

Mr. HERBERT (before the result of the vote was announced). I ask unanimous consent for the passage of the following resolution—

The SPEAKER. No request for unanimous consent can be entertained. The House has just voted (and the result has not been announced) on a motion to adjourn, which, of course, if carried, will terminate all proceedings.

Mr. DUNHAM and Mr. CRISP asked unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced, for the rest of the day:

Mr. TOWNSHEND with Mr. STRUBLE.

Mr. CRAIN with Mr. FUNSTON.

Mr. MACDONALD with Mr. TURNER, of Kansas.

Mr. DAVIDSON, of Florida with Mr. HOPKINS, of New York.

Mr. RICHARDSON with Mr. ALLEN, of Michigan.

The vote was announced as above stated, and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

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

By Mr. HAYES: A bill (H. R. 12640) granting a pension to John Nagle—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 12641) for the relief of Frederick Smith—to the Committee on War Claims.

By Mr. HERBERT: A bill (H. R. 12642) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River—to the Committee on Commerce.

By Mr. JOSEPH: A bill (H. R. 12643) for the relief of E. H. Bergmann—to the Committee on War Claims.

By Mr. STEPHENSON: A bill (H. R. 12644) granting a pension to Jorgan Peterson—to the Committee on Invalid Pensions.

Change in the reference of a bill, etc., improperly referred, was made in the following case, namely:

A bill (H. R. 9568) granting a pension to Edward F. Dewey—from the Committee on Military Affairs to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. BOOTHMAN: Petition and resolutions of Charles Bates Post, Grand Army of the Republic, of Nettle Lake, and of Hiram Loudon Post, Grand Army of the Republic, of Montpelier, Ohio, in favor of the publication of the records of the rebellion—to the Committee on Printing.

By Mr. BUTLER: Petition of Robert E. Goodwin and Lawson H. Goodwin, of Johnson County, Tennessee, for reference of their claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the Woman's Christian Temperance Union, of Tennessee, in favor of prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DUNHAM: Petition of residents on White Lake, Michigan, urging necessary appropriations for said lake—to the Committee on Rivers and Harbors.

By Mr. MCKINLEY: Petition of J. A. Garfield Post, No. 136, of Columbiana, Ohio, for the publication of the official records of the rebellion—to the Committee on Printing.

By Mr. RICE: Joint resolution of the Legislature of Minnesota, urging the passage of pension bill for the relief of soldiers, etc., who were confined in Confederate prisons—to the Committee on Invalid Pensions.

By Mr. CHARLES STEWART: Petition of D. L. Hamilton and others, of Tarkinton's Prairie, Tex., for national aid to education—to the Committee on Education.

By Mr. A. C. THOMPSON: Petition of James Smith Post, No. 337, Grand Army of the Republic, and of Cadot Post, No. 126, Grand Army of the Republic, of Ohio, for an appropriation to complete the publication of records of the Union and Confederate armies—to the Committee on Printing.

Also, petition of R. C. Schenck and others, for the passage of bill for a park along Rock Creek, District of Columbia—to the Committee on the District of Columbia.

By Mr. WALKER: Petition of George Seabaugh and others, heirs of Christopher Seabaugh, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WARNER: Resolutions of Ransom Post, Grand Army of the Republic, of St. Louis, asking for early publication of war records—to the Committee on Printing.

By Mr. WEAVER: Petition of numerous citizens of Nebraska, praying for an increased volume of money—to the Committee on Banking and Currency.

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

By Mr. CONGER: Of 394 citizens of Iowa.

By Mr. DORSEY: Of citizens of Nebraska.

By Mr. HARMER: Of 1,829 citizens of Pennsylvania.

By Mr. HEARD (by request): Of citizens of Cass County, Missouri.

By Mr. T. J. HENDERSON: Of 3,769 citizens of Illinois.

By Mr. KEAN: Of 18 citizens of New Jersey.

By Mr. LONG: Of citizens of Plymouth County, Massachusetts.

By Mr. MCKINLEY: Of citizens of Madison, Ohio.

By Mr. J. R. WHITING: Of Mrs. James Farr and 149 other citizens of Michigan.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUTELLE: Of 70 citizens of Easton, Me.

By Mr. COMPTON: Of 160 citizens of Savage, Md.

By Mr. FRENCH: Of 365 citizens of Milford, Conn.

By Mr. GIBSON: Of 168 citizens of Snow Hill, Md.

By Mr. LONG: Of 25 citizens of Randolph, Mass.

SENATE.

TUESDAY, February 26, 1889.

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

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

The PRESIDENT *pro tempore*. The Journal of yesterday's proceedings will be read.

Mr. HOAR. I ask unanimous consent that the reading of the Journal may be omitted.

Mr. EDMUNDS. Oh, no; we had better have the Journal read. It is too early to begin to dispense with it.

Mr. HOAR. I suggest that there is no quorum present.

Mr. EDMUNDS. That is right.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and after some little delay the following Senators answered to their names:

Allison,	Dawes,	Harris,	Reagan,
Bate,	Dolph,	Hoar,	Sawyer,
Blair,	Edmunds,	Ingalls,	Sherman,
Butler,	Farwell,	Jones of Nevada,	Spoooner,
Cameron,	Faulkner,	Morgan,	Stewart,
Chandler,	Frye,	Morrill,	Stockbridge,
Coke,	George,	Paddock,	Teller,
Cullom,	Gorman,	Pasco,	Turpie,
Daniel,	Gray,	Platt,	Wilson of Iowa.
Davis,	Hale,	Plumb,	

The PRESIDENT *pro tempore*. Thirty-nine Senators having responded, a quorum being present, the Secretary will read the Journal of the proceedings of yesterday.

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

Mr. ALLISON. I ask unanimous consent that the further reading of the Journal may be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none; and if there be no motion to correct or amend the Journal, it will stand approved.

DEPUTY MARSHALS IN NORTHERN NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 15th instant, a list of the general deputy marshals appointed during the last six months by Walter H. Bunn, marshal of the United States for the northern district of New York; which, on motion of Mr. EDMUNDS, was, with the accompanying papers, referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Michigan, praying for the submission to the States of a national prohibitory constitutional amendment; which was ordered to lie on the table.

He also presented a petition of citizens of Michigan, praying for legislation concerning certain land grants in that State; which was referred to the Committee on Public Lands.

Mr. WILSON, of Iowa. I present the petition of Rev. George F. Magoun, of Iowa; Rev. James G. Dougherty, of Kansas; Rev. D. A. Morehouse, of Maine; Rev. William L. Bray, of Michigan, and Rev. Frank G. Clark, of Iowa, constituting a committee appointed by the national council of the Congregational churches of the United States, representing 4,277 churches and 436,379 members and other persons connected therewith, praying for legislation for the suppression of the

traffic in intoxicating liquors on Indian reservations and all places subject to the legislative jurisdiction of the United States, on military reservations, etc., and subjecting imported and transported liquors to the operation of State laws, and in favor of a constitutional amendment prohibiting the manufacture and sale of such liquors.

The petition is brief, it comes from a religious body of great force and standing in the country, and I ask that it may be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the petition which he has just presented may be printed in the RECORD. Is there objection?

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. Does the Senator from Iowa desire to have the petition printed as a document?

Mr. WILSON, of Iowa. I ask that the petition may be printed as a document.

The PRESIDENT *pro tempore*. The petition will be printed as a document, and lie on the table, the appropriate committee having reported on the subject.

Mr. BLAIR presented resolutions of the Methodist Episcopal Church at Ringgold, Barton Chapel, and Frostburgh, Jefferson County, Pennsylvania, in favor of the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

DISMAL SWAMP CANAL.

Mr. EDMUNDS. I ask leave to present to the Senate, to be printed and referred to the Committee on Commerce, a letter addressed to me by the Acting Secretary of the Treasury, covering a communication to him from the Register of the Treasury and from the Solicitor of the Treasury, inclosing a document that was printed January 21, 1878, on the subject of the Dismal Swamp Canal, in reference to which I had the honor to introduce a resolution the other day. The matter is, as I think, of so great public importance that I move that these papers be printed and referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 3939) granting a pension to Robert W. Andrews, reported adversely thereon, and the bill was postponed indefinitely.

Mr. TURPIE, from the Committee on Mines and Mining, to whom was referred the bill (S. 3871) to grant the Home Mining Company the coal underlying the bed of the Missouri River opposite Fackler's addition, city of Leavenworth, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

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

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

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

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

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

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

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

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

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

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

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (H. R. 9673) for the relief of the counties of the Terri-

tory of Arizona, and to legalize the indebtedness thereof, and provide for funding the same, reported it without amendment.

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

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Potean River, in the Choctaw Nation, near Fort Smith, Ark.;"

A bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

A bill (H. R. 12389) authorizing the construction of a bridge across the Osage River, at some accessible point in the county of Benton, in the State of Missouri;

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

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana, reported it without amendment.

Mr. QUAY, from the Committee on Pensions, to whom was referred the bill (H. R. 2862) granting a pension to William Ford, reported it without amendment, and submitted a report thereon.

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

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

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

SURETIES OF JAMES W. DEMBY.

Mr. GEORGE. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (S. 3737) for the relief of Sterling H. Tucker and others. A similar House bill was passed by both Houses at the last session of Congress and failed to become a law because it was not presented to the President in time for him to examine it. It will take but a minute to pass it. I therefore ask unanimous consent that the bill may be considered and put on its passage.

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

Mr. HARRIS. For information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That Sterling H. Tucker, William P. Grace, Elhanon J. Searl, Josiah H. Demby, Samuel Bard, and William G. Pennington, or their estates, be, and they and each of them are hereby, released from any and all liability as the sureties upon the official bond of James W. Demby, formerly pension agent, the said release to take effect upon the payment of the legal costs heretofore accrued in the prosecution of said claim by the United States: *Provided,* That all the rights and remedies of the Government on said bond as against said James W. Demby shall in no manner be affected hereby, but remain in full force and effect in law.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent that the bill may be now considered. Is there objection? The Chair hears none; and the bill is before the Senate as in Committee of the Whole.

Mr. HARRIS. I should like the Senator from Arkansas [Mr. JONES] or the Senator from Mississippi [Mr. GEORGE] to state briefly the ground on which these sureties should be relieved.

Mr. JONES, of Arkansas. The reason given in asking for the discharge of these securities is that this bond was made immediately after the close of the war; the principal went out of office, and for twenty years perhaps there was no claim made by the Government. I do not recollect the exact length of time, but it was a long period. In the mean time all of the securities became insolvent except one. He has a small amount of money; and the neglect of the United States Government to compel the principal to settle in a reasonable time or to collect from the sureties is the reason why it seems to me unjust that the Government of the United States should ask that the remaining security should be rendered bankrupt by the prosecution of the claim after such a long lapse of time.

Mr. HARRIS. That time was extended to twenty years or thereabouts?

Mr. JONES, of Arkansas. To about twenty years.

Mr. HARRIS. That statement is satisfactory.

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

W. R. WHEATON AND C. H. CHAMBERLAIN—VETO MESSAGE.

Mr. DOLPH. By direction of the Committee on Public Lands I report back the bill (S. 3646) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, with the President's veto message, and recommend that the bill be passed notwithstanding the veto.

This bill has twice passed both branches of Congress at the present session. At the first session it failed because it was not signed by the President and was received by him within ten days of the adjournment. At the present session it was vetoed. It was vetoed upon the supposition or fact, whichever the case may be, that the testimony showed that certain clerks had been employed by the claimants, who were register and receiver of a land office in California during a period named, and that when the Government came to act upon the matter and clerks were authorized to be employed \$100 a month was allowed by the Government, but that there was no showing that the register and receiver had, during the time for which the compensation was claimed for clerk-hire, paid out that sum.

I have since received an affidavit from one of the clerks who was employed, stating that he did receive during the period mentioned \$100 a month, and that another clerk named, who is now out of the country, and whose affidavit can not be obtained, received \$100 a month paid by these parties, covering the precise point of objection made by the Executive.

I may say that I report the bill back with this recommendation with the consent, at least, of all the members of the Committee on Public Lands who are in the city. I ask to have the affidavit read and that the vote be then taken upon the passage of the bill.

The PRESIDENT *pro tempore*. The Senator from Oregon asks for the present consideration of the report?

Mr. DOLPH. I do.

The PRESIDENT *pro tempore*. Is there objection? The question is, Shall the bill pass notwithstanding the objections of the President of the United States? The Secretary will call the roll.

Mr. DOLPH. I ask for the reading of the affidavit to which I referred.

Mr. HALE and others. Let it go.

Mr. DOLPH. Very well; let it go.

The PRESIDENT *pro tempore*. The roll will be called on the question, Shall the bill pass notwithstanding the objections of the President of the United States?

The Secretary proceeded to call the roll.

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

The roll-call was concluded.

Mr. WILSON, of Iowa. I am paired with the Senator from Maryland [Mr. WILSON], and therefore withhold my vote. Otherwise I should vote "yea."

Mr. GEORGE (after having voted in the negative). Is the name of the Senator from New Hampshire [Mr. BLAIR] recorded?

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

Mr. GEORGE. I withdraw my vote.

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

Mr. SAWYER (after having voted in the affirmative). Is the name of the Senator from Delaware [Mr. SAULSBURY] recorded?

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

Mr. SAWYER. Then I withdraw my vote.

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

The result was announced—yeas 35, nays 8; as follows:

YEAS—35.

Allison,	Dolph,	Ingalls,	Ransom,
Butler,	Evarts,	Jones of Nevada,	Sherman,
Call,	Farwell,	Mitchell,	Spooner,
Cameron,	Gibson,	Morgan,	Stanford,
Chandler,	Gorman,	Morrill,	Stewart,
Cullom,	Hale,	Paddock,	Stockbridge,
Daniel,	Hampton,	Payne,	Teller,
Davis,	Hiscock,	Platt,	Walthall.
Dawes,	Hoar,	Plumb,	

NAYS—8.

Bate,	Harris,	Paseo,	Reagan,
Coke,	Jones of Arkansas,	Pugh,	Turpie.

ABSENT—33.

Aldrich,	Cockrell,	Hearst,	Sawyer,
Beck,	Colquitt,	Kenna,	Vance,
Berry,	Edmunds,	McPherson,	Vest,
Blackburn,	Eustis,	Manderson,	Voorhees,
Blair,	Faulkner,	Palmer,	Wilson of Iowa,
Blodgett,	Frye,	Quay,	Wilson of Md.
Bowen,	George,	Riddleberger,	
Brown,	Gray,	Sabin,	
Chace,	Hawley,	Saulsbury,	

The PRESIDENT *pro tempore*. Two-thirds of the Senators present having voted therefor, the bill is passed notwithstanding the objections of the Executive.

ESTATE OF J. J. PULLIAM.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 751) for the relief of the estate of J.

J. Pulliam, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to the same.

GEORGE F. HOAR,
WILLIAM M. STEWART,
JOHN C. SPOONER,
Managers on the part of the Senate.

W. J. STONE,
O. B. THOMAS,
THEO. S. WILKINSON,
Managers on the part of the House.

The report was concurred in.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 3996) granting a pension to Henry Sturtevant; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

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

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That J. Goldsborough Bruff have leave to withdraw his petition and papers in regard to the heraldic arms of the United States of America from the files of the Committee on Printing.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a letter of the 28th ultimo from the major-general commanding the Army, recommending the purchase of the site of Fort Elliott, Texas, together with a copy of House Executive Document No. 106, Fiftieth Congress, second session, embracing an estimate for the purchase of the site in question.

Mr. ALLISON. I move that that communication lie on the table. That matter is involved in the Army appropriation bill.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, recommending the appointment of a clerk to make a thorough investigation into the records of the Interior Department and of the late corporation of Washington City, with a view to the ascertaining of the title of the United States to certain building lots in the city of Washington; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

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

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

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

The message also announced that the House had disagreed to the amendments of the Senate to the following bills:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia; and

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

The message further announced that the House had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the foregoing bills, and had appointed Mr. CLARDY, Mr. LAGAN, and Mr. JOHN R. BROWN managers at the conference on the part of the House.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and

had agreed to the one hundred and tenth amendment of the Senate to the bill with an amendment; that it asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes, agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. NELSON managers of the conference on the part of the House.

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

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;
A bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States; and
A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 11527) to establish lights on the western end of Coney Island, New York; and it was thereupon signed by the President *pro tempore*.

COMMITTEE SERVICE.

Mr. PLUMB. On the 20th day of this month there was appointed a committee of conference on the part of the Senate on the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provision of the homestead laws only, consisting of Messrs. PLUMB, PADDOCK, and BERRY. On account of the public business which I have charge of in connection with appropriations and otherwise I am constrained to decline to further serve upon that conference committee, and I ask for the substitution in my place of the Senator from Oregon [Mr. DOLPH].

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order is made.

Mr. PLUMB. The Senator from Nebraska [Mr. PADDOCK] also stated to me that he desired to be excused.

Mr. PADDOCK. I ask also to be excused from further service on the conference committee, and ask for the appointment of the Senator from Colorado [Mr. TELLER] in my place.

The PRESIDENT *pro tempore*. The Chair hears no objection, and appoints in the place of the Senator from Nebraska the Senator from Colorado [Mr. TELLER].

ORDER OF BUSINESS.

Mr. PLUMB. I ask unanimous consent that at the completion of the consideration of the Army appropriation bill to-day the Senate shall devote three hours succeeding to the Calendar of unobjected cases, under Rule VIII.

Mr. BUTLER. That is a good idea.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that at the conclusion of the consideration of the Army appropriation bill the Senate proceed with the cases upon the Calendar to which there is no objection, under Rule VIII. Is there objection?

Mr. BUTLER. May I suggest to the Senator from Kansas that that time be devoted to House bills?

Mr. PLUMB. I do not think it wise to limit it in that way. There are a few Senate bills and they can be disposed of by objection, if any one wishes to object.

Mr. BUTLER. I do not know that I shall object, but my object was to facilitate business by passing bills from the House that might become laws on our action.

Mr. PADDOCK. I desire to remind the Senator and the Chair that the chairman of the Committee on Indian Affairs, the Senator from Massachusetts [Mr. DAWES], yesterday gave notice as soon as the Army appropriation bill was disposed of he would ask the Senate to proceed to the consideration of the Indian depredation claims bill.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. CULLOM. I ask what length of time the Senator desires to devote to the consideration of these unobjected cases?

Mr. PLUMB. Three hours, at the conclusion of the Army appropriation bill.

Mr. CULLOM. I expected immediately after the disposition of the Army appropriation bill to call up the conference report on the interstate-commerce bill. That has been lying here for some days waiting for a favorable opportunity to take it up, and the request of the Senator from Kansas is going to interfere with the disposition of that bill to-day. I shall feel like objecting.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. CULLOM. I ask unanimous consent, then, that the bill I have named be taken up immediately afterwards.

Mr. BUTLER. That is right.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. DAWES. I do not wish to interfere with the report of the committee of conference, of course, but I desire to get the consent of the Senate immediately after the consideration of that report for the Indian depredation claims bill. I feel bound to present it at that time if I can.

The PRESIDENT *pro tempore*. The Chair can present but one request at a time.

Mr. DAWES. Whether I ought to object to the request now pending depends upon whether the Senate will give me the opportunity to bring up that bill immediately after these orders desired by the Senator from Kansas and the Senator from Illinois. What I desire is that the Senate will allow me to present for its consideration the depredation bill immediately after the Senator from Illinois disposes of his conference report.

Mr. HARRIS. The Senator from Massachusetts can not make a contract with the Senate for any such purpose.

Mr. DAWES. So I see.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas that at the conclusion of the consideration of the Army appropriation bill the Senate will proceed for three hours thereafter to the consideration of cases on the Calendar to which there is no objection, under Rule VIII?

Mr. EDMUNDS. Subject to a motion for executive business, I have no objection.

Mr. REAGAN. If that is to postpone the bringing up of the conference report by the Senator from Illinois, I shall object.

Mr. BUTLER. It does not postpone it.

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

Mr. REAGAN. I do.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Minnesota [Mr. SABIN], coming over from yesterday.

Mr. VEST. I gave notice yesterday, on behalf of the Committee on Commerce, that I would ask the Senate after the termination of the morning business to-day to consider bridge bills, several of which I reported this morning. There are a number of these bills which should be attended to at once for the reason that the railroads which desire to use these bridges are in process of construction, and that construction is stopped as a matter of course until this legislation shall be had. I suppose that it will be useless now to ask the Senate to take up the bills at this time, but I give notice that I shall move for a recess at the usual hour of adjournment to-day in order to have a night session to consider the bridge bills upon the Calendar and dispose of them.

Mr. CULLOM. I think that ought to be done. It is generally understood by the Senate that these bridge bills are looked over by a subcommittee of the Committee on Commerce, specially appointed, and all the requirements that have been adjudged by the Senate as important to be put in them are put there, so that there is no probability of any discussion about them. The only time required practically is the reading of the bills, and I shall be glad to see them passed as early as possible.

Mr. VEST. That is so.

Mr. SAWYER. As we meet at 11 o'clock it will be very difficult to get a quorum at an evening session. I suggest to the Senator that he ask unanimous consent to take the bridge bills up now.

Mr. ALLISON. They will take too much time now. I regret exceedingly that the Senator from Texas [Mr. REAGAN] has objected to the unanimous consent asked for after the conclusion of the Army bill. I think it would facilitate business if these bills could be taken up during the three hours that will be devoted to the Calendar after the Army bill is disposed of. I desire very much to go on with the Army bill this morning in order that the amendments may be returned to the House of Representatives and the bill disposed of.

The PRESIDENT *pro tempore*. The Chair will be greatly obliged if the Senate will relieve him from difficulty and embarrassment by agreeing upon an order of business. The impertinence for recognition is incessant; the Chair desires to be strictly impartial; but when many Senators rise simultaneously or are standing at the same time, it is obviously impossible that the Chair should observe the rule requiring the Senator first rising to be first recognized. There seems to be no other way except to keep a list of those who apply for recognition, and that practically places the disposition of business under the control of the Chair, which the Chair desires to avoid. It would greatly facilitate the public business and relieve the Chair if the Senate would agree upon an order of business to be observed for the remainder of the session concerning the Calendar.

Mr. REAGAN. At the suggestion of the Senator from Illinois and some others I withdraw the objection I made to the request of the Senator from Kansas.

The PRESIDENT *pro tempore*. The question then recurs upon the

request of the Senator from Kansas [Mr. PLUMB] that at the conclusion of the Army appropriation bill the Senate proceed for three hours to the consideration of cases upon the Calendar to which there is no objection, under Rule VIII.

