

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,	Spooner,
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-a-pek-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 Poteau 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 on 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 importunity 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, \$400,000: *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, 1888, 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 appraisement 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 PRESIDENT *pro tempore*. The Secretary will read it.

The Secretary 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 stated.

#### 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 Muskogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other 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, \$33,679.20, 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 Blanc, 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 &amp; 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 &amp; 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, 1889.

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 terminal 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 depredation 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 depredations 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 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 depredations 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 depredations 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 depredations 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 depredation 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 depredations 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 depredations 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 Potos 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 Whitehouse 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. 11163) 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. 11163) 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 Band 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 80,000 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 safeguard, 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 employe 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 Watson town, 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. Jonett, 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 gonorrheal 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

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 numbered 10448, entitled "An act granting a pension to Squire Walter."

The son of the beneficiary named in this bill enlisted in a West Virginia regiment on the 28th day of June, 1861.

On the 15th day of September, 1862, while bathing in the Potomac River, near the Chain Bridge, with the knowledge and consent of his commanding officer, he was drowned.

It is perfectly clear that he lost his life while in the enjoyment of a privilege, and when, at his request, military discipline was relaxed and its restraints removed for his comfort and pleasure. His death resulted from his voluntary and perfectly proper personal indulgence, and can not be in the least attributed to military service.

The father does not appear to be so needy and dependent as is often exhibited in cases of this class.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 25, 1889.

PRODUCTION OF PRECIOUS METALS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint upon the production of precious metals for the fiscal year 1888; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

EMPLOYÉS IN DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a list of the employés in the Department of Justice, with the compensation of each, and stating that they have been usefully employed, and that their services are indispensable; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

JUDGMENTS AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Attorney-General, submitting a report of final judgments against the United States, not appealed from, in suits brought under the provisions of an act approved March 3, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

DIVISION OF SIOUX INDIAN RESERVATION.

The SPEAKER laid before the House the bill (H. R. 10970) 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; said bill having been returned from the Senate with amendments and a request for a conference.

Mr. PEEL. I ask that the House non-concur in the amendments of the Senate to this bill and agree to the conference asked by the Senate.

There being no objection, it was ordered accordingly.

The SPEAKER subsequently announced the appointment of Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. NELSON as conferees on the part of the House.

MRS. MARY T. DUNCAN.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 325) for the relief of Mrs. Mary T. Duncan. Mr. CARUTH. Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendments, which reduce the amount allowed this claimant some \$3,000.

The SPEAKER. The Senate amendments had better be read, after which the Chair will ask for objection.

The Senate amendments were read at length.

There being no objection, the Senate amendments were concurred in.

SECTION 2579 REVISED STATUTES.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

Mr. STEWART, of Texas. Mr. Speaker, I ask that unanimous consent be given to concur in the Senate amendment to this bill.

Mr. JACKSON. What is the subject-matter?

Mr. STEWART, of Texas. The original bill proposed to amend a certain section of the Revised Statutes of the United States, giving authority to a deputy collector to enter and clear vessels—

Mr. JACKSON. That is satisfactory.

Mr. STEWART, of Texas. This amendment of the Senate relates only to a clause of the section.

Mr. JACKSON. I have no objection.

There being no objection, the Senate amendment was concurred in.

WILLIAM ENGLISH.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States.

Mr. HOOKER. I ask that the amendments be read with a view to asking concurrence.

The Senate amendments were read at length.

Mr. HOOKER. I ask unanimous consent to concur in the Senate amendments.

There being no objection, the Senate amendments were concurred in.

ESTABLISHMENT OF CERTAIN LIGHT-HOUSES, FOG-SIGNALS, ETC.

The SPEAKER also laid before the House the amendments of the Senate to bills of the following titles, in which concurrence was requested and a conference with the House asked thereon, namely:

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

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

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

The amendments, on motion of Mr. CLARDY, were severally non-concurred in, and the conference requested by the Senate agreed to.

LINCOLN LAND DISTRICT, NEW MEXICO.

The SPEAKER also laid before the House the bill (S. 3778) to establish the Lincoln land district in the Territory of New Mexico; which was read a first and second time.

Mr. JOSEPH. Mr. Speaker, I ask, by unanimous consent, to put that bill upon its passage.

The SPEAKER. The bill will be read, after which objection will be asked for.

The bill was read at length.

Mr. CONGER. I do not know that I want to object, but I wish to inquire first whether the boundaries of the proposed district conflict with the Folsom district?

Mr. JOSEPH. No, sir.

Mr. CONGER. I have no objection.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ADDITIONAL TELEGRAPH FACILITIES IN WASHINGTON.

The SPEAKER also laid before the House the joint resolution (S. R. 137) providing for additional telegraph facilities in the city of Washington during the inauguration ceremonies on the 4th day of March, 1889.

The SPEAKER. This resolution is short and had better be read in full.

The joint resolution was read a first and second time, the second reading being in full.

Mr. DOCKERY. I ask, by unanimous consent, to consider the joint resolution at this time.

Mr. ABBOTT. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ABBOTT. I desire to call the attention of the Chair to the order made by the House on the 22d instant, which is in the following words:

*Resolved*, That on and after to-day the House sessions shall begin at 10 a. m., and, after the reading of the Journal, up to 11 a. m., the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent.

I take it, sir, that under this order there is nothing in order at this time but to call the names of the members in their alphabetical order for unanimous consent.

The SPEAKER. But the last clause of the order to which the gentleman refers shows clearly that the Speaker was to continue as heretofore to lay the executive communications and Senate bills before the House, and that he might entertain requests for unanimous consent at this time to pass Senate bills, as has been the case heretofore when such bills were laid before the House.

Mr. ABBOTT. But I would respectfully call the attention of the Chair to the latter clause, which provides:

And it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time.

The SPEAKER. If the gentleman will read on he will see that the latter clause of the rule gives authority to do precisely what the Chair has been doing.

Mr. ABBOTT. It provides:

Except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker.

The SPEAKER. That is exactly what the House is now doing.

Mr. ABBOTT. Very well, if that is the construction of the order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There being no objection, the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.



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

The latter motion was agreed to.

HENRY M. RECTOR.

The SPEAKER laid before the House Senate bill 314, for the relief of Henry M. Rector; which was read twice.

Mr. ROGERS. That is a bill for a sum of \$399 balance due Governor Rector on the books of the Treasury. It has been reported to the House, and I ask to have it considered.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry M. Rector the sum of \$399.91, out of any moneys in the Treasury not otherwise appropriated, the same being the amount standing to the credit of said Rector on the books of the Treasury of the United States, as shown by page 162, Executive Document No. 363, first session Forty-ninth Congress.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. CANNON. What is it for?

Mr. ROGERS. It is a balance due Governor Rector, who was marshal for the district of Arkansas and could not get a settlement of his account. He could not ascertain what was due him or what was due to the Government. Finally the Senate by resolution asked for this balance, and the books of the Treasury disclose that this balance is due Governor Rector.

Mr. CANNON. When was that; how many years ago is it?

Mr. ROGERS. It was many years ago; in 1852 or 1853. The war came up, and of course he could not get any settlement.

There was no objection.

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

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

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. GUENTHER, by unanimous consent, obtained leave to print in the RECORD some remarks on the bill (H. R. 12291) to regulate immigration.

WITHDRAWAL OF PAPERS.

Mr. BUNNELL, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies papers in the case of L. D. Forrest.

CONFEREES ON BRIDGE AND LIGHT-HOUSE BILLS.

The SPEAKER. The Chair will appoint as conferees on all the bills relating to light-houses, bridges, and other matters of the Committee on Commerce which have been disposed of this morning, the gentleman from Missouri [Mr. CLARDY], the gentleman from Louisiana [Mr. LAGAN], and the gentleman from Virginia [Mr. T. H. B. BROWNE].

ENROLLED BILL SIGNED.

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

A bill (H. R. 11527) to establish lights on the western end of Coney Island, New York.

ORDER OF BUSINESS.

The SPEAKER. Under the order of the House the Clerk will proceed to call the names of members alphabetically for requests for unanimous consent.

Mr. O'NEALL, of Indiana. I ask unanimous consent to lay aside the order for unanimous consent for to-day, and that the House proceed to the consideration of appropriation bills.

Mr. BIGGS. I object.

Mr. ABBOTT's name was called.

Mr. ABBOTT. I ask, by unanimous consent, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

Mr. BLAND. As the House has refused to proceed with appropriation bills, I move that it take a recess for thirty minutes.

Mr. RANDALL. In view of that motion, I ask by unanimous consent to make a privileged report from the Committee on Appropriations, being the sundry civil appropriation bill.

Mr. BIGGS. Regular order. I object.

Mr. RANDALL. I give notice that I will make this request at 11 o'clock precisely.

Mr. FARQUHAR. Pending that motion I desire to call the attention of the House to a bill on the Calendar—

The SPEAKER. Does the gentleman from Missouri object to the gentleman from New York making a statement concerning a bill?

Mr. BLAND. What statement?

The SPEAKER. Of course the Chair does not know what statement the gentleman desires to make.

Mr. LYNCH. Regular order.

Mr. FARQUHAR. I hope the gentleman will withdraw the demand for the regular order for one minute. I want to call attention to the bill (H. R. 8063) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters contiguous to the United States and the Dominion of Canada," approved June 19, 1888. This is a very important bill, both to the United States and Canada. It is a matter for the saving of life as well as of property. It went to the Committee on the Judiciary; has been reported unanimously; is now on the Calendar, and as the committee will not be reached during the remainder of this session and thus have an opportunity of calling up the bill, I desire to call it up.

Now, Mr. Speaker, the Canadian Parliament— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

The question was taken on the motion of Mr. BLAND, and the Speaker announced that the yeas seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 4, yeas 46.

Mr. BLAND. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Texas [Mr. ABBOTT] and the gentleman from Missouri [Mr. BLAND].

During the count,

Mr. TAULBEE said: Pending the vote I ask leave to introduce a bill for reference.

The SPEAKER *pro tempore* (Mr. TURNER, of Georgia). The request is not in order at this time.

Mr. TAULBEE. I ask the gentleman making the point of no quorum to withdraw it for the time being, so that I may introduce this bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. BREWER. I hope the gentleman from Kentucky will not interfere with business.

Mr. TAULBEE. I would not by any means; but I would like to introduce this bill.

The hour of 11 o'clock having arrived,

The SPEAKER *pro tempore* said: The time for asking unanimous consent has expired.

Mr. BLAND. I withdraw the motion to take a recess.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I am directed by the Committee on Appropriations to submit a report on the sundry civil appropriation bill.

The report was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1890, and for other purposes, together with the amendments of the Senate thereto, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 11, 12, 13, 15, 16, 17, 56, 57, 64, 65, 66, 67, 68, 70, 80, 83, 93, 104, 107, 110, 111, 113, 114, 153, 157, 163, 166, 167, 168, 169, 170, 171, and 172.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 97, 98, 99, 100, 102, 103, 105, 106, 108, 109, 112, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 158, 159, 160, 161, 162, 164, 165, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199.

They recommend concurrence in the amendment of the Senate numbered 101, with an amendment as follows:

On page 31 of the bill, in line 23, after the word "dollars," insert the following: "Which sum shall be expended under contract or contracts, to be made by the Secretary of the Treasury with the lowest and best bidder or bidders therefor, after advertising once a week for four consecutive weeks for proposals."

The SPEAKER. The question is upon agreeing to the report.

Mr. RANDALL. I ask the previous question upon the adoption of the report.

The previous question was ordered.

The SPEAKER. There are thirty minutes for explanation or debate.

Mr. RANDALL. The amount added by the Senate to the bill as it passed the House was \$3,453,151. There are three or four main items of controversy. One relates to the question of the use of steam-presses in the Bureau of Engraving and Printing. Another relates to the Library building, the question being whether the law of last year shall be changed so that the structure shall have a limit of \$6,000,000 instead of \$4,000,000. The third material point in controversy is in relation to the provision made in the Senate amendment for the purchase of a lot immediately west of the Post-Office Department building for the city post-office and other public offices, which is an indefinite appropriation and can be regulated in amount only by the judgment of a Washington jury.

Mr. MILLS. That is the block between D and E streets?

Mr. RANDALL. It is.



Mr. MILLS. And it is all built up?

Mr. RANDALL. It is all built up.

Mr. MILLS. What is the estimated cost of that lot?

Mr. RANDALL. The present rumor is that it may cost \$1,250,000.

Mr. MILLS. To condemn the property?

Mr. RANDALL. To condemn the property. The Committee on Appropriations recommend non-concurrence in that Senate amendment. It may not be inappropriate for me to say here that prior to the distribution of the appropriation bills the Committee on Appropriations possessed the power to add legislation on general appropriation bills which would reduce expenditures. During that period such legislation proposed by the House was uniformly resisted by the Senate. They would not admit any such legislation to go upon an appropriation bill. After that the Committee on Appropriations and the other committees of this House having charge of appropriation bills were deprived of the right to report any legislation upon appropriation bills. Notwithstanding the attitude of the Senate which I have already stated, a change seems to have come over that body of late, and we have fallen into a practice which enables the Senate to put almost anything it pleases in the way of legislation upon a general appropriation bill, while the House is not equal to the Senate in that particular. Of course the Committee on Appropriations have resisted this practice as far as they have been able, and will continue to do so until the House itself shall direct a relinquishment of the resistance.

Mr. TAULBEE. What are we asked to do now with reference to this matter?

Mr. RANDALL. We are asked not only to expend three millions and a half in addition to what the House thought sufficient, but also to involve the Government in large and indefinite additional expenditures.

Mr. TAULBEE. But what is the pending motion?

Mr. RANDALL. The pending motion is to adopt the report of the Committee on Appropriations on this bill.

Mr. TAULBEE. And that report recommends non-concurrence in these amendments?

Mr. RANDALL. It recommends non-concurrence in the amendments which I have stated.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask the gentleman from Pennsylvania about the Library feature of the bill.

Mr. RANDALL. We recommend non-concurrence in that amendment because it comes under the class of amendments I have mentioned.

Mr. BRECKINRIDGE, of Arkansas. The different estimates that you speak of, four millions and six millions respectively, do they include the cost of the ground also?

Mr. RANDALL. The ground has been paid for already, I believe.

Mr. BRECKINRIDGE, of Arkansas. And those estimates relate only to the building?

Mr. RANDALL. There is \$500,000 provided in the bill in that connection, which is adequate for present purposes whether the limit of the structure be \$6,000,000 or \$4,000,000.

Mr. BRECKINRIDGE, of Arkansas. So that whether the limit be fixed at either figure there will be money enough for the current year appropriated by the bill.

Mr. RANDALL. There will be sufficient to cover the expenditures of the year with the money already unexpended.

Mr. BRECKINRIDGE, of Arkansas. But my question is, whether the estimates of \$4,000,000 and \$6,000,000 relate, respectively, to the structure only, or whether they include also any part of the purchase of the ground.

Mr. RANDALL. They relate only to the structure. But, if I may venture an opinion, I will say that I think the House will be required to take a position on the question of fixing the limit either at \$4,000,000 or \$6,000,000, because I am quite satisfied that the conferees of the House, whoever they may be, will adhere to the law.

Mr. HEARD. I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that there is \$500,000 appropriated by the bill in any case.

Mr. RANDALL. Yes.

Mr. HEARD. So that, whether we adopt the \$4,000,000 or the \$6,000,000 estimate, that \$500,000, added to what is already unexpended, will be sufficient for the expenditures contemplated for this year.

Mr. RANDALL. I have so stated, and now repeat.

Mr. HEARD. Then what is the basis of this insistence that the House and the Senate shall agree upon the one plan or the other now?

Mr. RANDALL. Well, I can express only my own individual opinion on that point. I think that where the law fixes a limit of \$4,000,000, that limit ought not to be changed on an appropriation bill.

Mr. HEARD. The gentleman does not quite understand me. My point was that there seems to be no necessity for an abandonment of our position on that score. According to the statement of the gentleman, as I understand, the provision which we make in our bill is ample for any contingency which may arise, whether we adopt ultimately the \$4,000,000 limit or the \$6,000,000 limit.

Mr. RANDALL. I would not like to give a distinct answer to that

question. It might affect the contract to be made for the outer stone of the building, which it may be thought desirable to obtain from a particular quarry.

Mr. HOOKER. I wish to ask the gentleman from Pennsylvania whether there was a difference of opinion between the conferees of the two Houses upon the adoption of the amendment with reference to the international conference of American nations—the provision on page 57 of the bill.

Mr. RANDALL. As to that matter we recommend non-concurrence.

Mr. HOOKER. That was a Senate amendment?

Mr. RANDALL. Yes, sir.

Mr. HOOKER. Well, I wish to ask whether the present attitude of the bill will admit of an amendment being offered for the consideration of the committee of conference, an amendment which I design to come in after the words "seventy-five thousand dollars" in line 11, page 57. I will say to the gentleman from Pennsylvania and to the House that my object is to provide that during, or immediately before or after, this commercial conference of the Central and South American countries with our own, we shall have in the city of Washington a celebration of the one hundredth anniversary of the inauguration of the Constitution of the United States.

I am advised that in another part of the bill there is a very insignificant appropriation of \$3,000 for the purpose of celebrating on the 30th of April of the present year the inauguration of the first President of the United States, General Washington. The proposition which I now suggest and which I desire to get into this bill in some form or other, is that we shall in this centennial year of the establishment of the Constitution and Government of the United States have at the capital city of Washington some suitable commemoration of that event. In such a commemoration these very nations which are expected to unite with us in this commercial convention will no doubt be glad to participate; and I may add it has been to me a subject of regret that the President of the United States has not yet (unless he has done so within the last few days) appointed the ten commissioners authorized by the law providing for that convention.

Sir, I think that we ought to have in this centennial year, 1889, a celebration of the inauguration of our Constitution and the establishment of our present form of government; and this celebration would come with especial fitness at a period when we are having this conference upon commercial subjects with these sister Republics of Central and South America who in their own organic forms of government have adopted as a model the Constitution of the United States almost *in totidem verbis*, and certainly in its essential spirit.

I therefore hope that no objection will be offered by the gentleman from Pennsylvania to the consideration of the following amendment, which it will be observed carries with it no appropriation:

On page 57, after line 11 (appropriating \$75,000 for American conference), add: "Provided, That before or during the conference suitable ceremonies shall be had in commemoration of the centennial anniversary of the inauguration of the Constitution of the United States, the time, place, and manner thereof to be fixed by the delegates of the United States."

I hope the gentleman from Pennsylvania will offer no objection to this proposition.

Mr. RANDALL. I certainly shall.

The SPEAKER. The previous question has been ordered upon the adoption of this report.

Mr. RANDALL. I wish to make a statement in connection with this matter.

In regard to the amendment of the Senate numbered 103, on page 57 of the printed bill, we have recommended non-concurrence, for the reason that there has been already appropriated under the act there mentioned \$75,000 for the object contemplated; and we do not know that a dollar of that sum has yet been expended. The Committee on Appropriations, in the absence of any information or report as to the expenditure of this \$75,000, recommended non-concurrence.

Now the proposition of the gentleman from Mississippi relates to another matter entirely. That proposition was submitted to the Senate and disagreed to. It will involve ultimately an expenditure of \$300,000. It is not possible to offer it here; nor if it was possible am I authorized to admit such an amendment. The provision further on, to which the gentleman has referred, relates, I believe, to the reading of the Constitution of the United States, an address in relation thereto by the Chief-Justice of the United States, and some further proceedings, I think—a military parade or something of that kind. The \$3,000 proposed to be appropriated for that purpose is, I think, largely in excess of any necessity.

Mr. HOOKER. I beg leave to say to the gentleman from Pennsylvania that I entirely agree with him in that respect, that for the object proposed in the amendment of the Senate an appropriation of \$3,000 is entirely too much or entirely too little. The amendment I desire to offer does not carry with it the appropriation of one dollar.

Mr. RANDALL. I know, but it involves great expense hereafter.

Mr. HOOKER. If the gentleman will permit me a moment. The original proposition of the Committee on Foreign Affairs did propose, I believe, an appropriation of \$300,000 for that purpose; and in consideration of the magnitude and importance of the celebration proposed, so far as the interests of this country are concerned, as well as



the countries we propose to have as our guests, it will be a mere bagatelle in comparison with the expenditure involved in the celebration of the centennial at Philadelphia in 1876. For myself, I regard it as the most important event in the history of the country. It should be marked not only by a celebration of the day on which the first President of the United States was inaugurated; but, Mr. Speaker, it should be marked more significantly as the centennial of the adoption of that instrument whose permeating influences have been felt throughout the civilized world, but more particularly in this country and in those countries with which we are so closely identified by geographical proximity.

Mr. RANDALL. The gentleman should remember, however, that it is doubted by the best parliamentarians of the House, as well as of the other branch of Congress, whether it is within the power of either to insert new matter in bills of this character which have not been considered by either House. The gentleman will at once see the difficulty his proposition presents, even if it were in order under the rules of the House.

Mr. HOOKER. It can be done by a vote of the House, I suggest.

Mr. GUENTHER. Will the gentleman from Pennsylvania state what recommendation is made as to amendment numbered 103?

Mr. RANDALL. The controversy there is just this: Both sides propose that the money shall be expended, and the only question is whether it shall come directly out of the moneys in the Treasury, or shall be taken from the fund known as the "immigrant fund." We recommend non-concurrence in the Senate amendment.

Mr. GUENTHER. I hope you will do so and adhere, because there is not money enough in that fund to enforce the provision. There was only about \$6,000 surplus last year.

Mr. RANDALL. We want to get at all the facts before determining the question. I do not think there will be any difficulty in the way.

Mr. DUNHAM. On this side of the House it was not possible to hear the explanation of the gentleman from Pennsylvania with regard to the Senate amendment in this bill providing for the purchase of a site for a post-office in this city. I wish to know from the gentleman what the committee recommended in that respect.

Mr. RANDALL. We recommended non-concurrence.

Mr. DUNHAM. That is right.

Mr. RANDALL. It is a proposition involving an indefinite appropriation which might reach \$5,000,000.

Mr. DUNHAM. It might be \$50,000,000 as far as the provision of the bill is concerned.

The report of the committee was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House request a conference with the Senate on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. RANDALL, Mr. FORNEY, and Mr. RYAN as conferees on the part of the House.

#### ORDER OF BUSINESS.

Mr. SAYERS. Mr. Speaker, I ask, by unanimous consent, to dispense with this hour for the call of committees, for the purpose of taking up the unfinished appropriation bill.

Mr. TAULBEE. Will the gentleman, pending that, couple with his request one that the usual permission be granted to file reports?

Mr. SAYERS. I will do so, Mr. Speaker, and ask unanimous consent that members having reports from committees to make may present them at the Clerk's desk.

Mr. TAULBEE. Including minority views?

Mr. SAYERS. Including also the views of minority members of the committees.

The SPEAKER. Is there objection to the request of the gentleman from Texas as stated?

There was no objection, and it was so ordered.

#### REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

RISEING SUN LODGE, DECATUR, ALA.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 43) to refer the claim against the United States of the trustees of the Rising Sun Masonic Lodge, No. 29, of Decatur, Ala., to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### TARIFF STATISTICAL BUREAU.

Mr. WHEELER, from the Committee on Expenditures in the Treasury Department, reported back favorably the bill (H. R. 9827) to create and establish a tariff statistical bureau; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### PUBLIC BUILDING, MARTINSBURGH, W. VA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 3432) for the erection of a public building at Martinsburgh, W. Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### PETER CRENSHAW.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5070) for the relief of Peter Crenshaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. PHELAN, from the Committee on Commerce, reported back with amendment the bill (H. R. 11960) to authorize the construction of a bridge across the White River at or near Aberdeen, Prairie County, Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### FORFEITURE OF WAGON-ROAD GRANTS.

Mr. HOLMAN, from the Committee on the Public Lands, submitted the views of the minority of that committee on the bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon; which were ordered to be printed, and referred to the Committee on the Public Lands.

#### GAMBLING IN AMERICAN FARM INDUSTRIES.

Mr. GLASS, from the Committee on the Judiciary, reported back adversely the bill (H. R. 7051) to prohibit fictitious and gambling transactions on the price of articles produced by American farm industries, and the bill (H. R. 5689) to punish dealing in futures in agricultural products; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### CHRISTOPHER C. ANDREWS.

Mr. MACDONALD, from the Committee on the Public Lands, reported back favorably the bill (H. R. 12079) for the relief of Christopher C. Andrews; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ORDER OF BUSINESS.

Mr. SPRINGER. I ask, by unanimous consent, that gentlemen having bills to present may be permitted also to hand them in at the Clerk's desk for proper reference under the direction of the Speaker, in view of the fact that we had no opportunity on yesterday to present them.

Mr. SOWDEN. Let that also include resolutions.

Mr. SPRINGER. I will ask to include everything that would be in order under the rule of the House on Monday.

There was no objection, and it was so ordered.

#### FILING OF BILLS AND RESOLUTIONS.

The following bills and resolutions were filed by being handed in at the Clerk's desk:

#### OBSTRUCTION OF COMMERCE.

Mr. BRECKINRIDGE, of Arkansas (by request), submitted a resolution asking the Secretary of War as to the obstruction to commerce of certain railroad and other bridges; which was referred to the Committee on Commerce, and ordered to be printed.

#### BENJAMIN BRUNER.

Mr. BRECKINRIDGE, of Arkansas (by request), introduced a bill (H. R. 12645) for the relief of Benjamin Bruner; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### ADMISSION OF NEW MEXICO AS A STATE.

Mr. JOSEPH introduced a bill (H. R. 12646) to provide for the admission of New Mexico into the Union as a State on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### ADMISSION OF ARIZONA, IDAHO, AND WYOMING AS STATES.

Mr. SPRINGER introduced a bill (H. R. 12647) to provide for the admission of Arizona, Idaho, and Wyoming into the Union as States on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### ELEVENTH CENSUS.

Mr. PERKINS presented a joint resolution of the Legislature of Kansas, asking that in the law providing for the next national census



provision be made for an enumeration of all the ex-Union soldiers and sailors of the late war, showing their ages, the companies and regiment in which they served, and the length of their service; which was referred to the Committee on the Eleventh Census, and ordered to be printed.

#### TO OPEN INDIAN TERRITORY TO SETTLEMENT.

Mr. PERKINS also presented senate concurrent resolution No. 7, of the Kansas Legislature, asking for legislation that will open the Indian Territory to settlement; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### BOUNTY TO SUGAR MANUFACTURERS.

Mr. PERKINS also presented a house concurrent resolution, No. 30, of the Kansas Legislature, asking that a bounty be paid to all manufacturers of sugar equal to any reduction that may be made in the existing tariff duty; which was referred to the Committee on Ways and Means, and ordered to be printed.

#### HOOR OF MEETING OF THE HOUSE, ETC.

Mr. SOWDEN submitted the following resolution; which was referred to the Committee on Rules:

*Resolved*, That the special order of February 22, 1889, which reads as follows: "*Resolved*, That on and after to-day the House sessions shall begin at 10 a. m., and, after the reading of the Journal, up to 11 a. m., the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker," be, and the same is hereby, rescinded.

#### PRINTING OF EULOGIES ON THE LATE JAMES N. BURNES.

Mr. RICHARDSON. Mr. Speaker, with the consent of the gentleman from Texas, I desire to report a resolution from the Committee on Printing authorizing the printing of the eulogies on the late Mr. Burnes.

There being no objection, the joint resolution (H. Res. 266) was read, as follows:

*Be it resolved, etc.*, That there be printed of the eulogies delivered in Congress upon the late James N. Burnes, a Representative in the Fiftieth Congress from the State of Missouri, 25,000 copies, of which 6,000 copies shall be for the use of the Senate and 19,000 copies shall be for the use of the House of Representatives; and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said James N. Burnes to accompany said eulogies, and for the purpose of engraving and printing said portrait the sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DOCKERY. With the consent of the gentleman from Tennessee, I desire to offer an amendment.

The Clerk read as follows:

*Resolved further*, That of the quota to the House of Representatives, the Public Printer shall set apart 50 copies, which he will have bound in full morocco, with gilt edges, the same to be delivered when completed to the widow of the deceased.

\* There being no objection, the amendment was adopted; and the joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. SAYERS. I move to dispense with the call of committees for reports.

The motion was agreed to.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

The motion was agreed to.

#### DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the unfinished business, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The Clerk read as follows:

To reimburse the estate of J. K. Edwards, late an official reporter of the House of Representatives, the amount paid to E. D. Easton for services rendered and expenses incurred as a substitute reporter from June 11 to July 17, 1888, both inclusive, such payment having been authorized by a resolution of the House adopted July 14, 1888, \$733.90.

Mr. LAWLER. Before passing from this item I wish to introduce an amendment.

The Clerk read as follows:

To pay Frank B. Gorman \$75 for the month of November, 1888, for extra work as mail page.

Mr. SAYERS. I desire to reserve the point of order upon that amendment.

Mr. LAWLER. I want to state that the two mounted pages besides doing the work they are called upon to do as pages also carry down books and public documents night after night. The associate of Mr. Gorman was paid his extra month, through Mr. Burnes interceding for him, and this amendment is offered in order to equalize the pay of the two.

Mr. SAYERS. In view of the statement made by the gentleman from Illinois I will withdraw the point of order.

The amendment was agreed to.

Mr. O'FERRALL. I offer the following amendment; which I send to the Clerk's desk.

The Clerk read as follows:

To pay George W. Fisher for services as laborer at the Capitol from August 1 to December 1, 1887, one hundred and twenty days at \$2 a day, \$240.

Mr. SAYERS. I reserve the point of order upon that amendment until I can hear the statement of the gentleman from Virginia.

Mr. O'FERRALL. Mr. Chairman, the facts in connection with these services are these: On the 1st day of August, 1887, George W. Fisher, a colored man of Virginia, was appointed by the then Doorkeeper of the House upon the laborers' roll.

Mr. SAYERS. Which Doorkeeper?

Mr. O'FERRALL. Mr. Donelson, the Doorkeeper at that time. He performed four months' services from the 1st day of August, when he was appointed, to the 1st day of December, 1887. For that service he never received a dollar.

Mr. SAYERS. Why not? Can the gentleman state that to the committee?

Mr. O'FERRALL. I do not know why he did not receive pay. He was put upon the roll at my request, and I know that he performed the services, and the evidence taken when the question was submitted to the Committee on Claims shows that he was not paid a dollar. Of course I can not tell why he was not paid.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

Mr. SHAW. I offer the following amendment.

The Clerk read as follows:

To pay Edward W. Coughlin \$150 for services rendered the Committee on Accounts during the first and second sessions of the Fiftieth Congress.

Mr. SAYERS. I reserve the point of order on that amendment.

Mr. SHAW. I offer that amendment on the unanimous recommendation of the Committee on Accounts.

Mr. SAYERS. Did not you have some one else, or was not there some other person detailed to perform that duty?

Mr. SHAW. The Doorkeeper of the House detailed a messenger, who was sent there during the meeting of the committee. That committee has constant communication with the Clerk of the House, as the Clerk will testify, papers passing backward and forward.

Mr. SAYERS. I can not withdraw the point of order upon that.

The CHAIRMAN. What is the point of order?

Mr. SHAW. This is a just claim, and if I were financially able I would pay it out of my own pocket. I think the committee is entitled to that courtesy.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

The Clerk read as follows:

For horse and buggy for Department messenger, House of Representatives, for the fiscal year 1890, \$250.

To pay Charles Carter for caring for subcommittee-room of Committee on Appropriations, \$60.

To pay Charles Holbrook for services as laborer for thirty-seven days, at \$2 per day, \$74.

To enable the Clerk of the House to rent, during the fiscal year 1890, rooms for the use of the clerks employed under the direction of the Committee on Rules in preparing the general index of the Journals of Congress, \$1,200.

Mr. WISE. I offer the following amendment:

To pay J. W. Chickering \$126, J. W. Fisher \$130, and J. M. Fisher \$121.90 for extra work in indexing the House Journal and miscellaneous documents during the first session of the Fiftieth Congress; in all, \$377.90.

Mr. SAYERS. I reserve the point of order on the amendment until I can hear the statement of the gentleman from Virginia.

Mr. WISE. Mr. Chairman, during the first session of the Fiftieth Congress the Clerk of the House of Representatives made the appointment of an index clerk upon my recommendation. It turned out that that clerk did not perform his duties, and the Clerk of the House was not responsible for that. It is known to the gentlemen of the Committee on Appropriations that the index clerk usually performs his duties at home. Towards the close of last session he told the Clerk of the House of Representatives and myself that his work was up to date. When we found out that he had neglected his duties he was requested to resign, which he promptly did, and the Clerk of the House made a new appointment. This new appointee came here after the very long and arduous session, and by working night and day brought up the work of last year in a few weeks.



The work of this session is up to this very day. In consequence of the neglect of the gentleman who was first appointed index clerk, it became necessary to employ some assistance for his successor. That work cost but the small sum of \$377.90, and the object of this amendment is to pay these gentlemen who were employed to assist him. It is known to the members of this House that the last session was an unusually long and laborious one, and therefore I hope that the gentleman who has charge of this bill will not object to paying this small sum of \$377.90 for this purpose.

Mr. SAYERS. I will state, Mr. Chairman, the reason that I must decline to withdraw the point of order is that the Committee on Appropriations considered the very question involved in this amendment, and they rejected it.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. SAYERS. The point is that there is no rule of the House and no law authorizing this expenditure.

Mr. WISE. There is a law authorizing the indexing, and it seems to me that an additional appropriation for this purpose certainly ought to be in order.

The CHAIRMAN. The Chair will have to sustain the point of order unless the gentleman from Virginia can refer to the law.

Mr. WISE. I hope the gentleman will withdraw the point of order.

Mr. SAYERS. I can not withdraw it, Mr. Chairman. The Committee on Appropriations passed upon this very item and rejected it.

The CHAIRMAN. Unless the gentleman from Virginia can refer the Chair to the law the Chair must sustain the point of order. [After a pause.] The point of order is sustained.

The Clerk read as follows:

To pay Thomas A. Coakley, a messenger employed under the resolution of the House, adopted January 19, 1888, at the rate of \$100 per month from March 3, 1889, until the assembling of the first session of the Fifty-first Congress, \$900 or so much thereof as may be necessary.

Mr. ROMEIS. I make the point of order upon that paragraph.

Mr. BOOTHMAN. I make the point of order that it changes existing law and is new legislation, and I move to strike out the paragraph.

Mr. RANDALL. I hope the gentleman will not make that point.

Mr. SAYERS. I call the attention of the Chair and of the committee to page 2377 of the RECORD, February 23, 1889, from which I read:

Mr. HAYES, from the Committee on Accounts, reported back favorably Miscellaneous Document No. 112, providing for the salary of Thomas A. Coakley, asked that the Committee on Accounts be discharged from its further consideration; that it be referred to the Committee on Appropriations, and that committee be authorized to make provision for it in the general deficiency bill.

Mr. HOLMAN. The fact was not announced as to what it was.

Mr. RANDALL. It is a report from the Committee on Accounts asking to be discharged from the consideration of this matter and that it be referred to the Committee on Appropriations.

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

Mr. HOLMAN. I do not object. I simply wanted to know what it was. There was no objection, and it was so ordered.

Mr. RANDALL. The committee in reporting this acted under the instruction of this House.

The CHAIRMAN. The Chair will consult the RECORD. [After examining the RECORD.] The Chair thinks that the resolution adopted by the House is sufficient authority for the appearance of this provision in the deficiency appropriation bill.

Mr. BOOTHMAN. If the Chair will read the resolution carefully through he will see that it applies only until March 3, 1889, while the paragraph proposed to be stricken out puts this man upon the roll of this House after March 3, 1889, and also upon the roll of the next Congress. Now, whether that resolution be existing law or not, certainly this is a change of the terms of the resolution, and if the resolution be not existing law, then there is no law for placing him upon the roll, and therefore this paragraph proposes new legislation.

Mr. RANDALL. The Chair will see by the RECORD that the House instructed the Committee on Appropriations in this connection.

