hollingsworth, $1,961.12;

Sands Smith, administrator of William Respass, $2,210;

On the schooner Two Brothers, H. Fry, master, namely:

Francis King Carey, administrator *de bonis non* of the estate of Samuel Hollingsworth, $2,384.57;

On the brig Fortune, William Tuck, master, namely:

Thomas H. Perkins, administrator of John C. Jones, $1,500;

Charles Francis Adams, administrator of Peter C. Brooks, assignee of Boardman, Gorham, and Homer, $2,000;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000;

William Sohier, administrator of Nathaniel Fellowes, $1,000;

Francis M. Boutwell, administrator of Benjamin Cobb, $1,000;

William Vernon, administrator of Samuel Brown, $1,000;

On the schooner Expedite, Samuel Clapp, master, namely: The Insurance Company of the State of Pennsylvania, $7,519.66;

On the brig Mary, John Choate, master, namely:

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of William Smith, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Stephen Gorham, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Daniel Sargent, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Isaac Rands, administrator of Caleb Hopkins, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of John Brazer, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Tuthill Hubbart, $500;

Thomas H. Perkins, administrator of John C. Jones, $500;

Robert C. Mackay, executor of William Mackay, $500;

Ebenezer Gay, the younger, executor of Ebenezer Gay, the older, assignee of Thomas English, $500;

William Sohier, administrator of Nathaniel Fellowes, $500;

The president and directors of the Insurance Company of North America, $9,310;

Napoleon Harvey, as administrator of the estate of Samuel Welch, $1,368.05;

Napoleon Harvey, as administrator of the estate of Ezra Welsh, $1,368.05;

On the schooner James, Hugh Gemmill, master, namely:

William E. Woodyear, administrator *de bonis non* of Jeremiah Yellott, deceased, $7,176.34;

The Insurance Company of the State of Pennsylvania, $11,760;

On the ship Hope, John Rogers, master, namely:

Susan Buchanan Shaeffer, administratrix, with the will, etc., of James Buchanan, $22,262;

George M. Gill, administrator of Gabriel Wood, $19,776;

David Stewart, administrator of Henry Lee, $2,432;

On the schooner Bethia, John Lanier, master, namely:

John O. G. Allmand, administrator, $3,113.33;

R. Manson Smith, administrator of Francis Smith, $6,233.33;

Gilbert R. Fox, jr., administrator *de bonis non* of Thomas Willock, $6,233.33;

The president and directors of Insurance Company of North America, $3,920;

On the schooner Neutrality, Thomas Gray, master, namely:

Charles Francis Adams, administrator *de bonis non* of Peter C. Brooks, deceased, assignee of Tuthill Hubbart, $600;

Charles Francis Adams, as assignee of Isaac Rands, administrator of Caleb Hopkins, $600;

William Sohier, administrator *de bonis non* of Nathaniel Fellowes, deceased, $600;

Pelham Holmes, administrator *de bonis non* of Ebenezer Lobdell, deceased, $5,058.34;

On the brig Marcus, Isaac Miles, master, namely:

Charles F. Adams, administrator of Peter C. Brooks, assignee of Tuthill Hubbart, William Smith, David Green, and Caleb Hopkins, $1,201;

William Sohier, administrator of Nathaniel Fellowes, $210;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $300;

On the schooner Phœnix, Solomon Babson, master, namely:

Thomas Cushing, administrator of Marston Watson, $10,846.57;

William Sohier, administrator of Nathaniel Fellowes, $2,000;

Charles Francis Adams, administrator of Peter C. Brooks, assignee of Stephen Gorham, David Greene, and William Smith, $2,500;

Thomas H. Perkins, administrator of J. C. Jones, $1,000;

Charles F. Hunt, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, $1,000:

Francis M. Boutwell, administrator of Benjamin Cobb, $1,000;

Frederick O. Prince, administrator of James Prince, $500;

James C. Davis, administrator of Cornelius Durant, $300;

On the brig Mary, Alexander Ross, master, namely:

Charles Francis Adams, administrator of Peter C. Brooks, assignee of William Smith, Daniel D. Rogers, David Greene, Benjamin Bussey, Benjamin Homer, and Tuthill Hubbart, $5,460;

Francis M. Boutwell, administrator of Samuel Cobb, $840;

William Vernon, administrator of Samuel Brown, $2,100;

H. Burr Crandall, administrator of Thomas Dickason, $1,050;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,050;

William S. Bowden, administrator of James Scobie, $5,271.76;

On the ship Hannah, Richard Fryer, master, namely:

George H. Gorman, administrator of John Cox, deceased, $14,465;

John A. Brimmer, administrator of John Gilliat, deceased, $35,840.44;

On the ship John of Richmond, Edward Watson, master, namely: Robert M. Banks, administrator *de bonis non* of John Banks, deceased, $28,349.83;

On the ship Triumph, Thomas McConnell, master, namely:

Safe Deposit and Trust Company of Baltimore, administrator of Alexander Mactier, $2,300;

Henry L. Dashiell and David Steuart, administrators of James Corrie, the older, $2,300;

On the ship Catharine, John Farraday, master, namely:

Charles Biddle, administrator of John Craig, $5,565;

The Insurance Company of the State of Pennsylvania, $14,373.34;

On the schooner Betsey, William Dennis, master, namely: William B. Ropes, administrator *de bonis non* of Hardy Ropes, $6,334;

On the ship Louisa, Holden Tallman, master, namely: Samuel Wells, administrator of John Clark, $15,650;

On the ship Joanna, Philip Fosdick, at first, afterward Zebdiel Coffin, master, namely:

Gardner S. Lamson, administrator *de bonis non* of Paul Gardner, George Gardner, Lubni Gardner, and Zenas Gardner, $19,746.62;

Philip Macy, administrator *de bonis non* of Obed Macy, $4,936.65;

David P. Eldridge, administrator *de bonis non* of Sylvanus Macy, $4,936.65;

Robert F. Gardner, administrator *de bonis non* of Prince Gardner, $9,873.31;

T. B. Bleeker, jr., Charles C. Leary, receivers of the New York Insurance Company, $2,940;

On the brig Sally, James Crowdhill, master, namely: Cassius E. Lee, jr., administrator of William Hodgson, $8,926;

On the brig Betsey, John Cushing, master, namely:

James F. Breuil, administrator of Francis Breuil, deceased, $11,941.76;

The president and directors of the Insurance Company of North America, $28,420;

The Insurance Company of the State of Pennsylvania, $19,600;

On the brig Amelia, Benjamin Houston, master, namely:

Richard C. McMurtrie, administrator of John Bohlen, deceased, surviving assignee in bankruptcy of Ross & Simson, $5,475.08;

The president and directors of the Insurance Company of North America, $12,740;

The Insurance Company of the State of Pennsylvania, $2,450;

On the ship Raven, Thomas Reilly, master, namely:

D. Fitzhugh Savage, administrator of John Savage, deceased, $9,494;

Henry Lisle Waln, surviving executor of Jacob S. Waln, deceased, surviving assignee in bankruptcy of Thomas Murgatroyd, $9,298;

Henry Pettit, administrator of Andrew Pettit, deceased, surviving assignee of Ambrose Vasse, $784;

J. Bayard Henry, administrator of Andrew Bayard, deceased, surviving assignee of Pragers & Co., $784;

James Crawford Dawes, administrator of Abijah Dawes, deceased, $784;

M. H. Messchert, administrator of Jacob Garard Koch, deceased, $980;
James Crawford Dawes, administrator of James Crawford, deceased, surviving partner of James Crawford & Co., $784;
Richard C. McMurtrie, administrator of John Bohlen, deceased, surviving assignee of Ross & Simson, $784;
George Blight, administrator of Peter Blight, deceased, $539;
William A. M. Fuller, administrator of John Leamy, deceased, $539;
D. Fitzhugh Savage, administrator of John Savage, deceased, surviving assignee of Rundle & Leech, $784;
George W. Guthrie, administrator of Alexander Murray, deceased, surviving partner of Miller & Murray, $784;
Francis A. Lewis, administrator of John Miller, jr., deceased, $784;
Henry Pratt McKean, surviving executor of Henry Pratt, deceased, surviving partner of Pratt & Knitzing, $784;
James S. Cox, administrator of James S. Cox, deceased, $688;
The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, surviving partner of Willing & Francis, $784;
William Rumford Howell, administrator of Samuel Howell, deceased, $490;
Samuel Bell, administrator of John G. Wacksmuth, deceased, $980;
Francis R. Pemberton, administrator of John Clifford, deceased, surviving partner of Thomas & John Clifford, $490;
On the brig Pratt, Joseph Hawkins, master, namely:
Joseph T. Brobson, administrator of James Brobson, deceased, $3,777.50;
Joseph T. Brobson, administrator of Isaac Starr, jr., deceased, surviving partner of the firm of Starr & Pritchett, $3,777.50;
Craig D. Ritchie, administrator of Joseph Summerl, deceased, surviving partner of the firm of Summerl & Brown, $3,777.50;
Sidney J. Rumford, administrator of Isaac Hendrickson, deceased, $3,777.50;
On the brig Susan, Major Lines, master, namely:
Jeremiah A. Bishop, administrator of Richard Cutler, deceased, $1,827.48;
Jeremiah A. Bishop, administrator of Jeremiah Atwater, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Jeremiah Townsend, second, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Major Lines, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Andrew Hull, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Seth De Wolf, deceased, $314.10;
The New Haven Insurance Company, $3,822;
On the brig Hope, Richard Toppan, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Company, $3,465;
Catherine C. Woodside, administratrix of William Stanwood, deceased, $2,785.11;
Francis A. McKeen, special administratrix of Richard Toppan, deceased, $4,654.11;
David D. Gilman, administrator *de bonis non*, will annexed, of estate of John Dunlap, deceased, $1,856.74.
On the brig George Washington, John Devereaux, master, namely:
S. Kingston McCay, administrator *de bonis non cum testamento annexo* of Stephen Kingston, deceased, $5,462.48.
The Insurance Company of the State of Pennsylvania, $7,840;
On the schooner Mary, John Douglass, master, namely:
George G. Sill, administrator of Daniel Douglass, $2,202.98;
George G. Sill, administrator of Josiah Douglass, $2,202.98;
The Rhode Island Hospital Trust Company, $3,300;
On the brig Sally, John Cruft master, namely:
Charles F. Adams, administrator of Peter C. Brooks, deceased, $9,900;
Henry W. Blagge and S. B. Samuels, administrators of C. Hatch, $2,000;
Francis M. Boatwell, administrator of Mungo Mackay, deceased, $600;
David Greene Haskins, jr., administrator of D. Greene, deceased, $500;
John C. Ropes, administrator of Thomas Amory, deceased, $300;
John H. Moriarity, administrator of James Scott, deceased, $200;
Thomas H. Perkins, administrator of John C. Jones, deceased, $500;
William Sohier, administrator of Nathaniel Fellowes, deceased, $3,000;
On the sloop Farmer, Samuel Freeman, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, $1,850;
David Greene Haskins, jr., administrator of David Greene, $3,638;
Blagge and Samuels, administrators of Crowell Hatch, $1,100;
On the ship Speculator, John S. Billings, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, deceased, $867.50;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $433.75;
William Sohier, administrator of Nathaniel Fellowes, deceased, $1,433.75;
John W. Apthorp, administrator of Caleb Hopkins, deceased, $1,000;
William S. Carter, administrator of William Smith, deceased, $1,000;
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500;
Robert Grant, administrator of William H. Boardman, deceased, $400;
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $600;
On the schooner Elizabeth, Thomas Trott, master, namely:
Frederick J. Huntington, as administrator *de bonis non* of the estate of Jabez Huntington, deceased, $3,583.09;
Charles Francis Adams, jr., as administrator as aforesaid, $1,600;
Henry W. Blagge and Susan B. Samuels, as administrators as aforesaid, $800;
On the brig Anthony, John Garrett, master, namely:
The president and directors of the Insurance Company of North America, $15,461;
James Crawford Dawes, administrator of James Crawford, surviving partner of James Crawford & Co., $3,796.32;
On the ship Arethusa, Robert McKown, master, namely, William Keith and Ormus B. Keith, surviving executors of Samuel Keith, $4,212;
The president and directors of the Insurance Company of North America, $10,780;
The Insurance Company of the State of Pennsylvania, $1,764;
On the brig Clarissa, Alexander Thomas, master, namely:
The Insurance Company of Pennsylvania, $11,363.13;
On the ship Confederacy, Scott Jenckes, master, namely:
Henry Pierrepont, executor of the will of Hezekiah B. Pierrepont, the last surviving partner (deceased) of the firm of Leffingwell & Pierrepont, $160,478.29;
T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Company, $12,000;
On the schooner Isabella, Robert Mercer, master, namely:
M. H. Messchert, administrator of Jacob Gerard Koch, deceased, $4,034.54;
The president and directors of the Insurance Company of North America, $9,900;
On the brig Maria, Samuel Taylor, master, namely:
The president and directors of the Insurance Company of North America, $5,880;
Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $14,916.93;
On the scow Polly, Anthony Sankey, master, namely:
James F. Brueil, administrator of Francis Brueil, deceased, $2,968.19;
The president and directors of the Insurance Company of North America, $23,228.94;
On the ship William, Richard Barker, master, namely:
William F. Gardner, administrator with the will annexed of Caleb Gardner, deceased, $41,578;
The president and directors of the Insurance Company of North America, $2,940;
William Vernon, administrator of Samuel Brown, deceased, $10,394.50;
Philip Harwood Vernon, administrator *de bonis non* estate of William Vernon, deceased, $31,183.50;
On the schooner Alert, Jacob Oliver, master, namely: William Gray, administrator of William Gray, jr., $2,892.66;
On the ship Betsy, Josiah Obear, master, namely:
William Gray, administrator of William Gray, jr., $14,141.13;
Francis A. Gray, administrator of Samuel Gray, $7,214.08;
On the brig Alert, Robert Gray, master, namely: William Gray, administrator with the will annexed of the estate not administered of William Gray, deceased, $1,500;
On the schooner Elizabeth, Thomas Trott, master, namely:
John Wetherbee, administrator of the estate of James Tisdale, deceased, $600;
On the schooner Frederick, John Gilbert Clark, master, namely:
Marion Adeline Caverly, administratrix *cum testamento annexo* estate of John Gilbert Clark, deceased, $43,660;
The Union Trust Company of New York, administrator of Jacob Doty, deceased, $21,830;
William Milligan, administrator of George Wattles, deceased, $21,830;
On the brig Ruby, William Bartlett, master, namely:
Jeremiah Nelson, administrator of Jeremiah Nelson, deceased, $2,192.22;
Charles Savory, administrator of Moses Savory, $2,674.22;
Charles G. Wood, administrator of Abner Wood, $2,150.79;
Charles Francis Adams, administrator of Peter C. Brooks, assignee of William Smith and David Green, $2,000;
Charles H. Ladd, surviving executor of Nathaniel A. Haven, $400;
Amos Noyes, administrator of Zebedee Cook, $100;
William Sohier, administrator of Nathaniel Fellowes, $1,000;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000;
On the ship Light Horse, John Hoff, master, namely:
Julia M. Sands, administratrix of Comfort Sands, $7,318.66;
On the ship Eliza, James Odell, master, namely:
Wilmon W. Blackmar, administrator *de bonis non cum testamento annexo* estate of Francis Armory, deceased, $12,341.40;
Charles Francis Adams, administrator of Peter Chardon Brooks, assignee, $2,739;
William Sohier, administrator of Nathaniel Fellowes, $664;
William Vernon, administrator of Samuel Brown, $498;
Francis M. Boutwell, administrator of Benjamin Cobb, $166;
Abel H. Bellows, administrator of Fred. W. Geyer, $166;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $166;
Francis M. Boutwell, administrator of Joseph Blake, $166;
William Gray, administrator of William Gray, $332;
William G. Perry, administrator of Nicholas Gilman, $332;
Charles K. Cobb, administrator of John Codman, $166;
John H. Moriarity, administrator of James Scott, $83;
Edward I. Browne, administrator of Israel Thorndike, $83;
John C. Ropes, administrator of Thomas Amory, $664;
Thomas Cushing, administrator of Marston Watson, $332;
Robert Grant, administrator of William H. Boardman, $166;
David G. Haskins, administrator of David Greene, $166;
Horatio H. Hunnewell, executor of John Welles, $166;
William Powell Perkins, administrator of Thomas Perkins, $166;
Horace B. Sargent, jr., administrator of Daniel Sargent, $83;
Horatio H. Hunnewell, administrator of Arnold Welles, jr., $116.20;
Horatio H. Hunnewell, administrator of Arnold Welles, $332;
Edward I. Browne, administrator of Moses Brown, $66.40;
Frank Dabney, administrator of Samuel Wyllys Pomeroy, $166;
Lawrence Bond, administrator of Nathan Bond, $83;
Edward Hooper, administrator of Benjamin Bussey, $332;
On the ship Rosanna, John Pollard, master, namely: James S. Humbird, trustee, etc., $66,560;
On the ship, Rebecca, Daniel Brazier, master, namely:
Stephen L. Stephenson, administrator of Samuel Stephenson, deceased, $2,176.21;
William Gray, administrator of the estate of William Gray, deceased, $2,000;
On the brig Mary, Thomas Boyle, master, namely:
John Mervin Carrere and David Stewart, administrators *de bonis non* of John Carrere, deceased, $2,207;
John Stewart, receiver of the Baltimore Insurance Company, $11,000.
On the brig Two Sisters, Joseph Hubbert, master, namely:
Sarah S. Owings and Francis R. Griffith, administrators *de bonis non* of Nicholas Owings, surviving partner of Rogers & Owings, $5,638.25;
William E. Woodyear, administrator *de bonis non* of Jeremiah Yellott, deceased, $5,638.25;
John Stewart, receiver of the Baltimore Insurance Company, $10,000.
On the ship Friendship, John Rodgers, master, namely:
Mary Ann B. Smith, administratrix *de bonis non* of John Smith, jr., $13,519;
John Stewart, receiver of the Maryland Insurance Company, $24,566;
On the ship Port Mary, Thomas Hewitt, master, namely:
Alexander Maitland, administrator *de bonis non* of Robert Lenox, $6,833;
James K. Gracie, administrator *de bonis non* of Archibald Gracie, $6,833;
John N. A. Griswold, trustee of the United Insurance Company of New York, $35,280;
On the brig Virginia, Mark Butts, master, namely:
Samuel R. Adams, administrator of Richard Veitch, surviving partner of Thompson & Veitch, $19,762;
E. Francis Riggs, administrator of James Laurason, surviving partner of Shreve & Laurason, $3,934.33;
Anthony Hyde and Charles M. Mathews, executors of W. W. Corcoran, $79.09;
James M. Johnston, administrator *de bonis non* of George W. Riggs, $79.09;
Robert I. Chew, administrator of Richard Smith, $79.09;
On the schooer Hero, Thomas Hammett, master, namely:
Ann Elizabeth Marshall, administratrix *de bonis non* of William Robb, $8,475;
On the sloop Endeavor, James Miller, master, namely:
Henry J. Gardner, administrator of Matthew Cobb, $5,452.39;
On the schooner Eliza, William Cheever, master, namely:
William Gray, administrator of William Gray, jr., $6,000;
William P. Andrews, administrator of Samuel Page, $5,651.50;
On the schooner Trial, Daniel Ropes, jr., master, namely:
George M. Whipple, administrator *de bonis non* of John Norris, $11,867;
On the schooner Richard and Edward, Ebenezer Giles Evans, master, namely:
William Gray, administrator of William Gray, jr., $3,430;
Richardson Knowland, administrator of E. G. Evans, $3,139;
On the schooner Eutaw, William Smith, master, namely:
John Merven Carrere and David Stewart, administrators of John Carrere, $1,344.50;
The president and directors of the Insurance Company of North America, $11,760;
John Stewart, receiver of the Baltimore Insurance Company, $10,000;

On the schooner Sisters, John Bradish, master, namely:
Robert S. O. Griffith, administrator of Nicholas Owings, surviving partner of the firm of Rogers & Owings, $682.50;
Henry W. Rogers, administrator of John Bradish, $3,414.50;
John Stewart, receiver of the Baltimore Insurance Company, $4,410;
On the ship Lydia, John Moore, master, namely:
Augusta H. Chapman, administratrix of Reuben Shapley, $8,270;
James W. Emery, administrator of Thomas Manning, $100;
J. Hamilton Shapley, administrator of Edward Cutts, $100;
George W. Haven, administrator of Moses Woodward, $100;
Stephen Decatur, administrator of Samuel Stover, $100;
Francis E. Langdon, administrator of Clement Stover, $100;
Fred. P. Jones, administrator of Martin Parry, $100;
On the brig Minerva, Samuel Endicott, master, namely:
William Gray, administrator of William Gray, $10,419.28;
On the schooner Emily, William Emerson, master, namely:
John Stewart, receiver of the Baltimore Insurance Company, $12,860;
Robert T. Owings Griffith, administrator of Beale Owings, $3,822.12;
On the schooner Lucretia, John Grant, master, namely:
William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators *de bonis non* estate of William Duncan, $10,407.27;
John Stewart, receiver of the Maryland Insurance Company, $8,000;
On the brig General Wayne, William Allen, master, namely:
Charles Francis Adams, administrator estate of Peter Chardon Brooks, $3,456.40;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,018.80;
Thomas H. Perkins, administrator of John C. Jones, $509.40;
William Sohier, administrator of Nathaniel Fellowes, $1,018.80;
Francis M. Boutwell, administrator of Benjamin Cobb, $509.40;
On the sloop Cicero, Thomas Faggart, master, namely:
Mary T. Latrobe, administratrix of Thomas Tenant, $8,953.18;
John Stewart, receiver of the Maryland Insurance Company, $20,000;
On the schooner Sally, Gideon Rea, master, namely:
William Gray, administrator with the will annexed of the estate not already administered of William Gray, deceased, testate, $2,000;
William P. Andrews, administrator with the will annexed of the estate not already administered of Samuel Page, deceased, testate, $6,593; in all, $1,651,439.05.

During the reading of the amendment,

The SPEAKER *pro tempore*. If there be no objection, the list of claims mentioned in the amendment will not be read.

Mr. RANDALL. I object to dispensing with the reading of any part of a claim which may involve the Government in millions of dollars.

Mr. WILSON, of Minnesota. In many millions.

The SPEAKER *pro tempore*. Does the gentleman insist upon the reading of the list of names?

Mr. RANDALL. Everything that is embodied in the amendment.

The Clerk resumed, and concluded the reading of the amendment as above.

INDIAN APPROPRIATION BILL.

Mr. PEEL. Mr. Speaker, I rise to submit a privileged report, a conference report on the Indian appropriation bill.

Mr. SAYERS. I will yield temporarily for that purpose.

Mr. LODGE, Mr. McCOMAS, and others demanded the regular order.

Mr. PEEL. This will take but a few moments. It is a full report, there being no disagreement between the conferees.

The SPEAKER *pro tempore*. The Chair is informed that the report submitted by the gentleman from Arkansas is a final report, and it simply suspends the order before the House for the time being.

Mr. McCOMAS. Can that be done without unanimous consent?

The SPEAKER *pro tempore*. The Chair thinks it can be done if the gentleman from Texas, in charge of the report, yields for that purpose.

Mr. SAYERS. I have no objection.

Mr. PEEL. It is not necessary, Mr. Speaker, to read the report of the conference committee, but I ask that the statement of the House conferees be read, which covers all the points of difference between the two Houses.

Mr. STEELE. What becomes of amendment No. 62?

Mr. PERKINS. It was not mentioned in the report; but as a matter of fact the words "not including transportation" were stricken from the bill.

The SPEAKER *pro tempore*. If there be no objection the reading of the report will be dispensed with.

There was no objection.

The statement submitted by the House conferees is as follows:

The managers upon the part of the House on the disagreeing votes of the two Houses on H. R. 12578, making appropriations for the current and contingent expenses of the Indian service and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1890, and for other purposes, beg leave to submit the following statement:

The Senate recedes from amendments 2, 60, and 62.

Nos. 2 and 62, merely verbal.

No. 60 removed the limit of $175 per pupil at Grand Junction Indian school, in Colorado.

The House recedes from its disagreement to Senate amendments 1, 3, 10, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 61, 63, 64, 65, 66, 69, 70, 72, 73, 74, 76, 77, 80, and 81, all being immaterial and not changing the object or purpose of the bill.

43. Adds clause authorizing Secretary Interior to disburse certain moneys appropriated last session of Congress to certain freedmen, adopted Shawnees and Delawares, in Cherokee Nation, etc., in which House concurs.

47. Adds $5,000 for support and civilization of Seminole Indians in Florida, in which House concurs.

5. Strikes out from House bill $600 to pay Charles A. Ruffee, late Indian agent in Michigan, due on salary, from which the House recedes.

26. Strikes out depredation claim of the individual Pottawatomies, as reported by the Secretary of the Interior, amounting to over $48,000, from which the House recedes.

29. Strikes out increase to Sioux Indian subsistence funds, from which the House recedes.

39. Strikes out clause in House bill authorizing Secretary Interior to negotiate with various tribes in regard to making full payment of trust funds held in United States Treasury, from which House recedes.

6. Increases compensation of Indian inspectors who serve without compensation, for traveling and contingent expenses, from three to five thousand dollars.

7, 8, and 9. Strike out claim of Chickasaw Nation.

11, 12, and 13. Substitute same thing except as to claim of assignee of one Quinn, in which the House concurs.

17. Strikes out amount to pay transportation and subsistence of certain Creek Indians who claimed to have moved and subsisted themselves for one year in the West, amounting to $12,000.

53, 54, and 55. Appropriates $10,000 to complete allotments of lands to Indians as provided in last appropriation.

67. Appropriates $10,000 to purchase what is known as Keam's Cañon property for school purposes.

68. Appropriates small amount to erect shops and house, etc., for Indian school in Ormsby County, Nevada.

71. Appropriates $5,000 to remove Kansas Pottawatomies to Indian Territory.

75. Authorizes commission to negotiate with Cœur d'Alene Indians in Washington Territory for cession to United States for part of their reservation.

79. Relates to defining duties of school superintendent, to all which the managers upon part of the House concur.

Having thus briefly stated the nature and substance of the Senate amendments and the conference action thereon, we ask the adoption of the report.

S. W. PEEL.
B. W. PERKINS.

Mr. PEEL. I ask the previous question upon the adoption of the report.

Mr. LANHAM. Before action is taken upon this report, I wish to ask a question of the gentleman from Arkansas. Is there anything in the conference report with reference to the lands embraced in what are known as the "Oklahoma lands" which in any way affects the controversy between the State of Texas and the United States as to that portion of country known as "Greer County?"

Mr. PEEL. Not at all.

Mr. LANHAM. It does not prejudice the claim of the State of Texas in any respect?

Mr. PEEL. No, sir; it does not allude to it in any manner. I demand the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the conference report was adopted.

Mr. PEEL moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I ask unanimous consent that gentlemen having reports to make from committees or resolutions from committees may be permitted to hand them in at the Clerk's desk for proper reference.

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:

WILLIAM H. CAYCE.

Mr. HOLMAN, from the Committee on the Public Lands, reported back adversely the bill (H. R. 12288) for the relief of William H. Cayce; which was referred to the Committee of the Whole House on the Private Calendar.

He also, from the same committee, reported as a substitute for the foregoing joint resolution (H. Res. 269); 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.

THOMAS F. RILEY.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9533) for the relief of Thomas F. Riley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRUSTS, ETC.

Mr. BACON, from the Committee on Manufactures, submitted the testimony taken by them in relation to the whisky trust and the combination affecting the article of cotton-bagging; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INTEROCEANIC CANALS AT THE ISTHMUS OF DARIEN, ETC.

Mr. McCREARY, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 122) "declaring the sense of the Government of the United States in respect of the connection of European Governments with interoceanic canals at the Isthmus of Darien and in Central America;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

O. P. PHILLIPS.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 378) for the relief of O. P. Phillips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. ENLOE, 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. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre;

A bill (H. R. 5426) for the relief of the St. Joseph Commercial College, St. Joseph, Mo.;

A bill (H. R. 9455) granting a pension to Benjamin F. Clayton;

A bill (H. R. 2875) for the relief of Louisa H. Hasell;

A bill (H. R. 9674) to regulate the course at the Naval Academy;

A bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota;

A bill (H. R. 9718) for the relief of J. W. Parish & Co.; and

Joint resolution (H. Res. 252) appointing H. H. Markham, of California, a manager for the National Home for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

Also the following Senate bill:

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

Mr. FISHER, 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. 2070) for the relief of Arno Voss;

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield;

A bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew;

A bill (H. R. 2598) for the relief of William Whitehouse; and

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd.

Also the following Senate bills:

A bill (S. 308) for the relief of Faran & McLean;

A bill (S. 3960) granting a pension to Mary B. Hunt;

A bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.; and

A bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.

THE HOUSE GALLERIES.

Mr. BAKER, of New York. Mr. Speaker, I ask unanimous consent that the Diplomatic and Executive galleries may be opened to visitors for the remainder of this day.