Mr. HARRIS. Beginning at what point?

The PRESIDENT *pro tempore*. At the point reached when the Calendar was last under consideration. The Chair hears no objection, and it is so ordered.

LAND OFFICES.

The PRESIDENT *pro tempore*. The resolutions offered by the Senator from Minnesota [Mr. SABIN] coming over from yesterday as unfinished business of the morning hour will now be read.

The Chief Clerk read the resolution, as follows:

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 lands 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.

The resolutions were agreed to.

CONSIDERATION OF BRIDGE BILLS.

Mr. VEST. I should like very much to supplement the agreement which has been made by adding to it that the bridge bills upon the Calendar shall be taken up first and disposed of; and if I could have unanimous consent to that, it might obviate the necessity for a night session. All we want is to dispose of these bills and ask for committees of conference where amendments are made. I can not state accurately the number of them, but there must be from twenty to twenty-five such bills upon the Calendar. The necessity at this late stage of the session is for the appointment of conferees; otherwise the bills will fail. Other Senators in the Chamber are as much interested in the matter or more so than I am.

Mr. JONES, of Arkansas. I rise to make a suggestion to the Senator from Missouri, who asks for a modification of the agreement which has been made by unanimous consent. I wish to suggest that the bridge bills on the Calendar will probably not be objected to in a single instance by any Senator, and it will only require the time necessary to read those bills; they can be passed as easily at a night session as they could within the three hours which have just been set apart for the consideration of the Calendar. I suggest, therefore, that at 5 or half past 5 o'clock, by unanimous consent, the Senate take a recess until 8 o'clock for the purpose of considering to-night the bridge bills.

Several SENATORS. Only.

Mr. JONES, of Arkansas. Bridge bills only.

Mr. HOAR. I think that most of the Senate, when the hour of half past 5 comes, would rather wait here another hour than to take a recess. I think the Senator had better wait until that time comes.

Mr. BUTLER. I agree with the Senator from Massachusetts. I was about to suggest that at the conclusion of the three hours which have been agreed to be devoted to unobjected cases on the Calendar we can take up the bridge bills and pass them perhaps in three-quarters of an hour.

Mr. JONES, of Arkansas. It will take a longer time than that to read them. It is only a question of reading the bridge bills. There will be no difficulty about them except the time consumed in the reading, and my opinion is that it will be very much better to have them disposed of at an evening session.

Mr. HOAR. Let us settle that at 5 o'clock, and not now.

LOUISA V. DE KILPATRICK.

Mr. DAVIS. The bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, was passed by the House of Representatives with an amendment, and a committee of conference was asked for by the Senate. I now move that the Senate concur in the House amendment.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate concur in the amendment made to this bill by the House of Representatives.

The amendment was concurred in.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none that order is closed, and the Calendar under Rule VIII is in order.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Army appropriation bill.

The motion was agreed to; and 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.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, on page 16, to strike out lines 9 and 10, as follows:

For officers' quarters at the post at Columbus, Ohio, \$20,000.

The amendment was agreed to.

The next amendment was, on page 16, to strike out lines 18 and 19, as follows:

For the purchase of the site of Fort Elliott, Texas, \$17,000, or so much thereof as may be necessary.

And in lieu thereof to insert:

Purchase of site for Fort Elliott, Texas: For payment for sections 47, 53, 55, and 67, in block A 5 of surveys made for the Houston and Great Northern Railroad Company, according to the sketch of the surveys in said block No. A 5, certified by the commissioner of the general land office of the State of Texas, January 5, 1877, to be correct, \$17,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the word "including," to strike out "heating apparatus and;" so as to make the clause read:

Construction and repairs of hospitals: For construction and repairs of hospitals, including the extra-duty pay of enlisted men employed on the same, and including hereafter the Army and Navy hospital at Hot Springs, Ark., \$125,000.

The amendment was agreed to.

The next amendment was, on page 17, line 14, after the word "construction," to strike out "and repairs;" so as to read:

For construction of quarters for hospital stewards, including the extra-duty pay of enlisted men employed on the same, \$12,500.

The amendment was agreed to.

The next amendment was, on page 18, line 14, after the word "depots," at the end of the clause making appropriations for "clothing, camp, and garrison equipage," to strike out the following proviso:

Provided, That the several sums appropriated for the Quartermaster's Department by this act, including their credits, shall be available for three months after the expiration of the fiscal year.

The amendment was agreed to.

The next amendment was, in the appropriations for "Engineer Department," on page 19, line 17, after the word "employed," to insert "for periods of not less than ten days;" in line 19, before the word "not," to strike out the word "any" and insert the word "and;" and in line 22, after the word "machinery," to strike out the word "clerk-hire;" so as to make the clause read:

Engineer depot at Willets Point, New York: Incidental expenses of the depot, including fuel, chemicals, stationery, extra-duty pay to soldiers employed for periods of not less than ten days as artificers on work in addition to and not strictly in line of their military duties, such as carpenters, blacksmiths, draughtsmen, printers, lithographers, photographers, engine-drivers, teamsters, repairs of and for materials to repair public buildings, machinery, and unforeseen expenses, \$5,000.

The amendment was agreed to.

The next amendment was, on page 20, at the end of the appropriations for "Engineer Department," to strike out line 11, as follows:

In all, \$20,000.

The amendment was agreed to.

The next amendment was, on page 21, to strike out lines 11 and 12, as follows:

For the purchase of machine-guns, musket caliber, of American manufacture, \$20,000.

Mr. PLATT. I should like to inquire of the chairman of the Committee on Appropriations if he will not allow this clause to stand in the bill instead of striking it out. I desire to say in regard to it that an appropriation of \$20,000 for the purchase of machine guns was put on the fortification bill by an amendment in the Senate, which was the same as this item in the present bill. The House of Representatives have put the provision in the Army appropriation bill. The fortification bill has gone into conference. From former experience I am afraid we may not have any fortification bill become a law this year, and that the appropriation which both the House and the Senate desire shall be made may in some way fall. If the committee will allow this provision to stand as it passed the House, that is an end of the matter and there will be no danger of losing it, and in the committee of conference on the fortification bill they can strike it out or not insist upon the amendment, and then the whole matter will be ended. I wish the committee would allow this amendment to be disagreed to.

Mr. ALLISON. The Senator from Connecticut states truly that this provision was inserted by the Senate as an amendment to the fortification bill. The Senate believed that it more properly belonged to that bill; and as that bill is now in conference I prefer to allow this amendment proposed by the Committee on Appropriations to stand.

I will say to the Senator from Connecticut that there will be no trouble about this matter. It will be found in one or the other of the bills when the appropriation bills are finally passed.

Mr. PLATT. If that is to be the result, of course I can make no objection.

Mr. HAWLEY. I have no doubt that what I suppose I may call the pledge of the Senator from Iowa will be fulfilled in one or the other of the bills. I do not understand his suggestion that the provision is more properly in the fortification bill, because these guns are used more for the Army in general than they are for coast defense. I

do not see the propriety of the suggestion and can not comprehend the philosophy of it. To simply leave this thing where the House put it is to settle the matter. If the Senator thinks he has good reason to think it will not be lost I shall give it up, but this is the natural place for it.

Mr. ALLISON. There seems to be a deep interest in this question from many sources, indicating that the provision ought to be on this bill. I have not been able to comprehend that situation; but inasmuch as if it is here, it will not be put in the fortifications bill, I shall withdraw any scruples I have and allow the amendment to be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 13, after the word "manufacture," to insert "repair and issue;" and in line 19, before the word "ordnance stores," to insert "ordnance and," so as to make the clause read:

For manufacture, repair, and issue of arms at the national armories, \$100,000: *Provided*, That not more than \$60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department: *Provided further*, That hereafter the cost of the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," and used to procure like ordnance stores, and that said appropriation shall be available until exhausted, not exceeding two years.

The amendment was agreed to.

The next amendment was, on page 22, to strike out the clause from line 11 to line 20, inclusive, as follows:

That the sum of \$15,000, 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, to enable the Secretary of War to cause examinations and tests to be made in converting the existing ordnance of the War Department into steel-lined breech-loading torpedo howitzers for throwing high explosives, according to the plans of Stephen Emmons, as stated in his memorial of February 2, 1889, referred to the Committee on Military Affairs.

The amendment was agreed to.

The next amendment was, on page 22, to strike out the clause from line 21 to line 23, inclusive, as follows:

For the purchase, under the direction of the Secretary of War, of land convenient to the Watervliet arsenal suitable for proof-firing of seacoast guns, \$15,000.

And in lieu thereof to insert:

The Board of Ordnance and Fortification is hereby directed to examine and report upon a site for an ordnance testing and proving ground to be used in the testing and proving of heavy ordnance, having in view in the selection of said site its accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land and the least sum for which the same can be procured. Said board shall report thereon to the Secretary of War, to be submitted to Congress at its next session; and in case the said board shall select a site and recommend its purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the tract so recommended, until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

For the necessary expenses under the foregoing provision, \$1,000, so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The question is on striking out and inserting.

Mr. HISCOCK. I suppose the question can be divided. I wish a division on striking out the first clause, and I call the attention of my colleague to it.

The PRESIDENT *pro tempore*. A motion to strike out and insert is not divisible.

Mr. HISCOCK. I understand then that it is not possible to have a vote upon the question of restoring the item in lines 21, 22, and 23, on page 22, alone by itself.

The PRESIDENT *pro tempore*. That can be reached by disagreeing to the entire amendment. The motion being to strike out and insert is not divisible. If the motion of the committee is not agreed to, the lines proposed to be stricken out remain in the bill.

Mr. HISCOCK. I desire to call the attention of my colleague [Mr. EVARTS] to the provision in lines 21, 22, and 23, on page 22. I understand he has some documents which bear very strongly on the subject.

Mr. ALLISON. I find that the Senators from New York antagonize this amendment because, I suppose, they wish to retain this little provision for the purchase of some ground at the Watervliet arsenal. I do not understand them to antagonize the general provision which we have inserted here respecting the availability and propriety of purchasing a testing ground for the general use of the Board of Ordnance that we now have. I should be glad, if there was any way of doing it, to separate these two provisions and test the sense of the Senate in striking out these three lines. So I am entirely willing, by unanimous consent, that that should be done, because if those three lines are retained in the bill it will be still necessary to insert the other provision which we propose to put in. So, I hope, by unanimous consent we may consider the question on striking out the lines.

The PRESIDENT *pro tempore*. It may be treated as two amendments, and not as an amendment to strike out and insert.

Mr. ALLISON. Yes, sir.

The PRESIDENT *pro tempore*. Then the question recurs on the motion to strike out lines 21, 22, and 23, on page 22.

Mr. HAWLEY. I probably missed something that has been said, having been called out for a moment; but I do not understand that

these propositions have any necessary connection. Did the Senator refer to the amendment in italics?

Mr. ALLISON. I just stated to the Senate that these two amendments are not necessarily connected; that if the provision found on lines 21, 22, and 23, of page 22, should be retained it would still be necessary to insert the words in italics.

Mr. EVARTS. Mr. President, as I understand it, the only question is now whether what we have already in previous examinations that have been made and reported upon and have been considered heretofore by the committee and have also gone so far as to produce this provision from the House, shall also be merged in the provisional arrangement for inquiries before this is passed upon.

The matter in italics, as I understand, is provisional for further inquiries on certain topics, and would perhaps cover this if it is necessary that it should be postponed; but as I understand the recommendation of General Benét, the head of the Ordnance Department, is that this provision ought to be restored, I should hope that we might have a separate vote upon it and that we might agree that lines 21, 22, and 23, on page 22, should remain in the bill. The other parts that are so marked should be omitted, and the general provision, beginning at line 24 on page 22, and continuing to line 16 of the next page, should be a part of the bill.

There has been heretofore in both Houses a hearing and examination in which this question of acquiring at a reasonable price a parcel of land convenient to the Watervliet arsenal has been considered, and I should hope, therefore, there can be found no adequate reason for striking that out of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out lines 21, 22, and 23, on page 22, of the bill.

Mr. ALLISON. Before the question is put I ask that the letter of the Chief of Ordnance which I send to the desk may be read. I think after it is read the Senate will see that it is wise to submit this question also to the Board of Ordnance.

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

The Secretary read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., February 25, 1889.

SIR: I beg to call your attention to an item of appropriation in the Army bill as it passed the House of \$15,000 for the purchase of land convenient to the Watervliet arsenal, and suitable for proof-firing of seacoast guns (page 22, lines 22 and 23), which was stricken out as the bill was reported to the Senate. In connection with this matter I would state as follows:

The procurement of limited proof-ground facilities convenient to the gun factory was deemed so essential as a matter of convenience and economy in connection with the manufacture of cannon at the Watervliet arsenal that a special estimate was submitted from this Department under date of December 14, 1888 (see Executive Document No. 39, House of Representatives, Fiftieth Congress, second session, page 3, herewith). The amount specified in that estimate was \$20,000, but it has been ascertained since that the sum of \$15,000 will probably be sufficient for the purchase of a suitable site. The object of firing facilities near the gun factory is very different from that had in view with a regularly established proving and testing ground such as that at Sandy Hook. In the manufacture of guns it may be necessary to set out a lining-tube by means of firing before completing the gun, or firings may be required in adjusting the gas-checks and fittings of guns, or for the few proof rounds prescribed prior to the issue of guns to the service. It would therefore be of manifest advantage and economy to have such limited firing facilities near at hand to the gun factory. The proof ground at Sandy Hook is none the less necessary, for the work to be done there is on a very much larger scale. Firings must be made there for range and accuracy, for prolonged tests of endurance, and for all extended tests of ordnance material and explosives. Such a proving-ground will always be required for general purposes in addition to the facilities for proof-butts proposed in this appropriation for Watervliet arsenal.

As to the extent of land that is required for this purpose, it should not be less than 100 acres, but as near 500 acres as the appropriation will permit. If the land can be obtained at a moderate price a large area will be an advantage with the proof-butts near the center of it. There is suitable land on the west side and adjacent to the arsenal, but it may be held at too high a price to admit of its purchase. About 8 miles directly west of the arsenal is a tract of land of 500 acres which can be purchased at from \$25 to \$30 per acre. This land can be reached by the Delaware and Hudson and New York Central Railroads. In a distance of 12 miles there are no long bridges to cross. A proof-butt in the center of a tract of land approximating a square mile in area can be a nuisance to no one. Should this latter tract be selected a branch railroad track from one-half a mile to 1 mile in extent will be required eventually in order to reach the firing point.

I respectfully request that if practicable this item of \$15,000 may be restored in conference.

Respectfully, your obedient servant,

S. V. BENÉT,

Brigadier-General, Chief of Ordnance.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

Mr. EVARTS. Mr. President, it will be seen, I think, that the recommendation of General Benét is clear and decisive that this item should be included in the bill. It will be observed that the language here is not for land adjacent, but—

For the purchase, under the direction of the Secretary of War, of land convenient to the Watervliet arsenal suitable for proof-firing of seacoast guns, \$15,000.

So that either alternative that is considered and presented by General Benét would be covered by this discretion vested in the Secretary of War; and really it seems hardly suitable that we should postpone a matter of this kind because there are other matters that may need to be inquired into. Primarily in the course that we are now pursuing in reference to our military and naval purposes we should lose as little

time after we have arrived at a conclusion as is possible if this \$15,000 is to obtain convenient to this arsenal some land that will suit our purposes.

Mr. ALLISON. Last year in the appropriation act for fortifications Watervliet arsenal was provided for as a gun factory for the purpose of assembling heavy ordnance. It is stated in various ways that the present proving-grounds at Sandy Hook are not large enough or extensive enough to enable the ordnance officers to prove the heavy guns, and a good deal of information has been given respecting the selection of some other grounds for this purpose. It would seem that these grounds ought to be, if a suitable area can be found, either in the neighborhood of Watervliet arsenal or in the neighborhood of Sandy Hook.

The Committee on Appropriations have inserted here a provision authorizing the board of officers having charge of the manufacture of these guns to examine into this question and report at the next session of Congress, and the committee do not believe it wise to forestall this question by saying that \$15,000 shall be appropriated for this purpose convenient to Watervliet arsenal. If suitable proving-grounds are to be procured they will cost a much larger sum than that here proposed, and require a much larger area than 500 acres.

Therefore the committee believe that the whole question ought to go over until this examination can be had. I will say to the Senator, what he already knows, that there will be ample time at the next session of Congress to purchase proving-grounds, because these heavy guns will not be ready for firing until some time after the next session of Congress.

Mr. HAWLEY. Mr. President, it is very seldom indeed that I find the Senator from Iowa lacking in precisely accurate information. I do not know but that this may be the first instance. The ground they are speaking of here is not the ordinary trial ground for the full force of their guns. I suppose the Senator understands that.

Mr. ALLISON. I have just had a letter read at the Secretary's desk from the Chief of Ordnance stating exactly what the Senator now states. I understand perfectly well that the Chief of Ordnance thinks he needs some little proof-firing to be made somewhere in the process of assembling these guns. That was just stated. That may be true, but it may be also true that the larger area for the final test of these guns may be made in the same neighborhood or at the same place. That was the argument I intended to make, not that I did not understand the views of the Chief of Ordnance upon this subject.

Mr. HAWLEY. A big pit might answer the same purpose. It is nothing but the test of the strength of the gun and incidentally of the excellence of the tubes, the chamber, and the plug that incloses the breech. I do not myself see why he needs 500 acres so far as that is concerned.

Mr. ALLISON. I should like to ask the Senator from Connecticut, who, I know, has given great attention to this subject, if he believes it to be a wise thing in the process of manufacturing these guns to have them carried out 12 miles from Watervliet arsenal in order to test them?

Mr. HAWLEY. If it can be done nearer the ground, I would say certainly do it there, even if you had to pay more money for it; but the Sandy Hook testing is something that comes afterwards, when the gun is entirely completed; when it is shown to have stood all the necessary tests as to bursting, and is fit for service, it then goes down and takes a long-range final trial. If the Senator will amend the amendment in italics here in line 24, and following to line 14 on the next page, so as to include a local testing ground at Watervliet arsenal, it would cover the subject. The only question I should have to ask then would be whether having, as we have, ordered the manufacture of great guns these rough parts will begin to be assembled at Watervliet before we may need the final grounds?

Mr. HISCOCK. I think the examination has already been made, and that it is not the ground adapted for the long testing of guns at Watervliet arsenal; that is, they can not test them for long firing without this ground costing a great deal, and it is not adapted to that. This testing is simply for the purpose of testing the strength of the metal with a view of testing the capacity of the guns for distance, and it does not at all come within the second provision.

The chairman of the Committee on Appropriations speaks with reference to the guns being carried 12 miles for testing. That is a matter of no consequence. This arsenal is on a canal, and they are transported there with practical ease for the purpose of testing them during the process of manufacture. It is for that that this appropriation is asked.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations proposing to strike out lines 21, 22, and 23, on page 22.

Mr. GORMAN. As one member of the Committee on Appropriations I was governed very much in my vote upon this proposition to strike out by the experience we have had elsewhere. The fact is that in the manufacture of heavy ordnance for the Navy, nearly all of which is manufactured in Washington, they have selected a proving-ground for the purpose of testing those guns at Annapolis. They are conveyed from Washington to Annapolis for the ordinary firing; but the experience there has demonstrated that it would be great economy if there

was a proving-ground near at hand sufficient not only for the first test but for the long-range firing, because it is very expensive to convey these guns from Washington to Annapolis. Hence we have a board from the Navy that is now looking for a proving-ground; and so with the Army.

As the chairman has stated, in the fortifications appropriation bill ample provision was made for the manufacture at Watervliet, but to test the guns properly it would become necessary, in view of economy and in every other respect, to have a ground where they not only make the first test but for the long-range firing. So I voted for, and I trust the Senate will adhere to it, to strike out this provision of the House bill and put the matter in the hands of the Board of Ordnance and Fortification, so that they may select the ground where all this can be done with least expense.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations to strike out lines 21, 22, and 23, on page 22.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Is it the desire of the Senator from Iowa that the amendment proposing to insert shall be treated separately as to the two paragraphs?

Mr. ALLISON. Yes, sir; separately. I ask for a vote now on the part proposed to be inserted.

The PRESIDENT *pro tempore*. Shall that be treated as two questions?

Mr. ALLISON. Yes, sir.

The next amendment of the Committee on Appropriations was, on page 22, after line 23, to insert:

The Board of Ordnance and Fortification is hereby directed to examine and report upon a site for an ordnance testing and proving ground to be used in the testing and proving of heavy ordnance, having in view in the selection of said site its accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land and the least sum for which the same can be procured. Said board shall report thereon to the Secretary of War, to be submitted to Congress at its next session; and in case the said board shall select a site and recommend its purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the tract so recommended, until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

Mr. ALLISON. To meet the suggestion of the chairman of the Committee on Military Affairs, I move, after the word "ground," in line 2, to insert "including partial testing-ground convenient to Watervliet arsenal;" so that the board may also have this question before them.

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

The CHIEF CLERK. After the word "ground," in line 2, on page 23, in the matter proposed to be inserted by the committee, it is proposed to insert:

Including partial testing-ground convenient to Watervliet arsenal.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 23, after line 14, to insert:

For the necessary expenses under the foregoing provision, \$1,000, so much thereof as may be necessary.

The PRESIDENT *pro tempore*. In line 16, after the word "dollars," it should read "or so much thereof."

Mr. ALLISON. I move to insert "or" before "so."

The PRESIDENT *pro tempore*. The amendment will be so modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 24, to strike out the clause from line 16 to line 18, inclusive, as follows:

For necessary office expenses for completing the maps of the battle-field of Chickamauga, Georgia, \$800.

The amendment was agreed to.

The next amendment was, on page 24, to strike out the clause from line 19 to line 22, inclusive, as follows:

To enable the Secretary of War to finish the surveys necessary to the completion of the maps of the battle-field of Chickamauga, Georgia, \$1,200, or such part thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

For finishing surveys and completing maps of battle-fields, \$2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 24, at the end of page 24, to insert:

Purchase of land adjoining military reservation at West Point: To enable the Secretary of War to purchase the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, in accordance with the valuation of the same made by a board appointed under the provisions of the Army appropriation act of September 22, 1888, and approved by the Secretary of War, as appears by his letter to Congress dated January 23, 1889, being House Executive Document No. 104, Fiftieth Congress, second session, \$150,000: *Provided, however*, That such purchase shall not be completed nor any payment made for said land until the title thereof shall be duly approved by the Attorney-General, and the Attorney-General on such purchase shall cause to be filed in the department of the State of New York proper evidence of the purchase of said lands to complete ceding of jurisdiction thereof to the United States.

