

SENATE.

MONDAY, February 25, 1889.

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

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

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 23d instant approved and signed the following bills:

An act (S. 3897) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine;

An act (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservation in Idaho, May 14, 1880, and for other purposes;

An act (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois, on certain conditions;

An act (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reservation in Dakota;

An act (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor;

An act (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.;

An act (S. 3795) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer military reservation, Montana;

An act (S. 3335) granting a pension to Thompson D. Hatfield; and

An act (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia.

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

An act (S. 2714) for the relief of Thomas Lannigan;

An act (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation;

An act (S. 3663) 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; and

An act (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

PETITIONS AND MEMORIALS.

Mr. BUTLER presented the petition of P. A. Williams, of Orangeburg County, South Carolina, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the memorial of John L. Springston and 6 other citizens of the Cherokee Nation, remonstrating against the passage of what is known as the Oklahoma bill; which was ordered to lie on the table.

Mr. VEST presented a memorial of citizens of Savannah, Andrew County, Missouri, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by Ransom Post, No. 131, Grand Army of the Republic, Department of Missouri, in favor of legislation providing for the publication of the naval records of the last war; which were referred to the Committee on Naval Affairs.

Mr. QUAY presented a memorial of citizens of Philadelphia, Pa., and a memorial of the North America Turnerbund, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Lancaster, Pa., praying for the repeal of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented petitions of the Slate Lick Presbyterian Congregation, of Slate Lick, Pa.; of the Presbyterian congregation of Mercersburgh, Pa.; of citizens of Mercer County, Pennsylvania; of citizens of Butler County, Pennsylvania; of citizens of Deer Creek, Allegheny County, Pennsylvania; of Division 50, Brotherhood of Locomotive Engineers, of Connerville, Pa.; of the pastor of the Presbyterian Church, of Freeport, Pa.; of the citizens of Titusville, Pa.; of Council of Zion's Lutheran Church, of York, Pa.; of citizens of Altoona, Pa.; of Millmont, Union County, Pennsylvania; of the United Presbyterian Church, of Freeport, Pa.; of St. John's Lutheran Church, of Mercersburgh, Pa.; of the Presbyterian Church, of Murrysville, Pa., and of the United Presbyterian Church, of New Alexandria, Pa., all praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented a joint resolution of the Legislature of Minnesota, favoring the passage of what is known as the prisoners-of-war pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Staples, Minn., praying for

the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SABIN presented a memorial of citizens of Olmstead County, Minn., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. TURPIE presented the memorial of E. Van Buskirk and other citizens of Walton, Ind., and the memorial of George Hender and other citizens of Royal Centre, Ind., remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. PADDOCK. I present a petition of the State Farmers' Alliance of Nebraska, which was addressed to the Legislature of the State of Nebraska, considered by the senate of the Legislature of that State, and referred by resolution of that body to Congress, representing that the present fiscal and economic systems of the Government affecting present business conditions of the State of Nebraska and the country as well are unsatisfactory, oppressive, and anomalous, inasmuch as, while the production of wealth is unprecedented, the condition of the producers of wealth is not improving, but is, on the contrary, retrograding, and praying for such legislation as may be calculated to relieve these hard conditions. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CULLOM presented a petition of 72 ex-Union soldiers, citizens of Greene County, Illinois, praying for the passage of the per diem rated service pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 210 citizens of Illinois, praying for the passage of a bill prohibiting the running of interstate trains, mail trains, etc., on Sunday; which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented a memorial of 286 adult citizens of the United States residing at Alliance, Ohio, remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

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

Mr. SPOONER. I present two memorials of citizens of Stockholm, Wis., remonstrating against the passage of any bill in regard to the observance of Sunday; also remonstrating against the adoption of any resolution for the amendment of the Constitution that would by instruction in public schools give preference to religious principles over the views of religion held by non-religious persons. I move that the memorials be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. MITCHELL presented the petition of Joseph Alter and 4 others (2 voters and 3 women), citizens of Whitman; the petition of John A. Tennant and 90 others (63 voters and 28 women), citizens of Lyndon; the petition of D. G. Le Sourd and 30 others (8 voters and 23 women), citizens of Whatcom; the petition of A. J. Harris and 31 others (16 voters and 16 women), citizens of Buckeye Run; the petition of W. B. Dumars and 18 others (11 voters and 8 women), citizens of Centerville; and the petition of S. M. Mathes and 37 others (21 voters and 17 women), citizens of Garfield and Asotin, all in Washington Territory, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. DAWES presented the petition of John A. Hilton and 171 others (85 voters and 87 women), citizens of Milford, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of citizens of Bradford, Pa., remonstrating against the passage of any bill in regard to the observance of Sunday or any other religious institution or rite; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Lancaster, Pa., praying for the repeal of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

Mr. SAWYER presented a memorial of 7 citizens of the State of Wisconsin, remonstrating against the passage of the Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of William Bliss and 18 others (6 voters and 13 women), citizens of Randolph, Mass., and the petition of D. C. Miles and 90 others (37 voters and 54 women), citizens of Westminster, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. TELLER presented a petition of Sedgwick Post, No. 12, Grand Army of the Republic, Department of Colorado, of Durango, Colo., praying for the passage of a bill for the removal of the Southern Ute Indians from Colorado; which was ordered to lie on the table.

He also presented two memorials of citizens of Colorado remonstrating against the passage of any bill in regard to the observance of Sunday, and praying for the complete separation of church and state; which were referred to the Committee on Education and Labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, and agreed to the same.

The message also announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, and agreed to the same.

The message further announced that the Speaker had appointed Mr. LONG as one of the managers of the conference on the part of the House on the disagreeing votes on the amendment of the Senate to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, in the place of Mr. HENDERSON, excused.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. DAVIDSON of Alabama, and Mr. CONGER the managers at the conference on the part of the House.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas 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; and

A bill (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 and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri."

CONSIDERATION OF BRIDGE BILLS.

Mr. VEST. I desire to give notice, on behalf of the Committee on Commerce, that I shall ask to-morrow, after the morning business has been terminated, for the consideration of bridge bills upon the Calendar.

LIGHT-HOUSEES, ETC.

Mr. FRYE. I have here quite a number of bills relating to light-houses, lights, life-saving stations, etc., many of which require further action on the part of the House on account of amendments to be made by the Senate, none of which will lead to any discussion whatever. I have been instructed by the Committee on Commerce to report back the bills and ask unanimous consent that they may receive immediate action.

The PRESIDENT *pro tempore*. The Senator from Maine, from the Committee on Commerce, reports favorably certain bills for which he asks immediate action.

Mr. FRYE. I report first from the Committee on Commerce, without amendment, the bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish range-lights to guide into the mouth of the Pascagoula River, Mississippi, at a cost not to exceed \$1,000, and to establish a light on the east bank of Pearl River, Mississippi, opposite the draw in the railway bridge, at a cost not to exceed \$250.

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

Mr. FRYE. I also report from the Committee on Commerce, without amendment, the bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to re-establish the light-house at Point Isabel, in the State of Texas, at a cost not to exceed \$8,000.

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

Mr. FRYE. I also report from the Committee on Commerce, favorably, without amendment, the bill (H. R. 11527) to establish lights on the western end of Coney Island, New York.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish a light or lights

and a fog-signal on the western end of Coney Island, New York, at a sum not to exceed \$25,000.

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

Mr. FRYE. I also report favorably from the Committee on Commerce, without amendment, the bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish a light-house and steam fog-signal on the easterly end of the outer breakwater at the harbor of Chicago, Lake Michigan, Illinois, at a cost not to exceed \$36,000.

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

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, without amendment, the bill (H. R. 7066) providing for the establishment of a light-house at Heceta Head, near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of \$80,000.

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

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

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, without amendment, the bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not to exceed \$85,000 to construct a steam-tender for light-house duty on the Northwestern Lakes.

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

Mr. FRYE. The bills so far reported and passed have been placed on the sundry civil appropriation bill. I now report bills that have not appeared there. I report first the bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia, with amendments.

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

The amendments of the Committee on Commerce were, in line 3, after the word "that," to strike out:

The Secretary of the Treasury is hereby authorized and directed to establish.

And insert:

The sum of \$20,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house station on St. Catharine Island, State of Georgia.

And in line 6, after the word "eligible," to strike out "at a cost not to exceed \$20,000;" so as to make the bill read:

That the sum of \$20,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house station on St. Catharine Island, State of Georgia, at the point which the Light-House Board may select as the most eligible.

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. FRYE. I move that the Senate 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. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, with an amendment, the 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.

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

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

That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment upon a more secure site of the light and fog-signal at Humboldt, Cal.; and that the sum of \$60,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a light-ship, with a steam fog-signal, in the vicinity of the wreck of the steam-ship Oregon, entrance to New York Harbor.

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

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I also report from the Committee on Commerce, with an amendment, the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior.

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

The amendment of the Committee on Commerce was to strike out all after the enacting clause and insert:

That the sum of \$60,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a light-house at or near Eleven-foot Shoal, off Point Peninsular, Lake Michigan, Michigan, and when said light shall be completed the light now maintained at Point Peninsular shall be discontinued.

That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house and fog-signal at Squaw Island, Lake Michigan, Michigan.

That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house at or near Old Mackinaw Point, and when the same shall be completed the light maintained at McGulpin's Point shall be discontinued.

That the sum of \$7,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a fog-signal and range-lights on the end of the west pier at Ashtabula, Ohio, Lake Erie.

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. FRYE. I move that the Senate request 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. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I also report favorably, with an amendment, from the Committee on Commerce the bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Bed Shoal, in the Hudson River, New York.

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

The amendment of the Committee on Commerce was to strike out all after the enacting clause and insert:

That the sum of \$35,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house with fog-bell at or near Oyster-Bed Shoal, in the Hudson River opposite Rockland Lake Dock, New York.

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. FRYE. I move that the Senate request 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. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I am also directed by the Committee on Commerce, to whom were referred the amendments of the House of Representatives 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, to move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I report from the Committee on Commerce favorably, with an amendment, the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

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

The amendment of the Committee on Commerce was, in line 3, after the word "that," to insert "the first clause or subdivision of;" so as to make the bill read:

That the first clause or subdivision of section 2579 of the Revised Statutes of the United States is hereby amended so as to read:

"SEC. 2579. There shall be in the collection districts in the State of Texas the following officers: In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine Pass, and said deputy collector shall have power to enter and clear all vessels coming to that port and exercise such other powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor, who shall reside at Houston."

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. FRYE. I move that the Senate request 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. DOLPH, Mr. CULLOM, and Mr. COKE were appointed.

Mr. FRYE. I report favorably, without amendment, from the Committee on Commerce the bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the limits of the present port of Memphis, Tenn., from Beale street southward to Jackson street, and to extend the east line southward until it intersects Jackson street.

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

Mr. FRYE. I report from the Committee on Commerce favorably, without amendment, the bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give the assent of Congress to the Union Gas Company to lay pipes for conducting natural gas, petroleum, or salt water across the Ohio River at such points as may be deemed necessary, between the mouth of Buck Creek, in Harrison County, Indiana, and the city of Jeffersonville, Ind., and points opposite thereto in the State of Kentucky, from any point in that State to the upper boundary of the city of Louisville, Ky.

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

Mr. FRYE. I report from the Committee on Commerce favorably, without amendment, the bill (H. R. 11643) providing for the establishment of a life-saving station at mouth of Coquille River, Oregon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$8,000 for the purpose of establishing a life-saving station and providing a life-saving crew at mouth of Coquille River, in Coos County, in the State of Oregon.

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

CRIB IN LAKE MICHIGAN.

Mr. FRYE. I report favorably from the Committee on Commerce, without amendment, the bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give the assent of Congress to the city of Lake View, county of Cook and State of Illinois, to extend a tunnel, or inlet pipes, into Lake Michigan as far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers and crib in the navigable waters of the lake, for the making, preserving, and working of the aqueducts or pipes or tunnel, the plan and location thereof to be subject to the approval of the Secretary of War.

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

STEAMER GEORGE H. PARKER.

Mr. FRYE. I report favorably, without amendment, from the Committee on Commerce, the bill (H. R. 7028) to admit to registry the steamer George H. Parker.

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

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

Mr. FRYE. Mr. President, the Committee on Commerce returns thanks to the Senate for its courtesy.

DIAMOND SHOAL LIGHT-HOUSE.

Mr. RANSOM. I am directed by the Committee on Commerce, to whom were referred the amendments of the House of Representatives to the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina, to recommend that the Senate concur in the amendments.

The amendments of the House of Representatives were to strike out all after the enacting clause and insert:

That a light-house be established on or near Diamond Shoal, off Cape Hatteras, North Carolina, at a cost not to exceed \$500,000: *Provided*, That the contractors for doing this work shall be the lowest responsible bidders and best fitted by reason of skill and experience to do the work: *And provided further*, That payments shall be made therefor as the work progresses, in the discretion of the Light-House Board, and subject to the approval of the Secretary of the Treasury

And to amend the title so as to read: "An act for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina."

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

EDWIN W. WARNER—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. 3561, entitled "An act granting a pension to Edwin W. Warner."

A claim for pension on behalf of the beneficiary named in this bill was filed in the Pension Bureau May 6, 1887; it has been examined and re-examined and always rejected until on the 29th day of December, 1888, as the result of a personal and thorough investigation by the Commissioner, a pension was allowed and a certificate issued under which the claimant will be paid \$18 a month hereafter, and arrearages amounting to something near \$2,000.