Mr. SPRINGER. Reserving the front seats, as was done on yesterday?

Mr. BAKER, of New York. Very well.

The SPEAKER *pro tempore*. If there be no objection, the Chair will direct the Doorkeeper to open the galleries named to the public, reserving the front seats in each gallery as under the order of yesterday.

There was no objection, and it was so ordered.

THE DEFICIENCY APPROPRIATION BILL.

Mr. SPRINGER. Now, Mr. Speaker, I ask unanimous consent that an order be made that the House insist upon its disagreement to the amendment of the Senate in regard to the French spoliation claims which has just been read, and agree to the further conference asked thereon.

Mr. McCOMAS. When I can be recognized I wish to move to recede from the disagreement.

The SPEAKER *pro tempore*. The Chair will first submit the request of the gentleman from Illinois to the House so that the members can hear it. The gentleman asks unanimous consent that the House insist upon its disagreement to the Senate amendment which has just been read and agree to a further conference.

Mr. McCOMAS. I object, unless I can be recognized to submit the motion I have indicated.

Mr. SPRINGER. Then I move that the House now take a recess until 8 o'clock this evening.

Mr. CRISP. I move to amend, that the recess extend to 8.30.

Mr. WEAVER. And I move a further amendment, until 8.35.

[The Speaker here resumed the chair.]

The SPEAKER. The gentleman from Iowa moves that the House take a recess——

Mr. RANDALL. Let us have a vote on the proposition to take a recess until 8.30, as that is a convenient hour.

Mr. WEAVER. Very well; I have no objection to withdrawing my amendment.

The SPEAKER. The Chair will submit the question.

LIGHT FOR OTTER CREEK, LAKE CHAMPLAIN.

Mr. CLARDY. Mr. Speaker, I ask the gentleman to yield to me for one moment to submit a conference report.

The SPEAKER. It is in order, pending the motion for a recess.

Mr. BURROWS. How long will it take?

Mr. CLARDY. Not more than two or three minutes.

The SPEAKER. The report will be read.

Mr. CLARDY. I ask unanimous consent that the reading of the report be dispensed with, and that the statement accompanying it be read.

Mr. O'FERRALL. I object.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, 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 amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3.

MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON,
Managers on the part of the House.

S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

Your conferees report that the Senate recedes from its first amendment, which provides for the erection of a light-house at Gray's Harbor, Washington Territory, at a cost not to exceed $60,000; and that the House recede from its disagreement to the amendment of the Senate numbered 2, establishing a light-house at Patos Island, Washington Territory, at a cost not to exceed $12,000.

Amendment numbered 3 is merely a change of the title of the bill.

MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON.

The report was agreed to.

Mr. CLARDY moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED PEORIAS AND MIAMIES.

Mr. PERKINS. I present a privileged report.

The SPEAKER. Is it a conference report?

Mr. PERKINS. It is.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11634) to provide for the allotment of land in severalty to the United Peorias and Miamies in Indian Territory, 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 2 and 4, and that the House recede from its disagreement to amendments of the Senate numbered 1 and 3, and agree to the same.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

H. L. DAWES,
J. K. JONES,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

There were but four amendments to the bill.

The first was not very important, but was a limitation of the powers given to the Indians to lease their lands, and to this the House conferees agree.

The third amendment gives the right of an appeal to the Supreme Court of the United States, and to this the House conferees agree.

From the second and fourth amendments the Senate conferees recede, leaving the bill as it passed the House, with the exceptions suggested in the first and third amendments.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

The report was agreed to.

Mr. PERKINS moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I withdraw my motion for the present to enable the gentleman from Kentucky [Mr. McCREARY] and the gentleman from Vermont [Mr. GROUT] to present matters.

The SPEAKER. There is a privileged matter pending. The gentleman from Kentucky asks unanimous consent to make a report at this time. Is there objection to the request?

Mr. McCREARY. Mr. Speaker, I now make a privileged report. This House authorized the Committee on Foreign Affairs to report at any time the Senate resolution "declaring the sense of the Government of the United States in respect of the connection of European Governments with interoceanic canals at the Isthmus of Darien and in Central America."

The SPEAKER. Leave has already been given to-day to present reports.

Mr. McCREARY. Permission was given the Committee on Foreign Affairs some time ago to report this resolution, and three hours were allowed for debate, but appropriation bills, conference reports, and measures of higher privilege than the Senate resolution have prevented its consideration. It is now apparent that the resolution, which is of both national and international importance, and which should have full and fair consideration, can not be properly considered and discussed on this the last legislative day of the Fiftieth Congress. I therefore re-

port the bill favorably from the Committee on Foreign Affairs so that it may be placed on the Calendar and the report be printed. The gentleman from Georgia [Mr. NORWOOD] desires to submit the views of the minority.

Mr. MCCOMAS. I demand the regular order.

Mr. GROUT. I hope the gentleman will withdraw the demand for a moment. I desire to present a matter.

The SPEAKER. But the gentleman from Maryland demands the regular order.

Mr. SPRINGER. The regular order is the motion to take a recess until 8.30.

Mr. GROUT. The gentleman from Maryland withdraws the demand for the regular order.

Mr. CASWELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CASWELL. I wish to inquire whether the veto message of the President on the direct-tax bill has not lain on the table an unusual time? I desire now to take that up.

The SPEAKER. The Chair has several messages from the President returning bills with objections to their passage. Some of them have been on the table for three or four days. This afternoon when the House met the Chair stated that these messages were on the table and unless there were objection he would place them before the House. The gentleman from Texas asked unanimous consent that they should be withheld, which was given. The Chair is ready to present them to the House if there be no objection.

Mr. MCMILLIN. Would they not, under the regular order, if laid before the House, have to be considered in the order in which they arrived?

The SPEAKER. They would.

Mr. CASWELL. Then I ask that that message be considered at this time.

The SPEAKER. The Chair will lay them before the House; but there is a matter of privilege pending before the House. The Chair will state the situation to the gentleman from Wisconsin. Two or three days ago the Chair laid before the House a veto message, which was read. Its consideration was demanded by the gentleman from Indiana [Mr. HOLMAN]. Thereafter, by unanimous consent, it was suspended for the purpose of going on with a conference report and other matters before the House, and that is the first message before the House for consideration. Pending that the conference report which has been disposed of and the amendments to which there was a disagreement between the two Houses have been presented. These amendments, as privileged matters, are now before the House. If gentlemen will suspend the consideration of this measure so as to consider the messages the Chair will lay them before the House.

Mr. BLAND. I understand that the gentleman from Indiana has withdrawn his land-grant bill merely for these appropriation bills.

The SPEAKER. The Chair so understood; but the gentleman might present it against this measure. The Chair does not know what course the gentleman will take.

Mr. MCCOMAS. I demand the regular order.

The SPEAKER. Then, the regular order is the motion to take a recess. The question is on the motion of the gentleman from Georgia to take a recess until 8.30. [Putting the question.] The noes seem to have it.

Mr. SPRINGER. I ask for a division.

The House divided; and there were—ayes 37, noes 63.

Mr. SPRINGER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Maryland [Mr. MCCOMAS].

The House again divided; and the tellers reported—ayes 41, noes 125.

Mr. SPRINGER. I will modify my amendment so as to provide for taking a recess until 9 o'clock this evening.

Mr. O'FERRALL. I move that the House do now adjourn.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If the motion to adjourn should carry, would not that be a *sine die* adjournment?

The SPEAKER. It would be a *sine die* adjournment, the close of the Congress.

The question was taken on the motion to adjourn, and it was rejected.

The SPEAKER. The question now is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House take a recess until 9 o'clock p. m.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were refused, only 17 members voting in favor thereof.

Mr. SPRINGER. I demand a division.

The House divided; and there were—ayes 40, noes 51.

Mr. SPRINGER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Maryland [Mr. MCCOMAS].

The tellers took their places.

Mr. SPRINGER. With the leave of the House I will withdraw my motion.

Mr. MCCOMAS. I ask unanimous consent that the House take a recess until 8 p. m.

Mr. PAYSON. I object.

Mr. MCCOMAS. Then I move that the House take a recess until 8 o'clock p. m.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. PAYSON. I ask for a division.

The House divided; and there were—ayes 91, noes 9.

Mr. PAYSON. No quorum.

Mr. SPRINGER. I demand the yeas and nays.

Mr. PAYSON. I withdraw the point of no qourum.

Mr. SPRINGER. I withdraw the demand for the yeas and nays.

The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman from Illinois [Mr. PAYSON] withdraws the point of no quorum; the gentleman from Illinois [Mr. SPRINGER] withdraws the demand for the yeas and nays; the ayes have it, and the House stands in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] is recognized.

Mr. CRISP. I rise to a parliamentary inquiry. Would it be in order now to call up the contested-election case?

The SPEAKER. There is a matter of privilege before the House.

Mr. CRISP. Is not the election case a matter of higher privilege?

The SPEAKER. The Chair thinks that the matter of privilege before the House can only be taken away from the consideration of the House by the presentation of conference reports. This is a matter of disagreement between the two Houses, and is regarded as a question of very high privilege.

Mr. CRISP. But is not the question of the right of a member to his seat a question of still higher privilege?

The SPEAKER. The Chair thinks not, under the practice of the House.

Mr. CRISP. The Chair will observe that the matter now pending is not the report of a committee of conference but a mere disagreement between the two Houses with a request on the part of the House for a new conference. It has not reached that stage where it is the report of a committee of conference, and I submit to the Chair that it is not entitled to the same high degree of privilege that it would have if it were a conference report.

The SPEAKER. The Chair has stated that it is not a matter of as high privilege as a conference report, because, as the gentleman from Georgia says, it is not itself a report from a committee of conference, but is a matter merely of disagreement between the two Houses. But it has reached the privileged stage under the practice of the House and under the rules of parliamentary law; and being a matter of privilege, and actually under consideration by the House, the Chair thinks it can not be displaced by any other matter of privilege except a conference report, to which by the rules is given the highest degree of privilege known in the practice of the House. The gentleman from Texas is entitled to the floor.

Mr. SAYERS. I yield to the gentleman from Illinois.

The SPEAKER. What motion does the gentleman make?

Mr. SPRINGER. I desire to ask the gentleman to permit me to move that the House take a recess until 9 o'clock this evening.

The SPEAKER. The gentleman from Texas is recognized.

Mr. SAYERS. I yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. MCCOMAS (to Mr. SAYERS). Do you yield to the gentleman from Illinois for that motion?

Mr. SPRINGER. I move that the House take a recess until 9 o'clock.

Mr. MCCOMAS. I understand that the gentleman from Texas has the floor by virtue of his right as being in charge of the bill——

The SPEAKER. The Chair has recognized him.

Mr. MCCOMAS. And being in charge of this bill he yields for a filibustering motion.

Mr. SAYERS. I assume all the responsibility for what I do.

Mr. CASWELL. I desire to ask the gentleman from Texas whether he intends by this course to cut off the consideration of executive messages and vetoes which lie on the Speaker's table?

Mr. MCCOMAS. Especially the direct-tax bill.

Mr. CASWELL. Which the whole country is watching and which two-thirds of this House stand ready to vote for.

Mr. SAYERS. I will say to the gentleman that I intend if I can to pass this bill——

Mr. CASWELL. And we are willing to help you; but we are not willing to give you the floor in order that you may yield for a motion which is clearly for the purpose of delay.

Mr. SAYERS. You can not help yourself.

The question being taken on the motion of Mr. SPRINGER for a recess till 9 o'clock,

The SPEAKER said: The noes seem to have it.

Mr. SPRINGER. I call for a division.

The question being again taken, there were—ayes 15, noes 36.

Mr. BLAND. No quorum.

Tellers were ordered; and Mr. BLAND and Mr. MCCOMAS were appointed.

The tellers took their places and proceeded with the count.

Mr. RICHARDSON. Pending the division of the House, I ask unanimous consent to present two or three resolutions from the Committee on Printing in regard to the printing of some of the current annual reports of the different bureaus. I have no personal interest in these matters, but they are published every year by order of Congress. This session we have been late in getting them before the House.

Mr. MCCOMAS. I have no objection to the gentleman from Vermont [Mr. GROUT] presenting a request, and then the gentleman from Tennessee [Mr. RICHARDSON] submitting these propositions for printing, provided there is no debate on any of these matters.

PAWNBROKERS IN THE DISTRICT OF COLUMBIA.

Mr. GROUT. I ask that the House non-concur in the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, and ask a conference with the Senate.

Mr. HOLMAN. I ask that the amendments be read.

The amendments were read.

The SPEAKER. If there be no objection, these amendments will be non-concurred in and a conference with the Senate requested. The Chair hears no objection; and it is so ordered. The Chair will appoint in a few moments the managers on the part of the House.

The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent for the consideration of resolutions for the printing of certain public documents. Is there objection?

Mr. MCCOMAS. I do not object provided these matters can be acted on without debate.

Mr. RICHARDSON. I will withdraw any proposition upon which there is debate.

PRODUCTION OF PRECIOUS METALS.

The following resolution, called up by Mr. RICHARDSON, was read:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1888 be printed; and that 9,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. RICHARDSON. I move the previous question.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

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

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. RICHARDSON. I now ask consideration of the concurrent resolution which I send to the desk.

The Clerk read 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.

The concurrent resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATISTICAL ABSTRACT.

Mr. RICHARDSON. I now ask the adoption of the concurrent resolution I send to the desk:

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed, in addition to the usual number, 15,000 copies of the eleventh number of the Statistical Abstract of the United States for the year 1888, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

The concurrent resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF ENROLLMENT, DEFICIENCY BILL.

Mr. RANDALL. Mr. Speaker, I desire to offer a concurrent resolution, providing for a correction in the enrollment of that part of the deficiency appropriation bill to which the House and Senate have already agreed. This is to correct two errors in the bill so as to enable it to be enrolled.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House is hereby directed, in the enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, to omit the following provision in lines 18, 19, and 20, on page 23 of the engrossed copy of said bill:

"Bureau of Construction and Repair: To supply deficiency in the appropriation for the construction and repair of vessels, $150,000."

And to omit the following provision in lines 3, 4, and 5 on page 5 of the Senate amendment numbered 108, and agreed to by both Houses:

"For pay of the Navy $201,443.71."

Mr. RANDALL. As to the first item, the Committee on Appropriations did not report it in the deficiency bill, but it was put on at the instance of the Naval Committee in the Committee of the Whole. I find by an examination that the same item appears in the naval appropriation bill. Out of abundant anxiety to make provision for that appropriation it appears in both bills, and of course it should be stricken from this one, the naval bill having passed both Houses. Hence this had better go out of the deficiency bill.

As to the second paragraph, it is an error. The bill as reported to the Senate embraced an item for "audited claims, pay of the Navy." In considering it in the Senate an amendment was offered in the nature of a substitute, but in engrossing the amendments to be transmitted to the House of Representatives the engrossing clerk of the Senate made an error and left both items in the bill. This amendment is to provide the necessary correction.

The resolution was adopted.

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

The latter motion was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 12154) in relation to pawnbrokers in the District of Columbia Mr. HEMPHILL, Mr. COMPTON, and Mr. GROUT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on 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, and on the bill (H. R. 11634) to provide for the allotment of lands in severalty to the United Peorias and Miamies in the Indian Territory, and for other purposes.

It further announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 9271) for the relief of James A. Stewart, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. HOAR, and Mr. PASCO as managers on the part of the Senate.

It further announced that the Senate had passed without amendment bills of the House of the following titles, namely:

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton;

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

A bill (H. R. 9949) for the relief of Patrick C. McQueeny;

A bill H. R. 3765) for the relief of James Devine; and

A bill (H. R. 8307) for the relief of John T. Higgins.

It also announced that the Senate had passed a resolution requesting the House to return to the Senate the bill (H. R. 6050) referring the claim of the owner of the steamer I. N. Bunton to the Court of Claims.

It further announced that the Senate had agreed to the House concurrent resolution for the printing of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt.

It further announced that the Senate had passed the bill (H. R. 7800) for the relief of John D. Bree, executor of Margaret T. Higgins.

I. N. BUNTON.

The SPEAKER *pro tempore*. The Chair will lay before the House the resolution just received from the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1889.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 6050) referring the claim of the owner of the steamer I. N. Bunton to the Court of Claims.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will be directed to return the bill to the Senate. The Chair hears none, and it is so ordered.

JAMES A. STEWART.

The SPEAKER *pro tempore*. If there be no objection, the House will agree to the request of the Senate for a conference on the bill (H. R. 9271) for the relief of James A. Stewart.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* announced the appointment of Mr. STONE of Kentucky, Mr. LANHAM, and Mr. BUTTERWORTH as managers on the part of the House.

DEFICIENCY APPROPRIATION BILL.

Mr. SPRINGER. I withdraw the motion for a recess until 9 o'clock.

Mr. SAYERS. Mr. Speaker, I move that the House further insist upon its disagreement to the amendment under consideration in the deficiency appropriation bill——

Mr. McCOMAS. And I move that the House recede.

Mr. SAYERS. I have the floor and decline to yield to the gentleman.

Mr. BLAND. Pending that I move that the House take a recess for one hour.

Mr. McCOMAS. Have I not the right to make a motion to recede?

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The Chair will recognize gentlemen in order.

The gentleman from Texas moves that the House insist upon its disagreement, and upon that demands the previous question.

Mr. SAYERS. No, sir; I did not demand the previous question on the motion.

Mr. McCOMAS. I have moved that the House recede from its disagreement to the Senate amendment and agree to the same; and on that I demand the previous question.

Mr. SAYERS. But I have the floor.

Mr. MILLS. The gentleman from Texas has the floor and declines to yield.

Mr. REED. But the motion of the gentleman from Maryland is a privileged motion.

Mr. McCOMAS. I have the floor for the motion which I have submitted.

The SPEAKER *pro tempore*. The Chair will state there is no difficulty about it. Pending the motion of the gentleman from Texas, the gentleman from Maryland moves that the House recede——

Mr. MILLS. But the gentleman from Maryland has not got the floor to make that motion.

The SPEAKER *pro tempore*. The Chair thinks it is a privileged question, and the gentleman from Maryland has the right to submit his motion, and the Chair will recognize the gentleman from Texas, who is entitled to the floor.

Mr. McCOMAS. And upon that I move the previous question, and claim the floor.

Mr. REED. The gentleman from Maryland having the right to make a privileged motion must have charge of that motion and be entitled to the floor. It seems to me that the Speaker has not noticed the fact that the making of a privileged motion gives to the person who makes it the right to the floor and not to another person.

The SPEAKER *pro tempore*. There is no question about the right of the gentleman from Maryland to take the floor upon his own motion; but the gentleman from Texas was on the floor to make his motion.

Mr. REED. But his motion is prior to that and takes precedence. The Chair upon reconsidering the matter will see that it must be so. The rules of the House give to the gentleman from Maryland the right to make his motion, which is privileged. That is prior in consideration, and it can not be that the floor is to be given to a man whose motion has passed out of sight. It would be like permitting a bill to come forward and then give to a gentleman in charge of another bill the right to the floor.

Mr. McMILLIN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. I demand the previous question on the motion to recede; and upon that I demand the floor.

Mr. McMILLIN. Mr. Speaker, the point of order I make is this: The gentleman from Texas makes a motion which is debatable, and for its debate holds the floor. He does not yield it, nor indicate a purpose to yield it; but, on the contrary, desires to hold it. Now, while the motion to be made by the gentleman from Maryland takes precedence when we come to the vote upon it, that motion can not take the gentleman from Texas off the floor.

The SPEAKER *pro tempore*. There is no question about the proper construction of the rules or the former practice of the House. The gentleman from Texas in charge of the bill submits a motion that the House insist upon its disagreement to the Senate amendments, and is entitled to the floor for one hour in his own right upon that proposition. Pending that proposition the gentleman from Maryland submits a motion——

Mr. MILLS. But the gentleman from Maryland had not the floor.

The SPEAKER *pro tempore*. If the gentleman from Texas will allow the Chair to state the proposition fully [applause], the Chair will state the gentleman from Maryland had the right to submit his motion, which was that the House recede from its disagreement; but the effect of that is not to take the gentleman from Texas off the floor.

Mr. MILLS. Then how could he make a motion that would take him off the floor?

The SPEAKER *pro tempore*. When the hour of the gentleman from Texas has expired the Chair will recognize the gentleman from Maryland. When the question comes to submit the vote upon the proposition, then the proposition submitted by the gentleman from Maryland must be first put to the House. That has been the universal practice. The gentleman from Texas is recognized for one hour.

Mr. REED. Can it be possible that a gentleman is entitled to address the House upon a motion that he has not before it?

The SPEAKER *pro tempore*. The motion of the gentleman from Texas is before the House, and pending that motion the gentleman from Maryland offered a motion.

Mr. McCOMAS. Then what becomes of my further motion for the previous question upon the motion to recede?

The SPEAKER *pro tempore*. That will have to be put by the Chair to the House when the gentleman from Texas yields the floor.

Mr. CASWELL. If the motion of the gentleman from Maryland should be adopted it would supersede the motion of the gentleman from Texas.

The SPEAKER *pro tempore*. The Chair is determining the point in accordance with the universal practice of the House.

Mr. CUTCHEON. I call the attention of the Chair to a ruling upon that point. It is stated in the Manual, on page 439:

The motion to recede takes precedence of the motion to insist and ask a conference and to adhere. (And even though the previous question may be pending on either of the last motions, the motion to recede may be entertained—

Even though the previous question may be pending, the motion to recede may be entertained—

because, if it prevails, the disagreement between the Houses is removed and the bill is passed.)

I submit if it is to be entertained, and if it prevails, it cuts off the other motion, and thus the gentleman who makes the motion which takes precedence shall have the floor upon the motion, because, if it prevails, then the other matter is entirely disposed of.

Mr. CASWELL. Let me read a little further——

Mr. SOWDEN. I rise to a question of order.

Mr. CASWELL. I want to read exactly in point:

On a motion to insist or to adhere—

Which is the motion of the gentleman from Texas [Mr. SAYERS]—

a motion to recede, which removes the disagreement between the Houses and passes the bill, may be made.

Now, the gentleman from Maryland [Mr. McCOMAS] makes that motion, and therefore I insist that it is in order.

The SPEAKER *pro tempore*. The paragraph read by the gentleman from Michigan [Mr. CUTCHEON] and the point made by the gentleman from Wisconsin [Mr. CASWELL] are in the same line with the ruling of the Chair. The Chair simply recognized the gentleman from Maryland [Mr. McCOMAS] to submit his motion pending the motion of the gentleman from Texas [Mr. SAYERS]. The effect of it is not to take the gentleman from Texas off the floor. He is entitled to the floor for one hour.

Mr. CUTCHEON. I submit, Mr. Speaker, that if a motion is privileged to be made it is also privileged to be considered, because it takes priority of the other, and if it prevails the debate must occur upon the motion which has precedence.

The SPEAKER *pro tempore*. There is no precedent in the rules or the practice of the House that would give the gentleman from Maryland the right to take the gentleman from Texas off the floor after he had been recognized by the Chair.

Mr. CUTCHEON. It is a question of precedence. The debate is substantially the same debate in any event.

The SPEAKER *pro tempore*. It is simply a question of precedence when it comes to taking the vote. Does the gentleman from Missouri [Mr. BLAND] insist upon his motion for a recess?

Mr. BLAND. I insist upon the motion.

Mr. REED. Mr. Speaker, I understand that the gentleman from Texas [Mr. SAYERS] has the floor.

Mr. SAYERS. I have the floor.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Missouri [Mr. BLAND] to state that the gentleman from Texas [Mr. SAYERS] had yielded to him.

Mr. BLAND. I want to make a statement. When the gentleman from Texas [Mr. SAYERS] made his motion, I made a motion, pending that, to take a recess, and I also renewed it at the time the gentleman from Maryland [Mr. McCOMAS] made his motion.

Mr. McCOMAS. But the gentleman from Missouri had not the floor.

Mr. SPRINGER (to Mr. McCOMAS). You have not the floor either.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] had no right to take the gentleman from Texas off the floor to make his motion unless the gentleman from Texas yielded to him. The gentleman from Texas is entitled to the floor for one hour.

Mr. BLAND. If the gentleman from Maryland [Mr. McCOMAS]

could take the gentleman from Texas off the floor, then the gentleman from Missouri [Mr. BLAND] could take them both off the floor. [Laughter.]

Mr. SAYERS. Mr. Speaker, before I begin to use the hour which I am entitled to under the rule I would inquire of the Chair whether, under his ruling, the gentleman from Maryland [Mr. MCCOMAS] was entitled to make the motion that he did, I holding the floor at the time?

The SPEAKER *pro tempore*. Upon reflection, the Chair is of opinion that the gentleman from Maryland [Mr. MCCOMAS], under the strict rule, really had no right to submit his motion until the expiration of the hour. [Applause on the Democratic side.] But the Chair had recognized the gentleman from Maryland simply to make his motion pending the motion of the gentleman from Texas, and the result is the same. The Chair has recognized the gentleman from Texas [Mr. SAYERS] for one hour.

Mr. MCCOMAS. Then, Mr. Speaker, as my motion was recognized it is pending, is it not?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Maryland at the proper time to submit his motion in order.

Mr. MCCOMAS. But is not my motion now pending?

Several MEMBERS. Oh, no.

Mr. MCCOMAS. I ask the Chair. I want to know whether my motion to recede is not now pending.

The SPEAKER *pro tempore*. The Chair will rule upon that at the proper time. The gentleman from Texas [Mr. SAYERS] is recognized and will either proceed or yield the floor.

Mr. SAYERS. Mr. Speaker, I will occupy the floor in my time in accordance with my own judgment within the rules of the House. I now yield fifteen minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. MCCOMAS. I ask the gentleman in charge of this bill [Mr. SAYERS] whether he intends to consume the whole hour upon one side of this question?

Mr. SAYERS. I will divide with the gentleman.

Mr. MCCOMAS. Half an hour?

Mr. SAYERS. Half an hour.

Mr. MCCOMAS. Then I will take charge of the half hour?

Mr. SAYERS. No, sir.

Mr. MCCOMAS. I ask the gentleman to yield me half the hour.

Mr. SAYERS. No, sir; I will give it out myself. You select your speakers and I will give out the time. [Laughter.]

Mr. MCCOMAS. Under the ordinary courtesy of debate I am entitled to half the time.

A MEMBER. Mr. Speaker, I hope the Chair will preserve order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SAYERS] himself, who has the floor, is indulging in this conversation, and the Chair can not control it. It comes out of the gentleman's time.

Mr. SAYERS. I am not indulging in it at all.

The SPEAKER *pro tempore*. How much time does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. SAYERS. I yield fifteen minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

JAMES A. STEWART.

The SPEAKER *pro tempore* laid before the House a bill (H. R. 9271) for the relief of James A. Stewart, with an amendment of the Senate thereto.

Mr. BUTTERWORTH. I ask unanimous consent that the House non-concur in the amendment of the Senate and agree to a conference.

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

Mr. MCMILLIN. Let us have the bill reported, so that we will know what it is, or let the gentleman make an explanation.

Mr. BUTTERWORTH. It is a bill passed to pay James A. Stewart for services rendered as a pilot of Government transports from 1863 to 1865. It passed the House and went to the Senate and was there amended, and I ask unanimous consent that we non-concur and agree to a conference.

Mr. MCMILLIN. What is the amount involved?

Mr. BUTTERWORTH. Twenty-five hundred dollars.

Mr. MCMILLIN. What amendment did the Senate make?

Mr. BUTTERWORTH. The Senate reduced the amount to $2,500. The House passed the bill *nem. con.* for $4,000, or about that sum, and the Senate reduced the amount to $2,500.

Mr. MCMILLIN. Is that the bill that was up here to-day before?

Mr. BUTTERWORTH. Oh, no; this bill passed some time ago.

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

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. STONE of Kentucky, Mr. LANHAM, and Mr. BUTTERWORTH.

DEFICIENCY APPROPRIATION BILL.

Mr. BUCKALEW. Mr. Speaker, on behalf of the people of the United States, represented by us on this floor, I demand that there shall be a full and fair debate on the subject-matter of this Senate amendment, carrying, according to information from the office of the Attorney-General, in the neighborhood of $30,000,000 in principle—$1,600,000 of immediate appropriation, and the remainder to be voted by Congress in future years if this bill be passed. It is not reasonable, it is hardly decent, that claims, involving such a vast amount of money as this, should be passed upon at 2 o'clock of a night session in the Senate without a word of debate and should be presented in the House for consideration under a call for the previous question with thirty minutes' debate, one-half for and one-half against the measure. Nor is it proper and just that such a measure should be placed as a rider upon an appropriation bill carrying $15,000,000 for the support of the Government in its various branches of administration, having therefore enlisted in its behalf all the interest which members may feel in the success of other portions of this bill.