Mr. HISCOCK. I should like to inquire of the Senator from Iowa who has charge of the bill if under this provision \$150,000 will be paid for this property?

Mr. ALLISON. I so understand it.

Mr. HISCOCK. Do I understand that under the provision of this amendment \$150,000 is to be paid for this property?

Mr. ALLISON. I so understand.

Mr. HISCOCK. I desire to say in respect to the amendment that the information I have, which is from a private individual, is to the effect that this property is not worth more than about \$20,000. For a long time it has been borne upon the assessment-rolls at \$12,000, and now is assessed at \$20,000. If it is assessed at a third of its value, then it would be only worth \$50,000 or \$60,000. It seems to me that it is quite improper that we should pass a law providing that this sum shall be paid for it without further examination or investigation into the case.

I understand further that the people who reside in that neighborhood are very much opposed to this proposed purchase by the Government, as it is to encroach upon the town and practically prevent the growth and extension of the town. Unless there is some very strong reason indeed why the Government should purchase the property, it is infinitely better to let the property remain in the hands of private parties. But the fact of which I have been advised is that up to within a year the property has been assessed at \$12,000, and that it was increased only to \$20,000, which makes it look, at least on the face of it, as if \$150,000 was a very large sum of money to be paid for the property.

Mr. ALLISON. At the last session of Congress a provision was inserted in one of the appropriation bills, I think in the Army appropriation bill, providing for a board to investigate the situation as respects this property and to make an appraisal of it. I think three successive committees or boards who had visited West Point recommended that this land be purchased. The Secretary of War also recommended it. We provided that the superintendent of the Military Academy at West Point, General Parke, should be one of the members of this board. He is well known, I believe, to most Senators. The board assembled. General Parke was the chief of the board, and William F. Russell and John D. Kernan were the other two appraisers. The Senator from New York will know something more of the character of these gentlemen than I do. I understand that Mr. Kernan is a son of ex-Senator Kernan, who was formerly a member of this body. They find this property to be worth \$150,000.

The people who own the property suggested to the Committee on Appropriations as respects this amendment that they were quite willing, and I thought perhaps from their letter that they were somewhat desirous, that there should be a reappraisal of the property. At least they were willing that the whole matter should be referred to the Secretary of War again with power to reappraise the property if he chose to do so, and that at that appraisal the property should be purchased. The committee after a pretty full examination of the subject believed that it was wiser to take the appraised value as fixed by these three gentlemen than to run the risk of another appraisal.

There is no doubt of the fact, I think, as clearly disclosed in all the reports, that it is a wise thing for the West Point Military Academy to have this additional property. It lies immediately adjacent to where most of the buildings of the academy are now situated, and it lies between the property of the academy and the village of Highland Falls. It is only a question whether the property should be sold for town or village or city lots which shall abut the property of the academy, or whether the Government shall have this area for its own uses and purposes. That is all there is in the case as far as I know.

Mr. SHERMAN. Upon the statement made by the Senator from New York [Mr. HISCOCK] I certainly would not like to vote an appropriation of \$150,000 when we are assured that this property, which lies in his own State, is worth only one-third of that sum. I know General Parke, and I was somewhat surprised at the statement.

Mr. ALLISON. General Parke's report is here.

Mr. SHERMAN. I think under the circumstances we ought not to adopt the amendment against the statement made by the Senator from New York. I certainly would not vote for it, although I have no objection to the purchase.

Mr. ALLISON. I did not understand the Senator from New York to make a statement except from private information.

Mr. SHERMAN. He states his belief that the property has been assessed for taxation at from \$12,000 to \$20,000, and now the property leaps up to \$150,000. I suppose I know the property. The valuation leaps up from \$12,000 to \$20,000, and it is proposed that it shall be sold to the Government for \$150,000. I know the land there. It is a very hilly region. While it is a very important location and it may be valuable to the Government, \$150,000 would seem to be out of all reason for 225 acres of land. I know nothing about it, and I should have voted for the amendment as a matter of course, but on the face of the statement of the Senator from New York I certainly will not vote for the amendment.

Mr. HAWLEY. I believe this matter originated in the Military Committee; that is to say, the proposition to purchase this land adjoining the West Point reservation was recommended by the Commit-

tee on Military Affairs. It immediately adjoins the grounds. The beginning of it is but a short distance below the important buildings of the academy, and it lies on the road running south and parallel to the Hudson River. It has been held intact as a family estate for a long time.

One of the reasons why the managers of the academy desire to purchase this tract is because if they do not it inevitably will be cut up into village lots. The village runs up to a very short distance below the barracks and offices, etc., of West Point. It is better for the young men that they should be put in the middle of the reservation, some distance from a village. All the instructors and managers feel that that should be the case. So the various boards of impartial men of sense and experience who have visited that place from year to year under the law have thought it a very wise thing to get this land.

Now, how does there come to be so wide a difference in the estimates of the value of it? In the first place, some of it has been held as pasture land, some as meadow land, but largely for ornament as the seat of a country gentleman. What its value actually there would be I do not know; that is to say, I do not know what the annual revenue of the owner was from it. Much of it is not so very valuable as farming land, but it is a noble estate as it stands.

If the owners of that estate choose to cut it up into village lots, I personally have not the slightest doubt that they would get a great deal more than \$150,000 for it.

Incidentally Parke mentions in one of his papers that not a great while ago a lot was sold just below the Kinsley estate on the village site and a saloon was put up. We do not want a row of cheap saloons and taverns and all that sort of thing lining that bank from the village up through the Kinsley estate to the borders of the academy. It is a noble situation, I should guess 175 feet above the Hudson River, and with the Hudson River in view every step of the road down to the Kinsley estate. There are some noble homes all along there. You can imagine that this land will become very valuable when put into the market.

I understand that the heirs look at it in that way. If the settlement is made now in accordance with this amendment they get \$150,000, and they put that upon interest; but if the settlement is not made they might get \$170,000 a year hence, which would not be worth so much to them as \$150,000 cash now, which they could invest and upon which they would be drawing interest.

It seems to me, on looking this matter over—and I have watched it a little for the interest of the academy—that probably it would be best to take the estimate of this board. The board was composed, as the chairman of the committee has said, of General Parke, whose high character and sound sense everybody knows, one of the noblest men in the whole Army; Judge Russell, of Saugerties, a man of high standing, and John D. Kernan, of Utica, a man also of high standing and the son of ex-Senator Kernan. I think they have made a fair estimate. At the same time I admit that as a rule I would not vote for a purchase upon a fixed sum here. I would rather have it appraised over again even if we paid \$25,000 more for it, by reason of the precedent. But I say in support of the proposition of the committee that I think the committee acted upon sound reasons for the good of the Government. However, if the Senate thinks that this kind of a purchase is not wise, I suppose it can wait, and the Government will probably pay more; I do not know.

Mr. REAGAN. Mr. President, there is no question but that the acquisition of the ground referred to for the use of the Military Academy is very important. It comes up right close to the principal buildings of the academy, as stated by the Senator from Connecticut. It is suggested by the officers in control there that it comes up so close as to permit the putting so near the barracks of establishments for the sale of liquor and other demoralizing establishments as to injure the morals of the cadets. It makes the limit, as suggested by them, so close that the cadets between roll-call may go out there and be subject to whatever injurious influence may be brought to bear.

An examination of the ground showed that it was important that it should be acquired by the Government. As to the price proposed here, I, of course, am without information. It should be suggested, however, that it is not merely the ground that is valuable. There are a number of buildings on this ground, and there are stone fences upon it. I do not know what the value of the improvements may be, but there are considerable improvements on this ground. It seems to me that the price, however, is very high, but General Parke, with whom most of us are acquainted, is a man of very high character. I do not know Mr. Russell. Mr. Kernan also is a man of very high character. I see that these gentlemen took an oath of office preparatory to the valuation of this property in which they said that they would faithfully discharge the duties of the office on which they were about to enter, which involved this valuation. I take it that these gentlemen must have acted conscientiously. They recommend the purchase of this property at the price stated. The Secretary of War concurs in that recommendation, and he, too, has been on the ground and has examined it, and knows the importance of the acquisition of this particular piece of ground.

I understand that the Committee on Appropriations, in passing upon

this, recognizing the necessity for the purchase of this ground, are apprehensive that the Government may save nothing and may lose something by a subsequent valuation of the property. While it seems to me the price is very high, I am inclined to be governed by the judgment of those who have been charged under the law with fixing the valuation, and I shall therefore sustain the amendment.

Mr. ALLISON. The parties owning this property are quite willing that we should insert a provision for a re-examination of the property and for its condemnation, but the committee on the whole believed it wiser not to provide for a further examination and condemnation of the property, because they believed it would cost the Government more than it would to purchase it at the appraised price. But if Senators think there should be a further examination, especially in view of what the Senator from Ohio has stated upon this subject, I will offer an amendment to the amendment which will cover that point.

The PRESIDENT *pro tempore*. The Secretary will read the amendment proposed by the Senator from Iowa to the amendment of the Committee on Appropriations.

The SECRETARY. It is proposed to add to the amendment of the committee the following proviso:

Provided, That the Secretary of War, after a re-examination of the report of said board and a further consideration of the question of the value of said land, may, if he deems it for the best interests of the Government, proceed and acquire title to said 225 acres of land by condemnation thereof under judicial proceedings, to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of said land, appoint three commissioners who shall be competent and disinterested appraisers; and all the proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the act of Congress of August 1, 1838, entitled "An act to authorize the condemnation of land for sites of public buildings, and for other purposes."

Mr. GORMAN. Do I understand that the Senator from Iowa offers this as a substitute for or as an addition to the committee's amendment?

Mr. ALLISON. I offer it as a proviso to be added to the amendment of the committee. It will allow the Secretary of War, if upon further examination he deems this appraisal too high, to proceed to the condemnation of this property. Of course that means that it will be acquired at whatever price the condemnation proceeding shall fix.

I offer it in view of what the Senator from New York and the Senator from Ohio have said, but my own belief is that we shall pay more for it under this proceeding than the amount proposed to be appropriated in the committee's amendment.

Mr. HISCOCK. That can be disposed of on this question. I assume that the heirs or owners of this property are willing to take \$150,000 for it. Suppose a limitation be put in not to exceed \$150,000.

Mr. ALLISON. Very well; I shall agree to that, if the Senator will propose it.

The PRESIDENT *pro tempore*. The proposed modification will be read.

Mr. ALLISON. Insert "not exceeding the amount herein appropriated" in the amendment to the amendment.

Mr. HALE. How can you have an appraisal where the limit is fixed?

Mr. GORMAN. As I understand this case, the Committee on Military Affairs, three or four boards of visitors who have gone to West Point, the commander at West Point, and the Secretary of War all insist that this property is absolutely necessary to facilitate matters at West Point. The owners of the property came here a year ago and offered to sell the property at a fixed price, I understand, but the proposition came up to condemn it as is provided for in the amendment to the amendment. It was thought unwise by the Senate and by Congress that we should enter upon that proceeding, for the reason that it might cost a great deal more, and therefore it was suggested by the committee that a board of officers to be appointed by the Secretary of War should appraise the property and ascertain its value. They are the appointees of the United States, and after due consideration they say that \$150,000 is a reasonable amount.

Mr. ALLISON. I withdraw my modification of the amendment to the amendment.

Mr. GORMAN. Then I have nothing further to say.

Mr. ALLISON. I will let it stand upon the condemnation proceedings. I think the Government ought to take its chances with the heirs, if the question is resubmitted.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the Committee on Appropriations.

Mr. STEWART. On page 21, after line 10, I move to insert:

For the purchase by the Secretary of War of three pneumatic dynamite guns of 15-inch caliber, and the necessary machinery to fire and handle the same, ammunition and carriages for the same, to be placed and mounted ready for use, free of cost to the Government, at such point or points in the harbor of San Francisco as may be designated by the Secretary of War, \$187,500, or so much thereof as he may deem proper.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. GORMAN. I call the attention of the Senator from Iowa to the amendment on page 16, line 9, striking out the clause: "For officers' quarters at the post at Columbus, Ohio, \$20,000."

Mr. ALLISON. I will state that since that amendment was reported from the Committee on Appropriations the committee has made a further examination and find that this is quite a large military post, and that these quarters are necessary. So I hope that amendment will be non-concurred in by the Senate.

The PRESIDENT *pro tempore*. The amendment was agreed to in Committee of the Whole.

Mr. ALLISON. It was agreed to in Committee of the Whole. I ask that it may be non-concurred in in the Senate.

Mr. HALE. Let me ask the chairman of the committee how many soldiers are at Columbus?

Mr. ALLISON. The Adjutant-General of the Army was telegraphed to for information on this subject. He telegraphs me, and I have his telegram here, stating that there are 700 soldiers there at this time, and I believe 15 officers.

Mr. HALE. At Columbus, Ohio?

Mr. ALLISON. At Columbus, Ohio. It seems to be a large military post.

Mr. HALE. What are they doing there?

Mr. ALLISON. They must be quietly—

Mr. HALE. Engaged in the arts of peace?

Mr. ALLISON. Yes.

Mr. HAWLEY. Is it not a recruiting station?

Mr. ALLISON. I believe it is a recruiting station.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, on page 16, lines 9 and 10, by which the Senate struck out the words:

For officers' quarters at the post at Columbus, Ohio, \$20,000.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. If there be no further amendment reserved the question is on concurring in the remainder of the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Iowa to an apparent omission at the foot of page 19. The clause reads:

In their special duties of sappers miners.

Mr. HAWLEY. The insertion of the word "and" after the word "sappers," in line 25, on page 19, covers it.

The PRESIDENT *pro tempore*. If there be no objection, the word "and" will be inserted after "sappers."

Mr. HAMPTON. I ask permission to offer a couple of amendments which were referred to the Committee on Appropriations from the Committee on Military Affairs. On page 25, after line 20, at the end of the amendment proposed by the Committee on Appropriations, I move to add:

That the sum of \$35,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of one counterpoise battery to mount one 6-inch breech-loading rifled cannon of the new pattern. This battery shall be erected on the bank of the Potomac River below the city of Washington, and at such point as the Secretary of War may direct.

That Beverly Kennon, the inventor and patentee, shall superintend and direct the work, and shall complete the same for actual service within four months after the passage of this act. The gun to be mounted upon it, with its fittings, may be loaned by the Ordnance Department of the Navy. All expenses attending its removal to the battery and from it, if required, to be borne by money embraced in this appropriation.

Mr. ALLISON. I make the point of order on the amendment that it is not germane to the bill. I do not think it is estimated for, although I have not examined that question. Perhaps the Senator from South Carolina can tell me whether it has been estimated for.

Mr. HAMPTON. I can not hear the Senator from Iowa.

Mr. ALLISON. The amendment belongs either to the naval appropriation bill or the fortification appropriation bill. It is not germane to the bill for the support of the Army. That is the first point. The second one is, that it has not been estimated for by the Secretary of War.

The PRESIDENT *pro tempore*. It need not be estimated for, if it has been reported from a standing or select committee and referred, twenty-four hours before it is offered in the Senate for consideration, to the Committee on Appropriations. If the Senator from Iowa raises the question of relevancy that will be submitted to the Senate and decided without debate.

Mr. ALLISON. I do not raise it.

Mr. HAMPTON. The history of this provision is rather an extraordinary one. The battery was recommended by the Military Committee and by some of the highest authorities in the Army, amongst them General Sherman and General Sheridan. The Military Committee brought in a bill. It passed the Senate at the last session and went over and received the unanimous approval of the proper committee in another branch of Congress. The Secretary of War said that if the appropriation was increased there and placed at his disposal the battery

should be erected. When the board to consider all these things was appointed the Secretary of War supposed that the matter had gone to that board and the board did not know that the Secretary of War had had anything to do with it.

I have therefore offered this amendment again by direction of the Committee on Military Affairs. I think it is germane to the bill, and I am satisfied that the sum of money could not be expended in any better way in the world than by trying this experiment. The system has been tried in Egypt. At Alexandria, where one of these batteries was put up, it was the only one that escaped bombardment.

I hope that the Senate will give to this gentleman who invented it the opportunity at this very small cost of testing its efficiency.

I will say further that the Secretary of the Navy has placed one of the new 6-inch rifled breech-loading guns at his disposal for the purpose of trying it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. HAMPTON].

The amendment was agreed to—ayes 20, noes not counted.

Mr. HAMPTON. On page 24, after line 15, I move to insert:

That the sum of \$2,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purchase of the plates and other property embraced in the offer of Professor Gleason.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. HAMPTON].

Mr. HAMPTON. I have not the papers which accompanied the amendment to the Committee on Appropriations, but I can in a very few words explain what the offer is.

Professor Gleason proposed to sell 10,000 copies of his book on horse training and everything of that sort, and all his patents, to the Government. The Military Committee thought it was not expedient to buy the books, but was willing to appropriate \$2,000 for the purchase of all his electrotype plates—there are over three hundred of those—and also the right to use his book, and the right to use all his patents for harness, bits, and everything of that sort. The Secretary of War and the General of the Army have approved his book so far as to buy for the officers 200 copies. The committee thinks it is well that his system should be tested, and by direction of the committee I offer this amendment to the appropriation bill.

Mr. HARRIS. What are the plates that are to be bought?

Mr. HAMPTON. They are in reference to the management, training, and shoeing of horses. The proposition was sent to the Committee on Appropriations. I have not the paper here, but it embraces very many valuable recipes and processes.

Mr. HALE. I should like to have the amendment read.

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

The SECRETARY. It is proposed to insert, after line 15, on page 24:

That the sum of \$2,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purchase of the plates and other property embraced in the offer of Professor Gleason.

Mr. HALE. What does that offer contain? Has the Senator from South Carolina the offer of Professor Gleason, so that we may know what it is that we are purchasing?

Mr. HAMPTON. That paper is in the hands of the Committee on Appropriations. It was sent in with the amendment. I mentioned it as far as I could remember. It is to purchase about three hundred electrotype plates giving all his system.

Mr. HALE. Plates covering what subject?

Mr. HAMPTON. The training, managing, shoeing, and driving of horses, for the use of the cavalry and artillery service.

Mr. HALE. It is a horse book?

Mr. HAMPTON. Yes; and in addition to that the right is given to the Government to use this system, to publish the book whenever it pleases, and to use all the patents for bridles, harness, and everything of that kind.

Mr. HALE. Is this Professor Gleason the man who is traveling about the country giving exhibitions?

Mr. HAMPTON. He is the same one.

Mr. HALE. I suppose the Government can purchase one of his books at any time.

Mr. HAMPTON. The Secretary of War has purchased 200 copies of his book to give to the officers; but the idea of the committee was that, having these plates, the Government could at any time it pleased strike off any number of copies and put them into the hands of private soldiers.

Mr. HALE. I should like to hear the offer of the professor read. The chairman of the committee has it.

Mr. ALLISON. I have the offer of Professor Gleason. I send it to the desk to be read.

The SECRETARY *pro tempore*. The Secretary will read it.

The President read as follows:

WASHINGTON, D. C., February 14, 1889.

MY DEAR SIR: I will sell to the United States Government all the electrotype plates used in printing my book, known as Gleason's Practical Treatise on the Horse, a book containing 300 pages, consisting of 300 electrotype plates, embracing 116 plates of engravings illustrating my methods used in training and educating the horse, also embracing 21 engravings showing an unerring

method of telling the age of the horse, and 14 additional engravings on the science of horse-shoeing.

The book, as printed, consists of the following different departments:

First. A short and concise history of the life struggles and trials of the author in compiling this work.

Second. The breaking and taming wild and vicious horses by questions asked and answered.

Third. How to detect an unsound horse.

Fourth. Method of telling a horse's age from one to twenty-one years.

Fifth. Horseback riding.

Sixth. The breeding and care of the foal.

Seventh. The government farm.

Eighth. Practical suggestions on horse-shoeing.

Ninth. Veterinary department for horses.

Now, I will sell to the United States Government all my right, title, and interest in the above book for the sum of \$2,000, said United States Government to have and to use for the use of the Government all of my patents, including bits, bridles, and harness.

All of which is respectfully submitted.

OSCAR R. GLEASON.

HON. WADE HAMPTON.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the adoption of the amendment proposed by the Senator from South Carolina [Mr. HAMPTON].

Mr. HALE. I think we might get along without that for one year, Mr. President.

The amendment was rejected.

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.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. ALLISON. One amendment was agreed to by the House with an amendment. I move that the Senate disagree to the amendment of the House to that amendment, and insist upon the Senate amendments, and agree to the conference asked by the House of Representatives.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate insist upon the amendments of the Senate which have not been agreed to by the House, and disagree to the further amendment of the House to an amendment of the Senate, and agree to the conference asked by the House of Representatives.

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

CONSIDERATION OF THE CALENDAR.

The PRESIDING OFFICER. According to the order of the Senate the Calendar of unobjected cases will be now taken up, commencing at the point where the consideration was left off.

Mr. HARRIS. Under Rule VIII?

The PRESIDING OFFICER. Under Rule VIII. The first bill on the Calendar, commencing at the point where the Calendar was last under consideration by the Senate, will be read.

WESLEY MONTGOMERY.

The bill (H. R. 3829) for the relief of Wesley Montgomery was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, in line 5, after the name "Wesley Montgomery," to insert "or his heirs at law;" in line 6, after the words "to enter," to insert "in person;" in the same line, after the word "acres," to insert "in one body;" and in line 7, before the word "unappropriated," to insert "surveyed;" so as to make the bill read:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to permit Wesley Montgomery, or his heirs at law, of Adams County, State of Nebraska, to enter in person 100 acres, in one body, of any of the surveyed unappropriated public lands of the United States, not mineral nor in the actual occupation of any settler, in lieu of the northeast quarter of section 23, of township 28 north, of range 14 west, in Iroquois County, Illinois; which land was entered by said Wesley Montgomery on February 20, 1874, under the homestead laws, in accordance with instructions of the Commissioner of the General Land Office to the register and receiver of the date of August 9, 1873, the title to which land failed because of a prior disposition of the same which did not then appear upon the records of the Land Office: *Provided, however*, That the said Wesley Montgomery shall not have made any other entry of land of the United States under the homestead laws: *Provided further*, That said land shall not be located within the limits of any incorporated town or city.

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. PLUMB. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

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

SETH WHEELER.

The bill (S. 2221) for the relief of Seth Wheeler was announced as next in order.

Mr. COCKRELL. Let that be passed over. It will save time.