As the special act for the benefit of this claimant was passed by the Congress upon the supposition that nothing had been done for the beneficiary therein named, I deem it best, in his interest and probably consistent with the intent of the Congress, that the bill herewith returned should not become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 25, 1889.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

MR. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

AGRICULTURAL 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. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

MR. PLUMB. I move that the Senate insist on its amendments to the bill, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

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

RAILWAYS THROUGH INDIAN TERRITORY.

MR. DAWES. I submit two conference reports, which do not require any action on the part of the Senate.

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

The reports were 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. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the 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 House recede from its disagreement to the amendments of the Senate, and agree to the same.

H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The reports do not require any action by the Senate.

COMMITTEE ON IRRIGATION AND ARID LANDS.

MR. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART February 21, 1889, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Select Committee on Irrigation and Reclamation of Arid

Lands, appointed under authority of a resolution of the Senate of February 14, 1889, is hereby authorized, in pursuing the investigation in said resolution ordered, to hold its sessions and take testimony at any place in the United States, and to employ a stenographer and a messenger, the expenses of such investigation to be paid from the contingent fund of the Senate. The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit, exclusively for its use. Any subcommittee appointed by said committee may exercise the same powers as the full committee.

COMMITTEE ON INDIAN AFFAIRS.

MR. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. DAWES] January 25, 1889, relating to an investigation by the Committee on Indian Affairs, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

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

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

The amendment was to add to the resolution:

And the expenses of said investigation shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

MR. STOCKBRIDGE introduced a bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur-seals and salmon fisheries of Alaska, and for other purposes; which was read twice by its title and referred to the Committee on Fisheries.

MR. BLAIR introduced a bill (S. 3994) for the relief of the estate of Salmon B. Colby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

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

He also submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

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

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

He also submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee to Examine the several Branches of the Civil Service, and ordered to be printed.

CHEROKEE LEASES.

MR. FARWELL. I submit the following resolution, and ask for its present consideration:

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 the use of whisky and money, by cattlemen and their agents, for the purposes 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.

MR. HOAR. I suggest to the Senator from Illinois to strike out the words "by the use of whisky and money." That phrase seems to be rather undignified, and it is unnecessary.

MR. FARWELL. I have no objection to that modification.

The PRESIDENT *pro tempore*. The Senator from Illinois modifies the resolution by omitting the words indicated by the Senator from Massachusetts. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same as modified.

The resolution was agreed to.

LAND OFFICES.

MR. SABIN submitted the following resolutions, which were read:

Resolved, That the Secretary of the Interior be, and is hereby, directed to report for the information of the Senate, what, if any, action has been taken by him towards the discontinuance of United States land offices, the number and the names of public land offices, the aggregate number of acres of public land in each original, the number of acres heretofore actually sold by the Government, and in what manner disposed of, whether by sale for cash or entries under the homestead, pre-emption, timber-culture, or desert-land acts, and what part of the same have been actually patented, and thus segregated from the body of the public lands.

And be it further resolved, That the President be, and hereby is, requested to withhold the order, if any is contemplated, or suspend its operation if made, for the discontinuance of such offices, until the facts and reasons upon which such action, or contemplated action, is based shall have been fully communicated to the Senate.

Mr. SABIN. I ask for the present consideration of the resolutions. The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. Let the resolutions be printed and lie over. The PRESIDENT *pro tempore*. The resolutions will be printed and lie over under the rules.

CONDITION OF MARINI'S BUILDING.

Mr. PLATT. If this be the proper time I should like to move to refer to a committee a communication which lies on the table. On the 22d of February the commissioners of the District transmitted their reply to a resolution which I offered on the 1st of February relative to the condition of Marini's building. I move that their communication be referred to the Committee on Appropriations, and I desire to call the attention of the Committee on Appropriations to this subject.

The motion was agreed to.

CHANGES IN DISTRICT EMPLOYÉS.

Mr. CHANDLER. There has been referred to the Select Committee to Examine into the Condition of the Civil Service a letter from the commissioners of the District of Columbia, dated February 20, in reference to changes in District employés, which was so referred without being printed. I move that the communication be printed.

The motion was agreed to.

IRENE RUCKER SHERIDAN.

Mr. DAVIS. I move that the Senate reconsider the vote by which it declined to concur in the amendments of the House of Representatives to the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. J. Sheridan, and also to reconsider the vote by which a committee of conference was asked, with a view to concur in the amendments of the House of Representatives.

The motion to reconsider was agreed to.

The amendments of the House of Representatives were, in line 7, before the word "thousand," to strike out "three" and insert "two;" and at the end of the bill to strike out the words "during her natural life, from and after the 5th day of August, 1888," and insert "subject to the limitations and provisions of the pension laws;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Irene Rucker Sheridan, widow of Philip H. Sheridan, late General of the Army of the United States, and pay her at the rate of \$2,500 per year, subject to the limitations and provisions of the pension laws.

The amendments were concurred in.

SIOUX RESERVATION.

Mr. DAWES. I ask leave of the Senate to report, with amendments, for action at this time, from the Committee on Indian Affairs, the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the Senate now proceed to consider the bill, which can be done only by unanimous consent. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole and will be read at length.

Mr. DAWES. I ask unanimous consent that the amendments of the Committee on Indian Affairs, while the bill is being read, may be acted on.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendments reported by the Committee on Indian Affairs may be acted on as they are reached in the reading of the text of the bill. The Chair hears no objection.

The first amendment of the Committee on Indian Affairs was, in section 1, line 11, after the words "mouth of," to strike out "Battle," and insert "Rapid;" and in line 12, after the word "thence," to strike out "due east to White River; thence down White River to the mouth of Black Pipe Creek on White River" and insert "in an easterly direction along the northern edge of the bad lands to the mouth of Pass Creek on White River; thence up Pass Creek southerly to the source of its principal branch;" so as to read:

That the following tract of land, being a part of the great reservation of the Sioux Nation in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge agency, in the Territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and down said stream to the mouth of Rapid Creek; thence in an easterly direction along the northern edge of the bad lands to the mouth of Pass Creek on White River; thence up Pass Creek southerly to the source of its principal branch.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "point," to strike out "five" and insert "ten;" so as to read:

Sec. 3. That the following tract of land, being a part of the said great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Standing Rock agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River opposite the mouth of Cannon Ball River; thence down said center of the main channel to a point 10 miles north of the mouth of the Moreau River.

The amendment was agreed to.

The next amendment was, in section 7, line 2, after the word "Nebraska," to insert "not having already taken allotments;" so as to read:

Sec. 7. That each member of the Santee Sioux tribe of Indians now occupying a reservation in the State of Nebraska not having already taken allotments shall be entitled to allotments upon said reserve in Nebraska as follows.

The amendment was agreed to.

The next amendment was, in section 12, beginning with line 1, to strike out:

That the President of the United States is hereby authorized and directed to cause a patent to issue for each of the reservations established by this act to the respective tribes to whom they are set apart. Each of said patents shall be recorded in the General Land Office and the Indian Bureau, and shall be delivered to and placed in charge of some person designated therefor, on the reservation affected thereby, for inspection and use at all times to any one interested therein, which patent shall not, however, operate as a grant to any individual Indian.

And in line 16, after the word "treaty," to strike out "of eighteen hundred and sixty-three, which requires the consent of three-fourths of the adult males of the tribe," and insert "or statute under which such reservation is held;" so as to read:

Sec. 12. That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, 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.

The next amendment was, in section 16, line 1, to strike out as follows:

That upon the passage and approval of this act all titles and interest on the part of the Indians receiving rations and annuities on each of the said separate reservations to the lands described in each of the other separate reservations so created shall be released and extinguished, and this act shall confirm and ratify in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

And in lieu thereof to insert:

That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States April 29, 1868, and proclaimed by the President February 24, 1869, as hereinafter provided, shall be taken and held to be a release of all title on the part of the Indians receiving rations and annuities on each of the said separate reservations to the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

The amendment was agreed to.

The next amendment was, in section 16, line 39, after the word "agreements," to strike out "with so much land as may be necessary for station and depot purposes not to exceed 10 acres" and insert "with not to exceed 20 acres of land in addition to the right of way, for stations for every 10 miles of road;" so as to read:

This release shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, which title is hereby confirmed, nor any agreement heretofore made with the Chicago, Milwaukee and St. Paul Railroad Company or the Dakota Central Railroad Company for a right of way through said reservation; and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee and St. Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in said agreements, with not to exceed 20 acres of land in addition to the right of way, for stations for every 10 miles of road.

The amendment was agreed to.

The next amendment was, in section 16, line 52, after the word "decided," to insert "to have been agreed upon and paid for by said railroad, and;" so as to read:

Also, the former company so much of the 188 acres, and the latter company so much of the 75 acres, on the east side of the Missouri River, likewise embraced in said agreement, as the Secretary of the Interior shall decide to have been agreed upon by said railroad, and to be reasonably necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river, for right of way, side-track, depot and station privileges, machine-shop, freight-house, round-house, and yard facilities, and no more.

The amendment was agreed to.

The next amendment was, in section 16, line 69, after the word "including," to insert "stock-yards, warehouses, elevators;" and in line 70, after the word "railways," to insert:

But nothing herein contained shall be construed to prevent any such railroad company from building upon such land houses for the accommodation or residence of their employés, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways.

So as to make the proviso read:

Provided, That the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes which said companies take and use under the provisions of this act, and shall satisfy the Secretary of the Interior to that effect: *Provided further*, That no part of the lands herein authorized to be taken shall be sold or conveyed except by way of sale of, or mortgage of, the railway itself. Nor shall any of said lands be used directly or indirectly for town-site purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock-yards, warehouses, elevators, terminal and other facilities of and for said railways; but nothing herein con-

tained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation or residence for their employees, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways.

The amendment was agreed to.

The next amendment was, in section 17, line 23, before the word "dollars," to strike out "twenty" and insert "fifty;" and in line 24, after the word "cash," to insert "to be expended under the direction of the Secretary of the Interior in aiding such Indian to erect a house and other buildings suitable for residence or the improvement of his allotment;" so as to read:

Provided, That each head of family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severality, shall be provided with two milch cows, one pair of oxen, with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke, and chain, as the Secretary of the Interior may deem advisable, and they shall also receive one plow, one wagon, one harrow, one hoe, one ax, and one pitchfork, all suitable to the work they may have to do, and also \$50 in cash, to be expended under the direction of the Secretary of the Interior in aiding such Indian to erect a house and other buildings suitable for residence or the improvement of his allotment.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 41, section 17, page 22.

Mr. DAWES. In section 17, line 41, before the word "millions," I move to strike out "two" and insert "three;" so as to read:

And in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in section 17, line 56, after "self-support," to insert:

And the Santee Sioux, the Flandreau Sioux, and the Ponca Indians shall be included in the benefits of said permanent fund, as provided in sections 7 and 13 of this act.

The amendment was agreed to.

The next amendment was, in section 17, line 70, after word "act," to strike out:

One-third of the permanent fund of said Indians then on hand shall be retained for the support of free public schools for said Indians, and the other two-thirds to be distributed per capita between said Indians—

And insert:

Said fund shall be expended for the purpose of promoting education, civilization, and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time thereafter determine—

So as to read:

And at the end of fifty years from the passage of this act, said fund shall be expended for the purpose of promoting education, civilization, and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time thereafter determine.

The amendment was agreed to.

The next amendment was, in section 18, line 20, after the word "exceeding," to strike out "fifty" and insert "one dollar and twenty-five;" so as to read:

And for the purpose of such educational or missionary work any such society may purchase, upon any of the reservations herein created, any land not exceeding in any one tract 160 acres, not interfering with the title in severality of any Indian, and with the approval of and upon such terms, not exceeding \$1.25 an acre, as shall be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 21, line 18, after the word "sums," to strike out:

Provided, That all lands undisposed of under this act at the expiration of ten years from the taking effect of this act shall be paid for by the United States at 50 cents per acre.

The amendment was agreed to.

The next amendment was, in section 21, line 45, after the word "survey," to strike out, as follows:

The Secretary of the Interior is hereby authorized to reserve on any public land embraced in this act town sites for any existing or prospective town, city, or village, in area not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may be wholly or in part occupied as a town, city, or village site; and no application to enter any land shall be allowed until approved by the Secretary of the Interior of any tract of land, first, where any exterior line of the land is within one-half mile of the line of any railroad which is constructed or of the line of any railroad not constructed but where its map of location shall be filed with the Secretary of the Interior at the date of the application to enter; or, second, of any tract of land upon which at the date of the application to enter is a town or village settlement; and no settlement in advance of survey by proper authority shall give any right as against the power to reserve town sites hereby given; it being the object of this provision to secure to the inhabitants of all towns, cities, and villages in said Territory the benefits and profits arising from the sale of lots therein; and to that end where town sites shall be located upon any public lands opened by this act, the provisions of Chapter 8, Title XXXII, Revised Statutes, entitled "Reservation and sale of town sites on the public lands," shall apply except as otherwise provided herein. The Secretary of the Interior shall cause the lots in any sites now existing or to be located to be offered, sold, and conveyed as provided in sections 2382 and 2383 of the Revised Statutes. The money so received from the sale of lots in each town site, less such amount as shall be required to be paid to the Indians as provided in this act, shall be held by the Secretary of the Interior as a separate school-fund for the benefit of the inhabitants of such towns, and shall be expended under his direction for the erection of school buildings on any lot not sold and the support of public schools therein. This control of sites and proceeds of sales shall continue only until the legal incorporation of the respective towns, cities, or villages, when the title to the unsold portion of such sites shall vest in the municipality and the pro-

ceeds thereof, as well as any balance in the hands of the Secretary of the Interior, shall be paid over to the local authorities, all to be devoted to public purposes within the corporate limits. All needed regulations to carry out the details hereof not provided to be provided by the Secretary of the Interior: *Provided*, That all surveys of town sites on the lands embraced in this act shall contain reservations for parks of substantially equal area, if more than one park, and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town sites as provided in this section; and patents for such reservations, to be maintained for such public purposes, shall be issued to the towns respectively, when organized as municipalities.