What a shame it is that at this time and under these circumstances, and when any useful or prolonged debate is impossible, this House should be called to vote on this ancient claim—a claim now ninety years of age, which has survived three generations, and which, unfortunately, is not as well understood in this House as it ought to be—as it can be at the approaching session of Congress, because preliminary investigations during the Fiftieth Congress in committee and some little debate in the House and the individual efforts of gentlemen curious in historical matters have prepared the way for a full and fair debate and just decision on this subject at the approaching session of Congress.

Observe, sir, you have in this bill only a small part of the whole amount—a million and a half. The remaining twenty or twenty-five millions, whatever the amount may be, is not involved at present, but is to be acted on hereafter.

There is no reason why this decision should not be postponed until a larger mass of these claims shall be before us and we shall be enabled to judge better than we can now judge their true character and the pretension which is so strongly made in their behalf that our Government made itself liable for the payment of this great amount of money in the year 1800.

Sir, this bill is out of time, as I have already explained; it is out of place also; and if I may be permitted the remark, it is an ungenerous and disallowable proposition for the Senate to make to us under these circumstances and at this time; and if it be indorsed by both Houses of Congress, can there be any question that it is absolutely insulting to the Executive of the United States, who is called upon to approve or disapprove our measures as a constitutional duty? The Constitution gives him, under ordinary circumstances, ten days to determine the question whether he will give his approval. To be sure, at the end of a session many bills go to him which he is required to act upon promptly and without the lapse of ten days.

But observe that your rules in this House confine appropriation bills, to outlays already authorized by law. In ordinary cases, according to your own rules, you vote in those bills to fulfill existing obligations of the Government. Here is a proposed appropriation for an object not provided for or covered by existing law. You have simply an advisory report from the Court of Claims; and the President-elect of the United States put upon the bill in the Senate, when he was a member of that body, one of the stringent limitations upon the powers of that Court of Claims; so that complete jurisdiction over this subject is retained by Congress; the act of 1885 expressly provides that no recommendation either of law or fact by the Court of Claims shall preclude the judgment of Congress upon the whole subject.

And to conclude upon this point: This proposed appropriation of $1,600,000 could not under our rules be put on this bill by the House. Any member objecting, the Speaker would be bound to rule it out of order. Nine-tenths of the members could not put it on by their assent as an amendment proposition in this House. It is therefore now proposed that we shall permit the Senate to overrule the spirit and purpose of the House rules, and irregularly, out of time and under circumstances which constitute the measure a palpable outrage, we are called to vote upon these claims.

I repeat, then, what I said in the outset of my remarks, that as a representative of the people, as a member of this House, as a prospective member of the next House, I demand that this great measure shall receive fair and reasonable consideration—not at this time, because that is impossible, but from the next House when it shall have met and shall have organized under somewhat changed political conditions.

Now, Mr. Speaker, it is utterly impossible, as I have already stated, to enter into debate on this measure upon its merits. Do members know that $15,000,000, if the whole amount be thirty millions—that whatever the amount may be, one-half of this whole mass of claims is held by insurance companies, by insurance companies that charged war premiums in 1798 and 1799—premiums in many cases of from 15 to 30 per cent., premiums collected off the misfortunes of commerce?

According to the report from the Attorney-General's Office, one-half of this whole money, whatever the amount may be, will pass to insurance companies. Whatever has been said or might be said upon the merits of individual claimants, is there a man in this House, coming to this subject unprejudiced and without bias of mind from suggestions which have been made to him, or from a partial examination of the subject, who will not say that at least this one-half of the whole

amount no Congress ought to vote? There is no equity in it. How will you vote it? Will you vote it to the insurance company of 1889? Will you vote it to the present stockholders? Will you vote a quarter or a half a million of dollars to stockholders of some of these insurance companies who never paid a penny for their stock with any reference to this claim? Will you hand over to them the treasure of the people without condition, without reason, without cause? Is it to be paid to the present companies? The old stockholders of 1798, a generation or two ago, sold their stock, or it was divided or transferred as the assets of their estates. Will you go back, can you go back, and endeavor to hunt up these old stockholders of 1798?

But of course the merits of this proposition, which ought to be a separate bill, have not been considered and can not be considered at this late hour of the session. I point out one of the great departments of inquiry which it will be the duty of the next Congress to undertake. The Court of Claims does not give that information to the House which it must possess in order to act intelligently upon such a proposition as that presented. It does not decide who are the parties to whom the money is to be paid. In a large portion of the cases they merely determine the question of the original liability, and the legal custodian of the fund, an assignee in bankruptcy, an assignee under a trust, an administrator of an estate, etc. The court say that it is for Congress to determine to whom the money shall be paid in each case.

It is like bringing a suit in court. You put a legal party on record, but the actual party in interest, the beneficiary or use party, does not appear. Now, it is for Congress to determine how these moneys shall be paid and to whom. Take the case of a bankrupt and payment made to an assignee. The claims of creditors now are barred by the statute of limitations, many of them. Will you have the assignee, under such circumstances, disregard the statute and pay the creditors notwithstanding? Will you have him pay over to the bankrupt himself so as to escape payment to his creditors?

However, Mr. Speaker, I can not go into all of these details. Thus briefly I have sketched some of the difficulties that present themselves. It is a subject too great in itself to be determined in this manner. We are not ready for a bill upon the subject, even if prepared. We are not ready to vote intelligently upon it because the House does not understand the subject, and there is not time now to consider it intelligently.

Mr. Speaker, in the hoarse condition of my voice to-night, and under the circumstances, the natural impatience that members feel to secure action, and in the manner that this subject comes before us, I will not detain the House by another word. I will leave it to the good judgment and the sound sense of the members of this House whether this midnight or 2 o'clock amendment thrust into this bill, where it is an intruder, shall be retained or rejected.

Mr. SAYERS. I yield thirty minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Of the thirty minutes I yield ten to the gentleman from Missouri [Mr. MANSUR].

Mr. MANSUR. Mr. Speaker, four weeks ago I would not have trusted myself to undertake to debate this question at all. During that time I have studied it carefully. I have studied it until after midnight night after night, and I have even violated the law of the Sabbath to consider it, and this for the purpose of preparing a report, as directed by order of the Committee on Claims of this House. Limited to ten minutes' time for reply, I do not undertake any argument to show the absolute justice of these claims. It is a conviction of my mind that no man who will come to the discussion of this subject without prejudice and will give it a careful investigation from beginning to end can refuse to be irresistibly driven to the conclusion that justice demands that these old claims shall be paid.

There are only two points urged against them: One, that this generation ought not to assume and pay the debts of another generation; and the other point is that these claims originated in a state of war. This last proposition I can not for want of time now discuss. If it be true, or if the argument be worth anything that this generation ought not to pay the debts of another generation, then ten years from now it may be urged against the bonds of the United States originating in the late war that they should not be paid because the generation then existing had not created them and was therefore not liable. But parties come and go, individuals live and die, and yet this Government goes on forever; and when, as in this case, it owes a debt, that debt exists in the mind of every man of justice until it is eventually paid and discharged.

Daniel Webster, in his speech in the Senate on these claims in 1835, stated that there were just six hundred and fifteen of these vessels captured. It is, in my opinion, an exaggeration to say, in regard to these claims, that under the act of 1885 conferring jurisdiction upon the Court of Claims the aggregate of these demands will reach anything like the sum of $30,000,000. I feel myself justified in saying that the cases which have been presented to the Court of Claims and passed upon by that body up to this time are the choice—the select cases, the ones in which the claims can be most readily established. What is the result? One hundred and forty-two vessels have been adjudicated out of the six hundred and fifteen, and the total valuation found is something over $1,600,000.

Assuming, then, that all of the balance of these vessels shall on the same ratio be found to be of the same value, it will take only something over seven millions, not quite eight millions, to discharge the whole of the indebtedness. But I believe myself, from the investigation I have given to the subject and the inquiries I have made, that in many of these cases which are still unadjudicated the same ratio will not prevail, but a smaller percentage be allowed, and the probabilities are that the total findings of the Court of Claims under the act to which I have referred will not exceed the sum of between five and six millions of dollars.

The Attorney-General in his report in December, 1886, expressed the opinion that the amounts of all the claims would be about $15,000,000.

What is certain, however, is that up to date the Court of Claims has tried 282 petitions on 142 vessels; that the aggregate amount prayed for in these cases was $3,346,726.26, and that the total amount allowed by the court was $1,604,681.99, and that in addition thereto petitions amounting to $8,380,000 have been dismissed for want of any evidence whatever, naming no vessel, being "general" petitions.

So much for their value. I agree that ordinarily these claims would be out of place on this bill. But these are extraordinary claims, and I feel that when surrounded by extraordinary circumstances we may venture upon extraordinary exceptions. It is not new legislation in any fair sense of the term. And why? At the very beginning of this Congress, within ten days after the House assembled, by an overwhelming vote, the House instructed the Committee on Appropriations to report an appropriation on a bill making provision for the payment of all these claims. You will remember that in the closing hours of the last session these claims were defeated, and the failure was because of a technical ruling and that a large number of the friends of the spoliation claims were not here to advocate and vote for them, and they went by the board.

This session Congress has had several of these claims referred to it from the Court of Claims for investigation, which in its turn referred them to the Committee on Claims. That committee instructed me to make a favorable report, and in report 4151 will be found the views of the friends of these claims. In that shape, with a knowledge that it was thus pending and before Congress, and with the further knowledge of the Committee on Appropriations that in the last session it had been considered and discussed at great length, and I presume further that members knew it would come over to this House from the Senate on the deficiency bill, notice was given in the Senate that these claims would be sought to be placed as amendments on this appropriation bill; and the same were printed. A copy of these Senate amendments were laid upon my desk, as I presume they were upon the desks of all the members.

Take all these facts and couple them with the further fact that Congress by the act of 1885 conferred jurisdiction on the Court of Claims to investigate these claims and report them to Congress from time to time, and we are driven to the conclusion that there was no snap judgment in putting them on this appropriation bill.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. MANSUR. I would prefer not in the short time I have. Referring to the action of the Court of Claims, every one must remember that we sent Mr. Broadhead, a distinguished member of this body in the Forty-eighth Congress, to France to hunt up evidence, and Mr. Sommerville Tuck was sent to Spain and to the Windward Islands to hunt up evidence to aid the Government officials as well as those who had the claims, in order to have these questions fairly investigated and settled on the fullest evidence obtainable.

This evidence was to be submitted to the Court of Claims, and it was not only to decide pending cases, but it was to continue this work from year to year, and make its reports from year to year and from session to session of Congress. It was a continuing order. Surely when that act was passed Congress meant that it was to be something more than a mere investigation. Otherwise it was a trap for all these claimants.

This evidence has been carefully examined, the claims have been investigated in court, and the opinions and decisions of the court are learned. They are almost exhaustive of the whole subject. They are carefully prepared, and in every instance the court has required every person interested in any way, either in the vessel or in the cargo, to be made parties to the suit, over the value of the vessel and its cargo, and in this way had all the parties in interest before it, and frequently with conflicting interests. They have sifted these claims to the very bottom and are able to render judgments that undoubtedly ought to establish these claims and be binding on Congress and the Government.

But limited as I am in time I must pass on as rapidly as possible. Says the gentleman who preceded me, "Much of this will go to the insurance companies."

If I remember rightly, there were only nineteen or twenty insurance companies in the United States at that time, and nearly every one of them engaged in the business of insuring our merchant vessels became bankrupt. The larger amount of the insurance was done by underwriters who were merchants. This was done in this manner: A broker wrote up a contract for, say, $10,000 insurance, at a certain premium, on a certain vessel. Then these merchants underwrote the amount of insurance they would take, and get their share of the premium; this they did by writing at the bottom of the contract their names, say, "John Smith, $1,500; Tom Jones, $5,000;" and so every other man the amount of insurance he took. Nearly all of these insurance claims

will go to the heirs of these underwriters and not to corporations. But it is said that the insurance companies have no real claims to this money, because it was a part of their business and done at high rates of war premiums.

I venture the assertion every lawyer who will examine this question will be driven by the force of the cases, both English and American, to the conclusion that there is no higher principle of natural justice and equity than that of subrogation. If I pay another man's debt I am entitled by law and by the highest dictates of justice and conscience to be subrogated to his rights, to be put in his place, and to have the opportunity to realize out of the property or claim whatever it may be worth. That is a principle of natural justice which commends itself to every man's mind who investigates it, and there is not a case in the law-books to be found to the contrary; and it applies as strongly to an insurance company as it does to an individual.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from Maryland [Mr. MCCOMAS] is entitled to the floor.

Mr. MCCOMAS. I yield five minutes to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, these claims, as every one at all familiar with the subject knows, grew out of the treaty of 1778, under which France furnished the American colonies men and munitions of war in aid of the Revolutionary struggle at an expense, as estimated by the French minister of finance, of some $280,000,000. The equivalent agreement on our part in that treaty was to guaranty to France her American possessions forever. Remember, the guaranty was forever. Those possessions consisted of certain West India or Windward Islands, seven or eight in number, which were very important to France at that time because they furnished her sole supply of sugar. This, remember, was in 1778.

Within eight years from that time the French people, inspired by the success of the American experiment in self-government, struck for liberty themselves and established the republic, first under the Directory and then under the Consulate. This audacious conduct on the part of France—audacious in the estimation of the crowned heads of Europe—led to a combination of all the great European powers against her, and they sought to crush the upstart republic, as they considered it. Great Britain, the chief of those allies, sent an expedition to the West India Islands to take possession of the French colonies there. France appealed to the United States to protect those possessions in accordance with the stipulations of the treaty of 1778, but she appealed in vain. The United States never lifted a finger to protect the French possessions. They professed and maintained absolute neutrality between the contending powers, and Great Britain, almost without firing a gun, took possession of the West India colonies of France.

Now, clearly, under the treaty of 1778, the United States, upon every principle of international law, were liable to France for the value of those possessions. There is no question about that. But France was in no condition to enforce her right by war, and she resorted to the only other method she had at her command, which was to make reprisals upon our merchant marine. Accordingly she let loose her corsairs upon our commerce and captured American ships and American cargoes wherever she could find them on the high seas, and she did this to the amount of millions of dollars—some have said fifteen millions.

That property was lost by American citizens. They could not enforce their claims against the French Government unless the Government of the United States took them in hand. In 1793, in August, Thomas Jefferson being Secretary of State, he issued a circular to the merchants and ship-owners calling upon them for a list of these losses. That list was furnished. The Government then promised to collect the claims from the French Government, and immediately made a demand through the State Department, and appointed a set of envoys and sent them to France to negotiate for payment. The French Government would not receive them. They came home, and meanwhile the spoliations increased. The United States declared for war as the only means of protecting our commerce. France, learning of this, signified her willingness to treat further on the subject. New envoys were sent, and (without going through the whole history of the transaction) it was finally concluded, as the result of the negotiation between the First Consul and the United States Senate, to offset the claims of our citizens, presented by the United States Government, against the claims of the French people, and ever since that time American citizens have been trying to collect these claims, which are justly due.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MCCOMAS. I now yield five minutes to the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. I am somewhat surprised to hear my friend from Pennsylvania [Mr. BUCKALEW] speak of this matter being brought before this House to be acted upon without due consideration, when he no doubt well remembers that from the 1st day of August last until the 21st day of that month this House was occupied with the discussion of this subject upon its merits in connection with the general deficiency bill at the first session of this Congress.

There were twenty-one members of this House who exhausted every branch of this subject during that debate; and I am therefore surprised to hear the gentleman from Pennsylvania [Mr. BUCKALEW], who himself made an exhaustive argument in opposition to these claims, say to this House, after our having been engaged on these measures for eighteen days, that now the matter is prematurely brought before the House.

This House will well remember that after a committee had reported these claims under instructions they went out of the general deficiency bill of the last session, not upon the merits, but on the ruling on a point of order which excluded this House from voting upon them. Nay, more, Mr. Speaker, this subject has been under discussion in Congress after Congress for the last three Congresses. It was discussed on the passage of the bill providing for a consideration of these cases by the Court of Claims. The same vehement opposition was manifested then; but the decision of this House was made on this subject by the act of 1885 by which Congress decided that the Court of Claims should sift the merits of the proposition, should report to this House which of these claims were just, with the facts they found, with their conclusions of law, so that this House, in the exercise of its undoubted authority to vote the people's money for claims that are just and withhold the people's money from claims that are unjust, should, with the process of sifting evidence which the machinery of that court affords, be able to discriminate and to decide rightfully upon this issue.

And what is the state of the matter as it comes to us now? Why, Mr. Speaker, as appears by the able report recently filed by the Committee on Claims of this House, which has given this matter during this session very careful and particular attention, these facts appear: It appears that under the act of 1885 the Court of Claims had passed favorably upon claims in which the claimants demanded $3,300,000.

[Here the hammer fell.]

Mr. DIBBLE. I ask the gentleman from Maryland to give me a minute or two more.

Mr. MCCOMAS. I yield two minutes more to the gentleman from South Carolina.

Mr. DIBBLE. Of the $3,300,000 thus claimed the Court of Claims on the evidence decided that the Government justly owed the claimants—not the amount claimed, but the amount of $1,600,000. So that the Court of Claims has passed upon what are probably the strongest of these claims; it has passed upon them to the amount of nearly three million and a half, and has allowed of that amount about 48 per cent. and rejected 52 per cent. Nay, more, Mr. Speaker, it has passed upon $8,380,000 of claims adversely to the claimants. It has dismissed claims to that amount, without making any allowance at all. In addition to that it has dismissed seven other claims where the amount claimed was not stated. So that, in fact, of claims amounting to $11,000,000 the Court of Claims has allowed only $1,600,000, or 16 per cent. of the amount passed upon.

[Here the hammer fell.]

Mr. MCCOMAS. I now yield three minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, if this were an original proposition appearing here in the House of Representatives now for the first time the argument of the gentleman from Pennsylvania [Mr. BUCKALEW] that this measure ought not to be found upon an appropriation bill would be in accordance with our best judgment and would be in consonance with the general principles of the rules of the House. But, Mr. Speaker, since a time before you and I were old enough to know anything about the politics of this country this question has been discussed in the newspapers and in all the Congresses. The measure for the payment of these claims has passed and repassed—passed in the House of one Congress and in the Senate of another, vetoed by two Presidents, but always coming back and always the subject of discussion and agreement.

The basis of these claims lies in the nature of a contract by the United States Government to stand in the place of men who had been spoliated by attacks upon American commerce by the French cruisers; and though gentlemen now undertake to say that no consideration was received by the Government, it is enough to say that the rule of equitable estoppel operates against the United States on this question. It is enough to say that there never was a time after the treaty when these claimants could have successfully or properly or lawfully prosecuted their claims against the French Government. They would have been met by the stipulations of the treaty itself.

Now, Mr. Speaker, this House understands this question just as well as it ever can. Why, sir, the gentleman from Pennsylvania [Mr. BUCKALEW] occupied a whole hour in this discussion and published a speech which was but the iteration and the reiteration of that which had been said for more than half a century on this subject. The strongest arguments that ever were made against the payment of these claims were absorbed in the gentleman's speech. There can be nothing new under the sun on this question. There is no obligation of this Government which ought to be paid by fair adjustment that stands higher than do these very claims.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. MCCOMAS] has five minutes remaining.

Mr. MCCOMAS. Mr. Speaker, in the five minutes left me I shall

not undertake to go over again the threadbare arguments made by favorable reports in the Senate and the House at different times during nearly a century, or the long series of favorable reports made upon these claims until finally the Forty-eighth Congress sent all these questions to the Court of Claims for final sifting and decision. When they came back to this Congress almost the first effort was to declare on this floor, by a vote of 163 to 83, that the Committee on Appropriations ought to put these claims on an appropriation bill, and the House pointed out this very deficiency bill as the measure on which they ought to go. When this bill was considered in the House the gentleman from Illinois [Mr. SPRINGER], then in the chair, after long debate decided in the most non-partisan manner that they were not admissible; and the House was not allowed to vote upon them, when everybody knows that these claims could command a majority of the votes of the members on this floor—a clear majority on both sides of this Chamber.

Now, the gentleman from Illinois [Mr. SPRINGER], to illustrate the absolutely partisan, extrajudicial temperament of his mind, he who made that ruling, now when the chance comes for a vote of the House is filibustering to prevent a vote by the members of the House, as he did before by his ruling on that point of order.

Mr. Speaker, it ill becomes gentlemen to say this comes at a late period of the session. The gentleman who leads the onslaught of filibustering prevented that vote against the expressed will of the House.

What then? They go to the Senate and that body decided these claims should be put on this bill. They now come here. It was the first action of this Congress and now it comes in the last hour. They have known all about them in the Senate, and they have known all about them in this House. The country has known all about them. Now when a chance comes for a vote in this House gentlemen dare not let them be voted on, because they know that a large majority of the members of this House favor the proposition of the Senate. They keep it back and in order that they may defeat it, not by argument, not by justice, but by filibustering. By such Democratic ineptness they seek to defeat the Senate amendment by filibustering in this House upon this appropriation bill. I do not want my friend from Illinois to blink the issue, for it is fairly presented and he can not evade the responsibility of his action.

Here, Mr. Speaker, is the only chance we can have to consider this matter, and we should consider it in good faith. Vote it up or vote it down, but vote on it. It is the right of the people, it is the right of these claimants, it is the right of this court to have its judgment voted on and put in or put out; and, sir, it is our right to take the responsibility to vote them up or to vote them down.

Now, sir, we find this filibustering carried on upon this bill where we did put them by the action of the House. Is this to be the end of Democratic leadership and Democratic control in this House—afraid of yourselves on an appropriation bill which is the largest this country has ever seen? You fall back and will not vote on this proposition like men. You fall back to your favorite resort, which seems to be the top level of your statesmanship, and pile up motions to adjourn and to adjourn over and to take a recess, varied by demands for the yeas and nays and divisions in the House through the tellers. [Laughter and applause.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. McCOMAS. Gentlemen on the other side of the House seem to be delirious over a motion to take a recess or to adjourn. They seem to give themselves up to filibustering whereby they may defeat a vote on the pending proposition which comes to us from the Senate. [Cries of "Order!" on the Democratic side, and great applause on the floor and in the galleries.]

The SPEAKER *pro tempore* (Mr. HATCH in the chair). If there shall be again any exhibition of applause in the galleries the Chair will direct the Sergeant-at-Arms and Doorkeeper to clear them.

Mr. SAYERS. I yield now for five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, it is now a little over fourteen hours when this Congress will expire. The sundry civil appropriation bill, carrying between twenty and thirty millions of dollars, is not yet agreed to. This bill, the deficiency appropriation bill, carrying an appropriation of eight millions of dollars for the remainder of this year for pensions and carrying many hundreds of items for back pay and bounty for the soldiers of the late war, and many items for the revenue service and almost every branch of the public service, hangs in this contest undisposed of. The bone of contention is this item of one and a half millions of dollars known as the spoliation claims, ninety years old.

I want to be entirely frank and say there are two sides to this question. In former years, when most of us were boys, these claims met after full discussion and passage in the House and Senate with executive veto. A year or two ago we did refer these ninety-year-old claims to the Court of Claims, not to render judgment but to investigate and report to the House. As one member of this House I have read with great care the decision of that court. I believe from the best lights I can get the Government of the United States three generations after these claims are due and payable ought to pay them. When I say that, however, I want to say there is room enough for gentlemen honestly to disagree with me in that conclusion. I stand ready under the light of full discussion, with this measure resting on its own merits, and its own merits alone, to vote for the appropriation of money necessary to pay these claims; but while I say that, I want to say I doubt the propriety in the closing hours of the session of putting this amendment upon a bill which carries pensions and bounty and back pay, and for the service of the Government for the remainder of this year all along the line, and saying those items shall not pass unless these claims shall pass.

For one I am willing to vote on concurrence, or I am ready to vote to insist, but I believe it is the part of wisdom in these the closing hours of this Congress that the House shall send this bill back into conference and let the ninety years of waiting add another year to the investigation of these claims under circumstances where they can be fully and fairly investigated and discussed, and stand or fall upon their own merits alone. [Applause.]

[Here the hammer fell.]

JAMES A. STEWART.

Mr. BUTTERWORTH. I ask the gentleman from Texas to yield to me for a moment to submit a conference report.

Mr. SAYERS. With the understanding that it is not taken out of my time.

Mr. BUTTERWORTH. Certainly.

I submit a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart, 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.

WILLIAM J. STONE,
S. W. T. LANHAM,
BENJAMIN BUTTERWORTH,
Managers on the part of the House.
JOHN C. SPOONER,
GEORGE F. HOAR,
SAMUEL PASCO,
Managers on the part of the Senate.

Mr. HOLMAN. What is the Senate amendment? Let it be read.

Mr. BUTTERWORTH. I can state the substance of it in a moment. My friend will remember that the House passed a bill providing for the payment of $4,000, and the Senate amendment reduces the sum to $2,500——

Mr. HOLMAN. You accept the Senate amendment?

Mr. BUTTERWORTH. Yes, sir.

The report was adopted.

Mr. BUTTERWORTH moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. I now yield five minutes of the time to the gentleman from Iowa [Mr. KERR].

Mr. KERR. Mr. Speaker, these amendments embrace a proposition that for a short time has been before the Committee on Claims of this House. It did not have consideration in committee until a little over a week ago. At that time the Committee on Claims was besieged by the claim agents who represent these several hundred claims that in a body are presented here and to be allowed in a lump, combined as they are with other meritorious provisions in a bill the defeat of which would involve suffering and want to a large number of meritorious claimants, in regard to the justice of whose claims there is no dispute, a large part of which are pension and bounty claims, as has been so forcibly stated by the gentleman from Illinois [Mr. CANNON]. Those claim agents, as I say, besieged the Committee on Claims. They stood by the score at the door of the room of the Committee on Claims, presenting this demand; and I believe it is an admitted fact that in proportion as the actual claimants' interest decreases and the interest of the claim agents increases the claims are pushed for consideration in this Congress and before that committee.

Now, Mr. Speaker, there is no just foundation for these claims in my judgment. The gentleman from Vermont [Mr. GROUT] alleges that this Government was under obligation to maintain the supremacy of France in the West India Islands. I assert that there is no foundation for that statement. That is the basis on which the gentleman from Vermont founds the justice of these claims. But the nation of France, on its own motion and by the act of its own legislative assembly, abandoned all claim to the West India Islands, abrogated all government over those islands, and by that act declared them free. And yet the gentleman, in defiance of that historical fact, says that we were bound as a nation to maintain the supremacy of France in the West India Islands after France had abandoned those islands, and on this statement bases the argument that we also became a guaranty to the claimants for the payment of these spoliation claims.

Mr. Clay in a report submitted in 1826 made the statement that France had never recognized any claim at any time that was based on

the same foundation on which these claims were based; and that being the opinion of Mr. Clay at that time, which is not denied as far as I am aware, I can not see where there is any just basis for the claims now. The allowance of the claims would be a proclamation to the world that the American Congresses for the last ninety years have been faithless to the interests of the American people, and that those Congresses have been dishonest. Now, I protest against such a conclusion being arrived at. No man claimed that these claims ought to be paid until a few years before the report of Mr. Clay was made, and yet after a lapse of ninety years, during which the whole Mississippi Valley has been settled, these men, living along the coast, representing the grandchildren of the men who kindled the blue-lights along our shores, and sympathized with England as against France, ask us to pay their descendants for the losses sustained in that trade which France said was unlawful, and for which she steadily refused to make reparation. [Applause].

[Here the hammer fell.]

Mr. SAYERS. I now yield the floor to the gentleman from Missouri [Mr. BLAND]. [Cries of "Vote!" "Vote!"]

Mr. BLAND. Mr. Speaker, a few days ago, in this House, in the course of a discussion, we heard the expression made use of "that where fraud was law filibustering was patriotism" [applause, and cries of "Vote!" "Vote!"]; and I say where profligacy in the United States Senate is the rule filibustering here is patriotism. [Loud cries of "Vote!" "Vote!"] Very well, if gentlemen insist on this sort of proceeding I am perfectly content, because I can stay here all night.

The SPEAKER *pro tempore*. The Chair will insist that the House shall be in order, and that the gentleman from Missouri may be permitted to proceed without interruption.

Mr. ALLEN, of Michigan. I hope the Chair will insist hereafter on preserving order on the floor of the House.

The SPEAKER *pro tempore*. It will of course be very disagreeable for the Chair to be compelled to enforce order on the floor by the means which every member of the House knows the presiding officer of this body has a right to employ. The Chair hopes that members will assist the Chair in preserving order.

The gentleman from Missouri will proceed.

Mr. BLAND. Because the money involved in this bill, and probably $30,000,000 besides, is owned by millionaire corporations, they have the power to get their claim on an appropriation bill; but one of my poor constituents, who has a claim that has been adjudicated as this has, by the Court of Claims, is denied that privilege. Under the rules of this House it does not belong on this bill. It was ruled out by the Chairman of the Committee in this House, and on appeal sustained by an overwhelming vote. Yet the United States Senate undertakes to coerce this House by putting it on an appropriation bill carrying pensions and various other meritorious claims.

Mr. Speaker, the Senate sends this bill here with the idea that they intend to make it go through this House in this coercive way or this bill shall fail. I meet them on that ground; and I say I will stand here until the 4th of March and all parliamentary means shall be used to defeat the coercive action of the Senate.