The PRESIDING OFFICER. Objection is made by the Senator from Missouri. The Chair supposes that objection being made the bill takes its place upon the Calendar under Rule IX.

Mr. HARRIS. Under Rule IX.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

ROBERT ADGER AND OTHERS.

The bill (S. 508) to empower Robert Adger and others to bring suits in the Court of Claims for rent alleged to be due them was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 12, after the words "subsequent to the," to strike out "pardon of the claimants" and insert:

Twenty-ninth day of September, in the year 1865, when the President of the United States issued an order for the restoration of the aforesaid property to said claimants, and during its occupancy by the Government after that date.

So as to make the bill read:

Be it enacted, etc., That the Court of Claims shall, notwithstanding the lapse of six years, take jurisdiction of and adjudge the claim of Robert Adger, James Marsh, and the estate of Mitchell King, against the United States for rent, use, and occupation of certain buildings, wharves, warehouses, offices, ship-yard, and docks in the city of Charleston, S. C., since the war, and shall render judgment in favor of said Adger, James Marsh, and the estate of Mitchell King, or their legal representatives, for such amount as shall be found to be the real rental value of the property subsequent to the 29th day of September, in the year 1865, when the President of the United States issued an order for the restoration of the aforesaid property to said claimants, and during its occupancy by the Government after that date.

The amendment was agreed to.

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

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

ACTION ON AMENDMENTS.

Mr. HARRIS. I ask that hereafter the formal reading of each bill as reached be dispensed with, and that the amendments of the committee reporting the bill be acted upon as they are reached in the reading.

The PRESIDING OFFICER. If there be no objection, that course will be taken.

Mr. ALLISON. As to what bill?

The PRESIDING OFFICER. The Chair is not certain that it understands the suggestion of the Senator from Tennessee.

Mr. HARRIS. In the two bills that have been acted upon the bills have been read and then the Clerks recur to the amendments proposed by the committee. I ask that the formal reading be dispensed with, and that the amendments shall be disposed of as they are reached in the regular reading of the bill.

The PRESIDING OFFICER. The Senator asks that the amendments shall be considered as the bill is read.

Mr. HARRIS. That is exactly what I mean.

The PRESIDING OFFICER. It will be so ordered, if there be no objection.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment to strike out the preamble and all after the resolving clause, and in lieu thereof to insert:

Whereas it appears from the correspondence transmitted to the Senate by the message of the President of the 2d day of February, 1872 (Executive Document No. 28, second session Forty-eighth Congress), and on the 12th of April, 1888 (Executive Document No. 143, first session Fiftieth Congress), that since the year 1871 indemnity has been repeatedly demanded by the executive department of the United States from the Venezuelan Government, but without avail, for the wrongful seizure, detention, and employment in war and otherwise of the American steam-ships Hero, Nutrias, and San Fernando, the property of the Venezuela Steam Transportation Company, a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States, under circumstances that render the Republic of Venezuela justly responsible therefor; and

Whereas all the diplomatic efforts of the Government of the United States repeatedly exerted for an amicable adjustment and payment of the just indemnity due to said corporation and its officers, citizens of the United States, upon whose property and persons the aforesaid wrongs were inflicted, have proved entirely unavailing: Therefore,

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

The amendment was agreed to.

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

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

The preamble was agreed to.

DR. JOHN B. READ.

The bill (H. R. 10633) for the relief of Dr. John B. Read was announced as next in order.

Mr. ALLISON. I was requested by the Senator from Vermont [Mr. EDMUNDS], who feels an interest in this bill, to object to its present consideration.

The PRESIDING OFFICER. The Senator from Iowa objects to the present consideration of the bill, and it will be passed over.

GULF AND CHICAGO AIR-LINE RAILWAY COMPANY.

The bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses was considered as in Committee of the Whole.

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

The first amendment was, in section 1, line 6, before the word "over," to strike out "bridges" and insert "a bridge;" in line 8, after the word "establish," to strike out "that crossing can be most advantageously made" and insert "to be the best and most advantageous point for crossing said river;" and in line 10, after the word "river," to strike out:

The Warrior River, if crossing at or in vicinity of Tuscaloosa; the Tennessee River, at Milton's Bluff, or such point in vicinity thereof as surveys, examinations, and United States engineers may determine that crossing can best be made.

And insert:

Said corporation, its successor or legal representative, may also construct bridges over the Warrior River at or near Tuscaloosa, and the Tennessee River at or near Milton's Bluff.

So as to read:

That the Gulf and Chicago Air-Line Railway Company, a corporation duly organized and legally incorporated under the laws of the State of Alabama, its successor or legal representative, may erect a bridge over the Tombigbee River at such point in the vicinity of Coffeeville, in Clarke County, as surveys and examinations may establish to be the best and most advantageous point for crossing said river; said corporation, its successor or legal representative, may also construct bridges over the Warrior River at or near Tuscaloosa, and the Tennessee River at or near Milton's Bluff.

The amendment was agreed to.

The next amendment was, in section 2, line 24, after the word "said," to strike out "bridge" and insert "bridges;" and in line 25, after the word "prescribe," to strike out "for Grant's Pass and as the Secretary of War shall prescribe for the river bridge;" so as to make the proviso read:

Provided also, That said draws shall be opened promptly upon reasonable signal for the passage of boats, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset to sunrise such lights or other signals on said bridges as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, line 27, after the word "said," to strike out "bridge or;" and in line 28, after the word "which," to strike out "it" and insert "they;" so as to make the proviso read:

And provided also, That said bridges, at the option of the corporation or company by which they may be built, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rate of toll as may be approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, line 11, after the word "said," to strike out "bridge" and insert "bridges;" so as to read:

And equal privileges in the use of said bridges shall be granted to all telegraph companies, and the United States shall have the right of way for a postal telegraph across said bridge or bridges.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "bridges," to strike out "or constructions constructed" and insert "or other structures built;" in line 5, after the words "bridges or," to strike out "construction" and insert "structure;" and in line 6, after the word "expense" to insert:

And if any litigation shall arise in regard to said bridges, or either of them, by reason of their obstructing navigation, the same shall be had in the circuit court of the United States within whose territorial jurisdiction said bridges or any part thereof may be located.

So as to read:

That such alterations or changes as may be required by the Secretary of War or Congress in bridges or other structures built under the provisions of this act shall be made by the persons or corporations owning or controlling said bridges or structures at their own expense; and if any litigation shall arise in regard to said bridges, or either of them, by reason of their obstructing navigation, the same shall be had in the circuit court of the United States within whose territorial jurisdiction said bridges or any part thereof may be located.

The amendment was agreed to.

The next amendment was, in section 6, line 1, to strike out:

No structure of any kind shall be built upon the military reservation on Dauphin's Island until the location and nature of the same shall have been ap-

proved by the Secretary of War, and that such structure may be removed in his discretion, and may be used by the United States free of cost.

And in lieu thereof to insert:

No tramway, track, road-bed, wharf, pier, or other structure shall be built upon the United States military reservation on Dauphin's Island, without the approval and consent of the Secretary of War first had, and the said structure shall be removed by the parties owning or controlling the same, at their own expense, when the Secretary of War so requires: *Provided also*, That the United States may use such structure when built without charge.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico."

Mr. HARRIS. The Senator from Missouri who reported that bill [Mr. VEST] not being present at this moment, I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. EVARTS. I present from the Committee on the Library the report of the Librarian on the progress of the Library of Congress during the calendar year 1888, with an order, which I ask may be read and passed upon at once, for the publication of the report.

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

Ordered, That the report of the Librarian of Congress for the calendar year 1888 be printed, and that 500 additional copies, with covers, be printed for distribution by the Librarian.

CONGRESSIONAL ELECTIONS.

The PRESIDING OFFICER (Mr. PLATT in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the resolution submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States. In the execution of the order of the Senate, this resolution will be informally laid aside, and the consideration of the Calendar will be proceeded with.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

The PRESIDING OFFICER. This bill has been heretofore read at length and all the amendments proposed by the Committee on the District of Columbia have been agreed to. The bill is still before the Senate as in Committee of the Whole and open to amendment.

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

Mr. DAWES. I inquire of the Senator from Tennessee if this is not embodied substantially in the District appropriation bill?

Mr. HARRIS. I am informed by the Senator from Kansas [Mr. PLUMB], who has in charge the appropriation bill, that it is substantially the same.

Mr. DAWES. If that passes, will there be any need of passing this bill?

Mr. HARRIS. Probably not, but it is very desirable to put it in a double form so that the object shall be accomplished.

Mr. DAWES. I agree that the object should be attained.

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

The bill was read the third time, and passed.

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

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. HAWLEY. I ask the attention of the Senator from Tennessee for a moment. I should have spoken earlier while the bill was properly under discussion. I do not know the precise scope of it, but I rise just to enter briefly upon the record my protest against certain conduct of the commissioners of the District of Columbia.

The inaugural ceremonies are going to fill this city with a multitude. The people on foot are confined to the sidewalks, very properly. I make no objection to the proposed arrangement by which ropes shall be run along the curb and the people be confined strictly to the walks; but by some authority or without authority—I suppose by the authority of the commissioners of the District of Columbia—various persons

are not only filling up the reservations in some cases recklessly, with danger to the trees and other public property, not only filling up the reservations with the great stands for the accommodation of the public, to which I make no objection, but they are now authorizing private citizens to cover the sidewalks also with these unsightly structures. They have perhaps the technical right to do it—

The PRESIDING OFFICER. Debate proceeds by unanimous consent.

Mr. HAWLEY. I beg pardon. It did not occur to me at the moment that this was the bill—

Mr. HARRIS. I can only say to the Senator, if he will allow me, that this bill simply provides for what everybody recognizes, I think, as a necessary thing here, an increase of the police force of the District.

As to the matter that the Senator suggests, I have no information as to the authority upon which those things were done, and they are as distasteful to my eye as they are to the eye of the Senator from Connecticut.

Mr. HAWLEY. I should have spoken earlier, because I think an amendment would have been in order on that bill to prevent the doing of such things in the future.

The PRESIDENT *pro tempore* appointed as the conferees on the part of the Senate Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARDY, Mr. LAGAN, and Mr. BROWN of Virginia managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

- A bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;
- A bill (S. 1319) granting a pension to Ann Slater;
- A bill (S. 2008) granting a pension to Cyrus Tuttle;
- A bill (S. 2310) granting a pension to Rosalia Junk;
- A bill (S. 2334) granting a pension to Mary J. Byrd;
- A bill (S. 2344) granting a pension to Minnie A. Bailey;
- A bill (S. 2690) granting a pension to John Gallagher;
- A bill (S. 2758) granting a pension to Susan P. Murdock;
- A bill (S. 2759) granting a pension to James M. Frost;
- A bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.;
- A bill (S. 3091) granting a pension to John Corr;
- A bill (S. 3198) granting a pension to Mary Murphy;
- A bill (S. 3269) granting a pension to Theresia Fichter;
- A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;
- A bill (S. 3387) granting a pension to Charles S. Hamilton;
- A bill (S. 3421) granting a pension to Mary B. McVean;
- A bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan;
- A bill (S. 3588) granting a pension to Ellen B. Farr;
- A bill (S. 3762) granting a pension to Nancy Polock;
- A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;
- A bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States;
- A bill (H. R. 5032) to extend the limits of the collection district of Memphis;
- A bill (H. R. 7028) to admit to registry the steamer George H. Parker;
- A bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of \$80,000;
- A 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;
- A bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;
- A bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas;
- A bill (H. R. 11643) providing for the establishment of a life-saving station and life-saving crew at mouth of Coquille River, Oregon;
- A bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;
- A 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.;

A bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi;

A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States; and

A bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

WASHINGTON AQUEDUCT TUNNEL.

Mr. EDMUNDS. I ask unanimous consent, a little out of time, to present a report from a committee.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Chair will receive the report, if there be no objection.

Mr. EDMUNDS. I am instructed by the joint select committee raised by a concurrent resolution of the two Houses at the last session on the subject of the Washington Aqueduct tunnel and the water supply to submit a report in writing, together with the report of the board of expert engineers employed by the committee, the testimony of the engineers, and two amendments which we intend to propose to the deficiency appropriation bill, which I ask may be referred to the Committee on Appropriations. There is a large mass of other testimony and a large mass of drawings, papers, cross sections, etc., which I shall ask leave to file with the Secretary of the Senate as a part of this report, or an appendix to it rather, without bringing them into the Senate Chamber.

The PRESIDING OFFICER. The Senator from Vermont makes a report—

Mr. EDMUNDS. I have described what it is.

The PRESIDING OFFICER. It will be received and ordered to be printed. The amendments which accompany the report will be referred to the Committee on Appropriations and ordered to be printed, and leave will be given to file the testimony with the Secretary of the Senate.

Mr. EDMUNDS. The testimony and other papers.

The PRESIDING OFFICER. Does the Senator desire that that testimony shall be printed?

Mr. EDMUNDS. Not at present until the papers are carefully looked over. There is a good deal of it, perhaps, that need not be printed at all. I shall make a subsequent motion about that.

COURT IN INDIAN TERRITORY.

Mr. VEST. I desire to submit a conference report.

The PRESIDING OFFICER. The report will be received.

Mr. EDMUNDS. Are the papers here?

Mr. VEST. The papers are here.

The Chief Clerk read the report, as follows:

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

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

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

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

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

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

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

"Sec. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money claimed shall amount to \$100 or more: *Provided*, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only: *And provided further*, That all laws and

parts of laws prohibiting the citizens or members of the tribes of the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, in their individual capacity, from entering into contracts with citizens of the United States, except as to contracts for the conveyance of real estate in fee, and also prohibiting either of said nations from entering into leases or contracts for mining coal, be, and the same are hereby, repealed; and said court shall have jurisdiction over all controversies arising out of said mining leases and of all questions of mining rights or invasions thereof where the amount involved exceeds the sum of \$100.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Sec. 15. That in all criminal trials had in said court in which a jury shall be demanded and in which the defendant or defendants shall be citizens of the United States none but citizens of the United States shall be competent jurors.

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

"Sec. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary-line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said

boundary-line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary-line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary-line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary-line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the district of Kansas by the act approved January 6, 1883, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the eastern judicial district of the State of Texas for judicial purposes.

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

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

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

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

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

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

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

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

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

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

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

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

And the Senate agree to the same.

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

The PRESIDING OFFICER. The conference report was presented during the execution of a prior order of the Senate, and was received by the Chair upon the ground that it was a privileged report. The question now is, Will the Senate proceed to its consideration?

Mr. HARRIS. If we can come to a vote without debate, I shall be glad to have the report disposed of. Otherwise I shall feel compelled to object.

Mr. VEST. I think it will not lead to debate.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the report?

The question was decided in the affirmative.

The PRESIDING OFFICER. Shall the report be adopted?

The report was concurred in.

CONSIDERATION OF HOUSE BILLS.

The PRESIDING OFFICER. The Chair would remark that twenty-three minutes have been consumed in the consideration of the conference report.

Mr. HARRIS. Knowing as I do that every moment that we spend in the consideration of Senate bills at this late hour of the Fiftieth Congress is a moment wasted, I ask unanimous consent that the remaining hours to be spent on the Calendar be devoted to the consideration of House bills favorably reported.

Several SENATORS. That is right.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the remainder of the three hours which were ordered by the Senate to be spent in the consideration of the Calendar may be devoted to the consideration of House bills only.

Mr. PASCO. If there can be an exception made in reference to the Florida Indian war claims bill, I shall not object. That bill does not come within the description of bills referred to by the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Florida object?

Mr. PASCO. If the Senator from Tennessee will make an exception in favor of that bill I shall not object.

Mr. HARRIS. I should be very glad even to make that exception and get the rule so modified as that we may devote our time to the consideration of House bills; but I hardly think the Senator from Florida ought to ask me to make such an exception.

Mr. CALL. I suggest to the Senator from Tennessee to allow us by unanimous consent to take that bill up at this moment. I think probably there will be no objection at all to it.

Mr. HARRIS. I will modify my request so as to except from it the bill referred to by the Senator from Florida, though I do not think the Senators from Florida ought to ask it.

Mr. PASCO. I appreciate very much the courtesy of the Senator from Tennessee, and I withdraw my objection.

The PRESIDING OFFICER. The Senator from Tennessee now asks unanimous consent—

Mr. HARRIS. The Senator from Florida withdraws his objection.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Tennessee asks unanimous consent that for the remainder of the time to be devoted to the consideration of the Calendar House bills shall be considered, with the exception of what is known as the Florida Indian hostilities bill.

Mr. HARRIS. I understood that the request for that exception was withdrawn.

Mr. CALL. Oh, no.

Mr. HARRIS. I so understood.

The PRESIDING OFFICER. Is there objection?

Mr. PASCO. The Senator from Tennessee made that exception, and I presume he will consent that it shall stand.

The PRESIDING OFFICER. The Chair hears no objection, and the House bills on the Calendar will be considered in their order.

COMMITTEE ON ENROLLED BILLS.

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

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

AMENDMENT TO DEFICIENCY BILL.

Mr. PADDOCK, from the Committee on Improvement of the Mississippi River, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF LAND IN HOUSTON, TEX.

The bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to sell, either at private or public sale, the interest held by the United States in and to block 108, situated in the city of Houston, Tex.,

on the south side of Buffalo Bayou, and to make a quitclaim deed to the purchaser thereof.

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

PRIVATE LAND CLAIMS.

The bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado was announced as next in order.

Mr. HAWLEY. If, as I understand, this House bill is proposed to be amended by substituting the old Senate bill that we have discussed so much, I think it can not be attended to in a five-minute debate.

The PRESIDING OFFICER. The Senator from Connecticut objects to the consideration of the bill.

Mr. HAWLEY. I understand the amendment proposed to this bill is the old Senate bill that was so much discussed concerning Mexican land grants.

Mr. RANSOM. The substitute is substantially the Senate bill. There is a difference in one respect as to the character of the tribunal before whom cases are to be tried.

Mr. HAWLEY. I am obliged to object because I am sure it can not be discussed under the five-minute rule.

Mr. RANSOM. I wish the Senator would allow the bill to be considered.

The PRESIDING OFFICER. The Senator from Connecticut objects, and the next House bill will be stated.

PAYMENT FOR A CONDEMNED ALLEY.

The bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493 was considered as in Committee of the Whole. It provides that of the surplus that has been covered into the Treasury of the sum appropriated by the act approved June 30, 1880, entitled "An act making appropriations for the District of Columbia for the year ending June 30, 1881," for amount due property owners for ground condemned and used for alleys, there be reappropriated so much as will be sufficient to pay, with interest at the rate of 6 per cent. per annum from August 6, 1870, to date the persons entitled to the amount awarded by the jury of condemnation for the land taken for an alley through square numbered 493, in the city of Washington, in the District of Columbia.

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

ANDREW J. NEWGENT.

The bill (H. R. 5212) for the relief of Andrew J. Newgent was announced as next in order.

Mr. COCKRELL. That is reported adversely and does not come under the rule.

The PRESIDING OFFICER. The Chair understands the bill, being reported adversely, ought not to have been called under this order, and therefore it retains its place on the Calendar.

Mr. COCKRELL. Certainly.

HEIRS OF WILLIAM R. M'KEE.

The bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.," was considered as in Committee of the Whole. It provides that the Commissioner of the General Land Office, to carry into effect the grant of one quarter-section each to the children of Col. William R. McKee, made in the second section of the act of which this is an amendment, shall issue to his surviving children and grandchildren, or the owners or holders thereof, other certificates for those they now hold, which new certificates they may enter and locate for themselves upon any lands in satisfaction of the grant of the class described in the act to which this is an amendment.

The bill was reported to the Senate without amendment.

Mr. HAWLEY. It is fair to say that the Senator from Vermont [Mr. EDMUNDS] objected to this bill when it was under consideration before, but he has told me since that he would make no further objection to it.

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

HEIRS OF JOHN H. NEWMAN.

The bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, was considered as in Committee of the Whole. It recites that whereas it appears of record that at its December term, 1874, the Court of Claims, in the case of John H. Newman vs. The United States, rendered a judgment in favor of Newman for the proceeds of fifty bales of cotton, valued at \$177.55 per bale, when, under the proof, the court adjudged that the claimant was entitled to the proceeds of two hundred and thirty bales; and therefore the bill directs the Secretary of the Treasury to pay to the legal representatives of John H. Newman, deceased, late of the county of Warren, Mississippi, \$32,679.20, balance due on account of captured cotton, as shown by the opinion of the court in rendering the judgment; and that the amount be paid out of the proceeds of captured and abandoned property now in the Treasury; but a greater amount of money shall not be paid in satisfaction of this claim than the amount received and paid into the Treasury as the net proceeds of the sale of the cotton alleged to have been taken.

The bill was reported to the Senate without amendment.

Mr. SPOONER. I move to strike out the preamble.

The PRESIDING OFFICER. That will be in order after the passage of the bill.

Mr. GEORGE. If an amendment is made striking out the preamble the bill will have to go back to the House of Representatives.

Mr. SPOONER. Very well; I withdraw the motion.

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

The PRESIDING OFFICER. The question is on agreeing to the preamble.

Mr. SPOONER. I do not desire to endanger the passage of the bill by insisting on the motion to strike out the preamble, and I therefore withdraw the motion.

The preamble was agreed to.

LANDS IN LOUISIANA.

The bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana, was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment to add the following proviso to the bill:

Provided, That the provisions of this act shall be limited to the lands claimed by actual settlers for purposes of cultivation whose titles are now incomplete, within the limits of the Donaldson and Scott, Daniel Clark, and Conway grants, and that after setting apart to each of said settlers not to exceed 160 acres, the residue of the public lands within said grants shall continue to be, as they are now, a part of the public domain: *And provided further*, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the acts of Congress granting swamp lands to the several States of the Union.

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. PLUMB. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL were appointed.

HAYEM & TAYLOR.

The bill (H. R. 6394) for the relief of Hayem & Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Private Land Claims with an amendment, in line 12, after the word "their," to insert "co-tenants;" so as to make the bill read:

Be it enacted, etc., That all the right, title, claim, and interest of the United States to certain tracts of land in the parish of Iberia, in the State of Louisiana, and described as a tract of land near the town of New Iberia, in said State, and further described in the official maps of the General Land Office of the United States as section 13, township 11 south, range 6 east, late southwest district of Louisiana, containing 221.83 acres, be, and the same is hereby, granted and conveyed to Hayem & Taylor, successors of Hayem, Taylor & De Bianco, their co-tenants, successors, transferees, vendees, and assignees: *Provided*, That this shall have the effect only of a quit-claim of all the right, title, and interest of the United States therein, not to effect any valid adverse right or title to said land, nor create any liability on the part of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. GIBSON. The Senator from Nevada [Mr. STEWART] reported the amendment, which is found in line 12, to insert the word "co-tenants."