The amendment was agreed to.

The next amendment was, in section 24, line 11, after the words "sum of," to strike out "fifty" and insert "one dollar and twenty-five;" so as to make the proviso read:

Provided, however, That the United States shall pay to said Indians, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1.25 per acre for all lands reserved under the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 26, line 2, after the word "act," to strike out "to" and insert "shall;" so as to make the section read:

SEC. 26. That all expenses for the surveying, platting, and disposal of the lands opened to settlement under this act shall be borne by the United States, and not deducted from the proceeds of said lands.

The amendment was agreed to.

The next amendment was, on page 34, after section 26, to insert as section 27 the following:

SEC. 27. That the sum of \$28,200, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to pay to such individual Indians of the Red Cloud and Red Leaf bands of Sioux as he shall ascertain to have been deprived by the authority of the United States of ponies in the year 1876, at the rate of \$40 for each pony; and he is hereby authorized to employ such agent or agents as he may deem necessary in ascertaining such facts as will enable him to carry out this provision, and to pay them therefor such sums as shall be deemed by him fair and just compensation: *Provided*, That the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian in full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid: *And provided further*, That if any Indian entitled to such compensation shall have deceased, the sum to which such Indian would be entitled shall be paid to his heirs at law, according to the laws of the Territory of Dakota.

The amendment was agreed to.

The next amendment was, after section 28, to insert the following as section 29:

SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section 27.

Mr. DAWES. I move, in line 3, after the words "twenty-five thousand dollars," to insert "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, to insert as section 30 the following:

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

Mr. PADDOCK. I should like to make an inquiry of the Senator from Massachusetts.

Mr. DAWES. One moment. I inquire if all the amendments have been agreed to.

The PRESIDING OFFICER (Mr. PLATT in the chair). All the committee amendments have been agreed to.

Mr. PADDOCK. I should like to inquire of the chairman of the committee having the bill in charge if the description on page 2, section 1, of the bill, the area or tract in Northwestern Nebraska to be embraced within the limits of the reservation under this bill, is an enlargement of the area embraced within the limits of the reservation at the present time, or is it the same? Is the area here described the same as that already in the reservation?

Mr. DAWES. Precisely the same, unless the committee made a mistake.

Mr. PADDOCK. The intention was not to enlarge the reservation at a further expense to Nebraska?

Mr. DAWES. The provision for its reversion to Nebraska is precisely the same as in former laws.

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 to this bill 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. PLATT, and Mr. JONES of Arkansas were appointed.

SOUTHERN UTE INDIANS IN COLORADO.

Mr. BOWEN. I move that the Senate proceed to the consideration of the bill (S. 3894) to ratify and confirm an agreement with the South-

ern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BOWEN. I ask unanimous consent that the reading of the names of the Indians attached to the agreement may be dispensed with.

The PRESIDING OFFICER (Mr. PLATT in the chair). Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

Mr. RIDDLEBERGER. I move that the doors be closed and that the Senate proceed to the consideration of executive business.

Mr. BOWEN. I hope the Senator will allow the reading to be concluded and the bill acted upon.

Mr. RIDDLEBERGER. I am willing to allow the bill to be disposed of if it will not take too long. Eulogies have to be pronounced; the Senate ought to understand that; and I wish to have a matter disposed of before they begin.

The PRESIDING OFFICER. Does the Chair understand the Senator from Virginia to withhold his motion for the present?

Mr. RIDDLEBERGER. Yes, sir.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, to insert as section 2 the following:

SEC. 2. That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States under said agreement shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona-fide settlers only in tracts not exceeding 160 acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void.

The amendment was agreed to.

Mr. PLUMB. I move to insert as a separate section, on page 43, what I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same—

Mr. RIDDLEBERGER. I ask the pardon of the Chief Clerk. He is reading that very carelessly. I do not understand that thing, and I wish he would read it over again.

The PRESIDENT *pro tempore*. The amendment will be read from the beginning, and the Chair appeals to the Senate to be in order, so that the reading may be heard.

The Chief Clerk read as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons—

Mr. RIDDLEBERGER. Right there I beg pardon. What does the Senator mean by "hereinbefore?"

Mr. PLUMB. "Hereinbefore" is the opposite of "hereinafter."

Mr. RIDDLEBERGER. I should like to know the difference between "hereinbefore" and "hereinafter."

Mr. PLUMB. The Senator can get a dictionary by applying to the Secretary.

Mr. RIDDLEBERGER. I find that I can not get a dictionary by application to a United States Senator.

The PRESIDING OFFICER. The Chief Clerk will proceed with the reading.

Mr. RIDDLEBERGER. No, sir; I beg pardon. I want to know what that means, and I think it becomes the Senator from Kansas to say whether he means hereinbefore the treaty of 1842. I think it proper that he should answer me respectfully.

Mr. PLUMB. Mr. President, I call for the reading of the amendment.

The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk read as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining or other land laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statute as though said agreement had not been made.

The PRESIDING OFFICER. The question is on this amendment.

Mr. DAWES. I dislike very much to throw any obstacle in the way of this agreement, but I wish to call the attention of the Senate to the purport of the amendment now offered. Here is an agreement which has been entered into by commissioners appointed by the United States with certain Indians by which, upon certain conditions, they surrendered their lands in Colorado for certain other lands in Utah. Without going into the merits of the agreement, it is before us, and now having been agreed upon by the Indians and the United States the amendment proposes to enact that it means so and so. I do not think that, whether that be correct or not, it would look very well upon the statute-book. I say let the agreement stand for itself. But because per-

adventure one party who made this agreement did not understand it so for us the moment we turn our backs upon the party with whom we made this agreement to enact our construction of it without consulting them, I for one do not like.

I do not wish to discuss the question whether this bill puts a different meaning upon it from what I should put upon it; but the question is whether it puts a different meaning upon this agreement from that which one of the contracting parties puts upon it, and it is not for me to say what that contracting party understood by it.

Mr. COCKRELL. To which amendment does the Senator refer, the one reported by the committee or the amendment of the Senator from Kansas?

Mr. DAWES. The tenth article attempts to provide for certain claims upon the land which is now proposed to be set apart for these Indians. There are certain claims upon this land. The commission report that claims to the amount of \$87,232.28 were made upon this land before they left it. Without doubt a great many of these are swollen claims; without doubt they are not legal claims; but whether these are good claims or bad claims, extravagant or reasonable, no man here can tell.

There are certain cattle-men upon the land who have some sort of claim, whether good or bad, to the water upon it.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the resolution reported by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States, upon which the Senator from Virginia [Mr. DANIEL] is entitled to the floor.

ORDER OF BUSINESS.

Mr. ALLISON. I move to lay aside the pending order in order that I may call up the Army appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator move that, or ask unanimous consent?

Mr. ALLISON. I will ask unanimous consent, to begin with.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the unfinished business may be informally laid aside to enable him to move the consideration of the Army appropriation bill.

Mr. DANIEL. I had expected at this hour to-day to resume my remarks upon the resolution in regard to the investigation of elections in Louisiana, but I recognize the fact that the public business is of a more important character than that, and I am perfectly willing to enter my consent that it may be unanimous that the appropriation bill referred to by the Senator from Iowa may be taken up, with the understanding, which I suppose it is hardly necessary to state, that if either the Louisiana or the Texas resolution should at any time at this session be called up I may be recognized as entitled to the floor.

The PRESIDENT *pro tempore*. The Chair will recognize the right of the Senator from Virginia to resume the floor when the consideration of the resolution is again proceeded with by the Senate. The title of the bill the consideration of which is moved by the Senator from Iowa will be stated.

The CHIEF CLERK. 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.

Mr. BOWEN. I ask the Senator from Iowa to give way in order that the bill which has been under consideration may be completed.

Mr. ALLISON. After the Army bill is before the Senate I will yield in order that the Ute bill may be disposed of.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Iowa to yield for the consideration of the bill referred to by the Senator from Colorado?

Mr. ALLISON. I will yield when the Army bill is taken up in order that the pending business may be disposed of, which is the Ute agreement bill, that I understand is nearly completed and will take but a few moments.

The PRESIDENT *pro tempore*. If there be no objection the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. ALLISON. Now I consent that the Army appropriation bill may be informally laid aside that the bill called up by the Senator from Colorado may be proceeded with.

SOUTHERN UTE INDIANS IN COLORADO.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3894) to ratify and confirm an agreement with the Southern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. DAWES. When interrupted at 2 o'clock I was going on to say that the article is not very clear, and the Senator from Kansas is desiring to make it clear. In so making it he, in my opinion, trenches upon the first idea of justice and right between two contracting parties. He should not, behind the back of one of these parties, undertake to make it clear as he understands it.

Now I want to call attention to two or three features of the bill which make it apparent to me that we should, if we adopt this agreement at all, take it just as it is.

I want to call the attention of the Senate to the fact that these Indians are giving up a million acres of land, 300,000 acres of which the commission report is exceedingly excellent, exceedingly good farming land, and they are moving across the line into Utah and taking 3 acres for 1 in which there is no farming land. My opinion is that they ought to be removed, that the conditions in which they are in their present location render it necessary for them to be removed; but I do not think they ought to be removed upon this land unless one or two things are perfectly certain. It can be put to no use by them except as grazing land, and the commission report that there is no water upon this land except in a certain quarter and that that water would be sufficient for their purpose provided they could command it.

Mr. TELLER. If the Senator will allow me, I will state to him that there is a large strip of country upon the San Juan River that is better farming land and where there is more water than on any portion of their present reservation.

Mr. DAWES. Of course I do not know anything about it, but I take the commission's report in relation to it, and they say they went all over it, and they say that unless these Indians can have the water they are in a helpless condition over there.

There are cattle-men over there who have some sort of occupation of this land. There are very queer laws, as they seem to us Eastern men, about the appropriation of the water of the streams in that new country. That man who first takes possession of the water can appropriate the whole of it without regard to any riparian proprietor below him. If these cattle-men have any such title as that to this land, the Indians would be put upon a desert, leaving good farming land. It was not the intention of the commission and it was not the intention of the committee to put them in any such position.

I should like in that connection for the Secretary to read the amendment which is proposed by the Senator from Kansas which declares that the agreement means so and so. If the Secretary will read it, I ask the Senate to listen to it.

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

The CHIEF CLERK. It is proposed to insert as a new section the following:

Sec. 8. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining or other land laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statute as though said agreement had not been made.

Mr. DAWES. If the Senate fully understands that, if you enact that section, so far as the United States can enact what this agreement means, when cattle-men have got possession of that water, we put these Indians upon land that is wholly useless to them, because they can not have water upon it.

Mr. PLUMB. Article X of this agreement I think was designed to accomplish exactly what my amendment accomplishes. On the first reading of it I thought myself it did exactly what the article would do as construed by my amendment. I have no doubt that both the commissioners and the Indians intended it should have exactly that construction. But when once this treaty has been ratified it will be committed to the construction of the Interior Department, and the doubt I have in regard to the construction on a more careful reading of the article has grown out of the fact that there was an apparent separation of persons who were entitled to recognition on account of settlement on these lands. I feared there might be a junction of phrases whereby all the designations that go to the indication of right would apply to all.

This tenth article provides that all persons who have no legal right to remain thereon shall be removed.

But if there are any person or persons who have obtained title or claim of title, by virtue of entries made under an act of Congress dated March 3, A. D. 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," or under any other act of Congress.

That relates to something that has been done which under the contemplation of the general land laws amounts to an entry of lands. That, according to the construction which has always been put upon the settlement laws of the United States, means not only the entering upon the land, but the filing of a paper in the Land Office describing the land and setting out the character of the entry which is contemplated. This land, not having been surveyed, has not been the subject of entry according to the technical phrase, but the commissioners and the Indians themselves saw the land which is the subject of this agreement and must have witnessed these persons upon the land and the character of the improvements, and so on, and had them in contemplation. I have no doubt that the last clause of this article was intended to cover them, because it says:

Or under any other act of Congress and now have rights or titles which are legal and binding on the United States, then and in that case such person or persons and all their rights, titles, and claims are hereby excepted, exempted, and reserved from the effects of this treaty.

I simply want to make that clear. There are persons on that land who reside in my own State who have gone there for the purpose of

making mining entries on the same, who have constructed mining ditches, and who have put up mining machinery, and they did it under the general invitation contained in the Revised Statutes which invites all citizens of the United States to enter upon the mineral lands of the Government for the purposes of exploration and entry. They are therefore entitled to protection.

If that were all, I might concede that the objection the Senator from Massachusetts makes would be effectual and that they were not in contemplation; and of course it would not be fair to put them into the excepted classes in this bill; but I believe, by reason of the fact that they are there, that they must have been seen, and that they themselves must have been witnessed by both the Indians and the commissioners, that they were intended to be covered by this article; and I do not want them turned out by the possible construction which may be put upon it by some Secretary of the Interior who may have to administer it. All I want is that while the Indians are to go there by what I regard as an exceedingly good bargain for them, they may have the lands which have not already become the subject of initiative proceedings by persons desiring or expecting to acquire title under the general land laws of the United States. I can not conceive that there can be any possible objection to the amendment.