Mr. DUNHAM. Oh! you have said that before.

Mr. BLAND. The people of the United States have given the power of the purse-strings to the House, because they are the representatives of the people; and if there is any manhood in this House, and especially on this side of the House, they will not be coerced into this measure by the United States Senate. I move a further recess of two hours. [Laughter.]

Mr. SPRINGER. I move to strike out "two hours" and insert "one hour and thirty minutes."

Mr. STONE, of Missouri. I move to amend that motion by making it one hour and three-quarters.

Mr. McCOMAS. I make the point of order against both those motions, and desire to be heard a moment on the point of order.

The SPEAKER *pro tempore*. The gentleman will state the point of order.

Mr. McCOMAS. My motion is entered on the Journal to recede, and the previous question thereon. The Chair having decided my right to make that motion, I say that the gentleman in charge of the bill can not give up the hour for dilatory motions to cut out a motion of higher privilege—a motion to recede from the disagreement between the two Houses.

Mr. BLAND. I have the floor. The whole time was yielded up to me, and the bill, so far as that is concerned.

The SPEAKER *pro tempore*. The Chair has no hesitation in deciding the point of order.

Mr. DIBBLE. I desire to speak to the point of order.

The SPEAKER *pro tempore*. The Chair will decide the point of order without further debate. There never has been a ruling by any occupant of the chair, so far as the Chair knows, that would give to a member the floor that would hold against a motion to take a recess. The Chair overrules the point of order, and the question is on the amendment to the amendment.

Mr. McCOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. When, then, does my right come in, as the Speaker decided that I had the right to make the motion?

The SPEAKER *pro tempore*. The gentleman can be recognized when the House acts upon the motion now pending before the House, which takes precedence, and when the gentleman gets the floor in his own right.

Mr. McCOMAS. Is my motion now pending?

The SPEAKER *pro tempore*. The Chair will state to the gentleman it is not pending. The gentleman has not obtained the floor in his own right.

Mr. McCOMAS. I will ask the Chair whether the Journal does not show that motion as pending?

Mr. SPRINGER. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. McCOMAS. I rise to the parliamentary inquiry. When shall I have that right?

The SPEAKER *pro tempore*. The Chair has stated to the gentleman that he has not the right at this time to make the motion submitted by him. The Chair recognized the gentleman to submit a motion pending the motion of the gentleman from Texas, which is yet undetermined. [Cries of "Regular order!"]

Mr. McCOMAS. I make another point of order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. My point is that the gentleman from Missouri was only yielded the floor for debate upon this conference disagreement, and not for the purpose of making a motion for a recess.

Mr. BLAND. The gentleman yielded me the floor entirely.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Texas stated that he yielded the floor to the gentleman from Missouri, which placed him in control of all the time and all the rights the gentleman from Texas had.

Mr. DIBBLE. But, Mr. Speaker, I make the further point of order that the gentleman who had charge of the bill had no right to yield his charge of the bill to cut out a member of the committee who had another motion of higher privilege when he could make the motion himself. But it is not in his parliamentary power to make a motion to defeat his own motion.

The SPEAKER *pro tempore*. There is no motion of higher privilege than the motion to take a recess or fix a day to which the House shall adjourn.

The question was taken on the amendment of Mr. STONE, of Missouri, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 16, noes 99.

Mr. BLAND. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Maryland [Mr. McCOMAS].

Mr. CANNON. Mr. Speaker, I desire to make a proposition to the gentleman from Maryland [Mr. McCOMAS] and the gentleman from Texas [Mr. SAYERS]. My proposition is that by unanimous consent the vote be now taken upon the motion of the gentleman from Texas that the House do further insist upon its disagreement to the Senate amendments.

Mr. BLAND. Regular order.

Mr. CANNON. I thought that was what the gentleman from Missouri wanted.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. McCOMAS] and the gentleman from Missouri [Mr. BLAND] will please act as tellers.

Mr. BLAND (pending the count by tellers). Mr. Speaker, I will withdraw the point of no quorum if it is understood that the motion of the gentleman from Texas is to prevail. If the proposition of the gentleman from Texas is voted down, then I want it understood that I shall have the right to insist upon the point of no quorum and upon a vote on the pending motion to take a recess.

Mr. CANNON. The gentleman has that right under the rule.

Mr. BLAND. Well, I want to reserve it now.

Mr. SPRINGER. I object. Mr. Speaker, what was the proposition?

The SPEAKER *pro tempore*. The Chair will state the proposition as the Chair understands it. On account of the confusion on the floor the Chair is not certain that he understands the proposition correctly. The proposition of the gentleman from Illinois [Mr. CANNON], as the Chair understands it, is that, pending the motion for a recess, a vote shall be taken on the motion submitted by the gentleman from Texas [Mr. SAYERS], that the House insist upon its disagreement to the Senate amendments and agree to a conference.

Mr. SPRINGER. That is all right if we can have the vote without taking the yeas and nays.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Missouri [Mr. BLAND] does not withdraw his motion for a recess.

Mr. BLAND. I do not withdraw it unless upon the understanding I have stated. My proposition is that pending these motions for a re-

cess a vote be taken upon the motion of the gentleman from Texas [Mr. SAYERS].

The SPEAKER *pro tempore*. The House will be in order and the Chair will again state the proposition. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that, pending the decision upon the several motions which have been submitted to the House for a recess, a vote shall be taken upon the motion made by the gentleman from Texas [Mr. SAYERS] that the House further insist upon its disagreement to the amendments of the Senate and agree to a conference. Is there objection?

Mr. LYNCH. I object.

Mr. SPRINGER. Mr. Speaker, I did not demand the yeas and nays. I insisted that the vote should be taken without the yeas and nays.

The SPEAKER *pro tempore*. Nothing has been said about the yeas and nays. The gentleman from Pennsylvania simply objects. The Chair does not know upon what ground and has no right to inquire.

Mr. CANNON. I do not suppose the gentleman from Pennsylvania himself knows. [Laughter.]

Mr. SPRINGER. Some gentlemen seem to have misunderstood my suggestion.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the pending amendment be sent again to a committee of conference without instructions.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent——

Mr. McCOMAS. Regular order.

Mr. LYNCH. What is the proposition, Mr. Speaker?

The SPEAKER *pro tempore*. There is no proposition before the House. There is a motion to take a recess for one hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House of the passage without amendment of the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

It also announced agreement to the concurrent resolution of the House providing for the correct enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

It also announced the passage of the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen.

It further announced agreement 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. 5716) for the establishment of a light-house at the mouth of Otter Creek, Lake Champlain.

It further announced the passage of the bill (S. 3905) authorizing and directing the sale of certain property belonging to the United States, situated in Pittsburgh, Pa.

It further announced that the Senate had passed the joint resolution (H. Res. 145) to print the Agricultural Report for 1889.

DEFICIENCY APPROPRIATION BILL.

Mr. REED (during the count by tellers). I would like to inquire of the gentleman in charge of this bill why he does not bring it to a vote? [Cries of "Regular order!"] Being in charge of the bill it is his duty to this House to bring it to a vote. [Renewed cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. REED. Perhaps the gentleman from Texas will give us the reason why he does not bring the bill to a vote.

The SPEAKER. Debate is not now in order.

Mr. REED. It is not a matter of debate, but by unanimous consent he could give his reasons. He is in charge of the bill, yet trying to defeat it.

Mr. BLAND. The gentleman from Maine is out of order.

Mr. REED. I think the gentleman from Maine under our rules is in order.

Mr. BLAND. I am always in order and the gentleman from Maine always out of order.

Mr. REED. It is a very strange spectacle to see a man in charge of a bill trying to defeat it.

Mr. BLAND. I would like to know if any gentleman on the floor can interrupt the proceedings by denouncing the member in charge of this bill?

The SPEAKER. Debate is not in order. The tellers will proceed with the count.

Mr. DIBBLE. I desire to ask the gentleman from Maryland, who has entered a motion to recede, to withdraw that motion——

Mr. BLAND. There is no such motion pending.

Mr. DIBBLE. And let the gentleman from Texas, who is in charge of the bill, submit such parliamentary motion as will enable us to proceed with the measure.

Mr. McMILLIN. There is no motion to recede pending, I submit to the Chair.

Mr. DIBBLE. Well, if the gentleman from Maryland will withdraw——

Mr. McCOMAS. I made the motion, and it was entertained once.

Mr. McMILLIN. But the then presiding officer afterward ruled it out.

The SPEAKER. This is not a matter for the Chair. The gentleman from South Carolina [Mr. DIBBLE] is appealing to the gentleman from Maryland.

Mr. SPRINGER. I ask, by unanimous consent, that the amendments to this bill which are not disposed of be referred to a committee of conference—that another conference be authorized without any prejudice.

Mr. McCOMAS. Regular order.

Mr. DIBBLE. As one of those who are in favor of the amendment which is now pending I am perfectly willing, so far as I am concerned, that no motion should be made by the friends of the measure, but that the gentleman in charge of the bill be permitted to submit if he pleases a parliamentary motion to insist, and let the House vote upon it, and dispose of the bill.

Mr. BLAND. Regular order.

The SPEAKER. The regular order is called for.

Mr. REED. Let the gentleman in charge of the bill proceed with his bill.

The SPEAKER. But a motion for a recess is pending.

Mr. REED. It is his friends who are making that motion.

The SPEAKER. The Chair has no control over that.

Mr. REED. The Chair has not, but the gentleman from Texas has. I am trying to reach the gentleman from Texas.

Mr. BLAND. We had better have the regular order.

The SPEAKER. The tellers will proceed with the count. Gentlemen who have not voted will please come forward and vote.

Mr. McCOMAS. I made a motion which was once entertained and afterwards not considered. I am now willing to withdraw it——

Mr. BLAND. It is not pending at all.

Mr. McCOMAS. I will not insist upon making that motion, but withdraw it in order that the gentleman in charge of the bill may take what parliamentary steps he thinks proper to expedite the passage of this important bill.

Mr. BLAND. Regular order.

Mr. REED. Let the gentleman from Texas proceed.

Mr. McCOMAS. So far as I can withdraw the motion I made, I do so for the purpose I have indicated.

Mr. REED. The gentleman from Texas has abandoned the floor to the enemies of his own bill—a spectacle rarely seen in this House.

Mr. BLAND. Let us have the regular order.

The SPEAKER. Gentlemen who have not voted will please come forward and pass between the tellers.

Mr. CASWELL. I ask unanimous consent that the House insist on its disagreement to the Senate amendment.

The SPEAKER. The Chair will state the question. The gentleman from Wisconsin [Mr. CASWELL] asked, by unanimous consent, the House insist on its disagreement. Is there objection?

Mr. DIBBLE. I object.

Mr. REED. I would like to see the gentleman from Texas take charge of his own bill.

Mr. DIBBLE. What motion is pending?

The SPEAKER. None except the motion made by the gentleman from Texas [Mr. SAYERS] that the House further insist on its disagreement to the Senate amendment. Pending that a motion was made that the House take a recess.

Mr. REED. And pending that the gentleman from Texas yielded to the gentleman from Missouri and abandoned his position in charge of the bill and gave it over to its opponents.

The SPEAKER. The House is dividing, and gentlemen who have not voted and desire to vote will do so.

Mr. BLAND. I am taking care of it.

The House divided; and the tellers reported—ay 1, noes 171.

So the motion was disagreed to.

The SPEAKER. The question recurs on the amendment of the gentleman from Illinois [Mr. SPRINGER].

Mr. STONE, of Missouri. I move that the House take a recess for one hour and a half.

The SPEAKER. That is the motion now pending.

Mr. STONE, of Missouri. I will amend it by making it one hour and three-quarters.

Mr. McCOMAS. I appeal to my colleague on the committee to take charge of the bill and expedite business.

Mr. BLAND. I demand the regular order.

Mr. REED. The gentleman from Texas has abandoned the charge of this bill and given it into the hands of its opponents.

Mr. BLAND and Mr. ANDERSON, of Kansas, demanded the regular order.

The question recurred on the motion of Mr. STONE, of Missouri, to take a recess for one hour and three-quarters.

The House divided; and there were—ayes 18, noes 80.

Mr. BLAND. No quorum.

The SPEAKER appointed as tellers Mr. BLAND and Mr. McCOMAS.

Mr. SAYERS. I ask by unanimous consent of the House this bill be referred to the committee of conference without instructions.

The SPEAKER. There is no committee of conference.

Mr. SAYERS. I move, then, that a committee of conference be appointed, to whom the bill shall be referred without instructions.

Mr. SPRINGER. Without prejudice.

The SPEAKER. Is there objection?

Mr. DIBBLE. I object, unless I am permitted to make a statement.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIBBLE. Mr. Speaker, I desire before withdrawing my objection to the proposition which has been made by the gentleman from Texas [Mr. SAYERS] to make some statement in relation to the extraordinary posture in which the gentleman who was in charge of this bill has placed himself. It is a well-known fact, Mr. Speaker, that here assembled on the floor of this House to-night, on both sides of it, a majority of the representatives of the people are ready to do that tardy justice to claimants to whom this country is indebted and who have waited for payment, generation after generation, for ninety years.

It is equally well known this matter has been thoroughly sifted and discussed in two committees of this House. Having seen at the opening of this Congress, and having had some experience in past Congresses of the dilatory tactics of the opponents of the French spoliation claims, I took occasion to move the reference of these claims to the Committee on Appropriations, one of the high committees of this House, as far back as December, 1887.

The members of this House, after a free, fair, and liberal discussion, on a yea-and-nay vote, resolved by a vote of 163 members of this body, a majority of all its members, in favor of the proposition, which I then submitted, and only 84 votes were opposed to it.

Congress referred these matters to the Court of Claims, and that court, after sifting all of the claims, and after a thorough and elaborate examination of all of the evidence, submitted its findings of fact to this body, and the claims were placed upon the appropriation bill, where, by the order of the House, they were directed to be placed, and the question was debated before this House with a deliberation, which I may say has been unexampled in this Congress, day after day, from the 3d day of August, 1888, until the 21st.

In that debate, Mr. Speaker, members on both sides of this House participated, and then the point of order was raised against the claims to prevent a majority of this House from expressing its opinion upon the matter, which is peculiarly within the province of the Representatives of the people.

Now, sir, we have this question again before us to-night, and we have before us this alternative presented at the same time: that either we must give our consent to this request, or one of the great appropriation bills of this country, carrying necessary appropriations for the Departments of the Government, shall fail of its passage, and that another appropriation bill equally important to the country which is behind it, and which can not be reached until this is disposed of, shall also fail. And now, after we, the Representatives of the American people, have deliberately decided upon the moneys we shall vote to carry on the Government, then comes the opposition of a minority, so that we the majority are compelled to say to that minority, "Take what you will, and save the great appropriation bills of the country."

Deprive these claimants, if you will, of the justice that is due to them, and of their rights, after the judges have said that the Government owes them the money; let them go to another Congress and another again, as they have been doing for the past ninety years; or we are told, "The wheels of the Government shall be clogged for the want of money to carry it on, and we, the majority, are to be held responsible for a state well nigh of anarchy." And so, sir, this is the remarkable condition in which we find one House of the American Congress at this time. Here we are within a few hours of the close of this Congress. We have no alternative but to give way to the minority in its unreasonable demand.

But still more remarkable, Mr. Speaker, is the fact that the gentleman of the Appropriations Committee who has charge of this bill makes the regular parliamentary motion, which is the motion that he bona fide supports, that the House insist upon its disagreement to the amendment of the Senate and ask a further conference, and upon that motion, which, if it prevails, would give the opponents of these claims all they ask for, he is entitled to one hour for debate, and then those who favor these claims are entitled on their motion to their hour, and the matter to be then decided by the House.

But instead of that, what does he do? He consumes all but the last few minutes of his time; he is in charge of a great Government appropriation bill, and in his charge of it, after making the motion to insist, the motion which he desires to prevail, he then surrenders the remainder of his time and the floor to a member of this House who is not a member of the Appropriations Committee, and that member makes a dilatory motion, which is followed by other members rising here to make other dilatory motions, the necessary consequence of which will be to consume the remainder of this session, and defeat the appropriation bills.

Now, sir, I say this is not parliamentary; it is not fair; it is not right. Why, then, was it done? Because the gentleman in charge of this bill was afraid to put his own motion before the House, because he knew that on a fair, untrammeled vote of this House, the motion to insist would have been defeated, and the sense of the House expressed in favor of fairness and justice to these claimants. But we are powerless. We have surrendered the bill for them to make any parliamentary motion they might desire to carry it through, and allow us the simple privilege, which we thought we had, as representatives of our respective constituencies, to have a vote upon the amendment, so that when it went into the conference again, it would go as the voice of the members of this body, instead of the voice of three members of the Committee on Appropriations.

That was all the privilege we asked. But that privilege is denied us, and gentlemen of this House, sent here by their respective constituencies to do the public business, stand here and make dilatory motions that the House shall take a recess, and supplement it with similar motions, and thus diminish the little bit of time that is left of the Fiftieth Congress, so that these great bills shall fail, unless the majority will surrender; because some men think that a minority should run the Government, and that the Government can not be carried on properly unless such minority of the House of Representatives runs it.

Against any such doctrine, Mr. Speaker, I protest. I have to yield and give in to the unanimous consent sought, for the sake of passing these bills; but I deem it due to my constituents and to myself that I should in this manner protest against the position in which we are reluctantly placed, and while I will not object to this unparliamentary mode proposed for passing this bill, and now surrender to this minority, I protest against the necessity of doing it, as an abridgment of my right, as a member on this floor, to represent the views and the wishes of my constituents. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. McCOMAS. I desire, Mr. Speaker, to object unless I can make a brief statemeut.

The SPEAKER. Is there objection to the request of the gentleman from Maryland that he may be permitted to make a statement? The Chair hears none.

Mr. McCOMAS. Mr. Speaker [cries of "Regular order!"], as a member of this committee of conference—— [Cries of "Regular order!"]

Mr. WILSON, of Minnesota. I object.

Mr. McCOMAS. Mr. Speaker, my objection is pending.

Mr. KERR. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. KERR. All objection to this proceeding and to the request of the gentleman in charge of this bill was withdrawn except a conditional objection.

The SPEAKER. But still any gentleman on the floor has the right to object. The gentleman from South Carolina [Mr. DIBBLE] rose to speak for himself, and said that he would not object if he were allowed to make a statement. The Chair thereupon asked if there was objection and there was none, and the gentleman from Maryland [Mr. McCOMAS] said that he would not object if he were also allowed to make a statement.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent, which I think is a reasonable request, that the gentleman from Maryland have permission to proceed and make his statement.

The SPEAKER. The Chair recognized the gentleman from Maryland, and he was about to proceed when the gentleman from Iowa [Mr. KERR] stated that he objected, and demanded the regular order. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the gentleman be allowed to make a brief statement. How long?

Mr. McCOMAS. Five minutes or less.

Mr. REED. It is, then, understood that there is no objection, and that that is to finish it.

The SPEAKER. Is there objection to granting the gentleman from Maryland five minutes in which to make a statement?

Mr. ANDERSON, of Iowa. After five minutes are occupied in that way what will be the parliamentary status?

The SPEAKER. The request of the gentleman from Texas will then be acceded to.

Mr. McCOMAS. It has not been my desire, but my duty, as a member of that committee and of that conference, when an amendment was put upon this bill by a co-ordinate body, to insist, out of respect to that body, that this House should take some action either for or against the amendment of the Senate. For hours, in my pleasure, I contended for that right; and as I believed to be right, moved to recede from the disagreement. But after hours had passed, to my very great regret, my colleague, in charge of this bill, suddenly abandoned the bill; and when I gave notice that I would not even insist upon my right to have considered the amendement of the Senate, a co-ordinate body, that bill, in charge of my colleague, as a trust and involving millions, was thrown upon the floor of this House and trampled upon by gentlemen who are filibustering, absolutely disregarding the decorum and orderly conduct of this business.

When notified that I waived any charge of the bill and that my

colleague should proceed to have any motion he desired to advance the business of the House—to either recede or to insist—we had the spectacle of his standing still, in the last hours of the session, and absolutely abandoning this great appropriation bill, until it seems that everybody else who was opposing it was unmindful of the public interest; unmindful of the necessity it would create for an extra session; unmindful of the sundry civil bill; unmindful that this bill contains provisions for the military and naval establishments; $8,000,000 for pensions and pensioners; claims for Army and Navy supplies, and that every interest of this Government and every Department of the administration in the coming current year were involved.

When I found this to be so, that this bill was being abandoned, I believed it to be my duty at such a juncture to surrender the right in the conduct of affairs which gives to this House and the membership here the right to have a vote for or against this measure, and to withdraw and absolutely consent that, without a vote upon the proposition, when that vote would be largely affirmative, for the sake of the country and the appropriation bills, this irregular mode should triumph and the bill go back to conference. That duty is upon those who had the Executive to consider, and I will withdraw my objection.

The SPEAKER. The order is now made, and the Chair will appoint the same managers, the gentleman from Texas, Mr. SAYERS, the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Maryland, Mr. MCCOMAS.

ORDER OF BUSINESS.

Mr. SAYERS. I ask unanimous consent that I may have five minutes to make a statement. [Cries of "Oh, no!" and counter-cries of "That is fair!"]

Mr. PAYSON. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. MILLS. Mr. Speaker, what is the question now pending?

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] was recognized by the Chair and sent up a resolution, and the gentleman states that he moves to suspend the rules and pass it.

Mr. CRISP. Mr. Speaker, I rise to a privileged question. I call up for consideration the contested-election case of Sullivan *vs.* Felton.

The SPEAKER. That is a matter of higher privilege.

Mr. CRISP. I have no objection to the gentleman from Texas having time in which to make a statement.

The SPEAKER. Unanimous consent is asked by the gentleman from Texas for five minutes in which to make a statement.

Mr. PAYSON. Regular order.

The SPEAKER. Objection is made by the gentleman from Illinois.

Mr. REED. I think he ought to have a chance to explain.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If the request for unanimous consent made by the gentleman from Texas will not prejudice the existing condition of my resolution, I have no objection to his proceeding.

The SPEAKER. It will not.

Will the gentleman from Illinois [Mr. PAYSON] repeat his parliamentary inquiry?

Mr. PAYSON. My inquiry is this: If the request for unanimous consent made by the gentleman from Texas [Mr. SAYERS] shall be acquiesced in, does that prejudice the existing condition of the motion I have made?

The SPEAKER. It does not.

Mr. PAYSON. Then I make no objection.

The SPEAKER. The Chair will state the situation so that the gentleman from Illinois may understand it. The gentleman from Georgia [Mr. CRISP], after the gentleman from Illinois sent up his resolution, rose to a question of privilege, a contested-election case, which, of course, has priority.

Mr. PAYSON. And against that I raise the question of consideration.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to make a statement for five minutes. Is there objection?

There was no objection.

Mr. SAYERS. Mr. Speaker, when the present Congress met and this House was organized you did me the honor to place me upon the Committee on Appropriations. I went to that committee with an earnest desire to perform my duty, not only to the Government and the country, but to each individual citizen. I soon found, after an experience of but a few weeks, that before that Committee on Appropriations there came claims of every conceivable kind and character, both ancient and modern, the great majority of which ought not to be recognized.

When the deficiency bill of the first session of the present Congress came up for consideration what are known as the French spoliation claims were placed upon that bill in obedience to a resolution of this House. As one of the members of that committee I gave those claims my honest and most careful consideration. I believed then, and I believe now, that those claims, which have been repudiated for almost a century, which have been vetoed by two Presidents, ought not to be paid by this Administration. I opposed them at that time and have opposed them during the present session of this Congress.

A gentleman who has spoken here has referred to my action in regard to this deficiency bill. Let me tell my friends upon the other side of this Chamber that if it had not been for me that bill would now be sleeping in the Committee of the Whole on the state of the Union. Through my earnest solicitation and entreaty objections were withdrawn and that bill went into conference for the purpose, if possible, of securing an agreement with the Senate upon all the material propositions involved in the bill. If it be not a violation of parliamentary courtesy I will say to the House that I told the Senators that it would be impossible to pass this bill with those amendments upon it, and I urged them to recede.

Mr. REED. Did you tell them that you had refused to let the House vote on the amendment?

Mr. SAYERS. The gentleman from Maine will keep his seat. I do not yield.

Mr. REED. Why did you not explain to them why you refused to let the House vote upon the amendments?

Mr. SAYERS. I am not responsible to the gentleman from Maine, great a man as he is in his own estimation. I stand responsible to the House and to the country for my action.

Mr. REED. Answer the question, why do you not?

The SPEAKER. The gentleman from Maine can not interrupt the gentleman from Texas without his consent.

Mr. SAYERS. One word more, Mr. Speaker, because I have but a minute longer. So far as my action since this bill was reported from the conference is concerned, I have no apologies to make. Those who know me, those with whom I have lived and who have honored me, know full well that I would take no step unless it should be taken with an eye single to the best interests of the people. There were millions and millions involved in this deficiency bill, not only for the support of the Government but for the payment of pensions and the payment of bounties, and why should they be compelled to bear the weight of claims that have been repudiated for nearly a century?

The SPEAKER. The time of the gentleman has expired.

Mr. STONE, of Missouri. I rise to a parliamentary inquiry. What is the question now pending before the House?

The SPEAKER. The Chair has assumed that the motions for a recess were withdrawn. If they are not withdrawn, they are pending before the House.

Mr. BLAND. I have not withdrawn the motion for a recess.

Mr. REED. I object.

Mr. STONE, of Missouri. I have made a motion for a recess, which has not been withdrawn.

Mr. BLAND. I have not withdrawn my motion, but in the interest of the contested-election case I will withdraw it.

Mr. CRISP. I appeal to my friend from Missouri to withdraw that motion and let us do tardy justice to the contestant in this case.

Mr. REED. The tardiness has been in doing justice to the other side.

Mr. SPRINGER. I withdraw the amendment which I offered.

The SPEAKER. The gentleman withdraws his amendment, as the Chair understands.

Mr. BLAND. I have made the point of no quorum on the motion made by the gentleman from Missouri. That has not been withdrawn; but I now withdraw it, in order that the gentleman from Georgia may call up the contested-election case.

Mr. MCKENNA. I renew it.

The SPEAKER. The gentleman from Missouri [Mr. STONE] declines, as the Chair understands, to withdraw his motion for a recess.

Mr. STONE, of Missouri. I will withdraw it on the understanding——

The SPEAKER. The gentleman can not withdraw it conditionally; he must either withdraw it or not withdraw it.

Mr. STONE, of Missouri. I withdraw it.

Mr. MCKENNA. I move that the House take a recess until 12 o'clock.

Mr. WARNER. Would it be in order for me to ask unanimous consent now that the House concur in the Senate bill to which I called the attention of members this morning?

The SPEAKER. It is in order to ask unanimous consent at any time when the regular order is not insisted upon.

Mr. WARNER. The bill to which I refer is a public-building bill, in regard to which I gave the facts to the House this morning.

Mr. CATCHINGS. Regular order.

Mr. SCOTT. Mr. Speaker, would it be in order for me to ask what has become of the land-forfeiture bill which was reported yesterday afternoon at 4 o'clock, which has had the right of way before this House from that time until now at 12 o'clock to-night, but which the gentlemen who have had it in charge have not called up—have not given us an opportunity to vote upon it or speak upon it? [Cries of "Regular order!"]

The SPEAKER. The Chair will answer the question of the gentleman from Pennsylvania [Mr. SCOTT] by saying that the gentleman from Illinois [Mr. PAYSON] has sent to the Clerk's desk a motion to suspend the rules and dispose of that subject; but pending that the gentleman from Georgia [Mr. CRISP] calls up as a privileged matter

the contested-election case, and pending that the gentleman from California [Mr. MCKENNA] moves that the House take a recess until 12 o'clock.

Mr. CRISP. On that motion I demand the yeas and nays.

The yeas and nays were ordered, 48 members voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 2, nays 191, not voting 130; as follows:

YEAS—2.

	Hiestand,	Plumb.	

NAYS—191.