The PRESIDING OFFICER. That has been agreed to.

Mr. GIBSON. The Senator from Nevada stated to me that he was willing to withdraw that amendment. I have sent for him and suppose he will be in the Chamber in a moment. I ask that the bill be informally laid aside until he comes in.

The PRESIDING OFFICER. At the request of the Senator from Louisiana the bill will be informally laid aside until the Senator from Nevada comes in.

Mr. GIBSON subsequently said: The bill (H. R. 6394) for the relief of Hayem & Taylor was before the Senate and under consideration and I asked that it might be laid aside until the Senator from Nevada [Mr. STEWART] entered the Chamber. He is now present.

Mr. HARRIS. That bill has been reported to the Senate, and it is for the Senator from Nevada to say whether he wants the amendment concurred in or not.

Mr. STEWART. That amendment I should like to withdraw. We find on investigation that the amendment is not necessary, and I therefore ask leave to withdraw it.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

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

GEORGE B. HANSELL.

The bill (H. R. 5336) for the relief of George B. Hansell was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George B. Hansell, of Washington, D. C., \$373, or so much thereof as he may find to be required to pay the necessary and actual traveling expenses incurred by him in traveling from Sitka, Alaska, to Washington, after his discharge from the United States Revenue-Marine Service in 1870.

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

W. H. BOYD.

The bill (H. R. 5888) for the relief of W. H. Boyd was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. H. Boyd, late a commissioned captain of the Eleventh Regiment of United States Colored Troops, the full pay and allowances of a captain from March 4, 1864, to October 20, 1864, less any moneys that may have been paid him by the United States for services rendered during that time.

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

REVOCATION OF WITHDRAWAL OF RAILROAD LANDS.

The next House bill on the Calendar was the bill (H. R. 11006) to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes.

Mr. PLUMB. The provisions of that bill have already been embodied in another bill, and it may as well go over.

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

UNION GAS COMPANY.

Mr. FRYE. The next bill on the Calendar, being the bill (S. 3472) to authorize the Union Gas Company to lay conduit pipes across the Ohio River, should be indefinitely postponed, as a bill for the same purpose has passed both Houses.

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

JOHN FARLEY.

The bill (H. R. 341) for the relief of John Farley was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John Farley, of Madison County, Kentucky, \$118.28, in full of the amount due him for commissary supplies furnished the Army of the United States in 1862.

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

OTTER CREEK LIGHT.

The next House bill on the Calendar was the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

Mr. FRYE. Let that bill be passed over for the present without prejudice. I should like to look at the amendments reported. Some of them have been disposed of.

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

INSTRUCTIONS TO JURIES.

The bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That in all States wherein by the laws thereof judges of courts of record are required to reduce charges and instructions to juries in writing, judges of the district and circuit courts of the United States shall conform to such practice, and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files, and be a part of the record in each case.

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. WILSON, of Iowa. I move that the Senate insist upon its amendment and ask 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. WILSON of Iowa, Mr. EVARTS, and Mr. VEST were appointed.

S. DILLINGER & SONS.

The bill (H. R. 6591) for the relief of S. Dillinger & Sons was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to S. Dillinger & Sons, of Westmoreland County, Pennsylvania, \$396.90, for stamps paid for distilled spirits on the 17th of June, 1881, which spirits were destroyed by fire on the same day, before the stamps were received at the distillery.

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

NORTHERN PACIFIC RAILROAD LAND GRANT.

The next House bill on the Calendar was the bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

The PRESIDENT *pro tempore*. This bill was read at length in Committee of the Whole on the 1st of October, 1888.

Mr. SHERMAN. I think that bill had better be passed over informally. I think the subject-matter is in conference, and this bill had better be passed over.

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

SCHOOL FARMS IN BEAUFORT COUNTY, SOUTH CAROLINA.

The bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina, was considered as in Committee of the Whole. It extends for one year the time prescribed for the redemption of school farms in Beaufort County, South Carolina, by the act entitled "An act to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States," approved March 3, 1887.

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

JOHN JONES.

The bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "Infantry," to strike out "and that he be mustered from" and insert "as a private mustered into the service on;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, directed to place the name of John Jones on the muster-rolls of Company B, Second North Carolina Mounted Infantry, as a private mustered into the service on the 12th day of October, 1863.

Mr. WALTHALL. The amendment only affects the phraseology of the bill and does not affect the substance. It may be withdrawn.

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

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

REV. WILLIAM GREGSTON.

The bill (H. R. 10481) for the relief of Rev. William Gregston was considered as in Committee of the Whole. It proposes to pay to Rev. William Gregston, of Caldwell County, Kentucky, \$150 for a horse taken from him by the Army of the United States during the late war.

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

J. M. HIATT & CO.

The bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes, was considered as in Committee of the Whole.

The preamble recites that in the year 1878 the Osage Indians were in a state of destitution and suffering for the actual necessities of life owing to the inadequacy of the appropriation for them by Congress out of their fund, and that the tribe, by nearly if not quite all its chief councilors and headmen, appealed to the then Indian traders, J. M. Hiatt & Co., at the Osage agency (Pahuskey), Indian Territory, to extend to the Osages a credit of from eight to ten dollars per capita, promising payment out of their next annuity, which it was supposed would be ample for that purpose, which appeal was supported and the credit approved by Cyrus Beede, the then United States agent for the Osage Indians, as a matter of actual necessity; and that J. M. Hiatt & Co., pursuant to this appeal and relying thereon, did extend to the Osage Indians a credit aggregating \$16,759.99, keeping a careful, just, and true itemized account of all goods sold to each head of a family and individual, the goods being sold under supervision and advice of Paul Akin, United States interpreter, Governor Joe, Sam Bevenue, chief of the half-breeds, and other chiefs and headmen, who were fully and freely consulted as to who were proper persons to receive credit and the amount thereof; and every precaution was taken to have the credit fairly distributed to all the members of the tribe. But the next annuity, instead of being \$15 per capita, as had been expected, was reduced to a little over \$3 per capita, so that the payment of the credit so extended was rendered impossible, and before the subsequent annuities were made sufficient for its payment, the Indian agent, Cyrus Beede, was superseded by an agent who, for unknown reason, resisted and defeated the payment of the credit out of the annuities; that afterward, in the summer of 1880, the account was settled and adjusted as to items and amount, after a long and careful examination thereof by the governor and head chiefs constituting the business committee of the tribe, and there was thereby found to be due the firm of J. M. Hiatt & Co. \$16,759.99, and the governor and head chief requested the Secretary of the Interior to pay the same; and that by an act of the Forty-ninth Congress, approved July 14, 1886, the Secretary of the Treasury was authorized and directed to pay to J. M. Hiatt, only surviving partner of J. M. Hiatt & Co., late traders for the Osage tribe of Indians, out of any

money in the Treasury accruing to the Osage tribe under an act of Congress approved June 16, 1880, the sum of \$16,759.99, or so much thereof as may be found actually due the claimant; and after an investigation of the facts the Secretary of the Interior, without having any valid evidence affecting or impairing the justness or correctness of the accounts and the amount due thereon, declined to certify any greater sum than \$8,380, leaving still justly due the sum of \$8,380, and J. M. Hiatt has since died and A. J. McCreary has been appointed his administrator. The bill therefore proposes to direct the Secretary of the Treasury to pay to A. J. McCreary, administrator of the estate of J. M. Hiatt, survivor of J. M. Hiatt & Co., late traders for the Osage tribe of Indians, the sum of \$8,380, in full satisfaction of this demand against the Osage tribe of Indians.

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

The preamble was agreed to.

ELLEN P. MALLOY.

Mr. COCKRELL. I wish to inquire about Order of Business 2442, being the bill (H. R. 6348) for the relief of Ellen P. Malloy, which was reported adversely. It is next on the Calendar.

Mr. BLACKBURN. I beg the Senator's pardon. It was reconsidered the next day, and reported favorably by the Senator from Arkansas [Mr. JONES], as I understand.

Mr. COCKRELL. The Senator from Arkansas reported that bill adversely and it was postponed indefinitely, and then it appears on the Calendar "reconsidered," but it does not say what the report was upon reconsideration.

Mr. JONES, of Arkansas. My impression is that there was a motion made to reconsider it for the purpose of bringing it back upon the Calendar. I do not remember making any favorable report in the matter, and I shall have to look to see. I ask that the bill be passed over for the present.

The PRESIDENT *pro tempore*. The record shows that the vote by which the bill was postponed indefinitely was reconsidered, and the bill placed on the Calendar with the adverse report of the committee.

Mr. JONES, of Arkansas. That is my recollection.

Mr. COCKRELL. Then the bill should not pass. I ask that it may be put back upon the Calendar.

Mr. BLACKBURN. I ask that it shall not be prejudiced, that it shall be placed on the Calendar without prejudice.

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

HUDSON G. LAMKIN.

The bill (H. R. 9464) for the relief of Hudson G. Lamkin was considered as in Committee of the Whole. It proposes to pay to Hudson G. Lamkin, of Dearborn County, Indiana, late a private in Company D, Third Regiment of Indiana Volunteer Cavalry, \$125 for a horse belonging to him which was lost in the service of the United States in the late war.

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

F. H. BATES.

The bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia, was considered as in Committee of the Whole. It proposes to pay to F. H. Bates \$300 in full for his services as military instructor at the Washington High School, in the District of Columbia, for the school term ending in June, 1884, one-half of the sum to be paid from the funds of the District of Columbia, and the other from the Treasury of the United States.

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

JURISDICTION IN ALABAMA.

The next House bill on the Calendar was the bill (H. R. 4470) to regulate the jurisdiction of the United States district judges and of the courts over which they preside in the State of Alabama.

Mr. SHERMAN. I object to that.

The PRESIDENT *pro tempore*. Shall the bill be passed over without prejudice?

Mr. SHERMAN. It may be passed over without prejudice.

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

ALFRED BREUER.

The bill (H. R. 2688) for the relief of Alfred Breuer was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove from the records the charge of desertion against Alfred Breuer, late of the United States Marine Corps; and thereupon he shall be restored to all rights and privileges as fully as if the charge of desertion had never existed.

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

WILLIAM F. C. NINDEMANN.

The bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy, was considered as in Committee of the Whole. It requires the proper accounting officers of the Treasury to readjust the accounts of William F. C. Nindemann, formerly a seaman in the Navy, serving on board the Arctic exploring steamer Jeannette, and to pay to him the difference between the pay of a seaman and the pay of a carpenter in the Navy, from the 29th of June, 1879, to the 1st of June, 1883.

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

THOMAS MATHEWS AND OTHERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4581) for the relief of Thomas Mathews and others.

The PRESIDENT *pro tempore*. The bill has been previously considered as in Committee of the Whole and read at length.

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

BOY APPRENTICES IN THE NAVY.

The bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy was considered as in Committee of the Whole. To encourage the enlistment of boys as apprentices in the United States Navy it authorizes the Secretary of the Navy to furnish as a bounty to each apprentice after his enlistment, and when first received on board of a training-ship, an outfit of clothing not to exceed in value \$45.

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

Mr. HALE. I offer certain papers in explanation of the bill just passed and ask that they be printed in the RECORD.

The PRESIDENT *pro tempore*. The papers will be printed in the RECORD, if there be no objection.

The papers are as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, January 17, 1888.

SIR: Referring to House bill No. 10652 to authorize the granting of an outfit of clothing to boys or apprentices enlisted in the United States Navy to serve until they shall become twenty-one years of age, I have the honor to submit, in addition to a copy of the letter of the Secretary of the Navy to the chairman of the Committee on Naval Affairs of the House of Representatives, the following extract from the report of the operations of the Bureau of Equipment and Recruiting, namely: "The question of allowing apprentices an outfit of clothing is again urgently recommended. These lads receive only small pay (\$9, \$10, \$11 per month) during their training and when serving on board the regular cruisers, but the same rigid rule of neatness in dress required of others is applied to them. It often results, then, during their minority, that many of them hardly earn money enough to keep themselves properly clothed. But a greater trouble occurs when they begin their service and are compelled to draw an outfit of uniform clothing, which costs on the average about \$45. As the regulations prohibit the issue of money to persons in debt, or any gratification of leave of absence on shore during the period of indebtedness, it results that these lads are kept confined to the ship in which they may serve, or within the limits of a shore command, until the debt to the Government is liquidated. The dispiriting effect of this upon young growing boys may be imagined, but to be deprived of a small amount of spending money and all liberty during this interval of indebtedness is so discouraging that desertion often happens with theft of outfit, which is generally disposed of in order to secure the means to get away. I would recommend, then, an allowance of \$45 worth of clothing to be given each apprentice when regularly enlisted and installed on board the training-ship New Hampshire."

"NAVY DEPARTMENT, Washington, March 12, 1888.

"SIR: The Department has, in accordance with the request of the committee, considered the bill (H. R. 4350) by which it is proposed that any boy or apprentice on his enlistment for service in the Navy during minority shall be provided, at the expense of the Government, with an outfit of clothing not to exceed \$45 in value.

"The Department is of the opinion that the bill referred to, if it becomes a law, will have a highly beneficial effect.

"First. It will tend to lessen temptations to desertion in this branch of the service.

"The law authorizes the enlistment, with the consent of parents or guardians, of minors between fourteen and eighteen years of age to serve during their minority. An outfit of bedding and clothing for each is indispensable and can not be furnished for less than about \$45. The majority of those entering the service neither have nor can obtain the means to procure such outfit. They therefore become at once indebted to the Government to the extent of about \$45, equal to five months' pay at the rate of \$9 per month, which is the rate allowed until they are transferred to a cruising vessel, when it is increased to the extent of one or two dollars per month additional. As no pay can be drawn by an enlisted boy or apprentice until he shall have discharged the obligation thus incurred, he is practically deprived of pay for a period of about five months after he enters the service, and if during that period any addition to his original outfit is required, as is usually the case, such deprivation may continue for a period of seven or eight months after enlistment.

"Second. Privates in the Army and in the Marine Corps are allowed a certain limited amount of clothing, appropriated yearly, during their five years' service, and in view of the small pay of apprentices in the Navy it would seem that some similar allowance for clothing might properly be granted to them.

"Third. The number of apprentice boys accepted during the last year was 385. An allowance of \$45 for the outfit of each would have required a total expenditure of \$17,325. The law permits the acceptance of 750 boys and apprentices in each year, which, if that number were accepted, would involve an annual expenditure of \$33,750, a sum comparatively small in view of the advantageous results which would probably be secured by an adoption of this measure.

"Very respectfully,

"W. C. WHITNEY,
Secretary of the Navy.

"Hon. H. A. HERBERT,

"Chairman Committee on Naval Affairs, House of Representatives."

Under present circumstances should a boy desert before liquidating his indebtedness by salary earned, the Government loses the amount due for clothing. Should the desertion occur almost immediately after the enlistment of the boy the whole value of the outfit is lost to the Government, so that the effect would be the same in either case. The main object sought, however, is to remove the discouraging effect of starting a young lad in the service handicapped by debt, which causes desertion and occasions the invention of some means of procuring money, which often results in the sale of their outfits.

It is believed that the effect of the bill would be to remove to a great extent the principal cause of desertion.

The matter of expense is stated in the letter of the Secretary to the chairman of the House Naval Committee.

I have the honor to be, very respectfully,

W. S. SCHLEY, Chief of Bureau.

Hon. EUGENE HALE, United States Senate.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

The bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 8, line 6, after the word "passenger," to strike out "or" and insert "and twenty-five cents;" so as to make the section read:

SEC. 8. That for transportation on its railroad, or any part thereof, the said corporation shall have a right to charge and collect as toll and transportation charges at rates not exceeding 6 cents per ton of freight or 3 cents per passenger for each mile of transportation; but for any distance 10 cents may be charged for a passenger and 25 cents for any quantity of freight.

The amendment was agreed to.

The next amendment was, in section 9, line 3, after the word "proper," to insert "and as may be approved by the commissioners of the District of Columbia;" so as to make the section read:

SEC. 9. That the said railroad may be constructed with double tracks or single tracks, as the said corporation shall deem proper and as may be approved by the commissioners of the District of Columbia, and said corporation may construct and maintain along its line, or at the terminus of its road, all wharves and other structures and works which shall be necessary for the purpose of its incorporation; but the land which it shall have a right to acquire for the construction of such road and works shall not exceed an amount to be hereafter agreed on between said corporation and the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 10, line 12, after the word "until," to strike out "all" and insert "half;" in the same line, after the words "paid up," to strike out "in full" and insert:

In cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

So as to make the proviso read:

Provided, That no bonds shall be issued until half of the capital stock of said company is paid up in cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

Mr. SPOONER. I hope that amendment will not be adopted. The terms of this bill were agreed upon by the stockholders and representatives of the two companies, and I think this provision, which provides a double liability, a liability of stockholders after having paid in full for their stock—

Mr. BUTLER. Will the Senator allow me? This amendment, I think, was offered by me, and if I caught the portion of the amendment read by the Secretary I shall withdraw that part of it.

The PRESIDING OFFICER (Mr. PALMER in the chair). Is the amendment withdrawn?

Mr. BUTLER. That portion of the amendment.

The PRESIDING OFFICER. The amendment will be read as it is intended to stand.

The CHIEF CLERK. In section 10, line 12, after the word "until," the committee report to strike out "all" and insert "half;" in the same line, after the words "paid up," to strike out "in full" and insert:

In cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

Mr. BUTLER. The committee do not insist on that provision of the amendment.

The PRESIDING OFFICER. The amendment will be withdrawn.

Mr. BUTLER. On examination I see that I was under a misapprehension about that matter. I thought that the Secretary was reading my amendment, but it seems he was reading the text of the bill as reported by the committee, and therefore I withdraw any observations upon the subject.

The PRESIDING OFFICER. The amendment as reported will be agreed to, if there be no objection.

Mr. SPOONER. The amendments were reported by the committee, and of course can not be withdrawn by the Senator from South Carolina.

Mr. BUTLER. I was under a misapprehension.

The PRESIDING OFFICER. The amendment of the committee, the Chair understands, is agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

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

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

The bill was read the third time, and passed.

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

The motion was agreed to.

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

BILLS BECOME LAWS.

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

An act (S. 3949) to enable the President to protect the interests of the United States in Panama;

An act (S. 3428) granting a pension to Mary C. Thompson; and

An act (S. 3116) granting an increase of pension to Thomas Wynne.

The message also announced that the bill (S. 3435) granting a pension to J. D. Haworth, having been presented to the President February 13, 1889, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

ORDER OF BUSINESS.

Mr. HOAR. I should like to inquire what became of Order of Business 2526, Senate joint resolution 129.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Chair is informed that the Senate is acting only on House bills.

Mr. CULLOM. I hope the bridge bills as they are reached will be passed, whether they be Senate or House bills.

Mr. COCKRELL. Let us go on with the House bills.

Mr. HARRIS. By unanimous consent we are considering House bills favorably reported on the Calendar.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation, reported it with amendments.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported it with an amendment.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 3997) to provide for the more efficient enforcement of the laws of the United States relating to elections at which Representatives or Delegates in Congress are to be voted for, and for other purposes; which was read twice by its title, and referred to the Committee on Privileges and Elections.

He also introduced a bill (S. 3998) to punish offenses committed at elections at which Representatives or Delegates in Congress are to be voted for, and for other purposes; which was read twice by its title, and referred to the Committee on Privileges and Elections.

AMENDMENTS TO BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (S. 3777) to authorize the board of county commissioners of the county of Whitman, Washington Territory, to issue bonds and to build a court-house and jail, and to sell and acquire real estate for such purposes; which was ordered to be printed.

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

Mr. CALL submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Foreign Relations, 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 Claims, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the conference report submitted by Mr. CULLOM on the 5th instant on the amendment to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was ordered to be printed.

INDIAN DEPREDAATION CLAIMS.

The bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations was announced to be the next House bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

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

The first amendment was, in section 1, line 7, after the words "eighteen hundred and," to strike out "ninety-one" and insert "ninety-two;" and in line 17, before the word "thousand," to strike out "four" and insert "five;" so as to make the section read:

That the President is hereby authorized to nominate, and, by and with the advice and consent of the Senate, to appoint, three commissioners, one of whom shall be designated as chairman, and who shall hold their offices until the 31st day of December, 1892, when the same shall expire and all the functions and privileges thereof shall cease. If either of said commissioners shall not be so appointed during the present session of the Senate, the President may make such appointment during the recess thereof, but the appointee shall hold no longer than until the end of the next session thereafter ensuing, during which the President shall nominate to the Senate as aforesaid. In like manner any vacancy subsequently occurring shall be filled. Each commissioner so appointed shall receive a salary at the rate of \$5,000 per annum. Each of said commissioners shall, before entering upon the duties of his office, take and subscribe the oath required by law.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "Indian," to strike out "depredations" and insert "depredation claims;" so as to read:

And such commissioners shall constitute a court to be known as the "court of Indian deprecation claims," and as such shall possess jurisdiction and authority to inquire into and adjudicate, in the manner provided in this act, all claims of the following classes, namely:

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "Congress," to strike out "remaining" and insert "now or hereafter;" so as to read:

First. All claims for Indian deprecations authorized to be made or presented by any act of Congress, now or hereafter in force, to the Secretary of the Interior or to any.

Mr. PADDOCK. I ask that the amendment of the committee in line 7, striking out "remaining" and inserting "now or hereafter," be disagreed to.

Mr. DAWES. Those words were considered by the committee as equivalent to "remaining."

Mr. PADDOCK. I do not think they are sufficient, and I propose to further amend the clause. There is no law now in force upon which the commission could act. They would have no jurisdiction whatever over many cases.

Mr. DAWES. If it is claims authorized to be presented by any act of Congress remaining in force that means any existing law.

Mr. PADDOCK. All the law that is of any value whatever has been repealed. The material provisions of the act of 1834 were repealed by the act of 1859, which would leave the proposed commission entirely without jurisdiction in the great body of the cases.

Mr. DAWES. The Senator does not reach his idea by moving that the amendment be disagreed to, because he leaves in there—

Mr. PADDOCK. I propose when the amendment shall have been disagreed to to insert the word "heretofore," so as to cover whatever law may have been in force heretofore.

Mr. DAWES. Will the Senator state what he intends to do?