The CHAIRMAN. The Chair is of opinion that this paragraph is in order under the resolution.

Mr. BOOTHMAN. I think the Chair has fallen into a mistake. The RECORD that has been sent up contains a resolution passed at the first session of the Fiftieth Congress, to place this man upon the roll during the existence of the Fiftieth Congress; but the paragraph under consideration proposes to place him upon the roll of the House after the expiration of the life of the Fiftieth Congress, although there will be nothing on earth for him to do after the 3d day of March next but to draw his pay. He is on the roll now as a supernumerary.

Mr. RANDALL. This resolution was sent to the Committee on Appropriations within a week.

The CHAIRMAN. The Chair will invite the attention of the gentleman from Ohio [Mr. BOOTHMAN] to the fact that the resolution provides for a period from March 4, 1889, until the beginning of the first session of the Fifty-first Congress, and that is exactly the provision of the paragraph under consideration.

Mr. BOOTHMAN. But my point of order is that this paragraph changes existing law. Now, I do not see how the resolution adopted by the Committee on Appropriations, as reported to the House, makes existing law.

Mr. RANDALL. The House has the authority.

The CHAIRMAN. The effect of the resolution is to waive the point of order, and bring the question before the House for consideration.

Mr. BOOTHMAN. But the Chair will remember that my point is, first, that this paragraph changes existing law, and second, that it proposes new legislation.

The CHAIRMAN. Both of which points of order would be fully sustained but for the action of the House directing the Committee on Appropriations to insert this provision.

Mr. HOLMAN. I hope that resolution of the House will be read.

Mr. BUCHANAN. I would like to submit another suggestion in this connection before the Chair makes a final ruling. This bill was reported February 12; that is the last report we have from the Committee on Appropriations on this subject. This action by the House was taken February 22—ten days afterwards. So that the resolution referred to the Committee on Appropriations still remains on their docket. The words complained of were reported long before that action of the House was taken, and no further action has been had by the Committee on Appropriations upon the resolution thus referred to them.

There is another thing to which I want to call the attention of the Chair. When this action was taken on the 22d of February the gentleman from Indiana [Mr. HOLMAN], after the gentleman from Iowa [Mr. HAYES] had made his statement, made an inquiry as to what the matter was; and the reply of the gentleman from Pennsylvania does not disclose that the Committee on Appropriations was directed to make provision for it on this bill; it is simply stated that it is a report from the Committee on Accounts, that the committee asked to be discharged from the further consideration of the matter, and that it be referred to the Committee on Appropriations. So that the House did not have knowledge of the subject-matter.

Mr. HOLMAN. I hope the resolution will be reported.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to provide in the general deficiency bill for the salary of Thomas A. Coakley, who was appointed a messenger of the House by resolution adopted January 19, 1888, from March 4, 1889, to the beginning of the first session of the Fifty-first Congress.

Mr. SAYERS. Now I ask that the Clerk read in this connection the proceedings on this matter as published in the RECORD.

Mr. HOLMAN. I wish to inquire of my friend from Texas [Mr. SAYERS] what duties will be performed by this man after the 4th day of the coming month.

Mr. RANDALL. The gentleman had better ask that question of the House which adopted the resolution.

The CHAIRMAN. In reply to the suggestion of the gentleman from New Jersey [Mr. BUCHANAN], the Chair will state that the resolution does seem to be in the nature of an "enabling act" intended to waive the point of order on the provision of the bill which has already been passed upon by the Committee on Appropriations. As the House has passed upon the identical question, the Chair feels constrained to overrule the point of order and will submit the matter to the committee. The gentleman from Ohio [Mr. BOOTHMAN] moves to strike out this provision of the bill.

Mr. BUCHANAN. One single observation before the amendment is voted upon. This is an attempt to put upon the regular roll of the next House, in advance of its meeting, an official who is upon the present roll—not as a regular official, but by virtue of a special resolution. He is one of the doorkeepers; and I see no reason whatever for this gentleman being from the 3d of March up to the meeting of the next Congress an extra official drawing pay, when there is nothing whatever for him to do or that he can do. This is a direct attempt, so far as it goes, to officer the next House.

The question being taken on the motion of Mr. BOOTHMAN to strike out the paragraph, there were—ayes 66, noes 68.

Mr. GROSVENOR. No quorum.

Tellers were ordered; and Mr. GROSVENOR and Mr. SAYERS were appointed.

The committee again divided; and the tellers reported—ayes 73, noes 97.

So the motion of Mr. BOOTHMAN was not agreed to.

The Clerk read as follows:

To pay the clerk to the Committee on Elections for preparing a digest of the contested-election cases of the Forty-eighth, Forty-ninth, and Fiftieth Congresses, as authorized by the resolution adopted by the House of Representatives December 20, 1888, \$1,500.

Mr. ROWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

To pay Robert Smalls balance of expenses incurred by him in his election contest in the Fiftieth Congress, \$3,159.64.

Mr. CRISP. I raise a question of order on that proposition.

Mr. ROWELL. I hope the question of order will not be raised.

Mr. RANDALL. How much is it proposed to pay Mr. Smalls?

Mr. ROWELL. Three thousand one hundred and fifty-nine dollars and sixty-four cents, the exact amount of the expenses incurred by him. I hope the gentleman from Georgia will not raise the point of order.



The CHAIRMAN. The gentleman from Georgia will state his point of order.

Mr. CRISP. Mr. Chairman, the law provides, page 400, volume 20, Statutes at Large, that—

Hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding \$2,000 for expenses in the election contest.

This contestant and all contestants and contestees at this Congress have been already paid \$2,000 by law; and the Committee on Elections, in passing on these cases, determined under the law that was all that could be given, and until this law was repealed we were bound to confine ourselves to the \$2,000, which has been done.

Mr. ROWELL. Mr. Chairman, I hope the gentleman will withdraw his point of order. I know there is a statute which limits the amount which may be reported from the committee to pay the expenses of contested elections. I know, too, any other committee of this House to which a bill may be referred to pay these expenses would not for a moment hesitate to report back to Congress in favor of making the payment. The idea of a man going into an election contest legitimately and properly and paying the expenses of that contest without extravagance, and then for Congress to refuse to make repayment to him, is simply to put a fence against legitimate and proper contests in the House.

Mr. REED. The expense in a pretended contest is more than that. Mr. TAULBEE. Will the gentleman yield to me for a question?

Mr. ROWELL. Certainly.

Mr. TAULBEE. Is it a well-established fact that the amount claimed in this amendment was actually and necessarily expended by the contestant in addition to the \$2,000?

Mr. ROWELL. Unquestionably.

Mr. TAULBEE. In view of the further fact that the delay in the consideration of this case was not the fault of the contestant, I hope the gentleman will withdraw his point of order.

Mr. CRISP. I make no discussion on the amount in the case. It may be or it may not be correct. I would not pretend to say it was not correct, because I do not know. The law requires, Mr. Chairman, that the contestant and contestee shall file before the Committee on Elections a statement of the expenses incurred by them in the contest and that the Committee on Elections shall examine and determine what amount shall be allowed, but in no case shall the allowance exceed \$2,000. That is the statute. And the reason of the statute doubtless was that where Congress paid the whole bill brought in, the contestants and contestees did not perhaps exercise that economy in contracting expenses they would have done if they felt they had to pay the bills themselves. That, I suggest, might have been the reason; but that is the statute, and it seems to me so long as the law is unrepealed it should be enforced.

I will say to the House, Mr. Chairman, that this is only one of some forty cases where the parties have severally received only the \$2,000 allowed by law.

The CHAIRMAN. Gentlemen will please confine their remarks to the point of order.

Mr. ROWELL. That is what I propose to do. Notwithstanding this law, Mr. Chairman, Congress has allowed in some cases an extra amount; certainly in two cases on appropriation bills the payments for expenses have been over \$2,000. There is now on the Calendar of the House, favorably reported from the Committee on Claims, a bill to pay an extra amount incurred in one of the contests before this House.

Mr. LANHAM. It was not a unanimous report.

Mr. ROWELL. It was not in this but in another of these contests. I have no doubt the Committee on Claims would have reported in this Congress the amount of expenses incurred in the contest. I have no doubt the Committee on Elections would have reported the amount which was found due. I have examined the items, with the vouchers and receipts.

Mr. SPRINGER. Will my colleague allow me to ask him a question?

Mr. ROWELL. Certainly.

Mr. SPRINGER. Has my colleague examined also the amount of the expenses of the contestant and contestee in the California contested-election case of Sullivan and Felton?

Mr. ROWELL. I have examined them.

Mr. SPRINGER. How much have the expenses been in that case?

Mr. HOPKINS, of Illinois. Does your vote depend on that?

Mr. SPRINGER. One at a time. [Laughter.]

Mr. ROWELL. There is not a single contest which amounts to anything where the legitimate and proper expenses have not exceeded \$2,000, nor in the Forty-ninth Congress was there a single one which did not exceed that amount. That limitation of \$2,000 has the effect where a man has been wrongfully deprived of his seat to force him to pay a little fortune out of his own pocket to vindicate the people who elected him and assert his right to a seat.

Mr. SPRINGER. My colleague has not answered the question I put to him as to what the expenses were in the election contest of Sullivan and Felton.

Mr. ROWELL. The expenses amounted to a very much larger sum than \$5,000.

Mr. SPRINGER. My colleague does not answer me yet.

Mr. ROWELL. I am perfectly willing to pay each one of them the expenses incurred by them in their contest.

Mr. SPRINGER. Now, I will answer the question of my other colleague. I am willing, I will state to him, to do equal and exact justice to all parties, but I am opposed to selecting one case out of all the election cases, the case of a man who happens to be a colored man, and do justice to him, and at the same time do an act of injustice to every other gentleman in every other contest who happens not to be so fortunate as Mr. Smalls.

Mr. HOPKINS, of Illinois. I would suggest to my colleague that he ought not to be willing to seek to do injustice to this man because some of his colleagues have not introduced a bill to allow the same amount or some other, whatever it may be, that was paid out by Mr. Sullivan in his contest.

Mr. SPRINGER. If the gentleman will prepare an amendment to cover all of these cases and to do justice to all of them, or if the Committee on Elections will submit such a proposition, I should certainly have no objection to it.

Mr. REED. The only way you can get justice is by buying it, then, from the Democratic party.

Mr. HOPKINS, of Illinois. Does the gentleman speak for all of his party? Does he suggest that all of his side would agree to that?

Mr. SPRINGER. I understand that the contestant in the California case has probably expended more money than any other contestant or any other contestee in the House, and he should be entitled to preference, if there is to be a preference given, to reimbursement for his expenses rather than any other man occupying the same position.

Mr. ROWELL. I will say to my colleague that he has spent a great deal of money, that is true, but further than that I will tell him that nine out of every ten witnesses whose testimony was being taken represented a case of the taking of illegal and illegitimate testimony brought out by the contestant himself.

Mr. CRISP. On that point—

The CHAIRMAN. The Chair requests the gentlemen to confine the discussion to the point of order.

Mr. ADAMS. Before the Chair decides the point of order I respectfully ask the Chair to examine the frequent decisions in this House to the effect that the statute referred to by the gentleman from Georgia has no binding force or effect upon this House whatever. If this House under the Constitution is the judge of the election and qualification of its own members, a former Congress can not pass a valid statute saying how this House shall determine that question in any particular case. I have not had the time to bring together the authorities to which I refer, but I will recall to the attention of the Chair the fact that in a former Congress an elaborate argument was made by Mr. CARLISLE on this very question. I think it was in the Butterworth case, so called. It was there stated by him, and it has been assented to from that time to this, that no statute of Congress limiting the mode by which any House of Representatives shall arrive at a conclusion of fact as to the election of one of its own members has the force of law.

It is simply a recommendation which we can follow or not as we please. We do not allow the Senate to say how we shall reach a conclusion in an election case. Neither do we allow the Senate and the House of a former Congress, even by an act approved by the President, to place any limitation or restriction upon our action in cases affecting the election of members of this House. If Congress can limit the amount which can be paid a contestant in an election case to the sum of \$2,000, Congress can limit the amount to one thousand, to five hundred, to one hundred dollars. It can thus deprive this House of the only practicable way of bringing the evidence of the disputed facts before the House for its decision.

If a former Congress can say to this House how much money shall be allowed to a contestant in this House it can say how much time shall be allowed him to prepare his case. It can say that the case shall be voted on on the first day of the session, although the House may not be ready to vote on it. It may say that it shall not be voted on for three months, although the House may be ready to decide it on the first day. It can say that the evidence shall be oral or shall not be oral but written, and that the depositions shall be taken and sworn to in a particular way.

Yet the House has repeatedly and deliberately refused to be bound by the provisions of existing statutes regulating the mode of procedure in election cases. The reason is that if any statute of this kind should be admitted by the House of Representatives to have the force of law the House would have lost the right to be the judge of the elections, returns, and qualifications of its own members, a right secured to each House by the express words of the Constitution.

If each House has full control of the way in which it shall vote on election cases, if it has control of the time at which the vote shall be cast, it surely has the right under the Constitution to determine in each case how the evidence of fact and the statement of the law shall be laid before the House. Such a discretionary power in each House is absolutely necessary in order that full justice may be done in each case. Any expenditure which in the judgment of the House is reasonable and necessary to that end is an expenditure previously authorized



by law, and may be inserted in a general appropriation bill under the rules of the House. This House can not take any other position with self-respect. It can not take any other position without waiving a constitutional right which has been prized as a safeguard of popular liberty for the last three hundred years.

Mr. BUTTERWORTH. With the consent of my friend from Illinois I will say that I made the same point in the Forty-ninth Congress when, I think, the honorable gentleman from Georgia [Mr. CRISP] was in the chair; that is, that it was not competent for Congress by an enactment, or the House by a rule, to restrict the means essential to enable a subsequent House to exercise the constitutional function of determining the election and qualification of its own members; but the gentleman from Georgia overruled the point of order. He was quite in error, but he did so. [Laughter.] I believe the point of order was well taken then and is now.

Mr. CRISP. The point of order I have made, you mean? [Laughter.]

Mr. BUTTERWORTH. No. As the gentleman from Illinois suggests, to say that this Congress may enact that no more than \$2,000 may be appropriated for obtaining the information upon which we are to determine whether a member is entitled to a seat upon this floor is to absolutely abrogate the power of the House to exercise one of its highest and most important prerogatives under the Constitution. If we may say that the House can provide that only \$2,000 shall be paid in the discharge of this constitutional duty we may by the same token determine that it shall only pay \$1,000.

Mr. ADAMS, of Illinois. Or only 10 cents.

Mr. BUTTERWORTH. Or only 10 cents, as my friend suggests. What is to be the limit? For it is clear, if a limit short of what is actually necessary may be fixed, another which provides merely a nominal sum may be fixed; so that one House or Congress may deprive a subsequent House of the power to obtain information indispensable to qualify it to pass upon the question, of which it alone under the Constitution has jurisdiction to hear and determine.

Mr. CRISP. My friend entirely misapprehends the point I have made. It is perfectly immaterial whether it is a law that is binding as to the control or consideration of election causes or not. That is not the question at all. But the burden, I respectfully submit to the Chair, of showing a law which authorizes this amendment is on the gentleman who offers it.

Mr. ADAMS. Oh, no.

Mr. CRISP. That is the rule, I beg the gentleman's pardon.

Mr. ADAMS. Oh, no; the rule is a rule of restriction.

Mr. CRISP. I beg the gentleman's pardon again. The rule of law is that we shall not go beyond the limit, but the rule of the House provides that you shall not put any amendment on an appropriation bill not provided for by existing law.

Mr. ADAMS. Except in certain cases.

Mr. CRISP. And the only reason I called the attention of the Chairman to this statute was to show that not only was there no law authorizing this, but there has been an express legislative declaration that it was prohibited and improper.

Mr. BUTTERWORTH. The Constitution provides for the determination of the question and the statute provides the means for obtaining the facts necessary to its right determination, and to say we shall not pay more than 25 per cent. of the expense incident to obtaining those facts is to attempt by law to restrict the House in the exercise of one of its highest prerogatives.

Mr. CRISP. It is a question of order under the rules of the House as to an amendment on an appropriation bill, and that is the point my friend entirely overlooks or fails to call attention to. I agree fully with him that under the Constitution of the United States each House is the judge of the qualifications, election, and returns of its own members, and each House has the power by a law to pay out any amount that it may deem necessary—

Mr. ADAMS. By rule or appropriation.

Mr. CRISP. Any amount they please to a contestant for his expenses. But the point is, under the rules of the House the appropriation bill is not amendable by adding this sum to it without there is some law to authorize it.

Mr. ADAMS. Right on that point—

Mr. CRISP. And instead of there being any law authorizing it there is an express statute unrepealed, though the gentleman may say that we can disregard it as a legislative body, but the Chairman can not disregard it in passing upon a question of order upon an appropriation bill; and that law prohibits a greater amount than \$2,000 being given in these cases.

Mr. BUTTERWORTH. Right there. The Constitution provides for determining these questions (i. e., the election and qualifications of its members) and has devolved that duty on the House. Congress has provided rules for carrying out and into effect that provision of the Constitution. It shall be by contest. The manner of conducting the contest is prescribed by law. That is, the manner of preparing the case for decision is prescribed by law. In the exercise of the rights conferred by that law evidence essential to the hearing is taken by the contestant and contestee. The point is, that any legislation which

limits the power or opportunity of the House to prosecute this inquiry, either by withholding the necessary appropriation or otherwise, is null and void in that it restricts or abrogates one of the constitutional prerogatives of this body. The rule of the House is to give expression to law. But the enactment which nullifies the prerogative of this body is no law, being in contravention of the Constitution, and hence it follows that the gentleman from Georgia in citing the statute which limits the amount which a subsequent Congress may appropriate to \$2,000 in a contested-election case appeals to a void statute. The law to which he appeals has no force, and we disregard it, we do not override it, because it does that which we may not do by statute—that is, to limit the power of this House to make inquiries essential to the proper discharge of its constitutional functions.

Mr. CRISP. Will my friend allow me to ask him a question?

Mr. BUTTERWORTH. Yes, if it is an easy one.

Mr. CRISP. It is an easy one; and I just want to get your judgment. Do you think this amendment is in order on this appropriation bill?

Mr. BUTTERWORTH. I have just said it is, and I have endeavored to tell my friend from Georgia why. He has said this amendment is in contravention of law, and I have endeavored to show him that it is not.

Mr. CRISP. Then I ask the gentleman from Ohio to show the law that authorizes this amendment.

Mr. BUTTERWORTH. I did. The Constitution of our country, which authorizes this House to determine certain questions, supplemented by a statute which provides the means by which the information necessary to enable the House to determine those questions wisely and justly shall be obtained, and that law or any law which limits the power of the House in that behalf is unconstitutional, and has in fact no force.

The CHAIRMAN. The Chair desires to ask the gentleman from Ohio whether, under the views he has presented, he thinks it is the province of the Chair to pass upon the constitutionality or unconstitutionality of the law as it appears on the statute-book.

Mr. BUTTERWORTH. Undoubtedly. The Constitution is the highest law that the Chair knows or ought to know, and if he hesitates to pass upon the point he can refer it to the House.

Mr. CRISP. Mr. Chairman, let me read, not only for the benefit of the Chair, but for my friend from Ohio, because he seems to have gone away from the point of what the rule of the House is:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. BUTTERWORTH. To objects authorized.

Mr. CRISP. This may be a claim against the Government, or may be paid by the two Houses in the shape of a law whenever they determine to do so. I raise no question, and have no doubt about that; but that this statement, if put upon this bill, will be put on it without any law to authorize it, and in violation of the rules of the House, I have no doubt.

Mr. REED. The objection in regard to the rule could have been gotten over if the gentleman had not made an objection.

Mr. CRISP. That is another question; but I was so much shocked by my friend from Ohio saying that he thought it was in order that I was almost paralyzed.

Mr. REED. If he had quite done that we would have gotten through with this. I make the suggestion to the gentleman from Georgia that he withdraw the point of order, and let the House vote upon the matter.

Mr. CRISP. I will say frankly—

Mr. REED. Let the majority of the House determine whether it is just, and give this man a tribunal.

Mr. CRISP. Let me say to the gentleman from Maine that the Committee on Elections were charged with the determination of all these questions under the rules of the House and under the law.

Mr. REED. Now, give this man a tribunal.

Mr. CRISP. The Committee on Elections unanimously decided that in no case would they allow exceeding the \$2,000 which the law said should be allowed, and as to all the excesses, they could be presented to the Committee on Claims or any other committee that had control of this matter; but we, as a committee of the House, were bound by the rules of the House.

Mr. REED. Now, I want to appeal to the gentleman from Georgia as an individual. I do not appeal to him to vote for this amendment, but I appeal to him to withdraw his objection and let this man have the judgment of the House upon the justice of the claim. The objection is purely a technical one and ought not to stand in the way of doing what is just and right. There is no man in this House who has had an election contest, or anything that pretended to be one, that does not know that the expenditures a man is forced to make exceed the \$2,000 allowed.

Now, why not let justice be done and avoid this technicality? It is entirely within the power of the gentleman from Georgia [Mr. CRISP]



to permit the House to pass upon this question. Why should he not do it? I appeal to him individually.

Mr. CRISP. Mr. Chairman, I think I have heard my friend from Maine [Mr. REED] say more than once, and I know that I have read in books, that the best way to remove an objectionable law is to enforce it, and in that way exhibit and emphasize the objections to it—

Mr. REED (interposing). Then you are opposed to the law?

Mr. CRISP (continuing). In order that there may be a repeal of the law, which will put all men on an equality.

Mr. REED. Then you are doing this in order to secure the repeal of the law, are you?

Mr. CRISP. I am not. I am doing it from a sense of duty, but in doing it I am following a path which is commended by the gentleman from Maine and commended also by many others when they come to deal with a law which they think is objectionable or obnoxious.

Mr. REED. Then will the gentleman permit an amendment to be presented on this bill repealing that law, and let us try what we can do about it here?

Mr. CRISP. I think not at this stage of the session.

Mr. REED. Then the gentleman's object does not seem to be to repeal a bad law.

Mr. CRISP. All around me are gentlemen who are in the same position as this claimant. The gentleman from Virginia [Mr. O'FERALL] had a contest in the Forty-eighth Congress—

Mr. REED. And he ought to be paid.

Mr. CRISP. I do not know how many thousand dollars are due him.

Mr. REED. That does not matter.

Mr. CRISP. The rule has been so for a great many years.

Mr. REED. It has, and it has been a wrong every time.

Mr. CRISP. Now, the proposition is to select out one case and deal with that, ignoring all the others. The others are not here. Their claims are not here. Their claims have not been passed upon by anybody. Only one case has been passed upon by the Committee on Claims, that of the gentleman from Illinois [Mr. POST]. I understand that the committee have reported favorably in his case; not a unanimous report, but the report of the majority of the committee. But this claim, I will state to the gentleman from Maine, has not been examined or reported upon by any committee of this House.

Mr. REED. The amendment is offered by the gentleman from Illinois [Mr. ROWELL], who has examined the matter.

Mr. MCADOO. Will the gentleman from Georgia yield for a question?

Mr. CRISP. Yes, sir.

Mr. MCADOO. I wish to ask the gentleman whether the expenses incurred in the case of Mr. Sullivan were not as great as in the case of Smalls?

Mr. CRISP. Oh, I think very much greater, though I do not recollect just what the claim in that case was. I want to say to the House also that when the Committee on Elections took up these claims for expenses there was a very considerable amount more than \$2,000 claimed in some of the cases, but we did not make a critical examination of each item as we would have done if we had determined to consider the claims in detail on their merits.

We simply looked at this bill and came to the conclusion that certainly it was a reasonable claim to the amount of \$2,000, and therefore we reported in favor of the payment of the \$2,000. Speaking for myself and other members of the committee, except perhaps the gentleman from Illinois [Mr. ROWELL], who may have looked into the matter since that time, although he had not done it up to that time, we dealt with them upon that general idea without going into details. I can not say that this claim is right or that it is wrong. I only say that no committee of the House has ever determined that it is right.

Mr. HOPKINS, of Illinois. But after the statement of my colleague [Mr. ROWELL] that he has examined it, you have no doubt that it is right, have you?

Mr. CRISP. Personally I do not know anything about it; but of course I have the utmost confidence in the gentleman from Illinois [Mr. ROWELL]. I merely say that no committee of the House reported in favor of the claim.

Mr. ROWELL. The chairman of the committee is correct in stating that the Committee on Elections went over each one of these claims and having found an amount sufficient to make \$2,000 allowed that sum. In some of the cases the claims amounted to barely \$2,000, and the parties got their total expenses. So that the committee, as a committee, did not pass upon every one of these items. I have here, however, an itemized bill, and there is no question that the committee, had they not been limited by the law, would have reported in favor of this claim.

Mr. ADAMS. One suggestion more as to the duty of the Chair and as to the burden of proof in deciding this question. The gentleman from Georgia [Mr. CRISP] asked me whether the burden of proof was not on us to show that this amendment could be made. I say no. The burden of proof is on any man who says that the Committee of the Whole House can not put an amendment on a bill.

Mr. CRISP. I simply say that there is no law authorizing it, and

then I suppose that you will show affirmatively that there is. You certainly would not ask us to prove a negative, would you?

Mr. ADAMS. You can not transfer the burden of proof in that easy way.

Mr. CRISP. Would you ask us to prove a negative?

Mr. ADAMS. The House of Representatives in Committee of the Whole has a right to amend any appropriation bill or any other bill—

Mr. OUTHWAITE. In other words, the House has a right to override its own rules by a simple vote in Committee of the Whole. Is that the gentleman's proposition?

Mr. ADAMS. The gentleman from Ohio is in too great haste. I can not utter two sentences at once, but if the gentleman will be patient I will make my position clear.

Mr. OUTHWAITE. I am only asking whether your proposition is not simply that the House can override one of its own existing rules by a simple vote in Committee of the Whole?

Mr. ADAMS. I am about to state what my proposition is. Mr. Chairman, the burden of proof is not upon those who hold that this is permitted by the rules. The burden of proof is upon those who insist that by reason of a rule the legislative discretion of this House is limited and restricted. Up to 1874 any House of Representatives could put upon any bill, even an appropriation bill, any amendment which was permitted by the general parliamentary law. Then a rule was adopted restricting the liberty of this House in that respect; but that rule must be strictly construed. Any amendment can go on an appropriation bill which the rules of the House do not forbid to be there. Now, the rules of the House forbid an appropriation for any expenditure not previously authorized by law unless in continuation of appropriations for public works and objects already in progress. The question is whether the gentleman can show that this is an expenditure not previously authorized by law. If the law, whether constitutional or statutory, authorizes this House to decide the election contests of its members, it certainly authorizes this House to take necessary means for that end; and it is within the discretion of this House to determine what those means shall be.

Mr. HEARD. Will the gentleman allow me a question?

Mr. ADAMS. Certainly.

Mr. HEARD. Does the gentleman hold that it is competent for Congress to put any limit on the extent to which these expenditures may go?

Mr. ADAMS. I hold that it is not competent by law to limit in any manner the mode in which the House shall determine whether in a certain contest A or B was elected a member of the House, and there is no limit on the power of this House to appropriate money for that purpose; and my authority for that position is Mr. CARLISLE in the Forty-seventh Congress.

Mr. HEARD. The gentleman from Ohio quoted a higher authority even than Mr. CARLISLE—the Constitution of the United States.

Mr. ADAMS. Well, the Constitution stands behind Mr. CARLISLE in support of that position.

Mr. HEARD. Now, I understand my friend from Illinois [Mr. ADAMS] to affirm the position that because the Constitution of the United States gives to each House of Congress the right to pass upon the election and qualifications of its members, therefore it is not competent even for Congress by law to provide rules or regulations to restrict the expenditure of money or to provide other restrictions as to how such questions shall be considered; for I apprehend the gentleman could just as correctly argue that Congress can not limit the time within which testimony may be taken in such cases to forty days.

Mr. ADAMS. That was Mr. CARLISLE's precise position.

Mr. HEARD. Then I would say to the gentlemen on the other side of the House, and especially to the gentleman from Maine [Mr. REED] that they may understand their rights, but they certainly mistake their remedy. If this law is wrong—and the gentleman from Maine says that there is scarcely any case in which there is even the pretense of a contest where this limit is not necessarily exceeded—if that is the case, then there is no excuse for this law being on the statute-book; and the remedy is by a proposition to repeal it in order that the law may operate upon this case as upon every other and shall not in any instance operate exceptionally.

My friend from Illinois [Mr. ROWELL] says that to draw the restriction so closely has the effect of putting up the bars perhaps against men who might make honest contests here. Ah, I tell the gentleman that this law has a different purpose. Its object is rather to fix a reasonable limit inside of which these contests may be conducted without oppression to the people in the matter of improper and illegitimate expense, and to prevent the inviting and nursing of contests simply for the sake of the fees which they may bring to those interested. This committee had before it a bill for \$7,000 or \$8,000 in one case where there was, as I think, in the judgment of the country as well as the House, the merest "pretense of a contest," to adopt the language of my friend from Maine. What did we do? That case was operated upon by this statute, as is this case and every other. We believed that as much as \$2,000 had been legitimately expended, and we reported in favor of allowing the amount to which we are limited by law—that is,



\$2,000. And to-day we have no right, and gentlemen can not contend that we have the right, under the law, to report in favor of allowing more than \$2,000 in any case; nor can this House make such an allowance by an amendment to this bill without violation of the rules so long as that statute stands unrepealed.

Mr. BUTTERWORTH. A single word in reply to what has been said on the other side.

I want my friend from Georgia [Mr. CRISP] and my friend from Missouri [Mr. HEARD], as well as the Chair, to understand precisely the point I make. I fear I have not made myself understood. First, the Constitution, in section 5 of Article I, provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

That we all agree about. Now, that is the highest authority for taking action here to determine the right of any claimant to a seat on this floor. In pursuance of that provision of the Constitution a contest is provided for, either by one claiming the seat as against a party holding the certificate or on a petition of citizens. Then it is provided by statute that witnesses may be called; the power of the judiciary may be invoked to compel witnesses to testify, to punish them for contumacy or for refusing to testify, or to do that which is necessary to enable the House to be put in possession of the facts which will enable it wisely and justly to determine the question.

Mr. HEARD. I would like to ask the gentleman one question.

Mr. BUTTERWORTH. In one moment I will yield.

That right with reference to contested elections devolves upon each House. In other words, it is the right of the House which forms a part of the Congress in which the contestant and contestee claim a seat as contradistinguished from any other House or Congress. Now, the Fiftieth Congress may not determine for the Fifty-first Congress what shall be expended in the matter of reaching this result.

Mr. HEARD. Is not the House bound by the law as it finds it on the statute-book?

Mr. BUTTERWORTH. I am coming to that.

If this Congress may not bind the Fifty-first Congress in the matter of expenditure, why not? Because it is not constitutional to make such a restriction. Hence a law undertaking to make that restriction, undertaking to deprive the Fifty-first Congress of the power to utilize the ordinary agencies to reach a wise and just determination, is unconstitutional, and such a law, if unconstitutional, can certainly have no binding force.

Now, the rule which my honorable friend cites can hardly be considered as expressive of or responsive to a provision of law which is unconstitutional. My friend says, shall we not observe the law on the statute-book? The point I make is that the law is a nullity, because it undertakes to restrict the power of the House to exercise its highest constitutional prerogative.

Mr. HEARD. Will the gentleman allow me one question?

Mr. BUTTERWORTH. Certainly.

Mr. HEARD. Does not the gentleman's theory authorize either branch of Congress to travel entirely outside of the regulations fixed by the act of Congress for the government of these election cases?

Mr. BUTTERWORTH. Oh, no; when the regulations are reasonable.

Mr. HEARD. One further question.

Mr. BUTTERWORTH. That would reduce the amount of expenditure to a mere nominal sum. My friend may as well wipe it out altogether. He takes my life who takes away the means whereby I live.

Mr. HEARD. Does it not place the matter in this position, that it is a matter entirely in the discretion of either House of Congress, according to its construction of its rights, to determine as to these election contests? Under the same Constitution both Houses of Congress have passed a law providing a limit to the allowance to be made in these contested-election cases for expenses.

Mr. BUTTERWORTH. Unquestionably; and as it has done so, I appeal to the House to vote this appropriation.

Mr. HEARD. According to your construction any law which interferes with the discretion of the House is to be disregarded.

Mr. BUTTERWORTH. Oh, no.

Mr. HEARD. That is your argument.

Mr. BUTTERWORTH. Not at all; very far from it. A law to carry into effect a provision of the Constitution is one thing, and a law to restrict and prohibit is quite another.

Mr. BLAND. Does the gentleman from Ohio claim because the House has a right to decide therefore the House may appropriate any amount for expenses?

Mr. BUTTERWORTH. Certainly not.

Mr. BLAND. Because you have the power under the Constitution to decide a contested-election case for a seat in this House, does that also compel it to provide for the payment of expenses, and does the gentleman contend it gives us the power to pay any amount, although the law has declared in terms that an allowance shall not exceed \$2,000? [Cries of "Vote!"]

Mr. SAYERS. I think, Mr. Chairman, that a sufficient time has

been taken up in debate on the point of order. I now ask for the ruling of the Chair.

The CHAIRMAN. The Chair has no doubt whatever in respect to this question, and sustains the point of order.

Mr. SPRINGER. I wish to offer the following amendment.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of \$174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant numbered 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant, without his authority or knowledge, and for which he has never received any benefit whatever, and to pay said reissued warrant out of any moneys in the Treasury not otherwise appropriated.

Mr. SAYERS. I ask the gentleman from Illinois to state whether he has in his possession the facts to prove the allegations set forth in his amendment?

Mr. SPRINGER. I have the letters of the Treasury Department, showing that his signature was forged and that the money was paid to the wrong man. I will ask that these letters be incorporated in the RECORD.

Mr. CANNON. Why did not the Treasury Department call on the indorser?

Mr. SPRINGER. It was twenty years before the fact was discovered, and the parties who drew the money are unknown to the Treasury Department. I ask the papers be printed in the RECORD.

Mr. SAYERS. Let the papers be printed in the RECORD, and I ask the amendment be laid over for the present until we come to that portion of the bill where it will more properly belong.

Mr. SPRINGER. I do not object to that.

The report made by Mr. SHAW, from the Committee on Claims, is as follows:

This bill was favorably reported by the Committee on Claims for the Forty-ninth Congress. It provides for the issue to the said William Gray, late a private of Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of \$174.43 in full for claim heretofore allowed by the Treasury Department and for which claim the Department issued to the said William Gray Treasury pay warrant No. 3960, dated September 20, 1865, which warrant your committee are of the opinion was paid on a forged indorsement of the name of said claimant, without his authority and knowledge, and for which he never received any benefit whatever. The committee refer to the inclosed correspondence and report from the Treasury Department herewith submitted and made a part of this report. In view of the facts stated in said communication, the committee respectfully recommend the passage of the bill.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Washington, D. C., March 24, 1886.

SIR: I have the honor to transmit to you herewith a report of Oscar J. Harvey, chief of the horse claims division of this office, relative to the case of William Gray.

Very respectfully, yours,

W. H. WELSH, Acting Auditor.

Hon. W. M. SPRINGER,  
House of Representatives.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Washington, D. C., March 22, 1886.

SIR: I have the honor to transmit to you herewith a report relative to the horse claim No. 7392, of William Gray, lately a private in Company D, First Regiment of New York (Lincoln) Cavalry.

This claim was allowed by the accounting officers of the Treasury in September, 1865; and from the records of the Treasury Department it would appear that claimant was paid on November 8, 1866, \$174.53, in full for said allowance.

A bill (No. 6411) has lately been introduced, and is now pending in the House of Representatives, directing the Secretary of the Treasury to issue to William Gray, lately a private in Company D, First Regiment New York (Lincoln) Cavalry, a warrant for the sum of \$174.43, in full for his claim, heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant numbered 3960; "which warrant was paid on forged indorsement of the name of said claimant without his authority or knowledge, and for which he has never received any benefit whatever."