I admit, looking the treaty over, if it were not one of great importance to the people of the State of Colorado I should oppose it. It is a bungling piece of work, and the phraseology in it shows that the commissioners entirely misconceived their functions. They speak of this as a "treaty," when if they had read the Revised Statutes, as they should have done, they would have known that treaties, as such, with Indians are absolutely prohibited. It also provides in Article II:

That the improvements now on the Southern Ute reservation in La Plata County, Colorado, and now occupied by said Southern Ute Indians, be appraised and sold to the highest and best bidder, under the direction of the Secretary of the Interior. It is also agreed that when said improvements are sold the Indians owning the same shall be paid the valuation price of said improvement.

Not the selling price, and no arrangement is made for their appraisal. It leaves the question open as to whether they are to have the price at which some one may value them *ex parte*, or whether it shall be the price at which the improvements are sold.

That is the necessary penalty we pay for employing men of inferior intelligence to make agreements with Indians. The Indians no doubt were a great deal smarter than the commissioners were, because they have overreached them in every degree. Out of this general wreck I want to save the rights of the people whom the United States has invited to go upon these lands and who have made improvements upon them in contemplation of the acquisition of title to which they are in equity, if not in law, entitled.

Mr. TELLER. The amendment of the Senator from Kansas, in my judgment, means no more and no less than the agreement made with the Indians. It certainly means no more than the Indians understood as to what the agreement was, and I do not myself see any objection to it. I do not think it is any infringement upon the agreement or any violation of it in the slightest degree; and knowing something about the Indians in this matter, I think they will be very glad to accept this agreement. They have been anxious to leave this strip of land and go over into that country and were only kept from going by the opposition of the agent some two or three years ago. They are amply protected in the bill, and it is largely to their interest, as it is to the interests of everybody in that section of country, that they should go.

Mr. DAWES. The Senator from Kansas and the Senator from Colorado know that I do not desire to interfere with the removal, because I think the Indians must be removed, and if there was nothing in this amendment that reached beyond the mining interests that the Senator from Kansas speaks of, I would not care anything about it, because those mining interests there would not be of any great value.

But, if there be some inchoate claim upon the water there which has not developed into record, but may hereafter be developed into a claim, I think that ought to give way to the Indians because it is a right, if any at all, which a man makes before land is open to settlement at his own risk. It is always regarded, I know, when the land is opened to settlement, not because we are obliged in law to do so, but because we think that is fair treatment of those people. But if we go on and sell this land to the Indians with no apparent claim upon the water, a claim which can be developed into a record, I want to see that the Indians can have water there because they will be in a destitute condition upon that land if the water is appropriated by others.

If the Senator desires only to protect the mining and such kind of interests and will change the phraseology of his amendment so as to leave the water there beyond the reach of any lurking claim, I shall not say anything against it, although I do not like to make an agreement with anybody and then turn around and say, "This is the meaning of my agreement;" but if the Senator will fix the amendment so that the water may be left for the Indians I shall acquiesce.

Mr. TELLER. If the Senator will allow me, I will say that there is no trouble about the water. These people do not want the water. That is not what they are after.

Mr. DOLPH. I should like to ask the Senator from Massachusetts a question. I understand him to say that he is indifferent as to the

mining claims, and that the people intended to be protected by this amendment are people who have gone on the lands while they were part of an Indian reservation.

Mr. TELLER. Oh, no.

Mr. DAWES. They are unsurveyed public lands in the Territory of Utah.

Mr. DOLPH. What is the object, then, of any present legislation?

Mr. DAWES. To make a new reservation.

Mr. PLUMB. I will modify the amendment.

Mr. BOWEN. Let the amendment be read as the Senator from Kansas has modified it.

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

The Chief Clerk read the proposed new section as modified, as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statute as though said agreement had not been made.

Mr. DAWES. I make no objection to that.

The amendment was agreed to.

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

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

TERRITORY OF OKLAHOMA.

Mr. CULLOM. I ask the Senator from Iowa if he is not willing to temporarily lay aside the appropriation bill for a minute or two that I may call up the House bill No. 10614, to organize the Territory of Oklahoma, and for other purposes. I think it will not take very long. It is an important bill and ought to be, in my judgment, passed.

Mr. ALLISON. I have been told that that bill will lead to considerable debate. It is important that the appropriation bills should be disposed of, and in the intervals between them we can be occupied with important bills, such as that suggested by the Senator from Illinois, but I do not think I can yield at this moment.

Mr. CULLOM. I will inquire of the Senator if he has any judgment how long it will take to pass the appropriation bill now before the Senate?

Mr. ALLISON. I hope we may pass it before 3 o'clock.

Mr. CULLOM. I desire to give notice now that immediately after the passage of this bill, unless interfered with by an arrangement that I understand has been made for the afternoon, I shall move to take up the Oklahoma bill and press it to a vote.

PROHIBITORY CONSTITUTIONAL AMENDMENT.

Mr. BLAIR. I ask the Senator from Iowa if he will not give way to a measure which will not take time any further than the reading of the measure and perhaps the reading of the report; and that is Order of Business 1768, being a 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.

As this resolution has been pending many years, and has been reported at least in two Congresses and no action has been had upon it, I desire to move its consideration and allow the report to be read and a vote taken. I do not care to enter upon discussion unless the Senate should desire to do so; but I am anxious to have action of some kind. The Senator will see that this will occupy a very brief period of time. I ask him to give way for that purpose.

I will say further, that if discussion results from the taking up of the measure, I shall withdraw it if the Senator desires me to do so.

Mr. ALLISON. I suggest to the Senator that the Army appropriation bill is the most pressing matter now before the Senate. The matter which the Senator has in hand, and which ought to be taken up as soon as possible, can be taken up after the Army bill is disposed of. Therefore, with every disposition to accommodate the Senator from New Hampshire, I must decline to yield.

Mr. BLAIR. The Senator bases his action, as I understand him, upon a question of fact, supposing the Army bill to be more important than this measure. I beg leave to differ with the Senator and join issue with him upon the question of fact.

Mr. ALLISON. I will not discuss the question of fact. I did not say it was more important, but it is necessary that the appropriation bills shall pass in order that the Government may go on, and these other measures can have their day at any time after the appropriation bills have been disposed of.

Mr. BLAIR. Knowing that the Senator is friendly to the measure, I will not press it any further now, but give notice that I shall move it at every convenient and proper opportunity until I secure action upon it.

INDIAN DEPREDATION CLAIMS.

Mr. PADDOCK. I desire to inquire of the Senator from Massachusetts, the chairman of the Committee on Indian Affairs, when it is his intention to call up the bill (H. R. 8990) to provide for the adjudica-

tion and payment of claims arising from Indian depredations? This is a most important bill.

Mr. DAWES. I have made the request of the Senator on two or three occasions for permission to consider that bill. I agree with the Senator that it is a bill of great importance to a large section of this country. It has passed the House of Representatives and has been under consideration in the Committee on Indian Affairs and has been amended and upon the Calendar for some time. I have been constantly urging its consideration. I can only assure the Senator that I shall take every possible opportunity to call the attention of the Senate to that bill for action, and I invoke the aid of the Senator and all those interested in the bill in reaching its early consideration by the Senate.

Mr. PADDOCK. I wish the Senator would now give notice to the Senate that immediately after the Army appropriation bill is disposed of, if the state of the business of the Senate will permit, he will call up the bill for consideration, in order that it may be perfected and passed yet during the present session.

Mr. DAWES. I shall most certainly ask the early action of the Senate upon it.

HOUR OF MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

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

The motion 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 (S. 1721) establishing a customs-collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

A bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Daniel's Ferry, Louisiana;

A bill (3560) for the relief of William S. Rosecrans; and

A bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The bill moved by the Senator from Iowa is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with and the amendments of the Committee on Appropriations be considered as they are reached in the reading of the text of the bill.

The PRESIDENT *pro tempore*. The amendments proposed by the Committee on Appropriations will be considered as they are reached in the reading of the text of the bill, if there be no objection. The Chair hears none.

Mr. BUTLER. Do I understand that the reading of the bill has been dispensed with?

The PRESIDENT *pro tempore*. The request was that as the bill is read the amendments proposed by the Committee on Appropriations be acted on as they are reached, to which the Chair hears no objection.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "miscellaneous," on page 6, line 3, after the word "surgeons," to insert "for pay of;" so as to make the clause read:

For pay and traveling expenses of not exceeding fifty contract surgeons, for pay of not exceeding one hundred and sixty hospital matrons, and not exceeding fourteen veterinary surgeons; in all, \$85,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "witnesses," to strike out "citizen clerks and;" and in line 17, after the word "courts-martial," to strike out "military commissions;" so as to make the clause read:

For compensation of witnesses attending upon courts-martial and courts of inquiry, \$7,595.73.

The amendment was agreed to.

The next amendment was, on page 8, to strike out the clause from line 14 to line 16, inclusive, as follows:

For a riding and training master for the more thorough instruction of officers and cadets, a sum not exceeding \$1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "That," to strike out "hereafter;" so as to make the clause read:

For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, and the expenses incident thereto, \$132,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and

that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such department, all under the direction and authority of the Secretary of War.

The amendment was agreed to.

PRINTING OF AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I ask consent to make a motion which will tend to facilitate the progress of another appropriation bill. I move that the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, be printed with the Senate amendments numbered, so that it may be in convenient form for the use of the conference.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Kansas moves that the agricultural appropriation bill be printed with the Senate amendments numbered.

The motion was agreed to.

MRS. MARY T. DUNCAN.

Mr. SPOONER. Now that the reading of this Army bill has been interrupted, I ask the Senator from Iowa to yield to me for a moment to call up a bill which I am certain will take no time.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. ALLISON. I will yield to the Senator reluctantly, if his bill leads to no debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin that the bill under consideration be temporarily laid aside?

Mr. ALLISON. If it takes any time I shall call for the regular order.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Wisconsin.

Mr. SPOONER. The bill is Calendar No. 2604.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 325) for the relief of Mrs. Mary T. Duncan.

The bill was reported from the Committee on Claims with amendments, in line 6, after the words "sum of," to strike out "eleven" and insert "eight;" in line 7, before the word "dollars," to strike out "thirty" and insert "seventy-six;" in the same line, before the word "cents," to strike out "thirty-five" and insert "five;" in line 8, after the word "property," to strike out "and damage thereto;" and in line 9, after the word "covered," to strike out "in" and insert "into;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay to Blanton Duncan, trustee of Mrs. Mary T. Duncan, of Louisville, Ky., the sum of \$8,176.05, for the use and occupation of her property during the war, and for moneys covered into the Treasury of the United States from rents of property belonging to the said Mrs. Duncan which were seized and held by the United States Government.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendments, and ask a conference with the House of Representatives on the bill and amendments.

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. PASCO, Mr. SPOONER, and Mr. MITCHELL were appointed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. BUTLER. Will not my amiable friend from Iowa yield to me just one moment to get a bill through?

Mr. ALLISON. I regret to say I can not. I promised the other day to yield to the Senator from Wisconsin and failed to keep my promise, and I am redeeming now my promise to him with reluctance.

Mr. BUTLER. Will not the Senator make a promise of that kind to me?

Mr. ALLISON. At some future time I shall be glad to yield to the Senator.

The Chief Clerk resumed the reading of the bill.

DEATH OF REPRESENTATIVE BURNES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the resolutions of that body commemorative of the life and services of the Hon. James N. Burnes, late a Representative from the State of Missouri.

Mr. COCKRELL. I ask that the resolution just received from the House of Representatives be laid before the Senate.

The PRESIDING OFFICER (Mr. DOLPH). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. James N. Burnes, late a Representative from the State of Missouri.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent abilities and distinguished public services, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. COCKRELL. I offer the resolutions which I send to the desk. The PRESIDING OFFICER. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. James Nelson Burnes, late a member of the House of Representatives from the State of Missouri, and tenders to the family of the deceased the assurance of sympathy in their sad bereavement.

Resolved, That the business of the Senate be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues, and that as a further mark of respect the Senate, at the conclusion of such remarks, shall adjourn.

Resolved, That the Secretary be directed to transmit to the family of the deceased a copy of these resolutions.

Mr. COCKRELL. Mr. President, it becomes our painful duty to pay the last sad tribute of respect, friendship, and honor to the memory of our late distinguished colleague in the House of Representatives, Hon. James Nelson Burnes.

His father, James Burnes, was born on February 14, 1779, near Fredericksburgh, in Spotsylvania County, Virginia, and was married on December 29, 1805, in Culpeper County, Virginia, and afterward removed to the State of Indiana, where James Nelson Burnes was born on August 22, 1827.

By the act of Congress approved June 7, 1836, it was provided—

That, when the Indian title to all lands lying between the State of Missouri and the Missouri River shall be extinguished, the jurisdiction over said lands shall be hereby ceded to the State of Missouri, and the western boundary of said State shall be then extended to the Missouri River, reserving to the United States the original right of soil in said lands, and of disposing of the same: *Provided*, That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Missouri shall have assented to the provisions of this act.

By a convention between the authorities of the United States and of the Sac and Fox tribe of Indians, held September 27, 1836, and proclaimed February 25, 1837, the Indian title was extinguished.