Mr. PADDOCK. My proposition will be to make the paragraph read:

First. All claims for Indian deprecations authorized to be made or presented by any act of Congress heretofore, now, or hereafter in force, to the Secretary of the Interior or to any other officer of the Government.

Mr. DAWES. Then I suppose the Senator's amendment should be to strike out and insert.

Mr. PADDOCK. The word is already stricken out.

Mr. DAWES. It is not stricken out.

Mr. MITCHELL. Insert "heretofore" before "now."

Mr. DAWES. There is nothing stricken out. It is only recommended to be stricken out.

Mr. PADDOCK. Then first let the amendment be disagreed to.

Mr. STEWART. I move to amend the amendment by inserting "heretofore" before the word "now," in the seventh line.

Mr. PADDOCK. I will accept that amendment.

The PRESIDING OFFICER. The Senator from Nebraska accepts the amendment of the Senator from Nevada. The amendment will be stated.

The SECRETARY. In section 2, line 7, it is proposed to strike out the word "remaining" and insert "heretofore;" so as to read:

All claims for Indian deprecations authorized to be made or presented by any act of Congress heretofore, now, or hereafter in force, to the Secretary of the Interior or to any other officer of the Government.

Mr. MITCHELL. I should like to suggest a further amendment to the Senator from Nebraska to insert, after the word "Congress" and before the word "heretofore," the words "or treaty;" so as to read:

Any act of Congress or treaty heretofore, now, or hereafter in force.

Mr. PADDOCK. I have no objection that that should be inserted if it is deemed essential.

The PRESIDING OFFICER. The clause will be read as it is proposed to amend the amendment of the committee.

The Secretary read as follows:

First. All claims for Indian deprecations authorized to be made or presented by any act of Congress or treaty heretofore, now, or hereafter in force, to the Secretary of the Interior or to any other officer of the Government.

The PRESIDING OFFICER. The question is on agreeing to the

amendment of the Senator from Nebraska [Mr. PADDOCK] to the amendment reported by the Committee on Indian Affairs.

Mr. DAWES. Before the amendment to the amendment is voted on I should like to have the Senate understand the full force of that amendment. If it prevails the proposition is to pay out of the Treasury of the United States the amount that this commission may determine has been suffered by anybody at any time anywhere since the foundation of the Government, now a hundred years, at the hands of any Indian. If any Indian since the foundation of the Government has committed any deprecation upon any white man, under that amendment the white man or his heirs, or whoever can remember anything about it, can bring that into the court, and if the court shall find that the man did actually suffer some wrong at the hands of that Indian a judgment must be rendered against the United States for it.

Mr. MITCHELL. I should like to ask the chairman of the Committee on Indian Affairs if it will be satisfactory to him to limit the provision so as not to run back further than the act of 1834?

Mr. HARRIS. I do not want to object to the consideration of the bill, but I rise for the purpose of suggesting to the Senator from Massachusetts, and other Senators taking an interest in it, to let it be informally passed over in order to see if those gentlemen who are taking an interest in the bill can not agree upon the exact form of amendment to be proposed.

Mr. MITCHELL. I think we are about to agree.

Mr. DOLPH. I should like to say to the Senator from Massachusetts that he is mistaken in regard to the scope of the bill. In the first place, commencing with the earliest legislation, no claims have ever been authorized to be presented to the Department or any officer of the Government except those for deprecations committed by Indians in amity with the United States; that is, having treaty relations. So this proposed amendment to the amendment would not include all that large class of deprecations committed by Indians who were not in treaty relations with the United States.

Then, from the very first Congress, I think, after the Constitution was adopted until 1859 all claims covered by this section were authorized to be presented. Further than that, the law provided that the Government of the United States guaranteed eventual indemnity to the parties, and has always prevented them from attempting to obtain redress themselves by going on the reservations and seeking to obtain redress from the Indians. So the amendment to the amendment would only include the claims which were allowed to be presented under the existing laws from—

Mr. HARRIS. In order to get recognition I will interpose my objection to the bill.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. DOLPH. I do not yield.

Mr. HARRIS. Under the rule under which we are acting it does not require the Senator to yield. I have a right to object at any time.

The PRESIDING OFFICER. Does the Senator from Tennessee object?

Mr. HARRIS. I will say to the Senators interested in this measure that I would be glad to have it informally passed over so that at the instance of the Senator from Massachusetts it can be called up at such time as may be convenient.

Mr. DOLPH. I submit the question of order as to whether the Senator from Tennessee has a right to take a Senator off the floor.

Mr. HARRIS. I have a right under Rule VIII to object at any stage of the proceeding, and I now object unless the Senators accept the suggestion that I have made.

Mr. DOLPH. I have nothing to do with accepting suggestions. I have not charge of the bill. I simply raise the point of order for the decision of the Chair, if an objection is in order at this time. While a Senator is addressing the Chair can another Senator get the floor for the purpose of objecting?

The PRESIDING OFFICER. Under the agreement made by unanimous consent this morning, as the Chair understands, the Senator from Tennessee has a right to object at any stage of the proceeding.

Mr. PADDOCK. Not to take a Senator off his feet.

The PRESIDING OFFICER. The Chair understands that debate was limited to five minutes on each particular bill.

Mr. DOLPH. I have not spoken five minutes.

The PRESIDING OFFICER. That being the case, if more time is being taken, any Senator has a right to object.

Mr. DOLPH. I do not understand that that can be done when a Senator is allowed to speak for five minutes and but once under that rule. I appeal from the decision of the Chair.

Mr. DAWES. I ask that the bill may be informally passed over with the understanding that I may call it up at a favorable opportunity at an early day.

Mr. HARRIS. I shall be glad to consent to that.

Mr. PADDOCK. I hope the Senator will simply request that the bill may be informally laid aside with the understanding that at the earliest moment it will be called up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts that the bill be informally laid aside? The Chair hears no objection, and it is so ordered.

Mr. DOLPH. What does the Chair do with my appeal from the decision of the Chair?

The PRESIDING OFFICER. Does the Senator from Oregon desire to appeal from the decision of the Chair?

Mr. DOLPH. I do appeal from the decision of the Chair. I had the floor in order.

The PRESIDING OFFICER. Will the Senator from Oregon state the character of the appeal?

Mr. DOLPH. We are proceeding now under Rule VIII. The bill was up for consideration. I came into the Senate and obtained the floor. I was recognized by the Chair. I was proceeding to speak. I had spoken less than a minute. I was entitled to speak five minutes under the rule. The Senator from Tennessee objected to the consideration of the bill. I have no doubt of his right to object, but the point I raise is that he can not interrupt me by addressing the Chair while I have the floor and objecting to the consideration of the bill unless I yield to him for that purpose.

The PRESIDING OFFICER. As the Chair understood the agreement this morning, only five minutes was to be allowed for debate on any particular bill. The Chair acknowledges itself to have been in error if that was not the agreement.

Mr. DOLPH. The rule is that each Senator is limited to five minutes. The Chair admitting himself to have been in error, I withdraw the appeal.

Mr. HARRIS. I desire to call the attention of the Chair to this language in Rule VIII:

And the objection may be interposed at any stage of the proceedings.

I think that is quite broad enough to authorize the objection to come in at any moment, or at any stage, or in any condition of business.

Mr. MITCHELL. The regular order.

Mr. HARRIS. The appeal is debatable.

The PRESIDING OFFICER. Does the Senator from Oregon wish to go further? The Chair would rule that under Rule VIII the Senator from Tennessee had a right to object.

Mr. DOLPH. I then appeal from the decision of the Chair. The Chair has changed his opinion on the question.

Mr. BUTLER. The Senator from Oregon withdrew the appeal. The Senate is wasting a good deal of time upon this point, it seems to me.

The PRESIDING OFFICER. Does the Senator from Oregon insist upon an appeal from the decision of the Chair?

Mr. BUTLER. I trust the Senator will withdraw the appeal and settle it some other time.

Mr. DOLPH. I will put it later, if—

Mr. DAWES. If the Senator will indulge me a moment, I will state that his appeal rests upon the distinction between taking a Senator off the floor and the meaning of "any stage of the proceedings." The phrase "stage of the proceedings" has a technical meaning, and it is quite different from the authority to take a Senator off the floor. But I think as this case is disposed of for the present, that the Senator from Oregon will not insist upon an appeal.

Mr. DOLPH. I do not agree with the ruling of the Chair, but I will withdraw the appeal now pending.

The PRESIDING OFFICER. The Senator from Oregon withdraws his appeal. The next House bill on the Calendar will be stated.

THE ELEVENTH CENSUS.

The bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses was announced as next in order.

Mr. HARRIS. The Senator from Maine [Mr. HALE] who reported the bill not being in his seat, I ask that it be informally passed over, subject to the call of that Senator.

The PRESIDING OFFICER. If there be no objection, the bill will be informally passed over.

Mr. COCKRELL. That bill has been passed already, has it not?

The PRESIDING OFFICER. The Chair thinks the Senator from Tennessee has been misinformed in regard to the bill.

Mr. HARRIS. I am informed by the Clerks that the bill has been already passed, but still remains on the Calendar. So let it go over.

The PRESIDING OFFICER. The next House bill on the Calendar will be stated.

J. M. HOGAN.

The bill (H. R. 4489) for the relief of J. M. Hogan was considered as in Committee of the Whole. It proposes to pay the claim of J. M. Hogan, of Stockton, Cal., for loss of property in consequence of depredations committed by Snake or Shoshone Indians in the year 1861 while en route through the Territory of Utah to the State of California, and appropriates \$6,600 for the purpose.

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

FLORIDA STATE CLAIM.

Mr. CALL. The next Order of Business is the bill (S. 746) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

Mr. BLACKBURN. But we are only dealing with House bills.

Mr. HARRIS. That bill was excepted from the unanimous-consent rule.

Mr. COCKRELL. I shall be compelled to object to that bill unless it is laid aside informally until the House bills can be considered. There was no unanimous consent given that that bill should be acted upon. The unanimous consent was that it should be called in its order. It is a long bill and we can get through with the House bills and also with that bill this evening. I have no objection to its being called up just as soon as the House bills on the Calendar are disposed of.

The PRESIDING OFFICER. Does the Senator from Florida insist?

Mr. CALL. I shall be perfectly content to accept an arrangement of unanimous consent by which this bill may be called up at the conclusion of the House bills on the Calendar. If that can be understood, I shall be very glad.

The PRESIDING OFFICER. The next House bill on the Calendar will be announced.

H. L. NEWMAN.

The bill (H. R. 766) for the relief of H. L. Newman was considered as in Committee of the Whole. It proposes to pay, out of any money that may hereafter be appropriated for the use and benefit of the Arapaho and Kiowa Indians, to H. L. Newman \$3,450, in full satisfaction for claims against those Indians for property destroyed.

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

LEGAL REPRESENTATIVES OF H. CORTHS, DECEASED.

The bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased, was considered as in Committee of the Whole. It proposes to refer the claim of the legal representatives of H. Corths, deceased, and late of Ballard County, Kentucky, for quartermaster's stores and commissary supplies alleged to have been taken and used by the United States Army during the late war, from the farm of Corths, in Ballard County, Kentucky, to the Quartermaster-General, who shall investigate the justice and legality of the claim and report the value of the stores and supplies taken and used by the Army.

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

OTTER CREEK AND OTHER LIGHTS.

Mr. FRYE. I desire to go back to Order of Business 2339, being the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I desire to withdraw all the amendments to the bill. Let the original bill be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That a light be established at or near the mouth of Otter Creek, Lake Champlain, in the State of Vermont, at a cost not to exceed \$1,000.

Mr. FRYE. Instead of the amendments reported from the Committee on Commerce, I desire to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The better way would be to disagree to all the amendments of the committee. The amendments reported by the committee will be disagreed to if there be no objection.

Mr. FRYE. I now move to add to the bill:

Also, that a first order light-house be constructed on Gray's Harbor, Washington Territory, and a site be purchased therefor at a cost not exceeding \$60,000 for both.

Also, that a site be purchased and a light-house and fog-signal be constructed on Patos Island, Washington Territory, at a cost not to exceed \$12,000.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. FRYE, the title was amended so as to read: "A bill for establishing a light at the mouth of Otter Creek, Lake Champlain, and for other purposes."

Mr. FRYE. I move that the Senate request a conference with the House 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.

WILLIAM H. TABARRAH.

The bill (H. R. 948) for the relief of William H. Tabarrah was considered as in Committee of the Whole. It proposes to correct the record of William H. Tabarrah, late a sergeant in Company F, Ninety-sixth Regiment New York Volunteers, so that the same shall show him to have been discharged for gunshot wound of right thigh received in action, instead of the record now made.

Mr. EDMUNDS. Let us hear the report in that case.

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

The Secretary read the following report, submitted by Mr. DAVIS February 1, 1889:

The Committee on Military Affairs, to whom was referred the bill (H. R. 948) for the relief of William H. Tabarrah, report:

The report upon this bill made by the House Committee on Military Affairs

sets forth with sufficient fullness the grounds upon which this application is based. Your committee adopt that report, and recommend the passage of the bill.

[House of Representatives. Report No. 2188. Fiftieth Congress, first session.]

The records of the War Department show that William H. Tabbarrah, late sergeant of Company F, Ninety-sixth Regiment New York Volunteers, was discharged February 27, 1863, at convalescent camp, Alexandria, Va., on surgeon's certificate of disability by reason of tuberculosis contracted after enlistment. (See record hereto annexed.)

The evidence before the committee shows that the discharge of the said Tabbarrah for the cause stated was erroneous; that he was not disabled by reason of tuberculosis at the time of his discharge, but was disabled by reason of wounds received in the service, and that the cause assigned for his discharge should have been on account of gunshot wound. (See affidavits hereto annexed.)

The committee recommend that the bill pass with the following amendment: Strike out in line 4 of the bill, where the same occurs, the word "private" and insert in lieu thereof the word "sergeant."

WAR DEPARTMENT, Washington City, April 20, 1888.

SIR: In reply to your request of the 15th ultimo for information upon House bill 948, Fiftieth Congress, first session, to provide for correction of the record of William H. Tabbarrah, late of Company F, Ninety-sixth New York Volunteers, so as to show him discharged for wound, I have the honor to inclose a report of the 18th instant from the Adjutant-General, which, it is believed, furnishes the information requested.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSEND,
Chairman Committee on Military Affairs,
House of Representatives.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 18, 1888.

SIR: I have the honor to return House bill 948, Fiftieth Congress, first session, authorizing the Secretary of War to correct the record of William H. Tabbarrah, late a private in Company F, Ninety-sixth Regiment New York Volunteers, to show him to have been discharged by reason of gunshot wound of right thigh, received in action, instead of the record now made, transmitted by the chairman of the House Committee on Military Affairs, and in compliance with instructions to report as follows:

The records of this office show that Sergeant William H. Tabbarrah, Company F, Ninety-sixth New York Volunteers, was enrolled October 23, 1861, mustered in November 15, 1861, and present for duty to April 30, 1862. On roll for June, 1862, he is reported absent, in hospital at Annapolis, Md.; wounded at the battle of Fair Oaks, May 31, 1862. On June 3, 1862, he was admitted to the general hospital at Annapolis, Md., with gunshot wound, location not stated, and was treated until December 13, 1862, when he was returned to duty and sent to his regiment. While en route to his regiment he was examined by the medical board at Convalescent Camp, near Alexandria, Va., February 14, 1863, and discharged February 27, 1863, at said camp on surgeon's certificate of disability by reason of tuberculosis contracted since enlistment.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM, Adjutant-General.

The SECRETARY OF WAR.

To the Adjutant-General United States Army, etc.:

CLINTON COUNTY, New York, ss:

William H. Tabbarrah, being duly sworn, says that he resides at Plattsburgh, N. Y., and was a sergeant in Company F, Ninety-sixth New York Volunteers, in the late war, and now draws a pension for gunshot wound of right thigh, by pension certificate No. 13583, which wound was received at the battle of Fair Oaks, May 31, 1862.

Deponent further states that he has made application for a bounty by reason of being discharged for wounds; and the same has been denied upon the ground that the record shows that deponent was discharged for difficulty of the lungs, when, in fact, deponent has never had difficulty of the lungs at all, and was discharged solely on account of said wound and for no other cause whatever, to defendant's knowledge; and deponent respectfully asks that upon the evidence on file upon his application for pension, and in other records contained, and that herewith submitted, said records be corrected and made to show that he was discharged for gunshot wound, as he in fact was.

WM. H. TABBARRAH.

Sworn to and subscribed before me this 15th day of January, 1883.

F. F. HATHAWAY, Notary Public.

STATE OF NEW YORK, Clinton County, ss:

James M. Fulton, being duly sworn, says that his residence and post-office is Beekmantown, Clinton County, New York, and has resided there and been a practicing physician and surgeon in said county for forty-three years last past; that his age is now sixty-nine years. Deponent further says that he is and has been for about twenty-seven years last past well acquainted with William H. Tabbarrah, and knew him well, both before his enlistment in the Ninety-sixth Regiment of New York Volunteers and after his discharge and return home from said service, and since said Tabbarrah's discharge deponent has been his family physician until said Tabbarrah removed from Beekmantown aforesaid to Plattsburgh, upon his appointment as keeper of the light-house upon Cumberland Head, in said town, upon the west shore of Lake Champlain, which position said Tabbarrah still holds. Deponent further says that shortly after said William H. Tabbarrah's discharge, in the spring of 1863, deponent saw him and knows that said Tabbarrah was badly wounded in his right thigh, and deponent aided in dressing said wound and in searching for the ball, and deponent knows that said wound has made said Tabbarrah a cripple ever since.

Deponent further says that in all his attendance upon said Tabbarrah deponent has not known him to have any difficulty of the lungs nor disease of the lungs of any kind, more than perhaps a cold or some little ailment of that sort, and deponent knows that when said Tabbarrah returned from the war he had no lung trouble whatever. Deponent further says that he has no interest in said Tabbarrah's matters, either pension, bounty, or otherwise; and further saith not.

J. M. FULTON, M. D.

Sworn to and subscribed before me this 16th day of January, 1883, and I certify that said witness is a physician in good standing in his profession, and entitled to full credit.

JAMES J. BROWN,
Justice of the Peace.

STATE OF NEW YORK, Clinton County, ss:

Romeo Hyde, of Beekmantown, in said county, being duly sworn, says that

his age is thirty-nine years; that he is well acquainted with William H. Tabbarrah, who was formerly a sergeant in Company F of the Ninety-sixth Regiment New York Volunteers, of which deponent was also a member in the late war, and deponent knew him well while in said regiment. Deponent further says that he saw said Tabbarrah within a very few days after the battle of Fair Oaks in May, 1862. Deponent saw him one of the first days in June at White-house Landing upon a stretcher badly wounded, and deponent knows that at that time and all through said service, so far as deponent knew at the time and since, said Tabbarrah has had no difficulty of the lungs, but his trouble has always been since the war his said wound.

Deponent further says that he is himself now a regular practicing physician in said town of Beekmantown and has been for about fourteen years last past, and has often seen said Tabbarrah in those years, as said Tabbarrah married his wife from a family residing in the same village with deponent, and deponent has never known or heard that said Tabbarrah had any lung difficulty, but has no doubt whatever but what his discharge from the service was wholly on account of said gunshot wound, from which he ever since has been and still is badly crippled and disabled; and further deponent has no interest whatever in said matter.

ROMEO HYDE.

Sworn to and subscribed before me this 16th day of January, 1883, and I certify that said witness is a physician in good and regular standing in his profession and entitled to full credit.

JAMES J. BROWN,
Justice of the Peace.

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

JOHN GRAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11165) for the relief of John Gray.

The bill was reported from the Committee on Military Affairs with an amendment in line 4, after the words "pay to," to strike out "John Gray" and insert "Mary Gray, the widow of John Gray;" so as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to Mary Gray, the widow of John Gray, late major of the One hundred and seventy-fifth New York Volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a major of infantry from the 19th of November, 1862, the date he received his commission as major from the governor of the State of New York, to the 17th day of January, 1863, the date he is borne upon the record as having been mustered into the service as major of said regiment.

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the report read.

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

The Secretary read the following report submitted by Mr. DAVIS February 1, 1889:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11165) for the relief of John Gray, report:

The Committee on War Claims of the House of Representatives submitted the following report on this case:

"This is a claim for pay for services rendered prior to muster by John Gray, formerly major of the One hundred and seventy-fifth Regiment New York Volunteers.

"The claimant applied to the War Department for relief, and was denied in 1866 for the reason that 'his muster into service as major January 17, 1863, recognized him from the earliest date by completion of his command.'

"The proof shows that John Gray was commissioned major of the One hundred and seventy-fifth Regiment New York Volunteers on the 19th of November, 1862, by the governor of New York, and served in that capacity without pay until January 17, 1863.

"Having obtained the benefit of Gray's services, the Government ought not to set up a technical plea in bar of its obligation to make compensation therefor, and your committee are of opinion that payment should be made to Maj. John Gray.

"Your committee report back the bill and recommend its passage."

Further inquiry into the facts discloses a somewhat peculiar history of this regiment. As the companies were raised, and before regimental muster, they were evidently hastily sent from New York to the following places: Company A to Newport News, Va., where it was mustered November 20, 1862; Companies B and C to the same place, where they were mustered December 27, 1862; while Companies D, E, H, I, and K were sent to Carrollton, La., where they were mustered January 17, 1863. None of the companies had the minimum number at date of the above musters. On January 12, 1863, the One hundred and seventy-fifth New York was assigned at Carrollton to a brigade to be commanded by Brig. Gen. Michael Corcoran, but in the order the regiment was mentioned as being "part at Carrollton," thereby indicating that Companies A, B, and C, which had been mustered in at Newport News, Va., had not at that date joined the five other companies. It would seem by the information conveyed to your committee by the War Department that the companies composing this regiment were finally brought together at Carrollton, January 17, 1863, when John Gray was mustered into the service as major, with field and staff, at Camp Kearney, at that place. The scattering of the companies under the exigencies of that time prevented earlier muster as a regiment. Gray served in the capacity of major from November 19, 1862, up to the time of actual muster, such service being in Virginia and afterwards in the so-called "Banks expedition," and was very arduous in its character.

Under the provisions of War Department General Order No. 61, of 1861, the major of a regiment of infantry volunteers was entitled to muster into the service of the United States only on completion of six companies of the organization for which commissioned, and each company was considered as completed either from the date it was recruited to the minimum number, or if not so recruited, from the date of its actual muster into service.

Major Gray has died during the pendency of this bill, and its passage is recommended, with the following amendments:

Amend the title so that it will read: "An act for the relief of Mary Gray, widow of John Gray."