Abbott,	Crisp,	Ketcham,	Post,
Adams,	Crouse,	Kilgore,	Rice,
Anderson, Iowa	Culberson,	La Follette,	Romeis,
Anderson, Miss.	Cummings,	Laidlaw,	Rowell,
Anderson, Ill.	Cutcheon,	Landes,	Rowland,
Anderson, Kans.	Dalzell,	Lane,	Russell, Mass.
Baker, N. Y.	Darlington,	Lanham,	Sawyer,
Baker, Ill.	Davidson, Fla.	Latham,	Scott,
Bankhead,	Davis,	Lawler,	Scull,
Barnes,	De Lano,	Long,	Seney,
Bayne,	Dibble,	Lynch,	Seymour,
Belden,	Dockery,	Macdonald,	Shaw,
Bingham,	Dorsey,	Mahoney,	Sherman,
Blanchard,	Elliott,	Maish,	Shively,
Bland,	Enloe,	Mansur,	Simmons,
Bliss,	Farquhar,	Martin,	Smith,
Blount,	Fisher,	Mason,	Steele,
Booher,	Fitch,	McAdoo,	Stephenson,
Boutelle,	Flood,	McClammy,	Stewart, Tex.
Bowden,	Fuller,	McCormick,	Stockdale,
Bowen,	Gallinger,	McCreary,	Stone, Ky.
Breckinridge, Ark.	Gibson,	McCullogh,	Stone, Mo.
Breckinridge, Ky.	Grimes,	McKinley,	Tarsney,
Brewer,	Grout,	McKinney,	Taulbee,
Brower,	Hall,	McMillin,	Taylor, J. D., Ohio
Browne, T. H. B., Va.	Harmer,	McRae,	Thomas, Ill.
Brown, J. R., Va.	Hatch,	Mills,	Thompson, Cal.
Bryce,	Haugen,	Moffitt,	Tracey,
Buckalew,	Hayden,	Montgomery,	Turner, Ga.
Burrows,	Hayes,	Moore,	Vance,
Butler,	Heard,	Morgan,	Vandever,
Butterworth,	Hemphill,	Morrow,	Wade,
Bynum,	Henderson, Iowa	Nichols,	Walker,
Campbell, F., N. Y.	Henderson, N. C.	Norwood,	Warner,
Candler,	Henderson, Ill.	Oates,	Washington,
Cannon,	Herbert,	O'Donnell,	Weaver,
Carlton,	Herman,	O'Ferrall,	Wheeler,
Caruth,	Hires,	O'Neall, Ind.	White, N. Y.
Caswell,	Holman,	O'Neill, Pa.	Whiting, Mich.
Catchings,	Hooker,	O'Neill, Mo.	Wickham,
Cheadle,	Hopkins, Ill.	Outhwaite,	Wilkins,
Chipman,	Hopkins, N. Y.	Parker,	Wilkinson,
Clardy,	Howard,	Payson,	Wilson, Minn.
Clark,	Hunter,	Peel,	Wilson, W. Va.
Clements,	Johnston, Ind.	Penington,	Yardley,
Cobb,	Kean,	Perkins,	Yoder,
Compton,	Kennedy,	Perry,	Yost.
Conger,	Kerr,	Posey,	

NOT VOTING—130.

Allen, Mass.	Ermentrout,	Laird,	Rogers,
Allen, Mich.	Felton,	Lee,	Russell, Conn.
Allen, Miss.	Finley,	Lehlbach,	Rusk,
Arnold,	Foran,	Lind,	Ryan,
Atkinson,	Ford,	Lodge,	Sayers,
Bacon,	Forney,	Lyman,	Snyder,
Barry,	French,	Maffett,	Sowden,
Biggs,	Funston,	Matson,	Spinola,
Boothman,	Gaines,	McComas,	Spooner,
Bound,	Gay,	McKenna,	Springer,
Browne, Ind.	Gear,	McShane,	Stahlnecker,
Brown, Ohio	Gest,	Merriman,	Stewart, Ga.
Brumm,	Glass,	Milliken,	Stewart, Vt.
Buchanan,	Glover,	Morrill,	Struble,
Bunnell,	Goff,	Morse,	Symes,
Burnett,	Granger,	Neal,	Taylor, E. B., Ohio
Campbell, Ohio	Greenman,	Nelson,	Thomas, Ky.
Campbell, T. J., N. Y.	Grosvenor,	Newton,	Thomas, Wis.
Cockran,	Guenther,	Nutting,	Thompson, Ohio
Cogswell,	Hare,	Osborne,	Tillman,
Collins,	Hitt,	Owen,	Townshend,
Cooper,	Hogg,	Patton,	Turner, Kans.
Cothran,	Holmes,	Peters,	Weber,
Cowles,	Hopkins, Va.	Phelan,	West,
Cox,	Houk,	Phelps,	White, Ind.
Crain,	Hudd,	Pidcock,	Whiting, Mass.
Dargan,	Hutton,	Pugsley,	Whitthorne,
Davenport,	Jackson,	Randall,	Wilber,
Davidson, Ala.	Johnston, N. C.	Rayner,	Williams,
Dingley,	Jones,	Reed,	Wise,
Dougherty,	Kelley,	Richardson,	Woodburn.
Dunham,	Laffoon,	Robertson,	
Dunn,	Lagan,	Rockwell,	

So the House refused to take a recess.

During the vote,

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced for this calendar day:

Mr. COX with Mr. WHITING, of Massachusetts.

Mr. TILLMAN with Mr. BROWNE, of Indiana.

Mr. LEE with Mr. LODGE.

Mr. ROGERS with Mr. DUNHAM.

Mr. FORAN with Mr. ROCKWELL.

Mr. WISE with Mr. STRUBLE.

Mr. SHAW with Mr. MCKENNA.

Mr. ROBERTSON with Mr. JACKSON.

Mr. BIGGS with Mr. DAVENPORT.

Mr. BLISS with Mr. ALLEN, of Michigan.

Mr. CAMPBELL, of Ohio, with Mr. NELSON.

Mr. GREENMAN with Mr. PETERS.

Mr. HENDERSON, of North Carolina, announced that his colleague [Mr. JOHNSTON] was absent on account of sickness.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

Mr. THOMAS, of Kentucky, by unanimous consent, was granted leave of absence on account of sickness.

Mr. HENDERSON, of North Carolina, moved that his colleague [Mr. JOHNSTON] be granted leave of absence on account of sickness.

The motion was agreed to.

WITHDRAWALS OF PAPERS.

On motion of Mr. BREWER, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of Charles Thom, no adverse report having been made thereon.

On motion of Mr. LAWLER, by unanimous consent, leave was granted for the withdrawal from the files of the papers in the cases of John Marks and others now on file.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House of the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 3321) to incorporate the Washington and Great Falls Narrow Gauge Railway Company; and

A bill (S. 1712) for the relief of G. M. Woodruff.

It further informed the House of concurrence in the House resolution to print 15,000 of the eleventh number of the Statistical Abstract of the United States for the year 1888, and for the printing of the report of the Director of the Mint on the production of the precious metals in the United States for the calendar year 1888.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The question is, Will the House proceed to the consideration of the California contested-election case of Sullivan against Felton?

Mr. CASWELL. I rise for the purpose of submitting a conference report.

The SPEAKER *pro tempore*. Against the proposition of the gentleman from Georgia the gentleman from Wisconsin [Mr. CASWELL] and the gentleman from Illinois [Mr. PAYSON] raise the question of consideration.

Mr. STONE, of Missouri. Pending that I move that the House take a recess for one hour.

Mr. OUTHWAITE. I move to amend by making it an hour and a half.

Mr. WEAVER. I move to amend the amendment by making it two hours.

PAWNBROKERS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Pending these amendments, Mr. Speaker, I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the Senate recede from its amendments numbered 3, 4, 5, and 6.

JOHN J. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Managers on the part of the House.

J. C. SPOONER,
C. B. FARWELL,
Managers on the part of the Senate.

Mr. TAULBEE. Is there a statement accompanying this report?

The SPEAKER *pro tempore*. The statement has not yet been read. Does the gentleman demand the reading?

Mr. TAULBEE. I would like to hear it.

The statement submitted by the House conferees was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on bill H. R. 12154, to regulate and license pawnbrokers in the District of Columbia, make the following statement:

The first amendment limits the persons who may become pawnbrokers under the operation of this law to citizens of the United States.

The second amendment simply omits from the description of the goods given to the person making the loan the description of said person, said description being required to be kept in the books of the pawnbroker.

The third, fourth, and fifth amendments relate to the rate of interest, and the Senate recedes from its amendments, and therefore the bill stands as it originally passed the House.

The sixth amendment relates to the length of time within which the party making a loan and whose property has been sold by the pawnbroker must call for the surplus of cash to which he would be entitled under the act, and from that the Senate recedes.

JNO. J. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Managers on the part of the House.

Mr. HEMPHILL. I demand the previous question on the adoption of the report.

Mr. TAULBEE. I would like to ask my friend from South Carolina a question or two in regard to this bill. What is the rate of interest provided in the bill?

Mr. HEMPHILL. As the bill originally passed the House it provided that the rate should not exceed 24 per cent. per annum for sums of $25 or less, and above that amount not more than 12 per cent. The Senate fixed the rate at 36 per cent. on sums of $25 and less, and 2 per cent. per month on sums over that amount. They have, however, receded from their amendment, so that the bill is in all substantial respects the same as to rates as when it originally passed the House.

Mr. TAULBEE. It provides for the collection by the pawnbrokers of a rate of interest of 24 per cent. per annum?

Mr. HEMPHILL. Yes, not exceeding that. The rate now is 60 per cent.

Mr. McADOO. Did the brokers object to this bill in the Senate?

Mr. HEMPHILL. Well, I do not know whether they did in the Senate or not; they did before the House committee.

Mr. TAULBEE. How much do they want?

Mr. HEMPHILL. I suppose all they can get. The limit up to this time has been 60 per cent.

Mr. McADOO. I suppose they want 100 per cent.

Mr. HEMPHILL. We reduced it to 24 per cent., and that was agreed upon by the conferees.

Of course it is a heavy rate of interest, but you must not make it too low or else these people will not lend upon the kind of security that is presented, and the poor people will be compelled to sell their furniture and other property instead of obtaining a loan upon it with the privilege of redeeming it at some future time.

We also provide that when the brokers sell the property, if it sells for more than the amount of the loan, the balance over and above the loan shall be paid over to the original owner of the property.

Mr. TAULBEE. Let me ask the gentleman if there is any chance or possibility at this stage of the game of reducing the rate of interest for the next ten days? [Laughter.]

Mr. HEMPHILL. I do not think there is.

Mr. TAULBEE. I thought perhaps my friend, being on the committee, might be able to give me that information.

Mr. HEMPHILL. I am not able to do so, I regret to say. I will say to the gentleman, further, that the rate here is as low as any other city in the United States as proposed by this bill.

Mr. HEARD. And it is now 60 per cent.

Mr. TAULBEE. I understand.

Mr. BREWER. I would suggest to the gentleman from Kentucky that this is entirely satisfactory to the people who patronize the pawnbrokers. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Perhaps the gentleman from Michigan will be willing to tell us how he knows that fact. [Laughter.]

Mr. BREWER. Not from personal experience, but these people were before the committee.

Mr. TAULBEE. Mr. Speaker, in view of the fact that this is entirely satisfactory to the people who patronize the pawnbrokers, as I am assured by what I believe to be reliable authority, I do not make any further objection. [Laughter.]

The previous question was ordered, under the operation of which the report was adopted.

Mr. HEMPHILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TAULBEE. I hope the bill will now be enrolled speedily, and sent to the President of the United States. [Laughter.]

The SPEAKER *pro tempore*. Debate is not in order.

ORDER OF BUSINESS.

Mr. OUTHWAITE. I rise to a parliamentary inquiry. If the motion to take a recess and the amendments are withdrawn, what matter comes first before the House?

The SPEAKER *pro tempore*. The election case called up by the gentleman from Georgia, which is of superior privilege to the motion of the gentleman from Illinois; and if the motion to take a recess and the amendments thereto are withdrawn, the question of consideration will be presented to the House and the vote taken upon that.

Mr. OUTHWAITE. I will withdraw the amendment I offered.

Mr. WEAVER. And I will withdraw the amendment submitted by myself.

Mr. STONE, of Missouri. I wish to ask a question for information.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STONE, of Missouri. I wish to ask, if the vote be against considering the election case, what then would be the pending question before the House?

The SPEAKER *pro tempore*. In the absence of any other motion, under the rules of the House the question would be on the motion of the gentleman from Illinois.

Mr. STONE, of Missouri. I insist on my motion.

Mr. BYNUM. There is another privileged case pending, however, which is entitled to prior consideration to either of these, namely, the veto message of the President called up by the gentleman from Texas [Mr. MILLS].

The SPEAKER *pro tempore*. That case can be passed upon when the election case is disposed of in its order. The Chair will not presume to dispose of it now. Does the gentleman from Missouri withdraw his motion for a recess?

Mr. STONE, of Missouri. I do not.

Mr. BREWER. Who is filibustering against taking up the election case?

The SPEAKER *pro tempore*. The gentleman from Wisconsin raises the question of consideration against the election case called up by the gentleman from Georgia, and pending that the gentleman from Missouri [Mr. STONE] moves that the House take a recess for one hour. The gentleman from Ohio [Mr. OUTHWAITE] moves to amend that motion so as to take a recess for one hour and a half.

Mr. OUTHWAITE. I have withdrawn that.

Mr. STEELE. Then I move to take a recess until to-morrow morning at 9 o'clock.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WEAVER] has moved to amend the motion of the gentleman from Ohio by moving to take a recess for two hours. Does the gentleman withdraw that motion?

Mr. WEAVER. I do not. [After a pause.] I withdraw my motion for the present.

Mr. STEELE. Then I move to amend so as to take a recess until 9 o'clock.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. SCOTT. Division.

Mr. STEELE. I shall withdraw that motion at the suggestion of gentlemen, and make it 8 o'clock.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. STONE, of Missouri. Division.

The House divided; and there were—ayes 14, noes 55.

Mr. STONE, of Missouri. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Missouri [Mr. STONE] and the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. If I may be allowed I will withdraw that motion.

Mr. JOHNSTON, of Indiana. I object.

Mr. WEAVER. Then I renew the motion.

Mr. TAULBEE. Was the point of no quorum withdrawn?

The SPEAKER *pro tempore*. It was not, but the gentleman withdrew his amendment, which withdrew the point of no quorum.

Mr. TAULBEE. I make the point that it was not in order for the gentleman to withdraw the motion.

The SPEAKER *pro tempore*. The Chair overrules the point of order, and the Chair can not entertain debate upon that. The Chair will state that the rule and practice of the House have been that any gentleman has a right to withdraw a proposition before it has been decided by the House. In conformity with that rule, the gentleman from Indiana withdrew his motion, and the question now is on the amendment.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 11, noes 45.

Mr. WEAVER. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Iowa [Mr. WEAVER] and the gentleman from Kansas [Mr. PETERS].

Mr. CLARDY. Is it in order to call up for present consideration a bill for the relief of John Finn?

The SPEAKER *pro tempore*. That motion would not be in order.

Mr. TAULBEE. I would like to know who he is.

Mr. CLARDY. Is it in order to submit a request for unanimous consent?

Mr. MANSUR. I want to state to the House that I have been here two years and I have never asked to take a bill up by unanimous consent. I will ask unanimous consent to take up John Finn's case. It is a Senate bill passed by the Senate.

Mr. CLARDY. I ask unanimous consent, Mr. Speaker, to call up for present consideration the bill for the relief of John Finn, the bill which my colleague [Mr. HATCH] called up last evening.

The SPEAKER *pro tempore*. Pending the vote by tellers, the gentleman from Missouri [Mr. CLARDY] asks unanimous consent to call up for consideration the bill for the relief of John Finn.

Mr. BRECKINRIDGE, of Kentucky. Let the bill be read, subject to objection.

Mr. PAYSON. Who calls the bill up?

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. CLARDY]. The bill will be read, after which the Chair will call for objection.

Mr. PAYSON. I desire to ask the gentleman from Missouri a ques-

tion. I wish to inquire whether the beneficiary in this bill, John Finn, is in any way related to the celebrated "Huckleberry Finn?" [Laughter.]

Mr. McCREARY. I ask that the bill be read.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Is this in order, even by unanimous consent? My recollection is, that the rule which the House unanimously adopted, against my protest, ten days ago, precluded the Speaker from recognizing anybody for unanimous consent after 11 o'clock.

Mr. TAULBEE. This is a Senate bill.

Mr. MILLS. The rule was changed so that the Speaker was not to be allowed to recognize any gentleman for unanimous consent after 11 o'clock.

Mr. CLARDY. I think there have been several precedents to the contrary since.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read.

The Clerk read as follows:

Resolved, That on and after to-day the House session shall begin at 10 a. m., and after the reading of the Journal, up to 11 a. m., the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent, and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker.

The SPEAKER *pro tempore*. The Chair is of the opinion that under that order the request for unanimous consent can not be entertained.

Mr. CLARDY. The rule has not been enforced.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that body further insisted upon its amendments numbered 37, 103, and 107, disagreed to by the House, to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and agreed to a further conference.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. I would like to make a suggestion to the Chair.

Mr. CLARDY. I want to submit another request. I ask unanimous consent——

The SPEAKER *pro tempore*. The gentleman has not been recognized.

Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. The rule just read restrains the Speaker from recognizing members to ask unanimous consent to put bills upon their passage except Senate bills laid before the House. That rule operates upon the Speaker, and not upon the House. Now, I ask unanimous consent that the Speaker may recognize the gentleman from Missouri to ask unanimous consent for the consideration of his bill. [Laughter.]

The SPEAKER *pro tempore*. The Chair thinks that that would be attempting to do indirectly what the rule prohibits. The Chair has decided the question.

Mr. CLARDY. I ask unanimous consent that that rule may be abrogated.

The SPEAKER *pro tempore*. The Chair can not entertain that request.

Mr. CLARDY. Let it be suspended, then.

The SPEAKER *pro tempore*. The Chair can not entertain that request.

Mr. BAKER, of New York. Mr. Speaker, I ask unanimous consent——

The SPEAKER *pro tempore*. The Chair can not entertain any business until the House comes to order.

Mr. SCOTT. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SCOTT. Has there not been unanimous consent given since the House met to-day for gentlemen to rise here and make personal explanations?

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The rule does not prohibit other requests for unanimous consent. It applies only to bills. The Speaker of the House has decided this question, and the Chair has no doubt whatever about it, because he is simply following in the wake of the decision of the Speaker.

Mr. WARNER. Mr. Speaker, if I can have the attention of the House I wish to say that there is now upon the Speaker's table a Senate bill providing for the erection of a public building in Kansas City. Two public-building bills were passed this morning by unanimous consent upon this (the Democratic) side of the Chamber, and, as I then stated, Kansas City is the ninth city in this Union as to the amount of mail matter handled in its post-office. Now, I ask unanimous consent that that bill may be taken from the Speaker's table and put upon its passage.

The SPEAKER *pro tempore*. That request is in order under the rule, and if there be no objection the Clerk will report the bill, after which the Chair will ask for objection.

The bill (S. 4000) for the erection of a public building at Kansas City, Mo., was read.

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

Mr. LYNCH. I object.

Mr. McADOO. I do not intend to object, Mr. Speaker, but——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania on the right [Mr. LYNCH] objects.

Mr. WARNER. I hope the gentleman from Pennsylvania will withdraw that objection.

Mr. KILGORE. I demand the regular order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. KILGORE] demands the regular order. Tellers will proceed with the count.

Mr. OATES. I ask the gentleman from Texas to withhold that demand for a few minutes in order that I may have an opportunity to make a statement.

The SPEAKER *pro tempore*. If there be no objection, the bill proposed to be called up by the gentleman from Missouri will lie upon the Speaker's table.

There was no objection, and it was so ordered.

Mr. LAWLER. Mr. Speaker——

The SPEAKER *pro tempore*. The regular order has been demanded by the gentleman from Texas.

Mr. KILGORE. Upon what subject does the gentleman from Alabama desire to make a statement?

Mr. OATES. I will inform the gentleman if he withdraws the demand.

Mr. KILGORE. I will withdraw it, and then if I like the statement I will not renew it. [Laughter.]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri [Mr. WARNER] for the consideration of the bill indicated by him?

Mr. CRISP. Regular order. Gentlemen can not pass a bill appropriating $200,000 at this time.

Mr. OATES. I understood, Mr. Speaker, that that request was already objected to, so I asked leave to make a statement which will not consume more than two minutes.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama for leave to make a statement?

Several MEMBERS. On what subject?

Mr. OATES. I will inform the gentlemen if I am allowed to make the statement. [Laughter.]

There was no objection.

Mr. OATES. I want to call attention to a matter which concerns every individual member of the House and Senate, every judge of the United States courts, every lawyer who practices in those courts, the Attorney-General, and every officer in the Departments who has any occasion to consult the statutes. For four Congresses, including this, there has been no consolidation or condensation of the United States statutes. The laws passed during these four Congresses fill several large volumes; and whenever any one desires to know what the law is on any given subject he has to search all through these volumes. The gentleman who prepared the last volume of the Supplement to the Revised Statutes has gone on with the compilation and has completed three-fourths of the work for a second volume, bringing it down to the conclusion of the present Congress.

I have here a bill passed by the Senate authorizing the continuation of that Supplement to the Revised Statutes so as to include this session of Congress. It provides for the distribution of a volume of this supplement when prepared to each Member and Senator. A volume of this character is a great convenience; indeed it is almost an absolute necessity.

But this bill is not on the Speaker's table, and I have not been able to obtain consideration for it because of our inability under the rule recently adopted to get away from the first two or three letters of the alphabet.

Now, it seems to me an anomaly that any rule can be adopted which will deprive this House of the power to consider a measure when every member consents to it. I do not believe the House has power to say that when every member desires to consider any proposition, it can not be entertained by the Speaker or put to the House.

I move, Mr. Speaker, to suspend the rules to put this bill on its passage.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Chair can not recognize the gentleman for a motion to suspend the rules, but will put his request for unanimous consent.

Mr. MILLS. Let us have the regular order.

Mr. OATES. Does not the gentleman from Texas want this bill passed?

The SPEAKER *pro tempore*. The gentleman from Texas demands

the regular order. The time allowed to the gentleman from Alabama [Mr. OATES] for his statement has expired.

Mr. OATES. I wanted to discharge my duty in regard to this bill. If objection is made the responsibility does not rest on me.

Mr. LAWLER. I desire unanimous consent to make a statement occupying not more than three minutes.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from *Illinois* [Mr. LAWLER]? [Cries of "No!" "No!"] The Chair hears no objection; and the gentleman from Illinois will proceed.

Mr. LAWLER. Mr. Speaker, I had a privileged question to present to this House some days ago, but I was earnestly requested by the chairmen and members of the five different Committees on Appropriations not to antagonize their reports, but to allow them to get their measures passed. In deference to the wishes of those gentlemen, I waived my right to bring up as a privileged question the bill now in my hand. I was assured by those gentlemen that just as soon as the appropriation bills were out of the way they would assist me in bringing this bill before the House for consideration.

This is and has been a privileged question. I am sure that I have taken up very little time of the House. I am aware that other members will claim that bills in which they are interested are meritorious, but the bill which I desire to present is one which certainly ought to be considered. I could at various times have prevented the appropriations committees from calling up their bills by demanding the consideration of this privileged question, but I did not do so. This is a Senate bill on which the previous question was ordered four weeks ago last Friday night.

A MEMBER. What is the bill?

Mr. LAWLER. It is a bill to increase the pension of a lady who in the great Chicago fire lost all of her property. Her husband was a surgeon in the war, and this bill proposes to increase her pension from $25 to $50. I wish to say that this lady is now occupying a position in Washington in one of the Departments. Her health is impaired; and she would like to have her pension increased as proposed, and then she will quit the position she occupies to-day and attempt to live on her pension of $50 a month.

A MEMBER. She will make a vacancy.

Several MEMBERS. That is very satisfactory. [Laughter.]

Mr. LAWLER. It was the understanding on the part of gentlemen interested in the appropriation bills that they would assist in the passage of this bill as soon as the appropriation bills were out of the way. I now ask unanimous consent to put this bill on its passage.

Mr. CANNON. I think my colleague [Mr. LAWLER] is correct in his statement. Let us pass this bill.

Several members demanded the regular order.

Mr. LAWLER. I hope that my Republican friends will keep this lady in office during the next four years.

Mr. CRISP. I understand the regular order has been called.

The SPEAKER *pro tempore*. The Chair was enforcing the regular order, pending which the gentleman from Illinois [Mr. LAWLER] rose, and, by unanimous consent, was allowed three minutes to make a statement.

Mr. CRISP. I understand that the call for the regular order continues to operate until it is withdrawn.

The SPEAKER *pro tempore*. The regular order is demanded. The tellers will resume their places and the count will proceed.

ENROLLED BILLS SIGNED.

Mr. FISHER, 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. 4856) for the relief of D. M. Sprague and William Tilton;

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

A bill (H. R. 2896) for the relief of the heirs of John R. Treutlen;

A bill (H. R. 3765) for the relief of James Devine;

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

A bill (H. R. 8307) for the relief of J. T. Higgins;

A bill (H. R. 9271) for the relief of James A. Stewart;

A bill (H. R. 9949) for the relief of Patrick C. McQueeny;

A bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, and for other purposes; and

A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled 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; when the Speaker signed the same.

PUBLIC BUILDING, ST. PAUL.

Mr. RICE. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. How long?

Mr. RICE. About as long as the Lord's prayer. [Laughter.]

The SPEAKER *pro tempore*. The gentleman asks unanimous consent to speak for three minutes.

Mr. BOOHER. I object.

Mr. RICE. Who objected?

The SPEAKER *pro tempore*. Some one objected.

Mr. RICE. The member objecting must, under the rule, rise and state his objection.

Mr. BOOHER. I objected, but I will withdraw my objection.

The SPEAKER *pro tempore*. The Chair hears no further objection; and the gentleman will proceed.

Mr. RICE. Mr. Speaker, the city of St. Paul donated a site for a post-office building worth $350,000, and the State of Minnesota ceded jurisdiction over that site to the United States. A bill passed the Senate providing for a public building at St. Paul, and it came to the House, and was referred to the Committee on Public Buildings and Grounds. It was reported back to the House with an amendment reducing the appropriation to $600,000. I ask, by unanimous consent, to rescind the rule adopted the other day which prevents the granting of unanimous consent, so that the bill may be taken up and the amendment of the Committee on Public Buildings and Grounds be agreed to.

The SPEAKER *pro tempore*. That rule can not be rescinded in this way.

Mr. RICE. I ask, then, Mr. Speaker, that the amendment of the Committee on Public Buildings and Grounds be agreed to and that the bill be returned to the Senate for its action, so that the matter may be disposed of before the adjournment.

Mr. KILGORE. I object.

Mr. WHEELER. I ask to make a statement. [Cries of "Regular order!"] I will promise not to wind up by asking to pass a bill. [Great laughter and applause.]

Mr. OUTHWAITE. I withdraw the demand for the regular order at the request of the gentleman from Alabama.

The SPEAKER *pro tempore*. The gentleman withdraws the demand for the regular order. Is there objection to the request of the gentleman from Alabama?

Mr. WHEELER. I ask to have two minutes to make some remarks to the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. HEARD. Mr. Speaker, I do not want to stand in the way of my friend from Alabama, but until the matter affecting our friend from Minnesota [Mr. RICE] is disposed of I do not think it is fair to permit anything else by unanimous consent.

Mr. WHEELER. This is for the benefit of your friend.

Mr. HEARD. Very well, I do not object.

The SPEAKER *pro tempore*. Is there further objection? [Cries of "No!"]

Mr. WHEELER. Mr. Speaker, ever since I have had the honor to occupy a seat on this floor as a member of the House there has been a spirit of liberality extended to all of the members during the closing hours of the session. Within eleven hours of this time this Congress will cease to exist. There are members here who have matters which are of great interest to their constituents and to the people [Cries of "The river and harbor bill!" "The direct-tax bill!"], and I feel that in these last hours there should be that same sort of spirit of liberality manifested to members who have bills for which they wish to ask consideration that characterized the closing hours of former Congresses. [Cries of "All right!"] Within less than half an hour the last two of the great appropriation bills will have passed, and Congress will then have several hours remaining to devote to the interests of the people.

Mr. WILLIAMS. Then we can take up the direct-tax bill. [Laughter.]

Mr. WHEELER. We must not forget that we are the representatives of a great and free people, a people who in a single century by their superb courage, force, and determination made this the greatest country on the face of this earth. [Applause.]

If the bills offered for consideration are not proper in all respects they will be voted down, and if by possibility such a bill should pass it certainly would not receive the approval of the President. Gentlemen who have opposed the consideration of bills upon the ground that it was wrong to do so on Sunday can not now interpose that objection, as Sunday has gone and it is now passed 1 o'clock on Monday morning.

It pained me, Mr. Speaker, when I saw that gentleman whom we all respect—Mr. RICE [applause]—attempt to offer a bill here and secure its consideration, a bill proper in all respects, a bill which has passed the Senate and is waiting in this House, a bill urged by a representative of the people, who asks only that this House shall pass its judgment upon that question and say whether that bill, which had been passed by the Senate, should be passed by the House before it is too late and thus accomplish the purpose and wish of those who feel an interest in the development of the great Northwest. [Applause.]

I want every gentleman in this House who has a matter of importance to his constituents to at least have an opportunity of putting that matter before the House and let the House pass upon it in the proper form prescribed by our rules. [Cries of "Time!"] That is all I desired to say. [Cries of "Regular order!"]

ARRANGEMENTS FOR THE INAUGURATION.

Mr. BLANCHARD. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman from Louisiana rise?

Mr. BLANCHARD. I desire to submit a privileged resolution.

The SPEAKER *pro tempore*. But there is a question of privilege now pending. [Cries of "Regular order!"]