By an act of the General Assembly of the State of Missouri of December 16, 1836, Missouri assented to the provisions of said act, and on March 28, 1837, the President of the United States, by proclamation, duly declared the Indians' title had been extinguished. And Missouri had assented to the provisions of said act, and thereby there was added to the State of Missouri a large tract of land unsurpassed in the whole United States in agricultural resources, in the fertility of its soil, the variety of its products, the healthfulness of its climate, and its topographical beauty. It was called the "Platte purchase," and was quickly settled.

To this "Platte purchase" James Burnes removed with his family from Indiana in 1837 and located in Platte County, where James Nelson Burnes was reared, and resided until 1872, when he removed to the city of St. Joseph, in the adjoining county of Buchanan, and resided there at the time of his death. He received the education then obtainable in the common or public schools of Missouri, and graduated from the Platte City high school, and then attended the Law School of Harvard College or University, and graduated therefrom in 1853, and then returned to Platte County and began the practice of his chosen life pursuit, the law.

In 1856 he became the circuit attorney in his judicial district, and was elected Presidential elector for his district, and with his co-electors cast the vote of Missouri for Buchanan and Breckinridge for President and Vice-President. In 1878 he became judge of the court of common pleas for his county and served as such until 1882.

In 1882 he was unanimously nominated for Representative in the Forty-eighth Congress by the Democratic Congressional convention, composed of delegates from the six counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte, into which the tract or district called the "Platte purchase" has been divided, and was elected by a handsome majority. He was in like manner renominated and re-elected to the Forty-ninth, Fiftieth, and Fifty-first Congresses. He was appointed a member of the Committee on Appropriations in the Forty-eighth, Forty-ninth, and Fiftieth Congresses by Mr. Speaker CARLISLE, and served with great efficiency and distinguished ability.

On the morning of January 23, 1889, in the absence of Hon. SAMUEL J. RANDALL, chairman of the Committee on Appropriations, Colonel Burnes presided at the meeting of the committee, and upon its adjournment proceeded to the floor of the House, where about 3 o'clock p. m. he was stricken with paralysis whilst in the discharge of his official duties, and was accompanied by Hon. BENJAMIN BUTTERWORTH to the east front of the Capitol to get fresh air, and thence to the consultation room of the Appropriation Committee. He refused to have a physician called, and exerted all the wonderful powers of his giant-like physique

and indomitable will to check and prevent the rapidly increasing and extending paralysis, of which he alone was sensible, and realizing all the while the hastening doom, said to General BUTTERWORTH: "Ben, it is hard to quit the battle now; I hate to leave the field now." His last sentence was: "I have much to do, and I hate to quit the battle now."

He was soon taken to his rooms at Willard's Hotel, and all that human skill and experience and friendly, loving hands could do was done, but to no avail. He soon became unconscious, and at forty-six minutes after 12 o'clock on the morning of January 24, 1889, quietly and peacefully passed to that bourne whence no traveler returns, and entered upon that sleep that knows no waking. The silver cord was loosed, the golden bowl broken, the pitcher broken at the fountain, the wheel broken at the cistern, and his dust returned to the earth as it was and his spirit "unto the God who gave it." How truly the language of Revelation is verified:

Ye know not what shall be on the morrow. For what is your life? It is even a vapor, that appeareth for a little time, and then vanisheth away.

As for man, his days are as grass; as a flower of the field. So he flourishest. For the wind passeth over it, and it is gone, and the place thereof shall know it no more.

Truthfully did the poets write:

Why, what is pomp, rule, reign, but earth and dust,
And live we how we can, yet die we must.

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour;
The paths of glory lead but to the grave.

Colonel Burns inherited from a worthy father and good mother the richest legacy parents can transmit to children, a body and mind sound, healthful, and vigorous. He possessed a most wonderful physique, capable of very great activity, endurance, and constant labor. His mental powers were of the very highest order, quick, active, analytical, discriminating, and broad. His memory was retentive and his will imperiously strong. His voice was strong and pleasant; his manners and general bearing very agreeable and attractive. His personal presence in any assembly would attract attention and command respect.

As a lawyer he was well equipped and gained much reputation in his part of the State as an advocate, and in every capital case secured an acquittal for his client. In business and financial matters he was remarkably apt and displayed great executive and administrative abilities and was eminently successful, having accumulated a large fortune. He was the organizer and first president of the Weston and Atchison Railroad Company, the second road built in that section of country. He was the moving spirit in the building of the Chicago and South Western Railroad from Leavenworth, Kans., to Fairfield, Iowa, now forming part of the Chicago, Rock Island, and Pacific Railway system.

Largely by him and his efforts the construction of the bridges across the Missouri River at Leavenworth and Atchison, Kans., was secured. He was a member of the original town companies of Leavenworth and Atchison, Kans., and still interested in them when he died. He was president of the St. Joseph Water Works Company, and the principal stock-owner in the same, and also a large stock-holder in several important banks. His business aptitude, financial ability, and resources were severely tested in 1877. He was then principal security upon the official bond of Col. Elijah Gates, then treasurer of the State of Missouri.

Prior to the term of Colonel Gates the State funds had been kept on deposit in the National Bank of the State of Missouri at St. Louis and the Mastin Bank at Kansas City, Mo., and were transferred to him by checks on these banks from his predecessor, the banks being considered entirely solvent.

Unexpectedly both these banks failed, having on deposit over a million of dollars of the State funds, and large sums of money were soon becoming payable by the State. Treasurer Gates, being of limited financial resources of his own, had to rely upon Colonel Burns to provide for the State liabilities and to aid in securing as much money as possible from the banks, and to make good any deficit not so secured. Colonel Burns was equal to the emergency. He met all liabilities of the State and maintained its credit untarnished, and paid back into the State treasury every dollar with interest, although neither bank ever paid depositors in full. While the banks did not pay depositors, and Colonel Burns paid every dollar with interest to the State, it is believed that he so managed the affairs that he retrieved his losses to a very large extent.

Colonel Burns was laudably ambitious. He was a graceful, fluent, and effective speaker, and in the political campaigns of 1856 and 1860 was the leading speaker in his part of the State, and gained a reputation for oratory scarcely equaled by any efforts in later years. After the commencement of the late war and up to 1870 Colonel Burns affiliated with the Republican party, and was a member of the State Republican convention of 1870, which separated and placed two full tickets for governor and State officers before the people, one headed by Gov. Joseph W. McClurg and the other headed by Gov. B. Gratz Brown, and known as the Liberal Republican ticket.

Colonel Burns supported the Liberal Republican movement, and in that convention, in advocating the liberal policy of enfranchising those disfranchised by reason of action or sympathy in behalf of the South, gave utterance to the expression that "Love is stronger than hate," which became the tocsin of that canvass.

From 1870 to his death he was an active supporter of and worker in the Democratic party. He was a member in good standing of all the Masonic orders, including that of the Mystic Shrine, and also of the Knights of Pythias, the Independent Order of Red Men, and of the Elks. He was a member of the Methodist Episcopal Church, South, and built for that church a house of worship in Weston, Mo., and gave to its Sunday-school a large library.

He was married to Miss Mary Patton Skinner, of Kentucky, a noble, gentle, cultivated, Christian lady, who has been a confirmed invalid for many years, and survives him, and by whom he had six children, only two of whom are now living, D. D. Burns, one of the leading attorneys of St. Joseph, Mo., and C. C. Burns, vice-president of the National Bank of St. Joseph. As a husband, he was tender, loving, and devoted. As a father, he was kind, considerate, affectionate, and companionable. As a citizen, neighbor, and friend, he was pleasant, kind, liberal, generous, and warm-hearted. Out of his abundance he distributed liberally, yet unostentatiously, to charitable objects and to the poor.

He and his two brothers, D. D. and Col. Calvin F. Burns, were always associated together in their lives and business, and their fondness and devotion to each other were most conspicuous and striking. The death of his brother, D. D. Burns, in 1867, left his six minor children orphans, who were adopted by him and his brother, C. F., and have been reared in his family as his own children, and are to-day co-sharers of his estate with his own children. As a legislator and Representative in Congress he was careful, painstaking, thorough in his investigations, constant and laborious in his work, sound in judgment, able, concise, forcible, and convincing in presentation, earnest and accurate in reasoning, and gifted in speech and debate. In the House of Representatives he soon moved forward to the front rank, won and maintained a high and enviable position among the ablest of the many distinguished leaders in that honorable body.

His constant and exhausting labors, devolving upon him in the strict performance of his necessary duties, weakened his splendid physique and doubtless hastened his sudden demise in the prime and vigor of his manhood, and honorable and distinguished career, beautifully emblemized in language of the poet—

A flower that does with opening morn arise,
And, flourishing the day, at evening dies;
A wing'd eastern blast, just skimming o'er
The ocean's b'row, and sinking on the shore;
A fire, whose flames through crackling stubble fly;
A meteor shooting down the summer sky;
A bowl adown the bending mountain roll'd;
A bubble breaking, and a fable told;
A noontide shadow, and a midnight dream,
Are emblems which with semblance apt proclaim
His earthly course.

To show the high appreciation of the distinguished career and services of Colonel Burns by the States of Missouri and Kansas and the affectionate regard, warm friendship, and love cherished for him by those in whose midst he had spent his life, and with whom he had been so closely associated in all the affairs and pursuits of an active and busy life, I present the resolutions adopted by the senate and house of the General Assembly of Missouri, by the senate of the State of Kansas, by the city council of St. Joseph, by the Independent Order of Red Men, by the St. Joseph Turnverein, by the Trades Assembly, by the bar of St. Joseph, by a largely-attended meeting of the colored citizens of St. Joseph, and by the Democratic Congressional convention in meeting to nominate a successor, and an editorial from the St. Joseph Daily Herald, the leading Republican paper of Northwest Missouri, and ask that they be printed. No higher tributes of respect, friendship, and affectionate regard could be bestowed.

All who ever visited the house of Colonel Burns in the suburbs of St. Joseph, as I have done, will join with me in unstinted praise of his modest, generous, warm-hearted hospitality and genial courtesy. It was the home of the kindest greeting, the warmest and tenderest affection among all its inmates.

While Colonel Burns will be mourned and missed, and his loss keenly felt in nation and States, it is upon his family, his devoted wife, children, adopted children, and surviving brother, the heaviest blow has fallen. To them I can only commend the language of inspiration: "Now he is dead. Wherefore should I fast? Can I bring him back again? I shall go to him, but he shall not return to me." And these beautiful lines:

The dead are like the stars by day,
Withdrawn from mortal eye,
But not extinct, they hold their way
In glory through the sky.
Spirits from bondage thus set free
Vanish amidst immensity,
Where human thought, like human sight,
Fails to pursue their trackless flight.

APPENDIX.

The senate and house of the General Assembly of the State of Mis-

souri each unanimously adopted the following resolutions, prepared by a joint committee:

Resolved, That this house has heard with profound sorrow of the death of Hon. James N. Burnes, late a Congressman from the Fourth Congressional district of this State, and extend to his afflicted family sincere sympathy and condolence in this sad bereavement.

Resolved, That by his death the country has sustained a severe loss. He was an able legislator, a gifted orator, a tribune of the people, whose rights he defended with unselfish devotion. A man of ripe judgment and great experience in affairs, he resolutely devoted every energy of his mind to a thorough investigation of whatever business he was engaged upon, and always with a laudable ambition to promote the best interests of all classes of our people. To the discharge of his public duties he applied the resources of a mind richly endowed by nature with rare intellectual gifts. Cautious, he seldom committed a mistake; honest, he always looked to the advancement of the general welfare; diligent, his industry knew no limits but a complete mastery of every subject under consideration; patriotic, he exhausted the strength and resources of his great nature by overwork, and with heroic courage sacrificed his life on the altar of public duty. The people of Missouri will ever reverence his name and treasure the memory of his many virtues.

Resolved, That the clerk of the house be directed to transmit to the family of the deceased an engrossed copy of these resolutions.

TOPEKA, KANS., January 24.

In the senate to-day Mr. Carroll, of Leavenworth, introduced the following resolutions, which passed unanimously:

Whereas the people of Kansas learn with profound regret of the death of Congressman James N. Burnes, of Missouri: Therefore,

Be it resolved by the senate of the State of Kansas, That in the death of Colonel Burnes this State has lost a warm supporter, the West a loyal friend and leading legislator, and the country at large an honest, wise, and consistent statesman.

Resolved, That the sympathy and condolence of this body be extended to the family of Colonel Burnes in this affliction.

Resolved, That the secretary of the senate be instructed to send a copy of these resolutions to the family of the deceased statesman.

Messrs. Osborne, Kelly of McPherson, and Elliston made brief speeches eulogistic of Mr. Burnes before the resolution was voted upon.

RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF ST. JOSEPH, MO.

Whereas we have learned with profound sorrow and regret of the death of Hon. James N. Burnes, our Congressman and fellow townsman; and

Whereas we deem it well and proper to give an expression of the loss which this community has suffered by his death: Therefore,

Be it resolved, That we, the common council of the city of St. Joseph, recognize in the death of Col. James N. Burnes that the city has lost one of its most valued, progressive, and honest citizens; the district a watchful and faithful servant, and the country a wise and patriotic statesman, for whose loss a nation mourns; and,

Be it further resolved, That we, in behalf of the citizens of St. Joseph, extend to his family sincere condolence in this hour of its greatest affliction.

Resolved, That the common council and city officials attend the funeral of the deceased in body; and that the flags upon the public buildings of the city be placed at half-mast until after the funeral.

Be it further resolved, That these resolutions be spread upon the records of the common council, and that the clerk be instructed to furnish the family of the deceased with a copy.

RESOLUTIONS OF RESPECT.