Respectfully, yours,

OSCAR J. HARVEY,  
Chief of the Horse Claims Division.

To Hon. W. H. WELSH,  
Acting Third Auditor of the Treasury.

Horse claim 7392.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Horse Claims Division.

In re William Grey, lately a private in Company D of the First Regiment of New York (Lincoln) Cavalry.

On the 27th day of May, 1865, William Grey executed at Camp Averill, Virginia, before William H. Beach, acting adjutant of the First New York Cavalry, an affidavit in which he set forth the loss of a private horse which he had been using in the United States service; said horse having been shot and killed in action by the enemy near New Market, Va., on the 13th day of May, 1864. Said Grey also alleged that at the same time he lost one set of horse equipments.

For the loss of the horse and equipments aforesaid, claimant demanded the sum of \$176.50. In his affidavit Grey declared that his post-office address was box 3368, St. Louis, Mo.

Accompanying this affidavit was a statement, under oath, made by Robert Runyon and John Williams, that they were personally present at the time and place named in Grey's affidavit, and knew that he lost, in the manner described his private horse and equipments.

The affidavits aforesaid were filed in the office of the Third Auditor of the Treasury on the 9th of June, 1864, by a person who claimed to be William



Grey, the claimant. With these affidavits was filed a request, written at the time in the office of the Third Auditor, in the following words:

"JUNE 9, 1865.

"SIR: As I am not able to give a home address which will be at all definite, please send any communication relative to my claim for the value of a horse and equipments lost in the United States service to M. R. Pierce, 486 Eleventh street, Washington, D. C., who will forward it to my address.

"WM. A. GREY."

The following indorsement appears on these papers in the handwriting of Mr. W. S. Stetson, at that time a clerk, and now a chief of division in the Third Auditor's Office:

"Made special by Auditor, as claimant states that M. R. Pierce receives no compensation, but merely acts as a friend.

"W. S. STETSON."

The above-described papers were duly filed in this office, and the case was docketed and numbered 7392. It was subsequently examined by the accounting officers of the Treasury, and on September 13, 1865, an allowance of \$174.43 was made in favor of the claimant. On the 23d of September, 1865, Treasury draft No. 2692 was issued on Treasury warrant 3960 for \$174.43, payable to the order of "William Grey, private Company D, First New York (Lincoln) Cavalry."

This draft, as the records of the Treasury Department show, was sent to M. R. Pierce aforementioned. The draft was subsequently paid by the Treasurer of the United States, and is now on file in this Department. It bears the following indorsements:

1. "William Grey, late private Company D, First New York (Lincoln) Cavalry."
2. "William Wells."
3. "Pay order National Park Bank. O. N. Mineum."
4. "Cash check."
5. "For collection for account of National Park Bank of New York.

"Pay to the order of Messrs. Lewis Johnson & Co., Washington, D. C.

"F. W. MINER,

"Per J. L. WORK,

"Cashier."

6. "Lewis Johnson & Co."

Upon the face of the draft is stamped, "Paid by Treasurer U. S., 8th November, 1866."

On the 28th of August, 1866, there was filed in this office a power of attorney which purported to have been executed by William A. Grey, of St. Louis, Mo., who constituted and appointed Weston Flint, of St. Louis, Mo., his attorney to prosecute a claim for an amount due said Grey "for the loss of a horse while serving in Company D, First New York (Lincoln) Cavalry Volunteers, said horse being killed on or about the 15th May, 1864, at New Market, Va."

This power of attorney was duly executed and acknowledged on the 30th July, 1866, before W. B. Thompson, a notary public of St. Louis, Mo.

Before transmitting said power of attorney to this office Weston Flint, the grantee, made the following indorsement upon it:

"St. Louis, Mo., August 24, 1866.

"The within-named man informs me that he has written in regard to his claim, and that an application has already been made by him.

"WESTON FLINT."

The acknowledgment of the receipt of this power of attorney was made as follows:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Washington, D. C., September 1, 1866.

"SIR: In reply to your letter of August 24, inclosing a power of attorney in your favor, relative to claim of William Gray, for value of horse lost, and numbered 7392, you are respectfully informed that on the 13th of September, 1865, an award for the amount of \$174.43 was made in favor of William Gray; and that a draft for same amount was directed to be sent claimant in care of M. R. Pierce, his agent, 486 Eleventh street, Washington, D. C."

"Very respectfully,

"JOHN WILSON, Auditor.

"WESTON FLINT, Esq.,  
St. Louis, Mo."

On the 26th of December, 1855, Hon. H. W. Slocum, of Brooklyn, N. Y., addressed a letter of inquiry to this office relative to the status of the horse claim of William Gray. He was informed by this office on the 11th of January, 1866, that said claim had been allowed and paid.

On March 9th instant William Gray made an affidavit before Amos A. Rhodes, circuit clerk of Christian County, Illinois, setting forth that he was a private in Company D of the First Regiment New York (Lincoln) Cavalry in the war of the rebellion; that on the 13th day of June, 1865, he filed with the Third Auditor of the Treasury a claim for \$176.50, as compensation for the loss of a private horse and equipments at New Market, Va., on May 13, 1864; that after filing said claim he never heard whether it was allowed or not until the letter from the Third Auditor of the Treasury to Hon. H. W. Slocum was received. Said William Gray further swears that he never received anything on the draft mentioned; that he did not sign his name to it himself nor authorize any other person to sign the same, and that he never saw the draft nor heard that it had been allowed until he received the letter above mentioned.

On the 18th instant the above-mentioned affidavit was referred to this office by the Committee on Claims of the House of Representatives, with the request that the same be examined in connection with the paper on file in horse claim 7392, of William Grey, and that a report be made from this office to the Committee on Claims relative to said case.

In pursuance of such request I have carefully examined all of the papers hereinbefore referred to, and have compared the various signatures of William Grey, or Gray. The signature of Wm. A. Gray attached to the letter of request, filed in this office with the original application for compensation, bears no resemblance to the signature attached to the application, and in my opinion the two signatures were not written by the same hand.

The signature attached to the power of attorney of Weston Flint bears no resemblance whatever to the signature attached to the original affidavit and application. The handwriting of the signature of "William Grey," indorsed on the back of the draft, resembles slightly the handwriting of the signature attached to the letter of request filed in the office on the 9th of June, 1865. The principal point of difference is that the indorsement on the draft is simply "William Grey," while in the other signature the initial "A" appears.

A comparison of the signature attached to the affidavit of William Gray of March 9, instant, with the signature attached to the original application for compensation filed in this office on the 9th of June, 1865, convinces me that the two signatures were written by one and the same hand. There is, it is true, a difference in the spelling of the surname. In the signature to the application the name is spelled "Grey," while in the signature of March 9, instant, it is written "Gray." I am satisfied, however, that both signatures were written by the same person.

My conclusion is that M. R. Pierce, whoever he was, procured the draft is-

sued in settlement of the claim of William Grey, and obtained the money upon the same after indorsing, or causing to be indorsed upon it, the name of "William Grey."

OSCAR J. HARVEY,  
Chief of the Horse Claims Division.

The CHAIRMAN. The amendment will be passed over for the present.

Mr. CANNON. I ask, by unanimous consent, that the Clerk omit reading the judgments of the Court of Claims.

There was no objection, and it was ordered accordingly.

Mr. SAYERS. Now, Mr. Chairman, inasmuch as that order has been made, I will ask on page 52, in line 6, to correct the spelling of the word "Rodgers" by striking out the letter "d."

The amendment was adopted.

The Clerk read as follows:

#### CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

##### State Department:

Foreign intercourse: For salaries, consular service, \$1,271.81.

For relief and protection of American seamen, \$5.

##### Treasury Department:

For salaries and expenses of collectors of internal revenue, \$21.83.

For contingent expenses, independent treasury, \$6.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I offer the amendment I send to the desk, to come in at the bottom of this page 56.

The Clerk read as follows:

Also the sum of \$4,440, the balance due the Mississippi Central Railroad Company, upon the books of the Treasury Department, for which fifteen drafts were made and not paid upon presentation.

Mr. SAYERS. I reserve the point of order upon the amendment.

The CHAIRMAN. Where does the gentleman desire this to come in?

Mr. BRECKINRIDGE, of Kentucky. Inasmuch as a deficiency bill is something like a dictionary, I suppose it does not make a great deal of difference where it comes in; I suggested, however, the bottom of this page.

Mr. SAYERS. Let me ask the gentleman from Kentucky a question; are these audited claims?

Mr. BRECKINRIDGE, of Kentucky. I think so.

Mr. MORGAN. It is the same case that was before the House a day or two ago.

Mr. SAYERS. Is it the amendment you withdrew?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. SAYERS. Then I will simply ask that a vote of the committee be taken upon it. It is not germane to this part of the bill.

Mr. BURROWS. Is the point of order reserved?

Mr. SAYERS. I reserve the point of order that it is not germane to this portion of the bill, but am willing that the committee shall pass upon it.

Mr. BRECKINRIDGE, of Kentucky. I wish to put in, in view of what has been said in regard to this amendment, certain papers, and I think this is due all around after what occurred the other day. I ask the Clerk to read first a letter I addressed to the Auditor and also his response, and then I will send a statement of the account, without asking to have it read, to be printed in the RECORD.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES.

Washington, D. C., February 25, 1889.

#### The SIXTH AUDITOR:

Will you do me the favor to look at the CONGRESSIONAL RECORD for Saturday and read the proceedings in the House as to the claim of the Mississippi Railroad Company, and then send me a statement concerning it? And if the drafts were returned, may I ask that I be permitted to exhibit them to the House, as we will resume the consideration of this bill at 11 this morning? I would be glad to hear from you as near to 11 as you can.

Very truly,

WM. C. P. BRECKINRIDGE.

Mr. BRECKINRIDGE, of Kentucky. The committee will notice that that is a letter from me asking the Auditor to simply look at what occurred and give me the evidence in the case. I ask now that the Auditor's letter be read.

The Clerk read as follows:

#### OFFICE OF THE AUDITOR OF THE TREASURY

FOR THE POST-OFFICE DEPARTMENT.

Washington, D. C., February 25, 1889.

SIR: In compliance with your request of this date, I have the honor to transmit herewith copies of the following Post-Office Department drafts issued August 17, 1861, in favor of William Goodman, president of the Mississippi Central Railroad Company, and returned to this office unpaid and canceled: Nos. 2391, 2392, 2393, 2394, 2395, 2397, 2398, 2399, 2400, 2403, 2404, 2405, 2407, 2408, 2409.

You are respectfully requested to have these copies returned to the files in this office.

Very respectfully,

H. A. HARALSON, Acting Auditor.

Hon. W. C. P. BRECKINRIDGE,

House of Representatives.

Mr. SAYERS. Will the gentleman allow a statement?

Mr. BRECKINRIDGE, of Kentucky. I would like to have this statement of account printed in this connection.

Mr. SAYERS. Mr. Chairman, I ask the gentleman to allow me to make a statement first.

Mr. BRECKINRIDGE, of Kentucky. Certainly.



Mr. SAYERS. The Chair will remember that one of the points of order I raised on this amendment before was that it was not germane to this portion of the bill. I desire to call the attention of the Chair and of the gentleman from Kentucky to the language of section 2 of the bill, and I have no doubt he will recognize the fact that this is not the proper place for the amendment to come in.

Mr. BRECKINRIDGE, of Kentucky. Let me put this statement in, and then if the point of order is decided against me all of the facts in the case will have been before the committee. I would like that it

be inserted in this connection, so that the context will not be broken up.

The CHAIRMAN. It can be put in as a separate proviso in another part of the bill.

Mr. BRECKINRIDGE, of Kentucky. I am speaking now of the statement of the account, as I do not desire to break the continuity of the subject.

The statement referred to by Mr. BRECKINRIDGE, of Kentucky, is as follows:

Dr.

The Mississippi Central Railroad Company, contractor, in account with the United States.

CR.

No.	Drafts.	Amount.	No.	Drafts.	Amount.
3680	To the following-described auditor's drafts, namely: October 6, 1860, on E. J. Bracken, late postmaster, Holly Springs, Miss.	\$1,282.89		Route 7412, Mississippi, by transportation, from April 1 to May 31, 1861, in accordance with order of Postmaster-General, dated July 25, 1861.	\$7,700.00
962	May 17, 1861, on G. M. Dugan, late postmaster Grand Junction, Tenn.	107.96		By the following Auditor's drafts returned and canceled, namely, on—	
963	May 17, 1861, on E. J. Bracken, late postmaster, Holly Springs, Miss.	605.73	2391	William Delay, postmaster, Oxford, Miss.	2,955.55
2391	August 17, 1861, on William Delay, postmaster, Oxford, Miss.	2,955.55	2392	E. J. Bracken, late postmaster, Holly Springs, Miss.	530.00
2392	August 17, 1861, on E. J. Bracken, late postmaster, Holly Springs, Miss.	530.00	2393	J. L. Kendal, late postmaster, Oxford, Miss.	280.00
2393	August 17, 1861, on J. L. Kendal, late postmaster, Oxford, Miss.	280.00	2394	D. L. Mosely, late postmaster, Oxford, Miss.	132.02
2394	August 17, 1861, on D. L. Mosely, late postmaster, Oxford, Miss.	132.02	2396	S. C. Baines, late postmaster, Varden, Miss.	120.00
2395	August 17, 1861, on L. Lawshe, postmaster, Spring Dale, Miss.	15.00	2397	A. Roy, postmaster, Middleton, Miss.	30.00
2396	August 17, 1861, on S. C. Baines, late postmaster, Varden, Miss.	120.00	2398	B. Gerell, late postmaster, Lockhart's Store, Miss.	49.86
2397	August 17, 1861, on A. Roy, postmaster, Middleton, Miss.	30.00	2399	J. M. Kelly, postmaster, Torrance, Miss.	23.00
2398	August 17, 1861, on P. Gerell, late postmaster, Lockhart's Store, Miss.	49.86	2400	Peter Scales, postmaster, Scales, Miss.	14.00
2399	August 17, 1861, on J. M. Kelly, postmaster, Torrance, Miss.	23.00	2402	William Priestly, late postmaster, Canton, Miss.	200.00
2400	August 17, 1861, on Peter Scales, postmaster, Scales, Miss.	14.00	2403	J. A. Cason, postmaster, Durant, Miss.	145.90
2401	August 17, 1861, on R. R. Campbell, postmaster, Richland, Miss.	170.00	2404	Thomas Allen, postmaster, Duck Hill, Miss.	47.50
2402	August 17, 1861, on William Priestly, late postmaster, Canton, Miss.	200.00	2405	T. J. Dobyns, postmaster, Goodman, Miss.	50.00
2403	August 17, 1861, on J. A. Cason, postmaster, Durant, Miss.	145.90	2406	W. H. Hawkins, postmaster, Grenada, Miss. (short paid).	30.00
2404	August 17, 1861, on Thomas Allen, postmaster, Duck Hill, Miss.	47.50	2407	A. D. Moore, postmaster, Hays Creek, Miss.	10.00
2405	August 17, 1861, on T. J. Dobyns, postmaster, Goodman, Miss.	50.00	2408	L. Falkenberg, postmaster, Waterford, Miss.	15.00
2406	August 17, 1861, on W. H. Hawkins, postmaster, Grenada, Miss.	30.00	2409	T. J. West, postmaster, Water Valley, Miss.	30.00
2407	August 17, 1861, on A. D. Moore, postmaster, Hays Creek, Miss.	10.00		To warrant No. 7164, August 16, 1861, on assistant treasurer at New York.	855.63
2408	August 17, 1861, on L. Falkenberg, postmaster, Waterford, Miss.	15.00		To balance .....	4,636.01
2409	August 17, 1861, on T. J. West, postmaster, Water Valley, Miss.	30.00			12,336.01
				By balance .....	4,636.01

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT,  
Washington, D. C., February 25, 1889.

Hon. W. C. P. BRECKINRIDGE, House of Representatives.

H. A. HARALSON, Acting Auditor.

Mr. BRECKINRIDGE, of Kentucky. I hold in my hand a copy of the drafts named, showing that the originals are on the files of the office of the Sixth Auditor canceled and unpaid, thus showing that the record bears out the statement I made the other day, and that the drafts were in payment of a balance due, which has not been liquidated; that these drafts were returned unpaid and were canceled by the Department, and that the claim is one standing on the books of the Department, which state of facts is indubitably demonstrated by the papers I have presented. It is not, therefore, a question that has anything to do with the war or *ante-bellum* disputes, or anything originating in the Confederate government.

Mr. SAYERS. I desire a decision of the Chair on the question of order.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman—

The CHAIRMAN. The Chair will state to the gentleman that he offered his amendment to come in at the bottom of page 56, but the Clerk had not yet reached that portion of the bill.

Mr. CANNON. Let it be disposed of now, and it can be placed where it properly belongs if adopted.

Mr. SAYERS. I have no objection to that.

The CHAIRMAN. The gentleman can ask unanimous consent that in the event of the adoption of the amendment it take its proper place in the bill. Does the gentleman make that request?

Mr. SAYERS. I do.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, a word in reference to the amendment. Some ten or twelve years ago an appropriation of nearly \$400,000 was made to pay these *ante-bellum* mail claims. A large number

of them were audited and duly certified to Congress for payment. I recollect very well that when they were being considered the gentleman from Texas [Mr. REAGAN], then a member of the House, and formerly postmaster-general of the Confederacy, spoke of the proposition. The gentleman from Michigan, then a member of this body Mr. Willits, as I recollect, moved to strike the item out of the bill.

The gentleman from Texas was then quite confident that these claims had never been paid by the Confederacy, although their payment had been authorized. And in proof of that fact he showed that our own auditing officer, after full investigation, had audited these claims just as these are audited and certified up to Congress. But I recollect the gentleman from Michigan [Mr. CUTCHER] brought from the Confederate records after examination proof beyond all question that the bulk of these claims had been paid, as shown from the Confederate records; and so conclusive was his proposition that the gentleman from Texas [Mr. REAGAN], then a member of this House, withdrew any further opposition to the striking out of this clause, or a similar clause to this, covering a large number of claims. And I say to the gentleman from Kentucky [Mr. BRECKINRIDGE] now that the return of these drafts drawn by our own Department and given to this railroad company for services in 1861—the summer and fall of 1861, as I recollect it—being uncanceled is no proof of its not having been paid by the Confederacy.

In my opinion Congress never should appropriate one cent to pay any of these claims until the Confederate records, under the direction of Congress, have been fully examined touching this and all other claims; because I believe, from my recollection of the former discussion, that if we pay these claims we are liable to pay claims that have been paid under assumption by the Confederacy. Therefore I shall



oppose the adoption of the amendment, with the further statement that if this amendment, which is to provide \$4,000, should be made, then we ought to go on and appropriate for the four or five hundred thousand dollars of other claims which stand upon all fours with it.

Mr. BLOUNT. I do not see, sir, why this claim should be brought forward by itself. It is but a representative of a class of claims running through the various Southern States that has been passed heretofore; and I think if we are to take up the subject at all that they should all be provided for. In the Forty-fifth Congress there was placed in the sundry civil appropriation bill a sum of \$350,000, as I remember, to pay for contracts for carrying mail up to the period of the breaking out of the war. Immediately after the adjournment of Congress Mr. Sherman became Secretary of the Treasury and referred that legislation back to Congress with the suggestion that the Department was unable to say when the war commenced, whether at the secession of South Carolina, Alabama, or any one of the States, and submitted the matter to Congress for additional legislation. In the succeeding Congress the Committee on Claims reported a bill. It did not appear in the appropriation bill, as suggested by the gentleman from Illinois, but it came on a bill from the Committee on Claims providing for the payment of this class of claims.

It came up on a Friday. The gentleman from Texas [Mr. REAGAN], as has already been stated, insisted that the Confederate government had never paid any of these claims. That Friday passed without anything being done. On the succeeding Friday the gentleman from Michigan [Mr. CUTCHEN], a member of the House at that time, read a report of Judge Reagan, postmaster-general of the Confederate States, recommending an appropriation and an act of Congress of the Confederate government appropriating money for the payment of these claims. It was a surprise to the gentleman from Texas and to all of us. There the matter dropped, and it has not been before any Congress from that day until this so far as I know. The claims were all audited, as my friend from Kentucky [Mr. BRECKINRIDGE] says this was. They were audited and presented to the Forty-fourth Congress, and that is the last one, I think, so far as I know, when any of them were presented.

Now, so far as the validity of this claim is concerned, I have nothing to say, but as it represents a class of claims running through the Southern States, it seems to me that the whole subject had better be disposed of at one time, rather than allowing some particular claim and leaving the great mass of them untouched.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate, by Mr. McCook, its Secretary, announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 3646) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, with his objections thereto, the Senate had proceeded, in pursuance of the Constitution, to reconsider the same, and had resolved that the said bill be passed, two-thirds of the Senate agreeing to pass the same, and that they had referred the bill and the objections of the President thereto to the House of Representatives for action.

The message also announced that Mr. PLUMB and Mr. PADDOCK had been excused as conferees 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 provisions of the homestead laws only, and that Mr. DOLPH and Mr. TELLER had been appointed in their places.

It also announced that the Senate had passed bills of the following titles; in which concurrence was asked:

A bill (S. 3894) to ratify and confirm an agreement with the Southern Ute Indians in California, and to make the necessary appropriation for carrying the same into effect; and

A bill (S. 3737) for the relief of Sterling H. Tucker and others.

#### DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. HOPKINS, of Illinois. As I understand the gentleman from Georgia [Mr. BLOUNT], his position is, that all these claims ought to go to a committee instead of being tacked on an appropriation bill.

Mr. BLOUNT. I think if one is tacked on that all ought to be put on; but it seems to me, in justice to every member of this House, that as there has been a question raised whether or not these claims have been once paid, we should all feel better to provide for their payment after an examination of the records and report to this House; for I submit that I do not believe there is any gentleman on this floor who, if he believed these claims had once been paid, would ask or consent to their payment again. I am very sure, sir, so far as I am concerned, that if any constituent of mine has been paid by the Confederate government for this service, I would not consent to a second payment, because it would have no merit whatever.

Mr. RANDALL. I do not understand the gentleman from Kentucky [Mr. BRECKINRIDGE] to be pressing for a vote upon the proposition at this time. I understand that his object is simply, in view of what occurred the other day, to make up a record so far as he has presented the papers.

Mr. BLOUNT. I do not know what the purpose of the gentleman

from Kentucky was. I only took occasion to say what I have said because this matter is being continually pressed upon gentlemen from the Southern States, and I think it is well for everybody to understand the real situation.

Mr. RANDALL. Many Houses have passed upon this question adversely.

Mr. SAYERS. Mr. Chairman, I take the floor now for the purpose of affording the gentleman from Kentucky [Mr. BRECKINRIDGE] an opportunity to withdraw the amendment.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, all I desired to do, unless the papers which I presented should be satisfactory to the committee, was to make up the record. This is a question that is going to come up until it is settled. It is no excuse for a refusal to pay an honest claim to say that a dishonest claim has been paid. It is no excuse for refusing to pay an honest creditor that some one else has received payment who was not entitled to it. I simply desire to make up the record at this time, and I now withdraw the amendment.

Mr. MORGAN. Mr. Chairman, if the record is to be made up it ought to be made up correctly. This is a claim in favor of the Mississippi Central Railroad Company. There is no such company. The road has been sold out under a mortgage, and it is now known as the Chicago and New Orleans Railroad Company. There are two claimants for this money, and here is a request to have the amount paid over to one of the parties. The question ought to go to a committee to be adjudicated; to ascertain, first, whether the payment ought to be made at all, and second, to ascertain the right party to whom to make the payment.

The Clerk read as follows:

For fees of commissioners, United States courts, \$26.10.

Mr. O'NEILL, of Missouri. Mr. Chairman, I move to strike out the last word. I find in the RECORD that Senator GORMAN, referring to the convict-labor bill which passed the House, called the attention of the Senate to the fact that the Senator from New Hampshire [Mr. BLAIR], in charge of that bill, had not reported it to the Senate, although the bill had been reported to the House nearly one year ago. The Senator from New Hampshire in his remarks said:

Who has spent much time, perhaps, in talking with the Senator from Maryland in reference to this same matter as well as other Senators—I have thought that he might dispose of legislation which we sent to the House of Representatives early. For instance, we passed a bill here at the last session which had reference to the payment of the arrears that are due to Government employes and which they have been endeavoring to secure year after year, and that bill has been incontinently spurned and delayed by intent, as I think, and as those who are interested in the bill think.

We sent them the education bill.

Now, Mr. Chairman, the Senator certainly knew or should have known that the educational bill was not referred to the Committee on Labor of the House of Representatives. This House has created a Committee on Labor as distinct from the Committee on Education. In the previous Congress the House educational bill was referred to the Committee on Labor, and was promptly reported back to the House. The bill providing for the adjustment of the accounts of laborers passed the Senate July 17 and was reported back from the House committee August 2, and was considered in the House October 10, December 5, and also during the month of January. We gave nearly all the time at the disposal of our committee to the consideration of that bill.

I am aware of the motive that prompts these criticisms. I am aware that the claim agents who have hounded our committee and worried and annoyed members of this House have not been content with the efforts we have made to secure recognition for that measure. Now, the Senator certainly knew in the first place that that bill had been considered fully in this House and that the failure to pass it was not due to any negligence on the part of the committee. He knew that the educational bill had not been referred to our committee. While I do not propose to criticize the Senatorial courtesy the absence of which permitted him to refer to the chairman of the House Committee on Labor, I will state that the Senator from New Hampshire can not escape the responsibility; that last year when the Government was compelled to purchase, under the law awarding contracts to the lowest bidder, from a Tennessee penitentiary twelve hundred wagons, which cut such an important figure in the last canvass, that was due singly and solely to the neglect of the Committee on Labor of the Senate and of that Senator, Mr. BLAIR, to bring that bill up for consideration. And every purchase hereafter made of articles from prisons during the present year is due to the fact that the Senator from New Hampshire has neglected his duty and has not given the Senate a chance to pass upon this bill.

I propose for one to rivet the responsibility upon him, and let him shoulder it, of the pocketing for nearly one year of the "convict-labor bill." I have personally appealed to the Senator to have it considered, and the representatives of organized labor have also appealed to him to call his committee together for the consideration of this bill. He has five days still remaining, and I earnestly hope that the Senator from New Hampshire, Mr. BLAIR, who has always been considered a friend of labor, and whom I have always been willing to believe was an honest, earnest friend of the cause, will call his committee together and take action upon this bill. If he fails to do so, then his partisanship is stronger than his friendship for the people.



Mr. CANNON. The Senator from New Hampshire having made a statement out of order, as the gentleman from Missouri claims, and the gentleman having replied in the House, I suppose that one may be set off against the other and the matter declared even.

Mr. O'NEILL, of Missouri. That is all right. I propose to withdraw the *pro forma* amendment. The Senator from New Hampshire has had his inning over there. [Laughter.]

The Clerk read as follows:

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue 1866 and prior years, except the claims of the Central Branch Union Pacific Railroad, \$14,151.46.

Mr. McRAE. I offer the amendment which I send to the desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and empowered to compromise, adjust, and settle all or any part of the bonded debt of the State of Arkansas due to the United States or held in trust, upon such terms and conditions as to him may seem best for the United States and just to the said State after having examined and taken into consideration all the claims of the said State against the United States.

Mr. SAYERS. I raise the point of order that this is new legislation and has no place on this bill.

Mr. McRAE. I hope my friend will not insist on that point of order.

Mr. SAYERS. I do.

Mr. McRAE. This legislation has been suggested by the Treasurer of the United States, and it has been embodied in a bill reported from a committee of this House. It is desirable both on the part of the United States and the State of Arkansas that a proposition of this kind should be adopted. It involves no appropriation, but simply vests in the executive officers of the Government the right to enter into negotiations and settle this matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"To pay the heirs of M. C. Mordecai, mail contractor, as per order of the Postmaster-General, dated January 2, 1861, for allowance of one month's extra pay for discontinuance of service allowed by the Sixth Auditor of the Treasury in Executive Document No. 26 (item 138), of the Forty-seventh Congress, \$3,333.33."

Mr. SAYERS. I make the point of order that this claim against the Government, if it has any validity whatever, should go to the Committee on Claims.

The CHAIRMAN. What point of order does the gentleman raise?

Mr. SAYERS. It is not a deficiency and does not belong in a deficiency appropriation bill. On the contrary, it is new legislation.

Mr. DIBBLE. Mr. Chairman, I really do not understand what is the gentleman's point of order. This is an expenditure authorized by existing law under a contract made at the time.

Mr. RANDALL. What is the date?

Mr. DIBBLE. I will ask the Clerk to read the order of the Postmaster-General discontinuing the service.

Mr. RANDALL. What is the date?

Mr. DIBBLE. Eighteen hundred and sixty-one.

The Clerk read as follows:

POST-OFFICE DEPARTMENT, Washington, January 2, 1861.

Sir: The Postmaster-General orders that the service on route from Charleston, S. C., via Savannah, Ga., to Key West, Fla., and back, twice a month, by steam-ship "Isabel or other steamers, if necessary," under contract with you of 3d October, 1860, at the sum of \$40,000 per year, for and during the term commencing the 15th day of October, 1860, and ending the 30th day of June, 1861, be discontinued, and one month's extra pay allowed on the amount dispensed with.

This order to take effect immediately.

I am, very respectfully, your obedient servant,

HORATIO KING,

First Assistant Postmaster-General.

M. C. MORDECAI, Esq., Charleston, S. C.

Mr. DIBBLE. This is the extra month's pay there allowed. Now, Mr. Chairman, I cite section 817 of the Postal Laws and Regulations which authorizes the Postmaster-General to discontinue service, allowing, as full indemnity to the contractor, one month's extra pay on the amount of service dispensed with. That is the law of the contract. That law has been recognized and affirmed by the Supreme Court of the United States. First, in the case of Reeside against the United States, in 8 Wallace, in which it held "the Postmaster-General had the power to discontinue or curtail service on any route on allowing one month's extra pay." In that case an unfavorable decision of the Court of Claims was reversed and the case remanded with directions to allow one month's pay under the contracts.

The same doctrine, Mr. Chairman, appears in 93 United States, 3 Otto, in the case of Garfield against The United States:

There was reserved to the Postmaster-General the power to annul the contract when his judgment advised that it should be done and the compensation to the contractor was specified. An indemnity agreed upon as the amount to be paid for canceling a contract must afford the measure of damages for illegally refusing to award it.

In that case they decided judgment should be rendered to the appellant for one month's extra pay under the proposal made by him and accepted by the Postmaster-General.

Further, Mr. Chairman, by the act of June 20, 1874, twentieth volume Statutes at Large, page 130, it was provided that the claim should be examined and allowed by the several accounting officers of the Treas-

ury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund.

Now, there was an appropriation out of which this could have been paid; but the balance of that appropriation was carried to the surplus fund. Accordingly, in compliance with that law, which provided these amounts should be reported to Congress for its consideration, Secretary Folger, on the 14th day of January, 1882, reported the "schedule of claims allowed by the several accounting officers of the Treasury Department, under appropriations, the balance of which have been exhausted or carried to the surplus fund under a provision of section 4 of an act of June 20, 1874," which I have cited. In that report, as stated in the amendment I have offered, the amount was certified as follows by the Sixth Auditor, under section 4 of that act, which I ask the Clerk to read.

The Clerk read as follows:

Claim.	Appropriation from which payable.	Amount.
M. C. Mordecai, mail contractor: For allowance of one month's extra pay, per order of Postmaster-General, dated January 2, 1861, for discontinuance of service. Contract pay, \$40,000 per annum. Service discontinued January 4, 1861. Route from Charleston, S. C., via Savannah, to Key West, Fla.	Deficiency in postal revenues, 1870 and prior years.	\$3,333.33

Mr. DIBBLE. Now, Mr. Chairman, that claim has been adjusted and allowed. Under direction of an act of Congress an appropriation was made which provided for its payment, but the appropriation has been covered back into the Treasury, and therefore that amendment is not obnoxious to the objection that it is not authorized by existing law. That is what I understand to be the point made by the gentleman as far as I can appreciate it from the manner in which it has been stated.

Mr. HOPKINS, of Illinois. Will the gentleman yield to me for a question?

Mr. DIBBLE. Certainly.

Mr. HOPKINS, of Illinois. Was not this claim brought up by the gentleman at the last session of Congress and ruled out on the point of order?

Mr. DIBBLE. I am perfectly willing to answer the gentleman in full on that point. The gentleman from Georgia [Mr. CRISP] was occupying the chair as presiding officer in the Committee of the Whole. The claim was presented by my friend from Maryland [Mr. RAYNER], and the point of order was raised against it. We were called upon at the moment to produce the law authorizing it. The Chairman said that because the law was not produced he would rule it out on the point of order. Now, at this time we have produced the law authorizing it. We have traced it as a contract authorized by law at that time, and a contract which the Supreme Court of the United States has twice said the Postmaster-General had the right to make. I have shown that it was a matter adjusted and allowed in the Department, standing on the books, and only failed of payment because of the lack of an appropriation to pay it, the appropriation having been covered into the Treasury. So that we have now met the only objection urged in the point of order that was made before or which can be made now. At that time, not expecting this point, we did not have the law at hand, and for that reason, as I have said, the Chairman ruled it out of order, the law not having been produced.

Mr. SAYERS. I ask a ruling upon the point of order.

Mr. SPRINGER. One moment. I understand there was an act passed in 1874 which authorized the Secretary of the Treasury to adjust certain ante-war mail contracts, and that an appropriation was made to pay such claims when adjusted. Further, that the Secretary proceeded to adjust them and found that a larger amount was due than had been appropriated, and hence declined to make any distribution of the amount under the appropriation.

Mr. BLOUNT. If my friend from Illinois will permit me, I think he is mistaken in that. The question was not as to the amount appropriated, but the appropriation act itself provided that they should be paid up to the commencement of the war where they had not been paid by the Confederate government, and the Secretary of the Treasury was doubtful as to the exact meaning of the term "commencement of the war;" that is to say, whether it related to the passage of the ordinance of secession by South Carolina, or the ordinance of Georgia, or some other State, and he communicated these facts to Congress with a view of getting a construction of the words "commencement of the war."

Mr. SPRINGER. There was payment, then, of the amount under that act.

Mr. BLOUNT. No, sir.

Mr. SPRINGER. And the appropriation lapsed?

Mr. BLOUNT. There was no payment under the act, and it appeared the next time in the shape of a claim, for this class of claims,



as I have already stated, came up on Friday; and the second bill, that from the Committee on Claims, likewise provides where they had been paid by the Confederate government that they should not be paid.

Mr. CANNON. Just there a moment, permit me—

Mr. SPRINGER. Let us finish this matter first.

Mr. BLOUNT. Then came up the debate, as I have stated, between the gentleman from Texas, Mr. REAGAN, and the gentleman from Michigan, Mr. Willits, which I need not repeat, because gentlemen, many of them present, heard that discussion and know what took place.

Mr. CANNON. This amendment, as I understand it, has nothing to do with the so-called war claims for mail pay. In other words, this service was discontinued in January, 1861, and that then the month's pay was due some time before the secession ordinance was adopted by South Carolina.

Mr. BLOUNT. That is true.

Mr. SPRINGER. This was discontinued, I understand, on account of the occurrence of war; that is, this contract was discontinued, and the claims have been regarded as matters unadjusted and pending, which have not been audited claims reported upon by the accounting officers of the Government, but have been always regarded as unadjusted.

Mr. DIBBLE. That is a mistake as to this case.

Mr. SPRINGER. These claims have not been adjusted and can not come before Congress in the shape of adjusted claims passed upon by the accounting officers of the Department. They have not been so regarded.