Insert after the word "to," in line 4, the words "Mary Gray, the widow of."

Mr. EDMUNDS. When I asked for the reading of the report I was under the impression that possibly this was one of a very large class of cases where by the regulations of the Department of War authorized by law field officers could not be mustered until the regiment was up to a certain strength. I perceive, if I correctly understand the report, that it does not fall within that class, and that the failure to muster

was not owing to the circumstance that enough recruits or volunteers altogether had not been obtained to make a mustering regiment, but that it was on account of the dispersion of the companies under orders into various places. That being so, I have no criticism to make upon the bill.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mary Gray, the widow of John Gray."

Mr. DAVIS. I move that the Senate request a conference with the House 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. DAVIS, Mr. STEWART, and Mr. BATE were appointed.

SALE OF LANDS IN KANSAS.

The bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 4, after the words "convey to," to strike out:

"The Methodist College Association of Southwestern Kansas," a corporation duly chartered by the laws of the State of Kansas, at the rate of \$1.25 per acre, the following described real estate, being Osage Indian land, situated in Ford County, Kansas, to wit: Lots Nos. 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west. And the Secretary of the Interior is hereby directed to cause the improvements on said land to be appraised and sold under such directions as he may prescribe: *Provided*, That said Methodist College Association shall within five years after the passage of this act begin in good faith the construction of buildings upon said land for the purposes herein set forth.

And in lieu thereof to insert:

The State of Kansas the following-described lands, being the remaining portion of the Fort Dodge military reservation in said State, to wit: Lots numbered 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west, on condition that said State shall, within twelve months from the passage of this act, pay or cause to be paid therefor the sum of \$1.25 per acre, and shall within three years establish and provide for the maintenance thereon a home in which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines, who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, under such rules and regulations as said State may provide.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to sell and convey to the State of Kansas the following-described lands, being the remaining portion of the Fort Dodge military reservation in said State, to wit: Lots numbered 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west, on condition that said State shall, within twelve months from the passage of this act, pay or cause to be paid therefor the sum of \$1.25 per acre, and shall within three years establish and provide for the maintenance thereon a home in which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines, who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, under such rules and regulations as said State may provide.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein."

Mr. HARRIS. The Senator from Kansas [Mr. PLUMB], who reported the bill, not being present, 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. PLUMB, Mr. TELLER, and Mr. COCKRELL were appointed.

CORPORATIONS AS SURETIES.

The bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments was considered as in Committee of the Whole.

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

The first amendment was, in line 3, after the word "whenever," to strike out "by the laws of the United States" and insert "in any cause pending in any court of the United States;" in line 6, after the word "with," to strike out "or without sureties;" and insert "surety;" in line 7, after "any," to strike out "trust, office, or;" in line 8, after the word "duty," to strike out "or for the doing or not doing" and insert "or the doing or refraining from doing;" and in line 9, after the word "anything," to strike out "in said bond, stipulation, or undertaking specified;" so as to read:

That whenever in any cause pending in any court of the United States any

person or corporation is required or permitted to make, execute, and give bond, stipulation, or undertaking, with surety, conditioned for the faithful performance of any duty, or the doing or refraining from doing of anything.

The amendment was agreed to.

Mr. VEST. I did not choose to interrupt the reading of the bill, but I suppose this is about as appropriate a time as any for me to state that this bill comes from the Committee on the Judiciary, and it is not unanimously reported. There was a minority of that committee opposed to the bill. I am opposed to its passage, and I wish to give my reasons.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to its consideration?

Mr. VEST. I shall object to its consideration?

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

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri, was read twice by its title, and referred to the Committee on Printing.

CHAMBERS & BROWN.

The bill (H. R. 329) for the relief of Chambers & Brown was considered as in Committee of the Whole. It proposes to pay to Henry Chambers and George G. Brown, partners, trading and doing business under the name, firm, and style of Chambers & Brown on the 14th of August, 1874, at 299 West Main street, Louisville, Ky., \$270, being the amount overpaid by them for special licenses in the year 1874.

Mr. EDMUNDS. Let us hear the report.

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

The Secretary read the following report, submitted by Mr. FAULKNER February 9, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 329) for the relief of Chambers & Brown, having had the same under consideration, respectfully report:

The facts upon which the claim in this case is based are set forth in the following letter of claimants and the letter of the collector of the fifth Kentucky district:

"LOUISVILLE, KY., February 13, 1880.

"DEAR SIR: We inclose a letter from Collector Buckner, showing that in May, 1874, the firm of Brown, Chambers & Co. paid for United States licenses as wholesale and retail liquor dealers and rectifiers the sum of \$325 to cover the period from May 1, 1874, to April 30, 1875.

"On July 1, 1874, the firm of Brown, Chambers & Co. was dissolved by the withdrawal of I. T. S. Brown, the remaining members continuing in business under the firm name of Chambers & Brown.

"By the ruling of the then Commissioner of Internal Revenue we were compelled to take out new licenses covering the period from July 1, 1874, to April 30, 1875, and pay therefor the sum of \$270.83, thereby paying twice for licenses for a period of ten months.

"An act of Congress was passed and approved March 1, 1879, to refund such duplicate collections, provided, as we understand the act, they had been made within a period of three years previous to the passage of this act; consequently our case does not come within the limit of time prescribed by this act, and the Commissioner has no authority to pay it.

"It is clear that we were compelled to pay to the Government \$270.83 by the ruling of the Commissioner which by subsequent act of Congress seems to have been considered unjust, yet no recourse is given us simply from the fact that the payment was made in 1874 instead of 1876 or later.

"The amount claimed is manifestly due us, and our only relief is through our Representative in Congress. Can you do anything for us?"

"Yours, very respectfully,

"CHAMBERS & BROWN.

"Hon. A. S. WILLIS, M. C.,
"Washington, D. C."

"UNITED STATES INTERNAL REVENUE,
"COLLECTOR'S OFFICE, FIFTH DISTRICT, KENTUCKY,
"February 12, 1880.

"GENTLEMEN: In reply to your inquiry of to-day, I have to say that on the 27th day of May, 1874, Brown, Chambers & Co., 299 West Main street, Louisville, Ky., paid special taxes as wholesale and retail liquor dealers and rectifiers for year ending April 30, 1875, paying therefor the sum of \$325.

"Also, that on the 14th day of August, 1874, Chambers & Brown, 299 West Main street, Louisville, Ky., paid special taxes as wholesale and retail liquor dealers and rectifiers, paying therefor \$270.83. The change of firm from Brown, Chambers & Co. to that of Chambers & Brown was caused by the retirement of one of the firm, namely, I. T. S. Brown.

"Respectfully,

"JAMES F. BUCKNER, Collector.

"Messrs. CHAMBERS."

The committee addressed a letter to the Commissioner of Internal Revenue and received the following reply:

"TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
"Washington, January 23, 1889.

"SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing H. R. bill 329, for the relief of Chambers & Brown, and report of House Committee on Claims.

"Referring to the statement of Messrs. Chambers & Brown, printed in the report of the committee, that an act of Congress was passed and approved March 1, 1879, to refund such duplicate collections, and to your request that I inform you as to the amount of duplicate collections that were made and not refunded under the said act, I have to state that none of the provisions of the act of March 1, 1879, refer to or authorize the refunding of special taxes collected from surviving members of firms which dissolved before the expiration of the term for which special tax had been paid by said firms.

"Under date of June 12, 1873, the following ruling of this office was issued in Circular 109 and forwarded to collectors of internal revenue, namely:

"Every change of firm whereby a former partner retires from the same or a new partner is admitted constitutes, in contemplation of law, a new firm, liable to new special tax for the unexpired portion of the year for which the same has been paid by the original firm, which should be collected from the first day of the month in which the change occurs."

"This ruling remained in force and such taxes were collected until March 4, 1879, when, in consequence of a decision of the Supreme Court in the case of the United States vs. Adam Glab, decision No. 178, dated March 4, 1879, inclosed, modifying the ruling of this office to the extent stated therein, was issued to collectors, and the collection of special taxes has since been made in conformity therewith.

"In the case of Messrs. Chambers and Brown, the facts are that on July 14, 1879, they presented a claim for the refunding of \$270.83, special taxes paid on August 14, 1874, as successors of the firm of Brown, Chambers & Co., for the remainder of the period for which the firm had paid special tax. The claim was rejected for the reason that it was barred by the provisions of section 17 of the act of March 1, 1879, not having been presented within three years after the purchase of the stamps.

"In view of the decision of the Supreme Court before mentioned I have no objection to urge against the granting of the relief asked for by Messrs. Chambers and Brown.

"Respectfully, yours,

"E. HENDERSON, Acting Commissioner."

"Hon. CHARLES J. FAULKNER,
"Committee on Claims, United States Senate."

Your committee are of opinion that the relief asked should be granted, and therefore recommend that the bill do pass.

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

MARY A. HOWSE AND LULA H. HOWSE.

The bill (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse was considered as in Committee of the Whole. It proposes to pay to Mary Alice Howse and Lula H. Howse, heirs at law of John C. Howse, deceased, late of Rutherford County, Tennessee, \$10,975, being the amount allowed by the Quartermaster-General for quartermaster's stores taken and used by the Army, and provides that the payment of \$10,975 shall be a full and complete settlement of all claims against the United States, of every kind and character, arising out of the appropriation and use by the Army of supplies or stores from the claimants.

Mr. EDMUNDS. Let us hear the report.

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

The Secretary read the following report, submitted by Mr. FAULKNER February 9, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 565) for relief of heirs of John C. Howse, submit the following report:

The committee has carefully examined the record as set forth in the Report No. 96 of the House, and finds that the conclusions reached in that report are fully sustained by the evidence, and the same is therefore adopted as the report of this committee. It is as follows:

"This case was considered by the Committee on War Claims of the Forty-ninth Congress, whose report is as follows:

"[House Report No. 2516, Forty-ninth Congress, first session.]

"The Committee on War Claims, to whom was referred the bill (H. R. 4292) for the relief of the heirs of John C. Howse, deceased, submit the following report:

"The claim presented embraces items for quartermaster's stores stated at \$20,197; for commissary supplies, \$3,645; total, \$23,842.

"The claims were presented, under the act of July 4, 1864, to the Quartermaster-General, United States Army, and to the Commissary-General of Subsistence, United States Army. That portion of the claim embracing subsistence supplies was considered by the Commissary-General of Subsistence, July 23, 1868, and rejected because, as was decided by the Commissary-General, 'it was a case requiring special or further legislation for its settlement.'

"That part of the claim embracing quartermaster's stores was considered by the Quartermaster-General, April 16, 1867, and the following decision was rendered:

"QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 16, 1867.

"SIR: I have the honor to return, with report, a claim in favor of Martha L. Russell, Rutherford County, Tennessee, for value of 15 horses, \$1,875; 10 mules, \$1,300; 4,000 bushels of corn, \$4,000; 38 stacks of fodder, \$370; and 3,500 cords of wood, \$10,500, referred to this office by the War Department, February 19, 1867 (\$18,245). It is stated by the claimant in her application that these stores were taken and used by the United States forces of the Twenty-first Army Corps, under General Crittenden, which was encamped on her premises near Murfreesborough, Tenn., during the battle of Stone River, on or about December 30, 1862.

"The evidence of former officers of the corps, including the affidavit of L. Russell, assistant surgeon Second Kentucky Volunteer Infantry (now the husband of claimant); George W. Griffith, brevet major Second Kentucky Cavalry; Capt. E. A. Otis, assistant adjutant-general, and Capt. I. R. Paul, commissary of subsistence, together with the testimony of other credible witnesses, is presented in support of the claim. The officers referred to respectively state that they were present and witnessed the occupation of the plantation by the forces under General Crittenden; that the hospitals and corps headquarters were established there; that the Army was then in need of supplies, and that everything necessary found on the premises was taken and applied to the use of the command.

"It is stated in evidence, in explanation of the reason why receipts were not issued, that the proper officers were not accessible to claimant, who was then a widow, and that the sudden movement of the troops precluded the possibility of their being obtained.

"Affidavits of citizens of the vicinity, certified to be credible, are also presented in proof of the loyalty of claimant and the justice of her claim.

"The case was referred by this office, February 21, 1867, to Bvt. Brig. Gen. Thomas Swords, assistant quartermaster-general, for special investigation and report as to the merits of the charges for the quartermaster stores mentioned.

"Capt. E. B. Kirk, assistant quartermaster-general, United States Army, as is shown by indorsement of General Swords, was detailed to proceed to Murfreesborough and make a special and thorough investigation of all the facts in the case. His report has been forwarded and is as follows:

"OFFICE ASSISTANT QUARTERMASTER,
Nashville, Tenn., March 31, 1867.

"Respectfully returned to Brigadier-General Swords, assistant quartermaster-general.

"Upon a full personal investigation of the inclosed claim of Mrs. Russell, I have the honor to report that the commands specified within did actually occupy her plantation as stated, and from all the evidence I have been able to obtain it

is my opinion that all the property for which this claim is made was taken by the United States Army.

"I find that about 1,000 cords of wood mentioned within were fence-rails, being some 89,000 in number; twenty-six log cabins torn down and burned would average 5 cords per building; the balance of the wood was in the tree and was not worth over \$1 per cord. Corn was not worth over 75 cents per bushel at that time. The prices charged for the horses, mules, and fodder are considered reasonable and just.

"I would respectfully recommend that this claim be allowed on the basis of this indorsement.

"E. B. KIRK,
Assistant Quartermaster, United States Army.

"I respectfully recommend the following allowance for such of the items as are properly chargeable to this department:

For 15 horses.....	\$1,725
For 10 mules.....	1,250
For 4,000 bushels of corn.....	3,000
For 38 stacks of fodder.....	370
For 2,310 cords of wood in the tree.....	2,310
For 1,060 cords of wood, rails (shown by the affidavits to have been used to keep the wounded from freezing).....	2,120
Amounting to.....	10,975

"The remainder of the charges for wood contained in the cabins is recommended for disapproval, the destruction of these buildings being regarded as depredations on the part of the troops.

"I have the honor to remain, sir, your obedient servant,

"D. H. RUCKER,

Acting Quartermaster-General, Bvt. Maj. Gen., U. S. A.

"Hon. EDWIN M. STANTON,

Secretary of War, Washington, D. C.

"The act of July 4, 1864, required that the findings of the Quartermaster-General should be reported to the Third Auditor of the Treasury, but by some unaccountable error the decision in this case was reported to Edwin M. Stanton, then Secretary of War. The case was returned by the Secretary of War to the Quartermaster-General, and, pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

"The claimants in the case are the heirs of John C. Howse, deceased, who died in 1855. They are his widow and three children (girls), the oldest of whom was at the time this property was taken eleven years of age.

"Your committee have therefore examined carefully into the loyalty of the widow.

"If the claim had been reported to the Third Auditor of the Treasury, as the act of July 4, 1864, directed, it would undoubtedly have been paid, as allowed by the Quartermaster-General, at \$10,975, in 1867; but the error of the Quartermaster-General caused the delay. Inasmuch as the claim was carefully examined by the quartermaster's agent and allowed by the Quartermaster-General in 1867, and as the evidence fully justifies the decision then made, your committee have carefully examined the question of loyalty, which was the ground upon which the Quartermaster-General rejected the case in 1880.

"Three of the claimants were minors (girls). Their loyalty will not be questioned. The widow was remarried in 1865, during the month of January, to Leonidas Russell, who was an officer in the Union Army.

"Upon the question of loyalty the papers disclose the following official orders:

"HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1862.

"Mrs. Howse having applied to these headquarters for the protection of a safe-guard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

"W. B. HAZEN,

Colonel, Commanding at Murfreesborough.

"MEDICAL DIRECTOR'S OFFICE,

"DEPARTMENT OF THE CUMBERLAND,
Headquarters, March 4, 1863.

"SIR: The general commanding directs that rations are to be issued to Mrs. Howse and servants. She is to pay for them if practicable; if not, the rations are nevertheless to be issued.

"By order of medical director, Department of the Cumberland.

"JAMES F. WEIDS, A. S., U. S. A.,

Assistant Medical Director, Department of the Cumberland.

"It seems remarkable to your committee that, in view of the foregoing orders, issued about the time her property was taken, and in face of a large number of affidavits of Army officers, any question could be raised as to the loyalty of Mrs. Howse (now Mrs. Russell). Your committee are satisfied, after a careful examination of the evidence, that the only testimony impeaching Mrs. Howse's loyalty emanated from personal enemies of the second husband, Dr. Leonidas Russell, who occupies a prominent part in the politics of Rutherford County, Tennessee, and upon this question an agent of the Quartermaster-General, specially detailed to investigate the facts, reported, under date of July 2, 1880:

"Against her loyalty are certain charges made against the conduct of her second husband since the war by men who had very emphatically sworn to her loyalty as a matter of personal knowledge.

"But it is opposed by an overwhelming mass of contrary testimony, much of it from persons equally entitled to credence and having a longer acquaintance, and claimant would seem to be entitled to the benefit of the great preponderance of the testimony in her favor.

"She is entitled to the benefit of testimony in her favor, which greatly preponderates, and I report her loyal."

"Your committee are satisfied, after a careful examination of the evidence, that Mrs. Howse (now Mrs. Russell) was loyal to the Government of the United States, and this appears to be the only point questioned by the Quartermaster-General in his decision of 1880.

"The claims presented are for \$23,842. The claimants now propose to accept \$10,975, the amount allowed by the Quartermaster-General in 1867, as a full settlement of all claims and demands against the United States, because, owing to the long lapse of time since the claim originated, as well as the unsettled condition of the country at that time, it will now be extremely difficult, if not impossible, to secure competent testimony to establish the claim in the Court of Claims; and claimants contend that the report of Captain Kirk was made after a personal examination by him very shortly after the property was taken, that the action of the Quartermaster-General in 1867 was in accordance with law, and the sum allowed should be paid.

"We are clearly of opinion that payment should be made for the property taken, and think, under all the circumstances, that the amount allowed by the Quartermaster-General should be, as is proposed by claimants, accepted by all parties as final; and we therefore recommend that the bill do pass."

Your committee, after due consideration, fully concur with the conclusions reached in the foregoing report. The property charged for consists of stores and supplies taken and used by the United States Army at a time when such necessary articles could not be furnished by the Government, and compensation should be made therefor. The settlement of the claim by the Quartermaster-General in 1867 should be held as conclusive, and we therefore recommend that the bill do pass.

Mr. EDMUNDS. Mr. President, I am in great doubt about this bill. As is stated in the report of the committee, it appears that the War Department officers at one time, and not a great while after the war, rejected this claim on account of the want of loyalty of the claimant or of the person whose property originally is said to have been taken; but now, after a lapse of ten or fifteen years since that time, the present committee of the House of Representatives (and our committee adopt their report, which I think is a very bad practice, but that has nothing to do with this present point) think that after a lapse of time the doubt about the loyalty of the claimant ought to be solved in favor of the claimant. If that principle be a sound one, then, in five or ten years hence every claim for everything taken or destroyed during the four years of war can go through on the ground that loyalty must be presumed because you can not at such a distance of time prove affirmatively that loyalty or disloyalty did exist in the great mass of the cases.

I do not wish at this moment to object to this bill, because it may be that on explanation by somebody it will appear to be right. Reserving that, I ask the Senator from Tennessee, or somebody who may know about it, to give us a little more light on the subject.

Mr. HARRIS. I simply wish to call the attention of the Senator from Vermont to the fact, as the report shows and as the face of the bill shows, that the beneficiaries are not the widow of Howse, now Mrs. Russell, in respect to whose loyalty these commentaries are made, but the eldest one of the beneficiaries was a girl of eleven years of age when these events occurred. But if it be dependent upon the loyalty of the mother, who was the widow of Howse and who had no rights in respect to this particular property, the preponderance of proof as to her loyalty is so overwhelming that I do not think the Senator from Vermont or any other Senator would express a doubt upon scrutinizing the testimony.

Mr. FAULKNER. Mr. President, there was but one question involved in this case, and that was the question of loyalty. All others presented by the record were favorably passed upon by the officers of the Government to whom the claim was presented for adjudication. Having that single question for decision by the committee, and knowing that it was a jurisdictional one, I as a subcommittee examined the evidence with the utmost care, and I can state to the Senator from Vermont and to the Senate, that the statement in the report that the evidence tended in any degree to establish the fact of disloyalty, even as to the mother of the claimants, was evidence that no court or jury would have considered for one moment.

Two-thirds of those who swore to the disloyalty of the mother of the claimants were persons who had testified prior to her marriage to a Union officer of her absolute loyalty to the Federal Government; but it seems that for some reason, subsequent to the marriage of this lady in 1865 to an officer of the Union Army, some of these parties changed their opinion as to her devotion to the Union who had previously testified to that effect. Even accepting, for the sake of argument, all that proof as given by credible witnesses, the evidence in the record of the Government officials and others is overwhelming testimony in favor of her loyalty.

I will further state to the Senator from Vermont that there has been three special agents appointed by the Department to examine into this case, every one of whom reported that she was a loyal woman. The only difficulty that I had in the consideration of the question was to learn if possible how the Quartermaster-General, upon the evidence of his own officer sent as late as 1880, just prior to his decision, to ascertain and report upon this single question and who reported her loyalty as ascertained beyond peradventure—how he could have decided upon the evidence then in the case that she was not loyal or that he did not feel justified in certifying that the claimant was a loyal woman. From my examination of the testimony, the reports of the several special agents of the Department, I reached the conclusion that no hesitation upon the question of loyalty should have existed in the mind of the Quartermaster-General for one moment. It was only after ascertaining that there could be no doubt upon that fact that the committee agreed to report the bill unanimously. I hope the conclusion of the committee will be sustained by the Senate and that the bill will be passed.

Mr. EDMUNDS. Assuming for the moment that this lady was a friend of her country and not an enemy of it, I should like to know whether this case is one of a very large class that the law referred to the Quartermaster's Department of the Army for consideration, and whether this bill is to be an act of Congress overruling a decision that applies to a great class of such cases, or how it does happen in the state of the law, which has existed since the war, that this claim, if a valid one, was not brought before the Court of Claims or the Southern Claims

Commission—which I rather think did exclude quartermaster's claims, but I do not remember distinctly about that—so that we can understand whether this is a special and excepted instance from the great mass of quartermaster's claims, or whether it is one of those in which we are expected to review the decision of the tribunal, whatever it may be, that Congress has previously appointed in regard to determining questions of this character. If it be an exceptional case that does not make a precedent for a mass of claims to be reviewed as time goes on and witnesses disappear, and all that, it is one thing. If it is one of the mass of that class, then I think we ought to take further time to consider it; but I do not object at this moment, because I hope it may be all that is claimed.