At a special council of Pocahontas Tribe, No. 10, I. O. R. M., held on the 27th sun of cold moon, G. S. D. 398, the following resolutions were adopted in memory of their deceased brother, James N. Burnes, whom the black hunter of Death took from their midst on the 24th sleep of cold moon, G. S. D. 398:

"Whereas it has pleased the Great Spirit of the universe to call our beloved and distinguished brother, James N. Burnes, to the happy hunting grounds of his fathers: Therefore,

"*Be it resolved*, That while we deeply mourn the loss of our brother, we humbly submit to the dispensation of the Great Spirit, believing that in leaving this forest of care and trouble he was received to enjoy the reward of his labors in that happy hunting ground, whence no traveler returns.

"*Resolved*, That in the death of our esteemed brother the nation has lost an honored statesman, the State a beloved son, the district an able Representative, these hunting grounds a faithful friend, and this tribe a true and brave chief.

"*Resolved*, That we submit with humble obedience to the will of the Great Spirit, who has removed from the forest of life our beloved brother.

"*Resolved*, That our charter be draped in mourning for two moons, and these resolutions be inserted in the daily papers, a copy furnished to his bereaved family, and be engrossed upon the records of the tribe.

"C. B. CLAGGETT,
"E. PADBURG,
"WM. LEITCH,
"Committee."

ST. JOSEPH TURNVEREIN.

Whereas the St. Joseph Turnverein and the Germans of the city of St. Joseph have lost in the deceased a warm friend and a man of honorable and lofty principles, the family a true and affectionate father and husband, and the citizens of the Fourth Congressional district of Missouri an eminent, highly gifted, and faithful Representative of national reputation, and the cause of personal liberty an energetic defender: Therefore,

Be it resolved, That we assure to the afflicted family our profound sympathy in their bereavement.

Resolved, That these resolutions be entered on the records of this association and a copy be transmitted to the family and to the press for publication.

THE TRADES ASSEMBLY.

We, the members of the Trades and Labor Assembly, recognizing that a great calamity has befallen the community in the sudden and sad death of Col. James N. Burnes, member of Congress from the Fourth district, and regarding him as always a true friend of the laboring classes, an able Representative, and an honorable citizen, we hereby extend to the bereaved family our heartfelt sympathy in their sad bereavement; and that this meeting do now adjourn to attend the funeral ceremonies of the deceased.

The following resolutions were reported by Judge O. M. Spencer, chairman of the committee on resolutions appointed at a previous meeting of the bar, and unanimously adopted at the meeting, over which ex-Governor Silas Woodson presided, as the expression of the universal

sentiment of the St. Joseph attorneys-at-law over the untimely death of the late Colonel Burnes:

James N. Burnes, a distinguished citizen, for many years a loved and honored member of the bar of Buchanan County, having been removed by death, we who are permitted still to remain desire to express our respect for his eminent character and ability, our appreciation of his distinguished public services, and our sympathy with his stricken family in their sudden and terrible bereavement.

His character was such that those in whose sight he lived gladly committed to his keeping their most vital interests. With such ability and integrity did he acquit himself in the discharge of the public duties imposed upon him that he was counted one of the nation's greatest men, and reflected honor and credit upon all who so trusted him; so that we, his brothers of the bar, are to-day proud to read his illustrious name upon our roll.

Those of us who have enjoyed his personal friendship and confidence, and who have therefore loved him, are in his death truly bereaved; but we can only faintly realize the depth of the shadow of the great affliction which has fallen upon his family. While it is grateful to us to say to them that he whom they loved is enshrined in the heart of a nation, we know that God's angels, bearing His promises, will bring their only real consolation.

In order that it may be held in perpetual remembrance:

Be it resolved, That a certified copy of the proceedings of this meeting, including the foregoing tribute, be transmitted by the secretary to the family of the deceased; that another copy thereof be delivered by the secretary to the chairman of this meeting, to be by him presented to the circuit court for Buchanan County, with a request that the same be spread upon the records of said court; and that a third copy thereof be delivered to a committee of one or more, to be appointed by the chairman, to be by said committee presented to the supreme court of Missouri, with the request that the same be spread upon its records.

MEETING OF THE COLORED CITIZENS—APPROPRIATE RESOLUTIONS ADOPTED ON THE DEATH OF COLONEL BURNES.

In response to a call a large number of prominent colored citizens assembled at the Union Hall on Second street last evening to take action on the death of Colonel Burnes. W. H. Jones was elected chairman of the meeting, and Thomas S. Morris secretary.

The following committee on resolutions was appointed: Dr. J. M. Williams, Harry Robinson, W. M. Sheldon, E. M. Ewing, and George Cunningham.

The committee drafted the following resolutions, which were unanimously adopted:

"Whereas the Great Arbiter of the affairs of man has seen fit in His infinite judgment to remove from our midst one whose career was surrounded by so much to call forth the praises of his fellow companions in that high branch of the national Government of which he was a most honored member, by so much to place, in this removal, a pall over the hearts of the people of this great State of Missouri, by so much to make it felt by his constituents of this Congressional district that his place in their profound respect can not again be so fully filled, and by so much of kindly feeling toward the Afro-Americans of this community to make his memory to them ever green, in the person of Hon. James N. Burnes; be it

"*Resolved*, That we, the Afro-American citizens of the city of St. Joseph, while we humbly bow in submission to the will of the All-wise One, do hereby express our heartfelt regrets at the sudden demise, and that in his death we lose a friend for whom the warmest feelings shall ever live; and be it further

"*Resolved*, That to the bereaved family of the deceased we extend our deepest sympathy and send them the hope that it has been said of their beloved one, 'Well done thou good and faithful servant, enter now in the joys of thy Lord,' and be it further

"*Resolved*, That a copy of these resolutions be suitably engrossed and presented to his family."

Resolutions of the Democratic Congressional convention, assembled in St. Joseph, Mo., on February 11, 1889, to nominate a successor to Colonel Burnes, presented by Hon. Elijah H. Norton, late chief-justice of the supreme court of Missouri, and unanimously adopted:

Resolved, That we are unwilling to enter upon the duties of this convention without pausing on the threshold of its proceedings to express our sorrow and profound regret for the cause which has occasioned our assembling together. More than six years ago the Democracy of this district, with a unanimity unparalleled, placed its honor and battle flag in the hands of Hon. James N. Burnes. How well he preserved the one and advanced the other through all the vicissitudes of victory and defeat in the Presidential campaigns and various local contests, has passed into the political history of the district, State, and nation to which we can all point with exultation and pride. It is a consolation to us to know that he fell at his post with his harness on, doing all that man could do for the welfare of his own immediate constituency and of the country at large. Though he added greatly to his name and fame in the public service and died as the patriot loves to die, yet we deplore his untimely loss in the fullness of his powers, as one difficult to repair, and we hereby tender the stricken family the sympathy and condolence of each and every member of this convention.

Editorial from the St. Joseph Daily Herald of January 25, 1889, the leading Republican paper of Northwest Missouri:

JAMES N. BURNES.

The death of Congressman James N. Burnes removes from the stage of action perhaps the most prominent man in the Fourth district. What Moses was to the children of Israel he was to the Fourth district Democracy, and under his leadership it had gone from victory to victory. His was the master hand that directed the party movements, and so universally successful had he been that he came to be looked upon by many as almost the party itself. It is not too great a compliment to say that his place can not be filled. Another leader will be found, it is true, but he will not combine in himself the elements that made James N. Burnes the unquestioned dictator of his party affairs.

In point of politics the Herald had never agreed with Colonel Burnes, and each time he was a candidate for Congress did what it could do to defeat him. But while this was true, we had never questioned his ability, his loyalty, his zeal, or said he wore his honors unworthily. He was in every point a man among men, earnest, aggressive, fearless, possessing great strength and force of character, and commanding esteem wherever he went by his uniform fairness and kindliness of manner, as well as by his intellectual attainments.

It is useless to say he was a legislator of whom this people has had reason to feel proud. Had he not been, even his superb generalship could not have averted party defeat.

St. Joseph was proud of him as a citizen, this district was proud of him as its Representative in Congress, and the State was proud of him as one of her most promising sons. It is not fair to presume that his life-work was accomplished. The future seemed to have in store for him much that was bright, and the measure of fame already attained seemed only a stepping-stone to something higher and grander.

In expressing sorrow that he is dead the Herald believes it is voicing the sentiment of every man of this great district. It is doing no more in paying a tribute to his memory. No community can afford to lose men of this character. The world has too few of them, and when death calls them away the loss seems a personal one to thousands.

Mr. INGALLS. Mr. President, these are the culminating hours of a closing scene in the drama of national life. When this day returns one political party will relinquish and another assume the executive functions of government. On every hand are visible the preparations to welcome the coming and speed the parting guest. At the eastern portico already stands the stage on which the great actors will play their parts, in the presence of a mighty audience, amid the mimic pomp and circumstance of war, with the splendor of banners, music's martial strains, and the hoarse salutations of accentuating guns.

Enterprises of great pith and moment wait upon the event of the brief interval. While pleasure wanders restlessly through the corridors of the Capitol, hope and fear, ambition, cupidity, and revenge sit in the galleries, or stand at the gates, eager, like dying Elizabeth, to exchange millions of money for the inch of time upon which success or failure, wealth or penury, honor or obloquy depend.

At this juncture and crisis, when each instant is priceless, disregarding every inducement, resisting every incentive and solicitation, the Senate proceeds, by unanimous consent, to consider resolutions of the highest privilege, reported from no committee, having no place upon any calendar, but which take precedence of unfinished business and special order, upon which the yeas and nays are never called, and no negative vote is ever recorded, and reverently pauses, in obedience to the holiest impulse of human nature, to contemplate the profoundest mystery of human destiny—the mystery of death!

In the democracy of the dead all men at last are equal. There is neither rank nor station nor prerogative in the republic of the grave. At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent. Dives relinquishes his millions, and Lazarus his rags. The poor man is as rich as the richest, and the rich man is as poor as the pauper. The creditor loses his usury, and the debtor is acquitted of his obligation. There the proud man surrenders his dignities, the politician his honors, the worldling his pleasures; the invalid needs no physician, and the laborer rests from unrequited toil.

Here at last is nature's final decree in equity. The wrongs of time are redressed. Injustice is expiated; the irony of fate is refuted; the unequal distribution of wealth, honor, capacity, pleasure, and opportunity, which make life such cruel and inexplicable tragedy, ceases in the realm of death. The strongest there has no supremacy, and the weakest needs no defense. The mightiest captain succumbs to that invincible adversary, who disarms alike the victor and the vanquished.

James Nelson Burns, whose death we deplore to-day, was a man whom Plutarch might have described or Van Dyke delineated: massive, rugged, and robust; in motion slow; in speech sonorous and deliberate; grave in aspect; serious in demeanor; of antique and heroic mold; the incarnation of force, energy, and power.

Not perplexed by moral abstractions nor mental subtleties, he possessed that assemblage of qualities which makes success in practical affairs inevitable. Great enterprises were natural to him. Breadth, grasp, and comprehension characterized his projects. Early perceiving the enormous possibilities of the valley of the Missouri, longer than the Amazon and more fertile than the Nile, he immediately identified himself with the forces which have developed the empire of the Northwest; made the American desert an oasis, and abolished the frontier. At the bar, on the bench, in business and politics, he was foremost for a quarter of a century.

When we first met, St. Louis was an outpost of civilization, and Jefferson City the farthest point reached by railroad. In all that vast region, from the sparse settlements along the Missouri to the Sierra Nevada, from the Arkansas to the Yellowstone—now the abode of millions, soon to be represented in this Chamber—there was neither husbandry nor harvest, habitation nor home, save the casual encampments of the Bedouins of the plains, more savage than the beasts they slew.

We were neighbors—as that word goes in the West. Twenty miles to the northward, across the turbid stream, the level bars of tawny sand, and the vast expanse of primeval forest, were visible from my door, in the morning and evening sun, the spires and the towers of the city where he dwelt, and with whose history his name will be indissolubly associated. Here in a stately home, with ample fortune, equipage, and retinue, surrounded by a family he adored, by friends devoted to him, and by enemies whom he had overcome, he confidently anticipated larger triumphs and loftier honors yet to be.

As I looked for the last time upon that countenance from which for the first time in so many years no glance of kindly recognition nor word of welcome came, I reflected upon the impenetrable and inscrutable mystery of death. But if death be the end, if the life of Burns terminated upon this bank and shoal of time, if no morning is to dawn upon the night in which he sleeps, then sorrow has no consolation, and this impressive and solemn ceremony which we observe to-day has no more significance than the painted pageant of the stage. If the existence of Burns was but a troubled dream, his death oblivion, what avails it that the Senate should pause to recount his virtues, and that

his associates should assemble in solemn sorrow around his voiceless sepulcher? Neither veneration nor reverence is due the dead if they are but dust; no cenotaph should be reared to preserve for posterity the memory of their achievements, if those who come after them are to be only their successors in annihilation and extinction.

Unless we survive, the ties of birth, affection, and friendship are a delusive mockery; the structure of laws and customs upon which society is based, a detected imposture; the codes of morality and justice, the sentiments of gratitude and faith are empty formulas, without force or consecration. If in this world only we have hope and consciousness why should their inculcations be heeded? Duty must be a chimera. Our passions and our pleasures should be the guides of conduct, and virtue is indeed a superstition, if life ends at the grave.

This is the conclusion which the philosophy of negation must accept at last. Such is the felicity of those degrading precepts which make the epitaph the end. If these teachers are right, if the life of Burns is like an arrow that is spent, then we are atoms in a moral chaos; obedience to law is indefensible servitude; rulers and magistrates are despots tolerated only by popular imbecility; justice is a denial of liberty; honor and truth are trivial rhapsodies; murder and perjury are derisive jests, and their harsh definitions are frivolous phrases invented by tyrants to impose on the timidity of cowards and the credulity of slaves.