Mr. DIBBLE. Mr. Chairman, the best answer to that proposition is that they have been, under direction of Congress, adjusted and allowed by the Department, and reported by Secretary Folger; and furthermore, the decision of the Court of Claims has separated these claims from the one month's extra pay on a discontinuance of the contract from all other classes of claims of the mail service; and they have been decided by the Court of Claims as not coming under the provisions of the act to which the gentleman from Georgia has referred, and stand on a footing of their own, because by no kind of possibility could they have been assumed and paid by the Confederate States.

Mr. BLOUNT. Does my friend from South Carolina say that Congress passed legislation directing the Treasury Department to report upon this class of claims?

Mr. DIBBLE. Yes, sir. I read it just now.

Mr. BURROWS. What act was that?

Mr. DIBBLE. The act of 1878, section 4.

The CHAIRMAN. The Chair would like to hear that read again.

Mr. HOPKINS, of Illinois. The law under which they claim the right—

The CHAIRMAN. Will the gentleman from South Carolina state the date of the act?

Mr. DIBBLE. June 20, 1874. These claims were audited by the accounting officers under the act.

The Clerk read as follows:

And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.

Mr. DIBBLE. I have only to add that, in accordance with that act, the claim was allowed by the Sixth Auditor, and being so allowed in accordance with that act, was reported by Secretary Folger in Executive Document 26, in the first session of the Forty-seventh Congress, as is stated in the amendment which I have offered.

Mr. BLOUNT. Now, Mr. Chairman, if the Chair will simply refer to the language of the statute that my friend has read, it appears that it does not refer to this class of claims at all; but provides generally for the adjustment of claims where appropriations have been made. It is of a general character, and it does not relate to this. And to show that this amendment belongs not in here, but that it belongs to a distinct class of claims long before that act was passed, in the Forty-fourth Congress there was sent to this House the *ante-bellum* mail contracts, audited by the Sixth Auditor of the Treasury, and by him alone; and that class of claims are not audited under the law by the Comptroller. They stand on a different footing from postal claims; and therefore this claim does not relate to that law.

Mr. HOPKINS, of Illinois. As I observed a little while ago, this very claim was presented to the Committee of the Whole at the last session of this Congress, and the very arguments made by the gentleman from South Carolina to-day were made by him then, and were also supported by the gentleman from Maryland. They claimed then the provisions of the law precisely as they do to-day. I do not remember that the statute was presented and read from the Clerk's desk; but they insisted that under this provision of the law the claim could be

put upon an appropriation bill, and after full argument it was determined by the Chair that the claim was obnoxious to the objection.

Now, it seems to me that the position taken by the gentleman from Georgia [Mr. BLOUNT] is correct, that this statute which has been read has no application to this class of claims. In legislating upon the subject set forth in the statute Congress did not have in contemplation this class of claims at all. This claim relates to something that occurred before the war. The statute referred to was to take charge of and relates to current claims since the war, and has no contemplation of claims that existed before the war or that grew out of the war. Now, it seems to me that any one who would stop to read that section of the statute would see that that is correct. Now, let us look at this claim itself. These gentlemen say it is a just claim. I contend that all of these claims should go to a committee of this House to consider them. We have had an experience here this morning in a claim presented by the gentleman from Kentucky [Mr. BRECKINRIDGE] that should warn this House from permitting any one of them ever being put upon an appropriation bill.

The gentleman from Kentucky, whose high position in this House will not be questioned, whose integrity and honor are above question, presented a claim which he said, as I remember, was a just claim; yet the gentleman from Mississippi [Mr. MORGAN], who had investigated it, stated what was new to the House, that there were two claimants to that claim, and that there were grave doubts as to whether it should be allowed to either of them.

I simply say this as an illustration to guard this Committee of the Whole and this House against permitting any of these claims to be tacked upon an appropriation bill. If it is a just claim, one that should be allowed, it should go to a committee of this House where it can be investigated and all the facts relating to it be reported to the House in a report of a proper committee. I contend, sir, when a claim of this kind is presented we should not only test the merits of the claim, but we should also look into the question of the loyalty of the claimant.

We are denied that here. I simply use this argument to show the Chair that upon all questions of this kind the doubt should be resolved against the claimant.

Mr. SAYERS. Mr. Chairman, it occurs to me that there has been sufficient debate upon this point of order, and I now ask for the ruling of the Chair.

Mr. SPRINGER. Before that ruling is made I desire to make a statement. I find that I was in error in reference to this claim. It was allowed by the Treasury Department in pursuance of the act of June 14, 1878, as stated by the gentleman from South Carolina, as is found on page 78 of the Executive Document No. 20, first session Forty-seventh Congress. But while I see that it is allowed as one of the claims coming under that section of the act, I fail to see the connection between the act itself and the report of the Secretary.

Mr. SAYERS. I ask for the ruling of the Chair.

The CHAIRMAN. The Chair is not without doubt upon this question, but in view of the hasty examination he has been permitted to make, and in the light of the discussion, he sustains the point of order.

Mr. RICHARDSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

To enable the Public Printer to pay for extra hours performed in mailing CONGRESSIONAL RECORD during the first and second sessions of the Fiftieth Congress, \$530.18.

Mr. SAYERS. I reserve the point of order upon that amendment until I hear an explanation of it.

Mr. RICHARDSON. Mr. Chairman, I do not think the amendment is open to the point of order. It seems that about four of the employes of the Government Printing Office have been occupied, unavoidably, for some time in working extra hours in mailing the CONGRESSIONAL RECORD, both during the first session and during the present session of this Congress. I have here the names, with the amount due to each: One of them worked 416 hours at 50 cents an hour, making \$208; another worked 412 hours, another 429 hours, another 190 hours. The last three worked at 31½ cents an hour, as that was the rate of pay due to them as employes. Now, I submit that this amendment is not open to the point of order.

Mr. CANNON. Why have they not been paid if the money was due them?

Mr. RICHARDSON. The Government Printer had no appropriation to pay for this work. He had an appropriation for the regular eight-hour service, but not for these extra hours. The matter was not of sufficient importance for him to employ additional hands, so he engaged these regular employes to work extra hours.

Mr. CANNON. But the gentleman speaks of the money being due. Now, on his present statement, it is not due. It may be that Congress will give these parties the money, but it is not due them.

Mr. RICHARDSON. Well, they have earned it. It may not be "due" in the sense in which the gentleman uses the word, but they have earned the money and it has not been paid.

The CHAIRMAN. If there be no objection, the Chair will submit the question to the committee.



Mr. SAYERS. I will state to the Committee of the Whole that the Committee on Appropriations have no information whatever as to the propriety or legality of this claim.

Mr. BIGGS. You have the information here.

Mr. RICHARDSON. In reply to the gentleman from Texas [Mr. SAYERS] I want to say that I have here the certificate of the superintendent of the RECORD, showing that these employes have done the work, and I think it is manifestly fair and proper that this small amount of \$530.18 should be appropriated to pay them. They have done the work, and they ought to be paid for it.

Mr. TRACEY. Mr. Chairman, it appears to me that the gentleman from Texas [Mr. SAYERS] can find no reason to object to the insertion of this amendment, for if the work has not been done the money certainly can not be paid. Now it happens that I have had acquaintance with one of the gentlemen to whom a portion of this money will be paid, the superintendent, and I have no doubt whatever that the representations he has made to me are entirely correct. On general principles I would not favor the adoption of an amendment giving money for work performed beyond the regular eight hours a day, because it is understood that the employes of the Government shall not be compelled to work more than eight hours; but we know that during the first session of this Congress there was a great deal of extra work, and it may be that the Public Printer was compelled to call upon these employes to do this work at night; at all events they worked extra hours, and inasmuch as the work was performed it seems only right and fair that an appropriation should be made to enable him to pay the amount that is justly due for such service.

The CHAIRMAN. If there be no objection, the Chair will submit the question to the committee.

Mr. SAYERS. Mr. Chairman, under all the circumstances, the gentlemen who favor the payment of this claim having failed to show any law authorizing the indebtedness to be incurred by the Public Printer—

Mr. BIGGS. But they have shown the justice of the claim. I therefore ask the ruling of the Chair upon the point that there is no law upon which this claim is based.

The CHAIRMAN. The Chair will state, in response to the gentleman from Texas, that while it is true that this amendment is subject to the point of order, there appear in this very bill provisions reported by the committee which are subject to the same point of order.

Mr. SAYERS. In justice to the Committee on Appropriations I will say that the provision now in the bill, to which the Chair has alluded, is a general provision. The committee have not undertaken to allow particular claims to special individuals. We have reported a general provision authorizing the Public Printer to allow certain additional percentage to parties who work during the night.

Mr. RICHARDSON. I hope the gentleman from Texas will not insist on the point of order, the sum is so small and there is such manifest justice in this allowance to these poor people.

Mr. CANNON. I will for a moment insist on the point of order, in order that I may make an inquiry. Does this amendment include persons who work over hours?

Mr. RICHARDSON. It includes those who were engaged in mailing the CONGRESSIONAL RECORD. I do not know any other persons who work over hours. I will say to the gentleman from Illinois that if there are others who have worked over hours they have been paid; but there was no appropriation to pay these persons for extra work in mailing the CONGRESSIONAL RECORD, which has frequently been very large, and has therefore been required to be mailed at a late hour. In this way the force engaged in this employment has been required to work extra hours.

Mr. CANNON. Does the gentleman mean to say that the Public Printer has violated the law by making an expenditure for which there was no appropriation?

Mr. RICHARDSON. I am not prepared to say anything of that kind, and do not say it; but I say that sometimes it has been absolutely necessary, in mailing the CONGRESSIONAL RECORD, to run this force a little over the time allowed, and in that way work for extra hours has been performed, for which we now simply desire that Congress authorize compensation.

Mr. LONG. Are not these employes paid higher wages because they work at night?

Mr. RICHARDSON. This is not for night work expressly; some of the work may have been done during the day.

Mr. LONG. Are they not, in fact, receiving a higher rate of pay than others?

Mr. RICHARDSON. No, sir.

Mr. SPRINGER. I understand that these employes have performed this duty.

Mr. RICHARDSON. They have.

Mr. SPRINGER. And there is no appropriation to pay them for this extra duty. But the Public Printer has been required to have this service performed—to have the RECORD mailed; and this force has gone on and done the work. Now, it simply rests with the discretion of Congress to determine whether we will pay for it or not. The Public

Printer has not violated the law in any respect; he has complied with the law.

Mr. CANNON. Then I make the point of order—

Mr. RICHARDSON. It is too late now.

Mr. CANNON. If the Public Printer has not violated the law the money is there to pay for this work.

Mr. SPRINGER. You insist that he shall violate the law; our officers do not do that.

Mr. BIGGS. I hope the gentleman from Illinois [Mr. CANNON] does not insist that these people shall do work and then not receive pay for it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. Too late!

The CHAIRMAN. It is not too late. The point of order was reserved by the gentleman from Texas.

Mr. SAYERS. I ask unanimous consent to return to page 35 of the bill for the purpose of correcting a name. I ask that in line 21, on that page, the name "Berans" be corrected so as to read "Bevans."

There being no objection, the amendment was made.

Mr. SAYERS. I ask, by unanimous consent, that the Committee of the Whole return to page 11, in order to reconsider the vote upon the amendment allowing the present private secretary of the President \$6,000. That gentleman on the 23d of this month addressed a letter to the gentleman from Pennsylvania [Mr. SCOTT] in reference to this amendment. I will read an extract from the letter:

EXECUTIVE MANSION, Washington, February 23, 1889.

MY DEAR MR. SCOTT: It has just come to my notice that on your motion the House, in Committee of the Whole, has adopted an amendment to the deficiency bill, making an appropriation of \$6,000 to pay me the difference between my salary as private secretary to the President and the increased amount fixed as the salary of my successor. While I deeply appreciate your personal interest and kindness, and the consideration of the committee, having accepted the office with full knowledge of its pay and served four years without promise or expectation of more, I prefer not to be the beneficiary of a retroactive appropriation of this character, and have to request that the vote referred to be reconsidered and the proposed amendment stricken from the bill. \* \* \*

Very respectfully yours,

DANIEL S. LAMONT.

HON. WILLIAM L. SCOTT,  
House of Representatives.

I ask unanimous consent that the amendment inserting \$6,000 be reconsidered.

Mr. CANNON. I want to ask the gentleman from Texas [Mr. SAYERS] two questions: first, whether the President of the United States has paid out of his own private pocket enough to make up that salary.

Mr. SAYERS. I know nothing at all about that.

Mr. CANNON. Then I will next ask the question, whether or not it was arranged that the gentleman from Pennsylvania [Mr. SCOTT] should insist upon this appropriation in order to give the chance for the writing of the letter which has just been read.

Mr. SAYERS. No, sir; I do not know that.

Mr. CANNON. Then I withdraw my objection.

The CHAIRMAN. Is there objection to returning to the amendment which has been indicated, for the purpose of reconsidering it and striking it out?

Mr. BRUMM. I object.

Mr. BLOUNT. We can reach the result by having a vote on the amendment in the House, and voting it down.

The CHAIRMAN. A motion to reconsider is not in order at any time in the Committee of the Whole; but the Chair thought for the moment that by unanimous consent this amendment might be eliminated from the bill. The Chair, however, upon reflection is of opinion that the request to reconsider can not be entertained in Committee of the Whole, even by unanimous consent.

Mr. BLOUNT. I have already suggested to my friend from Texas that the object can be reached by having a separate vote on this amendment in the House, and voting it down.

The CHAIRMAN. The Chair was about to suggest that course to the gentleman from Texas.

#### ENROLLED BILLS SIGNED.

The committee informally rose; and

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 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.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the Senate of the following titles:

A bill (S. 1319) granting a pension to Anna Slater;  
A bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;

A bill (S. 2008) granting a pension to Cyrus Tuttle;

A bill (S. 2310) granting a pension to Rozalia 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; and

A bill (S. 3762) granting a pension to Nancy Polock.

#### MESSAGES FROM THE PRESIDENT.

Several messages in writing were received from the President, by Mr. PRUDEN, one of his secretaries.

It was also announced that the President had approved and signed, on the dates indicated, House bills of the following titles:

On February 25, 1889:

An act (H. R. 10216) granting a pension to William Fowler;

An act (H. R. 10337) granting a pension to John Ebert;

An act (H. R. 10474) granting a pension to Dorus Alford;

An act (H. R. 11993) granting a pension to Mary A. Long;

An act (H. R. 917) for the relief of Julianna Muller;

An act (H. R. 3766) for the relief of William Pfander;

An act (H. R. 3112) for the relief of Phineas T. Richardson;

An act (H. R. 11871) for the relief of Hardin County, Kentucky;

An act (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex.;

An act (H. R. 11604) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee;

An act (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota;

An act (H. R. 424) granting a pension to Elizabeth Myers;

An act (H. R. 3888) granting a pension to Mary H. Stacy;

An act (H. R. 5790) granting a pension to Mary Whitney;

An act (H. R. 6535) granting a pension to Mary Gray;

An act (H. R. 6598) granting a pension to Maria Brasted;

An act (H. R. 7566) granting a pension to George W. Lloyd;

An act (H. R. 10639) granting a pension to John Y. Hopper;

An act (H. R. 10975) granting a pension to John H. Starr;

An act (H. R. 11311) granting a pension to James Metcalf;

An act (H. R. 11736) granting a pension to Margaret M. Nugent;

An act (H. R. 11924) granting a pension to Annie Balser;

An act (H. R. 12303) granting a pension to Ester Gaven;

An act (H. R. 7123) for the relief of Catharine Mutz;

An act (H. R. 10780) for the relief of Benjamin E. Snyder;

An act (H. R. 9408) granting an increase of pension to Stephen L. Kearney;

An act (H. R. 12006) granting an increase of pension to Leonard Schaefer;

An act (H. R. 12506) granting an increase of pension to Patrick Geraghty; and

An act (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll.

On February 26, 1889:

An act (H. R. 10301) for the relief of Emily Cross;

An act (H. R. 11430) to increase the pension of Harlan E. King; and

An act (H. R. 11741) granting a pension to Alexander M. Boatright.

The message also announced that bills of the following titles, having been presented to the President on the 13th instant, and not having been returned by him to the House in which they originated within the ten days prescribed by the Constitution, had become laws without his signature:

An act (H. R. 8549) granting a pension to Louisa Rogers;

An act (H. R. 11177) granting a pension to Christian Sanders; and

An act (H. R. 10025) for the relief of James T. Teeple.

#### DEFICIENCY BILL.

The committee resumed its session.

Mr. SAYERS. I offer the following amendment.

The Clerk read as follows:

Page 39, after line 19, insert:

"For compensation of the Secretary of Agriculture, \$3,066.66.

"For compensation of Assistant Secretary of Agriculture, \$1,187.50."

The amendment was agreed to.

Mr. SAYERS offered the following amendment.

The Clerk read as follows:

Line 18, page 44, insert: "To compensate Robert F. Arnold for legal services in the prosecution of parties charged with robbing the United States mails, as shown by estimate transmitted by the Secretary of the Treasury, January 12, 1888, \$1,000."

The amendment was agreed to.

Mr. SAYERS offered the following amendment.

The Clerk read as follows:

Page 39, after line 14, insert: "To enable the Postmaster-General to pay the employees and late employees in the office of the General Superintendent of the Railway Mail Service additional compensation for extra hours of labor from April 11 to November 18, 1885, inclusive, \$258.75."

Mr. SAYERS. In explanation I ask a statement be printed in the RECORD.

It is as follows:

*Statement of extra hours of service performed by clerks in the office of the General Superintendent of the Railway Mail Service from April 11 to November 18, 1885, inclusive, and amount of compensation at 60 cents per hour.*

Names.	Time employed.	Amount.
	<i>h. m.</i>	
Thomas P. Graham.....	124 50	\$74.90
George W. Jackson.....	74 50	44.90
Edward J. Fuller.....	73 15	43.95
George C. F. Rogers.....	62 50	37.70
John W. Hollyday.....	22 10	13.30
W. D. McFarland.....	17 45	10.65
James S. Gray.....	16 15	9.75
George B. Clark.....	14 35	8.75
James L. Richardson.....	15 00	9.00
John D. O'Connor.....	4 45	2.85
S. A. Dougherty.....	5 00	3.00
Total.....	431 15	258.75

Mr. SPRINGER rose.

The CHAIRMAN. If the gentleman from Texas has gotten through with his amendments, those which have been reserved will be taken up in their order, and the first in order is that of the gentleman from Illinois [Mr. ANDERSON].

Mr. CANNON. I wish to be just to everybody. What has become of the amendment to which I raised the point of order?

A MEMBER. It is out.

Mr. CANNON. I ask my colleague to see, if I understand it, whether there is any money to pay for that service, any authority to the Public Printer to pay out any money to employees not authorized by law?

Mr. SPRINGER. The Government Printer was authorized by the rules of the House and by the law to forward to each member of Congress a copy of the CONGRESSIONAL RECORD.

Mr. CANNON. Did he do so?

Mr. SPRINGER. He did so, and in doing that the appropriation was not sufficient to complete the work which we required to be done.

Mr. CANNON. Why did he not stop?

Mr. SPRINGER. He was required to do the work, and no appropriation was made to pay it.

Mr. CANNON. I insist upon the point of order.

The CHAIRMAN. The point of order was made against the amendment of the gentleman from Illinois, which the Clerk will now report.

Mr. ANDERSON, of Illinois. I withdraw that amendment, Mr. Chairman, and offer the following, to which I understand there is no objection.

Mr. SAYERS. I stated to the gentleman that I would not raise the



point of order against this amendment, as it provides no legislation, but is simply a resolution asking for information.

The amendment proposed by Mr. ANDERSON, of Illinois, was read, as follows:

On page 15, at the end of line 24, insert: "That the Attorney-General be authorized and requested to report to the Fifty-first Congress the legal status of what is known as the '2 per cent. claim of the State of Illinois,' under the act of April 18, 1818, the act of March 2, 1855, and March 3, 1857; and also in connection therewith what legal claims or offsets, if any, the United States has against said State."

The CHAIRMAN. Is there objection to the consideration of the amendment?

There was no objection.

Mr. BYNUM. I desire to include in that an inquiry as to the claim of the State of Indiana, and move to insert as an amendment what I send to the desk.

The Clerk read as follows:

Amend the amendment by inserting the word "Indiana" after the word "Illinois," and the word "acts" instead of the word "act," and the words "April 18, 1818," immediately following the words "April 18, 1818."

The amendment to the amendment was adopted.

The amendment as amended was agreed to.

Mr. CAREY. I now desire to offer an amendment.

Mr. SPRINGER. There is a pending amendment which I call up.

The CHAIRMAN. The next amendment is that offered by the gentleman from Pennsylvania [Mr. BAYNE], which the Clerk will report.

The Clerk read as follows:

Line 14, on page 43, insert:

"That the sum of \$2,345.44 be, and the same is hereby, reappropriated, being the unexpended balance of the amount appropriated by the act of March 3, 1885, for pay of the disbursing agent of the Coast and Geodetic Survey for the fiscal year 1886; and that the same be paid to William B. Morgan, late disbursing agent of the Coast and Geodetic Survey, for allowance of pay from July 24, 1885, to June 30, 1886, inclusive."

Mr. SAYERS. The point of order has been raised against that amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] was presiding when the point of order was raised, and the Chair will request him to resume the chair temporarily until this matter is disposed of.

Mr. ROGERS here took the chair.

Mr. BAYNE. It will be borne in mind, Mr. Chairman, that when this amendment was submitted by me the point of order was raised by the gentleman from Texas that there was no law authorizing this reappropriation. The allegation was made by myself that this officer had been suspended. The gentleman from Texas [Mr. SAYERS] stated that the officer had been dismissed.

Mr. SAYERS. I said that was my information.

Mr. BAYNE. I so understood, that that was the gentleman's information. It turns out upon an investigation of the facts that the gentleman from Texas was right and that I also am right. This action illustrates the peculiar "transmogrification" to which our civil system seems to be susceptible. This officer was summarily dismissed from his position, and for two years defended himself against accusations that were shown to be entirely groundless and which were allowed to be the cause of his dismissal. At the end of two years, or perhaps a little longer time, the letter of dismissal was withdrawn and he was reinstated, with one month's pay, and thereupon allowed to tender his resignation.

Now, this letter of dismissal having been delivered to him early in the year 1885, and that matter of dismissal having continued for two years or two and a half years, and then, by the same competent authority which issued the letter of dismissal, it having been withdrawn, he having been restored, one month's pay and allowance allowed, doubtless, out of this very identical appropriation which we now propose to reappropriate, I ask the Chair whether or not that restoration and the withdrawal of that letter of dismissal do not restore him to his former status, and if under the circumstances this proposition be not admissible under the rules of the House? That is the whole of it in response to the point of order.

Mr. SAYERS. I will simply ask a ruling of the Chair upon the point of order suggested by myself when the bill was last under discussion and when this amendment was presented. This proposition was presented a few days since when the bill was up for consideration, and the point of order, as the Chair will remember, was then made upon it.

The CHAIRMAN (Mr. ROGERS). The temporary occupant of the chair is not advised of any precedent upon this subject, and being in doubt as to the ruling, is inclined to submit the question as to the amendment being in order for the committee to determine.

Mr. BAYNE. Before that proposition is submitted it would be but fair to discuss the merits of the proposition.

The CHAIRMAN. The Chair thinks not, but he will submit the point of order to the committee.

Mr. BAYNE. The committee would be scarcely able to determine the question unless it understood the merits.

The question was put, and the proposition was decided to be out of order.

Mr. SPRINGER. I now call up an amendment on page 21, after line 11.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of \$174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant, without his authority or knowledge, and for which he has never received any benefit whatever, and to pay said reissued warrant out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. CAREY. I desire to offer an amendment to come in between lines 18 and 19, on page 9.

The Clerk read as follows:

That the next Legislative Assembly of Wyoming Territory may provide by law that the subsequent Legislature shall convene on a day in the month of January of each year following the year in which is held a general election for a Delegate in Congress, members of the Legislature, and other officers.

Mr. SAYERS. I want to reserve the point of order until I shall have heard the statement of the gentleman from Wyoming.

Mr. CAREY. I can state it in one sentence. It is to avoid having annual elections in my Territory, to avoid electing the Legislature fifteen months before it is needed. And, as you are aware, in a new country the population is floating about more or less. We have to hold special elections in that Territory to fill vacancies in the Legislature before the time for it to meet. If we had organized a year before or a year afterward this trouble would not have arisen. The law of Congress provides that the Delegate shall be elected at the same time as representatives or members of the Legislature and the county officers. The Delegate can only be elected once in each two years, and if the Legislature was elected at the same time that the Delegate is elected, the Legislature can meet on the following January.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

Mr. PERKINS. I yield for a moment to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I only want a word, Mr. Chairman, on the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON] to pay the amount of \$500 to employees of the Government Printing Office. So far as I am concerned, I will withdraw the point of order that I made. I do not think that these men, who were required without appropriation to work over hours, ought to be held responsible for a violation of the law upon the part of the Public Printer, or for the insistence upon the part of my colleague that he did not violate the law.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Tennessee will be again submitted to the committee. Is there objection? The Chair hears none, and the question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. PERKINS rose.

Mr. SAYERS. I have been trying to get recognition for the past five minutes in order to move that the committee rise.

The CHAIRMAN. The gentleman from Kansas has offered an amendment, which amendment must first be disposed of.

Mr. PERKINS. I yielded two or three minutes before my amendment was read.

Mr. SAYERS. I will reserve the point of order on the amendment, and permit the gentleman from Kansas to offer his amendment.

The Clerk read as follows:

On page 49, after line 11, insert the following:

"That from and after the approval of this act each Senator, Representative, and Delegate in Congress, who is not the chairman of a committee which is allowed a clerk, shall, during the sessions of Congress only, be entitled to a clerk to be appointed and paid as follows, to wit: Such Senator may, at any time after the beginning of each session, nominate to the Secretary of the Senate such person as he desires to be his clerk, and thereupon said Secretary shall enroll the name of such nominee in a record-book, to be kept for that purpose, showing the full name of such person and the State or place from which appointed, with the date of the same. Such Representative or Delegate may, at any time after the beginning of each session of Congress, nominate to the Clerk of the House of Representatives such person as he desires to be his clerk, and thereupon the Clerk of the said House shall enroll the name of such nominee in a record-book, to be kept for that purpose, showing the full name of such person and State or place from whence appointed, with date of same."

"SEC. 2. That the aforesaid clerks shall be paid out of the contingent funds of the respective Houses as other employees of the Senate and House of Representatives, but only for the time they are actually present and in the service of the Senator or Representative by whom they are respectively nominated, each at the rate of \$100 per month; and such clerks shall be removable at the pleasure of the Senator or Representative at whose instance the appointment is made."

Mr. SAYERS. I make the point of order that this legislation has no place on this bill.

Mr. PERKINS. I hope the gentleman will not make the point of order against this amendment, but will let the committee decide whether it is proper legislation or not. I desire to say to the gentleman from Texas that the Committee on Accounts has reported in favor of this proposition, and I hope the point of order will not be insisted upon; or if the Chair has any doubts upon the point of order, that the amendment be submitted to the committee.



The CHAIRMAN. The Chair sustains the point of order.  
Mr. WASHINGTON. I offer the amendment which I send to the desk.

The amendment was read, as follows:

That the Clerk of the House be authorized to pay to the officers and employes of the House borne on the rolls on the 1st day of December, 1887, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. SAYERS. I reserve the point of order upon that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SAYERS. My point is that there is no authority for the payment of that money—no law and no rule of the House for it.

Mr. WASHINGTON. Mr. Chairman, a similar amendment to this was offered and ruled upon on last Saturday, applying to the employes of this House at the present time, and the House sustained the ruling of the Chair that the amendment was in order. An amendment like this has also been accepted by the House on previous occasions. The object of this amendment is to do justice to the employes of the Forty-ninth Congress who came here at the beginning of the Fiftieth Congress under the old Doorkeeper. When he went out they went out, and I know that many of them had to borrow money to pay their way home; and this amendment is intended to do tardy justice to those employes of the Forty-ninth Congress.

Mr. BIGGS. Mr. Chairman, I am decidedly in favor of this amendment. I think it ought to be adopted, and I trust the gentleman will withdraw his point of order.

Mr. SAYERS. I ask for the ruling of the Chair.

Mr. BIGGS. These employes came here and rendered faithful service, and many of them had not the means to get home, and it is ungenerous and illiberal to require those poor boys to come here and do the work and then allow them no compensation. I hope the gentleman from Texas, in justice, equality, humanity, and for the love of his country and the offspring of his country, will not insist on the point of order. [Laughter.]

The CHAIRMAN. The Chair will state that the question of order upon which the gentleman from Arkansas [Mr. ROGERS] passed a few days since was a proposition relating to the compensation of the present employes of the House. This is a proposition which relates to the compensation of the employes of a former Congress, and the Chair thinks that is obnoxious to the rule, and therefore sustains the point of order.

Mr. SAYERS. I now move that the committee rise and report the bill to the House.

Mr. PEEL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PEEL. If the committee should decline to rise, will it not be in order to lay this bill aside to be reported to the House with a favorable recommendation, and then to proceed with other appropriation bills?

The CHAIRMAN. It will.

Mr. PEEL. I am extremely anxious to get on with the Indian appropriation bill.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. SAYERS. Now, Mr. Speaker, I ask unanimous consent that upon all the amendments adopted in the Committee of the Whole, except the one relating to the salary of the private secretary of the President, a vote be taken in gross.

There was no objection, and it was so ordered.

The amendments, with the exception of the one indicated above, were then agreed to.

The SPEAKER. The question now is upon agreeing to the amendment which the Clerk will read.

The Clerk read as follows:

Page 11, after line 16, insert:  
"To pay the private secretary to the President of the United States the difference between the salary received by him and \$5,000 per annum, \$5,000."

The question was taken on agreeing to the amendment, and the Speaker declared that the yeas seemed to have it.

Mr. BIGGS. I ask for a division.

Mr. SAYERS. Do not do that. He does not want it.

Mr. BIGGS. I do not care what he wants. He has done the work, and he ought to have the pay. [Laughter.]

The amendment was rejected—yeas 16, noes 67.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PERKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Is it now in order to move to recommit the bill with instructions?

The SPEAKER. It is.

Mr. PERKINS. I ask unanimous consent that the bill be recom-

mitted to the Committee on Appropriations, with instructions to insert the amendment which I send to the desk.

The amendment was read as previously offered by Mr. PERKINS and printed above.

Mr. SAYERS. Mr. Speaker, I make the point of order that it is not competent for the House to instruct the committee to insert in the bill as an amendment a matter which is subject to a point of order in the House.

The SPEAKER. The Chair has frequently decided that the House can not do indirectly in the way of amendment what it can not do directly; and it is out of order to move to recommit a bill with instructions to report back an amendment which would not be in order in the House under the rules. The Chair sustains the point of order. The question is, Shall the bill pass?

Mr. OATES. On that question I call for the yeas and nays.

Many MEMBERS. Oh, no.

The yeas and nays were not ordered, only 5 members voting in favor thereof.

The bill was then passed.

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

The latter motion was agreed to.

#### PENSION APPROPRIATION BILL.

Mr. FORAN. I rise to present a privileged report, the report of a committee of conference, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 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, 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 numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert:

"And provided further, That a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof, and prior to the death of such pensioner, shall in the case of a husband be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: *Provided further*, That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of such pensioner may in the discretion of the Secretary of the Interior be paid to the legal representatives of said pensioner."

And the Senate agree to the same.

M. A. FORAN,  
EDWARD J. GAY,  
JOHN D. LONG,

Managers on the part of the House.

W. B. ALLISON,  
H. L. DAWES,  
A. P. GOEMAN,

Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill H. R. 11658, making appropriations for the payment of invalid and other pensions, submit the following written statement in explanation of the effect of the action recommended by the conference committee in the accompanying report:

In lieu of the provision contained in the said amendment, it is recommended by the conferees that the following be substituted, and that the two Houses agree to the same, namely:

"And provided further, That a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall, in the case of a husband, be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: *Provided further*, That hereafter, whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of such pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner."

M. A. FORAN,  
EDWARD J. GAY,  
JOHN D. LONG,

Managers on the part of the House.

Mr. FORAN. I call the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. FORAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.



## INVESTIGATION OF AQUEDUCT TUNNEL, WASHINGTON, D. C.

Mr. CLEMENTS. I ask the gentleman from Arkansas [Mr. PEEL] to yield to me for a moment that I may submit a privileged report. I do not ask its consideration at the present time.

Mr. PEEL. I yield for that purpose.

Mr. CLEMENTS presented the report of the joint select committee on the increase of water supply of the District of Columbia, and to investigate the works, contracts, and other matters relating to the Washington Aqueduct tunnel.

The SPEAKER. The Chair thinks this is a privileged report, because the resolution under which the committee was appointed directed the committee to report on or before a certain time, which time was afterward extended by order of the House; so that it was made incumbent upon the committee by the resolution itself to report. If there be no objection, the report will be laid on the table for the present and will be ordered to be printed.

There was no objection, and it was ordered accordingly.

## INDIAN APPROPRIATION BILL.

Mr. PEEL. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. DOCKERY in the chair), and proceeded to the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes.

Mr. PEEL. I ask by unanimous consent to dispense with the first reading of this bill.

Mr. PERKINS. Mr. Chairman, I do not myself desire to make any remarks upon this bill, but some time ago some gentlemen on this side of the House came to me and said they would like a little time for discussion when this bill was brought up for consideration, and I promised that I would ask thirty minutes for that purpose. I am not particular whether they have that time now, before the first reading of the bill, or afterward.

Mr. PEEL. I hope my colleague on the committee, Mr. PERKINS, of Kansas, will not insist on that, but that he will allow the debate to take place under the usual five-minute rule upon amendments.

Mr. PERKINS. I only ask that the debate shall go on for thirty minutes, and I have, in reply to several requests made to me, agreed to yield to some gentlemen on this side of the House.

Several MEMBERS. Print your remarks.

Mr. PEEL. Time is so essential to us at this moment I must insist upon limiting the debate to the narrowest limits.

Mr. PERKINS. Gentlemen have spoken to me on the subject and I have said time would be allowed.

Mr. PEEL. What time does the gentleman desire?

Mr. PERKINS. Not to exceed thirty minutes.

Mr. PEEL. Very well, then.

The CHAIRMAN. There being no objection, all general debate on the pending bill will be limited to thirty minutes, to be under the control of the gentleman from Kansas [Mr. PERKINS].

There was no objection, and it was so ordered.

Mr. PERKINS. I now yield fifteen minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I do not desire to speak at the present time, but will yield to the gentleman from Ohio [Mr. KENNEDY].

Mr. KENNEDY.\* Mr. Chairman, on the 12th day of July last I delivered in this House a speech on Southern elections and election frauds in the South, and during the course of my remarks I had occasion to refer to the States of Mississippi, Alabama, and Georgia, and other portions of the South. I was notified almost immediately afterward that the gentleman from Georgia [Mr. TURNER] would answer those remarks, and I was also informed that Mr. CRISP would make a reply.

Mr. TURNER, of Georgia, rose.

Mr. KENNEDY. I will yield to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. I affirm the statement of the gentleman from Ohio [Mr. KENNEDY] of having served him with the notice to which he has referred, but as the brunt of his attack was aimed at my colleague [Mr. CRISP], who had just returned about that time, I left the matter with him.

Mr. KENNEDY. The gentleman from Georgia will understand I am making no reflection upon him. From that time to this, Mr. Chairman, with the exception of the remarks made by the gentleman from Georgia [Mr. CRISP] the other day, no attempt has been made to answer that speech.

The gentleman from Georgia [Mr. CRISP] the other day informed this House that during his absence a gentleman from Ohio [Mr. KENNEDY] had made a speech on elections in the South, and in answer to that speech he impeached the statement I made there in which I said the Speaker of this House had appointed the Committee of Elections,

\* Mr. Kennedy's remarks in a more extended form will be found in the Appendix.

and that one of the grossest infamies ever perpetrated upon this House or the nation was in the selection of a man to the chairmanship of that committee who had been elected by 1,704 votes, the fewest number of votes that had ever presented a man to this floor. The gentleman does not deny the assertion. The records of this House show that he was chosen to the chairmanship of that committee, and the records of the election show that he was chosen by 1,704 votes as a representative on this floor.