Mr. HARRIS. Mr. President—

Mr. STEWART. I desire to call attention to the fact that I was called to order for speaking twice some time ago, under Rule VIII, and I hope that rule will be enforced hereafter.

The PRESIDENT *pro tempore*. The Senator from Tennessee has once spoken on this bill.

Mr. HARRIS. That is true, but I ask unanimous consent of the Senate to answer in a minute and a half the inquiry of the Senator from Vermont.

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

Mr. HARRIS. The report of the committee shows the case to be decidedly exceptional. It was a case that was referred to the Quartermaster-General. He sent his agent to Tennessee to investigate the matter, and after that investigation and the report of the agent, instead of the Quartermaster-General making his report to the Third Auditor, as the act of Congress required, he made it to the Secretary of War, and the claim lay there in the office of the Secretary of War, which Secretary had no power over the question, until a late day.

Mr. FAULKNER. Eighteen hundred and eighty.

Mr. HARRIS. Eighteen hundred and eighty the Senator who reported the case informs me. Since that time a bill has been introduced from Congress to Congress, and has never met with anything else than a favorable report. It has been reported favorably in one House or the other in every Congress since that time, and now it stands on the Calendar with not only the favorable report of the House committee, but the passage of the bill by the House and the favorable report of the Senate committee.

Mr. BATE. Right on that point I wish to say a word. It appears by the report that—

The case was returned by the Secretary of War to the Quartermaster-General, and pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

Then he sent his agent, as is shown by the report, to investigate the case, and he came back and made a favorable report and said that the claim ought to be paid.

Furthermore, upon the question of loyalty made by the Senator from Vermont, there are permissions granted at the time when war was flagrant, and the persons in command at that immediate spot—for this was right near the battle-field of Murfreesborough, and this property was taken by the Twenty-first Army Corps, under the command of General Crittenden, and while he was in command there—gave to this lady, who was then a widow and whose property had been taken and destroyed, a permission that they did not give to those who did not take the oath of allegiance, as I understand.

Mr. EDMUNDS. May I ask the Senator a question if I do not violate the rule?

Mr. BATE. Certainly.

Mr. EDMUNDS. How long had this lady been a widow, and had her husband been an officer or soldier in the Confederate service?

Mr. BATE. I will tell the Senator in a minute, and I am glad he asks the question. This report shows that her first husband, Mr. Howse, died in 1855, and that she had not remarried, but was a widow at the time the property was taken, and these orphan girls—there were three of them, but one died and the two remaining orphan girls are all that are left of that family. All their property was swept away as the report of the quartermaster shows.

Not only that, but there is a peculiarity in this report which you will observe by scrutinizing it, that they refused to pay for the cabins which are referred to in the report, showing that all the material that was taken and used was done under the order of General Crittenden, or those in command there, but that that was not ordered and they took that as a mere devastation by the troops, and hence refused to pay for it. Here is the permission given by General Hazen to this lady:

HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1862.

Mrs. Howse having applied to these headquarters for the protection of a safe-guard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesborough.

He gave her a card of protection, showing that he was satisfied of

her loyalty, and the assistant medical director of the Department of the Cumberland gave her a certificate that, being satisfied of her loyalty, supplies should be furnished her. Why? Because all had been swept from her, and her family was left without a morsel to eat and without clothes to wear.

Such is the report and I am very glad to have the opportunity to set the mind of the Senator from Vermont at rest on that question.

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

LANDS OF FLATHEAD BAND OF INDIANS.

The bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes, was considered as in Committee of the Whole.

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

The first amendment was, in section 2, line 8, after the word "bidder," to strike out the words "for cash;" so as to read:

That after the appraisal herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land office in tracts not exceeding 160 acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over 160 acres, to the highest bidder.

The amendment was agreed to.

The next amendment was to add at the end of section 2 the following proviso:

Provided further, That before the second or any subsequent payment shall be received, the purchaser shall prove to the satisfaction of the land office that he is actually residing upon the tract of land so purchased, and that he is entitled under the laws of the United States to the benefit of the homestead laws.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. DAWES. The Senator from Arkansas [Mr. JONES] who reported the bill being absent, I venture to move that the Senate insist on its amendments, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. JONES of Arkansas, Mr. PLATT, and Mr. DAWES were appointed.

COUNTERFEIT MONEY DEALERS.

The bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, which was to strike out all after the enacting clause, and to insert:

That section 5480 of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"Sec. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, or to sell, dispose of, loan, exchange, alter, give away, or distribute, supply, or furnish, or procure for unlawful use any counterfeit or spurious coin, bank notes, paper money, or any obligation or security of the United States or of any State, Territory, or municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious articles, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called 'the sawdust swindle,' or 'counterfeit money fraud,' or by dealing or pretending to deal in what is commonly called 'green articles,' 'green coin,' 'bills,' 'paper goods,' 'spurious Treasury notes,' 'United States goods,' 'green cigars,' or any other names or terms intended to be understood as relating to such counterfeit or spurious article, to be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside the United States, by means of the post-office establishment of the United States, or by inciting such other person or any person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice or attempting so to do, place or cause to be placed any letter, packet, writing, circular, pamphlet, or advertisement in any post-office, branch post-office, or street or hotel letter-box of the United States, to be sent or delivered by the said post-office establishment, or shall take or receive any such therefrom, such person so misusing the post-office establishment shall, upon conviction, be punishable by a fine of not more than \$500 and by imprisonment for not more than eighteen months, or by both such punishments, at the discretion of the court. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the post-office establishment enters as an instrument into such fraudulent scheme and device."

Sec. 2. That any person who, in and for conducting, promoting, or carrying on, in any manner by means of the post-office establishment of the United States, any scheme or device mentioned in the preceding section, or any other unlawful business whatsoever, shall use or assume or request to be addressed by any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States any letter, postal-card, or packet addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own lawful and proper name, shall, upon conviction, be punishable as provided in the first section of this act.

Sec. 3. That the Postmaster-General may, upon evidence satisfactory to him, that any person is using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on, or assisting therein, by means of the post-office establishment of the United States, any business scheme or device

in violation of the provisions of this act, instruct any postmaster at any post-office at which such letters, cards, or packets, addressed to such fictitious, false, or assumed name or address arrive to notify the party claiming or receiving such letters, cards, or packets to appear at the post-office and be identified; and if the party so notified fail to appear and be identified, or if it shall satisfactorily appear that such letters, cards, or packets are addressed to a fictitious, false, or assumed name or address, such letters, postal-cards, or packages shall be forwarded to the dead-letter office as fictitious matter.

Sec. 4. That all matter the deposit of which in the mails is by this act made punishable is hereby declared non-mailable; but nothing in this act shall be so construed as to authorize any person other than an employé of the dead-letter office, duly authorized thereto, to open any letter not addressed to himself.

Sec. 5. That whenever the Postmaster-General is satisfied that letters or packets sent in the mails are addressed to places not the residence or business address of the persons for whom they are intended, to enable such persons to escape identification, he may direct postmasters to deliver such letters only from the post-office upon identification of persons addressed.

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. HARRIS. I move that the Senate insist on its amendment to the bill just passed, and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MITCHELL, Mr. SAWYER, and Mr. REAGAN were appointed.

GUARDIAN OF SAMUEL HOWARD.

The bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard, was considered as in Committee of the Whole. It proposes to pay \$100 to James S. Flake, guardian of Samuel Howard (a lunatic), of Henderson County, Tennessee, for quartermaster's stores, consisting of one horse, taken from him and appropriated by the military forces of the United States.

Mr. EDMUNDS. Let us hear the report in that case.

The PRESIDENT *pro tempore*. There is no written report accompanying the bill.

Mr. EDMUNDS. Let the bill go over, then.

The PRESIDENT *pro tempore*. It will be passed over without prejudice. The next House bill on the Calendar will be stated.

Mr. HARRIS. What was done with House bill 1029?

The PRESIDENT *pro tempore*. It went over on the objection of the Senator from Vermont, without prejudice.

Mr. HARRIS. It involves a very small matter, and was reported by the Senator from Arkansas [Mr. JONES]. As he is not present, I will not insist on its consideration, because I have not examined the matter.

ALLOTMENT OF LAND IN SEVERALTY.

The bill (H. R. 11634) to provide for the allotment of land in severalty to the United Peorias and Miamies in Indian Territory, and for other purposes, was considered as in Committee of the Whole.

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

The first amendment was, in section 2, line 18, after the words "agricultural, or" to strike out "other" and insert mining;" so as to read:

And said United Peorias and Miamies shall have power, subject to the approval of the Secretary of the Interior, to lease for grazing, agricultural, or mining purposes from time to time and for any period not exceeding ten years at any one time, all of said residue, or any part thereof, the proceeds or rental to be divided between said tribes in proportion to their respective interests in said residue.

The amendment was agreed to.

The next amendment was, in section 2, line 23, after the word "residue," to strike out:

And after said allotments are completed each allottee may lease or rent his or her individual allotment for any period not exceeding three years, the father acting for his minor children, and in case of no father, then the mother, the chief acting for orphans of the tribe to which said orphans may belong.

And in lieu thereof to insert:

And the agent for the time being having charge of said Indians is hereby authorized, with the approval of the Secretary of the Interior, to lease or rent the allotment of any orphan child for a period not exceeding three years at any one time, nor exceeding the minority of said orphan child, and to expend the rental received therefrom for the education and advancement in civilization of said orphan child, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 4, line 2.

Mr. EDMUNDS. At some time I wish to move an amendment there to give an appeal from the Court of Claims, who have this jurisdiction, to the Supreme Court of the United States. If there be no objection, I should like to move it now lest it be forgotten. I move to insert "subject to an appeal to the Supreme Court of the United States, as in other cases," where that jurisdiction is conferred.

Mr. HOAR. Where is that appeal from?

Mr. EDMUNDS. From the judgment of the Court of Claims.

The PRESIDENT *pro tempore*. Will the Senator from Vermont indicate the line in which the amendment is to be inserted?

Mr. EDMUNDS. After the word "claims," in section 4, line 2.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In section 4, line 2, after the word "claims," it is proposed to insert "subject to an appeal to the Supreme Court of the United States, as in other cases;" so as to read:

SEC. 4. That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme Court of the United States, as in other cases, to hear and determine what are the just rights at law or in equity, of those Wea, Peoria, Kaskaskia, and Piankeshaw Indians, and of their children, or heirs at law, or legal representatives, who became citizens of the United States under the provisions of article 23 of the treaty of February 23, 1837, made with the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws, in the invested funds and other common property of the said confederated tribes.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. RIDDLEBERGER. I desire to make a motion to proceed to the consideration of executive business, but the Senator from Massachusetts [Mr. DAWES] thinks that this bill will be concluded in a moment.

The PRESIDENT *pro tempore*. The time allotted for the consideration of the Calendar under Rule VIII having expired, the Senate resumes the consideration of the unfinished business, which will be stated.

The CHIEF CLERK. A resolution, by Mr. HOAR, authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. RIDDLEBERGER. Mr. President—

Mr. DAWES. I ask the Senator from Virginia to allow us to finish this bill by unanimous consent.

Mr. RIDDLEBERGER. Yes, sir.

The PRESIDENT *pro tempore*. Is there objection?

Mr. CALL and Mr. HARRIS. What is the request?

The PRESIDENT *pro tempore*. The time allotted for the consideration of the Calendar under Rule VIII having expired, the Chair laid before the Senate the unfinished business. The Senator from Massachusetts [Mr. DAWES] asks unanimous consent that the unfinished business may be informally laid aside to proceed with the consideration of the bill which was being read by the Chief Clerk.

Mr. GORMAN. I trust the Senate will extend the time for the consideration of the Calendar one hour longer.

Mr. HARRIS. Oh, no.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the agreement of the Senate may be extended to 10 minutes past 6 o'clock for the consideration of the Calendar.

Mr. CULLOM. I hope the Senator will allow the Senate to go forward in the calling of the Calendar for the remainder of the evening.

Mr. HOAR. Should not my colleague's request for unanimous consent first be put?

The PRESIDENT *pro tempore*. The Chair will endeavor to ascertain the will of the Senate.

Mr. DAWES. I ask that we may be allowed to finish the pending bill.

Mr. GORMAN. If there is any objection to the request I made I withdraw it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the unfinished business may be informally laid aside for the consideration of the bill now being read by the Chief Clerk. Is there objection? The Chair hears none. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes.

Mr. EDMUNDS. I move to amend the bill by striking out all of the clause concerning the payment of counsel, which has no business, I think, in an act of Congress.

The PRESIDENT *pro tempore*. The part proposed to be stricken out will be read.

The CHIEF CLERK. In section 4, beginning in line 43, it is proposed to strike out the following words:

Out of the funds so found due to said citizen Indians said Court of Claims may allow a reasonable compensation to the counsel or attorneys of such Indians, to be ratably apportioned upon and paid out of the sums due them, respectively; and the court may ascertain the reasonable value of the services of counsel employed by said confederate tribes to represent the tribes on such examination, not to exceed 10 per cent. of the aggregate sum actually in controversy, and the Secretary of the Interior shall cause to be paid to said counsel so much of the sum so ascertained as in equity and justice he may consider to be due them for such services, out of any money in the Treasury of the United States now due to such tribes arising from the sale of the lands of said tribe in Kansas.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments and

ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. MORGAN, and Mr. STOCKBRIDGE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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.

HOUSE BILL REFERRED.

The bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the further consideration of the conference report on the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

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

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-nine minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 27, 1889, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1889.

SPECIAL EXAMINER DRUGS, ETC., NEW ORLEANS.

James F. Finney, of Louisiana, to be special examiner of drugs, medicines, and chemicals in the district of New Orleans, in the State of Louisiana, to succeed William G. Austin, resigned.

MARINE-HOSPITAL SERVICE.

James C. Perry, of North Carolina, to be assistant surgeon in the Marine-Hospital Service of the United States, *vice* Passed Assistant Surgeon Francis M. Urquhart, deceased.

SURVEYOR OF CUSTOMS.

Frank E. Hayden, of Ohio, to be a surveyor of customs for the port of Columbus, in the State of Ohio.

This office was constituted by the act approved February 9, 1889.

DEPUTY FIFTH AUDITOR OF THE TREASURY.

J. Lee Tucker, of New York, to be Deputy Fifth Auditor of the Treasury, to succeed Alfred E. Lewis, removed.

POSTMASTERS.

Samuel H. Lowry, to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania, in the place of Myer M. Kaufman, resigned.

Dayton Hale, to be postmaster at Columbus, in the county of Lowndes and State of Mississippi, in the place of Dayton Hale, whose commission expires February 26, 1889.

W. H. Grim, to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania, in the place of Samuel S. McFarlan, whose commission expired January 26, 1889.

Charles E. Steele, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1887.

Walter P. Horn, to be postmaster at Suspension Bridge, in the county of Niagara and State of New York, in the place of William Carr, whose commission expired February 14, 1889.

Catharine J. Piatt, to be postmaster at Watstown, in the county of Northumberland and State of Pennsylvania, in the place of Miss Mary V. Shay, whose commission expired February 9, 1889.

Mrs. Mary White, to be postmaster at East Tawas, in the county of Iosco and State of Michigan, in the place of Robert White, deceased.

PROMOTIONS IN THE ARMY.

Alfred Hedberg, late captain Fifteenth Infantry, to be captain, to rank from the date of his assignment under the act, *vice* Whittemore, promoted to the Tenth Infantry.

First Lieut. John W. Summerhayes, regimental quartermaster, Eighth Infantry, to be assistant quartermaster with the rank of captain, February 25, 1889, *vice* Hoyt, nominated for promotion.

Maj. William B. Hughes, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, February 15, 1889, *vice* Card, retired from active service.

Capt. Charles H. Hoyt, assistant quartermaster, to be quartermaster with the rank of major, February 15, 1889, *vice* Hughes, promoted.

Tenth Regiment of Infantry.

Capt. Edward W. Whittemore, of the Fifteenth Infantry, to be major, February 15, 1889, *vice* Hawkins, promoted to the Twenty-third Infantry.

Eighteenth Regiment of Infantry.

Lieut. Col. Henry M. Lazelle, of the Twenty-third Infantry, to be colonel, February 17, 1889, *vice* Yard, deceased.

Twenty-third Regiment of Infantry.

Maj. Hamilton S. Hawkins, of the Tenth Infantry, to be lieutenant-colonel, February 17, 1889, *vice* Lazelle, promoted to Eighteenth Infantry.

PROMOTIONS IN THE NAVY.

Lieut. Frank F. Fletcher, junior grade, a resident of Iowa, to be a lieutenant in the Navy, from the 19th of February, 1889 [subject to the examinations required by law], *vice* Lieut. L. P. Joutet, discharged from the naval service, in conformity with the act of Congress approved 5th of August, 1882, not having been recommended for promotion.

Ensign Percival J. Werlich, a resident of Wisconsin, to be a lieutenant, junior grade, in the Navy, from the 19th of February, 1889, *vice* Lieut. F. F. Fletcher, junior grade, promoted.

Passed Assistant Engineer David Jones, a resident of Pennsylvania, to be a chief engineer in the Navy, from the 9th of January, 1889, *vice* Chief Engineer Edwin Wells, deceased. [Subject to the examinations required by law.]

Assistant Engineer Reynold T. Hall, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 9th of January, 1889, *vice* Passed Assistant Engineers R. Ashton and David Jones, promoted. [Subject to the examinations required by law.]

Passed Assistant Engineer James H. Chasmar, a resident of New York, to be a chief engineer in the Navy, from the 27th of January, 1889, *vice* Chief Engineer Francis C. Dade, retired.

Assistant Engineer Ira N. Hollis, a resident of Kentucky, to be a passed assistant engineer in the Navy, from the 19th of February, 1889, *vice* Passed Assistant Engineers J. H. Chasmar and John W. Gardner, retired. [Subject to the examinations required by law.]

CONFIRMATIONS.

Executive nominations confirmed by the Senate, February 26, 1889.

SURVEYOR OF CUSTOMS.

Frank E. Hayden, of Ohio, to be surveyor of customs for the port of Columbus, Ohio.

CAPTAIN OF INFANTRY.

Alfred Hedberg, to be captain Fifteenth Infantry, to rank from the date of his assignment.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 26, 1889.

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

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

JOHN J. LOCKREY.

The SPEAKER laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 220, entitled "An act granting a pension to John J. Lockrey."

It is stated that this beneficiary enlisted April 11, 1865, but it appears from the muster-roll of his company for May and June, 1865, that he was a recruit assigned, but who had not joined. There is nothing appearing on the record which positively shows that he ever reached his regiment.

It is conceded that his real and nominal connection with the Army extended only from April 11, 1865, when he was mustered in, until August, 1865, when he was discharged for disability, consisting of a disease of the eye, called in the surgeon's certificate "iritis with conjunctivitis."

It seems that this claimant enlisted just at the close of the war, and was connected in a manner with the Army for four months. It is not probable that he ever saw any actual service, for none is stated in the papers before me; and it does appear that he spent a large part of his short term of enlistment in hospitals and under treatment for a trouble with his eye. As early as May 23, 1865, he was admitted to hospital with gonorrhoeal ophthalmia. His claim was rejected by the Pension Bureau on the ground that this was the cause of his disability, and the inferences from the proof presented make this extremely probable.

One of the witnesses who testified that the beneficiary caught cold in his eye in April, 1865, on the Mississippi River, is shown to have been at that time with his regiment and company at Danville, Va.

The circumstances surrounding this case and the facts proved, satisfy me that the determination of the Pension Bureau was correct, and there is certainly no sentiment in favor of the claimant which justifies the indulgence of violent presumptions for the purpose of overriding such determination.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1889.

JOHN M'COOL.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5807, entitled "An act granting a pension to John McCool."

This beneficiary served in an Iowa regiment of volunteers from May 27, 1861, to July 12, 1865.

He filed a petition for pension, alleging an accidental wound in the right thumb while extracting a cartridge from a pistol in August, 1861. There is no record of any such disability, though it appears that he was on a furlough about the date of his alleged injury. It appears that he served nearly four years after the time he fixed as the date of his injury.

No evidence was filed in support of the claim he filed, and he refused to appear for examination, though twice notified to do so.

His claim was rejected in May, 1888, no suggestion having been made of any other disability than the wound in the thumb, upon which his claim before the bureau was based.

The report of the committee in the House of Representatives recommending the passage of this bill contains no intimation that there exists any disability contracted in the military service, but distinctly declares the pension recommended a service pension, and states that the beneficiary is blind.

As long as the policy of granting pensions for disability traceable to the incidents of Army service is adhered to, the allowance of pensions by special acts based upon service only gives rise to unjust and unfair discriminations among those equally entitled, and makes precedents which will eventually result in an entire departure from the principle upon which pensions are now awarded.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1889.

WILLIAM BARNES.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 11999, entitled "An act granting a pension to William Barnes."

The beneficiary named in this bill served in a Kentucky regiment from August 9, 1861, to December 6, 1864.

He made claim for pension in the Pension Bureau, in September, 1882, alleging that in October, 1862, he was accidentally injured by a pistol shot in the thigh while in the line of duty.

It is conceded that he was wounded by the discharge of a pistol which he was carrying while he was absent from his command with permission on a visit to his home, and that the discharge of the pistol was accidental.

The circumstances of the injury are neither given in the report of the committee, to whom the claim was referred by the House of Representatives, nor in the report of the case furnished to me from the Pension Bureau; but on the conceded facts, the granting of a pension in this case can be predicated upon no other theory except the liability of the Government for any injury by accident to a person in the military service, whether in the line of duty or not.

I think the adoption of the principle that the Government is an insurer against accidents under any circumstances befalling those enlisted in its military service, when visiting at home, is an unwarrantable stretch of pension legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1889.

HENRY V. BASS.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 11803, entitled "An act granting a pension to Henry V. Bass."

This beneficiary enlisted September 9, 1862, and was mustered out August 15, 1865. The records show no disability during his service.

It is now alleged that the soldier was sitting on the ground near his tent while two comrades were wrestling near him, and that in the course of the scuffle one of the parties engaged in it was thrown or fell upon the beneficiary, injuring his right knee and ankle.

Upon these facts the claim was rejected by the Pension Bureau on the ground that the injury was not received in the line of duty.

I do not think that the Government should be held as an insurer against injuries of this kind, which are in no manner related to the performance of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1889.

SQUIRE WALTER.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the