If the life of Burns is as a taper that is burned out, then we treasure his memory and his example in vain, and the latest prayer of his departing spirit has no more sanctity to us, who soon or late must follow him, than the whisper of winds that stir the leaves of the protesting forest, or the murmur of waves that break upon the complaining shore.

Mr. VOORHEES. Mr. President, on a farm composed of the rich and beautiful bottom lands of White River, in Morgan County, Indiana, the strong man and able Representative from Missouri whose death we mourn was born, on the 22d day of August, 1827. There, amidst the great primeval forests, scarcely touched as yet by the picket lines of civilization, he first opened his eyes to the light and glory of this world. His father's pioneer spirit, however, was not long content to remain even at this advanced outpost of emigration and enterprise. He belonged to that bold and determined class of men who have in all ages blazed the pathways of progress and broken down obstacles to the march of empire. Ten years after the birth of his robust, stalwart son, this Indiana farmer, with all beneath his roof, removed still farther west and sought another frontier home on the Platte purchase in the gigantic State of Missouri. There, amidst the boundless resources of material wealth and the active transactions of a vigorous and aggressive race of men, James N. Burns grew to manhood, and there entered upon his profession as a well-educated, cultivated, and self-reliant lawyer.

I do not need at this time and place to dwell on the details of his brilliant and successful life. From the first hour he entered the lists of combat until he met "the black knight with visor down" who vanquishes all his career speaks for itself, and displays at every step a commanding intellect, a generous soul, and an iron will. He was born a leader among men. He was at once conceded a foremost place in affairs by those who came in contact with him. His massive head and powerful frame, with a face in which strength and tenderness were wonderfully combined, riveted the stranger's attention and caused people to look back at him after he had passed.

I well remember the first, and, indeed, almost the only time, I heard Mr. Burns speak to a public audience. He was on the floor of the House, and I have rarely been more impressed with the appearance, manner, ability, and eloquence of a speaker than I was on that occasion. With a voice exceedingly rich in its varied strains of music, ranging from the deep notes of the organ to the stirring call of the bugle; with a manner self-contained and imposing, yet full of action, and with a familiar and unfaltering grasp of his subject and all its details, he appeared to me as a well-trained, giant gladiator in the arena of public discussion. Combining such eloquence with his well-known business ability necessarily rendered him a most potent factor in the conduct of affairs whether at home or in the halls of legislation, whether in managing and pushing forward great public improvements in Missouri or in standing as a recognized leader on the floor of the House of Representatives.

The social qualities of Mr. Burns were most delightful to those who were closest to him. His heart was warm as summer sunshine, and there was the sweet charm of a loving, gracious spirit in the grasp of his hand, in the glance of his eye, and in the melody of his tone as he extended his greeting to a friend. He was especially kind to the young, and the youngest members of the House where he so recently fell are to-day his deepest mourners.

Mr. President, much more I might say, but others have spoken my thoughts, and more aptly and eloquently far than I could do. This brief tribute, however, I could not forbear paying to a son of Indiana, who rose to the foremost rank amongst men in another State. The history of Missouri is illuminated with the renown of great, historic names, and into the pantheon of her illustrious dead the name of James Nelson Burns will now be admitted. He died like a hero; he fell at his post.

What better ending of a human life could there be With all his

harness on, in the immediate discharge of his duties, his brilliant faculties still in their full meridian, the summons came, and, without pain, he slept with his fathers.

Mr. HALE. Mr. President, I had intended to speak at some length upon the resolutions, but the condition of my voice to-day forbids, and I must content myself with a very few formal words.

I have known Mr. Burnes for several years, and his service and mine upon the Committees on Appropriations in the two Houses have brought us considerably together. In all the various matters embraced in the appropriation bills, some of the most important coming under his immediate charge and supervision and covering subjects of great public interest, Mr. Burnes always displayed ability of a very high order. He studied his facts thoroughly, and those of us who served with him found that in all the controversies which arose on the floor and in the conference committee-room, he was well able to maintain his own side. His manner was earnest; he was forcible in expression; and these, together with his long legislative experience, made him a most effective debater. He had already become a leader in the House of Representatives, and there he can not fail to be greatly missed.

So far as his life outside of public service is to be considered, I can only join in the testimonials that have been rendered by other Senators who knew him better than I. But his strength of will and native force of character always impressed me deeply. In many matters that came up where he and I were concerned upon opposite sides, and where sometimes sharp conflicts resulted, I never came away from those conflicts but with an increased respect for the power and grasp of the man to whom I had been opposed.

When death, Mr. President, invades these Chambers and takes away such a strong spirit, such a manly presence, such an enforcing will the gap that is made can never be easily filled.

Mr. GORMAN. Mr. President, these sad occasions which so often cause the Congress to lament the departure of some valued associate serve to remind us how fleeting are the honors we all prize and how much grander is the ambition that aspires beyond human concerns.

The soldier who dies in the blaze of battle, environed by the pomp and pride and circumstance of war, is canonized as a hero. In the peaceful shades of private as in the open walks of public life there are countless moral heroes whose sublime courage and noble virtues pass unnoticed. In age, in physical form, and in outward characteristics our departed friend had the promise of a long and successful career. His fine faculties were in the prime of vigor, and gave assurance of higher distinction than he had yet attained. But he knew the sword of the Destroyer hung suspended by an invisible hair over his head and might fall—as it did fall—with the suddenness of a flash of lightning.

This knowledge of an impending fate neither alarmed him nor interrupted the course of his accustomed life. He noted the signals of an unseen danger with as calm a nerve as he might have registered the weather signs of a barometer. Indeed, it may be said he counted the pulsations of ebbing life to the hour when sternly summoned from the post of duty. What battle-field has exhibited grander heroism?

It was my privilege to know Hon. James N. Burnes in two capacities.

First, as a member of the Committee on Appropriations with whom I, as a member of the same committee of the Senate, was brought in frequent contact.

Second, as a leading member of that great party to whose service the best years of his life were earnestly devoted.

He did not aspire to be a statesman in the broad sense of originating public policies. But it was his honorable pride when he came to Congress to make his mark as a sound legislator. How well he earned and deserved this distinction, by ability, uprightness, fidelity to every trust, and with general acceptance to the people is familiar knowledge to all in and out of Congress who have followed the course of legislation since he became a Representative six years ago.

Mr. Burnes was usually charged with the management of one of the great supply bills of the Government. While liberal for all the just needs of the public service, he was a scrupulous guardian of the people's interests; a decided opponent of extravagance in every shape and an advocate of retrenchment wherever reform could be properly applied. He could not be persuaded because there was a huge surplus in the Treasury to abate a jot of the principle that governed his legislative action. His success was remarkable in resisting the pressure for appropriations.

In maintaining his cherished policy of a wise economy in national expenditures he was always able, patient, forbearing, and even gentle to opponents and admirably poised in discussion. He made even friends of defeated antagonists.

In political life Mr. Burnes was a Democrat of the Jeffersonian school who believed in the enduring principles which have carried that party through many trials, only to confirm their strength and their wisdom. Above all he was an American who loved our institutions with a heartfelt devotion and who believed they were destined by precept and by practice to exercise a commanding influence on the civilization and destiny of mankind.

Coming up himself from humble beginnings and having carved his own way to various distinctions, he was grateful for the opportunities

and proud of the methods by which these honors were reached. He had seen five Presidents taken from the ranks of the "plain people," as Mr. Lincoln described that great body of citizens who are the backbone of the Republic, all of whom in early life were subjected to the strain of poverty and privation without a seeming prospect of future advancement.

He had seen this powerful nation during a period of profound anxiety go on with its mighty operations as if adjusted by an automatic system. While the President lay for months prostrate and helpless sixty millions of free people ruled themselves by a moral force of which the world has furnished no other example.

Had God spared his life a few weeks longer he would have seen the last of these Presidents returning to the walks of private life and resuming his former calling without this extreme change of conditions making a ripple on the surface of public affairs.

These experiences and these grand possibilities made him, and should make us all, firm in the faith that such institutions are destined for the benefit of mankind. Let us strive to cherish them in the generous spirit and large beneficence for which they were designed by the fathers who recognized no narrow nor geographical lines in planting deep the foundation of the Republic.

In his public career, as in private station, Mr. Burnes was exemplary, manly, loyal in his friendships, and unwavering in duty. The processes of his strong mind were not alert, because he slowly and closely investigated every subject of national interest, and his judgment rarely failed to inspire confidence in his conclusion. He did not follow Lord Bacon's example in leaving his name "to the next ages and to foreign nations." His reputation was made in the sunlight of active affairs and survives as an encouraging instruction to the young and a model worthy to be preserved. When our turn comes in the solemn procession to the grave let us hope that we may be able like him to leave an untarnished fame and that Divine mercy will deal tenderly with our frailties.

Mr. HAMPTON. Mr. President, when Pericles was appointed to pronounce the eulogy over the Athenians who had fallen in battle he began his memorable oration, which has come down to us through the long centuries, stirring now as then all hearers, in the following words:

Most of my predecessors in this place have commended him who made this speech part of the law, from the feeling that it is well that it should be delivered at the burial of those who fall in battle. For myself I should have thought that the worth which had displayed itself in deeds would be sufficiently rewarded by honors also shown by deeds, such as you now see in this funeral prepared at the people's cost. And I could have wished that the reputations of many brave men were not to be imperiled in the worth of a single individual to stand or fall according as he spoke, ill or well. For it is hard to speak properly upon a subject when it is even difficult to convince your hearers that you are speaking the truth. On the one hand, the friend who is familiar with every part of the story may think that some point has not been set forth with that fullness which he wishes and knows it to deserve. On the other, he who is a stranger to the matter may be led by envy to suspect exaggeration if he hears anything above his own nature. For men can endure to hear others praised only so long as they can severally persuade themselves of their own ability to equal the actions recounted. When this point is passed envy comes in and with it incredulity.

Among all peoples, savage as well as civilized, in all ages, it has been the custom to do honor to the memory of those who fall in battle while in the service of their country, and this universal feeling springs from the noblest and tenderest instincts of the human heart. Men feel that they honor themselves when they honor those "whose voice or sword has served mankind." We revere the memory of the brave soldier who while wielding his sword in defense of his country gives his life to that country; we bear him to his grave with every mark of honor, of respect, and of grief; and we dedicate monuments to his memory to show to all succeeding generations a people's gratitude. It is natural and proper that we should do these things; but, Mr. President, it seems to me that no less is due to the memory of those who in civil life devote their talents, their time, their energy, to the service of their country, and who, like the distinguished subject of this impressive ceremonial, when the Senate of the United States, turning from its daily routine of business, laying aside all spirit of party, and recognizing that "one touch of nature makes the whole world kin," devotes its time to pay fitting tribute to one who fell in life's hard fight at his post of duty. It is true that he did not fall on the battle-field, when the "joy of battle" inspired heroic deeds and robs death of its sting; it was not his fate to hear, as the last sound that reached his ears on earth, the exulting shouts of victory and to feel that his blood was poured out in defense of his country's rights; but he nevertheless gave his life willingly, freely, and knowingly to the service of that country.

No marshaling troops, no bivouac song,
No banner to gleam and wave!
But, O, these battles! they last so long—
From babyhood to the grave.

He knew that he was constantly standing in the shadow of death, for he had felt the approach of that fatal and insidious disease which struck him down, and he had with steady hand and brave spirit recorded every warning he had received, marking thus every mile-stone on the road which led only to death. A man of a spirit less brave and of devotion to duty less conscientious would have sought a reprieve from his impending fate by deserting his post of duty, but he stood to

it with the faith of a martyr and the courage of a soldier; and when the dread summons came it found him at the post where duty called him. In the common estimate of the world his death was not a heroic one, for he did not fall amid the glorious clash of arms; but is not a man who died as he did entitled to be called a hero?

Who in life's battle firm doth stand
Shall bear hope's tender blossoms
Into the silent land.

The lesson taught by a death like that of Mr. Burnes will prove, if taken to heart, invaluable to those who are soon to follow us and into whose hands the destiny of this great Republic will be committed. It will teach them that the duties of life are greater than life itself, and that the laurel wreath of the conqueror is not worthier than the crown of the martyr. It should teach them that devotion to duty, in whatever field of action it may be demanded, is the noblest impulse which can inspire the heart, the highest consummation of laudable ambition. And it is well for the reputation of any man of whom it can be said that his life gave an example of earnest devotion to duty and his death a lesson which should incite every man who wishes to serve his country to emulate that example.

It was not my good fortune, Mr. President, to know Mr. Burnes intimately, and it does not become me to speak of his personal character or of his private domestic virtues. I leave this grateful duty to be discharged by his close friends who knew him long and well. I speak of him only in his public, official character and with reference to his great public services. These are known of all the world, and are appreciated by all who are familiar with them. He discharged his duty honestly, fearlessly, and efficiently, and he fell a sacrifice to his high sense of duty. No higher praise can be given to a public servant than this, no nobler epitaph could be inscribed on the tomb of the dead. And, after all, sir, what is that which we call death? When this comes, as come it must to all of us, we who are left on earth grieve for the loss of those whom we have loved and lost for a brief time, but when we call to mind the blessed hopes and promises held out to us by revelation we can say:

There is no Death! what seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

Mr. COKE. Mr. President, I knew Col. James N. Burnes very slightly, except as a distinguished member of the House of Representatives. His abilities and force of character as displayed in that body made him from his first entrance into it a conspicuous member. He was man of great labor and great capabilities. Since I have been conversant with the membership of the House of Representatives I have known no man who has achieved a greater distinction or wielded a wider or stronger influence among his fellows. His services as a legislator entitle him to the gratitude of the country, and his memory to an honored and enduring recognition.