Mr. BLANCHARD. The privileged resolution to which I refer, and which I ask consent to offer, is one affecting the honor and dignity of this House and the rights of its members, and I ask unanimous consent now to submit it—first, that it be read, and then that unanimous consent be thereafter asked for its consideration.

The SPEAKER *pro tempore*. Without objection the resolution will be read, after which the Chair will ask for objection to its consideration.

The Clerk read as follows:

Resolved, That the House protests against that part of the arrangements for the inauguration of the President of the United States made by the Senate which assigns to the members of the House and to members-elect to the Fifty-first Congress a subordinate place in the ceremonies connected therewith.

Resolved, That on all public occasions requiring the use or occupation of the Capitol or Capitol grounds, or any part thereof, it is the right and privilege of the House to participate equally with the Senate in the arrangements therefor, and that on all such occasions the place assigned the members of the House of Representatives and members-elect should be equal and similar to that of the members of the Senate.

[The reading of the resolution was received with great applause.]

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution? [Cries of "No!" "No!"]

Mr. BLANCHARD. Mr. Speaker, the members of the House of Representatives who have read the programme adopted by the Senate in relation to the inauguration ceremonies fixed for to-morrow must have been impressed with a sense of humiliation at the inferior position assigned the members of the House and to members-elect. I am aware, sir, that the arrangements which have been adopted on this occasion are, perhaps, similar to the arrangements adopted on former occasions of this character by the Senate; but, Mr. Speaker, I hold that if this thing has grown into a custom it is time for the House of Representatives to put its foot down upon it and say it shall go no further. [Applause.]

Mr. Speaker, there is nothing in the Constitution of our country, and I know of nothing in the laws enacted by Congress, relating to the ceremonies connected with the inauguration of a President of the United States. The President-elect may go before a magistrate in the county in which he lives and take the oath of office and present himself at the Executive Mansion in this city at 12 o'clock noon on the 4th day of March and must be recognized as the rightful occupant of his exalted position just as though he had been inaugurated by elaborate ceremonies participated in by both Houses of Congress, and amid the pomp and pageantry usual to such occasions.

Mr. BUTTERWORTH. Will the gentleman from Louisiana allow me to suggest that he state that portion of the arrangement to which he refers which is the subject-matter of the resolution; that is, the portion to which the resolution applies and to which he objects?

Mr. BLANCHARD. That which induced me to offer the resolution is the position assigned to members of the House in respect to the inauguration ceremonies. If the gentleman from Ohio has looked at the official programme, a copy of which I hold and which is signed by a committee of the Senate, styled "committee of arrangements," and by the President *pro tempore* of the Senate, he will see that a place is assigned to the members of the Senate at least three degrees higher in honor and dignity than the place assigned to members of the House of Representatives.

In other words, three sets of official personages have been assigned places superior to the places assigned to the members of the House, and between the place assigned to members of the Senate and that assigned to members of the House. The gentleman from Ohio has asked what the place assigned to the House is. I will print as a part of my remarks, by the consent of the House, the whole of this official programme. I will read such portions of it as refer to the question now at issue. It is provided in this programme that—

After the organization of the Senate shall have been completed those assembled in the Senate Chamber will proceed through the Rotunda to the platform on the central portico of the Capitol in the following order, namely:

The marshal of the District of Columbia and the marshal of the Supreme Court.
Ex-President and ex-Vice-President.
The Supreme Court.
The Sergeant-at-Arms of the Senate.
The committee of arrangements.
The President and the President-elect.
The Vice-President and the Secretary of the Senate.
Members of the Senate.

Not members of Congress, but members of the Senate.

The diplomatic corps.

That is set of official personages No. 1.

Heads of Departments.

That is set of official personages No. 2.

The retired General of the Army, the Major-General of the Army commanding, the Admiral of the Navy, and the officers of the Army and Navy who by name have received the thanks of Congress.

That is set of official personages No. 3. Then come—

Members of the House of Representatives and members-elect.

Representatives of the people placed last.

Mr. CANNON. I would like to ask the gentleman if he does not think that the place the members—Representatives and members-elect—occupy is a place of honor superior to the other places?

Mr. YODER. Yes; at the rear end.

Mr. BLANCHARD. Mr. Speaker, I do not consider that a place in the rear assigned to the representatives of the people is a place of as much dignity as that which the members of the Senate have assigned to themselves. Mr. Speaker, I am aware that the reason avowed for this is that at 12 o'clock noon on the 4th of March the House of Representatives as such ceases to exist, and that the Senate is a continuing body. But if members will reflect a moment upon that there is nothing in the distinction.

The Senate meets at the other wing of the Capitol at 12 o'clock noon on the 4th of March in executive session. The Vice-President of the United States, who is the presiding officer of the Senate, is sworn in and members-elect of the Senate are sworn in; but when Senators leave the Senate Chamber and proceed to the portico at the east front of the Capitol for the purpose of participating in the inauguration ceremonies they do not proceed as the Senate of the United States, but merely as members of the Senate.

There is nothing in the Constitution of our country and nothing in the laws enacted by Congress which gives to the Senate of the United States the right or power to arrogate to themselves the fixing of the arrangements for the inaugural proceedings.

Mr. RICHARDSON. Is there not a difference in the number of tickets?

Mr. BLANCHARD. I will come to that.

It has grown up as a custom merely, a custom out of which grows an arrangement in which the House of Representatives is ignored on this occasion as it has been on previous occasions. I hold, Mr. Speaker, that on every public occasion involving the use of the Capitol or of the Capitol grounds or any part thereof it is the right and privilege of the House of Representatives to participate in the arrangements therefor as much as it is the right and privilege of the Senate.

Now, then, if that be true—and no gentleman can question it—why is it that one branch of the national legislative assembly alone has assumed the right to arrange for the public occasions when a President of the United States is to be inaugurated? We saw the same thing four years ago, and eight years ago, and twelve years ago, and further back than that. The fact that it has been done heretofore is not sufficient reason that it should be now or continued in the future. Mr. Speaker, this is a matter that should receive the serious attention of the House and of the members thereof.

Another discrimination which has taken place against the members of the House in this arrangement by the Senate or by its committee on arrangements is that the members of the Senate take unto themselves five tickets of admission to this platform at the east portico of the Capitol where the inauguration takes place, while they generously give to members of the House two tickets each. They have given to the members of the Supreme Court forty such tickets, or nearly five each. Now, these are discriminations against the House, and that, too, in a matter in which the House and the members of the House have as much right to participate as the members of the Senate.

I know of distinction made in our institutions between the Senate and House and the members thereof in point of their respective rights, honors, and dignities.

It has been said that at 12 o'clock noon the 4th of March there is no House of Representatives and that those of us who are members-elect now of the Fifty-first Congress are merely members-elect then. Mr. Speaker, I make this distinction in respect to that. I hold that those of us who are members-elect of the Fifty-first Congress continue to be members-elect until 12 o'clock noon on the 4th of March, when the Speaker's gavel announces the demise of the Fiftieth Congress, and from that time on, until the end of the term, even before we take the oath of office, we are members of the House of Representatives of the Fifty-first Congress, not members-elect merely.

The term of the Fifty-first Congress commences at noon on the 4th day of March and is to continue for two years from that time. We have then lost the character of members-elect and are members of the Fifty-first Congress, and as such we have as much right to participate in these proceedings on an equal footing with the Senate as have the members of the Senate.

Mr. Speaker, I have thought proper to bring this matter to the attention of the House in the resolution offered, and submitted these remarks in explanation thereof. I now move the previous question upon the adoption of the resolution.

Mr. WILSON, of West Virginia. I do not recall exactly the language of the resolution and I wish to ask the gentleman from Louisiana

whether it is simply to be adopted by the House and spread upon its Journal, or whether it is to be communicated to the Senate officially?

Mr. BLANCHARD. I did not think proper to include in the resolution any direction that it should be communicated to the Senate. I considered it the proper and perhaps the more dignified course to simply assert the principle that the House of Representatives have a right to an equal share in these arrangements with the Senate, and to let that go on record as the judgment of the House, so that in the future, when arrangements are to be made for other inaugurations of Presidents, the Senate will take cognizance of the fact that this protest and this declaration of the principle involved and of the rights of the House was adopted by this House of Representatives. I yield a moment to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. I understand the honorable gentleman from Louisiana to state that this inauguration is an unofficial proceeding any way, and I agree with the gentleman.

Mr. BLANCHARD. The gentleman from Louisiana has not stated that quite so broadly as it is put by the gentleman from Georgia. It has at least been made semi-official.

Mr. TURNER, of Georgia. That is my opinion, at any rate, and, while I do not desire to put that opinion into the mouth of the gentleman from Louisiana, I will state to him that I believe that the House of Representatives, if it were an existing body, would have as much right to provide a proceeding, or a ceremonial, for the inauguration of the President as the Senate has. Hence, in my judgment, if we have any existence at all, or any relation to this matter, the proper remedy would be for us to undertake an inauguration of our own. [Laughter.]

Mr. BLANCHARD. Mr. Speaker, I now demand the previous question.

Mr. BAKER, of New York. It will be remembered that four years ago there was a proposition to appoint a committee of arrangements on the part of the House to co-operate with the committee on the part of the Senate, and that it was voted down. On this occasion a committee was appointed by the Speaker, of which I was a member, to confer with the committee of the Senate, but the proceeding of four years ago was alluded to and the only mission performed by the committee of the House was to provide six tickets admitting members and other persons to this end of the Capitol and enabling us to keep the crowd out of the building. Beyond that, nothing remained that the House committee could do. I think that if a joint committee had been appointed earlier arrangements could have been made that would have been entirely satisfactory to both Houses of Congress.

The SPEAKER. The question is on ordering the previous question upon the resolution offered by the gentleman from Louisiana.

The previous question was ordered.

The resolution was adopted.

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

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I desire to present a conference report on the deficiency bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, 110 to the bill of the House (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, 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 37, 109, and 110.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the said amendment insert the following:

"And the Senate and House Reporters, and all persons paid out of the contingent fund of the Senate for folding speeches and pamphlets who were continuously employed or paid out of said fund from the 15th to the 20th day of October, 1888."

And the Senate agree to the same.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
L. E. McCOMAS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. SAYERS. I demand the previous question on the adoption of the report.

Mr. HOLMAN. I hope the statement will be read.

The SPEAKER. There is no statement accompanying this report. There was, however, a statement accompanying the previous report in regard to the same amendments.

Mr. HOLMAN. Let the gentleman [Mr. SAYERS] state the effect of the amendment.

Mr. SAYERS. The Senate recedes from its amendment numbered 37, and also from the two amendments numbered 109 and 110, in relation to French spoliation claims. As to the other amendment, which provided for the payment of one month's extra allowance to the employés of the Congressional Library, the Senate recedes from that and agrees to the amendment which has been read in the report.

Mr. RANDALL. I desire to say that the written statement was not made out to accompany this report, because its preparation would have taken at least twenty minutes, and would thus have delayed the presentation of the conference report. The original statement submitted when the first conference report was presented was very full and elaborate. If members desire to wait twenty minutes while a statement is written out, we will prepare it; if not the statement will be prepared hereafter and inserted in the RECORD. [Cries of "Vote!" "Vote!"]

The following is the statement referred to:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, and 110, to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year 1889 and prior years, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

On amendment 37: Strikes out proposed appropriation of $10,000 for the survey of a line for a substantial surface gravity conduit for the water supply in the city of Washington.

On amendment 103: Strikes out the provision to pay an additional month's salary to the employés of the Congressional Library and provides for an additional month's salary to certain employés of the Senate engaged in the folding of speeches and pamphlets.

On amendments 109 and 110: Strikes out the proposed appropriations to pay the findings of the Court of Claims in certain so-called French spoliation claims.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. PETERS. I wish to inquire whether this agreement in regard to the extra month's pay includes one month's additional pay to the employés in the Congressional Library.

Mr. RANDALL. No, sir; they are not in the bill.

Mr. RYAN. They are excluded.

Mr. RANDALL. The bill now includes the regular employés of the House and the Senate; but the gentleman will see at once that if we should go into a separate and independent department to give a month's extra salary to employés who have their thirty days' leave of absence, it is impossible to tell where the thing might stop. If we should now begin with the employés of the Congressional Library, those in the Agricultural Department or some other branch of the Government might next be included, and so we would not know where the matter might stop.

In connection with this question I wish to say that neither of the two conferees on this side of the House voted for this proposition in regard to a month's extra pay; in other words, we were two of the sixteen who voted in the negative. As gentlemen will remember, the vote was 151 to 16. But the conferees have faithfully performed their functions as expressing the voice of the House in this particular.

Mr. TAULBEE. The gentleman from Pennsylvania said that the provision for the payment of a month's extra compensation as embraced in this bill included the regular employés of the House of Representatives. I wish to know whether it includes the session employés.

Mr. RANDALL and Mr. SAYERS. Yes, sir.

Mr. O'NEILL, of Missouri. I can answer the gentleman. They are in.

Mr. WHEELER. I wish to ask one question. If I understand correctly, this bill as it now stands simply omits paragraph 37, page 39, appropriating for this new reservoir, and also omits the provisions in regard to the French spoliation claims; and all the rest of the bill is adopted.

Mr. SAYERS. The other portions of the bill were settled by the previous conference report.

Mr. TAULBEE. I wish to know from the gentleman from Texas whether this provision for a month's extra pay to the employés of the House embraces only the employés of the first session of this Congress, or does it include the session employés for the second session?

Mr. SAYERS. I think it is limited to those of the first session; but if the gentleman wants to be satisfied on that point he had better have the provision read. [Cries of "Oh, no!"]

Mr. TAULBEE. Well, if that is the case I would be glad to know how it is that the session employés of this session are discriminated against.

The SPEAKER. The Chair will state to the gentleman from Kentucky that the provision of the House bill in relation to the payment of one month's extra salary to employés of the two Houses was not in conference at all, having been agreed to by both Houses heretofore; the only matter in conference was an amendment of the Senate in reference to the employés of the Congressional Library. The main provision, which was agreed to by both Houses, was not an open question at all.

Mr. RANDALL. I am inclined to think that the whole paragraph was in controversy.

The SPEAKER. The Chair thinks that only the Senate amendment would be within the jurisdiction of the conference.

Mr. TAULBEE. I do not think that answers my question.

Mr. SAYERS. I move the previous question on the adoption of the report.

Mr. TAULBEE. I want to know whether the gentleman from Texas is willing to answer my question.

Mr. SAYERS. I will say to the gentleman that the provision which passed the House on this subject is word for word in the bill as now agreed upon. If the gentleman will refer to that provision of the bill he can arrive at his own conclusion as to whether it embraces the employés of both sessions or not.

Mr. TAULBEE. Now, will the gentleman answer the question I asked him as to why it is that this bill discriminates against session employés of this session in favor of employés of the long session?

Mr. SAYERS. I will state to the gentleman that I had nothing to do with the adoption of this paragraph; it was the work of the House itself.

Mr. RYAN. Is that subject before the House?

The SPEAKER. It is not.

Mr. RYAN. Has it not already been passed upon?

The SPEAKER. It has.

Mr. RYAN. Then I demand the regular order.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. SAYERS 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. [Applause and cries of "Regular order!"]

ORDER OF BUSINESS.

The SPEAKER. The tellers will now resume their places.

Mr. MACDONALD. I desire to ask unanimous consent——

The SPEAKER. The regular order is demanded. The question is upon the motion that the House take a recess. The gentleman from Iowa [Mr. WEAVER] made that motion. Unless the gentleman withdraws it, it is still before the House.

Mr. WEAVER. It is not withdrawn. [A pause.] Mr. Speaker, I yield temporarily in order that the gentleman from Minnesota [Mr. MACDONALD] may ask leave to print.

Mr. MACDONALD. Inasmuch as I could not get an opportunity to address the House in regard to the general features of the land-forfeiture bill, I ask leave to print remarks on that subject. I wish to state that I will include in my remarks reasons why I believe the report should be adopted and the House should recede. I desire also to ask general leave for members on both sides to print on this subject.

The SPEAKER. The gentleman from Minnesota [Mr. MACDONALD] asks unanimous consent that all members desiring to do so may print remarks in the RECORD in relation to what is known as the land-forfeiture bill. Is there objection? The Chair hears none; and leave is granted.

CENTENNIAL OF THE INAUGURATION OF THE GOVERNMENT.

Mr. BAKER, of New York. I trust that my friend from Iowa [Mr. WEAVER] will withdraw his motion for a recess in order that I may ask consent for the adoption of a resolution in regard to the centennial proceedings on the 30th of April next.

The SPEAKER. The Chair will state that this resolution was before the House at the expiration of the hour last devoted to the consideration of requests for unanimous consent under the recent order of the House. The gentleman from New York now asks unanimous consent to continue the consideration of the resolution. The resolution will be read.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives designate nine members-elect to the Fifty-first Congress to attend the centennial celebration of the inauguration of the first President of the United States, to be held in the city of New York on the 30th day of April, 1889, and to represent the House of Representatives of the United States at such celebration.

The SPEAKER. Is there objection?

Mr. BAKER, of New York. I ask, by unanimous consent, the gentleman from Alabama [Mr. OATES] be permitted to make a statement.

Mr. KILGORE. Has consent been given for the introduction of that resolution?

The SPEAKER. It has not.

Mr. KILGORE. I wish to ask a question.

Mr. RANDALL. I reserve objection until some explanation has been offered.

Mr. KILGORE. It is impossible that members of Congress should be expected to attend to this duty gratuitously. Is there any pay in it? [Laughter and applause.] Will it take any money out of the Treasury? [Renewed laughter.] Will these gentlemen not come back here and ask for an appropriation?

Mr. BAKER, of New York. There is no appropriation in it.

Mr. KILGORE. But will they not come back and ask to be compensated for these duties afterwards? I do not think members of Congress should be expected to attend to these duties at their own expense.

The SPEAKER. Is there objection to the consideration?

There was no objection.

Mr. OATES. A similar resolution was adversely reported at the present session of Congress, because this Congress expires before that celebration occurs, and we did not conceive we had any right to go beyond our political life in providing attendance at that centennial. It was not the purpose of the Judiciary Committee, in fact, it was a unanimous verdict, in making this report they should not involve any expenditure whatever.

A member of the committee from the city of New York stated a general invitation to attend was not arranged for in the programme, that they did not expect to entertain more than a committee of seven or nine members. The only way we could deal with that question was to provide for the adoption of the resolution; that the Speaker designate nine members elected to the next House of Representatives to go there and represent the House of Representatives. Of course it is optional with them whether they go or not, and their expenses are not to be paid.

Mr. HOLMAN. I would like to suggest to the gentleman from Alabama that the resolution would have more significance if it named one member from each of the States that formed the original Government.

Mr. FARQUHAR. That is a good idea.

Mr. OATES. In answer to the suggestion of the gentleman from Indiana I will state that the gentleman who was authorized to speak for the committee on arrangements, as I understand him, suggested that the committee's plan precluded the idea of entertaining a larger number of members than that named.

Mr. FARQUHAR. It is only four more than that proposed.

Mr. HOLMAN. I would like to have the motion to extend the number put before the House and test the sense of the House upon it.

Mr. OATES. I have no objection whatever myself.

Mr. BAKER, of New York. I understand my colleague desires to move an amendment to make the number thirteen.

Mr. FITCH. Mr. Speaker, I can hardly believe it possible that any gentleman representing the committee on arrangements in New York intended to be understood as wishing to restrict the number of gentlemen who shall be invited from this House, and I move to amend the resolution by striking out the number fixed and making it read "one member from each of the original thirteen States," who shall be named by the Speaker.

Mr. DORSEY. I move to amend by making it one member from each of the thirty-eight States of the Union and one from each of the four Territories which are to be admitted.

Mr. FITCH. I accept the amendment.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Nebraska to the amendment of the gentleman from New York.

Mr. FITCH. I accept that amendment and make it a part of my own.

The amendment of Mr. FITCH as modified was adopted; there being, on a division—ayes 46, noes 22.

The resolution as amended was adopted.

Mr. BAKER, of New York, moved to reconsider the vote by which the resolution was adopted; 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 report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

ORDER OF BUSINESS.

Mr. CRISP rose.

Mr. O'NEILL, of Missouri. Mr. Speaker, I rise for the purpose of asking unanimous consent—— [Cries of "Go on!"]

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. O'NEILL, of Missouri. Mr. Speaker, this is the only request I shall have to make to this House. I ask unanimous consent to call up a bill for the relief of my friend, John Finn. [Cries of "Who is he?" and laughter.]

Now, gentlemen, don't any of you object. [Laughter.]

A MEMBER. Who is John Finn?

Mr. O'NEILL, of Missouri. I will tell you who he is.

Several MEMBERS. Let us know. [Laughter.]

Mr. O'NEILL, of Missouri. He is one of the best and noblest Irishmen on the face of the earth. [Cries of "All right!"] He is a worthy man, and this bill is all right. It is the only favor I have got to ask this House. Now make that slight concession to me, and let me take this bill up and consider it. [Cries of "Vote!" "Vote!"]

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

Mr. O'NEILL, of Missouri. I refer to Senate bill No. 489.

Mr. MCCREARY. How much does it appropriate?

Mr. O'NEILL, of Missouri. It does not appropriate a single cent.

Mr. KILGORE. What does it do?

Mr. O'NEILL, of Missouri. Why it just lets this man go to the Court of Claims. [Laughter.]

Mr. KILGORE. What does he want when he gets there?

Mr. O'NEILL, of Missouri. Just to give him a chance to prove up his claim. [Laughter.] I do not want him to have a cent if he can not prove what is fair and right. I hope my friend from Texas is not going to object to this. [Laughter.]

The SPEAKER. The Chair will cause the bill to be read.

The bill (S. 489) for the relief of John Finn was read at length.

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

Mr. KILGORE. Mr. Speaker, I guess I will have to object.

Mr. OATES. I object.

The SPEAKER. Objection being made, the bill is not before the House.

Mr. CRISP. I call up the contested-election case of Sullivan *vs.* Felton.

Mr. STONE, of Missouri. I believe there is a motion pending for a recess.

The SPEAKER. It is not pending; the gentleman withdrew it.

Mr. WEAVER. Then I renew it.

The SPEAKER. Until what hour?

Mr. WEAVER. Until 10 o'clock

The question was taken on the motion of Mr. WEAVER; and on a division there were—ayes 12, noes 37.

Mr. WEAVER. I will withdraw the motion and yield to the gentleman from Georgia to make his motion to call up this case.

The SPEAKER. The gentleman has made the motion.

Mr. STONE, of Missouri. But there is a motion for a recess pending.

Mr. WEAVER. I withdrew the motion.

Mr. STONE, of Missouri. I renew it.

Mr. MCKENNA. The question of consideration has been raised against this case.

The SPEAKER. It has been, but the gentleman from Missouri moves that the House take a recess.

Mr. STONE, of Missouri. For one hour.

Mr. KERR. I would like unanimous consent to make a statement on an important subject for about two minutes.

Mr. CRISP and others. Regular order.

The SPEAKER. Does the gentleman from Missouri withdraw his motion? If so, the question is, Will the House now proceed to the consideration of the contested-election case?

Mr. WEAVER. I understand that the gentleman from Missouri renewed the motion.

The SPEAKER. He did.

Mr. STONE, of Missouri. I did.

The SPEAKER. The Chair asked the gentleman if he withdrew that motion.

Mr. STONE, of Missouri. I do not.

Mr. PETERS. I move to amend by making it half an hour.

The question was put; and the Speaker announced that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 6, noes 36.

Mr. PETERS. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kansas [Mr. PETERS] and the gentleman from Missouri [Mr. STONE].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12154) regulating the licensing of pawnbrokers in the District of Columbia.

ORDER OF BUSINESS.

Mr. PETERS. I understand that the other appropriation bill will be ready in half an hour. If the House will take a recess until that time we can then consider that bill and take a recess until to-morrow. That was my object in moving the amendment.

Mr. GUENTHER. I ask the gentleman making the point of no quorum to yield to me so that I may make a request to be recognized for unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Georgia has a motion pending, and if the gentleman yields the gentleman from Georgia will be entitled to proceed.

RESOLUTIONS OF RESPECT FOR THE LATE HON. N. T. KANE.

After some time spent in the count,

Mr. TRACEY said: Mr. Speaker, I have a matter that I desire to call up. I am sure that no gentleman will object to it.

Mr. GUENTHER. How do you know?

Mr. TRACEY. Mr. Speaker, at the beginning of the first session of the Fiftieth Congress I introduced resolutions relating to the death of my predecessor, Hon. N. T. Kane. Mr. Kane never had an opportunity to take his seat in the House, and his friends thought that inasmuch as he had not been an active member it would not be desirable that the time of the House should be taken up by asking that a day be set apart for eulogies. But if there be no objection, I would like very much to have these resolutions adopted and unanimous consent to print some remarks in the RECORD.

The SPEAKER *pro tempore*. The Clerk will report the resolutions offered by the gentleman from New York.

The Clerk read as follows:

Resolved, That this House has heard with sorrow of the death of Hon. Nicholas T. Kane, late a member-elect of this House from the State of New York.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the widow of the deceased member.

Mr. TRACEY. I will ask that these resolutions be adopted.

The resolutions were unanimously adopted.

The SPEAKER *pro tempore*. The gentleman from New York desires to print some remarks in the RECORD. Is there objection?

There was no objection, and leave was granted.

ORDER OF BUSINESS.

Mr. WARNER. I now ask unanimous consent to take from the Speaker's table the bill with reference to the Kansas City public building.

The SPEAKER *pro tempore*. The regular order has been demanded.

Mr. WARNER. I understand there is no objection to it now.

The SPEAKER *pro tempore*. If the regular order is not insisted upon the Chair will cause the title of the bill to be read, after which the Chair will call for objection.

The Clerk read as follows:

A bill (S. 4000) for the erection of a public building at Kansas City, Mo.

The SPEAKER *pro tempore*. The bill has been read at length.

Mr. KILGORE. I demand the regular order.

The SPEAKER *pro tempore*. Tellers will proceed with the count. Several gentlemen demanded the regular order, and the regular order being insisted upon, the Chair scarcely feels authorized to submit these requests for unanimous consent, yet he is not inclined to refuse them.

Mr. GEAR. Pending the division, I ask unanimous consent that my colleague [Mr. KERR] be allowed three minutes to make a statement. I hope no gentleman will object.

The SPEAKER *pro tempore*. The regular order has been demanded, but the gentleman from Iowa asks unanimous consent, pending the enforcement of the regular order, that his colleague from Iowa [Mr. KERR] be allowed to address the House for three minutes. Is there objection? The Chair hears none.

Mr. KERR. Mr. Speaker, the country is laboring under great disadvantages on account of the large [applause] surplus in the National Treasury.

Mr. HEARD. I hope this applause will not come out of the gentleman's time. [Laughter.]

Mr. KERR. The gentleman from Alabama a short time ago asked unanimous consent to consider a private bill, and I believe the public interests ought to be preferred to private interest [loud applause]; and that being the case, and there being great danger that the country will suffer unless some measure is adopted to change the great amount that is going into the Treasury all the time [renewed applause]—the country will suffer [continued applause]; and therefore I ask unanimous consent——

Mr. SPRINGER. I object.

Mr. KERR. That the bill known as the Cowles bill [laughter and applause]——

A MEMBER. That is right.

Mr. KERR. Be taken up for consideration, and I hope no gentleman who is anxious on this subject of the surplus will make any objection. [Renewed laughter and applause.] I do this in the interest of harmony in the Democratic party. [Laughter, cries of "Oh, oh!" and applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WARNER. Mr. Speaker, I understand that the gentleman who objected to my request to have the Kansas City public-building bill considered withdraws his objection.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. WARNER] states that the gentleman from Texas [Mr. KILGORE] withdraws the demand for the regular order. Is there further objection to the request of the gentleman from Missouri?

Mr. LYNCH. I renew the objection.

Mr. LANDES. I object.

Mr. MILLS. Mr. Speaker, I understand that it will be twenty-five or thirty minutes yet before the conference report on the sundry civil bill is ready, and I think the House had better take a recess. [Cries of "Regular order!"]

Mr. MILLS. I ask unanimous consent that the House take a recess for thirty minutes.

Several members objected.

Mr. COMPTON. Mr. Speaker, I ask unanimous consent to make a brief statement to the House, and to present for consideration a very small bill.

The SPEAKER. The Chair will entertain no requests until order is restored.

Several MEMBERS. Regular order.

Mr. COMPTON. I ask unanimous consent to make a statement. Consent has been accorded to several gentlemen on this floor to-day to make brief statements.

Mr. MILLS. I will yield to the gentleman from Maryland, and after that I will demand the regular order until the House takes a recess.

Mr. COMPTON. I want to make a statement which will not occupy more than two minutes.

There was no objection.

P. GOUGH EDELIN.

Mr. COMPTON. Mr. Speaker, I hold in my hand a bill which carries the immense amount of forty-two dollars and some few cents. This bill comes within the purview, certainly, of the special order under which this House is acting, and is in accord with its spirit. The bill passed the House without objection and went to the Senate; it passed the Senate with a small amendment, and now I simply ask that the Committee on Claims be discharged from its further consideration and that the amendment of the Senate be concurred in. It is the bill (H. R. 6753) for the relief of P. Gough Edelin.