What I objected to, Mr. Chairman, was the selection of the gentleman from Georgia as chairman of that committee, whether selected by the Speaker of the House or by the House itself.

I ask now why was it necessary to defend the Speaker of this House? If the selection of the gentleman from Georgia was what I denounced as an insult to this House and the intelligence of the great people of this country, was it not as much an outrage to have selected him by a Democratic caucus as to have him selected through the Chair of this assembly?

But I might content myself by referring to the Journal of this House, where on page 246 I find the Speaker of this House announces his committees, but I am not ready, nor am I willing or content to let it abide there. I find by the record of the Forty-eighth and Forty-ninth Congresses Mr. TURNER, of Georgia, was appointed the chairman of this committee, a gentleman elected by the same sort of fraud and the same sort of infamy which returned the gentleman from Georgia [Mr. CRISP] to this floor. If it were an infamy to this assembly to appoint the gentleman from Georgia [Mr. CRISP] I ask gentlemen on this floor whether it was not an infamy to appoint Mr. TURNER in the Forty-eighth and Forty-ninth Congresses?

I want to give what I believe to be a portion of the unwritten history. The gentleman from Georgia [Mr. TURNER] desired no longer to continue at the head of that committee, and, as I am informed, asked the Speaker to relieve him from the chairmanship. I do not believe that the Speaker was willing to offer an insult to the gentleman from Georgia, but at his own request transferred him to the Committee on Ways and Means; and Mr. CRISP, of Georgia, who was the second member of the Committee on the Pacific Railroads, Mr. Throckmorton having gone out, by the unwritten law of this House became chairman of that committee and should have been appointed. But instead of that, Mr. CRISP was chosen chairman of the Committee on Elections, and the Democratic caucus ratified and sanctioned it, and he became its head. And thus not only was he made chairman of it, but in the cold blood of a Democratic caucus the people of the United States were insulted and outraged by the selection of a man whose own election was challenged by every sense of decency and honor.

Now, sir, I desire to say further that this committee was appointed for a purpose. I find by the records of this House on the 13th day of December, by a resolution presented by Mr. CANNON, of Illinois, this committee was chosen, and on the 5th day of January it was formally announced by the Speaker. I find further that there was a contest in this House, and that the seat of JOHN G. CARLISLE, of Kentucky, was contested. I find, too, that this committee, headed by Mr. CRISP, and selected for a purpose, with undue haste, on the 20th day of January, reported that case back to the House.

Mr. TAULBEE. Will the gentleman allow me a moment?

Mr. KENNEDY. I have no time to yield.

Mr. TAULBEE. I simply desire to state [cries of "Regular order!" on the Republican side] that the gentleman from Kentucky [Mr. CARLISLE] is not present. [Renewed cries of "Regular order!"]

Mr. KENNEDY. I decline to yield. I say that on the 20th of January—

Mr. BLAND. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio is entitled to the floor and declines to yield.

Mr. TAULBEE. I beg pardon of the Chair; but I simply desired to state that Mr. CARLISLE was not present.

Mr. KENNEDY. On the 20th of January the committee reported back to the House the case of JOHN G. CARLISLE—

Mr. BLAND. Mr. Chairman, I rise to a question of order. When thirty minutes were allowed for debate it was understood that there should be debate on this bill, and not on a political question; and I call the gentleman to order. [Cries of "Regular order!" on the Republican side.] The regular order is a question of order. I claim that the gentleman is not in order; he is proceeding by the consent of this committee— [Loud cries of "Regular order!"]

Mr. KENNEDY. I hope this does not come out of my time. I propose to take my own method of debating this bill.

Mr. BLAND. I claim the gentleman has no right to be personal when the gentleman from Georgia has no time to reply, and by a trick this committee— [Cries of "Regular order!"] I am in order. This is a trick to secure time on that side without a chance to reply on this.

The CHAIRMAN. The gentleman from Missouri has stated his point of order, and the Chair will determine the question.

Mr. KENNEDY. So far as I am concerned, the gentleman from Georgia can take all the time he desires.

Mr. CRISP. I will say to the gentleman from Missouri that I am satisfied the House will allow me the courtesy of replying.



A MEMBER (on the Republican side). Let him take the first morning hour in the morning.

Mr. BLAND. I ask that he be allowed thirty minutes.

Mr. PERKINS. Can the gentleman from Ohio be interrupted for such a purpose?

The CHAIRMAN. Only by unanimous consent.

Mr. PERKINS. Then I object to it now. I shall not at the proper time.

The CHAIRMAN. The Chair will state the request of the gentleman from Missouri that the gentleman from Georgia be allowed thirty minutes to reply.

Mr. REED. A member can not be interrupted in this manner?

The CHAIRMAN. He can not except by his own consent.

Mr. REED. The House will undoubtedly give consent if there is occasion for the gentleman to reply. I do not see any necessity for interrupting a gentleman in the middle of his speech to ask such consent.

Mr. BLAND. There are a great many things that gentlemen on that side can not see the necessity for.

The CHAIRMAN. The Chair will cause the rule to be read which directs the conduct of debate.

The Clerk read as follows:

Rule XIV, clause 1: When any member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

Rule XXIII, clause 8: The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

The CHAIRMAN. The Chair is inclined to the opinion, although not quite positive, that the gentleman should confine himself to the subject under consideration.

Mr. CUTCHEON. I rise to a parliamentary inquiry. Has it not been the rule, and always, that in Committee of the Whole on the state of the Union anything concerning the state of the Union is in order during debate, and certainly an election case is a matter of that character?

The CHAIRMAN. The practice of the committee has always permitted a great deal of latitude in discussion.

Mr. ROGERS. I rise to a point of order that this latitude is allowed when in Committee of the Whole on the state of the Union generally, but not where the House is in Committee of the Whole for the purpose of considering a specific measure.

Mr. BLAND. It is very evident— [Cries of "Regular order!" on Republican side.] Oh, you will not get me down by that— [Renewed cries of "Regular order!"]—that when the House gave its consent to this committee for thirty minutes' debate it was understood that it should be upon the bill and not on a political question, with no time reserved for response on this side; and if gentlemen suppose that that sort of trick and unfairness can prevail— [Loud cries of "Regular order!"] they will find their mistake.

The CHAIRMAN. The gentleman from Ohio will proceed in order.

Mr. KENNEDY. I trust this five minutes will not be taken out of my time.

The CHAIRMAN. It will not.

Mr. KENNEDY. Now, sir, I desire to say that on the 23d day of January that case was brought into the House of Representatives—

Mr. BLAND. I insist upon the point of order. I make the point of order that the gentleman from Ohio is proceeding now in opposition to the decision made by the Chairman.

Mr. KENNEDY. I desire now, Mr. Chairman, to say that the gentleman from Georgia who was at the head of that committee did not treat this case in the same manner and with the same kindness that he did that of Robert Smalls. For I find that on the 7th day of December—

Mr. ROGERS. I raise the point of order that the gentleman is out of order.

The CHAIRMAN. The Chair indulges the hope that the gentleman will confine himself to a discussion of the bill under consideration.

Mr. KENNEDY. I will come to the consideration of the bill at the proper time; but I desire to take my own way of getting to it.

Mr. CANNON. A single word. The order of the Chair is that the gentleman shall proceed in order; but it never has been held in either House or committee when a man was speaking in his own time that the Chair could substitute his judgment for that of the member who was speaking as to what he should say.

The CHAIRMAN. The Chair is of the opinion that a very wide latitude has hitherto been allowed in debate in Committee of the Whole House on the state of the Union. The practice of the committee has permitted a wide range of discussion.

Mr. KENNEDY. Now, I repeat, on the 7th day of December, eleven months afterwards, the case of Robert Smalls was brought into this House—

Mr. BLAND. I repeat my point of order, Mr. Chairman.

Mr. BOUTELLE. I rise to a point of order.

The CHAIRMAN. The Chair is endeavoring to secure order.

Mr. BOUTELLE. I submit it is out of order for any member con-

stantly to interrupt another member who has been recognized in his own right.

Mr. BLAND. I call for order if he is going on in the same manner.

Mr. BOUTELLE. If the gentleman from Missouri will keep order—

Mr. BLAND. The gentleman had better keep his own order.

Mr. BOUTELLE. I will endeavor to do so, and take a hand in keeping the gentleman from Missouri in order.

The CHAIRMAN. The Chair will again state in relation to the point of order made by the gentleman that the universal practice of the committee has hitherto allowed a very wide latitude in debate. The Chair hopes, however, that the gentleman will confine himself to the subject under discussion.

Mr. ALLEN, of Michigan. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. The parliamentary inquiry I desire to make is whether the custom of the House has not been settled all through this Congress, when a member addressed the House or committee in his own time, whether he speaks upon the subject-matter before the committee or not, he is entitled to the time uninterruptedly? I know that the gentleman from Minnesota [Mr. NELSON] took occasion when another bill was before us to make a speech upon the tariff, and no point of order was made then. The question I desire to ask is simply whether the Chair will now assume what the gentleman from Ohio in his own time shall or shall not say? A gentleman must make his speech in his own way.

The CHAIRMAN. The Chair will state—

Mr. McMILLIN. Mr. Chairman—

The CHAIRMAN. The Chair was about to reply to the parliamentary inquiry made by the gentleman from Michigan. The Chair understands that no point of order was made upon the gentleman from Minnesota [Mr. NELSON]. [Laughter.]

Mr. ALLEN, of Michigan. No man on this floor would have done such a thing. Nobody thought it was wrong.

Mr. GROSVENOR. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I want to know of the Chairman of this committee, now as the Chair has ruled upon the question of order that a member must address himself to the question, will the Chair undertake to say, judicially, whether the gentleman is addressing himself to it or not? If that is so— [Cries of "Regular order!"] If that is to be established, then I think the Chair has got a big contract on his hands.

Mr. SOWDEN. Regular order.

Mr. BLOUNT. Mr. Chairman, I appeal to the gentleman from Missouri [Mr. BLAND] to let the gentleman from Ohio proceed. I think that my colleague would be allowed to reply—

Mr. BLAND. That is what I asked for, and I will insist upon the point of order until that shall be given.

Mr. CUTCHEON. I would suggest to the gentleman from Missouri that he is wielding a two-edged sword that will cut two ways.

Mr. BLAND. I will cut your way first. [Laughter and applause on the Democratic side.]

Mr. ALLEN, of Michigan. "He laughs best who laughs last."

Mr. KENNEDY. I repeat, that I simply call attention to the fact that on the 7th day of December this same committee reported, eleven months afterwards, the case of Robert Smalls to this House, and in thirteen months afterwards permitted this vote upon that case.

Mr. BLAND. I insist upon the point of order.

Mr. KENNEDY. I call attention to this to show that the Democratic side of this House has never done and never can do justice to the black man upon this floor. [Applause on the Republican side.]

Mr. BLAND. I insist upon the point of order.

The CHAIRMAN. The Chair does not think that the gentleman is violating the usual practice that has obtained in the Committee of the Whole.

Mr. BLAND. Is it in order to debate a contested-election case in this way?

The CHAIRMAN. The Chair will state that that has been done heretofore in Committee of the Whole.

Mr. BLAND. Then I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair. The question is, shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the affirmative vote was announced as 113.

Mr. McMILLIN. Mr. Chairman, if I can be indulged for a moment—

Mr. BLAND. Regular order. [Laughter.]

The count was completed; and there were—ayes 113, noes 10.

Mr. BLAND. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Maine [Mr. REED].

Mr. BLAND. I move that the committee do now rise.



Mr. REED. I rise to a point of order.  
 Mr. KENNEDY. I have the floor, Mr. Chairman. I do not yield to the gentleman from Missouri.  
 Mr. CRISP. Mr. Chairman, would it be in order to ask unanimous consent that the gentleman from Ohio be allowed to proceed?  
 The CHAIRMAN. It would.  
 Mr. REED. There is no occasion for unanimous consent. He has the right now.  
 Mr. CRISP. I ask unanimous consent that the gentleman be allowed to proceed, and that I be given as much time to reply as he occupies.  
 Mr. PERKINS. There will be no difficulty in giving the gentleman on the other side a like amount of time.  
 Mr. BLAND. Regular order, Mr. Chairman.  
 Mr. CRISP. I wish to ask unanimous consent that the gentleman from Ohio [Mr. KENNEDY] be allowed to proceed, and that I may have as much time as he uses.  
 Mr. PERKINS. There will be no difficulty about that.  
 Mr. REED and others. Regular order.  
 The committee rose informally to receive a message from the Senate.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate agreed to the conference asked by the House on the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1890, and for other purposes, and had appointed as the conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. GORMAN.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 1488) granting an increase of pension to Louisa N. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers.

## ORDER OF BUSINESS.

The committee resumed its session.  
 Mr. BLAND. Mr. Chairman, I insist upon my motion that the committee do now rise.  
 Mr. KENNEDY. I have the floor.  
 Mr. REED. Mr. Chairman, I make the point of order that the gentleman from Ohio [Mr. KENNEDY] is on his feet and is entitled to the floor. The gentleman from Missouri [Mr. BLAND] is on his feet simply for a point of order which has been overruled by the Chair. The decision of the Chair has been sustained by the committee, and the point of no quorum has been withdrawn by the gentleman from Missouri himself. That leaves the gentleman from Ohio [Mr. KENNEDY] on the floor, and he does not yield to the gentleman from Missouri [Mr. BLAND].  
 The CHAIRMAN. The gentleman from Maine [Mr. REED] is in error in this: the point of no quorum has not been withdrawn by the gentleman from Missouri.  
 Mr. BOUTELLE. How could the gentleman from Missouri [Mr. BLAND] get the floor to make the motion that the committee rise if the point was not withdrawn?  
 Mr. BLAND. When the Committee of the Whole is without a quorum that motion is in order.  
 The CHAIRMAN. The Chair is of opinion that the motion of the gentleman from Missouri [Mr. BLAND] is in order.  
 Mr. KERR. Mr. Chairman, I respectfully appeal—  
 Several MEMBERS on the Republican side. Do not appeal.  
 Mr. GEAR. Mr. Chairman, I hold that when the gentleman from Missouri [Mr. BLAND] moved in his place that the committee rise, he thereby withdrew the point of no quorum.  
 The question was taken on the motion of Mr. BLAND that the committee rise; and there were—ayes 28, noes 101.  
 Mr. BLAND. I insist that there is no quorum and I demand tellers.  
 Mr. REED. It is too late for that.  
 The CHAIRMAN. No quorum is required on this motion. The point of no quorum is pending and the Chair will appoint tellers.  
 Mr. REED. How can the point of no quorum be pending when another motion is being acted upon by the committee? It can not be possible that we can do business in that way.  
 The CHAIRMAN. The Chair is of opinion that the motion that the committee rise was in order, but no quorum is required.  
 Mr. REED. Then the point of no quorum would drop?  
 The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Missouri [Mr. BLAND] will take their places as tellers.  
 Mr. TAULBEE. Mr. Chairman.  
 The CHAIRMAN. For what purpose does the gentleman rise?  
 [Cries of "Regular order!"]  
 Mr. TAULBEE. I rise to make a point of order.  
 The CHAIRMAN. The gentleman will state it.  
 Mr. REED. There is one point of order already pending.  
 Mr. TAULBEE. My point is that the point of order raised by the gentleman from Missouri—  
 Mr. BLAND. I raise the point that two points of order can not be entertained at the same time.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] is correct.  
 Mr. TAULBEE. Mr. Chairman—  
 The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Missouri.  
 Mr. TAULBEE. I rise to a parliamentary inquiry. I wish to know whether it is in order for the gentleman from Missouri [Mr. BLAND] to make the point of no quorum on a motion that the committee rise.  
 The CHAIRMAN. The gentleman from Missouri does not make the point of no quorum on the motion that the committee rise; he could not do so, because that motion does not require a quorum.  
 Mr. TAULBEE. Then I misunderstood the gentleman from Missouri.  
 The CHAIRMAN. The gentleman from Missouri makes the point of no quorum on the question of sustaining the decision of the Chair.  
 Mr. TAULBEE. I beg the pardon of the Chair. I misunderstood the gentleman from Missouri. [Cries of "Regular order!"]  
 Mr. CUTCHEON. I rise to a parliamentary inquiry. I wish to ask the Chair how the gentleman from Ohio [Mr. KENNEDY] lost the floor.  
 The CHAIRMAN. By a point of order raised by the gentleman from Missouri.  
 Mr. CUTCHEON. Has that point of order been sustained?  
 The CHAIRMAN. It has been overruled; but the gentleman from Missouri appealed from the decision of the Chair. On that question no quorum voted; and the regular order is a vote by tellers upon the appeal of the gentleman from Missouri.  
 Mr. CUTCHEON. I did not so understand.  
 The CHAIRMAN. As many as are in favor of sustaining the decision of the Chair will first pass between the tellers.  
 Mr. KENNEDY. I desire to ask now that, so soon as I shall have finished, or at any time thereafter [cries of "Regular order!"], if gentlemen on the other side desire ten minutes, it be granted. [Cries of "Regular order!"]  
 The CHAIRMAN. Those who are in favor of sustaining the decision of the Chair will now pass between the tellers, after which the negative vote will be counted.  
 The committee again divided; and the tellers reported—ayes 125, noes 20.  
 Mr. BLAND. No quorum has voted, and I move that the committee rise.  
 The CHAIRMAN (Mr. ROGERS in the chair). Under the rules, no quorum appearing, the roll will be called.  
 The roll was called, and the following-named members failed to answer to their names:

Allen, Mass.	Collins,	Jackson,	Smith,
Allen, Miss.	Compton,	Jones,	Snyder,
Anderson, Miss.	Cooper,	Kelley,	Spinola,
Arnold,	Cox,	Laird,	Spooner,
Bacon,	Davenport,	Lee,	Stahlnecker,
Barry,	Dingley,	Lyman,	Steele,
Bayne,	Dougherty,	Maffett,	Stewart, Vt.
Blanchard,	Ermentrout,	Mason,	Stockdale,
Boothman,	Finley,	McComas,	Struble,
Boud,	Fitch,	McCreary,	Symes,
Breckinridge, Ky.	Ford,	McShane,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	French,	Morrow,	Thomas, Wis.
Brown, Ohio	Glover,	Morse,	Thompson, Cal.
Bunnell,	Goff,	Neal,	White, Ind.
Burnett,	Granger,	Newton,	White, N. Y.
Campbell, F., N. Y.	Hayes,	Nutting,	Whiting, Mass.
Campbell, Ohio	Heard,	O'Neill, Mo.	Whitthorne,
Campbell, T. J., N. Y.	Henderson, Iowa	Owen,	Wilkins,
Carlton,	Hermann,	Phelan,	Wilkinson,
Catchings,	Hogg,	Phelps,	Williams,
Clardy,	Houk,	Pidcock,	Yoder.
Clements,	Hudd,	Robertson,	
Cockran,	Hunter,	Scott,	

The committee rose, and the Speaker having resumed the chair Mr. ROGERS reported that the Committee of the Whole House on the state of the Union having under consideration the deficiency appropriation bill, finding itself without a quorum, under the rule the roll was called, and he was directed to report the names of the absentees to the House to be spread upon the Journal.  
 The SPEAKER. Two hundred and thirty-three members have answered to their names, which is more than a quorum, and under the rules of the House the committee will resume its session.  
 Mr. BLAND. I move the House adjourn.  
 Mr. BURROWS. That is not in order.  
 The SPEAKER. In the Forty-seventh Congress it was held that a motion to adjourn was in order.  
 The question was put, and the Chair said the noes seemed to have it.  
 Mr. BLAND demanded a division.  
 The House divided; and there were—ayes 10, noes 80.  
 So the House refused to adjourn.  
 The committee, under the rule, resumed its session, Mr. DOCKERY in the chair.  
 The CHAIRMAN. The Chair desires to say that he has made some investigation of the question under consideration, and finds that the universal practice of the House has hitherto allowed the largest opportunity for debate in the Committee of the Whole; but in order that the committee may determine for itself whether the gentleman from



Ohio shall be allowed to proceed with his remarks, the Chair withdraws his decision, having full faith, however, in its correctness. The Chair will submit the question to the committee.

Mr. SPRINGER. What is the question?

The CHAIRMAN. The Chair submits the question to the committee, whether or not the gentleman from Ohio shall proceed in the line of remarks hitherto submitted?

Mr. DUNHAM. I rise to a parliamentary inquiry. Has it not been submitted to the committee already?

The CHAIRMAN. The Chair withdraws his decision, as he has the right to, and submits the question to the decision of the committee.

The question was taken; and on a division there were—ayes 131, noes 20.

Mr. BLAND. No quorum.

Mr. BLOUNT. I desire to make a parliamentary inquiry. I wish to know if it is not in order for the Chair to resubmit the question to the committee whether or not the gentleman from Ohio may be allowed to proceed in the line of the remarks his speech indicated?

Mr. RANDALL. I supposed that was the question we had just voted on.

Mr. BLAND. That question has been submitted and no quorum voted. I demand the regular order.

Mr. BLOUNT. If that was the question I hope the Chair will again submit it, as I think there was a misunderstanding, and it will probably save time.

The CHAIRMAN. The Chair will again submit it, if there be no objection.

The question is, whether the gentleman from Ohio shall be permitted to proceed in the line of the remarks he was pursuing?

Mr. BLAND. I rise to a parliamentary inquiry. There was a question pending and no quorum voted.

The CHAIRMAN. But the Chair has proposed to take the question anew unless there was objection, and none was made.

Mr. BLAND. I did not hear the Chair make the request.

The CHAIRMAN. If the gentleman insists that he did not hear the Chair, of course his statement will be taken.

Mr. BLAND. I stated that I could not hear what the Chair said, but as soon as I understood the question the Chair proposed to submit I insisted upon my right.

Mr. BLOUNT. The point I wish to submit to the Chair is this, that it is competent for the Chair to withdraw the question and resubmit it.

Mr. SPRINGER. The Chair has so indicated.

Mr. RANDALL. Moreover, we did not quite understand the question submitted, and we certainly have a right to do so before being required to vote.

The CHAIRMAN. The Chair will again submit the question. Shall the gentleman from Ohio be allowed to continue his remarks in the line he has hitherto pursued?

The question was taken; and on a division there were—ayes 174, noes 5.

Mr. RANDALL. I now rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

Mr. BLAND. And I demand the regular order.

Mr. RANDALL. Will the gentleman from Ohio yield to me for a moment?

Mr. BLAND. I demand the regular order.

Mr. RANDALL. This is the regular order. I ask the gentleman from Ohio to yield to me.

Mr. KENNEDY. I yield to the gentleman for a moment.

Mr. RANDALL. I would like to ask that the committee now rise for the purpose of extending the debate thirty minutes by unanimous consent. The House restricted the general debate to thirty minutes and gave it entirely to that side.

The CHAIRMAN. The Chair will state that that action was taken in committee.

Mr. RANDALL. Well, there has always been doubt as to whether it could be done in that way.

Mr. BLAND. I demand the regular order.

Mr. RANDALL. The regular order is to move that the committee rise for the purpose of extending the debate.

Mr. KENNEDY. I do not yield for that purpose.

The CHAIRMAN. The gentleman from Ohio declines to yield for that motion and is entitled to the floor.

Mr. KENNEDY. Mr. Chairman, I say now that I myself will be very glad to ask that the time be extended to the gentleman from Georgia to reply for such length of time as he may choose.

Now, I was speaking of the contested-election case—

Mr. BLAND. I rise to a point of order, that that is not in order on this bill.

Mr. KERR. I desire to make this statement. The gentleman from Missouri— [Loud cries of "Regular order!"]

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

Mr. KENNEDY. Now, Mr. Chairman, I was speaking of the election case.

Mr. BLAND. I rise to a point of order.

Mr. KERR. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. BLAND. The gentleman is not proceeding in the line authorized by the rules of the committee or of the House.

The CHAIRMAN. The Chair overrules the point of order, and for the reason that the House has just passed upon that question.

Mr. BLAND. I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SPRINGER. Mr. Chairman, I make the point of order that that question has just been decided, no appeal was taken, and it is too late now. The appeal should have been taken at the time.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois, and the gentleman from Ohio will proceed.

Mr. BLAND. I understand the gentleman from Ohio is proceeding with his speech. Now, I raise the question of order on what he is saying, and pending that, until it is settled, he can not proceed.

Mr. KENNEDY. I believe I have the floor.

The CHAIRMAN. The gentleman from Missouri raises the point of order, and will state it.

Mr. BLAND. That the gentleman from Ohio was not proceeding in the line authorized by the vote of the House or the rules of the committee.

The CHAIRMAN. And the Chair overruled that point of order.

Mr. BLAND. Exactly; and I appealed from the decision of the Chair, and insist upon my right.

Mr. TAULBEE. I make the point of order—

The CHAIRMAN. The Chair will state to the gentleman from Missouri that it sustained the counter point of order made by the gentleman from Illinois.

Mr. BLAND. What has been decided?

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] made the counter point of order that the House has just passed upon the point of order raised by the gentleman from Missouri, and had given the gentleman from Ohio consent to proceed in the line he was pursuing.

Mr. BLAND. But I am presenting another point of order. We are proceeding to debate this bill in Committee of the Whole under the rules of the House.

Mr. REED. We are trying to.

Mr. BLAND. We are proceeding to debate it under the rules of the Committee of the Whole, and the gentleman is not debating the subject-matter contained in the bill.

Mr. BRUMM. That point has been already ruled upon.

The CHAIRMAN. The Chair will state that the point of order raised by the gentleman from Missouri has just been passed upon by the committee, and a decision was made in response to the counter point of order raised by the gentleman from Illinois.

Mr. BLAND. Very well; I will wait and see how this thing proceeds.

Mr. KENNEDY. Now, Mr. Chairman, I desire to refer to that committee in its treatment of the case known as the Carlisle case in this House. JOHN G. CARLISLE occupied a seat upon this floor as reported from the committee—

Mr. BLAND. I raise the point of order.

Mr. KENNEDY. But that committee—

Mr. BLAND. I raise the point of order that the gentleman is not proceeding with the consideration of the bill before the House.

The CHAIRMAN. The Chair will request the gentleman from Missouri to withdraw the point temporarily, as the Chair did not hear the statement made by the gentleman from Ohio. The gentleman from Ohio will proceed.

Mr. KENNEDY. I was referring to the contested-election case of JOHN G. CARLISLE, of Kentucky, that was referred to that committee. Mr. Thoebe, of Kentucky, was the contestant.

Mr. BLAND. Now I raise the point of order. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order in view of the fact that the House has twice decided that it is in order.

Mr. BLAND. The House has not passed upon that language. [Cries of "Regular order!"]

Mr. KERR rose. [Laughter and cries of "Sit down!" on the Democratic side.]

The CHAIRMAN. The committee will be in order.

Mr. KENNEDY. Mr. Chairman, I did not yield to the gentleman from Iowa.

The CHAIRMAN. No business will be transacted until there is order.

Mr. BLAND. I state that I appeal from the decision of the Chair upon the point of order.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair.

Mr. REED. I make the point of order that he has no right to appeal, because it has already been decided by the House.

The CHAIRMAN. The Chair will submit this appeal to the House.

Mr. REED. It must be perfectly evident to the Chair that this is frivolous and not made in good faith.



Mr. BLAND. The gentleman from Maine is frivolous and is trying to prevent a decision upon the appeal. I insist upon my point of order.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was put; and the Chairman announced that the ayes seemed to have it.

Mr. BLAND. Division.

The committee divided.

The CHAIRMAN (pending the announcement). The committee will rise informally to receive a message from the Senate.

The committee accordingly rose; and Mr. SPRINGER took the chair as Speaker *pro tempore*.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

It also announced that the Senate had passed 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, with amendments, in which concurrence was requested.

It also announced that the Senate had passed House bills of the following titles:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### INDIAN APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. On the appeal of the gentleman from Missouri [Mr. BLAND], the ayes are 181, the noes none; so the decision of the Chair stands as the judgment of the committee.

Mr. BLAND. I demand tellers on this vote.

Tellers were refused, only 2 voting in favor thereof.

Mr. KENNEDY. I was speaking of the Carlisle case. [Laughter.] Now, I desire, Mr. Chairman, to refer to an occurrence which took place on this floor in 1879. On the 20th day of March, 1879, a memorial of 23 citizens of Cincinnati impeached the seats of BENJAMIN BUTTERWORTH and General Thomas L. Young. No contest had been made, and yet these gentlemen, instead of remaining silent, arose in their places in this Chamber and demanded an investigation at the hands of this House.

Mr. BLAND. Now I make the point of order that the gentleman is not proceeding in order.

The CHAIRMAN. The Chair has twice held that the point of order is not well taken, as the committee has by its own action permitted the gentleman from Ohio to proceed.

Mr. BLAND. I appeal from the decision.

Mr. REED. The gentleman from Missouri has nothing to appeal from.

Mr. KENNEDY. Now, when forty-five hundred Kentuckians stood at the door of this House on a contested-election case what did the Speaker of this House, who was the contestee, do? He remained as silent as the Sphinx, and the committee of this House, headed by CHARLES F. CRISP, of Georgia, reported back and denied the contestant the right to a hearing on this floor.

Mr. BLAND. I rise to a point of order.

Mr. KENNEDY. Never but once before in the history of this Government was such a proceeding witnessed—

Mr. BLAND. I rise to a point of order, and that is, that the House has not passed upon any portion of what the gentleman is now saying.

The CHAIRMAN. The Chair will remind the gentleman from Ohio [Mr. KENNEDY] that it is not in order to make such a reference to a member by name. The gentleman is familiar with the usual practice in that respect and will proceed in order.

Mr. KENNEDY. Then I will not refer to the gentleman by name. I withdraw that. I did not intend it in any offensive sense.

Mr. BLAND. Mr. Chairman—

The CHAIRMAN. The gentleman withdraws it.

Mr. BLAND. Withdraws what?

The CHAIRMAN. The Chair sustained the point of order of the gentleman from Missouri, and the gentleman from Ohio [Mr. KENNEDY] withdrew the reference to the gentleman from Georgia.

Mr. KENNEDY. Mr. Chairman, I say that only once before in the history of our Government has there been such a case as that. I will not mention any names, but I will say that the press of my State, Ohio, secular and religious, Independent, Democratic, and Republican, demanded that that case should be heard. Not only Republicans, but Democrats, State officials and others, demanded that that case should be heard—

Mr. BLAND. I rise to a point of order.

Mr. KENNEDY (continuing). But that hearing was denied.

Mr. BLAND. I rise to a point of order, Mr. Chairman.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the House has twice, by an overwhelming vote, decided to allow the gentleman from Ohio [Mr. KENNEDY] to proceed in the line of the remarks heretofore made by him. The Chair thinks, therefore, that there is nothing whatever for the Chair to pass upon.

Mr. TURNER, of Georgia. Mr. Chairman, may I say a word? As one of those whom the gentleman from Ohio [Mr. KENNEDY] has assailed, I appeal to my colleague from Missouri [Mr. BLAND] to allow the gentleman from Ohio to proceed and finish his remarks.

Mr. BOUTELLE. Oh, we do not want him to allow it. [Laughter.] I insist that the gentleman from Ohio [Mr. KENNEDY] shall be permitted to proceed under the rules of the House.

Mr. BLAND. Mr. Chairman, inasmuch as the gentleman from Georgia [Mr. TURNER], who has been assailed, appeals to me—

[Cries of "Regular order!"]

Mr. REED. "Regular order," Mr. Chairman. We do not want to hear any more of this than is necessary. Let us go on with the business.

The CHAIRMAN. The regular order is demanded, and the gentleman from Ohio will proceed.

Mr. KENNEDY. I trust the Chair will keep the time. [Laughter.]

The CHAIRMAN. The Chair will endeavor to do so.

Mr. KENNEDY. I refer again, Mr. Chairman, to the case which I have just mentioned. That gentleman will go into private life condemned by his political associates and despised by his political enemies, without society save that only which his ill-gotten wealth can purchase, too low for pity and beneath contempt. [Hisses on the Democratic side.] I refer now to a case in this House, and I ask, is it any wonder that the contestee in that case, which was reported upon this floor on the 20th of January last, should, after that report was made, be covered with humiliation and shame? Was it any wonder that it required the exhilarating and stimulating influences of Washington and the balmy breezes of Old Point Comfort to restore him to his mental and moral equilibrium?

Mr. Chairman, I leave the question to him, to the country, and to the people of Kentucky. [Hisses on the Democratic side.]

The gentleman from Georgia [Mr. CRISP] asks whether I have ever been in Georgia. I desire to say to him that in 1863 and 1864, if he had not been moving so swiftly to the South, he might have made my acquaintance in Georgia. [Hisses and jeers on the Democratic side.] I presume, sir, that my standing in Georgia will not be as high as that of the gentleman from Georgia—

Mr. McMILLIN. Or anywhere else.

Mr. KENNEDY (continuing). Because he wore the Confederate gray and I wore the Union blue in that great contest. I have no desire to compare records with the gentleman from Georgia, but I believe that in the estimation of every loyal man in this land my record is as high above his in that great contest as the angels of light are above the angels of darkness. [Derisive laughter and jeers on the Democratic side.]

Mr. Chairman, the gentleman's distinction at home comes from this. His distinction abroad comes from the fact that in this House he is elected by a smaller number of votes than any other man was ever elected by to a seat on this floor, and I trust, sir, that the national distinction which he has thus achieved will never again be achieved by any man within the limits of this great Government of ours. The gentleman tells us that the elections are fair and honest in Georgia. I desire to call his attention to the fact that in 1884 42,286 Republicans voted, while in 1886 no Republicans voted in his district. I say that he is impeached by the record of the election in 1886 which comes to us from the State of Georgia.

The gentleman from Georgia does not attempt to answer the state-



ments of facts and figures in my speech of July 12 last, and I challenge him or any gentleman upon that side of the Chamber to controvert or deny them. I have in my hand a list of twenty-five districts which voted in 1886 to return members of this House. That list includes the first and second districts in Alabama, the first and fifth in Arkansas, the ten districts of Georgia, the fourth of Louisiana, the fourth, fifth, and sixth of Mississippi, the first, second, fourth, fifth, and sixth, of South Carolina. In those twenty-five districts, casting ninety-three thousand and odd ballots, the entire Republican vote was 720, an average of twenty-nine votes to a district. And yet gentlemen over there tell us that their elections are free and honest and fair. And in this list I find the district of the gentleman from South Carolina, and the district of the gentleman from Georgia. What shall we say to gentlemen who, with the assurance of the thimble-rigger, continue to say that these elections are free and fair?

The other day, at the New York banquet, Governor Lee, of Virginia, made this expression:

It remained with the North to decide whether the national improvement and prosperity can best be promoted by a union of American white-governed States or white American through African sections in the great whole. The whole thing depended upon the South being recognized as a white-governed portion and that there shall exist no African sovereignty. "We do not care to take the tomahawk from the red man and give it to the negro. We have provided for the negro, built homes and schools for him, and given him all his condition requires, but when it becomes a question whether those States are to be governed by blacks or whites, I say," the governor exclaimed, "we want a white government."

I refer this matter to the gentleman from Georgia; and I say to him that the governor of Louisiana, the governor of Virginia, and the governor of South Carolina have made the record on this question; and all of them refute his statement.

Governor Lee wants "a white man's government;" I want an honest man's government. I say to-day that I would rather have an honest black man's government in this country than a dishonest white man's government. [Applause on the Republican side.] I am not here to speak for the colored man; at another time I shall be glad to do so. But I say now that while the begloved and bejeweled fingers of a Southern aristocracy were trying to tear down this Government, were attempting to pull down its flag and clutching like bloodhounds at the throat of the nation, not a single instance can be cited where the colored people of this country, when opportunity offered, were not loyal to the Constitution and devoted to the flag. Gentlemen on the other side may sneer at it as they will, but history will forever record the fact that a black man ran the boats past the batteries at Moultrie; that black hands uplifted and black arms sustained the flag of the Union on the top of Fort Pillow. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KENNEDY] has expired.