No one who has ever met Colonel Burnes could fail to be impressed with the man. His well-knit frame, massive head, his face beaming with intelligence and marked in every lineament by courage, strength, and will-power proclaimed him a ruler among men.

Gifted with uncommon sagacity in the management of affairs, both in private and public life, his career in life was eminently successful. As a man and a citizen among the people of his Western home he was without a rival in the affection and esteem with which he was regarded. As a public man in the national councils he stood abreast with the foremost in ability and force and efficiency, and in the confidence and esteem of his associates.

In the death of Colonel Burnes the State of Missouri, grand as she is in the character of her noble people, has sustained the loss of one of her greatest sons; and the Congress of the United States one of its ablest and most trusted leaders. Who shall estimate the loss to his family, his neighbors, and his friends? It fell to my lot to be one of those who accompanied the mortal remains of Colonel Burnes to his home in St. Joe, Mo., and I shall never forget the impression received there where he had lived for many years of the man. The governor of the State with his staff, many members of the Legislature then in session at Jefferson City, persons of distinction from every portion of the State of Missouri, flocked to St. Joe to do honor to his memory, but better than all the people of that beautiful city, of all ages, sexes, colors, and conditions among whom he had lived, and to each one of whom he was known, turned out *en masse* and attested their devotion to him; facing for hours the biting rigor of a Western snow-storm which prevailed on the day of his burial.

Mr. President, genius and eloquence have laid their choicest tributes on the bier of this great Missourian "in thoughts that breathe and words that burn," but this grand ovation from the hearts of tens of thousands of noble and gallant people who knew him as friends and neighbors, though voiceless, is more eloquent in his praise than any sentiment that can be formulated in human language. To have lived and died in a way to command this great heart-offering was the rare fortune of Colonel Burnes. He has gone from among us. In the meridian of his life and powers, when he seemed to have many years of usefulness and honor before him, he has been stricken down.

He died with the harness on, and to the last moment was the faithful and devoted public servant. He has not lived in vain. His life has erected a noble standard of excellence in the performance of public and private duty for the emulation of those who remain, and his death gives to all an earnest admonition of the uncertainty of life and of the hollowness of its most glittering prizes. While we mourn his loss we feel that the influence of his noble example will still live among us, an incentive to an honorable ambition to discharge well our duties to family, friends, neighbors, and country.

Mr. VEST. Mr. President, in what is now St. Charles County, Missouri, immediately west of St. Louis, the Indians made a last desperate struggle for their homes and hunting grounds.

Pontiac, the great Ottawa chieftain, who had commanded at Bradock's defeat, and afterwards Black Hawk, the inveterate enemy of the whites, here vainly attempted to stem the resistless tide of that aggressive civilization which had driven their people from the region east of the Mississippi, and was still relentlessly pressing them westward. Here the pioneers of the dark and bloody ground, under the leadership of Daniel Boone, again met the savage in deadly conflict, and not until the last hostile Indian had been driven from the soil of Missouri did the old hunter close his simple and dauntless life upon the banks of the river across whose waters his solitary canoe had so often glided.

Of all the region between the Mississippi and Missouri, and south of Iowa, the Indians held, after 1820, only a triangular territory between the western border of Missouri and the river of that name. In 1837 this was bought by the United States and added to the State, being known as the Platte purchase, and comprising the counties of Atchison, Andrew, Buchanan, Holt, Nodaway, and Platte. A fairer or more fertile land is not kissed by the sun in all his journey, and when opened to settlement it was at once filled by an immigration coming mainly from that Scotch-Irish blood whose intellect and courage have impressed so indelibly the Middle and Western States. They are a virile race, strong in frame and prejudice, strict in their ideas of justice and summary at times in enforcing it, deeply religious, intensely patriotic, and absolutely fearless. To quick and vigorous intellect they add the instinct of resistance to tyranny in all its forms, and especially to outside and unwarranted interference with what they consider their own business.

It is not strange that men of this lineage should give direction and character to communities, and especially when great emergencies bring out the individuality and self-reliance which make leaders for a people. With other families of Scotch-Irish descent there came to the Platte purchase in 1838 that of James Burnes, the father of Col. James N. Burnes. Their home was in Platte County, upon the banks of the Missouri, and here, in a region overflowing with the opulence of nature and surrounded by the strong, adventurous pioneers of the frontier, James N. Burnes passed his boyhood. In his surroundings there was everything to develop intellect and energy. In this young and vigorous community there was no room for the idle or timid, and the fresh, pure air strung every nerve of mind and body to its best. The wide prairie, stretching to the boundless west, the silent, solemn forest, the great river rolling in resistless volume to the Gulf, all nature in vast and majestic mould, quickened and elevated ambition.

Never did young knight put on armor for the lists with higher aspiration or more dauntless courage than did James N. Burnes for the battle of life. In every fiber he was a combatant. With him existence meant battle. Strong, self-contained, cool, and watchful, he fought for the prizes of life as fought the gladiators when all Rome looked down upon the arena. After men die we hear in stereotyped phrase much of their negative virtues and passive goodness, but to me the proudest epitaph that can be written is:

Here lies one much hated and much loved, but never despised by friend or foe.

James N. Burnes had many enemies, for he fought with mailed hand and without asking quarter, but no man ever looked on him with contempt, or ever met him in conflict without remembering it to his last hour. He was a born leader, and could not have been placed where he would not have dominated those around him. In a mining camp or a salon, in a banking house or the halls of Congress, he was the same—aggressive, untiring, ambitious, and successful. I knew Colonel Burnes during thirty-five years of active personal and public life. There were two marked and perilous passages in his career when events brought us together very closely.

In 1877 the banks in which were deposited the funds belonging to the State treasury of Missouri suspended payment, and for this reason there was a deficit of \$198,000 in the State treasurer's accounts, of whom Colonel Burnes was the principal bondsman. The disaster was so sudden and unexpected that it found him totally unprepared, and his ruin seemed inevitable. His enemies, personal and political, seized with avidity upon opportunity for securing his downfall, and a partisan press exhausted epithet in denunciation of him and his party. The State treasurer—than whom a more honest and incorruptible officer never held a public trust—was indicted in the courts and proceedings begun in the General Assembly for his removal. In the litigation which ensued I was of counsel for the treasurer and his bondsmen, and was authorized by

Colonel Burnes to propose to the State authorities that if the right of action against the defaulting banks should be assigned to him and his associates upon the treasurer's bond he would pay the deficit into the State treasury. The offer was accepted, and every cent paid without loss to the Commonwealth. Never did any man pass through a more terrible ordeal; but when the storm was fiercest, and others cowered before it, Colonel Burnes exhibited such courage and fertility of resource as won even from his enemies admiration and respect.

In 1882 he was elected to the National House of Representatives from the Fourth district of Missouri, which had been represented for the two preceding terms by a Republican. The canvass was bitter, and disfigured by personalities which invaded every part of his career, and recognized no limit to the license of vituperation. The district was made the clearing house for personal and political grievances that had accumulated during thirty years of active and aggressive life, in which Colonel Burnes had avoided no adversary. It was at this time, when we canvassed together for many days, that I first came to know how tender and loving as husband and father was this strong and combative man. The attacks upon him were so cruel and brutal that even old and experienced politicians recoiled from their savagery, but no word of complaint came from his lips for himself.

His only solicitude was for his family, and especially for her, the wife of his youth, for many years an invalid, from whose sick chamber he endeavored to shut out the hoarse and discordant cries of the combat.

Coming from out the heat and filth of rage and calumny, I saw him one summer night kneel at her side, as if before a shrine, whilst the shadows of that anxious fight passed away, and the look of a bridegroom rested upon her.

It is not in the world's daily strife, when armed and masked we meet as foes, that men are rightly judged. When the armor is put off, and the mask has fallen, the soft light of home brings out in many a rugged life the tints and hues of heaven.

The shadow of death rested upon Colonel Burnes for months. The stealthy and deadly disease which finally triumphed often gave notice of its progress. In the last campaign we spoke together in Platte County, where he had grown to manhood, and in his address he declared his candidacy the last, and told his old friends and neighbors, many of whom had known him from childhood, that he proposed to devote his few remaining years to arranging his private business, and in preparing for the inevitable hour which must soon close his career.

When we reached my room I attempted to rally him upon his solemn words, but he repeated them so earnestly that I could not doubt his sincerity. He alluded to many alarming symptoms which warned him of a fatal result, and then reverently spoke of that great question which no human wisdom can solve. Like all intellectual men he avoided such discussion and shrank from that empiric dogmatism which can not be mistaken as to the infinite hereafter, but he relied implicitly upon the Divine mercy.

Here ends his journey. The weary feet and brain are at rest. Another of our race, strong in mind and purpose, an intellectual athlete in the world's arena, and crowned with its wealth and honors, blessed with the love of home and friends, and beckoned onward by all the possibilities of ambition, has passed through the portal of the unknown.

Helpless we stand at the dark gateway and vainly ask the dead to tell us of the shadowy realm to which we also hasten.

The PRESIDING OFFICER. The question is, Shall the resolutions be agreed to?

The resolutions were agreed to unanimously; and in accordance therewith the Senate (at 4 o'clock and 20 minutes p. m.) adjourned until to-morrow, Tuesday, February 26, 1889, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, February 25, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

ORDER OF BUSINESS.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. BLAND. I understand it requires a quorum to approve the Journal.

Mr. DOCKERY. Will my colleague yield to me for a moment to ask consent—

The SPEAKER. The Journal has not been approved, and that of course is the first business in order.

The Chair will state to the gentleman from Missouri [Mr. BLAND] that the gentleman can not raise the point of no quorum until by a vote or count of the House the absence of a quorum is disclosed. There has been no count or vote yet.

Mr. DOCKERY. Pending that, can not I submit a request for unanimous consent?

The SPEAKER. The Chair thinks that under the rules of the House the first thing in order is the approval of the Journal before the House can proceed to the transaction of any business whatever. The question is on the approval of the Journal.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. No quorum.

The SPEAKER. But the Chair does not know that a quorum has not voted.

Mr. BLAND. I demand a division.

The House divided; and there were—ayes 37, noes 6.

Mr. BLAND. No quorum.

The SPEAKER appointed Mr. BLAND and Mr. BIGGS as tellers.

The House proceeded to divide.

Mr. SAYERS. Mr. Speaker, would it be in order to move to dispense with the present business?

The SPEAKER. No motion can be entertained while the gentleman from Missouri is insisting that there is no quorum present; and the first matter pending before the House, which the rules require to be disposed of, is the approval of the Journal, which has not yet been done.

Mr. BLAND. I understand that the gentleman from Texas desires to proceed with the consideration of the appropriation bills. If that is the understanding, I will withdraw the point of no quorum.

The SPEAKER. But the difficulty is that there is a special order which requires the Speaker, immediately after the reading of the Journal, to cause the names of the members, in their alphabetical order, to be called until 11 o'clock for leave by unanimous consent to consider measures in the House, and unless that order of business is also dispensed with by unanimous consent the Chair can not proceed to recognize the gentleman from Texas to make the motion to consider the appropriation bill.

Mr. SAYERS. It is my purpose to ask unanimous consent to dispense with the calling of the names of the members to ask consideration of bills, so as to proceed with the appropriation bill.

The SPEAKER. The gentleman asks unanimous consent to dispense with the calling of the names of members for the purpose of proceeding at once to the consideration of the general appropriation bill. Is there objection?

Mr. ABBOTT. I object.

Mr. BLAND. For the present I withdraw the point of no quorum. So (no further count being demanded) the Journal was approved.

SWEARING IN OF A MEMBER.

Mr. DOCKERY. Mr. Speaker, on the 19th of the present month Hon. C. F. Booher was duly elected to fill the vacancy in the Fourth Congressional district of the State of Missouri, in the Fiftieth Congress, occasioned by the death of Hon. James N. Burnes. He is now present, and in the absence of his certificate of election, which has not yet been received, I ask unanimous consent that he be allowed to take the oath of office.

I will state that his majority is unquestioned; there is no contest, and I make this request after a conference with several of our friends on the other side of the Chamber.

Mr. PERKINS. Has the vote been canvassed?

Mr. DOCKERY. It has been in the counties, as I understand, and the majority in favor of Mr. Booher is about 1,100.

Mr. WARNER. There is no contest.

There being no objection, Mr. Booher appeared at the bar of the House and was duly qualified, taking the oath prescribed by law.

SEMINOLE INDIANS.

The SPEAKER laid before the House the following communication from the President of the United States:

To the Congress:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the Government of the United States of their right to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 19, 1889.

Mr. PEEL. Mr. Speaker, I ask unanimous consent that the message and accompanying documents be referred to the Committee on Indian Affairs, with leave to report at any time.

Mr. LYNCH. I object.

The SPEAKER. The communication and accompanying papers will be referred to the Committee on Indian Affairs and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. Under the special order the Chair will now cause the roll to be called for the consideration of measures by unanimous consent on request of members as their names are reached.

Mr. BLAND. I move that the House take a recess for thirty minutes.

Mr. HEMPHILL. Pending that motion I would like to ask unanimous consent, inasmuch as this day is set apart for business from the Committee on the District of Columbia, that instead of wasting the