Mr. KILGORE. How much is involved?

Mr. COMPTON. Forty-two dollars and a few cents.

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

Mr. BRECKINRIDGE, of Kentucky. I do not like to object, but I want to raise the point of order that that bill is not within the purview of the rule.

Mr. COMPTON. Mr. Speaker, this bill is not properly within the rule, but, as I said before, it is within the purview and pre-eminently within the spirit of the rule.

The SPEAKER *pro tempore*. In the opinion of the Chair this bill, according to the statement of the gentleman from Maryland, is within the terms of the order, which reads:

And it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when presented to the House by the Speaker.

Mr. BRECKINRIDGE, of Kentucky. But that is all one sentence. The Chair will remember that the gentleman from Maryland [Mr. COMPTON] stated that this bill had been referred to the Committee on Claims and was now before that committee. Therefore it is not on the Calendar at all, and it could not come within the order because it is not on the Speaker's table, and is not on the Calendar, but is in the Committee on Claims unreported.

The SPEAKER *pro tempore*. But the order does not require it to be on the Calendar. The Clerk will report the order, and the gentleman from Kentucky will see that it contains no such requirement.

The Clerk read as follows:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and after the reading of the Journal up to 11 a. m. the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker.

The SPEAKER *pro tempore*. The Chair thinks that this bill, according to the statement of the gentleman from Maryland [Mr. COMPTON], comes within the rule. The gentleman from Maryland asks unanimous consent that the bill indicated by him be taken up, that the Committee on Claims be discharged from its further consideration, and that the amendment of the Senate be concurred in.

There was no objection, and it was so ordered.

Mr. COMPTON moved to reconsider the vote by which the amendment of the Senate was concurred in; 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 that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1208) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government 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 60 and 182.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$456,000;" 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 matter proposed to be inserted by said amendment insert:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of other denominations than those that may be canceled or retired;

"*Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam plate-printing presses;

"*Provided further*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau; and

"*Provided further*, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, and silver certificates of the United States shall be inscribed below such portraits:

"*Provided*, That unless the patentees of said steam-presses shall accept the $500 already paid as royalty on each press and the rate per thousand sheets herein provided, the said presses shall not be used by the Government after the close of the present fiscal year."

And the Senate agree to the same.

SAML. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the Senate amendments numbered 60, 61, 62, and 182 to the bill (H. R. 12008) making appropriation for sundry civil expenses of the Government, submit the following written statement in explanation of the action recommended in the accompanying conference report:

On amendments numbered 60 and 61: Limits the royalty to be paid for the use of steam plate-printing presses to 1 cent per thousand impressions, and increases the amount for wages to plate-printers from $376,000, as proposed by the House, to $456,000.

On amendment numbered 62: Leaves the provision touching the use of steam plate-printing machines exactly as proposed by the House.

On amendment numbered 182: Strikes out proposed appropriation of $8,745 to the widow of Chief-Justice Waite.

The bill as now finally agreed upon appropriates $25,277,341.65, being $1,646,640 less than as it passed the Senate, $1,806,511 more than as it passed the House, and $1,043,463.19 less than the law for the current year.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. RANDALL. I demand the previous question on agreeing to the report.

The previous question was ordered.

Mr. RANDALL. Mr. Speaker, I do not wish to detain the House now further than to ask the privilege of printing in the RECORD a statement summarizing the figures in connection with these various general appropriation bills—a statement of the sort usually submitted at the close of a session.

The SPEAKER *pro tempore*. If there be no objection, the leave requested by the gentleman from Pennsylvania will be granted.

There was no objection.

The question being taken on agreeing to the report of the committee of conference, it was agreed to.

Mr. RANDALL 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. RANDALL. This now completes the work of Congress in connection with the general appropriation bills. [Applause.] I move that the House take a recess until 9.55 a. m.

Mr. STONE, of Missouri. There is a motion for a recess already pending.

Mr. MILLS. This is the time that has been arranged with the Speaker and the committees.

ENROLLED BILLS SIGNED.

Mr. FISHER, 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. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The SPEAKER *pro tempore*. The motion of the gentleman fron Pennsylvania [Mr. RANDALL] is in order at any rate as an amendment.

The question being put on the motion of Mr. RANDALL, it was declared agreed to.

Mr. DORSEY. I call for a division.

The question being again taken, there were—ayes 113.

Mr. DORSEY. I withdraw the call for a division.

So the motion of Mr. RANDALL was agreed to; and the original motion for a recess as thus amended was adopted; and accordingly (at 2 o'clock and 15 minutes a. m.) the House took a recess till 9.55 a. m.

MONDAY'S SESSION.

The recess having expired, the House, at 9.55 a. m. (Monday, March 4), resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House of agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 459) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House take a recess for one-half hour.

Mr. STONE, of Missouri. I move to amend that motion so as to take a recess for thirty-five minutes.

Mr. WHEELER. I hope the gentleman from Missouri will withhold that motion for a moment in order that I may bring before the House the bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park. This bill will not involve the expenditure of one cent by the Government. It simply authorizes the city to improve and beautify certain lots of land which belong to the Government so that they can be used as a park. The bill provides that the Government can take possession of the grounds at any time without paying for the improvements. The bill is recommended and ought to pass. The Government will be benefited because the city agrees to improve the ground, and the city will reap benefit from the use of ground for a park which is now useless to every one.

It is a Senate bill introduced and passed through the Senate by Senator CALL. The bill was reported favorably by myself from the Committee on Public Lands. I hope the House will consent to its consideration.

Mr. BLAND. I understand that there is a conference report ready to be presented. If so, I withdraw my motion for a recess.

Mr. WEAVER. I presume it is proper the House should take action on the bill just returned from the Senate.

Mr. STONE, of Missouri. That can be done by unanimous consent.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moved that the House take a recess for thirty minutes, and the gentleman from Missouri [Mr. STONE] moved to amend the motion so as to take a recess for thirty-five minutes.

Mr. ANDERSON, of Illinois. I move to amend the amendment so as to take a recess for forty minutes.

RECEIPTS AND DISBURSEMENTS OF METROPOLITAN STREET RAILWAY.

The SPEAKER. The Chair will present to the House, to be printed and referred to the Committee on the District of Columbia, a paper purporting to be a statement of the receipts and disbursements of the Metropolitan Street Railway Company of this District. It does not appear to be in compliance with the statutes.

ORDER OF BUSINESS.

Mr. WARNER. I ask unanimous consent that the Senate bills upon the Speaker's table be laid before the House, pending the motion to take a recess.

The SPEAKER. The Chair will state that some Senate bills were received during the afternoon——

Mr. MILLS. I hope the motion for a recess will be withdrawn so that the Senate bills and the communications on the Speaker's table may be referred to appropriate committees.

FORFEITURE OF LAND GRANT TO MICHIGAN.

Mr. HOLMAN. I desire to present a report of the committee of conference on the bill (S. 859) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

The 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. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, 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 disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 6, and agree to the same with an amendment as follows: Strike out all after the enacting clause and insert in lieu thereof as follows:

"That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to the State of Michigan by virtue of an act entitled 'An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes,' which took effect June 3, 1856, which are opposite to and coterminous with the uncompleted portion of any railroad to aid in the construction of which said lands were granted or applied, and all such lands are hereby declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

"SEC. 2. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of any railroad hereinbefore mentioned under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns under the laws of the United States.

"SEC. 3. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 4. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 5. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

And the House agree to the same.

W. S. HOLMAN,
J. L. MACDONALD,
L. E. PAYSON,
Managers on the part of the House.
P. B. PLUMB,
H. W. BLAIR,
Managers on the part of the Senate.

Mr. HOLMAN. This has been agreed to by the whole delegation from Michigan.

Mr. STONE, of Missouri. I desire to ask my friend from Indiana a question.

Mr. HOLMAN. Certainly.

Mr. STONE, of Missouri. It is hard to hear the reading of the bill for information, and I ask for information if in extent this bill refers exclusively to the roads in Michigan?

Mr. HOLMAN. To Michigan alone.

Mr. STONE, of Missouri. Then I think this bill ought to pass.

Mr. ALLEN, of Michigan. Everybody from Michigan has agreed to it.

The report of the committee of conference was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLANCHARD. Mr. Speaker——

The SPEAKER. There is a question before the House and the regular order has been insisted upon.

Mr. ANDERSON, of Kansas. This is a question of the highest privilege.

CONDUCT OF SENATE EMPLOYÉS.

Mr. BLANCHARD. I rise to a question of privilege. It relates to the rights of the members and officers of the House, and if I may be permitted to make a statement, there will be no objection to its consideration.

I am informed that by order of somebody the corridors of the Capitol are closed to the officers of this House, and to the families of members of the House. I hold in my hand an order issued by the Sergeant-at-Arms, which I will read:

To doorkeepers: Admit Mr. Hill, my deputy, to the Senate for this day.
J. P. LEEDOM, *Sergeant-at-Arms.*

Mr. Hill, in the execution of orders of the Sergeant-at-Arms of the House, proceeded through this corridor on his way to the Senate, and was denied admission by the doorkeepers appointed by the Senate wing of the Capitol.

I am further informed that members of the House with their wives sought admission through the corridors on their way to the Capitol, and they were informed that the members themselves could pass, but that their wives could not. Mr. Speaker, I send up this resolution, and ask the House to consider it at this time.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to the officers of the House and to the families of members of the House a way of access through the corridors of the Capitol.

Mr. HATCH. If the gentleman from Louisiana will listen, I will state that the gentleman is mistaken about even members of the House being able to get into the Senate under this order. There is one member in front of me and myself who tried to get in that door, and we were refused admittance to the Capitol on our way to the House of Representatives.

Mr. BLANCHARD. A most extraordinary proceeding.

A MEMBER. I will ask the gentleman from Missouri if he stated that he was the member of the House?

Mr. HATCH. I did.

Mr. BLANCHARD. I yield one minute to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. I wanted to find out if I could, and as I could not find out personally, I want to find out through the medium of the House officers, whether the members of the House have got any rights in the Capitol that are to be respected by employés of the Senate. I have been treated this morning, in going to the galleries of the Senate and simply asking for information, with the grossest insolence and impertinence by Senate employés. I claim nothing more than the ordinary courtesy due to every American citizen; but that I do claim, and I say that they have no right to turn to members of the House and say to them as was said to me this morning, "I do not care whether you are a member of the House or not. I am a Senate employé. You stand out of the way." I think something should be done to vindicate the rights of this House [loud applause] and see that its members get proper treatment. [Renewed and continued applause.] I think it should be understood whether the members of the House are to be shut out of the galleries. I simply wished to go there to get information. I think it should be found out whether we have got to take our wives and families out through the rain, or whether we can lead them through the Capitol here to the Senate. I think that something should be done now, on the spot, to see whether a member is not entitled to some rights somewhere in this Capitol. [Great applause.]

Mr. BLANCHARD. I now yield one minute to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. I have just passed through a similar experience to that of the gentleman from Massachusetts. I can corroborate everything that he says as to the indignity with which members of the House are treated by the employés of the Senate. There is not a doorkeeper in the employ of the House who would treat the meanest tramp in the United States with the insolence with which the employés of the Senate treat the members of the House who go there to ask for the gracious privileges which have been granted them by the extraordinary courtesy of the Senate.

I want to say that, so far as I am concerned, I would like to amend the resolution that was adopted last night by a declaration that this House will stand upon its rights and refuse to participate under the present arrangements for the inaugural ceremonies.

A MEMBER. Did you not have five tickets?

Mr. ENLOE. No, sir; not five. I had two, and I was not even permitted to go and look inside the door to see where the ladies I accompanied were seated. I say, Mr. Speaker, that the Senate has no respect for the dignity and the rights of this body, as is demonstrated by the arrangement of the programme for the inaugural ceremonies, and by the insolent conduct of its employés toward the members of the House. I hope the resolution will be adopted.

Mr. BLANCHARD. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX. Mr. Speaker, I do not know that I should at this time favor such a proposition as the gentleman from Tennessee suggests, that the House decline to participate in the inaugural ceremonies. That might be misunderstood or misconstrued, especially as this House at present happens to be of one party and the Senate of another. But this question, sir, is not altogether new. It is an old question, and it ought to be settled for the future by some protest now. It is not a matter altogether of a constitutional nature. We have the right, in some emergencies a most inestimable right, of going to and returning from the other end of this Capitol. That right has been asserted here again and again, and now, in this time when there is no emergency, it would be a good thing to assert it again, and I hope that by some resolution pertinently written and delivered to this man INGALLS we will teach him and others that we are a co-ordinate branch of the legislative body. It is a matter of domesticity. I am glad to see members of this House rallying to their families somewhat. [Laughter.] It touches the very heart of the American people to know that with all the privations and sacrifices our families are making, going and coming through the rain, as some of my own folks have done for the last day or two, to extend courtesies to others, to assist strangers, they have to go out themselves into the rain to enjoy the privileges in this building, which ought to be accorded to them spontaneously and graciously. I therefore hope, sir, that the resolution of the gentleman from Louisiana [Mr. BLANCHARD] will pass with unanimity, and that we will make the protest now for the future. [Applause.]

Mr. BLANCHARD. I yield to the gentleman from Kansas [Mr. ANDERSON] for one minute.

Mr. ANDERSON, of Kansas. Mr. Speaker, I can express very briefly, by the resolution which I hold in my hand, the substance of that which I desire to say to the House:

Resolved, That, because of the arrogant assumption of the United States Senate and the insolence of its employés, the Sergeant-at-Arms of the House is hereby directed to remove all obstructions in and open the passage ways between the two Chambers.

[Applause.]

Mr. COX. Mr. Speaker, I desire to withdraw a remark that I made a moment ago, as some gentlemen think it obnoxious. I used the expression "this man INGALLS." I withdraw that remark, which has no application just now.

Mr. CUTCHEON. Mr. Speaker, is the resolution of the gentleman from Louisiana before the House?

The SPEAKER. It is, but the gentleman from Kansas [Mr. ANDERSON] proposes an amendment by way of a substitute.

Mr. ANDERSON, of Kansas. No; I propose it as an amendment to the resolution.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Resolved, That, because of the arrogant assumption of the United States Senate and the insolence of its employés, the Sergeant-at-Arms of the House of Representatives is hereby directed to remove all obstructions in and open the passage ways between the two Chambers.

Mr. HOLMAN. I reserve the point of order on that.

Mr. ANDERSON, of Kansas. Mr. Speaker, the fact is well known that this building is under the control of the Congress of the United States, and yet the body at the other end of the Capitol, in the exuberant impertinence of its swell-headed arrogance, undertakes to deprive this House and its officers of the right of way through property which is subject to the Congress of the United States and not to the Senate alone. I do not propose to temper one solitary word in this resolution, and my proposition is that the Sergeant-at-Arms of this House shall take a posse, forcibly remove these obstructions, and open the public passages of the Capitol. This is more than a mere matter of feeling. It is a matter of right, a matter of liberty, a matter for indignant rebuke by the proper Representatives of the people of the unlimited arrogance and insufferable aggressions of that body, and I, for one, propose to meet the insult by force, as it ought to be met. [Applause.]

The SPEAKER. There is so much confusion in the Hall that it is impossible to transact the public business. The Chair will recognize no other gentleman nor attempt to transact any other business until gentlemen resume their seats and cease conversation on the floor.

Mr. CUTCHEON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. Under the rules of this House, Rule I, the Speaker of this House has control of the Hall, of the galleries, and of the corridors surrounding the House. Now, is it not true that, upon a like principle, the Senate has control of the Hall and the galleries of the Senate and the corridors surrounding it, and has proper authority to make rules regarding the same?

The SPEAKER. That is not a question of order. It is, however, a question which the gentleman can properly raise so far as the control of the north end of the Capitol is concerned.

Mr. CUTCHEON. I raise it as a point of order against the amendment of the gentleman from Kansas [Mr. ANDERSON].

The SPEAKER. Oh, the Chair is very clearly of opinion that the amendment proposed by the gentleman from Kansas [Mr. ANDERSON], which proposes that the House shall send its officers into the Senate part of the Capitol to remove the structures which have been put there by authority of the Senate, is out of order, but the point of order was not raised, and of course the Chair did not suggest it.

Mr. CUTCHEON. The House of Representatives of right controls this end of the Capitol and the Senate of right controls the other end.

Mr. BLANCHARD. Mr. Speaker, in view of the necessity for the early passage of this resolution, I now call the previous question and yield a minute to the gentleman from Ohio [Mr. MCKINLEY].

Mr. HOPKINS, of Illinois. The gentleman from Louisiana [Mr. BLANCHARD] has demanded the previous question, and before that is ordered I would like to hear the resolution read.

The SPEAKER. The Clerk will read the resolution offered by the gentleman from Louisiana.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to the officers of the House and families of members of the House free access to the corridors of the Capitol.

Mr. BLANCHARD. Upon that I demand the previous question.

Mr. BAKER, of New York. Let me make a suggestion. Let us first send a respectful resolution to the Senate requesting that they take action to admit members. [Cries of "Too late!"]

A MEMBER. We can do that next Congress.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] has demanded the previous question. Does he insist on the demand or withdraw it?

Mr. BLANCHARD. I do not withdraw it; but pending the demand I yield to the gentleman from Ohio [Mr. MCKINLEY] for a statement. He has just returned from the Senate.

Mr. MCKINLEY. Mr. Speaker, I learned this morning that holders of white tickets who might be in the House of Representatives to-day would be unable to go through the corridors to the Senate and enter the Senate Chamber, under the rights given to them by those tickets. Hearing of this, I called upon the President *pro tempore* of the Senate and he said he would so modify the order that the families of members holding the white tickets would be admitted through the corridors into the Senate. I think it due that I should make this statement. I went over at the request of a number of members whose families are here.

Mr. ANDERSON, of Illinois. How about members who do not have tickets?

Mr. BLANCHARD. I yield to the gentleman from Ohio [Mr. GROSVENOR] to make a statement. He also has a grievance.

Mr. GROSVENOR. Mr. Speaker, I think the difficulty has grown up in a different direction from that indicated in previous remarks. The white tickets which were issued to members of this House, and which it was alleged and supposed would admit at least their wives to the galleries of the Senate upon equal terms with other people, have failed utterly of their purpose. And when I presented myself with my wife at one of the gallery doors, I was treated very much as the gentleman from Massachusetts [Mr. LODGE] was treated only a moment afterward by the same man. I discovered that the galleries were filled with total strangers holding red tickets which had been procured from the Sergeant-at-Arms of the Senate, and that the white tickets were forbidden entry into any of the reserved galleries of the Senate. I thereupon went to the President *pro tempore* of the Senate, and he said he had no control over the subject; that the whole matter was in the hands of the Sergeant-at-Arms.

After a great deal of effort, and after being substantially rebuffed three or four times by people whom I do not know, and whom I hope I never may know, in and about the Sergeant-at-Arms's office, I succeeded in penetrating to the obscurity in which the gentleman had wrapped himself, and I asked him how those tickets were issued and by what authority persons were assuming to exclude the families of members from the galleries. He said he had not one of those tickets left; that they were all issued, and that the order would be strictly enforced.

I have learned from a gentleman here who does not authorize me to use his name—a member of the House—that those red tickets have been on sale at various points in this city—notably at the Metropolitan Hotel—at $10 apiece. They are tickets which, so far as I know, have not been understood as being in existence. I do not understand that the Speaker or the Sergeant-at-Arms or any member of this House as such has received one of those red tickets. But the fact remains that under the control of the Sergeant-at-Arms of the Senate everybody has been excluded from the galleries who does not hold one of those special red tickets issued by him.

I have now said all that I desire to say. I am under no excitement; but I want to put into the RECORD my denunciation of an assumed authority by an officer of the other House to exclude from fair treatment the members of this. That is all I wish to say. [Applause.]

Mr. BLANCHARD. I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I would like to have the resolution read again.

The resolution was again read.

Mr. CUTCHEON. I move to amend by providing that this resolution be communicated to the Senate.

Mr. BLANCHARD. I accept that amendment as a modification of my resolution.

The SPEAKER. The gentleman from Louisiana modifies his resolution as indicated.

Mr. CANNON. Mr. Speaker, I do not know just what the facts are in regard to this matter, but between this time and 12 o'clock the members of this House have an undoubted right of ingress and egress to and from the Capitol, through any of its corridors and out of any of its doors. If that right has been denied, then I am ready to take such action in the shape of resolution or protest as may be meet and proper. I repeat I do not know what the facts are.

Mr. BLANCHARD. Mr. Speaker, I am just informed by a gentleman that a moment ago he was denied admission to the corridor of the Capitol and to the platform on the east portico, notwithstanding the fact that he held one of these white tickets which were given to members of the House, through the generosity of the Senate, for the use of each member. I am also informed by a page, who was charged with three official communications to be carried by him from this House to members of the Senate, that he was denied admission to the corridors to deliver these official communications.

I now demand the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted, there being—ayes 81, noes 7.

Mr. CANNON. I ask unanimous consent to amend the resolution just adopted by striking out the words "and families." We are now adopting a resolution or making a protest touching the legal rights of members of the American Congress; and I think we had better not adopt any resolution touching matters of courtesy. I hope this resolution may be modified to the extent I have indicated. I ask unanimous consent for that purpose.

Several MEMBERS. That is right.

The SPEAKER. If there be no objection, the resolution will be modified as indicated. The Chair hears no objection.

ENROLLED BILLS SIGNED.

Mr. FISHER, 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, namely:

A bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State;

A bill (H. R. 6753) for the relief of P. Gough Edelin; and

A bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

ORDER OF BUSINESS.

Mr. ANDERSON, of Illinois. I renew my motion for a recess.

Mr. BUCHANAN. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. I wish to file a report setting forth the views of the minority of the Committee on Manufactures——

The SPEAKER. The Chair will state to the gentleman from New Jersey that that is not a question of privilege. Leave has been given, however, to file reports with the Clerk, as well as the views of the minorities of committees.

Mr. BUCHANAN. I was not present when that leave was granted.

Mr. CHIPMAN. I ask the gentleman from Illinois to allow me to offer a resolution, which will take but a minute.

Mr. ANDERSON, of Illinois. Regular order.

The SPEAKER. The regular order being demanded the Chair will submit the motion of the gentleman from Illinois.

Mr. RYAN. What is the motion?

The SPEAKER. That the House take a recess for forty minutes.

The question was taken; and upon a division there were—ayes 43, noes 11.

Mr. ANDERSON, of Kansas, Mr. WHEELER, and others. No quorum.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. There is a privileged motion pending.

Mr. WHEELER. I rise to a question which might involve the highest privilege that any member ever rose to in this House.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. The communications to which the gentleman from Louisiana [Mr. BLANCHARD] has referred and which he had in his hand a few moments ago—— [Cries of "Regular order!"]

The SPEAKER. The gentleman from Alabama will proceed and state the question of privilege.

Mr. WHEELER. The communications referred to by the gentleman from Louisiana were communications which early this morning I placed in the hands of an officer of this House to be sent to three members of the Senate, and that officer, or his messenger, was refused the liberty of passing through the halls of this Capitol to deliver those communications to the Senators to whom they were addressed. All this trouble arises from either improper orders being given to officials of the Senate, or else those officials have misconceived the true intent of the orders under which they are acting. In either event the matter requires investigation and that measures be taken to prevent a recurrence. There must be free and uninterrupted communication between the Senate and the House of Representatives. I now move, if it be in order, that the Sergeant-at-Arms be directed to take the communications and deliver them to the Senate Chamber, and, if it be necessary, to take a posse strong enough in numbers to enable him to deliver them to the Senate. [Applause.] [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Illinois that the House now take a recess, and the Chair will continue to enforce the regular order until the demand is withdrawn.

Mr. WHEELER. But I have risen to a question of privilege. In the present case the matter may not be important, but we must correct the abuse now, because if we do not a similar case might arise in a matter of the highest importance.

The SPEAKER. The Chair will state to the gentleman from Alabama that he does not specify any particular communication, does not state that any officer of this House has been denied passage through the halls of this Capitol to deliver such communications to the Senate, and the Chair is unable to see any question of privilege presented in the remarks of the gentleman from Alabama.

Mr. WHEELER. The gentleman from Louisiana informs me that an officer of the House notified him that admission was refused to his messenger.

The SPEAKER. The gentleman from Louisiana stated that one of the pages of the House was not admitted on the occasion to which the gentleman from Alabama refers. The Chair does not see that a question of privilege is involved.

Mr. FARQUHAR. That is right. This is all buncombe anyhow, because there is perfect communication between the two bodies.

VISITORS TO UNITED STATES MILITARY ACADEMY.

The SPEAKER announced the appointment, under section 1327 of the Revised Statutes, of the following Visitors to the Military Academy for the ensuing year: Mr. ROBERTSON of Louisiana, Mr. YODER of Ohio, and Mr. STEELE of Indiana.

VISITORS TO NAVAL ACADEMY.

The SPEAKER also, under section 1327 of the Revised Statutes, appointed as Visitors to the Naval Academy for the ensuing year Mr. HERBERT of Alabama, Mr. MCADOO of New Jersey, and Mr. GROSVENOR of Ohio.

ORDER OF BUSINESS.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. ANDERSON, of Illinois, and Mr. ANDERSON, of Kansas, were appointed tellers.

The House proceeded to divide.

Pending the division by tellers,

Mr. CANNON. Mr. Speaker, I ask unanimous consent to make a brief statement.

The SPEAKER. Does the gentleman from Illinois who made the pending motion yield for that purpose?

Mr. ANDERSON, of Illinois. Yes, sir.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House, I wish to state that there is upon the Calendar of the House a bill, unanimously and favorably reported from the Committee on Naval Affairs, providing for the creation of the office of Assistant Secretary of the Navy, at a salary of $5,000 per annum. This legislation is recommended by the Secretary of the Navy, and I have been satisfied for many years that there should be, from civil life, an Assistant Secretary of the Navy appointed to assist that official in the proper administration of the affairs of that great Department of the Government, and to act somewhat as a brake against the combined efforts of the technical knowledge and pressure of naval officers brought to bear upon them. Now that we are building a great navy and spending multiplied millions of dollars this is especially desirable, and I want to ask, Mr. Speaker, unanimous consent to move to suspend the rules and pass that bill.

The SPEAKER. The Chair understood the gentleman from Illinois to yield to his colleague to make a statement only.

Mr. CANNON. Yes; and in that statement I want to ask unanimous consent that I may submit this motion to suspend the rules and pass this bill.

Mr. ANDERSON, of Illinois. If the matter on which the House is now dividing is considered as pending I will yield for that motion.

The SPEAKER. The Chair will submit the request of the gentleman from Illinois for unanimous consent to move to suspend the rules and pass the bill.

Mr. MCCREARY and Mr. KILGORE objected.

Mr. CANNON. Well, then, I move to suspend the rules——

The SPEAKER. The Chair can not entertain a motion for the suspension of the rules. There is a motion to suspend the rules now pending; the contested-election case is pending with the question of consideration raised upon it. There is a motion for a recess pending with several amendments, and of course the Chair can not recognize any gentleman to make any other motion to suspend the rules at this time.

Mr. CANNON. Well, I have done all I could.

MR. STILSON HUTCHINS.

Mr. COX. With the permission of the tellers and the Chair I would like to ask unanimous consent to pass a resolution. I think it will take no time, if it were read.

The SPEAKER. Does the gentleman from Illinois yield to have the resolution read?

Mr. ANDERSON, of Illinois. I yield to have it read.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives in Congress assembled, That the thanks of Congress are due and are hereby granted to Hon. Stilson Hutchins for his gift to the national capital of a statue of Benjamin Franklin, erected by him on Pennsylvania avenue.

Mr. COX. I will state, Mr. Speaker, that this statue of Benjamin Franklin cost this gentleman a large sum of money, and is a very elegant gift to the city. I hope that Congress will take some befitting notice of it like this.

Mr. KILGORE. I would like to have the resolution read.

Mr. BAKER, of New York. It involves no appropriation.

Mr. KILGORE. I do not object, but I am inclined to object.

Mr. BLAND. Mr. Speaker, I desire to make an inquiry. If this resolution pass, would not that permit the gentleman to have the privileges of the floor?

The SPEAKER. It would.

Mr. BLAND. Then I doubt the propriety of giving gentlemen the privilege.

Mr. KILGORE. I object.

Mr. COX. Amend the resolution in that way.

Mr. CUTCHEON (to Mr. COX). Has any communication been made to Congress concerning this monument?

Mr. COX. There has.

Mr. CUTCHEON. I have never seen any.

The SPEAKER. The gentleman from Texas objects, and the resolution is not before the House.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. MCMILLIN. I ask consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait on the President of the United States and inform him that Congress, having finished its business, unless he may have some further communication to make, the two Houses of Congress are now ready to close its session by adjournment *sine die*.

The resolution was agreed to.

The SPEAKER appointed Mr. MCMILLIN, Mr. C. R. BRECKINRIDGE, and Mr. KELLEY as the committee on the part of the House.