Mr. PERKINS. I yield fifteen minutes to the gentleman from Ohio.

Mr. KENNEDY. Now I desire to call another witness.

Hon. W. H. Skaggs, a Democrat, of Talladega, Ala., prints in the Montgomery Daily Advertiser the following:

We can not go on forever stealing the negro's ballot. There must be a wiser and more honorable solution of the question. We have gone too far in our election frauds, and soon we shall learn that success founded on fraud can not be permanent. In the Black belt, where the negroes are in the greater majority, the tactics by which the negro has been deprived of his vote have also served the purpose of depriving the white men of fair representation. The negro vote has been used to count the South Alabama Democrat in and the North Alabama Democrat out.

I commend this to the gentleman from Georgia, and I commend to gentlemen of the other side the fact that in Arkansas only last week four members of the State Legislature resigned their places because they were there by fraud and intimidation and violence; and I call attention to the fact that the same election which returned them to the Legislature returned a member to this House who has not yet tendered his resignation so far as I know.

The gentleman from South Carolina the other day referred to Massachusetts. I am not here to defend Massachusetts. Her honored Representatives on this floor and her sons everywhere are abundantly competent for her defense. But I want to say here for old Massachusetts that while she stood at the cradle of liberty and rocked it until it grew into a vigorous manhood, from that hour until the present it can not be said, and history does not record the fact, that a single one of her sons, true as they are to old Massachusetts, has ever lifted his hand against the Constitution or attempted to tear down the flag. They were found on every battle-field from Lexington to Yorktown, and in that later struggle they were found on every field where blood was shed, from Baltimore to Bull Run and from Bull Run to Appomattox. The history of the past will be written, and the history of old Massachusetts will be a part of this nation's great record.

And I want to say to gentlemen on the other side that the Meccas of the future will not be in the Southern clime or under a Southern sun, but will be the sacred resting places of the illustrious and patriotic dead, where Lincoln sleeps, where the silent warrior of the century is resting, and that place on the hillside at Arlington where gallant Phil Sheridan is sleeping. I say to you that in the future there will be lifted above old Bunker Hill and Lookout Mountain and Missionary

Ridge and Round Top the record of a nation's glory, and with it the history of old Massachusetts.

The other day over in the city of Baltimore General Rosser made a speech; and he said:

That it was his purpose to show that the reason the South was able to maintain an unequal combat against the North for years and why the South was victorious in every battle in Virginia from first to last, and finally yielded only to starvation, was the fact, and is still the fact, that a Southern gentleman can whip a puritanical Yankee every time.

Mr. Chairman, at the point of the bayonet and the end of the saber on three hundred battle-fields of this Union we punched that idea out of them. [Laughter and applause on the Republican side.]

I want to tell you this General Rosser is, who was never whipped, according to his own statement. He is the man whom Torbert with his Union cavalry drove 26 miles up the Shenandoah, and in that case, with rebels ahead and Union soldiers behind, Thomas L. Rosser, like a good general, led his Confederate cavalry up the valley!

I want to call attention to another thing that General Rosser said; and I wish to say that three United States Senators and a member of this House from Mississippi were present on that occasion. This is what he said:

I feel that I am, and I believe that every brave Confederate soldier living to-day is more loyal to the constitutional Government of the new United States than are the rank and file of the Grand Army of the Republic (so called), and I believe that we are more loyal to the flag of the new Union than they.

This banner [waving a Confederate battle-flag], under which we so gloriously fought, is now the badge of our loyalty to ourselves. This is the cross which we bore with a courage, patience, and fortitude which entitles every brave, true, and tried Confederate soldier to wear a patriot's immortal crown.

Mr. Chairman, England, in her great contest with the rebels in India, blew them from her guns. Germany, after her war with France was over, compelled the French nation, as an indemnity, to pay the entire expenses of the contest. But after six thousand millions had been expended, after blood and treasure beyond measure had been poured out, this Government extended amnesty without price and without any conditions to the Southern people.

I want to say I believe in that, and if Lee, and Davis, and Beauregard, and Rosser, men educated at the public expense, had been hung to the gibbet, as they ought to have been after that contest was over, they would not now be teaching disloyalty and treason and rebellion to the young men of the South.

General Johnson said up to a short time ago in Baltimore that this Government was controlled by the Confederates.

Several MEMBERS. You mean General Bradley Johnson.

Mr. KENNEDY. Yes; General Bradley Johnson.

But thank God, Mr. Chairman, the hour is passing away when they can control this Government. They will be compelled to take back seats. There is a brighter day coming for the South, freed from the hands of Confederate despotism, rebellion, and disloyalty.

I not only congratulate the country, but I congratulate that side of the Chamber, that they will be freed from the dictation to which they have been subjected for the last two years, a dictation humiliating, not only to this House, but to the entire country. I trust, sir, it will catch the inspiration of freedom.

I desire to point further to the fact, Mr. Chairman, that it comes with bad grace from gentlemen half shot away on rebel battle-fields to come here and attempt to teach us loyalty, and to tell us what our duties are under the Constitution and under the old flag.

The South has been throwing away her opportunities. Let them quit sneering at New England. Let them cease snarling at her heels. Let them be inspired with some of New England's energy and enterprise. With a warmer sun, beneath whose rays the earth gives forth her richest fruits, with a softer clime that New England can not know, with a wealth of mines waiting for the pick and drill, with streams and rivers flowing unvexed to the sea, waiting for the spindle and loom, the South has been casting away her opportunities as a reckless spendthrift would throw priceless jewels into the sea. [Applause.]

Let her catch some of New England's pluck and courage. Let her quit whining at New England's wealth and power. Let her quit regretting the lost cause. Let her cease crying forever over her pride, poverty, and despair. Let her imitate Massachusetts enterprise and grit and there will be a Lowell on every river, a Lawrence on every stream. [Applause.] Let her open the doorway and bid wealth and labor come and share with her her richest blessings. Let her accord to all an equal chance in this race of life. Let her cease flaunting her disloyalty in the faces of the people, and learn once for all that the rebellion is ended and that but one flag is recognized as the emblem of our unity and power.

Let her come to know that slavery is dead and forever buried by the irrevocable enactments of the Constitution. Let her do equal and exact justice to all her people, black and white, rich and poor. Let her assure all within her borders that the laws shall be supreme, that all shall be protected in their rights, that person and property shall be secure, that the privilege of the citizen shall be accorded him in its fullest sense.

Then, Mr. Chairman, this new South will have solved the problem of her future. Then this new South, new not only in name, but in



spirit, in fortune, in promise, in progress, in wealth and power, will start on the highway to the greatest and grandest march of all the centuries. And thus—

Full roused, each giant limb awake,  
Each sinew strung, the great heart pulsing fast,  
She shall start up and stand on her own earth.  
Then shall her long triumphant march begin;  
Thence shall her being date—thus wholly roused,  
What she achieves shall be set down to her.

[Great applause.]

Mr. PEEL. Mr. Chairman, in view of the course this debate has assumed I ask unanimous consent that thirty minutes be allowed on this side for further general debate.

Mr. OWEN. I object. [Cries of "Oh, no!" on the Republican side, and derisive laughter on the Democratic side.]

Mr. SOWDEN. Withdraw that objection.

Mr. OWEN. I wish to make a statement. [Cries of "Regular order!" on the Democratic side.] Just one moment, Mr. Chairman.

Mr. TOWNSHEND. I object to any statement.

Mr. SPRINGER. Then withdraw your objection.

The CHAIRMAN. The regular order has been demanded, and the gentleman from Arkansas is entitled to the floor.

Mr. OWEN. I desire to make a statement in withdrawing the point of order. [Loud cries of "Regular order!" and "Withdraw it!"]

Mr. RANDALL. I move that the committee rise.

Mr. OWEN. I withdraw the objection without the statement.

Mr. RANDALL. And I withdraw my motion.

The CHAIRMAN. Is there further objection to the request of the gentleman from Arkansas?

Mr. JOHNSTON, of Indiana. I simply want to say this— [Cries of "Regular order!"]

The CHAIRMAN. The Chair understands the gentleman from Indiana as objecting, and the gentleman from Arkansas is entitled to the floor.

Mr. JOHNSTON, of Indiana. I am not going to object, but I want to say that while the gentleman objected to me the other day, I will not object to him. [Cries of "That is right!"]

Mr. PEEL. I yield the time to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman, I will ask the Chair to be kind enough to notify me when I have consumed twenty minutes of the time, as my colleague [Mr. TURNER] desires to occupy ten minutes.

Mr. ALLEN, of Michigan. I rise to a question of order; I hope the Chair will direct members to take their seats so that we may hear the discussion.

The CHAIRMAN (Mr. HATCH in the chair). The point of order is well taken.

The gentleman from Georgia is entitled to the floor.

Mr. CRISP. Mr. Chairman, on the 13th day of February present I called the attention of the House to several deliberate and willful inaccuracies in a statement previously made by the gentleman from Ohio. Some day or two ago I received a message from that gentleman by a page presenting his compliments and saying that at the first opportunity he would reply to the statements made by me on that occasion. You have just heard his reply. Before I shall characterize that reply as I think it deserves, I will proceed again to expose to this House and to the country the deliberate and willful inaccuracy of the gentleman from Ohio.

The charge made against the gentleman was that he had, through ignorance or design, misrepresented the Speaker of this House, the people of Georgia, and myself. The gentleman can not evade this charge by a parade of his loyalty before the House and the country; no assault has been made upon that; no intimation has been made that he was not a good, loyal, and true soldier, and therefore it is entirely out of place for the gentleman from Ohio to personally stress his service so much when charged by me with having made inaccurate statements. It is no reply to say that during the war he was a soldier in the armies of the Union and that I was a soldier in the armies of the Confederacy, and yet that is about all the gentleman has said in denial or attempted denial of the statement I made. As I understand him, he now reiterates the statement which I have alleged to be—inaccurate.

I will read that statement. This is what the gentleman from Ohio said:

One thousand seven hundred and four votes elect Mr. CRISP, Democrat, to this floor from Georgia, while 43,890 votes elect Mr. BYNUM, Democrat, from Indiana; in other words, it would seem as if one Democrat in Georgia is as powerful at the ballot-box as twenty-five Democrats in Indiana.

And, as if to emphasize the infamy of this glaring and almost unspeakable outrage upon the ballot-boxes of the land, Mr. CRISP, of Georgia, who comes here after having suppressed almost the entire voting population of his own district, is, by the Democratic Speaker of the House, placed at the head of the Committee on Elections, to sit upon the election and qualification of every other member of this House. Could the irony of infamy and outrage go further than this.

That, Mr. Chairman, is from a speech made by the gentleman from Ohio last summer when the House was considering the tariff bill. My attention was called to it when I came back from home—I think perhaps by my colleague, Captain TURNER—and I then thought of rising in some way to reply to it; but it occurred to me that before the Con-

gress adjourned an opportunity would present itself to do so, and I deferred reply until that moment came.

The other day when the Smalls and Elliott contest was up I called the attention of the House to the statement complained of, and the gentleman from Ohio reiterated that statement then, and, as I understand him, reiterates it now.

The accuracy or inaccuracy of much of the statement of the gentleman from Ohio is a question of fact, which can be determined by the records of this House. On the 12th day of December, 1887, shortly after the House first met, the following proceedings occurred:

Mr. CARLISLE (the Speaker). Mr. Speaker, it is well known that there is a contest pending which makes it improper for me, as presiding officer of the House, to appoint, in the usual manner, the Committee on Elections. I have left the chair, therefore, for the purpose of asking the House to excuse me from the performance of that duty, and to take such proceedings in reference to the matter as its judgment may dictate.

I have no suggestion whatever to make except to say that the formation of the other committees of the House will be facilitated by having this subject disposed of at the earliest date that will suit the convenience of the members.

Mr. HOLMAN. Mr. Speaker, I submit for immediate consideration by the House the resolution I send to the desk.

The Clerk read as follows:

"Resolved, That at 1 o'clock p. m. to-morrow the House will proceed to elect, by resolution or otherwise, fifteen members, who shall constitute the Committee on Elections for the present Congress."

Other proceedings took place at that time which I will not further read. My colleague from Georgia [Mr. TURNER] suggested, I think, a substitute for the resolution of the gentleman from Indiana that there be a special committee raised by election to take charge of the case of Mr. CARLISLE, and that the Speaker should appoint the standing committee as usual, but that such standing committees should have no jurisdiction over the case in which the seat of the Speaker was contested.

The result of the matter was, however, that Judge HOLMAN's resolution was agreed to. The Republican caucus selected such gentlemen as they chose to put upon the Committee on Elections, the Democratic caucus selected such gentlemen as they chose to put upon the Committee on Elections; and the next day, in the House of Representatives, the following proceedings took place:

The SPEAKER. The gentleman from Texas [Mr. MILLS] will please take the chair.

Mr. MILLS having taken the chair,

Mr. CANNON said: I offer the resolution which I send to the desk.

The Clerk read as follows:

"Resolved, That the following-named members shall constitute the Committee on Elections for the present Congress, namely: Charles F. Crisp, of Georgia, chairman; Charles T. O'Ferrall, of Virginia; Joseph H. Outhwaite, of Ohio; F. G. Barry, of Mississippi; Levi Maish, of Pennsylvania; John T. Heard, of Missouri; Thomas D. Johnston, of North Carolina; John H. O'Neill, of Indiana; L. W. Moore, of Texas; Jonathan H. Rowell, of Illinois; L. C. Houk, of Tennessee; William C. Cooper, of Ohio; Joseph Lyman, of Iowa; James T. Johnston, of Indiana, and Henry C. Lodge, of Massachusetts."

Mr. CANNON. Before moving the adoption of this resolution, I will state that the first nine of the members named have been agreed upon by the majority or Democratic side of the House, and the last six were selected by the minority or Republican side. Thus the proportion, politically, is nine to six, which has been the proportion in the committee as organized heretofore. I now ask a vote on the adoption of the resolution.

The resolution was adopted.

Mr. SOWDEN. Unanimously.

Mr. CRISP. The Journal of the House sustains that statement, but the gentleman from Ohio to-day in his remarks said, or intimated, that he might have relied for the statement he made to this House upon the Journal. That gentleman knew, or ought to have known, as every other member upon this floor knows, that the proceedings I have just read took place; that these proceedings are in the Journal as they did take place, and the only thing in the Journal that is inconsistent with that statement is this: The Journal says, "The Speaker announced the following standing committees." Then follows first the Committee on Elections. But long prior to that, in the Journal, you will find the proceedings I have just read in the RECORD. So that the including the Committee on Elections with those announced by the Speaker was simply an error of the Journal Clerk. He ought not to have placed the Committee on Elections with the other committees announced by the Speaker, because that committee had already been elected. The so placing it was a mere error, as is well known to all.

Now, Mr. Chairman, the charge I made against the gentleman from Ohio the other day was the charge of gross ignorance; and I leave it to you if he honestly believed true the statement he made whether I have not submitted proof enough to convict him before any jury on God's earth.

A MEMBER. Beyond a reasonable doubt. [Loud applause on the Democratic side.]

Mr. CRISP. Now, the gentleman from Ohio, in his remarks to-day, seems to be willing to fly from the position of ignorance and assume that of malicious defamation; I say that in the full meaning of the words. "Malicious defamation;" defamation of the Speaker of this House; a gentleman who has had no controversy with him, and a gentleman who stands before this House and the country as an honorable, high-toned man. The gentleman from Ohio has been able to get his own consent to make a statement in direct contradiction of the records of the House, with no other purpose that I can see save to maliciously defame a man who occupies a high and distinguished position in the Democratic party.



Now, Mr. Chairman, I have no time to go over the long reply of the gentleman from Ohio. I have no desire to go through it. The gentleman has sought to change the character of the controversy between him and me. I made no charge, except that of his being ignorant. I said if he was thus ignorant of what took place before his eyes, it was but reasonable to believe that he was ignorant of what took place in Georgia, where, perhaps, he had never been. Mr. Chairman, the gentleman has referred to the case of *Thoebe vs. Carlisle*. In justice to the Committee on Elections, in justice to Mr. CARLISLE, and in justice to my associates on the floor, I want to say a word about that.

The Committee on Elections made a docket of the order in which they would try the cases pending before them. This docket or order was made with the approval of every Republican member of the Committee on Elections. By the terms of that order the first case was that of *Thoebe against Carlisle*; *Thoebe*, the contestant, was a Republican. The next was *Lowry against White*, in which the contestant was a Democrat. The next was *McDuffie against Davidson*, of Alabama, where the Republican was the contestant. The next was *Worthington against Post*, where the Democrat was the contestant; and so on through the list, alternating between Democrats and Republicans who were contestants. Under that order of business the case of the Speaker of the House was tried.

*Thoebe* filed a notice of contest and took testimony in the State of Kentucky. The case came up here and the Republican members of the Committee on Elections themselves determined that on that case as then made there was absolutely nothing that could be said in favor of *Thoebe's* election.

After that time his counsel applied for permission to submit certain affidavits from the State of Kentucky, and the Committee on Elections unanimously, I think—certainly by a majority vote—gave him time to file those affidavits before the committee. They were brought in and placed on file—a great mass of papers. The case was argued by contestant's counsel, and not a single suggestion was made that more time was wanted.

Mr. BRUMM (interposing). I beg the gentleman's pardon.

Mr. CRISP. When the case came up in the House, then for the first time the contestant, when he made his speech here, said that he had a paper signed by forty-five hundred men asking that his case be reopened. That paper was never before the Committee on Elections. I hold in my hand a fac simile of that paper, and instead of forty-five hundred names appended to it there are about fifteen hundred; but I suppose that is a small inaccuracy from the point of view of the gentleman from Ohio.

Mr. BRUMM. Not at all. I had another paper with about three thousand names.

Mr. CRISP. This paper shows, and any gentleman who will look at it can see, that a large number of the names appear to be in the same handwriting, and it is susceptible of proof I am informed—though of this I am not certain—that a large number of the signers lived in the city of Cincinnati, in the State of Ohio, and not in the district in Kentucky where the election was had. So much for that.

Mr. Chairman, as to elections in the State of Georgia, I said the other day about all that I desire to say. They are as fair, as free, and as honest as they are anywhere else in the United States. There is no particular evidence now presented here, or that can be presented here, which controverts that proposition. The gentleman says that he impeaches us upon the record because we receive but few votes. Did it ever occur to the gentleman that where there is no opposition it is not strange that there should be a small vote? I told the House the other day that in Georgia the governor and the members of the Legislature are elected in October, the members of Congress in November, and the county officers in January, so that at the time when the election of members of Congress takes place there is no other officer to be elected. Therefore when there is no opposition, as there was none in the case referred to by the gentleman from Ohio, it is not singular that the vote should be small.

My attention has been called to the vote of the distinguished gentleman from Rhode Island [Mr. SPOONER] at the same election. According to the statement in the Congressional Directory, generally presumed to be furnished by the member himself—though about that I know nothing—it appears that that gentleman was elected to the Fiftieth Congress as a Republican, and that he received "3,517 votes against 2,372 votes for Lapham, Democrat, and 746 votes for Howard, Prohibitionist." There is a case where there was a contest before the people, yet the aggregate vote polled is only about 6,000. Now, gentlemen, even in the South where you say the voters are intimidated and are not allowed to express their will at elections, in the last election when I had opposition, which was brought out only three days before the election, the vote polled in my district was more than 12,000, as against 6,000 in this district in Rhode Island. [Applause on the Democratic side.]

Why is it that it does not occur to some of you gentlemen to intimate that there is suppression of the vote in Rhode Island? I do not intimate it. I do not make any such charge. You ought not to make any such charge; and when you undertake to trump up such charges as you do against the South I think you do it to create a public sentiment in the

North that will justify you in some outrageous legislation which you hope to secure in the future. That is my opinion of the object for which such statements are made.

Now, I shall not follow the gentleman from Ohio into any discussion of his war record, or into any criticism of mine. I do not feel at all hurt at any statement he may make about mine. There is nothing in mine of which I am ashamed. There is nothing in mine for which I have any regret to express. So far as his war record is concerned I have nothing to say about it, nothing. The gentleman from Ohio poses here as a strictly honest man. Honesty is what he demands in elections, non-partisanship, truth, justice, fairness! Mr. Chairman, when you hear a man make claims of that sort and arraign other people for their failure to exercise those high qualities, you are naturally disposed to inquire what there is in the character of such person, what there is in his past life, that will induce the public to accept his own estimate of himself and his statements about others.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that he has occupied twenty minutes of his time. [Cries of "Go on!" "Go on!" on the Democratic side.]

Mr. CRISP. I do not wish to use the time which belongs to my colleague from Georgia [Mr. TURNER], but I want to add just one remark.

Mr. BRUMM. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia be allowed to proceed for five minutes more, and that then the gentleman from Georgia [Mr. TURNER] have five minutes additional.

There was no objection, and it was so ordered.

Mr. CRISP. I thank the gentleman for his courtesy and I shall not trespass further upon the time of the committee. I say that when a gentleman assumes to possess an extraordinarily high degree of honesty you are naturally prompted to inquire what there is in his past record, or character, or life, that justifies the claim. Now, I will tell you what I have heard about the gentleman from Ohio in this regard. I am informed that the State senate of Ohio consists of thirty-six members. Is that right?

Mr. GROSVENOR rose.

Mr. CRISP. I have but five minutes—

Mr. GROSVENOR. I only wish to say that the numbers constituting the Ohio senate vary; sometimes there are thirty-eight members, sometimes thirty-five—

Mr. CRISP. At the time to which I refer there were, I believe, thirty-six members. The gentleman from Ohio [Mr. KENNEDY] was the lieutenant-governor of the State of Ohio and the presiding officer of that senate. In May, 1886, there was a contest before that senate as to the seats of four senators. The Democratic members of the senate withdrew in a body from the senate, and when they had so withdrawn they left seventeen senators only present in the senate.

The gentleman from Ohio, being then the presiding officer of the senate, entertained a motion made by one of the seventeen members present to adopt the report of the committee on elections, which was in favor of unseating the four Democrats who were in and seating four Republicans who were out. The gentleman from Ohio held that it was competent for that minority, those seventeen men, to turn out four Democrats who held seats in that senate and to seat four Republicans; and further, when the Democratic senators afterwards offered a protest against the injustice and the iniquity of such a ruling as that he refused to allow them to put the protest on the journals of the senate.

Now, this is a circumstance by which gentlemen will be enabled to determine as to what value shall be placed upon the opinion of the gentleman from Ohio on a question of politics or honesty.

Mr. KENNEDY. I presume the gentleman would not intentionally make a misstatement.

The CHAIRMAN. Does the gentleman from Georgia [Mr. CRISP] yield?

Mr. CRISP. Yes, sir.

Mr. KENNEDY. I wish to say that there were thirty-seven members of that senate, and that the Democrats who retired to Kentucky and Tennessee never returned to put themselves on record. [Laughter and applause on the Republican side.]

Mr. CRISP. I will ask the gentleman while he is up, whether at the time when he put the vote on that resolution there were not present less than half of the members who had been elected to that senate.

Mr. KENNEDY. I will simply say that the case to which the gentleman refers was carried—

Mr. CRISP. Yes or no.

Mr. KENNEDY. That case was carried to the supreme court of the State of Ohio, and the action which the gentleman now criticises was unanimously sustained.

Mr. CRISP. Ah! the gentleman's mathematics, when it comes to a question of politics, honest as he is, enable him to hold that 17 is a majority of 37. [Laughter and applause on the Democratic side.]

Now, that is the character of gentleman who puts himself on a high pinnacle of honesty, says that he is the friend of the South, and that he wants to see honesty and fair dealing down there. Mr. Chairman, the South has suffered many ills since the war; she has struggled heroically through poverty and hard times and oppression at home; all sorts of evils have



befallen us; but I thank God that we have not yet fallen so low as to seek, desire, or look for the aid, support, or indorsement of such "friends" as the gentleman from Ohio. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Georgia [Mr. TURNER] is now recognized for ten minutes.

Mr. TURNER, of Georgia. I yield half a minute to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Ohio [Mr. KENNEDY] alluded to four members of the Legislature of the State of Arkansas who resigned their positions because of fraud in an election. He alluded also to some member on this floor holding a seat by virtue of the same election, and who has not resigned his commission. If the gentleman did not mean myself, knowing that some contest has arisen in regard to my title, he can so state. [A pause.] His silence gives consent. Now, in order that the House may judge how thoroughly the gentleman prepares himself before he makes charges—in order that the House may judge how recklessly charges are made against Southern constituencies—I will say to the gentleman in the first place that the election by which those gentlemen were sent to the Legislature was held on the 1st day of September and the Congressional election was on the 6th day of November. [Applause on the Democratic side.] As a further evidence of his thoroughness and impartiality I will say to him that not one of them lives in the district which I have the honor to represent. [Renewed applause.]

Sir, it would be neither fit nor proper for me to discuss the question of my own election or to take up an inquiry that must be judicially determined by the proper tribunal established by law. But I can say to the gentleman that when he looks for questions of that character he will find that in the annals of my district there has never yet been even a rumor of a fraud in a legislative election. [Great applause.]

I do not wish to go farther than the gentleman went in his statement. I yield the floor back to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. Mr. Chairman, during the debate on the tariff bill during the past summer my attention was called by one of the pages of this House to a speech which was printed in the RECORD by the honorable gentleman from Ohio [Mr. KENNEDY] which contained statements in regard to Southern elections so manifestly unfair and unjust as to shock the sensibilities even of the boy who gave me the information. [Laughter and applause.] I sent a notification to the gentleman from Ohio I would endeavor, if the opportunity were afforded me, to reply to some of his strictures on Southern elections; but before I could do so my colleague from Georgia [Mr. CRISP], who has just addressed the committee, returned to his seat, and as he was the victim of the chief denunciations in that speech I transferred the fight to him.

I was willing to fly and skulk from this redoubtable gentleman from Ohio [laughter and applause] and hide myself underneath the arm of my able colleague from Georgia. And I supposed I had nothing more to do with an issue which to me is only the subject of scorn and contempt, but to-day the gentleman has again dragged me into the controversy without excuse and without provocation, and it is a duty to myself and my constituents to offer a brief reply.

In the career which has been afforded me in this Congress, which is somewhat longer than usually afforded to those who have seats on this floor, I have never intentionally said one word which was calculated to stir or inflame sectional resentment. If that statement is untrue I ask any gentleman to stand up here and confute it now. And, sir, I believe the very worst enemies of the public peace, of the welfare and of the prosperity of this country, the very worst foe to all its highest interests, is a man who avails himself of every slight pretext to reopen old wounds which have long since healed, and fight over battles which honorable gentlemen have met and adjusted on the field long ago. [Applause on the Democratic side.]

Talk about Grant—peace to his ashes—and of Sheridan and others and KENNEDY in the same breath. [Laughter and applause on the Democratic side.] Mr. Chairman, I would go on any field; I would take my chance on any arena, and submit any public question involving the interests of my section to any fair tribunal consisting of old soldiers who confronted me in the late war [great applause]; but a man who invokes these bitter memories in order to shield himself from the imputation of unfairness and injustice is not a man entitled to my respect. [Applause.]

Mr. Chairman, that gentleman here to-day, has on this floor a colleague who is a living monument to the fairness of the Democratic House of Representatives, and who if he had stood in his seat while he was delivering the slanders on myself could have placed his hand on the head of that colleague—I refer to the gentleman from Ohio [Mr. ROMEIS]; I ask that gentleman, if he will, to stand up here now in the presence of his colleague, Governor KENNEDY, and say whether or not my administration of the affairs of the Committee on Elections was infamous.

Mr. ROMEIS. Will the gentleman yield to me?

Mr. TURNER, of Georgia. With pleasure.

Mr. ROMEIS. I did not know what my colleague was going to say,

but I am a living witness to the fairness of the gentleman from Georgia, and am prepared to say so. [Great applause.]

Mr. TURNER, of Georgia. I am glad here and now to recognize the fact that in the old State of Ohio there still survives the spirit of fairness and justice which will rebuke detraction even in its own ranks. [Long continued applause.]

If the slander which the gentleman has brought against me and my associates on this floor should chance to circulate in districts where perhaps I am unknown or where my reputation is far more limited than his own, I wish to call attention to a few other circumstances in the statement which that gentleman has made which ought to go along with this day's proceedings.

He has not only arraigned me and arraigned my successor as chairman of the Committee on Elections, but I know and here state that he has recklessly and mercilessly traduced and assailed two of the most honorable gentlemen who sit on the other side of the House, among them one of his own colleagues, the gentleman from Ohio, [Mr. COOPER]. [Applause.] He talks about the "reckless haste" with which the Committee on Elections of the House determined the election contest between Thoebe and Carlisle, and yet that gentleman from Ohio, his colleague, and that other gentleman on the committee, [Mr. ROWELL], with whom I have had so many honorable contests in cases of this kind [applause], reported to the House that Thoebe had no case, and asked that Mr. Carlisle be awarded his seat. [Applause on the Democratic side.] They signed the majority report and agreed to the conclusions of the committee.

Will the gentleman from Ohio say that these gentlemen who sit on his own side of the House are also infamous? [Applause on the Democratic side.]

The CHAIRMAN. The time allotted to the debate by order of the House is exhausted.

Several MEMBERS. Do you want more time?

Mr. TURNER, of Georgia. I have been asked by gentlemen around me to proceed, and while I do not wish to trespass upon the patience of the House I would be glad to have a few moments longer.

Mr. MILLIKEN. I move that the gentleman have five minutes longer.

Mr. ANDERSON, of Iowa. I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

Mr. RANDALL. Move to strike out the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. TURNER, of Georgia. I will move to strike out— [Cries of "No objection!" "Go on!"]

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Iowa.

Mr. TURNER, of Georgia. I thank the committee.

I have no desire, sir, on this sudden emergency to do injustice to any one, much less my assailant from the State of Ohio. I have endeavored on two or three occasions heretofore to show that he has a reckless disregard of the facts which ought to cause gentlemen to suspect his statements and not attach to them all the weight to which they would seem to be entitled. I wish now to call attention to another variance with recorded history which the gentleman has perpetrated, if the Congressional Directory can be called a matter of history, and it is about all of the history to which some of us may aspire. [Laughter.]

Now, the gentleman from Ohio the other day, in grouping and scheduling and cataloguing the brigadiers of a certain section who had incurred his wrath and resentment, included in the list, of which I was the humblest, the gentleman from Tennessee [Mr. BUTLER] as a rebel brigadier. [Laughter.] I understand, Mr. Chairman, that that gentleman was a lieutenant-colonel on the other side. [Laughter and applause.] Will the gentleman in order to make the case against my section do injustice to the truth, and also to his own friends who live in that region?

But, Mr. Chairman, I have proceeded with this matter farther than was necessary, and farther perhaps than was consistent with propriety. I thank the committee. [Loud applause.]

The CHAIRMAN. The Clerk will proceed to read the bill by sections for amendment and debate under the five-minute rule.

The Clerk proceeded to read the bill until line 11, page 3, was reached. Mr. PEEL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 12578, the Indian appropriation bill, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 834) for the relief of the heirs of John H. Newman; and  
A bill (H. R. 6612) to grant right of way through the Indian Terri-



tory to the St. Louis and San Francisco Railway Company, and for other purposes.

#### ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, in view of the great importance of closing out this appropriation bill—for it is important it should be completed as early as possible and sent to the Senate—I move that the House take a recess until 8 o'clock.

Mr. MILLS. To continue the consideration of this bill, with the understanding that no other business is to be transacted.

Mr. PEEL. I will make that motion, to continue the consideration of the bill and for no other business whatever.

Mr. McCREARY. And to terminate not later than 10.30.

#### ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I ask unanimous consent, pending that motion, that the Senate amendments to the Army appropriation bill be non-concurred in, and that a committee of conference be appointed on the disagreeing votes of the two Houses on said bill.

There was no objection.

The SPEAKER announced the appointment of Mr. TOWNSHEND, Mr. MAISH, and Mr. STEELE as managers at the conference on the part of the House.

#### ORDER OF BUSINESS.

The SPEAKER. The gentleman from Arkansas moves that the House take a recess until 8 o'clock for the purpose of further considering the Indian appropriation bill.

Mr. MILLS. And no other business whatever to be transacted.

Mr. PEEL. That is the motion.

Mr. BLAND. Why can we not take this up to-morrow?

The SPEAKER. The motion is not debatable.

Mr. McCREARY. I ask the gentleman to limit the session to not later than half past 10 o'clock.

Mr. HOLMAN. Oh, 10 o'clock is late enough.

The SPEAKER. Debate is not in order. The question is on the motion of the gentleman from Arkansas.

The motion was agreed to.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. McMILLIN as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 26, 1889.

I hereby designate Hon. BENTON McMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, Clerk.

#### INDIAN APPROPRIATION BILL.

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

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DICKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

The Clerk resumed the reading of the bill at line 10 on page 3.

The Clerk read as follows:

Pay of one superintendent of Indian schools, \$4,000.

Mr. CUTCHEON. I desire to offer an amendment to come in at line 23, page 6.

The Clerk read as follows:

Provided, That the said superintendent of Indian schools shall spend at least one-half of each year, to be directed by the Commissioner of Indian Affairs, in the field in the actual inspection of Indian schools; and he shall make full reports of the condition of all such schools, and especially of the schools on Indian reservations, to the Commissioner of Indian Affairs, together with suggestions for the improvement of such schools.

Mr. ROGERS. I reserve the point of order upon that amendment.

Mr. CUTCHEON. I desire to be heard briefly, and then the question of the point of order can be made.

Mr. Chairman, the history of this office of superintendent of Indian schools is very peculiar. Its duties have never been defined except as defined by a paragraph in the Indian appropriation bill in the Forty-seventh Congress. There will be found upon page 70 of volume 22 of the Statutes at Large this paragraph, which first created this office, and which is the only definition of the duties of this office that has ever been made in any law or statute. It is this:

The President is authorized to appoint a person to inspect all Indian schools, who is hereby required to report a plan for carrying into effect, in the most eco-

nomical and efficient manner, all existing treaty stipulations for the education of Indians, with careful estimates of the cost thereof; also a plan and estimates for educating all Indian youths for whom no such provision now exists, and estimates of what sums can be saved from existing expenditures for Indian support by the adoption of such plan, whose compensation shall not exceed \$3,000, which sum is hereby appropriated for that purpose, and also a further sum of \$1,500 for his necessary traveling expenses.

That was in the first session of the Forty-seventh Congress.

Mr. PEEL. If the gentleman from Michigan will excuse me, a point of order has been made, and I think perhaps that had better be disposed of before he proceeds.

Mr. CUTCHEON. I think if the gentleman will listen to me the point of order will not be insisted on. The point is reserved.

Mr. PEEL. I know the duties of superintendent of Indian schools are not defined as well as they might be, but there is an effort here to determine what shall be the duties.

Mr. CUTCHEON. Mr. Chairman, some of the most valuable legislation we have has been put upon appropriation bills in this way, even when subject to a point of order. In the second session of the Forty-seventh Congress, Mr. Chairman, there is no other definition of those duties. I find an appropriation for a superintendent of Indian schools, \$3,000, and following that I find in each successive session since the Forty-seventh Congress a simple appropriation in a single line, \$3,000 for a superintendent of Indian schools.

I do not find that the title of superintendent of Indian schools has ever been created or defined by any other statute than that which I have just read. It says:

Provided, That the President shall appoint a person to inspect all Indian schools.

Upon that slender basis the present Indian school system has been built. We have a so-called Indian superintendent of Indian schools, whose duty has never been defined, although I did again in the Forty-eighth Congress attempt to have it defined, but it was ruled out on a point of order. Instead of doing the work he should do—go into the field and inspect the schools, and see that the education of the Indians is built up—the so-called superintendent, instead of traveling through the reservations and inspecting these schools, sits in his office here at Washington and runs a bureau.