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

The latter motion was agreed to.

Tellers proceeded with the count.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had acceded to the request of the House of Representatives.

Several MEMBERS. Let the resolutions be read.

ARRANGEMENTS FOR INAUGURAL CEREMONIES.

The SPEAKER *pro tempore*. The Clerk will report the resolution for information of members.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1889.

Ordered, That the Senate accede to the request of the House of Representatives, to be executed under such regulations as the President of the Senate shall prescribe.

Mr. GROSVENOR. I move that the resolution lie on the table.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced the approval of sundry House bills and joint resolutions as follows:

Approved on March 2:

An act (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 Lousiana;

An act (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay;

An act (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;"

An act (H. R. 11165) for the relief of Mary Gray, widow of John Gray;

An act (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York;

An act (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

An act (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

An act (H. R. 5888) for the relief of W. H. Boyd;

An act (H. R. 948) for the relief of William H. Tabarrah;

An act (H. R. 6394) for the relief of Hayem & Taylor;

An act (H. R. 12062) granting an increase of pension to Frank L. Wolford;

An act (H. R. 12575) to increase the pension of James N. Barrett;

An act (H. R. 12482) to increase the pension of Elizabeth L. Snell;

An act (H. R. 12275) to increase the pension of John W. Smith;

An act (H. R. 10725) to increase the pension of Elizabeth M. Allen;

An act (H. R. 12510) granting a pension to George Hunter;

An act (H. R. 12446) granting an increase of pension to Jacob S. Shuman;

An act (H. R. 10167) increasing the pension of Nathaniel Crain;

An act (H. R. 12540) to increase the pension of Theodore White;

An act (H. R. 11884) to grant a pension to William Hawkins;

An act (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company;

An act (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails;

An act (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes;

An act (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District, and for other purposes;

An act (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;

An act (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana;

An act (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11782) to approve and ratify the construction by the

Vicksburg, Shreveport and Pacific Railroad Company of the bridge over the Red River, at Shreveport, La., and the bridge over the Ouachita River, at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions;

An act (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek at a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;"

An act (H. R. 10588) to authorize the construction of a bridge over the St. John's River in the State of Florida;

An act (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

An act (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

An act (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

An act (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

An act (H. R. 157) correcting the military history of Robert McNutt;

An act (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico;

An act (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from the effects of wounds received therein;

An act (H. R. 8100) granting a pension to Anna J. Weaver;

An act (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

An act (H. R. 2070) for the relief of the widow of Arno Voss;

An act (H. R. 12383) making appropriation for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 10644) granting a pension to Elizabeth Peterson;

An act (H. R. 11663) granting a pension to M. Josie McClain;

An act (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;

An act (H. R. 11184) for the relief of Jessie Isherwood;

An act (H. R. 12428) for the relief of Martha Rhodes;

An act (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;

An act (H. R. 2598) for the relief of William Whitehouse;

An act (H. R. 8995) for the relief of Antonia Wiener;

An act (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Below;

An act (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890;

An act (H. R. 9674) to regulate the course at the Naval Academy;

An act (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

An act (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia;

An act (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

An act (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.;

An act (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

An act (H. R. 9718) for the relief of J. W. Parish & Co.;

An act (H. R. 5390) granting a pension to John Limeric;

An act (H. R. 3916) granting a pension to Jacob Wolf;

An act (H. R. 2862) granting a pension to William Ford;

An act (H. R. 11707) granting a pension to Gertrude Northrop;

An act (H. R. 11984) granting a pension to Mrs. Helen Sutherland;

An act (H. R. 12491) granting a pension to Lucinda Mewman;

An act (H. R. 8429) granting a pension to W. W. Wilson;

An act (H. R. 3106) for the relief of Lieutenant-Colonel Eyre;

An act (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation, in Minnesota;

An act (H. R. 6411) granting a pension to Sarah Jackson;

An act (H. R. 2875) for the relief of Mrs. Louisa H. Hasell;

An act (H. R. 4203) granting a pension to the widow of Adam Shrake;

An act (H. R. 382) granting a pension to Catherine G. Bodfish;

An act (H. R. 8127) for the relief of Lucy M. Swinnear and Mary E. Hanserd;

An act (H. R. 9227) for the relief of Mary Newton;

An act (H. R. 12608) to pension William J. Martin;

An act (H. R. 12403) granting a pension to Bennett Cooper;

An act (H. R. 12404) granting a pension to Robert W. Andrews;

An act (H. R. 12619) granting a pension to Littleberry W. Baker;

An act (H. R. 9113) granting a pension to Frank M. Martin;

An act (H. R. 12607) to grant a pension to Ira Wells;

An act (H. R. 8327) for the relief of Joseph Lawless;

An act (H. R. 9455) granting a pension to Benjamin F. Clayton;

An act (H. R. 2737) granting a pension to Anna Krumpholz;

An act (H. R. 12604) to restore the pension of Ann G. Barker;

An act (H. R. 8225) for the relief of William S. Kellington;

An act (H. R. 12273) for the relief of Newton C. Ridenour;

An act (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

An act (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

An act (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

An act (H. R. 12008) making appropriatians for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes;

An act (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;

An act (H. R. 8307) for the relief of John T. Higgins;

An act (H. R. 3765) for the relief of James Devine;

An act (H. R. 9949) for the relief of Patrick C. McQueeny;

An act (H. R. 9271) for the relief of James A. Stewart;

An act (H. R. 5716) to establish a light at the mouth of Otter Creek, Lake Champlain, and for other purposes;

An act (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims;

An act (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and other purposes;

An act (H. R. 8740) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein;

An act (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies, in Indian Territory, and for other purposes;

Joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan, and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania; and

Joint resolution (H. Res. 252) appointing H. H. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

Mr. CASWELL. Mr. Speaker, I desire to inquire if it would be in order to have read some of the vetoes now upon the Speaker's table, notably that of the direct-tax bill?

The SPEAKER *pro tempore*. The Chair will say to the gentleman that the House is now dividing upon a motion to take a recess, and there are three other questions of the highest privilege pending before the House.

Mr. CASWELL. Are they higher than the constitutional privilege to have a veto immediately read?

Mr. ANDERSON, of Illinois. Mr. Speaker, I insist on the regular order.

CENTENNIAL CELEBRATION OF INAUGURATION OF FIRST PRESIDENT.

The SPEAKER announced the appointment of the following committee to attend the centennial celebration of the inauguration of the first President of the United States:

Hon. WILLIAM C. OATES, of Alabama.
Hon. JOHN H. ROGERS, of Arkansas.
Hon. JOSEPH MCKENNA, of California.
Hon. HOSEA TOWNSHEND, of Colorado.
Hon. CHARLES A. RUSSELL, of Connecticut.
Hon. JOHN B. PENINGTON, of Delaware.
Hon. R. H. M. DAVIDSON, of Florida.
Hon. HENRY G. TURNER, of Georgia.
Hon. A. J. HOPKINS, of Illinois.
Hon. WILLIAM D. OWEN, of Indiana.
Hon. JOHN H. GEAR, of Iowa.
Hon. EDWARD N. MORRILL, of Kansas.
Hon. WILLIAM J. STONE, of Kentucky.
Hon. NEWTON C. BLANCHARD, of Louisiana.
Hon. CHARLES A. BOUTELLE, of Maine.
Hon. CHARLES H. GIBSON, of Maryland.
Hon. WILLIAM COGSWELL, of Massachusetts.

Hon. JUSTIN R. WHITING, of Michigan.
Hon. MARK H. DUNNELL, of Minnesota.
Hon. C. E. HOOKER, of Mississippi.
Hon. ALEXANDER M. DOCKERY, of Missouri.
Hon. GEORGE W. E. DORSEY, of Nebraska.
Hon. HORACE F. BARTINE, of Nevada.
Hon. OREN C. MOORE, of New Hampshire.
Hon. JAMES BUCHANAN, of New Jersey.
Hon. CHARLES S. BAKER, of New York.
Hon. A. ROWLAND, of North Carolina.
Hon. JOSEPH H. OUTHWAITE, of Ohio.
Hon. BINGER HERMANN, of Oregon.
Hon. CHARLES O'NEILL, of Pennsylvania.
Hon. H. J. SPOONER, of Rhode Island.
Hon. WILLIAM ELLIOTT, of South Carolina.
Hon. J. D. RICHARDSON, of Tennessee.
Hon. ROGER Q. MILLS, of Texas.
Hon. WILLIAM W. GROUT, of Vermont.
Hon. W. H. F. LEE, of Virginia.
Hon. WILLIAM L. WILSON, of West Virginia.
Hon. LUCIEN B. CASWELL, of Wisconsin.
Hon. MARCUS A. SMITH, of Arizona.
Hon. GEORGE A. MATTHEWS, of Dakota.
Hon. FREDERICK T. DUBOIS, of Idaho.
Hon. THOMAS H. CARTER, of Montana.
Hon. ANTONIO JOSEPH, of New Mexico.
Hon. JOHN T. CAINE, of Utah.
Hon. JOHN B. ALLEN, of Washington.
Hon. JOSEPH M. CAREY, of Wyoming.

LEAVE TO PRINT.

By unanimous consent, leave to print in the RECORD remarks on the Indian appropriation bill was granted to Mr. WEAVER, Mr. SPRINGER, Mr. RYAN, Mr. PERKINS, and Mr. PETERS.

Mr. LANDES, by unanimous consent, obtained leave to print in the RECORD remarks on the sundry civil appropriation bill.

Mr. WILSON, of West Virginia, by unanimous consent, obtained leave to print remarks on the question of privilege raised by the Senate revenue bill and on said bill.

Mr. MILLS, by unanimous consent, obtained leave to print a letter from the Secretary of the Treasury on the same subject.

WITHDRAWAL OF PAPERS.

Mr. ENLOE, by unanimous consent, obtained leave to withdraw papers on file in the case of A. W. Jones from the files of the House without leaving copies.

Mr. MCCORMICK, by unanimous consent, obtained leave to withdraw from the files the papers filed with the bill (H. R. 2263) for the relief of John W. Howard.

Mr. CUMMINGS, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Patrick Gavin and Cornelius O'Leary without leaving copies.

Mr. RUSK, by unanimous consent, obtained leave to withdraw papers filed with House bill 3739 for the relief of Charles H. Dexter.

Mr. GAINES asked unanimous consent to print in the RECORD remarks on the repeal of the tax on tobacco.

Mr. BRECKINRIDGE, of Kentucky. Let the leave be general.

The SPEAKER *pro tempore*. There is no general request submitted on the part of members. This is an individual request.

Mr. SPRINGER. I make the point of order that the tax on tobacco has not been repealed. [Laughter.]

The request of Mr. GAINES was granted.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent that all members who desire to do so may print in the RECORD remarks upon the bill.

Mr. KERR. I object.

Mr. CANNON, by unanimous consent, obtained leave to print in the RECORD a statement covering the appropriations of this Congress.

Mr. ENLOE. Mr. Speaker, I think we have now provided for enlarging the RECORD to a sufficient extent, and I shall object to further consent to print anything in it that is not part of the proceedings of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that that body had adopted a resolution that a committee of two Senators be appointed to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some further communication to make to them, and that it had appointed Mr. SHERMAN and Mr. SAULSBURY as the committee on its part.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to take up and put upon its passage the bill which I send to the desk.

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

The Clerk read as follows:

A bill (H. R. 3612) donating condemned cannon and small-arms to Naval Post 400, Grand Army of the Republic, Department of Pennsylvania.

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

Mr. KILGORE. I understand that the committee have reported against all such bills as that, and I object on that ground.

Mr. BLAND. Let us have the regular order.

Mr. WHEELER. Mr. Speaker, I have a bill which I should like to be recognized to call up. [Laughter.]

The SPEAKER *pro tempore*. The regular order is insisted upon, as the Chair has stated to the gentleman more than once.

Mr. WHEELER. If this bill is not considered now it will be lost. [Laughter.]

Mr. BLAND. A great many bills that will be lost ought to be lost.

GEORGE MAXWELL AND OTHERS.

Mr. MORRILL, by unanimous consent, obtained leave to withdraw from the files of the House papers in support of the bill (H. R. 8596) for the relief of George Maxwell, F. C. Buckley, and H. L. Newman.

DONATION OF CONDEMNED CANNON.

Mr. BINGHAM. I ask unanimous consent for the consideration of a bill at the present time.

The SPEAKER *pro tempore*. The regular order has been insisted upon; and the gentleman who made the demand gave notice to the Chair that he would not withdraw it.

Mr. BINGHAM. I understand the objection is withdrawn.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (S. 3612) donating condemned cannon to Naval Post No. 400, Grand Army of the Republic, Department of Pennsylvania.

The SPEAKER *pro tempore*. Is the call for the regular order insisted upon?

Mr. KILGORE. It is.

Mr. BAKER, of New York, addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Missouri stated that he insisted on the regular order; and the gentleman from Texas [Mr. KILGORE] has just renewed the demand.

Mr. BINGHAM. What gentleman from Texas objects to this bill?

Mr. KILGORE. I withdraw my objection under the circumstances.

The bill was read; and there being no objection, the House proceeded to its consideration.

An amendment reported by the committee was read, as follows:

Insert in line 11 the words "twelve muskets and percussion caps."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. BINGHAM 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.

LEAVE TO PRINT.

Mr. BAKER, of New York, by unanimous consent, obtained leave to print in the RECORD remarks on the Canadian reciprocity resolution.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. OSBORNE. I ask unanimous consent for the consideration of the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.

The SPEAKER *pro tempore*. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. There is.

Mr. ANDERSON, of Illinois. I insist on the regular order.

PUBLIC PARK, ST. AUGUSTINE, FLA.

Mr. WHEELER. I ask unanimous consent to take from the Calendar and put on its passage Senate bill No. 2946. It does not take a cent from the Treasury, and is of considerable importance to the people of St. Augustine. I hope no one will object to its consideration.

The title of the bill was read, as follows:

A bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes.

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

Mr. MILLS. Let us have the regular order.

Mr. BUCKALEW. It is useless for gentlemen to have bills passed now. It will be utterly impossible to present them to the President.

Mr. WHEELER. The objection has been withdrawn.

Mr. DAVIDSON, of Florida. And I hope the Speaker will again submit the request for unanimous consent.

The SPEAKER *pro tempore*. The Clerk will again read the title of the bill, and the Chair will ask for objection.

The Clerk read as follows:

A bill granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes.

The SPEAKER *pro tempore*. Is there objection?

Mr. BUCKALEW and Mr. LYNCH objected.

Mr. O'NEALL, of Indiana. I wish to ask unanimous consent to print some remarks in the RECORD on the Sullivan-Felton contested-election case.

Mr McKENNA, Mr. STEELE, and others objected.

The SPEAKER *pro tempore*. Objection is made.

Mr. O'NEALL, of Indiana. Do I understand objection is made?

The SPEAKER *pro tempore*. Several gentlemen objected.

Mr. O'NEALL, of Indiana. Who objected? I did not see any one rise to object.

The SPEAKER *pro tempore*. The gentleman from California [Mr. MCKENNA] rose in his place and with other gentlemen objected to the request.

Mr. O'NEALL, of Indiana. Then I call up that case and ask its present consideration as a matter of privilege. Am I heard by the Chair? [Laughter.]

The SPEAKER *pro tempore*. This case has already been called up and the question of consideration is pending upon it, pending which there is a motion that the House take a recess, and the regular order is insisted upon.

Mr. O'NEALL, of Indiana. By whom?

Mr. STEELE. Well, I insist upon it.

THANKS TO THE SPEAKER.

Mr. REED. Mr. Speaker, I desire to offer a privileged resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to Hon. JOHN G. CARLISLE, the Speaker, for the courtesy, ability, and fairness with which he has presided over the deliberations of the Fiftieth Congress.

[Applause.]

The SPEAKER *pro tempore* (Mr. HATCH). Gentlemen of the House of Representatives, for the third time in three consecutive Congresses the present occupant of the chair has had the privilege and the pleasure of submitting a similar resolution to that now presented to the House of Representatives for adoption. I am sure that with the knowledge that the present Speaker of the House will retire from the high position he has occupied for three consecutive terms this resolution will not only be adopted with unanimity, but with the cordial feeling of every member of this House as to the justice and propriety of its adoption. [Applause and cries of "Rising vote!"]

The question was taken on the adoption of the resolution.

The SPEAKER *pro tempore*. Three hundred and ten votes in the affirmative, none in the negative, and the resolution is unanimously adopted. [Prolonged applause.]

THANKS TO OFFICERS AND EMPLOYÉS.

Mr. BLAND. On behalf of the other officers of the House, I present the following resolution and ask its adoption.

The Clerk read as follows:

Resolved, That the thanks of this House be, and they are hereby, extended to the Clerk, the Doorkeeper, the Sergeant-at-Arms, the Postmaster, the Chaplain, and other officers and employés of the House for the faithful and efficient performance of their duties during the present Congress.

Mr. HOOKER. Mr. Speaker, I move to include by name the Official Reporters of debates of the House of Representatives. [Cries of "That's right!"]

The SPEAKER *pro tempore*. Without objection the resolution will be so modified.

There was no objection.

The resolution as modified was unanimously adopted.

[The Speaker here resumed the chair.]

APPROPRIATIONS.

Mr. RANDALL. Mr. Speaker, I do not wish to detain the House now further than to ask the privilege of printing in the RECORD a statement summarizing the figures in connection with the various general appropriation bills—a statement of the sort usually submitted at the close of a session.

Chronological history of appropriation bills, second session of the Fiftieth Congress; estimates and appropriations for the fiscal year 1889–'90; *and appropriations for fiscal year* 1888–'89.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1890.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1889–'90.	Law, 1888–'89.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Amount.	Amount.
Agricultural	$1,686,160.00	1889. Feb. 2	$1,631,010.00	1889. Feb. 8	$1,631,010.00	1889. Feb. 21	$1,699,470.00	1889. Feb. 22	$1,701,470.00	$1,669,770.00	$1,716,010.00
Army	24,970,658.24	Jan. 25	24,466,615.73	Feb. 8	23,978,115.73	Feb. 22	24,057,615.73	Feb. 26	24,320,115.73	24,300,115.73	24,471,300.00
Diplomatic and consular	1,947,565.00	1888. Dec. 20	1,427,025.00	Jan. 12	1,427,025.00	Jan. 25	2,050,325.00	Jan. 31	2,080,325.00	1,980,025.00	1,428,465.00
District of Columbia*	5,949,535.61	Dec. 6	4,927,193.61	1888. Dec. 10	4,943,193.61	Jan. 22	5,981,806.91	Jan. 25	6,296,139.91	5,687,406.91	5,046,410.32
Fortification	5,552,000.00	1889. Jan. 2	890,000.00	1889. Jan. 19	915,320.00	Feb. 8	1,136,094.00	Feb. 9	1,336,094.00	1,205,594.00	3,972,000.00
Indian	5,475,410.50	Feb. 13	5,637,893.05	Feb. 27	7,878,361.07	Mar. 1	7,852,571.35	Mar. 2	8,027,524.78	8,035,724.78	‖8,263,700.79
Legislative, etc	21,087,485.25	1888. Dec. 14	20,802,245.81	1888. Dec. 18	20,803,145.81	Feb. 4	20,864,405.81	Feb. 8	20,885,125.81	20,840,535.81	20,758,178.07
Military Academy	1,026,776.69	Dec. 18	904,266.69	1889. Jan. 12	904,266.69	Jan. 25	902,766.69	Jan. 25	902,766.69	902,766.69	315,043.81
Navy	26,767,277.74	1889. Jan. 21	19,909,010.27	Feb. 2	20,009,010.27	Feb. 8	22,855,574.98	Feb. 12	23,080,574.98	21,692,510.27	19,942,835.35
Pension	81,750,700.00	1888. Dec. 7	81,757,500.00	1888. Dec. 10	81,740,000.00	Jan. 25	81,758,200.00	Feb. 8	81,758,200.00	81,758,200.00	81,758,700.00
Post-Office†	66,812,073.02	1889. Feb. 2	66,595,344.28	1889. Feb. 21	66,595,344.28	Feb. 27	66,605,344.28	Feb. 29	66,700,344.28	66,605,344.28	60,860,233.74
River and harbor	‡5,677,000.00	1888. Dec. 12	11,906,850.00								22,397,616.90
Sundry civil	28,574,448.46	1889. Jan. 8	22,852,996.47	Jan. 29	23,470,830.65	Feb. 18	26,137,881.65	Feb. 22	26,923,981.65	25,277,341.65	26,320,804.84
Total	277,285,090.51		263,707,950.91		254,295,623.11		261,902,056.40		264,012,662.83	259,955,335.12	277,251,298.82
Deficiency, 1889 and prior years	§20,000,000.00	Feb. 12	14,568,281.77	Feb. 26	14,728,954.31	Mar. 1	17,670,290.24	Mar. 1	18,659,652.84	16,423,360.60	¶19,563,383.26
Total	297,285,090.51		278,276,232.68		269,024,577.42		279,572,346.64		282,672,315.67	276,378,695.72	296,814,682.08
Miscellaneous	§6,500,000.00									§5,500,000.00	10,170,862.55
Total regular annual appropriations	303,785,090.51									281,878,695.72	306,985,544.63
Permanent annual appropriations	108,691,055.95									108,691,055.95	115,640,798.90
Grand total regular and permanent annual appropriations	412,476,146.46									390,569,751.67	422,626,343.53

Amount of estimated revenues for fiscal year 1890	$377,000,000.00
Amount of estimated postal revenues for fiscal year 1890	62,508 658.12
Total estimated revenues for fiscal year 1890	439,508,658.12

* Fifty per cent. of the amounts appropriated for the District of Columbia is paid by the United States. The amount for the water department (estimated for 1890 at $237,125.64) is paid out of the revenues of that department.

† This amount includes $2,858,798.62 for payment of judgment of Court of Claims in favor of the Choctaw Nation.

‡ The appropriations for the postal service are paid out of the postal revenues (estimated for 1890 at $62,508,658.12), and any deficiency in the revenue is provided for out of the Treasury of the United States.

§ This is the estimate submitted for rivers and harbors for 1890. "The amount that can be profitably expended," as reported by the Chief of Engineers, is $32,012,250. (Book of Estimates, page 177.)

‖ This sum is approximated.

¶ This is the aggregate amount of the four deficiency acts passed during the first session of the Fiftieth Congress.

ADJOURNMENT SINE DIE.

The SPEAKER. Gentlemen of the House of Representatives, under the circumstances I will detain you but a moment to return my thanks for the resolution you have just adopted, and to express my grateful appreciation of the kindness and courtesy which have characterized all your intercourse with me as the presiding officer of this body.

After a continuous service for three terms I will leave this chair today with sentiments of the warmest friendship and the most profound respect, not only for the gentlemen who compose the present House, but for all who have preceded them since I have been its presiding officer; and while the termination of my official labors and responsibilities affords of itself no occasion for regret, I can not without reluctance sever the connections which have so long existed between us. [Applause.]

Looking back over the scenes of excitement and contention which necessarily occur, from time to time, in a body like this, it is impossible not to remember with regret many hasty words and unpleasant incidents; but it is gratifying to know that no feeling of resentment survives to disturb our friendly personal relations in the future. And now, gentlemen, in declaring an adjournment which closes the first century of our legislative history under the Constitution, I may be permitted to express the earnest hope that when another hundred years shall have rolled around, the Union of these States, under which the capacity of the people for self-government has already been demonstrated, will still endure [prolonged applause], and that the Representatives then assembled in this or in some other and greater Hall may have constituencies as intelligent, as patriotic, and as free as those who have sent us here.

The House now stands adjourned without day. [Prolonged applause.]

PRIVATE BILLS INTRODUCED AND REFERRED.

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

By Mr. JEHU BAKER: A bill (H. R. 12660) for the relief of James Stack—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 12661) for the relief of Stephen Garton—to the Committee on War Claims.

By Mr. JEHU BAKER: A bill (H. R. 12662) granting a pension to Daniel P. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12663) for the relief of Ferdinand Siegle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12664) granting a pension to George W. Miller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. JEHU BAKER: Petition of D. B. Evans and others, favoring an increase of pension for James Slack—to the Committee on Invalid Pensions.

Also, petition of Allen Brown, Company H, Second Ohio Volunteers, for relief—to the Committee on Invalid Pensions.

Also, affidavit of John Boman, in support of his pension claim—to the Committee on Invalid Pensions.

Also, petition of Hubbard Post, No. 534, Grand Army of the Republic, in favor of pensioning all honorably-discharged soldiers—to the Committee on Invalid Pensions.

Also, petition of Charles C. Roesch, for special-act pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Randolph County, Illinois, and other papers, favoring a pension for Daniel P. Roberts—to the Committee on Invalid Pensions.

Also, resolutions of the Peoria Board of Trade, favoring Government telegraphy—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of board of supervisors of Bureau County, Illinois, relative to swamp and overflow lands—to the Committee on the Public Lands.

Also, petition of John L. Seargeant, for payment of his war claim—to the Committee on War Claims.

Also, petition of Ferdinand Siegle, with accompanying papers, for a pension—to the Committee on Invalid Pensions.

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania, for a general pension—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Petition of Robert O. Nobbs Post, No. 521, Grand Army of the Republic, in favor of the publication of the official records of the rebellion—to the Committee on Printing.

By Mr. BYNUM: Petition and affidavit of Joseph Yager, Company G, Sixty-ninth Regiment Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of the American Export and Trading Company, of New York, for encouraging American shipping—to the Committee on Commerce.

By Mr. DUNHAM: Petition of John N. Jewett and 19 others, citizens of Chicago, Ill., favoring the copyright bill—to the Committee on Patents.

By Mr. JACKSON: Memorial of the Legislature of Pennsylvania, in favor of a general service-pension bill—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Papers in the claim of Mrs. Margaret Turberville, of Fairfax County, Virginia, for relief—to the Committee on War Claims.

By Mr. McMILLIN: Petition of citizens of Tennessee, for increase of compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. MONTGOMERY: Petition of administratrix of Govey Hood, deceased, late of Marion County, Kentucky, for reference of his claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of George W. Skelton, and of Jacob H. Lindsay, of Rockingham County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Petition of J. P. Allen and others, citizens of Kansas, for the establishment of a silk station at Wichita, Kans.—to the Committee on Appropriations.

Also, petition for the relief of Hosea Stone—to the Committee on Military Affairs.

Also, resolutions of Kansas Legislature, relative to Fort Hayes military reservation—to the Committee on the Public Lands.

By Mr. RYAN: Resolution of the Legislature of Kansas, for a deep-water harbor on the coast of Texas—to the Committee on Rivers and Harbors.

Also, resolution of the same, relative to pension legislation—to the Committee on Invalid Pensions.

Also, resolution of the same, relative to the assassination of John M. Clayton—to the Committee on Elections.

Also, resolution of the same, in favor of House bill No. 11697—to the Committee on the Public Lands.

By Mr. SENEY: Petition of Thomas Allen Post, Grand Army of the Republic, No. 578, for publication of war records—to the Committee on Printing.

By Mr. J. D. TAYLOR: Petition of Thoburn Post, No. 72, Grand Army of the Republic, Martin's Ferry, Ohio, in favor of publishing the official record of the Union and Confederate armies, and of General Lander Post, No. 482, Grand Army of the Republic, in favor of publishing the official records—to the Committee on Printing.

By Mr. VOORHEES: Petition of 2,133 citizens of Washington Territory, for the immediate admission of the Territory into the Union under the name of Washington—to the Committee on the Territories.

By Mr. WHEELER: Petition of Jesse Cargyle, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. E. P. ALLEN: Of 182 citizens of Wayne County, Michigan.

By Mr. BREWER: Of 30 citizens of Michigan.

By Mr. KENNEDY: Of J. J. Hustin and others, of Ohio.

By Mr. McKINNEY: Of citizens of New Hampshire.

By Mr. PIDCOCK: Of citizens of Kingston, N. J., and of citizens of New Jersey.

By Mr. PLUMB: Of 1,209 citizens of Illinois.

By Mr. STONE, of Missouri: Of A. J. Holmes and others, citizens of Missouri.

By Mr. VANCE: Of 484 citizens of Connecticut.

By Mr. VOORHEES: Of citizens of Anacortes, and of Colfax, Wash., and of the Woman's Christian Temperance Union of Washington Territory.

By Mr. YARDLEY: Of 588 citizens of Pennsylvania.

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 28 citizens of De Witt, Mich.

By Mr. FORD: Of 96 citizens of Fennville, and of 23 citizens of Kent County, Michigan.

By Mr. GROUT: Of 24 citizens of Cambridgeport, Vt.

By Mr. MACDONALD: Of citizens of Meeker County, Minnesota.

By Mr. PERKINS: Of Benjamin J. Green and 69 others, citizens of Crawford County, Kansas.

By Mr. WILLIAM WHITING: Of 49 citizens of Sunderland, and of 129 citizens of Wendell, Mass.

By Mr. WILLIAMS: Of 57 citizens of Piqua, Ohio.