Now, the purpose of my amendment to the bill is simply this: To restore the office of superintendent of Indian schools to its original purpose, and make him what the law originally made him—an inspector of Indian schools—and to require that at least one-half of each year, under the direction of the Commissioner of Indian Affairs, he shall actually go into the field and inspect the schools and report upon their condition, and especially upon the condition of the schools upon the Indian reservations.

Now, I find by looking over this bill that there is a good deal subject to a point of order. This item may be subject to a point of order, but I think not. I do not really think it is subject to a point of order, but that it is in order. At any rate, under that law, which is the only statute defining the duties of that office, he should not be confined to his office in the city of Washington, but he should do what the law originally intended that he should do—go out into the field, go on to the Indian reservations and make reports on these schools, in order that we may have information upon which we may intelligently legislate.

I do not desire to consume time, but I think this is a sensible and reasonable amendment, against which the point of order ought not to be made.

Mr. PEEL. I would suggest to the gentleman from Michigan that it would be better to withdraw this amendment and withhold it until we get to the last section of the bill, which provides for the superintendent. This merely provides the salary. His amendment could go in better at the last section of the bill, where it is endeavored to define the duties of the superintendent.

Mr. CUTCHEON. I did not know that there was a section defining the duties of the superintendent.

Mr. PEEL. There is in the last section of the bill.

Mr. CUTCHEON. Then I will withdraw the amendment for the present. I did not observe that the duties of the superintendent had been defined.

#### MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. McMILLIN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that body had passed bills of the House of the following titles:

A bill (H. R. 285) for the relief of the legal representatives of H. Cortes, deceased;

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

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

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

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

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

It also announced the Senate had passed a bill and joint resolution of the following titles; in which concurrence was requested:



A bill (S. 508) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them; and

Joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

It also announced that the Senate had passed the bill of the House (H. R. 3829) for the relief of Wesley Montgomery, with amendments; requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as conferees on its part Mr. PADDOCK, Mr. COCKRELL, and Mr. BERRY.

It further announced that the Senate had passed a bill of the House (H. R. 6898) to require the United States circuit and district judges to instruct the jury in writing in certain cases, with amendments; requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. WILSON of Iowa, Mr. EVARTS, and Mr. VEST.

It further announced that the Senate had passed a bill of the House (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River in the State of Louisiana, with amendments; requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL.

It also announced that the Senate had passed the bill (H. R. 11165) for the relief of John Gray with amendments, requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. DAVIS, Mr. STEWART, and Mr. BATE.

It further announced that the Senate had passed 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, with amendments, requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

#### INDIAN APPROPRIATION BILL.

The committee resumed its session, Mr. DOCKERY in the chair.  
The Clerk read as follows:

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

Mr. MILLS. Mr. Chairman, I call the attention of the gentleman having charge of this bill to the fact that there are certain blanks in this paragraph.

Mr. McMILLIN. Before that question is discussed I want to reserve a point of order upon the paragraph.

Mr. PEEL. The paragraph does not state the month. That is the only omission.

Mr. McMILLIN. I would like to ask the gentleman from Arkansas from what fund this appropriation comes, whether it is from a fund now due to this tribe of Indians.

Mr. PEEL. No; it grows out of treaty obligations, and it would not be subject to the point of order.

Mr. McMILLIN. That is what I wanted to know, whether we would be under any obligation to pay it under existing treaties?

Mr. PEEL. Oh, yes.

Mr. HOLMAN. I hope there will be an explanation of this item, Mr. Chairman.

Mr. PEEL. I will explain it. Under the treaties with these Indians, and also with the Cherokees, the Government bound itself to remove them to the West. It agreed not only to remove them, but also to subsist them for twelve months after they got there.

Mr. HOLMAN. What treaty was that?

Mr. PERKINS. The treaty of 1826, and also the treaty of 1832.

Mr. PEEL. Yes. The Government further agreed that if any of these Indians should choose to remove and subsist themselves a certain amount of money should be allowed to them in lieu of the expense which the Government would have incurred in removing and subsisting them. This appropriation is to pay those who did remove themselves and subsist themselves for twelve months, as ascertained by the Commissioner.

Mr. HOLMAN. How did it happen that so long a time elapsed before this item was presented?

Mr. PEEL. I do not know that I am able to answer that. This matter has been pending quite a while. The Cherokees had a similar appropriation years ago, and under that a number of them were removed and the balance was covered back into the Treasury, and we have had to reappropriate for that. I can not say exactly why the Creeks have been so long about getting the amount due them, but any man who is familiar with the history of our legislation here will not think it very strange that a claim, no matter how meritorious, has been a good while in securing attention.

Mr. MILLS. How long are these treaties to continue by which we are bound to pay these Indians annuities?

Mr. PEEL. There is no limitation in this case at all. The gentleman will notice that generally the treaties run for twenty or thirty years; that is, there are twenty or thirty installments, and the bill making the appropriation generally specifies that this is the twentieth or the twenty-first or the twenty-second installment, or whatever the number may be, but in this treaty there is no such limitation. The Government obligated itself to remove these people and subsist them for twelve months, as I have stated, with a further proviso that if any individual Indians saw fit to remove themselves and subsist themselves for twelve months, there should be a commutation allowed them in money instead of the expense which the Government would have incurred in removing and subsisting them.

Mr. PERKINS. If the gentleman from Arkansas will permit a suggestion, in June last the Senate of the United States called upon the Interior Department for information concerning these Indians, and in response to that resolution a statement giving the full history of this case was transmitted to the Senate, and we have it here now as an executive document. The letter of the Commissioner of Indian Affairs is quite brief, and as it gives clearly the history of the transaction, if any gentleman desires I think it would be well to have it read.

Mr. HOLMAN. I hope that letter will be read.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., June 19, 1888.

SIR: I have the honor to be in receipt, by your reference of the 7th instant for early report, of the following Senate resolution, dated June 6, 1888:

"Resolved, That the Secretary of the Interior send to the Senate a copy of a report made by R. L. Owen, United States Indian agent for the Union agency, relating to the claims of Indians of the Creek tribe for reimbursement of expenses of travel and for a year's support when said Indians were emigrated to the Indian country west of the Mississippi River, and any other facts shown on the records or files of the Indian Bureau bearing upon the justice of such claims."

In compliance with the requirements of said resolution I submit herewith a copy of Agent Owen's report, together with copies of emigrating list and twenty-three affidavits taken by him in support of the claims examined by him. I also inclose a list of the self-emigrating families, showing that two hundred and seventy-four individuals claim reimbursement for transportation expenses and one hundred and sixty for subsistence for twelve months after arrival in the Indian Territory.

These claims arise under the seventh article of the treaty with the Creeks of 1826 (7 Stats., 287), which provides that—

"The emigrating party shall remove within twenty-four months and the expense of their removal shall be defrayed by the United States."

By article 12 of the treaty of 1832 (7 Stats., 367), under the provisions of which nearly all of the Creek emigrants were transported to the West, it is provided that—

"As fast as the Creeks are prepared to emigrate they shall be removed at the expense of the United States, and shall receive subsistence while on their journey and for one year after their arrival at their new homes."

The greater part of said Indians emigrated in 1836, 1837, and 1838, and parties of them continued to remove from year to year until 1852, at the expense of the Government or their own resources.

Those providing their own transportation and subsistence were subsequently paid the sum of \$55 each by the United States as commutation therefor.

The last payment to self-emigrating Creeks was made in 1882, from the appropriation for "expenses of removing and subsisting Creeks, act of March 3, 1839," and a balance of \$4,586.51 was carried to the surplus fund in September of that year.

The list now forwarded comprises, as before stated, 274, who claim transportation expenses at \$30 per head, \$8,220, and 160 subsistence for twelve months, at \$25 per head, \$4,000; total, \$12,220.

Very respectfully,

A. B. UPSHAW, Acting Commissioner.

HON. SECRETARY OF THE INTERIOR.

Mr. HOLMAN. I suggest to my friend from Arkansas the propriety of inserting, after the word "list," in line 3, on page 16, the words "and shall be paid to them personally," so as to read "and shall be paid to them personally or to their legal representatives."

Mr. PEEL. I believe it is already specifically provided that this money shall be distributed among the Indians named in the list, or their descendants; but I see no objection to the amendment which the gentleman suggests.

The CHAIRMAN. If there be no objection, the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] will be agreed to.

There was no objection.

Mr. McMILLIN. I wish to ask whether all the items from line 9, on page 16, down to line 23, on page 17, are for the payment of obligations arising under treaty stipulations.

Mr. PEEL. All of them.

Mr. HOLMAN. Not including the last?

Mr. PEEL. All of them are under treaty stipulations.

Mr. PERKINS. They are a duplication of the appropriations made last year.

Mr. MILLS. How long are these payments to continue?

Mr. PEEL. They run for different terms, and some of them are to be perpetual.

Mr. McMILLIN. I will state my reason for making the inquiry. We go on year after year making appropriations to support and educate Indians, to buy farming implements for them, etc. I am in favor of keeping every treaty stipulation; that I do not complain of. If the bargain we have made is a hard one for us, that is a reason we ought to stand by it the more closely. But it has seemed to me sometimes that we were overstepping what was required by the treaties, and were



going out to engage in a great charitable work which, however laudable it might be for the churches or for humanitarians in general, is not particularly the duty of the Government. It has seemed to me that the sooner we let these Indians shift for themselves and rely upon their own exertions the more readily in all probability they will become self-sustaining. I therefore called attention to these items to ascertain whether they were embraced in our treaties with these Indians. The gentleman has informed me that they are.

The Clerk read as follows, under the head of "Northern Cheyennes and Arapahoes:"

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of same treaty, \$9,000; in all, \$21,000.

Mr. NELSON. I offer the following amendment, to come in after the paragraph last read:

For subsistence and civilization of the Northern Cheyennes and Arapahoes, as per agreement with the Sioux Indians, approved February 23, 1877, \$35,000.

Mr. Chairman, I desire to explain that this item has been omitted from the bill by oversight. It is found at the foot of page 135 of the Book of Estimates; it is conformable to treaty obligations, and it is urgently required. I offer this amendment at the instance of members of the committee.

Mr. PEEL. The gentleman's statement is correct.

The amendment was agreed to.

The Clerk read as follows:

For this amount, to be expended under the direction of the Secretary of the Interior, for agricultural assistance and subsistence of the Poncas, \$3,000; in all, \$18,000: *Provided*, That the foregoing sums shall be divided pro rata among all the members of said tribe in the Indian Territory and in Dakota Territory.

Mr. McMILLIN. Reserving a point of order on this paragraph, I wish to inquire of the gentleman from Arkansas, as I did a few moments ago in reference to some other items, whether there are treaty stipulations requiring this appropriation or whether it is merely a matter of charity.

Mr. PEEL. It is for the purpose of fulfilling treaty stipulations. I will say to the gentleman that the provisions having that purpose in view are all grouped together in this part of the bill. When we reach provisions of another class that will be manifest by the terms of the items.

Mr. McMILLIN. Down to what point does this group of appropriations continue?

Mr. PEEL. At this moment I can not indicate the exact point; but there will be no trouble about that; when we reach another class of items I will give the gentleman notice.

The Clerk read as follows:

Fulfilling treaty stipulations with the Pottawatomie Nation:

For this amount, to fulfill the stipulations of the second clause of article 19 of the treaty of August 7, 1868, with the Pottawatomie Nation of Indians and the award made thereunder, the sum of \$178,963.43, with 5 per cent. per annum interest thereon from the date of award, approved January 23, 1869, of which sum there shall be paid the Pottawatomies of Huron, Mich., the sum of \$9,400, with interest at 5 per cent. from date of award; and the balance of said sum, less whatever sums may be legally and equitably due the delegates of said Indians by virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, shall be distributed per capita, as follows: Fourteen hundred twenty-one hundred and eightieths to the Citizens' band and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band of Pottawatomies of Kansas.

Mr. BUCHANAN. I move *pro forma* to strike out the last word, for the purpose of putting a question to the gentleman from Arkansas, who has charge of this bill. I see it is provided in lines 6 to 10 of this paragraph that—

The balance of said sum, less whatever sum may be legally and equitably due the delegates of said Indians by virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, shall be distributed, etc.

I would like to ask the meaning of this provision and the reason for it.

Mr. PEEL. I think I can explain this matter to the gentleman's satisfaction. Some of these Pottawatomie Indians are in the Indian Territory and some are in Kansas. They have not an organized government of their own. They have executed a power of attorney to one of their own number to come to Washington and look after their matters; that power of attorney is placed on file and recognized in the Department; without that these Indians could not pay their delegates anything for the trouble and expense they incur. The object of this provision is to authorize the Secretary of the Interior, who will make these disbursements, to ascertain what is legally and equitably due to these delegates who are acting under powers of attorney from their own people.

Mr. PERKINS. And who are members of the tribe.

Mr. BUCHANAN. May I ask the name of the attorney and the amount that the contract gives him?

Mr. PEEL. He is not an attorney. He is one of the tribe. His name is Navarre. He is the only one of the delegates now here, though there are three.

Mr. BUCHANAN. And what is the amount which the contract gives him?

Mr. PEEL. I have never examined into that matter at all. The contract is on file in the Interior Department with the power of attorney.

Mr. BUCHANAN. There seems to be a new provision as to these Indians, which does not apply to any of the others named.

Mr. PEEL. Because nothing has become due like that yet.

Mr. PERKINS. I will say to the gentleman from New Jersey that Mr. Ellis is the attorney for the Indians, and he has a contract, but we refused to put any provision in the bill for the purpose of compensating the attorney. This is only to pay the representatives of the people, their own delegates, whatever the Department finds to be due to them.

Mr. BUCHANAN. In order to make the matter entirely safe, I will offer this amendment to come in on page 24, after the word "Interior," in line 10:

And approved by the Secretary of the Treasury and Interior, respectively.

Mr. ROGERS. I reserve the point of order upon that for the present until I know its purpose.

Mr. PEEL. I think the language says already "upon powers of attorney recognized by the Interior Department."

Mr. BUCHANAN. Yes, but it does not say "approved by the Department."

Mr. McMILLIN. The Department would simply under the language of the bill take cognizance of contracts on file in the Department made by these Indians; whereas the amendment of the gentleman from New Jersey would give the Department power to supervise contracts, and affirm or reject them, and thus prevent injustice to be done the Indians.

Mr. PEEL. But these are the delegates of the Indians themselves.

Mr. BUCHANAN. And they are the attorneys for these people.

Mr. PEEL. Better let the Department arrange that with them.

Mr. BUCHANAN. That is precisely what I want to provide for, and this amendment gives the power to do exactly that.

Mr. PERKINS. There is a bill reported from the committee covering the same item before the House. This bill was submitted to the Interior Department and approved by it, and I have the letter here from the Indian Office recommending it.

Mr. BUCHANAN. But what objection is there to the amendment?

Mr. PERKINS. Because we do not know whether the contract has been formally approved or not.

Mr. BUCHANAN. If the contract is right it can be approved; if not right, it ought not to be approved.

Mr. PERKINS. If the language is "such contract as has been or may be approved" I think there is no objection; but we submitted it to the Interior Department, and it was indorsed by the Department.

Mr. BUCHANAN. But it applies to the contracts on file whether approved at this moment or not. It only requires that before the payment is made and the money is disbursed the Secretary of the Interior must be satisfied that the contract is right.

Mr. HOLMAN. I would suggest to the gentleman from New Jersey that he should make it read "the Secretary of the Treasury or the Secretary of the Interior."

Mr. PEEL. The Secretary of the Interior controls this.

Mr. BUCHANAN. And yet your bill provides for contracts on file in the Departments of Treasury or Interior. But I have no objection to accepting the gentleman's suggestion and making it read "contracts approved or hereafter approved."

Mr. ANDERSON, of Kansas. I would like to ask my colleague how much the fee of Mr. Ellis is supposed to be?

Mr. PERKINS. We have not been advised. It is only the compensation coming to the delegates who have been sent here by the Indians. This provision of the bill does not cover attorneys' fees or anything of that kind whatever.

Mr. PEEL. Let the amendment be read as proposed to be modified.

The Clerk read as follows:

Page 24, line 10, after the word "Interior," insert "and which have been or may be approved by the Secretary in whose Department the same is filed."

Mr. BUCHANAN. That will make it read:

By virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, and which have been or may be approved by the Secretary in whose Department the same is filed, etc.

Mr. PEEL. The Interior Department approve all of these things with the Indians, not the Treasury.

Mr. BUCHANAN. Very well; I have stricken that out. I tried to follow the reading of the bill as nearly as possible, and thereby it seems was misled.

The amendment as modified was adopted.

Mr. HOLMAN. I suggest the insertion of this language: "To be approved by the Secretary of the Treasury or of the Interior in whose office the said contract is filed." For if the contract should be filed with the Secretary of the Treasury it should not be approved by the Secretary of the Interior.

The CHAIRMAN. The gentleman will submit his amendment in writing, and if there be no objection this portion of the bill will be passed over for the present, to be re-considered to hereafter if the gentleman wishes to offer an amendment.

There was no objection, and it was so ordered.

Mr. HOLMAN. I will be glad to have the second article of this treaty read.

The Clerk read as follows:

And it is further agreed that the claims of the Pottawatomies heretofore examined and reported on by the Secretary of the Interior, under the act of Con-



gress of March 2, 1861, shall be submitted to two commissioners to be named by the President of the United States for examination, and said commissioners, after being sworn impartially to decide on said claims, shall make report of their judgment in the premises, together with the evidence taken, to the Secretary of the Interior, and the same shall be communicated to Congress at its next session: *Provided*, That no part of the money reported due by the said commissioners shall be paid until the same shall be appropriated by Congress.

Mr. HOLMAN. I wish to inquire of my friend from Arkansas whether when the award was made this question was considered, and this provision is in conformity with it?

Mr. PEEL. Mr. Chairman, I will state I examined the award very carefully, and I will say that it is in strict conformity with the award as I found it. I will furthermore state to my friend it is exactly in keeping with the awards of 1862, as they are shown in the act of Congress. We referred the matter for more safety to the Department of the Interior before we placed it on the appropriation bill; and we have a recommendation of the Department having charge of the matter in its favor. It was on that we have incorporated the proposition. So that it is strictly in conformity with the article of the treaty.

Mr. BUCHANAN. I now have my amendment shaped in accordance with the suggestions of the gentlemen on the Committee on Indian Affairs, and offer it in lieu of that which I had previously offered.

The Clerk read as follows:

On page 24, line 10, after the word "Interior," insert "and approved by the Secretary in whose Department the same may be filed."

Mr. PEEL. I would suggest "or may be approved by the Department where filed." I think you had better have it "is" or "may be."

Mr. PERKINS. I would suggest to the gentleman from New Jersey that it read this way: "Has been or may be approved by the Secretary in whose Department the same is filed."

Mr. BUCHANAN. I accept that.

The Clerk reported the amendment as modified:

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

The amendment was agreed to.

The Clerk read as follows:

To carry out and fulfill the first clause of article 10 of said treaty of August 7, 1868, and the awards made thereunder, the sum of \$48,338.80, to be distributed in names and amounts to those members of the Citizens' band of Pottawatomie Indians or their legal representatives named in the communication of J. H. Morris, agent of said Indians, to the Commissioner of Indian Affairs, of date November 9, 1871, and transmitted to Congress by the Secretary of the Interior on December 20, 1871, there being ninety of said names and amounts, the said sum to be subject to such amount as may be due the delegates of said Indians by virtue of contracts or powers of attorney on file in the Departments of the Treasury or Interior; and that the clause in the act approved March 3, 1885, 23 Statutes, page 372, referring said claim to the Court of Claims, be, and the same is hereby, repealed.

Mr. BUCHANAN. I offer the following amendment to that clause, in precisely the same words as the amendment which was adopted.

The Clerk read as follows:

On page 25, line 5, after the word "Interior," insert: "And is or may be approved by the Secretary in whose Department it may be filed."

Mr. PERKINS. That is all right.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I ask that the following paragraph may be read—the first part of article 10.

The CHAIRMAN. There is nothing before the committee.

The Clerk read as follows:

ART. 10. It is further agreed that upon presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as may be just in the premises.

Mr. HOLMAN. Now, this claim, if it has any legal existence, rests upon that paragraph, and I should be very glad to have the gentleman from Arkansas explain when the award was made and the cause of the delay in making the payment of it.

Mr. PEEL. I will state to the gentleman from Indiana that as he formerly served on the Committee on Appropriations, he may remember that upon examination of that award, which was made by the special agent, Mr. Morris, under the article of the treaty, it would seem that the evidence was not considered to be satisfactory to the Department, and therefore they detailed a special agent to make a re-examination, and he made it considerably less and with the names of fewer Indians. That was approved by the Secretary of the Interior.

I know of no reason why it has not been appropriated for. It has been estimated for by the Department of the Interior to the Committee on Appropriations, and I know of no reason why it was not paid, except one—that is, that at one time, in the Forty-sixth or Forty-seventh Congress, an effort was made to refer this and other claims to the Court of Claims, but through an error in the engrossment it was left out. It was estimated for on several occasions, but why the Committee on Appropriation, having charge of the bill, did not put it in the bill I do not know. But year after year the usual item was referred to the committee by the Interior Department, and they recommended again that it be paid. That has been long years ago, and as there is no interest accruing, we thought it had certainly waited long enough.

The Clerk read as follows:

Sioux, Medawakanton and b:

For the support of the full-blood Indians in Minnesota heretofore belonging

to the Medawakanton band of Sioux Indians, who have resided in said State since the 20th day of May, A. D. 1886, or who were then engaged in removing to said State, and have since resided therein, and have severed their tribal relations, \$12,000, to be expended by the Secretary of the Interior as follows: Ten thousand dollars in the purchase, as in his judgment he may think best, of such lands, agricultural implements, cattle, horses, food, or clothing as may be deemed best in the case of each of these Indians or family thereof; \$1,000, or so much thereof as may be necessary, to defray the expenses of expending the money in this paragraph appropriated; and \$1,000 for the completion and furnishing of the school-house for said Indians authorized by the act of June 29, 1883: *Provided*, That if the amount in this paragraph appropriated, or any portion of the sum appropriated for the benefit of these same Indians by said act of June 29, 1883, shall not be expended within the fiscal year for which either sum was appropriated, neither shall be covered into the Treasury, but shall, notwithstanding, be used and expended for the purposes for which the same amount was appropriated and for the benefit of the above-named Indians: *And provided also*, That the Secretary of the Interior may appoint a suitable person to make the above-mentioned expenditure under his direction; and all of said money which is to be expended for lands, cattle, horses, implements, food, or clothing shall be so expended that each of the Indians in this paragraph mentioned shall receive an equal amount in value of this appropriation and that made by said act of June 29, 1883: *And provided further*, That as far as possible lands for said Indians shall be purchased in such locality as each Indian desires, and none of said Indians shall be required to remove from where he now resides and to any locality or land against his will.

Mr. NELSON. I offer the following amendment to that paragraph:

The Clerk read as follows:

On page 34, line 8, insert the word "seed," after the word "implement."

Mr. BUCHANAN. I reserve the point of order on the paragraph beginning with the sixteenth line. I may not desire to make it.

The amendment was agreed to.

Mr. MILLS. This seems to be a provision that is not covered or authorized by treaty stipulation. We are making expenditures for these Indians to build houses, to pay for cattle, horses, farm implements, and everything of that sort, and also for seed, which has just been put on my amendment. Now, we have been going on with this kind of legislation for a number of years, and I would like to know what progress has been made in the way of teaching them to support themselves by agriculture or agricultural labor? Will some gentleman inform me what progress has been made in that direction?

Mr. PEEL. I desire to say to the gentleman from Texas that the Committee on Indian Affairs has pursued one uniform course since they have had charge of the Indian appropriation bill, to this effect: We have gradually decreased the appropriation for the support of the Indians; that is, where we were not tied up by treaty stipulations on the part of the Government. We have decreased the appropriations to support the Indians and increased the provision to enable them to support themselves. That has been the rule of the committee. Gentlemen may notice that in the paragraph just passed in regard to the Sioux.

Turning to the treaty with the Sioux, it is very remarkable to find that the Government obligated itself to support these Indians until they should be able to support themselves. There was no limit at all. Therefore after twenty years and an expenditure of \$30,000,000 trying to teach them to support themselves we find them still drawing rations at the public crib, and we have inserted a provision here requiring the Secretary to cause a census to be taken to ascertain which of these Indians, taking into account their critical condition and all their circumstances, are able to support themselves, so that hereafter those may be left out and we may provide simply for the others.

Mr. MILLS. Can the gentleman from Arkansas give us any statement as to whether these Indians are making progress in agriculture—whether they are learning to make corn and wheat and other things that are necessary for their subsistence?

Mr. PEEL. It depends entirely upon the locality and upon the policy that is being pursued. As I have said upon this floor on other occasions, so long as the Government allows the Indians to keep their large reservations, to go together in large bands, to have their chiefs on the old Indian system, and to cultivate and exercise their old savage instincts, you may pay out a hundred million dollars and keep it up for a hundred thousand years and they never will be civilized. There is only one way to civilize the Indian, and that is to break up their tribal relations, individualize them, and teach them to support themselves.

Mr. PERKINS. Teach them to work and let them understand that they have got to work.

Mr. PEEL. Yes.

Mr. ALLEN, of Michigan. I will say to my friend from Texas [Mr. MILLS] that some of the Sioux are learning the way of civilization, as they have been lately resisting the collection of taxes. [Laughter.]

Mr. McMILLIN. I can give another instance of the progress they are making toward civilization. When our committee was out some years ago examining into the condition of the Indians one of the agents, with a great deal of just pride in the progress they had made, suggested to the committee that he wished them to go out some distance and see an Indian for whom he had built a house and whom he was teaching the ways of civilization.

The committee went out some miles to see this evidence of civilization springing up in the wilderness, and when they got in sight of the house they noticed that the roof of it was gone and that a tent was spread at some little distance from the house, and, on getting nearer, it was discovered that the Indian had moved his family into the tent, and



probably burned the boards of the roof or otherwise disposed of them, and had his horses stabled in the house! [Laughter.]

Mr. WEAVER. The Sacs and Foxes do that in Iowa now.

Mr. McMILLIN. The gentleman from Iowa says that the Sacs and Foxes do that in Iowa now. I know, Mr. Chairman, that this is a troublesome problem to deal with, especially in view of the way we have started. I think we have started wrong to a very great extent. I agree, however, with the gentleman from Texas [Mr. MILLS] that it is time to begin to cut loose from the existing system and let the Indians swim a little for themselves, and we shall never make any progress in civilizing them until we do that.

If I had my way I would stand by every treaty stipulation; I would even stand by the treaty by which we have agreed to support these Indians until they learn to support themselves. I would stand by every treaty stipulation, but I do think we ought to stop with that; I think we ought not to go beyond the treaty stipulations. There is no more reason why the Government of the United States should become a paternal institution for the Indians than why it should become one for the white man, and there is absolutely no reason why it should ever become such an institution for the white man.

Mr. PEEL. Mr. Chairman, my experience has shown that whenever a small band of Indians commence struggling for independence and desire to become self-supporting there is always somebody here to object lest they should starve and the Government should have to come to their relief later. I have known several instances of that kind, and there is never a case where everybody is satisfied that any of these Indians are ready to become self-supporting. Now, so long as that course is pursued we shall never get them ready. My doctrine has been all along, wherever you find a lot of Indians who want to become self-sustaining, in God's name give them a chance. But, as I have said, there are always men in Congress who get scared at such a proposition and come to the conclusion that if you turn the Indians loose they will all be starving directly.

There are no two bands of these Indians exactly alike. Some are very low down in civilization, and others are quite advanced. The trouble, however, is that when you speak of the Indian in Congress some gentlemen always look at him through one pair of spectacles; he has always got a blanket on, and carries a tomahawk, and has paint all over his face. Now there are a great many Indians in this country to whom that description does not apply. I can point to many who are well advanced in civilization and doing well, and who are begging the Government to give them their lands in severalty and make them citizens. But it is very hard to get anything of that kind done here.

Mr. McMILLIN. Is it not the observation of my friend from Arkansas that the less we meddle or interfere with the affairs of the Indians the better they get along?

Mr. PEEL. That is the case, provided we put them in a position to take care of themselves. They can not live independently if they are huddled together in a gang with no government over them. It would be impossible for white people to live in that way.

Mr. MILLS. I will state my reason for asking this question. During the sixteen years I have been here we have been steadily pursuing the policy of teaching the Indians to become self-sustaining, teaching them agriculture, teaching them how to plow, how to drive wagons and do everything of that sort. In all our Indian appropriation bills will be found appropriations for blacksmiths, carpenters, millers, etc., for the education of the Indians: appropriations for school-houses and school teachers; for agents, and preachers, and police, and judges.

We have been making every sort of expenditure for the advancement of the Indians; we have been trying to teach them everything that could promote their civilization and make them self-supporting. Now, after we have pursued that policy for a long period of time, I would like to know what are the fruits of this persistent teaching? I want to know how many of these Indians can now plow a straight furrow? I want to know how many bushels of corn they raise for their support? I want to know how many of them drive wagons; how many go over to the depots to get supplies and bring them back; how many of them build cabins; how many of them can put a roof or a floor on their cabins? I want to know what progress is shown as the result of the policy which we have been pursuing for the civilization of the Indians?

I remember that a few years ago there was an Indian agent, and from what I heard, I think one of the best, though I did not know him, who was killed because he was trying to teach the Indians how to plow. When he told the Indians that he had been sent to them by the Great Father—that the Government that was supporting them, building their school-houses, sending teachers to them to Christianize them, and doing everything of that kind, had sent him to them to teach them how to plow they killed him. I have not heard anything further in relation to this matter since; I would like to know what progress has been made in the way of civilizing the Indian?

Mr. PEEL. I can only say to the gentleman from Texas that in the limited time which we have to-night it is impossible to answer fully the question which he propounds. If he will examine the reports of the different Indian agents located at the various agencies—of which there are fifty-eight or sixty—he will find the details as to which he inquires. I will say to him, however, that I could mention a number of Indians

who are almost self-sustaining, some absolutely so. The Navajoes up in Arizona are, as my friend from Indiana [Mr. HOLMAN] knows, almost self-supporting; they are a pastoral people. The Flatheads on the Montana reservation are almost or quite self-supporting. The same may be said of the Miamies and Peorias in the Indian Territory, the Quapaws, the Osages, and many others.

A MEMBER. And the Pottawatomies.

Mr. PEEL. Yes; and the Pottawatomies. I was on the reservation of the Miamies and Peorias some time ago; and were it not for the waste country which could be seen around I would not have known that I was not in Missouri or Kansas or Arkansas. Those Indians had large farms, good barns, plenty of cattle, wagons, and buggies. There has been a great deal of progress made, but the work of civilization is a slow process and we must be patient.

Mr. HOLMAN. In answer to the inquiry made by the gentleman from Texas [Mr. MILLS] I would say that as a general rule, so far as the Indians have been permitted to remain in the same country for any long period of time, and have been under good agencies, they have made fairly good progress, everything considered. For instance, take the Yakamas, on the eastern slope of the Cascade range of mountains, in Washington Territory. They have remained for a long period of time in one location, under the charge of a very benevolent Methodist clergyman. They have made good progress. They have built good churches; their lands are well cultivated; their children are at school. On the other side of the Cascade range, on the Puyallup River, the Puyallup Indians have made still greater progress, under the charge of different denominations. Their lands are well cultivated. Enormous forests have been cut down and good fields have been opened up.

I repeat, that wherever the Indians have been permitted to remain in a given locality undisturbed for any considerable period of time, with a good, benevolent agent looking after their interests, they have made fair progress. My friend from Arkansas [Mr. PEEL] speaks of the Navajoes. Those Indians are a very striking instance. Some years ago we had some trouble with them and they were removed down to Texas, I believe. But they pined for the rocks and the apparently barren wastes of Arizona and New Mexico. The Government permitted them to go back, and they have not only increased in numbers, but they are extremely prosperous. They have flocks and herds. Great flocks of sheep and goats and large droves of ponies can be seen on all sides. Their condition exhibits a state of great prosperity. They ask nothing from the United States except to be permitted to develop their capacities for civilization and self-government by the processes natural to the Indian tribes.

Mr. MILLS. Do they own those sheep and goats and other property in common or as individuals?

Mr. HOLMAN. As individuals exclusively; and perhaps they are the only Indians of their class who have a perfect idea of the ownership of property. They not only own their own herds separately but occupy their lands in severalty. They have made steady and marked progress. Their general condition is admirable, and gives promise of a prosperous future. They will no doubt in the progress of time by natural development become an intelligent people, perfectly competent and able to take care of themselves and their own interests. Indeed they do that now.

The Apaches, of which so much has been said, of the White Mountain region, are prosperous Indians, as well as those upon the San Carlos and Gila Rivers. They have constructed irrigating ditches, and irrigated every acre of the valuable farming lands upon the southern boundary of the reservation along the San Carlos River and Gila River, raising in large quantities barley, enough indeed to supply the Government forces in that country.

So, Mr. Chairman, it may be said that, upon the whole, where the Indian has been protected and permitted to remain at home, not moved around from reservation to reservation, but where he has had a fair chance to make a home for himself, he has got along better than could be expected, considering that he is still a savage and that it requires ages for man to progress from that condition to the condition of civilization. The Government has moved the Indian around from place to place. It has driven him everlastingly westward, and has rendered his progress by reason of that absolutely impossible. But we have now reached a period when all of this will change, when it must change, for there is no farther west that the Indian can go. They must remain upon their present reservations as a rule, and with kind treatment, such as they are entitled to receive at our hands, for we have despoiled them of their grand possessions, they will progress to be in time not only self-supporting, but will reach a very high order of intelligence and civilization.

The Flathead Indians, I might mention also, on a reservation not very large, but they have made it quite valuable. They have dug great drains miles and miles in length, and have raised fine fields of grain. They are generally prosperous Indians, with facilities established for education amongst themselves; they have organized courts of justice; in fact, it is a well-organized community. They have remained there for a great many years. In 1850 or 1851, perhaps, a very humane gentleman by the name of Stevens, Col. Isaac Stevens, afterwards a Delegate to Congress from one of the Territories, was sent as



governor to the Territory of Washington, and was made commissioner of Indian affairs of that Territory.

His duties extended beyond the limits of the Territory in assigning territorial possessions to the Indians. He secured for them good and valuable lands. They settled down upon them and had a promise of the lands to be assigned to them in severalty in the progress of time or as soon as they were able to cultivate them and take care of themselves. Three years ago, when the House committee went through there, they found these Indians settled upon good lands and eager to obtain titles to them in severalty. On one side the Catholics had control for many years, and on the other side the Presbyterians, but yet they had made equal progress. We found the women to be well clad, the men thrifty and industrious, driving wagons and engaged in the work of the field—a self-sustaining people.

So I think the people of the United States can feel assured that within a reasonable time the progress of the Indians will be such as to make them self-sustaining. They have made good progress up to this time. The great trouble is that too small a percentage of the millions appropriated goes to their benefit. The Indian agent should be not only a man of good character and standing, but he should be a benevolent man, having the care and interests of the Indians under his charge closely at heart. We do not place a large number of such gentlemen in our positions unfortunately. It is not always possible to get them. We do the best we can, and the progress has been encouraging.

[Here the hammer fell.]

Mr. SHIVELY. Mr. Chairman, I have thus far been quite content to defer discussion of the Indian question to those of longer public service and larger experience, but I am tempted on the present occasion to detain the House briefly with an expression of individual judgment on certain phases of the subject suggested by this bill.

Should the House of Representatives be engaged two generations hence, as to-day, in the consideration of an annual Indian appropriation bill, will it not be because our Indian policy in the mean time had been a dismal failure? Are the two centuries of checkered expedients which mark the history of the relations between the Indian and Caucasian races on this continent to suggest no termination of the struggle against forces which government may in a measure direct, but which it can never control? What is the ultimate purpose of all legislation on the Indian question? Are we to contemplate for a moment the permanency of the relations out of which proceed these annual expenditures of public money? Can these appropriations from year to year be justified on any ground other than that this is the most economical and humane process of solving a vexed problem and eliminating the Indian question from our national legislation?

This, sir, in my judgment, is the only justification consistent with the best interests of the Indian, the rights of other races in this country, and the honor of the Government. The system destroys a people that induces them to idleness or tempts them to mendicancy. There exists no fundamental principle peculiar to the history of any race which relieves it from the operation of the doctrine that—

In the sweat of thy face shalt thou eat bread.

The right of the Indian to the benefits of this sacred curse should be neither neglected nor restrained. Self-reliance and self-sustenance are the quality and habit of a strong people. While these have never been created by paternalism in government, they have often been destroyed by it. The relation of guardian and ward, as between the nation and the Indians, is anomalous and inconsistent. This relation, associated, as it has been, with a treaty-making power, has led to countless controversies, and settled none beyond dispute.

Again, sir, the tribal relation is a barbarous relation. In it is scrupulously preserved a more or less complicated scheme of laws, customs, and usages peculiar alone to barbarous life. There is no kindness, nor wisdom, nor justice in appropriating public moneys to preserve that relation. The habits, customs, and usages peculiar to such relation should be discouraged at every step. There should be an early allotment of lands in severalty, with a limited restriction on the power of alienation. The relation of guardian and ward should be dissolved. The Indian should be treated as having come of age, given his patrimony, and then left to his own resources. Property and responsibility are civilizing forces. Besides this, government is not an insurer of perpetual and unqualified success and happiness to any class of people. The acquirement of personal success and happiness is an individual, not a public function. Congress can and should choose between civilization and barbarism, and appropriate money only to advance the former, never to preserve and foster the latter.

Speaking for myself, Mr. Chairman, I believe these general principles have been observed in the preparation of this bill, so far as the discretion of the committee over the subject-matter involved extended. Liberal appropriations are made for educational purposes. Liberality is observed in the appropriation for agricultural implements and the tools and utensils employed in the trades and arts of civilized life. The allowance for subsistence, which more than any other tends to breed idleness and mendicancy, is reduced. Preference is given to the Indians who have abandoned their nomadic habits, while the roving bands receive less consideration.

Thus, Mr. Chairman, are habits of industry, thrift, and economy en-

couraged and rewarded, and self-reliance and self-respect inspired, so far as the discretion of the committee in maturing this bill could accomplish such result. This, I take it, is in pursuance of a policy that contemplates the earliest possible dissolution of all dependent and tribal relations, and the reception of the last Indian into the body of American citizenship, his assimilation with our institutions, and the total abolition of the annual Indian appropriation bill, the Indian Office, and all branches of the so-called Indian service.

The mistaken philanthropist may hesitate on the one hand, and the complacent sinecurist may object on the other, but that policy is the best policy which will in a just way at the earliest moment relieve us of the need of any policy at all. Many thousands of Indians have ceased to be wards of the nation, and are law-abiding, self-respecting and self-sustaining citizens. It is the state-fed Indian who is most helpless. Give the Indian fair educational facilities, inculcate habits of industry, give him his land, and leave him to take his chances of success or failure in life in common with other races. Did I not believe this to be the early and final solution of the Indian problem I should not vote for the appropriation of a single dollar of public funds beyond the sums guaranteed by treaty.

Mr. ALLEN, of Michigan. Mr. Chairman, I know that the chairman of the committee is very anxious to finish the consideration of this bill, and so am I as a member of the committee. I shall therefore occupy but little time, as I want simply to say that I appreciate the suggestion of the gentleman from Texas as to the want of information in Congress, and by the people generally, of the progress the Indians have been making. The fact is that we have not information enough as to their treatment and progress, expending as we do millions of dollars annually in this service. But progress has been and is being made amongst them; and while it is costing some money, yet for every dollar we have given we have taken unjustly at least one hundred. So that we are yet largely their debtors and have little cause to complain.

And it will be many years before we fully pay that debt which we honestly owe him. The only way we can do it with advantage to ourselves and to him is to make him more and more like an American citizen. The time will speedily come when the blanketed Indian must go; when Indians, negroes, white men, and all others in this country must look to themselves for support, and look to the Government only for protection while they are making an honest livelihood. That is the point towards which we must all to-day strive. In doing it we must not be niggardly in our treatment of the Indian, but honest in our treatment. I must say to my friend from Indiana, whose honesty is unquestioned and whose judgment I highly respect, that at his door may be laid somewhat of the failure of the Indian policy in many respects.

I have been familiar with his position on this and other questions for many years, and to the cheese-paring that he has always stood up for relative to pay of Indian agents and others engaged in this work is due the failure of our efforts more than any other of the thousand reasons which have been given. Why, the gentleman from Indiana knocked me out of \$300 when I was Indian agent. [Laughter.] He did it honestly, but "the laborer was worthy of his hire." As soon as the Democratic Administration came into power it proceeded on the theory that one of two things was true, either that I did not get pay enough or else that I had not capacity to earn what I did get, and they let me out.

Mr. HOLMAN. If my friend from Michigan [Mr. ALLEN] will permit me to interrupt him a moment I will say that when I found how so excellent and valuable an officer could be retained in the service as my friend of the northern peninsula of Michigan, and saw the admirable manner in which he looked after the Indians under his charge, as well after as before the salary was reduced, I felt that the removal of a mercenary motive from office secured the public good, for my friend, with great efficiency, still performed the duties of the officer. So public interests did not suffer.

Mr. ALLEN, of Michigan. I am entirely satisfied with the explanation. [Laughter.] I want to say to my friend from Indiana if he knew as well as I did at the time what an Indian agent was worth, he would have been willing for him to have more. This bill contemplates making a census, and putting the Indian more in a condition to depend on himself; and it is a thing that ought to have been done years and years ago. When we do this we shall not have a car-load of Indians coming down to Washington as representatives of an independent nation telling this great country what it must do in order to placate them; but they will have to do as you and I have to do, and as our children must do, and what everybody who is a citizen of the United States in the near future must do—take care of themselves and not depend upon the Government. They must look to the Government to see that their rights are preserved, and that is as far as they can go, and the quicker that time comes the better for us and them.

Mr. MACDONALD. I do not wish to occupy the time of the committee very long, but I would suggest that it would have been better to have selected another paragraph in this bill on which to make general observations on the measure, for this is one of the most meritorious appropriations on the bill. It is not an appropriation given as a char-



ity at all, but an appropriation given for the benefit of full-blooded Indians belonging to this tribe who separated themselves from their tribal relations, have gone to reside among the whites, who are teaching them to support themselves by agricultural pursuits. There are about two hundred of them, and they are nearly all in my district.

By the Indian war of 1882 the tribe to which they belonged violated the treaty under which they were receiving annuities. Very soon afterwards Congress declared that treaty abrogated, making no discrimination in the act of forfeiture, and thereby excluded from the benefit of the treaty these Indians as well as the others. These particular Indians belong to a class that remained friendly to the whites and fought for the whites. This I know myself, as I was there and passed through all of that crisis. We are compelled to come in here and ask Congress for the beggarly appropriation which has been made in the last two or three years for the purpose of securing to them agricultural implements and seeds. If we succeed in getting the appropriation made we do not expect to get more than one fourth of what these Indians would be entitled to. The treaty gave the band for fifty years \$58,000 a year. They do not get any of it to-day. It has been confiscated, and we have not complied with their treaty rights.

Mr. NELSON. I offer the following amendment.

The Clerk read as follows:

In line 2, page 33, so as to conform with the prior amendment, insert the word "seeds" after the word "implements."

The amendment was agreed to.

Mr. PEEL. Mr. Chairman, I desire to offer the amendment which I send to the desk. It comes in on page 37, between lines 11 and 12. It was inadvertently omitted from the bill.

The Clerk read the amendment, as follows:

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

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

Interest on \$60,120, at 5 per cent. per annum, being value of 54 sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1888, \$3,456.

Mr. McMILLIN. I reserve the point of order on that amendment in order to hear an explanation from the gentleman in regard to it.

Mr. PEEL. Mr. Chairman, it will be remembered that at the last session of Congress a bill was passed to ratify an agreement between the Government and these Indians at Fort Belknap and Blackfeet and the Assinaboine Indians in Montana, by which they ceded to the Government some 17,000,000 acres of land. The Government agreed to pay for that land in ten annual payments. At the time the Indian appropriation bill passed the House the usual appropriation as a gratuity was in the bill, but knowing that the other bill had passed the House to ratify the agreement by which the regularly stipulated amount would be paid to them, and not knowing whether or not it had passed the Senate and become a law, we incorporated the usual amount in the regular Indian appropriation bill, with a proviso that in case the other bill became a law that appropriation should not be used. The bill ratifying the agreement did become a law, and this amendment provides for the second installment in payment for those lands. By some means or other unknown to the committee it was omitted from the printed bill. The amendment is taken from the regular estimates and is strictly in accordance with the agreement.

Mr. MORGAN. It is a part of the purchase-money for the land.

Mr. PEEL. Certainly; it is a part of the purchase-money for the land.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McMILLIN] desire to submit a point of order?

Mr. McMILLIN. No, sir. I simply wanted to elicit the statement which the chairman of the Committee on Indian Affairs has just made.

Mr. HOLMAN. I suggest to my friend from Arkansas [Mr. PEEL] that this should come in among the treaty provisions where it properly belongs.

Mr. PEEL. I suggest it come in between lines 11 and 12.

The amendment was agreed to.

The Clerk read as follows:

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

Mr. BUCHANAN. Mr. Chairman, I raise the point of order on the words "and directed," in the second line. The whole paragraph is subject to the point of order, but I make it only upon these words.

Mr. PEEL. I have no objection to striking out those words.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, Wichitas, and affiliated bands, who have been collected upon the reservations set apart for their use and occupation, \$250,000.

Mr. MILLS. I will ask the gentleman in charge of the bill whether this is in conformity to treaty stipulations?

Mr. PEEL. No.

Mr. MILLS. These are very troublesome neighbors of ours and I would like to know what progress they are making. I would like to hear a good report from my friend from Indiana [Mr. HOLMAN] in relation to the progress of the Kiowas and Comanches.

Mr. HOLMAN. The Arapahoes are doing pretty well. [Laughter.]

Mr. MILLS. But what about the Kiowas and Comanches?

Mr. HOLMAN. My friend knows that those Indians were removed there at a comparatively late period of time.

Mr. MILLS. Twenty years ago.

Mr. HOLMAN. Well, the old ones were born and raised elsewhere. The young ones of course are natives of the Territory. The Indians, however, who have made progress are those who have been permitted to remain stationary. These Indians have been moved from one place to another, driven back before our advancing civilization, and they have made no progress. The Indians in the western portion of the Territory can not be said to have made much progress.

Mr. MILLS. I think the reservation on which the Kiowas and Comanches were located was selected by General Sheridan about 1866, and we have been making large appropriations for their subsistence from year to year ever since, and now I would like to hear some good testimony as to their progress.

Mr. HOLMAN. But at the same time those Indians have been shifting about a great deal. A portion of the Kiowas went back into Dakota. There has been an unsettled condition of things all around them and they have made no such progress as you will find among other Indians.

Mr. PERKINS. Let me remind the gentleman from Texas [Mr. MILLS] that in the last annual appropriation bill there was an appropriation of \$275,000 for this purpose, while this year we have cut it down to \$250,000. The policy of the committee has been, as stated by the chairman awhile ago, to cut down the appropriations for the subsistence of the Indians. We have in some instances increased the educational fund, but we have in every instance decreased the subsistence fund, upon the idea of teaching the Indians that they had got to take care of themselves, and, like any other American citizen, have to work to earn their bread.

Mr. MILLS. I am not at all criticising the course of the committee. I think they have done very well. My remarks are directed to the general policy we have been pursuing.

Mr. PERKINS. Well, we are getting away from that as fast as we can.

Mr. McMILLIN. Mr. Chairman, I raise the point of order upon this paragraph. I know of no obligation that we are under to appropriate this quarter of a million of dollars, and I think we can get away from the policy that is objected to a little faster than we are doing here without any injustice to the Indians.

Mr. PEEL. Mr. Chairman, the paragraph is not subject to the point of order, because the committee have the power to report an appropriation for the subsistence of these Indians.

Mr. HOLMAN. That has been the law for many years.

Mr. PEEL. It has been the law in regard to appropriations for years and years. Certainly this provision is not subject to a point of order. The only question is a matter of judgment as to how much we should appropriate each year. We are gradually reducing the amount.

Mr. PERKINS. We have made a cut of \$25,000 this year.

Mr. McMILLIN. And how many of these Indians have made any progress in civilization? Not any, I presume.

Mr. HOLMAN. Oh, yes. The Arapahoes have made some progress. There is some land being cultivated in the western portion of the Indian Territory. The Arapahoes are doing very well; and some of the Comanches.

Mr. PERKINS. Yes; and the Kiowas and Apaches.

Mr. HOLMAN. And the Sacs and Foxes, still further east.

Mr. PERKINS. Yes; they are well advanced in civilization.

Mr. HOLMAN. They are as well advanced as any Indians you will find anywhere.

Mr. McMILLIN. Mr. Chairman, I do not know whether a point of order will lie against this provision. Therefore I move to strike it out. There is no doubt about my right to do that.

The CHAIRMAN. The gentleman can make that motion.

Mr. McMILLIN. In support of that proposition, I wish to say that here are a number of tribes of Indians who, so far as we are able to find, have not made any progress; certainly nothing definite can be stated in regard to it. We are called upon to appropriate a quarter of a million dollars of the money of the people of the United States for the support of these Indians. Now, I am willing enough to do charity in the proper way; but the Government of the United States is not intended under the Constitution to be a great eleemosynary institution, however laudable charitable effort may be on the part of individuals.

I think it will be agreed by all—in fact, the committee concede—that this policy must ultimately be abandoned. If it is a failure the sooner we abandon it the better. I believe in teaching self-reliance to every



human being who has the demand made upon him for his support. The sooner we teach this to the Indians the better it will be for them and for us.

Mr. PERKINS. In answer to my friend from Tennessee [Mr. McMILLIN] I wish to say that but a few years ago these were blanketed Indians upon the Western plains. Being whipped by our soldiery, they were taken to the Indian Territory and this reservation set apart for them by Executive order. During the time they have been there they have made considerable progress. Last year we appropriated \$275,000 for them. This year the Department asked \$260,000; but we have cut down the appropriation to \$250,000.

The policy of the Government, the policy which the committee has endeavored to follow, has been to teach these Indians to work, to advance them just as rapidly as circumstances would permit. If we should now withhold this entire appropriation, we would not only take from them their means of support, but would expose the citizens of the States adjacent to the Indian Territory to the danger of incursions from these Indians, who, the assistance of the Government being withdrawn, would be unable to maintain themselves.

Mr. McMILLIN. And we are to keep them on their reservation by contributing to their support. Is that it?

Mr. PERKINS. They have very little ground under cultivation, and can not without the assistance of the Government maintain themselves.

Mr. McMILLIN. Are we annually to make this appropriation of a quarter of a million for their support, as we have been doing for the last twenty-two years, without any effort on their part?

Mr. PERKINS. As I have suggested, they are making some progress. They are getting a little more ground under cultivation each year. As I have stated, they were a few years ago blanketed Indians, who were taken from the "war-path" and placed on this reservation. They were the Apaches, the Comanches, the Cheyennes, the Arapahoes, who were engaged in murdering the settlers upon the frontier. Being reduced to subjection by the Army of the United States they were taken to the Indian Territory. It has been necessary for the Government to clothe and feed them at least in part; to guard them against warlike excursions, and to advance them as rapidly as possible. With this object in view we have made these appropriations from year to year.

Mr. McMILLIN. Mr. Chairman, I do not wish to be misunderstood as to my sentiments concerning the Indians. I think that there are many tribes that have been robbed, robbed outright, under the semblance of treaty stipulations, under pretense of engagements that we have entered into with them. I think that our policy in regard to a number of these tribes has not been creditable to us. Hence I stated in the beginning that where we had made treaties with the Indians I thought we ought to keep them. But I have doubted the propriety of continuing the policy which we have been pursuing; and that is the reason I have offered my amendment.

Mr. NELSON. I move to amend the amendment of the gentleman from Tennessee by striking out the last word. It has been suggested here this evening by several gentlemen that the Indians are not making suitable and proper progress. It is my pleasure to state that among my numerous constituents there are between seven thousand and eight thousand Chippewa Indians, and they have made remarkable and wonderful progress.

Mr. Chairman, as an illustration I can refer among my constituents to young Hole-in-the-day. His grandfather was one of the most savage Chippewa Indians. He got his right of chieftain among the Chippewas because he had crept upon and taken a sleeping chieftain of the Sioux and scalped him while he was yet only a boy. His son, Hole-in-the-day, the famous Chippewa chief, the son of that savage boy, became civilized and came to this city to attend to the business of his tribe. And here he had the good taste to woo and win one of our white sisters in the city of Washington and took her back to the Chippewa reservation. It is his son who is to-day the head of the Chippewa Indians and who is one of my constituents. On one side his father was the celebrated chieftain, Hole-in-the-day, and on the other his mother one of the finest young damsels in the city of Washington, who was induced to go upon the reservation and make her home there.

This, of course, Mr. Chairman, is an isolated instance, but if you go on the White Earth reservation in my district you will find two or three thousand of these Chippewa Indians engaged in agriculture. Not only have they become successful farmers, but they have also become Christians. There are no Universalists and no Unitarians among them. They are none of your milk-and-water Christians. [Laughter.] My Chippewa constituents, Mr. Chairman, if I may be allowed to say so, belong to two of the best churches; they are either Catholics or Episcopalians. If any of you were to visit that reservation in the fall you would find one body, and perhaps the largest, wending their way to the Catholic chapel, while another body, equally dignified, but a little stolid, you would find wending their way to the Episcopal chapel.

More than that, not only are they Christians, but they are making rapid progress in civilization. They have established a newspaper which is equal to any country newspaper in Minnesota, for I was honored last week with half a column of good abuse. [Laughter.] I wish to say further, Mr. Chairman, they have to fight for the right to use

that paper. The Commissioner of Indian Affairs issued an order to prevent the publication of that paper. It is a creditable production. They brought suit in the United States court and recovered a verdict against the Indian agent.

Mr. HOLMAN. What did they do that for?

Mr. NELSON. Because the agent thought he would lose his power unless the paper was stopped. He thought the Indian knew already too much. He thought they would meddle with his wayward tricks. Be it known, sir, while the Indians up in that country are all saints the Indian agent is very far from being a saint. [Laughter.]

I am loath to take up the time of this committee, but I assure the gentleman from Tennessee and other gentlemen my Chippewa Indians are making rapid progress in civilization and in the ability to take care of themselves.

Mr. McMILLIN's amendment was rejected.

The Clerk read as follows:

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

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, \$7,500, to be taken from the funds now in the Treasury belonging to said Indians.

Mr. HOLMAN. I would like to suggest to my friend from Arkansas that inasmuch as none of this money covered by these two items is to be used for the schools of the Navajo Indians perhaps it would be better to allow it all to be used for the work of constructing ditches embodied in the second paragraph of the appropriation. What they have most need of there at the present time is water, and as the effort is being made to procure it for them I think it would be better to allow the whole appropriation to go that way.

Mr. PEEL. I have no objection to this. What amendment would the gentleman suggest?

Mr. PERKINS. Perhaps the gentleman has not observed that some portion of this appropriation is for the pay of employes. The appropriation is made not only for the civilization of the Indians, but for the pay of the employes as well.

Mr. HOLMAN. Well, not for the schools or agent, as I understand it. There is nobody there but the school teacher and the agent.

Mr. PERKINS. I think there are several employes.

Mr. WEAVER. Yes, and there are some Indian police. I think this had better remain as it is.

Mr. HOLMAN. When the gentleman from Illinois [Mr. CANNON], the gentleman from Kansas [Mr. RYAN], and myself and others were there I think we found but one Indian family living near the agency. They are very much separated. But they need water. I wish to mention, however, one very interesting fact which I had from the agent there. He said that these Indians, under the great disadvantages which they labored from an arid country, had raised corn that year, and on an average 5 bushels to each man, woman, and child of the nation, comprising some twenty-two thousand people of this tribe. It seems to be an exaggerated statement, but it was vouched for by this gentleman.

Mr. CANNON. I think my friend from Illinois will find that some employes are necessary for conducting this very work that the latter part of this appropriation is for; that is, the ditches, etc.

Mr. PEEL. I suggest to my friend to let the reading proceed, and he can examine this, and if he desires to offer an amendment I will not object to recurring to it.

Mr. HOLMAN. Very well.

The Clerk resumed the reading of the bill to line 11, on page 42.

Mr. PEEL. That ends the miscellaneous matter, and here I wish to offer, by the instruction of the committee, the following amendment, which, when read, I desire to ask to have printed in the RECORD, and then the committee can proceed with the other portions of the bill if they desire, letting this remain until morning.

Mr. BUCHANAN. Before that I would like to ask the chairman whether it is his purpose to attempt to finish the bill to-night?

Mr. PEEL. Oh, no; I wish to pass from these miscellaneous items, however, and then the committee can rise.

Mr. BUCHANAN. Then that amendment can be printed in the RECORD and go over for consideration to-morrow.

Mr. PEEL. Let it be read and then I will make a brief explanation in regard to it.

The Clerk read as follows:

That the sum of \$1,912,942.02 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to pay in full the Seminoles of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: \$1,500,000 to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of \$412,942.20, to be paid to the treasurer of said nation, or to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, empowered so to do, of a release and conveyance to the United States of all the right, title,



interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply.

That the lands acquired by the United States under said agreement shall be a part of the public domain, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided in the act organizing the Territory of Dakota; and whether surveyed or unsurveyed, said sections shall not be subject to settlement or entry under the provisions of this act or any of the land laws of the United States; that the lands acquired under said agreement, except the 16th and 36th sections, shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof), and under the law relating to town sites: *Provided* the rights of honorably discharged Union soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes, shall not be abridged. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant, and the entryman shall be required to make full proofs; and unless it shall appear that the claim was taken in good faith and that there has been full performance of all the terms and requirements under this act, he shall refuse a patent and declare the prior proceeding before had in such case to be null and void; and all persons settling on land under the provisions of this act shall be required to select the same in square form as near as may be, and to maintain continuous personal residence as required by law on the land and to improve and cultivate the same for that period in the manner required by the homestead laws, and to break up and plow not less than 40 acres of the land filed upon before obtaining title thereto: *Provided*, That any person who having exhausted his right under existing law, but who is not the owner of a home elsewhere, shall be qualified to make one additional homestead entry upon said lands; and all of the provisions of this section shall apply and be in full force as to the lands included in the recent cession of the Muscogee (or Creek) Nation of Indians heretofore ratified by the present Congress. Any person who may enter upon any part of said lands, in said agreements contained, prior to the time that they are opened to settlement by the proclamation of the President, shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

Mr. PEEL. I desire to say for the information of the committee that it is a well-known fact from all the discussion of the Oklahoma bill that for many years the great problem and question has been how we were going to acquire title to the Indian Territory—I mean the land ceded to the Government by the Creeks and Seminoles and Cherokees for the purpose of locating other friendly Indians and freedmen upon. The Oklahoma bill when under discussion met with serious opposition from some members upon the sole ground that we were creating a Territorial government over a country to which we had not perfect title. In the appropriation bill of 1885 there is a clause incorporated authorizing the President to appoint a commission to negotiate with the Creeks and Seminoles for a full and complete cession of their lands free from the trust, and also with the Cherokees. That has never been executed until recently in part.

During this discussion or before the five large tribes met in council and unanimously, I believe, by their international council, declared that they would not part with the title. That has been a source of great obstruction. Since this Congress has been in session, or during this session, the Creek Indians, through their proper delegates—and I want to emphasize that by saying the noble Creeks, under the leadership of General Pleasant Porter, a gentleman of unquestioned integrity and ability—came to the President and agreed upon terms under which they would relinquish all their rights to lands amounting to two million six hundred and some odd thousand acres at \$1.25 per acre, less what has already been paid. That is exactly what we have been offering for years. That agreement of cession the President sent to Congress with a message. The Senate promptly acted and the House promptly acted. A bill passed the Senate and passed the House ratifying the agreement with the Creeks. It is now before the President for approval. That is disposed of.

Immediately upon that the Seminoles, by their proper authorized delegates, are here. They came for that express purpose. There has been this understanding between the delegates of the Creek Nation that if they ceded their interest to this country in the Oklahoma part at \$1.25 per acre, less what has been paid, the Seminoles were to be treated in the same manner. As soon as the ratification of the Creek cession was made the Seminoles came, and their matter had been presented to Congress in a message from the President, and is now before the Committee on Indian Affairs. It is also before the Committee on Indian Affairs of the Senate. The Senate committee have acted promptly and have reported a bill which is simply in accordance with this amendment. They have a bill on the Calendar to appropriate this amount of money to be paid to these Indians upon the relinquishment of their title to the satisfaction of the President.

The Committee on Indian Affairs have not formally met since the House has been meeting at 10 o'clock, but by personal conference with members of the Committee on Indian Affairs I find they are unanimously of the opinion that this appropriation ought to be made giving to the Seminoles exactly the same amount of money that has been given to the Creeks, less what has been paid heretofore, and that is the exact amount as estimated by the Department. A bill of that kind is now on the Calendar of the Senate, and this amendment has been offered at this late hour in the House on this bill because if it is not put upon this bill it will be impossible to complete the cession during this term of Congress.

It will be observed that the appropriation there incorporated is not

to be available and not to be paid until the Seminoles execute a full and complete release and convey to the United States all their right, title, and interest to this land, which release is to be satisfactory to the President. Then the provision is operative. The further amendment in regard to the disposition of the land is a matter for the judgment of the committee. If I understand the theory of this House in relation to protection of homesteads, it complies with the rules and answers to the declarations of the House upon questions of that character. This, I believe, is all I desire to say.

Mr. MACDONALD. I would ask the gentleman from Arkansas if this amendment does not provide for giving parties who have exhausted their homestead right the right to make another entry?

Mr. HOLMAN. I would suggest to my friend from Arkansas, in view of the importance of this provision, that it be printed in the RECORD; that it be passed over now, and go on with the bill and finish it.

Mr. PEEL. That is all right.

Mr. CANNON. As to these lands that we obtained under the treaty of 1866 from the Seminoles, has any part of them been assigned to any other tribe, or are they held under Executive order by the Cheyennes and Arapahoes?

Mr. PEEL. They are not in that part. They are on a part of the Creek reservation.

Mr. HOLMAN. We paid the Seminoles 15 cents an acre for something like 300,000 acres that they ceded under the cession of 1862.

Mr. PEEL. The gentleman from Indiana is mistaken about that. We got from the Creeks 1,300,000 acres.

Mr. HOLMAN. We got from the Creeks 1,300,000 acres.

Mr. PEEL. We got from the Creeks three million four hundred and odd thousand acres, and from the Seminoles over 2,000,000 acres.

Mr. CANNON. What portion of the land that we got from the Creeks under the treaty—being obtained for the purpose of settling friendly Indians and freedmen upon—were assigned or sold to certain Indians? We did not pay \$1.25 for these lands, but we do pay \$1.25 for all these lands that we get which form a portion of the Oklahoma country and that portion of the Creek lands which formed a portion of what is known as the Cheyenne and Arapahoe reservation that is held under Executive order.

Now, I do not recollect what the fact may be; but I ask whether any of these lands for which we propose to pay the Seminoles by this appropriation have been sold to other tribes?

Mr. WEAVER. Not at all.

Mr. CANNON. And the proposition is to pay \$1.25 an acre.

Mr. PEEL. Less what we have paid.

Mr. ROGERS. In order that this matter may go into the RECORD correctly as to the amount derived from the Seminoles, I will state that article 3 of the treaty shows that the amount was estimated at \$2,169,088.

Mr. PEEL. I believe, Mr. Chairman, that I do not desire to say anything further.

Mr. HOLMAN. I have no doubt that the statement as to the number of acres is correct, and yet I do not understand how it can be, because the comparatively small body of land known as Oklahoma contains about 1,800,000 acres, part of which belongs to the Creeks and part to the Seminoles.

Mr. PERKINS. The gentleman is clearly mistaken as to the amount. Notwithstanding the lands sold the Sacs and Foxes, the Poncas and others, we got by the recent cession about 2,800,000 acres.

Mr. HOLMAN. Is it understood that these lands extend beyond the northern branch of the Canadian River?

Mr. PEEL. It is all the west half of their lands.

Mr. HOLMAN. Does it extend as far west as the northern branch of the Canadian River?

Mr. PEEL. Yes, and further.

Mr. WEAVER. It runs clear to the western line.

Mr. PEEL. Mr. Chairman, I feel not inclined to press this matter, but I want to say to my friend from Indiana [Mr. HOLMAN] that the bill ratifying the Creek agreement passed both Houses, I believe, without a dissenting voice, and if the committee are satisfied I do not see why we should not vote upon it to-night.

Mr. HOLMAN. I would not ask to have it go over if that course were going to result in any delay.

Mr. PEEL. Well, it may.

Mr. McMILLIN. It will not result in any delay to let this go over until morning.

Mr. WEAVER. It may. The filibustering spirit is very strong just now. [Laughter.]

Mr. McMILLIN. It would not interfere with this.

Mr. WEAVER. It might.

Mr. McMILLIN. If anybody wanted to filibuster could not they do it as well to-night as to-morrow?

Mr. PEEL. The filibusters are not here.

Mr. CANNON. We are the good ones here to-night.

Mr. McMILLIN. We not only appropriate the money for these lands, but we also go outside of that and determine how they shall be disposed of.



Mr. WEAVER. We make the usual provision about the homestead law.

Mr. McMILLIN. I hope the gentleman [Mr. PEEL] will permit it to go over until to-morrow.

Mr. PEEL. I hope gentlemen will let us vote upon it to-night.

Mr. SPRINGER. This is in accordance with the recommendations of the President, of the Interior Department, and of the Indian Committees of both Houses.

Mr. WEAVER. And in exact conformity with the homestead law also.

The question was taken on agreeing to the amendment; and there were—ayes 10, noes 3.

Mr. BYNUM. Mr. Chairman, I think there ought to be more members present to vote upon so important a provision, and I shall have to make the point of no quorum.

Mr. PEEL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes, and had come to no resolution thereon.

Mr. PEEL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

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

By Mr. HEARD: A bill (H. R. 12648) for the relief of Frederick Smith—to the Committee on War Claims.

Also, a bill (H. R. 12649) for the relief of Mary Jane Pritchett, widow of William R. Pritchett, deceased—to the Committee on War Claims.

By Mr. MAISH: A bill (H. R. 12650) for the extension and widening of Sheridan street, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHARLES O'NEILL (by request): A bill (H. R. 12651) for a system of water supply in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 12652) granting a pension to Mrs. Frederika B. Jones—to the Committee on Pensions.

By Mr. TAULBEE: Joint resolution (H. Res. 267) providing for a survey of the Ohio River, and for other purposes—to the Committee on Rivers and Harbors.

The following bills have been handed in at the Clerk's desk without indorsement:

A bill to amend "An act to incorporate the Georgetown and Tennytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval.

Also, a bill to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

Also, a bill for the relief of T. F. Riley.

Also, a bill granting a pension to the widow of Michael C. West.

Also, a bill to remove the charge of desertion from the record of John Ryan.

Also, a bill granting a pension to Terrel Hamlin.

Also, a bill for the relief of Sarah Eichelberger.

Also, a bill for the relief of William Craft.

Also, a bill for the relief of Stephen Butler.

Also, a bill for the relief of Samuel F. Eugs.

Also, a bill for the relief of Frederick Ford.

Also, a bill for the relief of Willis N. Arnold.

Also, a bill for the relief of Napoleon B. Giddings.

Also, a bill for the relief of James C. Harrison.

Also, a bill for the relief of the estate of Nathaniel H. Sawyer.

Also, a bill for the relief of the heirs of Myra Clark Gaines.

Also, a bill granting a pension to Dorcus Alford.

Also, a bill granting a pension to George W. Fosdick.

Also, a bill granting a pension to John Lamb.

Also, a bill granting a pension to Mrs. Mary C. McPherson.

Also, a bill granting a pension to Nancy Hamilton.

Also, a bill granting a pension to Rose Goodwill.

Also, a bill granting a pension to Christian Kemback.

Also, a bill granting a pension to William B. Bishop.

Also, a bill granting a pension to Thomas B. Arnold.

Also, a bill granting a pension to James M. Page.

Also, a bill granting a pension to Martin Haas.

Also, a bill granting a pension to Augustus G. Wyeth.

Also, a bill granting a pension to Frederick P. Hardy.

Also, a bill granting a pension to Carolina Thompson.

Also, a bill granting an increase of pension to Charles N. Lapham.

Also, a bill granting an increase of pension to Andrew Casey.

Also, a bill granting an increase of pension to Charles Harding.

Also, a bill to place the name of Edwin L. Drake on the pension-roll.

#### 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 of William H. Durline and 72 others, ex-Union soldiers of Williams County, Ohio, in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Bishop Post, Grand Army of the Republic, of Defiance, Ohio, for the publication of the Records of the Rebellion—to the Committee on Printing.

By Mr. J. E. CAMPBELL: Resolutions of Milliken Post, No. 228, Grand Army of the Republic, of Oxford, and of Granville Thurston Post, No. 213, Grand Army of the Republic, of Lebanon, Ohio, for publication of the official records of the war—to the Committee on Printing.

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

By Mr. CLARKE: Petition of the heirs of Mary A. McGehee, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. MACDONALD: Memorial of the Legislature of Minnesota, in favor of granting pensions to all Union soldiers and sailors who were in rebel prisons—to the Committee on Invalid Pensions.

By Mr. McKENNA: Petition of farmers of Danville, and of Florin, Cal., for protection to agriculture—to the Committee on Agriculture.

By Mr. MORROW: Resolution of the Legislature of California, for an appropriation for Eel River—to the Committee on Rivers and Harbors.

By Mr. O'FERRALL: Joint resolution declaring the retirement of Capt. Charles B. Stivers, of Dayton, Ohio, to be legal—to the Committee on Military Affairs.

By Mr. OSBORNE: Petition of Anna Moore, for a pension—to the Committee on Invalid Pensions.

By Mr. ROGERS: Petition of L. D. Cain, for a bath-house privilege at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENSON: Petition of the Turn-Verein of Milwaukee, Wis., against the Blair Sunday-rest bill—to the Committee on Labor.

Also, resolutions of the Chicago Live Stock Exchange, protesting against the enactment of certain laws—to the Committee on Agriculture.

Also, resolutions of the Farmers' and Labor Unions of Wisconsin, for a just representation of the agricultural interests—to the Committee on Agriculture.

By Mr. WHEELER: Petition of Riley Sparks, of Franklin County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jesse Isbell, of Lauderdale County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition for the opening of the Sioux reservation—to the Committee on Indian Affairs.

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

By Mr. A. R. ANDERSON: Of Mrs. Lizzie A. Boyd and many other citizens of Grand River, Iowa.

By Mr. A. R. ANDERSON: Of 696 citizens of Iowa.

By Mr. ARNOLD: Of citizens of Providence, R. I.

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. KERR: Of citizens of Clinton, Iowa.

By Mr. PERKINS: Of James J. Hartwell and others, citizens of Kansas.

By Mr. WEAVER: Of 633 citizens of Iowa.

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. MACDONALD: Of 16 citizens of Willmar, Minn.

By Mr. McKENNA: Of 59 citizens of Alameda, of 53 citizens of Grafton, of 87 citizens of Woodland, of 26 citizens of Yolo, and of 20 citizens of Yolo, Cal.

By Mr. C. A. RUSSELL: Of 84 citizens of Griswold, and of 25 citizens of Killingsly, Conn.

By Mr. SHAW (by request): Of citizens of North East, of Rising Sun, and of Port Deposit, Md.